

**Marked Agendas  
Approved Minutes  
Approved Reports**

Resolution No. 9803 & 9804

Official /Signed Resolution can be found at:  
<https://eservices.scottsdaleaz.gov/eServices/ClerkDocs/Default.aspx>

City Council Hearing 7/1/2014

Planning Commission 5/28/2014

2-UP-2014 & 3-Up-2014

RSVP; aka Mixx Bar Use Permit

RSVP; aka Mixx Live Entertainment

Use Permit

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City Council Hearing 7/1/2014

Planning Commission 5/28/2014

2-UP-2014 & 3-Up-2014

RSVP; aka Mixx Bar Use Permit

RSVP; aka Mixx Live Entertainment  
Use Permit



July 2, 2014

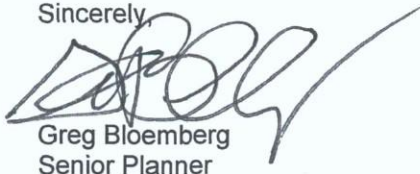
Mike Stein  
M1 Hospitality 1 LLC  
4301 N Civic Center Plaza  
Scottsdale, AZ 85251

Re: 272-PA-2014  
2-UP-2014 and 3-UP-2014  
RSVP; aka Mixx Bar Use Permit

Dear Mike Stein,

This is to advise you that the case referenced above was approved at the July 1, 2014 City Council meeting. Resolution No.s 9803 and 9804 may be obtained from the City Clerk's office or city website @ <https://eservices.scottsdaleaz.gov/eServices/ClerkDocs/Default.aspx>. Please remove the red hearing sign as soon as possible. If you have any questions, please contact me at 480-312-4306.

Sincerely,



Greg Bloemberg  
Senior Planner

# CITY COUNCIL REPORT



Meeting Date: July 1, 2014  
 General Plan Element: *Land Use*  
 General Plan Goal: *Support a diversity of businesses*

## ACTION

### RSVP (aka Mixx)

2-UP-2014 (bar) & 3-UP-2014 (live entertainment)

### Request to consider the following:

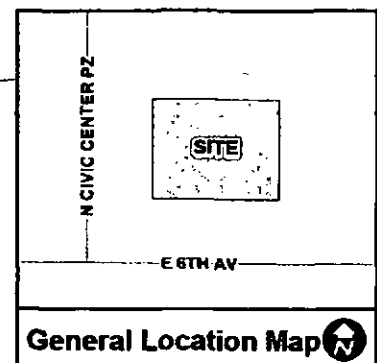
1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 9803 approving a Conditional Use Permit for a Bar at an existing 3,298+/- square foot establishment, located at 4301 N. Civic Center Plaza, with Highway Commercial, Parking District and Downtown Overlay (C-3/P-3 DO) zoning.
2. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 9804 approving a Conditional Use Permit for Live Entertainment at an existing 3,298+/- square foot establishment, located at 4301 N. Civic Center Plaza, with Highway Commercial, Parking District, Downtown Overlay (C-3/P-3 DO) zoning.

### Key Items for Consideration

- Conditional Use Permit (CUP) Criteria
- Site previously approved for bar use in 2008 (14-UP-2008)
- Nearest single-family residential district located approximately 1,000 feet from the site
- Previous CUP automatically expired one year after previous establishment closed (per stipulations)
- Parking provided by a combination of on-site spaces, remote parking, historical P-3 Credits, and In-Lieu Parking Credits.
- Planning Commission heard these cases and recommended approval with a vote of 4-1.

### OWNER

Civic Center Enterprises  
 602-558-8118



## APPLICANT CONTACT

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Mike Stein  
M1 Hospitality 1 LLC  
602-774-6828

## LOCATION

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4301 N Civic Center Pz

## BACKGROUND

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### Character Area Plan

The Land Use element of the Downtown Plan designates this site as Downtown Multiple-Use, Type 2. This designation encourages new development, redevelopment and infill that strengthen Downtown Scottsdale's mix of uses and activities through the development of mutually supportive land uses.

### Zoning

The site is zoned Highway Commercial District, Parking District, Downtown Overlay (C-3/P-3 DO & P-2 DO), which allows for a wide variety of uses, including retail, service and restaurants. Bars with live entertainment are permitted subject to approval of a Conditional Use Permit .

### Context

Located at the northeast corner of N. Civic Center Plaza and E. 6<sup>th</sup> Avenue, the site is located in an area that is occupied primarily by a variety of office and service uses. Another bar is located on the south side of E. 6<sup>th</sup> Avenue approximately 175 feet to the east (Electric Ballroom). The properties to the east and west of the site are zoned Downtown District, Office-Residential, Type 2, Downtown Overlay (D/OR-2 DO) and the properties to the north and south are zoned Highway Commercial District, Parking District, Downtown Overlay (C-3/P-3 DO & P-2 DO). Please refer to context graphics attached.

### Other Related Policies, References:

- 14-UP-2008: Approval of a Conditional Use Permit for a bar
- 58-DR-2008: Approval of an exterior remodel to an existing office building to accommodate a bar use.

## APPLICANTS PROPOSAL

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### Goal/Purpose of Request

The applicant seeks approval of Conditional Use Permits (CUP) to open a bar with live

entertainment in an existing commercial building. The building was previously occupied by Whisper Lounge, also a bar; however, that establishment closed and the site sat dormant for more than a year, which triggered the sunset clause attached to the previous CUP. In the Project Narrative, the applicant classifies the proposed establishment as a "Mixed-Use" venue. The goal is not open another nightclub with live entertainment; but rather a relatively small and intimate event venue that can be utilized not only for live music, but also for graduation receptions, birthday parties, and private/corporate functions during the week. The proposed floor plan includes a dance floor on the first floor as well as a DJ booth on the second floor. On weekends, the venue would be available as an upscale lounge, catering to a more refined clientele.

### Development Information

- Existing Use: Vacant (previously occupied by bar use)
- Proposed Use: Bar with Live Entertainment
- Parking Required: 48 spaces
- Parking Provided: 48 spaces (1 on-site space, 12 P-3 credits, 31 remote spaces, and 4 In-Lieu Credits)
- Floor Area: 3,298 square feet (gross)
- Patio Area: 1,472 square feet

### IMPACT ANALYSIS

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#### Conditional Use Permit

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

- A. That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
  1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
    - This location was previously approved for a bar use in 2008 (14-UP-2008). No live entertainment was proposed or approved and the CUP included a stipulation prohibiting speakers on the patio. Internal speakers were provided.

The applicant's proposal includes providing small speakers on the patio that will transmit primarily pre-recorded music; however, the applicant would like the option to hook the speakers on the patio up to the live entertainment equipment on occasion so patrons on the patio can listen to the music. The establishment is not located within 500 feet of a residential district, so outdoor speakers are permissible; however, there is a multi-family community approximately 175 feet south of the site, as well as another multi-family residential community currently

under construction approximately 175 feet to the north. As such, the applicant has agreed to mount the speakers so they will be directed downward and oriented in toward the building to mitigate potential impacts from noise. Additionally, the applicant proposes to add sound dampening materials to the interior of the building to further mitigate potential noise impacts. The applicant will keep all windows and doors closed but not locked during the hours live entertainment is being provided. All activities will occur during evening hours when the surrounding office and service uses in the area are closed. No damage or nuisance from noise, smoke, odor, dust, vibration, or illumination is anticipated.

2. Impact on surrounding areas resulting from an unusual volume or character of traffic.

- Aside from interior modifications to the floor plan, the operation plan for the proposed use will not deviate significantly from the previously approved operation plan for Whisper Lounge. Peak traffic will occur during evening hours when most of the surrounding businesses in the area are closed, and parking is accounted for via a combination of historical credits, remote parking and In-Lieu credits. Additionally, the establishment has access to on-street parking spaces on both N. Civic Center Plaza and E. 6<sup>th</sup> Avenue; and is within 175 feet of a public parking lot, located west of the site at 7375 E. Stetson Avenue. No significant impacts to existing traffic patterns are anticipated.

B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.

- This site was previously approved for a bar use in 2008 (14-UP-2008). Consistent with the previous establishment, this establishment will only operate during evening hours, when most of the surrounding businesses are closed. Another bar is currently in operation approximately 180 feet to the east, on the south side of E. 6<sup>th</sup> Avenue (Electric Ballroom) and many other bars are located on N. 75<sup>th</sup> Street, within 500 feet of this establishment.

C. The additional conditions in Section 1.403, as applicable, have been satisfied.

Section 1.403.C: Bars, cocktail lounges and/or after-hours establishments

1. The use shall not disrupt existing balance of daytime and nighttime uses.

- The site was previously occupied by a bar that only operated during evening hours.

2. The use shall not disrupt pedestrian-oriented daytime activities.

- This use is proposed to be open during evening hours only, except on weekends. No daytime-oriented activities will be disrupted.

3. If the site is located within the downtown overlay district then:

- a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along

the street.

- **The site was previously occupied by a bar use. This establishment is proposed to be open during evening hours only, except on weekends. No daytime retail will be displaced by this request.**
- b. The required parking for the use shall be within six hundred (600) feet of the property and shall not be separated from the property by a major or minor arterial street.
- **The applicant has secured remote leases for a total of 31 spaces at four separate locations. All remote spaces are located within 600 feet of the site and none are separated from the property by a major or minor arterial.**
4. If the use is located within five hundred (500) feet of a residential use or district then:
- a. The use shall not adversely impact residential uses.
- b. The use shall provide methods of buffering residential uses.
- **The nearest residential use is located approximately 175 feet from the site and is separated from the establishment by a solid row of buildings on the south side of E. 6<sup>th</sup> Avenue. The previous bar use was stipulated to no speakers on the patio; though internal speakers were provided. The applicant's proposal includes providing small, low-volume speakers on the patio that will transmit primarily pre-recorded music. The establishment is not located within 500 feet of a residential district, so outdoor speakers are permissible; however, with a residential community in close proximity, speakers will be mounted so they are directed downward and oriented toward the building to mitigate potential impacts from noise. Additionally, the applicant proposes to add sound dampening materials to the interior of the building to further mitigate potential noise impacts. All doors and windows will be closed but not locked during the hours live entertainment is being provided.**
5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.
- **A Security, Maintenance and Operations Plan, including a Public Safety Plan, has been reviewed and approved by the Scottsdale Police Department and is on file. Conditions of the plan(s) will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**
6. The applicant shall create a written exterior refuse control plan for approval by the City.
- **A refuse control plan is included as part of the Security, Maintenance and Operations Plan, which requires the applicant to pick up any litter and/or debris within a 300-foot radius of the site. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**

7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.
  - **The applicant's proposal includes providing small, low-volume speakers on the patio that will transmit primarily pre-recorded music. The establishment is not located within 500 feet of a residential district, so outdoor speakers are permissible; however, there is a residential community approximately 175 feet from the site. As such, outdoor speakers will be mounted so they are directed downward and oriented toward the building (facing north) to mitigate potential impacts from noise on the residential community. Additionally, the applicant proposes to add sound dampening materials to the interior of the building to further mitigate potential noise impacts. Other than internal lighting, no additional lighting is proposed as part of this request.**
8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.
  - **Parking for the establishment is being provided via a combination of on-site spaces (1), historical P-3 credits (12), remote parking (31 spaces), and In-Lieu Credits (4). Traffic generated by the proposed use will be consistent to the traffic volumes generated by the previous bar use that occupied this site (Whisper Lounge).**
9. After hours establishments must maintain a valid after-hours establishment license.
  - **No after-hours activities are proposed as part of this request.**

Section 1.403.K: Live Entertainment

1. The applicant has provided and obtained approval of a written Security and Maintenance Plan.
  - **A Security, Maintenance and Operations Plan and Public Safety Plan have been reviewed and approved by the Scottsdale Police Department and are on file. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**
2. The applicant has provided written evidence that sound resulting from indoor live entertainment will be contained within the building, except where external speakers are permitted by Conditional Use Permit to allow indoor live entertainment to be heard outdoors.
  - **The site was previously approved as a bar only, with no live entertainment (14-UP-2008). At that time, outdoor speakers were prohibited by stipulation. The applicant's proposal includes providing small, low-volume speakers on the patio that will transmit primarily pre-recorded music; however, the applicant would like the option to hook the speakers on the patio up to the live entertainment equipment on occasion so patrons on the patio can listen to the music being played inside. The establishment is not located within 500 feet of a single-family residential**

**district, so outdoor speakers are permissible; however, there is a multi-family residential community approximately 175 feet from the site. As such, outdoor speakers will be mounted so they are directed downward and oriented toward the building (facing north) to mitigate potential impacts from noise on the residential community. Additionally, the applicant proposes to add sound dampening materials to the interior of the building to further mitigate potential noise impacts.**

3. The applicant has provided a lighting plan that addresses exterior lighting on the property, in accordance with Article VII of the Zoning Ordinance and Security and Maintenance Plan requirements.
  - **Existing lighting in and around the site is in compliance with the Zoning Ordinance. No changes are proposed as part of this request. Conditions of the Security, Maintenance and Operations Plan and Public Safety Plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**
4. The applicant has provided a floor plan which identifies the areas for the primary use and accessory functions, including but not limited to areas for performance.
  - **The submittal materials include a floor plan that calls out the location of all live entertainment related elements. As this is intended to be a multi-faceted event venue, there is no specific area of the floor plan set aside for live performances, i.e. a stage or sound equipment. Instead, any portion of the floor plan could feasibly be devoted to some element of an event occurring on the site. The only live entertainment related elements specified are a dance floor on the first floor and a DJ booth on the second floor.**
5. If the establishment is not in the Downtown area, and access to the establishment is from a street other than one classified by the Transportation Master Plan as minor collector or greater, the applicant shall provide a traffic analysis which complies with the City's transportation guidelines. The traffic analysis shall demonstrate that the level of service on all streets accessed by the use meets the City's standards.
  - **This establishment is in the Downtown area and was previously approved for a bar use (14-UP-2008). No significant changes to existing traffic patterns are anticipated.**
6. If the Zoning Administrator determined that a parking study is necessary the applicant shall provide a study which complies with the City requirements.
  - **All required parking for the proposed use is accounted for by a combination of on-site spaces, historical P-3 credits, remote parking spaces and In-Lieu credits. Staff has confirmed the availability of all proposed remote spaces. A parking study is not required as part of this request.**
7. The owner shall provide any additional information required by the Zoning Administrator

to evaluate the impacts of the proposed use on the area.

- **The application materials provided by the applicant are sufficient for staff to evaluate the impacts of the proposal.**
8. All building openings, such as doors, windows and movable wall panels shall be closed but not locked, except as permitted by Conditional Use Permit. Doors and service windows may be opened temporarily to allow passage.
- **All doors and windows will be closed but not locked during the hours live entertainment is provided.**
9. No external speakers used for live entertainment or outdoor live entertainment activities will be permitted on the premises of a use which is located within five-hundred (500) feet of a residential district, as shown in Table 4.100.A
- **The establishment is not located within 500 feet of a single-family residential district, so outdoor speakers are permissible; however, there is a multi-family residential community approximately 175 feet from the site. As such, outdoor speakers will be mounted so they are directed downward and oriented toward the building (facing north) to mitigate potential impacts from noise on the residential community. Additionally, the applicant proposes to add sound dampening materials to the interior of the building to further mitigate potential noise impacts.**
10. The owner and operator shall comply with all plans approved as part of the Conditional Use Permit.
- **The owner and operator understand they must comply with all plans approved as part of this Conditional Use Permit.**
11. All patron entrances shall be illuminated in accordance with the Building Code and the exterior lighting plans approved by the Development Review Board.
- **No additional exterior lighting is proposed as part of this request. Existing exterior lighting, approved as part of the Development Review Board approval (58-DR-2008) is sufficient to illuminate all patron entrances.**
12. Noise generated from the live entertainment shall conform to the City's Noise Ordinance.
- **The applicant is aware of the Noise Ordinance and understands this request must comply with those restrictions.**

### **Public Safety**

The nearest fire station is located at 7522 E. Indian School Road, approximately 1,330 feet (0.25 mile) from the site. A Security, Maintenance and Operations Plan, including a Refuse Control Plan, and a Public Safety Plan have been reviewed and approved by the Scottsdale Police Department and

are on file. No significant impacts to existing service levels are anticipated.

**Liquor License Review**

An application for location and person transfer of a Series 6 (bar) liquor license (23-LL-2014) is pending consideration by the City Council.

**OTHER BOARDS AND COMMISSIONS**

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**Planning Commission**

Planning Commission heard these cases on May 2, 2014 and recommended approval with a vote of 4-1, Chairman D’Andrea dissenting. There was discussion regarding the proposed exception for operating hours on New Year’s Day, as well as some discussion about hours of operation in general. Commissioner D’Andrea was not in support of the extension of hours for New Year’s Day and suggested the issue of hours of operation in general should be handled globally via a text amendment, rather than on a case by case basis. The applicant has since eliminated New Year’s day and other holiday exceptions.

**OPTIONS & STAFF RECOMMENDATION**

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**Recommended Approach:**

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 9803 approving a Conditional Use Permit for a Bar at an existing 3,298+/- square foot establishment, located at 4301 N. Civic Center Plaza, with Highway Commercial, Parking District and Downtown Overlay (C-3/P-3 DO) zoning.
2. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 9804 approving a Conditional Use Permit for Live Entertainment at an existing 3,298+/- square foot establishment, located at 4301 N. Civic Center Plaza, with Highway Commercial, Parking District, Downtown Overlay (C-3/P-3 DO) zoning..

**RESPONSIBLE DEPARTMENT(S)**

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**Planning, Neighborhood and Transportation**

Current Planning Services

**STAFF CONTACT(S)**

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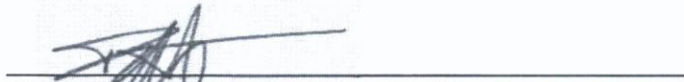
Greg Bloemberg  
Senior Planner  
480-312-4306  
E-mail: gbloemberg@ScottsdaleAZ.gov

**APPROVED BY**


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\_\_\_\_\_  
Greg Bloemberg, Report Author

6-4-14  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Tim Curtis, AICP, Current Planning Director  
480-312-4210, tcurtis@scottsdaleaz.gov

6/3/2014  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Randy Grant, Administrator  
Planning, Neighborhood and Transportation  
480-312-7064, rgrant@scottsdaleaz.gov

6/16/14  
\_\_\_\_\_  
Date

**ATTACHMENTS**

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1. Resolution No. 9803
  - Exhibit 1. Context Aerial
  - Exhibit 2. Stipulations (2-UP-2014)
  - Exhibit A to Exhibit 2: Site Plan
  - Exhibit B to Exhibit 2: Floor Plan
  - Exhibit 3. Additional Criteria
2. Resolution No. 9804
  - Exhibit 1. Context Aerial
  - Exhibit 2. Stipulations (3-UP-2014)
  - Exhibit A to Exhibit 2: Site Plan
  - Exhibit B to Exhibit 2: Floor Plan
  - Exhibit 3. Additional Criteria
3. Applicant's Narrative
4. Aerial Close-Up
5. General Plan Land Use Map
6. Zoning Map
7. Remote Parking Map
8. Citizen Involvement
9. City Notification Map
10. May 28, 2014 Planning Commission minutes

RESOLUTION NO. 9803

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR A BAR FOR AN EXISTING 3,298+/- SQUARE FOOT ESTABLISHMENT LOCATED AT 4301 N. CIVIC CENTER PLAZA WITH HIGHWAY COMMERCIAL, PARKING DISTRICT, DOWNTOWN OVERLAY (C-3/P-3 DO) ZONING.

WHEREAS, the Planning Commission held a public hearing on May 28, 2014; and

WHEREAS, the City Council held a public hearing on July 1, 2014.

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the City Council finds:

- a) that the granting of this conditional use permit per stipulations set forth on Exhibit 2 will not be materially detrimental to the public health, safety or welfare based on, but not limited to, the following factors: damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic;
- b) that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas; and
- c) that compliance with the additional conditions for bars, set forth on Exhibit 3, is required.

Section 2. That a description of the conditional use permit is set forth in Case No. 2-UP-2014. The property that is subject to the conditional use permit is shown on Exhibit 1 and the conditional use permit approval is conditioned upon compliance with all of the stipulations that are set forth in Exhibits 2 and 3. All exhibits are incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 1<sup>st</sup> day of July, 2014.

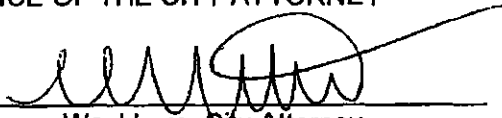
ATTEST:

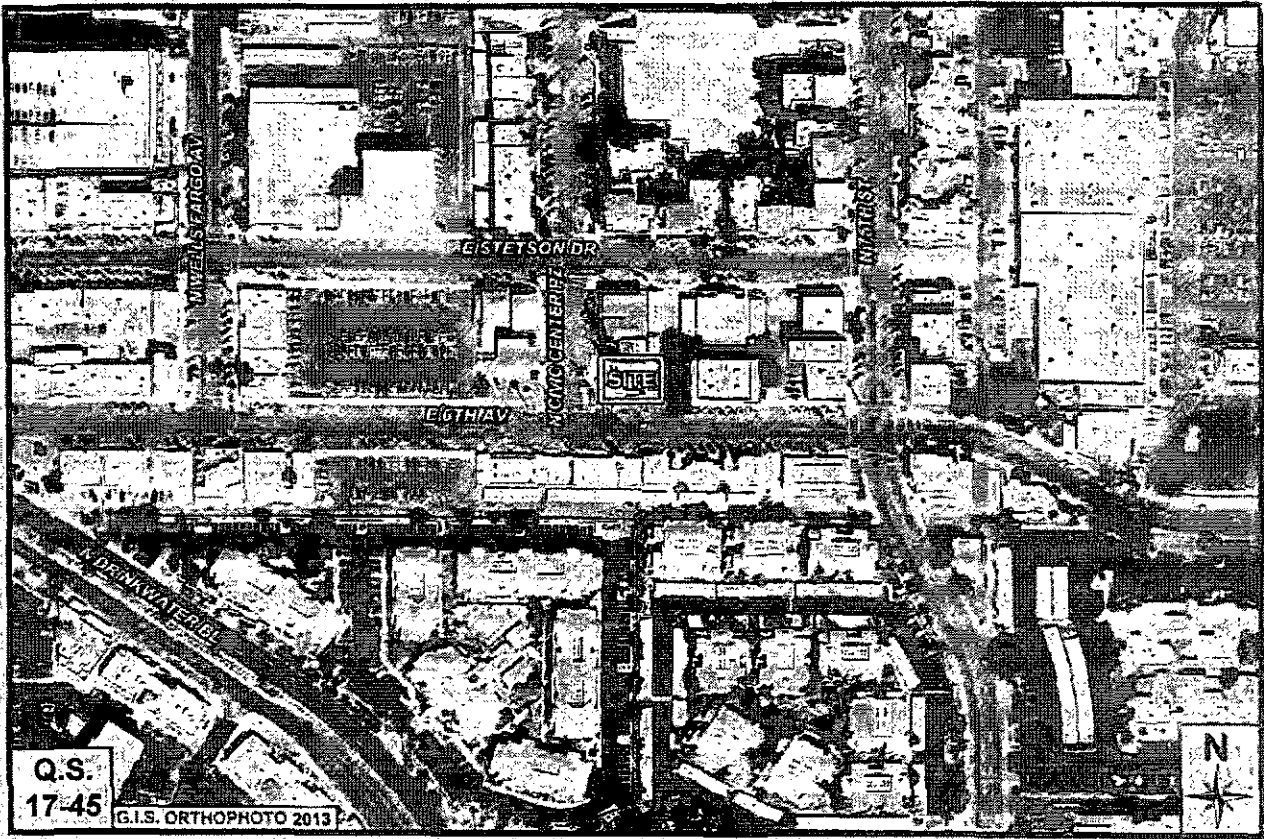
CITY OF SCOTTSDALE, an Arizona  
Municipal Corporation

By: \_\_\_\_\_  
Carolyn Jagger  
City Clerk

By: \_\_\_\_\_  
W.J. "Jim" Lane  
Mayor

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By:   
Bruce Washburn, City Attorney  
By: Sherry R. Scott, Deputy City Attorney



Mixx

Exhibit 1  
Resolution No. 9803

2-UP-2014

**Conditional Use Permit – Bar**

**Stipulations for:**

**RSVP (aka Mixx)**

**Case Number: 2-UP-2014**

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

**OPERATIONS**

1. CONFORMANCE TO THE CONCEPTUAL SITE PLAN. Site layout shall conform with the conceptual site plan submitted by the applicant, with a city staff date of 4/14/14, attached as Exhibit A to Exhibit 2. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. CONFORMANCE TO CONCEPTUAL FLOOR PLAN. The interior layout of the premises shall be in substantial conformance with the conceptual floor plan submitted by the applicant, with a city staff date of 4/14/14, attached as Exhibit B to Exhibit 2. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. NO LIVE ENTERTAINMENT. This Conditional Use Permit is for a bar use only, and no live entertainment is approved as part of this request (refer to case 3-UP-2014).
4. HOURS OF BAR OPERATIONS. The hours of the bar operations for this establishment shall be limited to the following hours; except on New Year’s Day of each calendar year. There shall be no time limitations for bar operations on New Year’s Day.

	Open to Customers	Close to Customers
Sunday	11:00 AM	2:00 AM
Monday	5:00 PM	2:00 AM
Tuesday	5:00 PM	2:00 AM
Wednesday	5:00 PM	2:00 AM
Thursday	5:00 PM	2:00 AM
Friday	5:00 PM	2:00 AM
Saturday	11:00 AM	2:00 AM

5. SECURITY, MAINTENANCE, AND OPERATIONS PLAN. The operations of the bar shall conform to the Security, Maintenance, and Operations Plan and Public Safety Plan approved by, and on record with the City of Scottsdale’s Police Department and the Planning, Neighborhoods, and Transportation Division. A copy of the approved Security, Maintenance, and Operations Plan and Public Safety Plan shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an updated Security, Maintenance, and Operations Plan and/or Public Safety Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. At least ten (10) days before any

operational change of the bar, or any promotional event (excluding Special Events), that modifies the requirements or contents of the Security, Maintenance, and Operations Plan or Public Safety Plan, the owner shall submit a revised Security, Maintenance, and Operations Plan and/or Public Safety Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. Any revised Security, Maintenance, and Operations Plan or Public Safety Plan shall be subject to approval by the City of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division. Where provisions of the Security, Maintenance and Operations Plan conflict with the provisions of the Public Safety Plan, the provisions which establish the higher standard of protection to public health and safety shall apply.

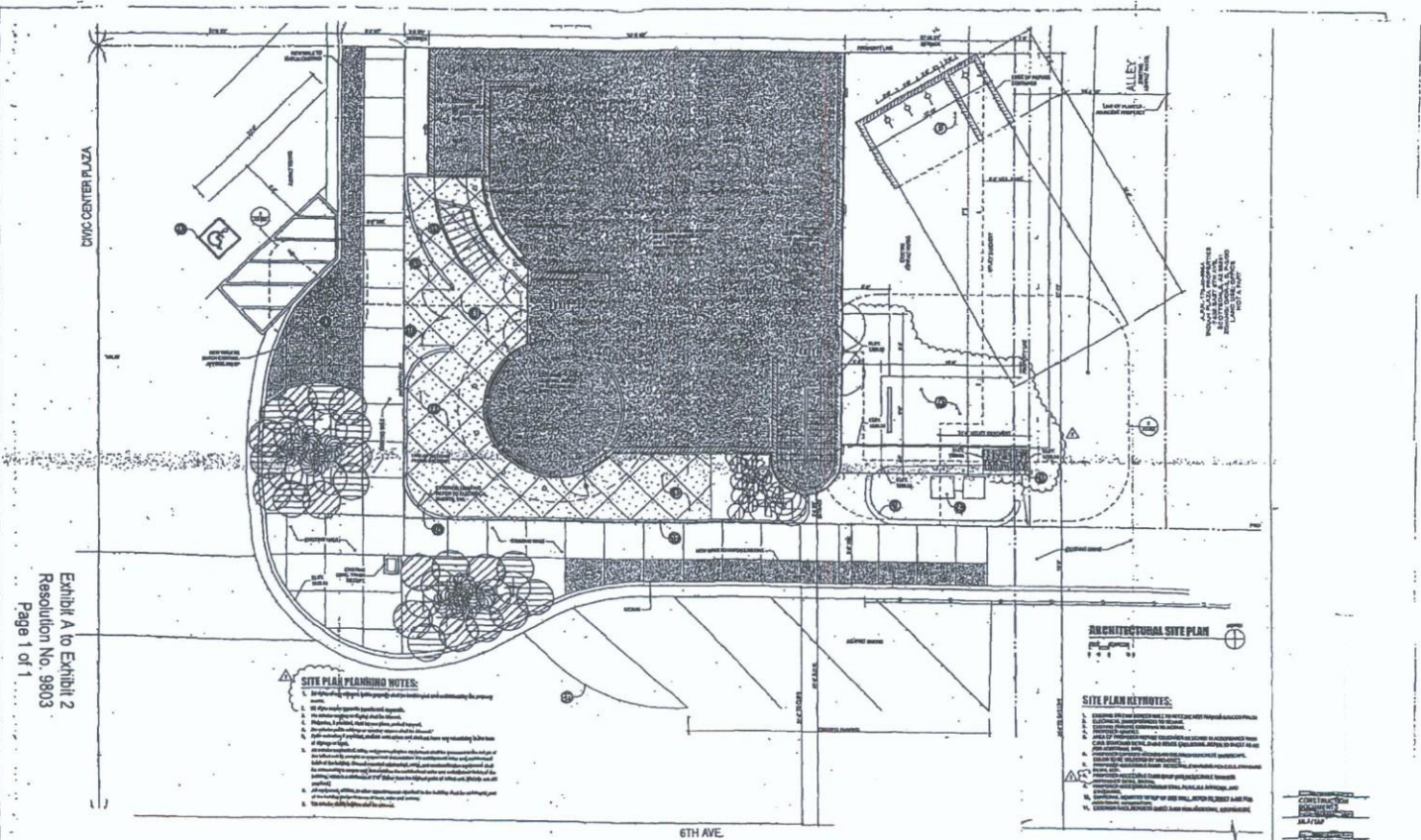
6. **NOISE.** In addition to the City's Noise Ordinance (Ordinance No. 3192, Article II, Chapter 19 of the Scottsdale Revised Code), noise generated from this use, including any speakers or other amplification equipment, shall not exceed ambient noise levels consistent to the use and the character of the area during hours of operation, as determined by the Zoning Administrator, or designee.
7. **EXTERNAL SPEAKERS.** External speakers shall be directed downward and oriented inward toward the building.

#### **PARKING**

8. **MINIMUM PARKING.** The site shall be required to provide parking, as required by the Zoning Ordinance, through on-site parking, off-site parking, in-lieu parking spaces, or any combination thereof, at all times. Failure to provide required parking for the use, to the satisfaction of the Zoning Administrator, or designee, may be grounds for revocation of the Conditional Use Permit.
9. **PARKING ASSURANCE AGREEMENT(S).** Thirty (30) days before the expiration of any assurance agreement, the owner or operator shall submit a new assurance agreement to the Zoning Administrator, or designee, subject to city review and approval. Inability of the owner or operator to obtain the required parking under an assurance agreement, to the satisfaction of the Zoning Administrator, or designee, may be grounds for revocation of the Conditional Use Permit.

#### **ADMINISTRATIVE/PROCESS**

10. **CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW.** Within ten (10) days after a request by the Zoning Administrator or designee, the owner shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
11. **CHANGES IN OWNERSHIP.** Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.



**SITE PLAN PLANNING NOTES:**

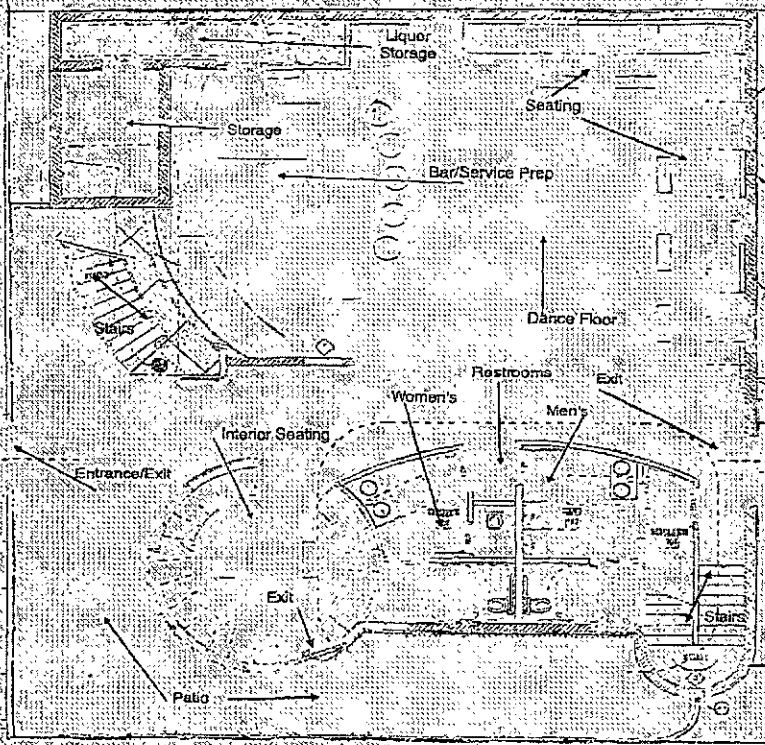
1. All dimensions are given in feet and inches.
2. All dimensions are given in feet and inches.
3. All dimensions are given in feet and inches.
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7. All dimensions are given in feet and inches.
8. All dimensions are given in feet and inches.
9. All dimensions are given in feet and inches.
10. All dimensions are given in feet and inches.

**ARCHITECTURAL SITE PLAN**

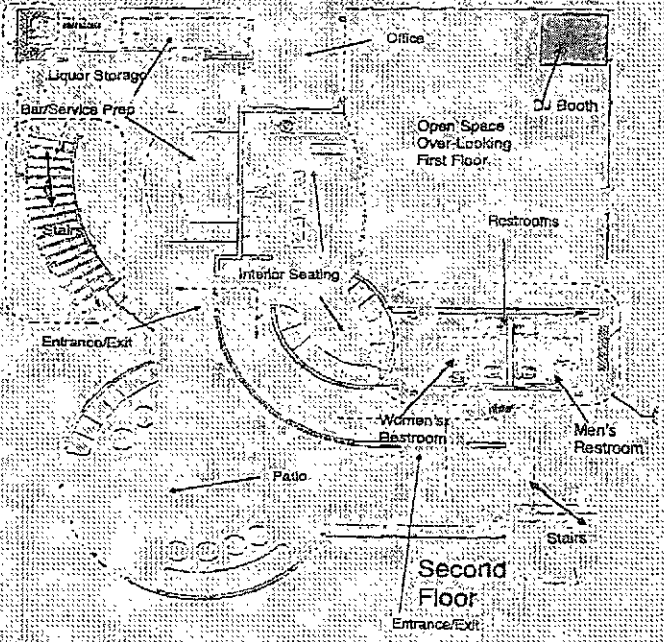
**SITE PLAN KEYNOTES:**

1. All dimensions are given in feet and inches.
2. All dimensions are given in feet and inches.
3. All dimensions are given in feet and inches.
4. All dimensions are given in feet and inches.
5. All dimensions are given in feet and inches.
6. All dimensions are given in feet and inches.
7. All dimensions are given in feet and inches.
8. All dimensions are given in feet and inches.
9. All dimensions are given in feet and inches.
10. All dimensions are given in feet and inches.

CIVIL ENGINEER  
 ARCHITECT  
 PLANNING  
 AS101  
 WATERMARK



First Floor



Second Floor

4301 N. Civic Center Plaza  
Scottsdale, AZ 85251

Z-LP-2014  
4/14/2014

Exhibit 3  
Scottsdale Revised Code Section 1.403 (C.)

- C. *Bars, cocktail lounges, and/or after hours establishments.*
1. The use shall not disrupt existing balance of daytime and nighttime uses.
  2. The use shall not disrupt pedestrian-oriented daytime activities.
  3. If the site is located within the Downtown Overlay District D-O then:
    - a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.
    - b. The required parking for the use shall be within six hundred (600) feet of the property and shall not be separated from the property by a major or minor arterial street.
  4. If the use is located within five hundred (500) feet of a residential use or district then:
    - a. The use shall not adversely impact residential uses.
    - b. The use shall provide methods of buffering residential uses.
  5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.
  6. The applicant shall create a written exterior refuse control plan for approval by the City.
  7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.
  8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.
  9. After hours establishments must maintain a valid after hours establishment license.

RESOLUTION NO. 9804

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR LIVE ENTERTAINMENT FOR AN EXISTING 3,298+/- SQUARE FOOT ESTABLISHMENT LOCATED AT 4301 N. CIVIC CENTER PLAZA WITH HIGHWAY COMMERCIAL, PARKING DISTRICT, DOWNTOWN OVERLAY (C-3/P-3 DO) ZONING.

WHEREAS, the Planning Commission held a public hearing on May 28, 2014; and

WHEREAS, the City Council, held a public hearing on July 1, 2014.

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the City Council finds:

- a) that the granting of this conditional use permit per stipulations set forth on Exhibit 2 will not be materially detrimental to the public health, safety or welfare based on, but not limited to, the following factors: damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic;
- b) that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas; and
- c) that compliance with the additional conditions for live entertainment, set forth on Exhibit 3, is required.

Section 2. That a description of the conditional use permit is set forth in Case No. 3-UP-2014. The property that is subject to the conditional use permit is shown on Exhibit 1 and the conditional use permit approval is conditioned upon compliance with all of the stipulations that are set forth in Exhibits 2 and 3. All exhibits are incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 1<sup>st</sup> day of July, 2014.

ATTEST:

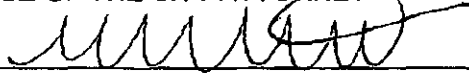
CITY OF SCOTTSDALE, an Arizona  
Municipal Corporation

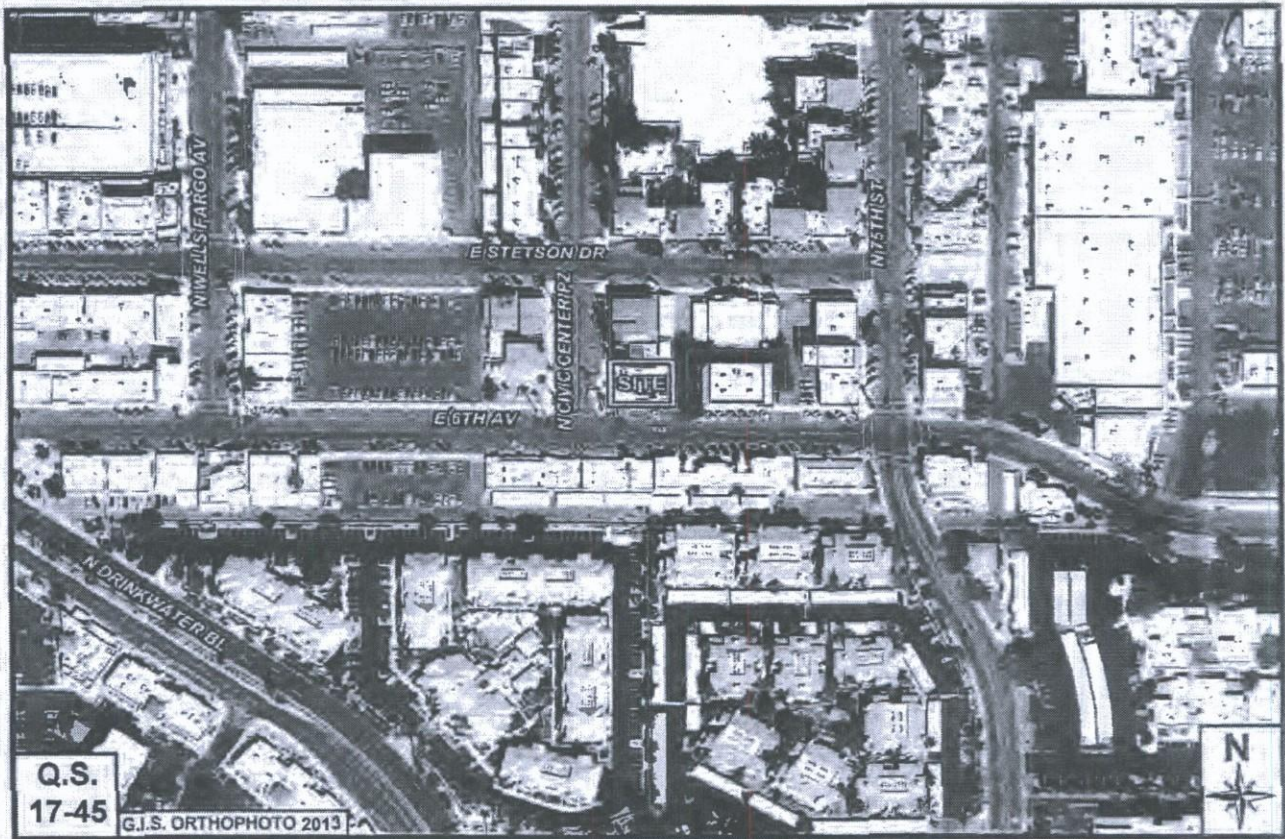
By: \_\_\_\_\_  
Carolyn Jagger  
City Clerk

By: \_\_\_\_\_  
W.J. "Jim" Lane  
Mayor

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

By:   
Bruce Washburn, City Attorney  
By: Sherry R. Scott, Deputy City Attorney



Mixx

Exhibit 1  
Resolution No. 9804

3-UP-2014

## Conditional Use Permit – Live Entertainment

Stipulations for:

RSVP (aka Mixx)

Case Number: 3-UP-2014

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

### GOVERNANCE

1. EXPIRATION OF CONDITIONAL USE PERMIT. This Conditional Use Permit shall expire two years from the date of City Council approval.

### OPERATIONS

2. CONFORMANCE TO THE CONCEPTUAL SITE PLAN. The site layout of the premises shall be in substantial conformance with the conceptual site plan submitted by the applicant, with a city staff date of 4/14/14, attached as Exhibit A to Exhibit 2. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. CONFORMANCE TO CONCEPTUAL FLOOR PLAN. The interior layout of the premises shall conform with the conceptual floor plan submitted by the applicant, with a city staff date of 4/14/14, attached as Exhibit B to Exhibit 2. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
4. NO BAR USE. This Conditional Use Permit is for live entertainment only, and a bar use is not approved as part of this request (refer to case 2-UP-2014).
5. HOURS OF LIVE ENTERTAINMENT. The hours of the live entertainment for this establishment shall be limited to the following hours; except on New Year's Day of each calendar year. There shall be no time limitations for live entertainment on New Year's Day.

	Allowed Start of the Live Entertainment	To	Required End of the Live Entertainment
Sunday	11:00 AM		12:00 AM
Monday	5:00 PM		2:00 AM
Tuesday	5:00 PM		2:00 AM
Wednesday	5:00 PM		2:00 AM
Thursday	5:00 PM		2:00 AM
Friday	5:00 PM		2:00 AM
Saturday	11:00 AM		2:00 AM

6. SECURITY, MAINTENANCE, AND OPERATIONS PLAN. The live entertainment shall conform to the Security, Maintenance, and Operations Plan and Public Safety Plan approved by, and on record with the City of Scottsdale's Police Department and the Planning, Neighborhoods,

and Transportation Division. A copy of the approved Security, Maintenance, and Operations Plan and Public Safety Plan shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an updated Security, Maintenance, and Operations Plan and/or Public Safety Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. At least ten (10) days before any operational change of the live entertainment, or any promotional event (excluding Special Events), that modifies the requirements or contents of the Security, Maintenance, and Operations Plan or Public Safety Plan, the owner shall submit a revised Security, Maintenance, and Operations Plan or Public Safety Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. Any revised Security, Maintenance, and Operations Plan or Public Safety Plan shall be subject to approval by the City of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division. Where provisions of the Security, Maintenance and Operations Plan conflict with the Public Safety Plan, the provisions which establish the higher standard of protection to the public health and safety shall prevail.

7. NOISE. In addition to the City's Noise Ordinance (Ordinance No. 3192, Article II, Chapter 19 of the Scottsdale Revised Code), noise generated from this use, including any speakers or other amplification equipment, shall not exceed ambient noise levels consistent to the use and the character of the area during hours of operation, as determined by the Zoning Administrator, or designee. The applicant shall provide sound dampening materials to the interior walls of the building to further limit noise emanating from the establishment.

Noise emitted from live entertainment equipment, including external speakers, shall not exceed 68 decibels at a point 175 feet from the property line of the subject site.

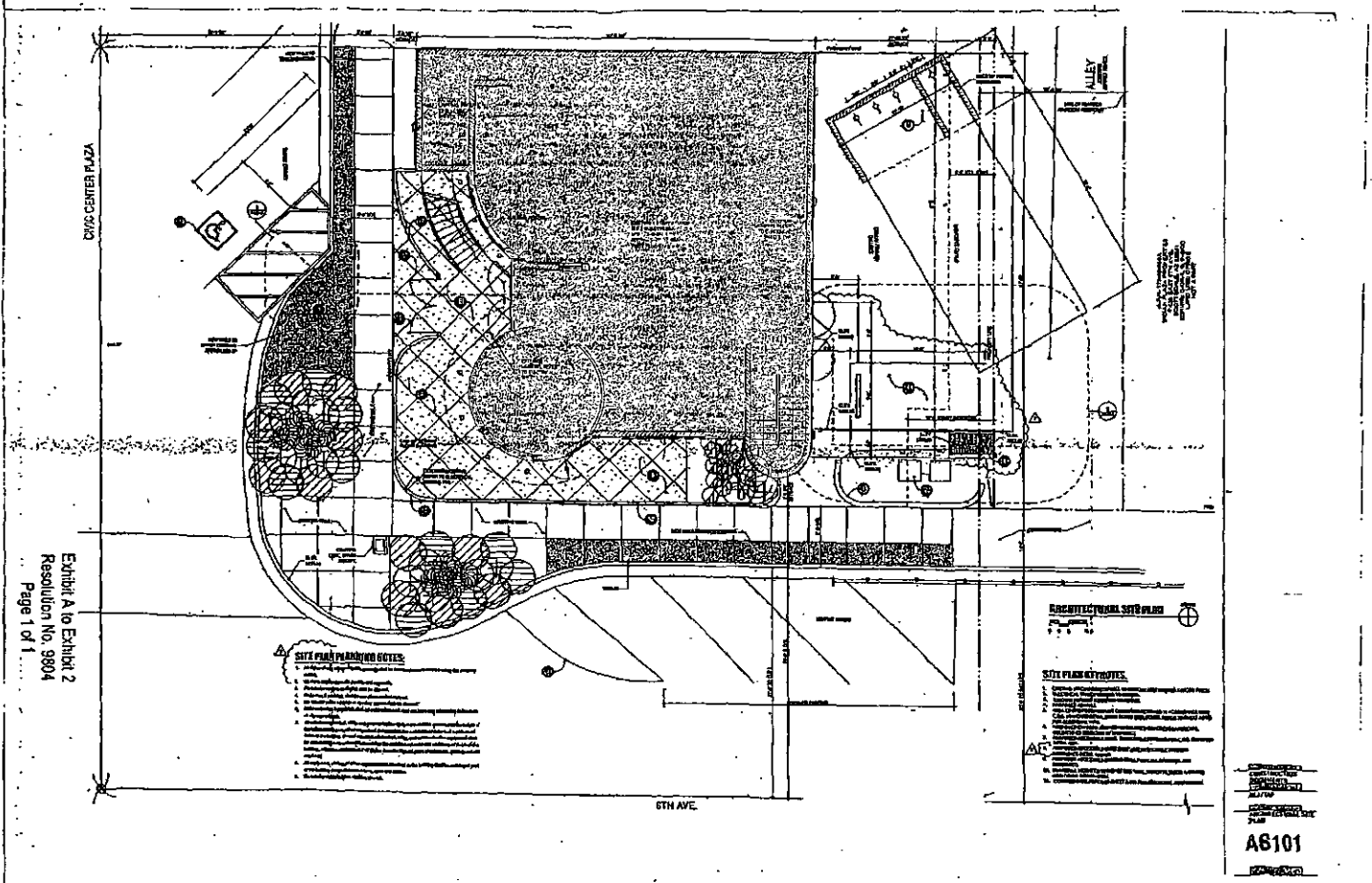
8. EXTERNAL SPEAKERS. External speakers shall be directed downward and oriented inward toward the building.
9. EXTERNAL DOORS AND WINDOWS. All external doors and windows shall be closed but not locked during the hours live entertainment is provided.

#### **PARKING**

10. PARKING ASSURANCE AGREEMENT. Thirty (30) days before the expiration of the assurance agreement, the owner shall submit a new assurance agreement to the Zoning Administrator, subject to city review and approval. If the owner is unable to obtain the required parking under an assurance agreement, to the satisfaction of the Zoning Administrator or designee, it may be grounds for a revocation the Conditional Use Permit.

#### **ADMINISTRATIVE PROCESS**

11. CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW. Within ten (10) days after a request by the Zoning Administrator or designee, the owner, shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
12. CHANGES IN OWNERSHIP. Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.

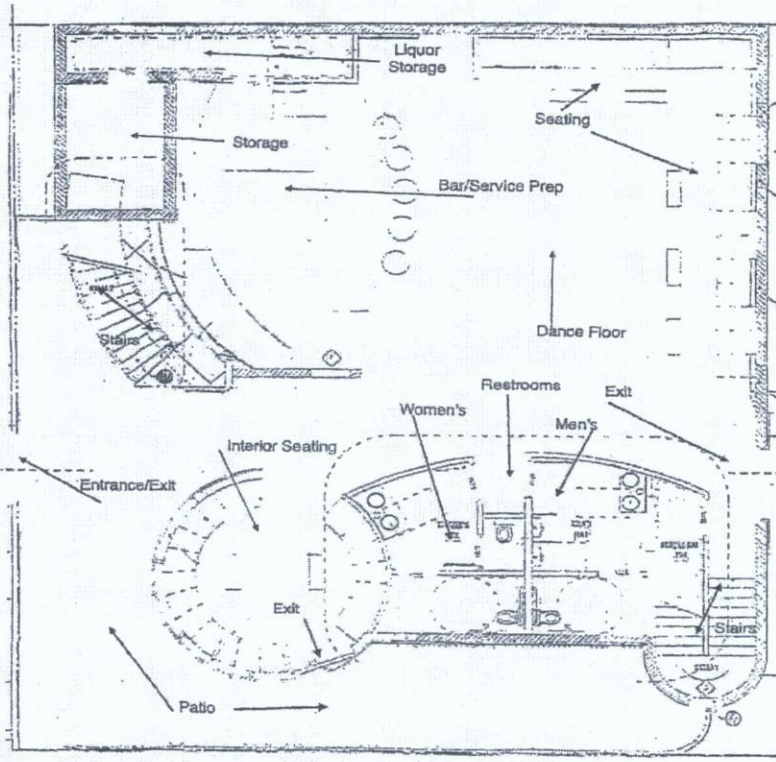


- △ SITE PLAN PARKING NOTES:**
- 1. All parking spaces are to be paved with asphalt.
  - 2. All parking spaces are to be marked with white lines.
  - 3. All parking spaces are to be marked with white numbers.
  - 4. All parking spaces are to be marked with white arrows.
  - 5. All parking spaces are to be marked with white circles.
  - 6. All parking spaces are to be marked with white squares.
  - 7. All parking spaces are to be marked with white triangles.
  - 8. All parking spaces are to be marked with white diamonds.
  - 9. All parking spaces are to be marked with white hexagons.
  - 10. All parking spaces are to be marked with white octagons.

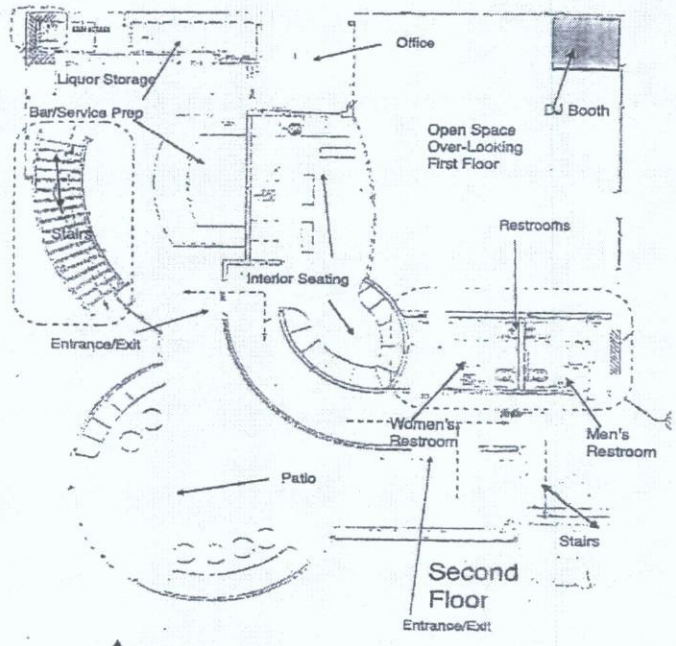
- △ SITE PLAN NOTES:**
- 1. All building footprints are to be constructed of brick.
  - 2. All building footprints are to be constructed of concrete.
  - 3. All building footprints are to be constructed of stone.
  - 4. All building footprints are to be constructed of wood.
  - 5. All building footprints are to be constructed of metal.
  - 6. All building footprints are to be constructed of plastic.
  - 7. All building footprints are to be constructed of glass.
  - 8. All building footprints are to be constructed of paper.
  - 9. All building footprints are to be constructed of fabric.
  - 10. All building footprints are to be constructed of food.

Exhibit A to Exhibit 2  
 Resolution No. 9804  
 Page 1 of 1

CIVIC CENTER PLAZA  
 6TH AVE.  
 5TH AVE.  
 ALLEY  
**A6101**



First Floor



Second Floor

4301 N. Civic Center Plaza  
 Scottsdale, AZ 85251

2-UP-2014  
 4/14/2014

## ADDITIONAL CRITERIA FOR LIVE ENTERTAINMENT

### K. Live entertainment.

1. The applicant has provided and obtained City approval of a written Security and Maintenance Plan.
2. The applicant has provided written evidence that sound resulting from indoor live entertainment will be contained within the building, except where external speakers are permitted as part of the Conditional Use permit approval to broadcast the live entertainment.
3. The applicant has provided a lighting plan that addresses exterior lighting on the property, in accordance with Article VII of the Zoning Ordinance and the Security and Maintenance Plan requirements.
4. The applicant has provided a floor plan which identifies the areas for the primary use and for accessory functions, including but not limited to areas for performances.
5. If the establishment is not in the Downtown Area, and access to the establishment is from a street other than one classified by the Transportation Master Plan as minor collector or greater, the applicant shall provide a traffic analysis which complies with the City's transportation guidelines. The traffic analysis shall demonstrate that the level of service on all streets accessed by the use meets the City's standards.
6. If the Zoning Administrator determines that a parking study is necessary the applicant shall provide a study which complies with the City's requirements.
7. The owner shall provide any additional information required by the Zoning Administrator to evaluate the impacts of the proposed use upon the area.
8. All building openings such as doors, windows and movable wall panels shall be closed but not locked, except as permitted by the Conditional Use Permit. Doors and service windows may be opened temporarily to allow passage.
9. No external speakers used for live entertainment or outdoor live entertainment activities will be permitted on the premises of a use which is located within 500 feet of a residential district shown on Table 4.100.A.
10. The owner and operator shall comply with all plans approved as part of the Conditional Use Permit.
11. All patron entrances shall be illuminated in accordance with the Building Code and the exterior lighting plans approved by the Development Review Board.
12. Noise generated from the live entertainment shall conform to the City's Noise Ordinance.

## MIXX Project Narrative Attachment

MIXX is slated as a "Mixed-use" venue. This business will be a comfortable event venue, for Bar/Bat Mitzvahs, Sweet 16s, Graduation Receptions, and private/corporate functions. On the weekends, MIXX will be available as an upscale lounge, catering to the more refined clientele of Scottsdale. Live entertainment may include jazz musicians, guitar players, and pianists. DJs may also be used to play music from 60s, 70s, 80s, and more. MIXX has prioritized addressing the Planning Commission's recommendations regarding use permits.

### Sec. 1.401 Concerns

#### A.1. Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination.

MIXX will have no impact on the surrounding area regarding the above. MIXX will be available for private events 7 days a week, after 6pm. There are no plans to utilize any smoke, odors, or dust. Light from MIXX will not be visible on the north or east due to the existing full height masonry wall. The existing wall will also act as a buffer for noise. Noise and light from the west and south side will be controlled through the use of controlled volume levels, the masonry wall, and tinted paned windows.

#### A.2. Impact on surrounding areas resulting from an unusual volume or character of traffic.

MIXX will have no impact on the surrounding weekday daytime office uses as it will be closed during that time. On the weekends and after hours, due to the limited size of the venue and nature of private events, it will have no impact on surrounding area resulting from an unusual volume or character of traffic.

#### B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses in the surrounding areas.

The proposed use as an event space and lounge is compatible with the other high-end restaurants and businesses in the area. Appropriately, this site was formerly a licensed bar located in the Entertainment District. It was and is zoned, appropriately.

### Sec. 1.403 (C.1.) Concerns

#### 1. The use shall not disrupt existing balance of daytime and nighttime uses.

MIXX will occupy the currently vacant premises at 4301 N. Civic Center Plaza. No new construction will occur resulting in an immediate and seamless blending of MIXX into the surrounding business environment. The operating hours and nature of business of MIXX will integrate with, not disrupt, the existing balance of daytime and nighttime uses in the area.

#### 2. The use shall not disrupt pedestrian-oriented daytime activities.

MIXX will operate in the evenings, after the 8-5/9-6 daytime hours of surrounding daytime businesses, as well as on the weekends, insuring no effect on existing weekday, daytime operations of adjacent businesses. The site has an existing sidewalk along the west and south that will remain in place. The prior tenant added a new hard-scape that was incorporated to provide a pedestrian friendly path to avoid congestion along the sidewalk during evening operating hours. Additionally, MIXX will operate during weekends and select holidays.  
Weekends: 11am-2am

#### 3.b. The required parking for the use shall be within six hundred (600) feet of the property and shall not be separate from the property by a major or minor arterial street.

MIXX's proposed use requires forty-eight (48) parking spaces. Six (6) spaces are located onsite, however five (5) were used for the addition of a refuse enclosure in accordance with the City of Scottsdale standard 2146-2. Eleven (11) spaces are credited per P-3 zoning. Six (6) spaces are located at 7403 E. 6<sup>th</sup> Ave. Three (3) spaces are located at 4307 N. Civic Center Plaza. Fourteen (14) are located at 7425 E. Stetson Drive. Nine (9) spaces are located at 7375 E. 6<sup>th</sup> St. Five (5) spaces are provided by the City of Scottsdale via In-Lieu Parking agreement. All parking is located within the 600 feet of the premises. The attachment shows ample parking within the immediate surrounding area.

5. An active management and security plan shall be created, approved, implemented, maintained, and enforced by the business.

The project owner has created/established a security and maintenance plan, which has already been approved by Detective Miller. The plan will be implemented and enforced by management.

6. The applicant shall provide, with the application for a conditional use permit, a written exterior refuse control plan which must be approved by the planning and development department staff as complying with the written guidelines of the department.

The refuse control plan is part of the security and maintenance plan created by the owner of the business. The plan will be implemented and enforced by management. A refuse enclosure is onsite and located on the property behind the building in the alley, five (5) parking spaces were removed in order to incorporate the enclosure per city of Scottsdale standard detail 2146-2. MIXX will utilize its plan to control exterior refuse.

7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.

Light from MIXX will not be visible on the north or east due to the existing full height masonry wall. The existing wall will also act as a buffer for noise. Noise and light from the west and south side will be controlled through the use of controlled volume levels, the masonry wall, and tinted paned windows.

8. The applicant shall demonstrate that the uses shall meet required parking and shall not exceed capacity for traffic in the area.

MIXX's proposed use requires forty-eight (48) parking spaces. MIXX will have at least 48 spaces. Six (6) spaces are located onsite, however five (5) were used for the addition of a refuse enclosure in accordance with the City of Scottsdale standard 2146-2. Sixteen (16) spaces are credited per P-3 zoning. Six (6) spaces are located at 7403 E. 6<sup>th</sup> Ave. Three (3) spaces are located at 4307 N. Civic Center Plaza. Fourteen (14) are located at 7425 E. Stetson Drive. Nine (9) spaces are located at 7375 E. 6<sup>th</sup> St. Five (5) spaces are provided by the City of Scottsdale via In-Lieu Parking agreement. All parking is located within the 600 feet of the premises. The attachment shows ample parking within the immediate surrounding area. MIXX will operate in the evenings, after the 8-5/9-6 daytime hours of surrounding daytime businesses, as well as on the weekends, insuring no effect on existing weekday, daytime operations of adjacent businesses. MIXX's small size will insure no significant nighttime traffic in excess of what already exists in the Entertainment District.

#### Sec. 1.403 (J) Concerns

1. The site plan shall demonstrate that (a.) Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts and (b.) all patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.

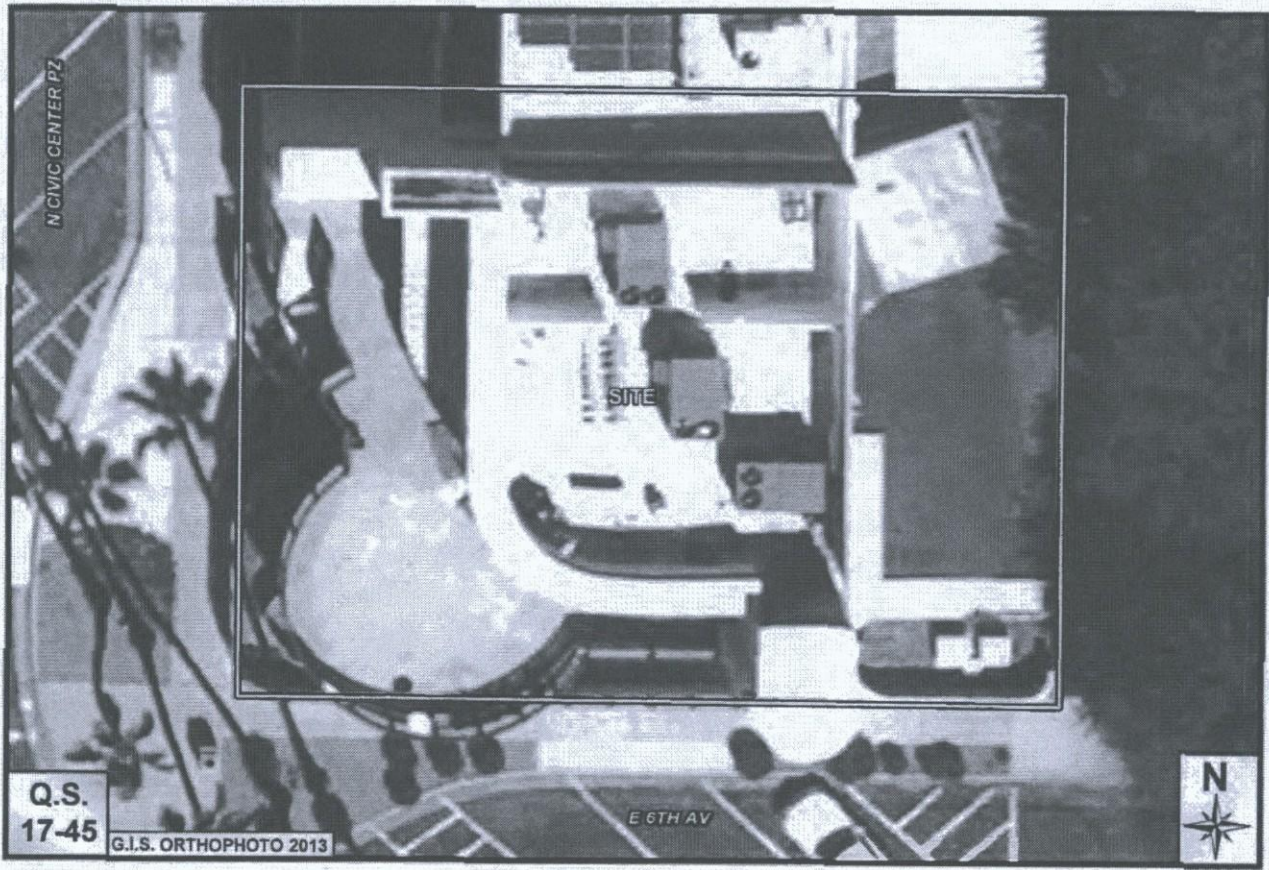
A full height masonry wall exists to and acts as a buffer for noise on the north and east side of the premises. All patron entrances are on the street and readily visible to patrons approaching the building.

3. The applicant has provided a written public safety plan which the city police and fire departments have approved as complying with the written guidelines of the Planning and Development Department.

The project owner has created/established a security and maintenance plan, which has already been approved by Detective Miller. The plan will be implemented and enforced by management.

5. The applicant shall provide a written exterior refuse control plan with must be approved by the Planning and Development Department staff as complying with the written guidelines of the department.

The refuse control plan is part of the security and maintenance plan, which has already been approved by Detective Miller. The plan will be implemented and enforced by management.

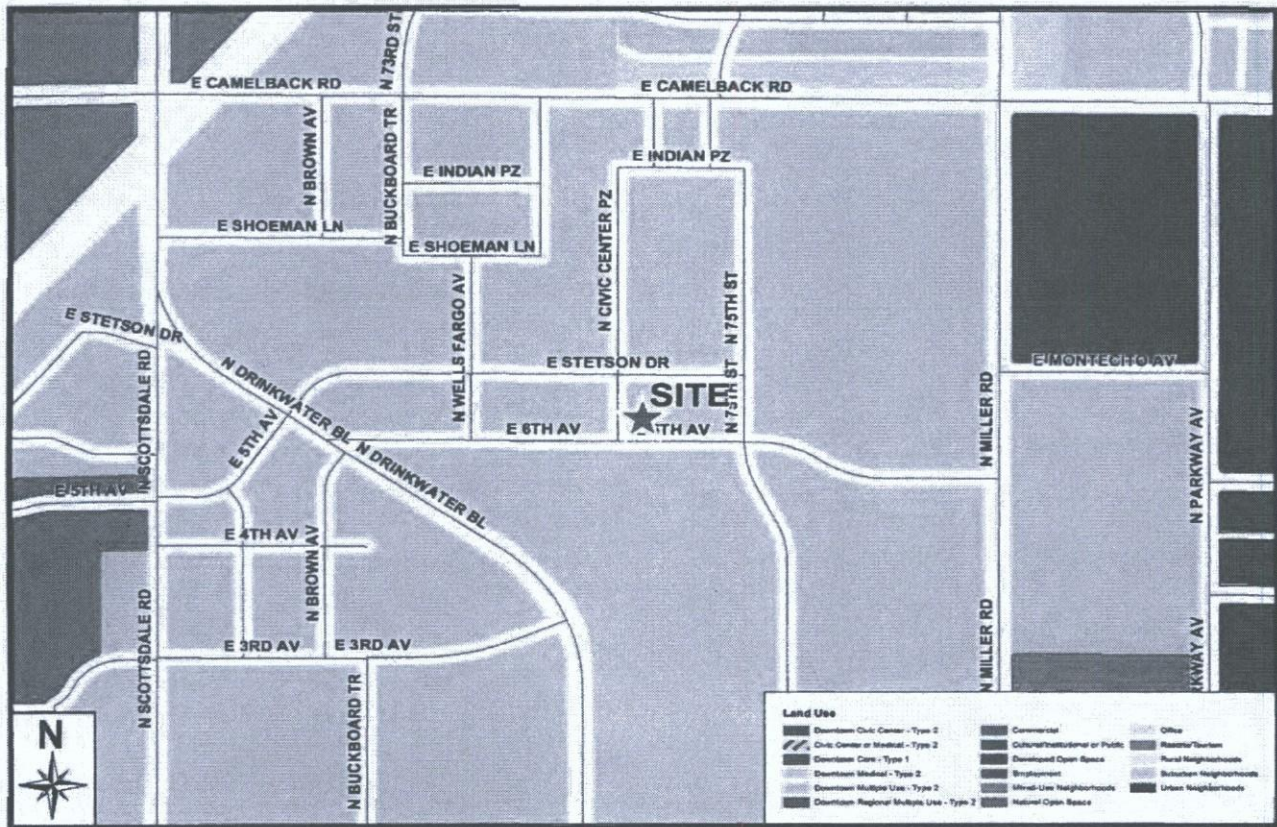


Mixx

2-UP-2014 & 3-UP-2014

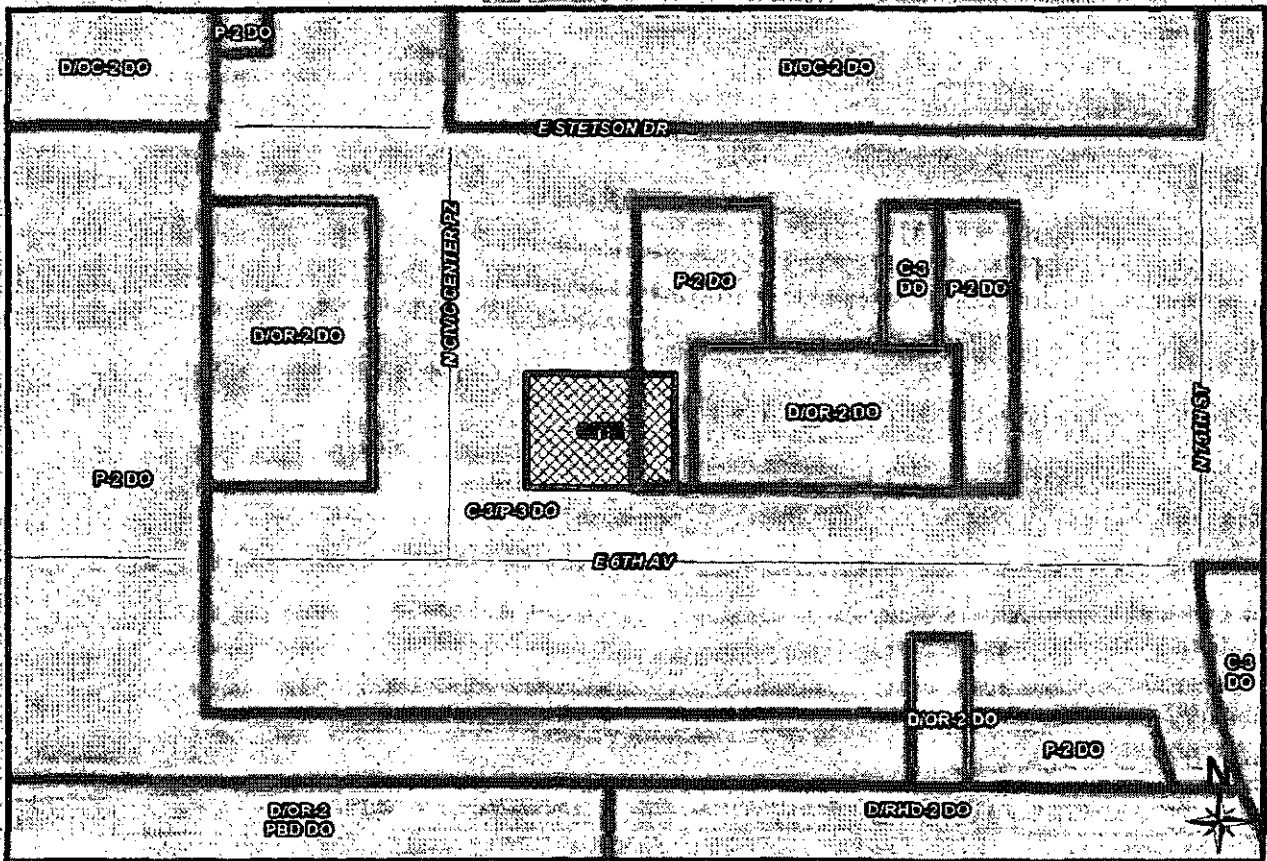
ATTACHMENT #4

## Existing General Plan Land Use Map



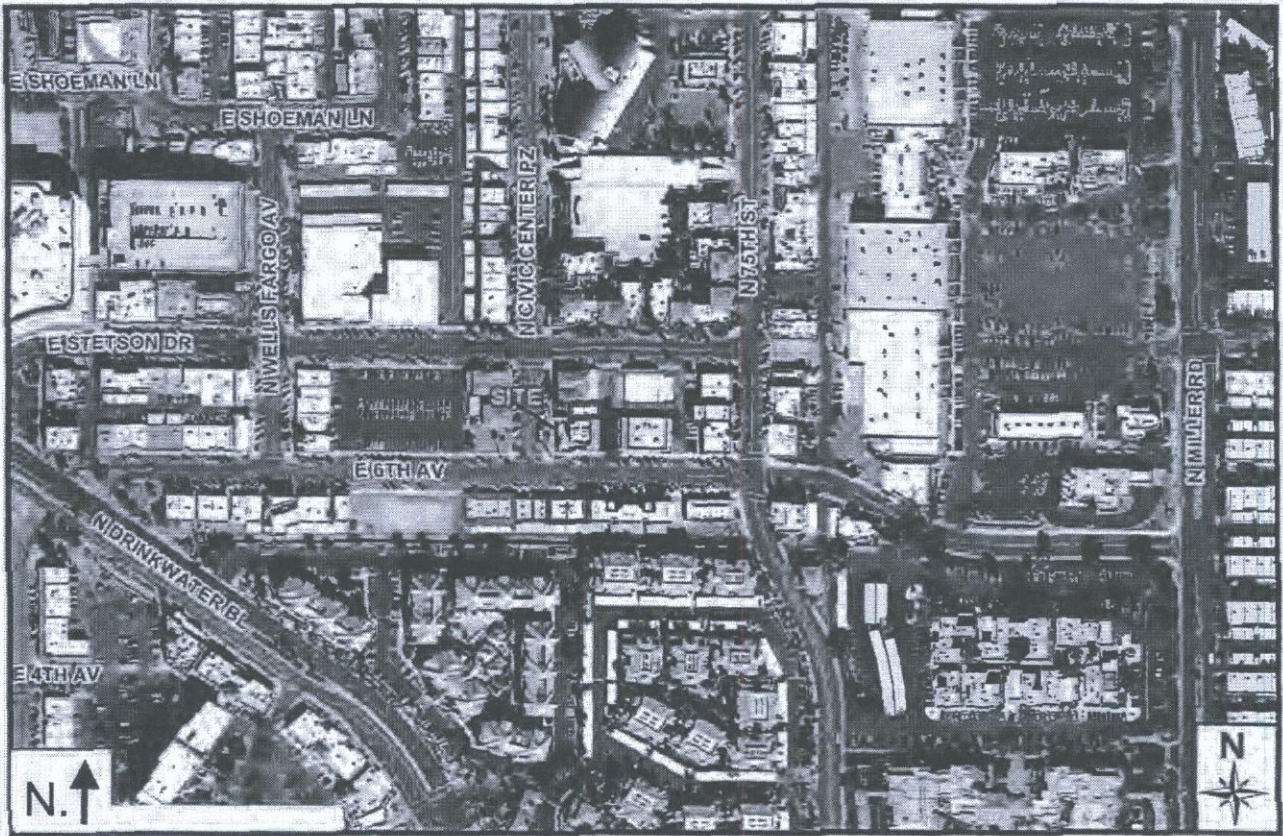
**2-UP-2014 & 3-UP-2014**

ATTACHMENT #5



**2-UP-2014 & 3-UP-2014**

ATTACHMENT #6



ATTACHMENT #7

- 4301 N. Civic Center Plaza (SITE) - 12 Spaces
- 7403 E. 6th Ave - 6 Spaces
- 4307 N. Civic Center Plaza - 3 Spaces
- 7425 E. Stetson Drive - 4 Spaces
- 7375 E. 6th St. - 9 Spaces

13

2-UP-2014  
4/14/2014

# Neighborhood Notification Report

## OPEN HOUSE FOR "MIXX"

**Project Number: 272-PA-14**

MIXX is a proposed Lounge/Event Space located at 4301 N. Civic Center Plaza in Scottsdale, Arizona.

An open house meeting occurred on April 11, 2014 from 6:30 pm to 7:30 pm at the site location of 4301 N. Civic Center Plaza in Scottsdale, AZ.

Michael Stein, the business owner, was in attendance. Michael holds a very positive attitude about the project. No one presented with any opposition to the project. No further follow up is necessary.

Enclosed with this meeting summary is the attendance sheet from the meeting, the notification checklist, and returned letters of notification that were unable to be delivered to their recipients.



Michael Stein

4-11-14

Date

ATTACHMENT #8

2-UP-2014  
4/14/2014

# ATTENDANCE SHEET

OPEN HOUSE FOR "MIXX" APRIL 11, 2014

Project Number: 272-PA-14

NAME

ISSUES OF CONCERN

NAME	ISSUES OF CONCERN
Michael Stein	None

ATTENDANCE CERTIFIED AS ACCURATE BY:

Michael Stein  
Michael Stein

4-11-14  
Date

March 27, 2014

Re: Mixx, 4301 N. Civic Center Plaza

Dear Neighbor,

This letter is notification of a proposed project named Mixx located at 4301 N. Civic Center Plaza, Scottsdale, AZ 85251; which is on the corner of Civic Center Plaza and 6<sup>th</sup> Avenue.

Mixx is slated as a "Mixed-use" venue. This versatile space will be transformed into a comfortable event venue, for Bar/Bat Mitzvahs, Sweet 16s, and corporate functions. On the weekends, Mixx will be available as an upscale lounge, catering to the more refined clientele of Scottsdale.

The property is currently a two story building sited on 4,942 gross square feet of lot area (0.11 acres). The property is zoned C-3/P-3/P-2/DO. The proposed project will retain the zoning. There will not be any structural changes to the building. New cosmetic work will be made to the interior and exterior, although cosmetic work to the exterior will only be improvements to the existing condition and will not change the look. Applications for a Conditional Use Permit for uses of a Bar and Live Entertainment are being applied.

An open house will be held April 11, 2014 at 6:30PM at 4301 N. Civic Center Plaza Scottsdale, AZ 85251.

Contact information should there be any questions regarding the project.

Applicant:

M1 Hospitality 1 LLC d/b/a Mixx

Michael Stein

mstein@m1hospitality.com

(602) 774-6828

City of Scottsdale:

Greg Bloemberg

gbloemberg@scottsdaleaz.gov

(480) 312-4306

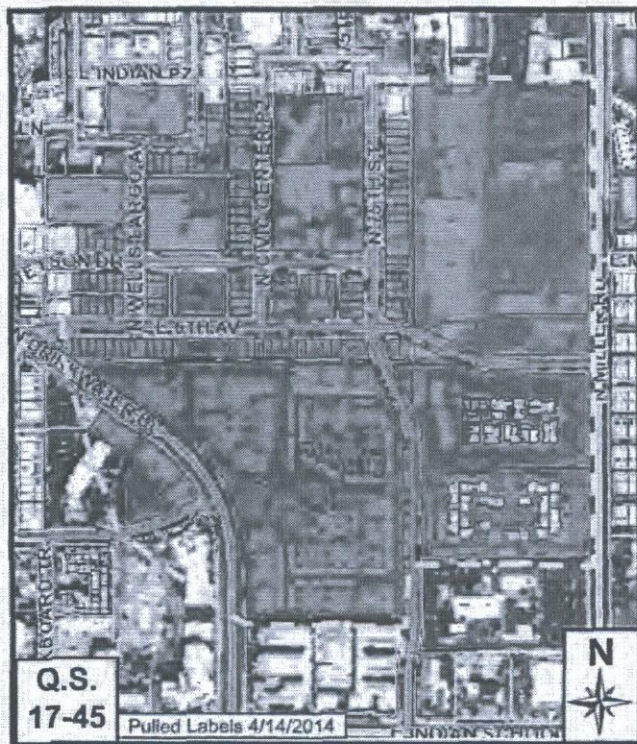
Sincerely,



Michael Stein

2-UP-2014  
4/14/2014

## City Notifications – Mailing List Selection Map



### Map Legend:



Site Boundary

Properties within 750-feet

Postcards – 114 HUP

Postcards – 114 PC

### Additional Notifications:

- Interested Parties List
- Adjacent HOA's
- P&Z E-Newsletter
- Facebook
- Twitter
- City Website-Projects in the hearing process

**2-UP-2014 & 3-UP-2014**

**Mixx**

ATTACHMENT #9



**SCOTTSDALE PLANNING COMMISSION  
KIVA-CITY HALL  
3939 DRINKWATER BOULEVARD  
SCOTTSDALE, ARIZONA**

**WEDNESDAY, MAY 28, 2014**

**\*SUMMARIZED MEETING MINUTES\***

**PRESENT:** Michael D'Andrea, Chairman  
Michael Edwards, Commissioner  
Matt Cody, Commissioner  
Erik Filsinger, Commissioner  
Jay Petkunas, Commissioner

**ABSENT:** Ed Grant, Vice-Chair  
David Brantner, Commissioner

**STAFF:** Tim Curtis  
Joe Padilla  
Brad Carr  
Bryan Cluff  
Greg Bloemberg

**CALL TO ORDER**

Chair D'Andrea called the regular session of the Scottsdale Planning Commission to order at 5:03 p.m.

**ROLL CALL**

A formal roll call was conducted confirming members present as stated above.

\* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission website at:  
[www.scottsdaleaz.gov/boards/PC.asp](http://www.scottsdaleaz.gov/boards/PC.asp)

### **MINUTES REVIEW AND APPROVAL**

1. Approval of May 14, 2014 Regular Meeting Minutes including Study Session.

**COMMISSIONER CODY MOVED TO APPROVE THE MAY 14, 2014 REGULAR MEETING MINUTES, INCLUDING STUDY SESSION. SECONDED BY COMMISSIONER FILSINGER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).**

### **EXPEDITED AGENDA**

2. 7-ZN-2014 (Via de Ventura Apartments)
3. 2-ZN-2014 (Hayden and Northsight Rezoning)
4. 2-UP-2014 (RSVP; aka Mixx Bar Use Permit)

5. 3-UP-2014 (RSVP; aka Mixx Bar Live Entertainment Permit)

**ITEM NO'S. 4 & 5 MOVED TO REGULAR; RECOMMENDED CITY COUNCIL APPROVE CASE 2-UP-2014 AND 3-UP-2014, BY A VOTE OF FOUR (4) TO ONE (1); MOTION BY COMMISSIONER FILSINGER, PER THE STAFF RECOMMENDED STIPULATIONS, BASED UPON THE FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET; SECONDED BY COMMISSIONER EDWARDS, WITH CHAIR D'ANDREA DISSENTING.**

6. 42-UP-2011#2 (Boondocks Patio & Grill)

**ITEM NO'S 2, 3 & 6; RECOMMENDED CITY COUNCIL APPROVE CASES 7-ZN-2014, 2-ZN-2014 & 42-UP-2011#2; BY A VOTE OF FIVE (5) TO ZERO (0); MOTION BY COMMISSIONER CODY, PER THE STAFF RECOMMENDED STIPULATIONS AND AFTER DETERMINING THAT THE PROPOSED ZONING DISTRICT MAP AMENDMENTS AND THE DEVELOPMENT PLAN ARE CONSISTENT AND CONFORM WITH THE ADOPTED GENERAL PLAN, BASED UPON THE FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET, SECONDED BY COMMISSIONER PETKUNAS.**

### **ADJOURNMENT**

With no further business to discuss, the regular session of the Planning Commission adjourned at 5:45 p.m.

\* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission website at:

[www.scottsdaleaz.gov/boards/PC.asp](http://www.scottsdaleaz.gov/boards/PC.asp)

# PLANNING COMMISSION REPORT



Meeting Date: May 28, 2014  
General Plan Element: *Land Use*  
General Plan Goal: *Support a diversity of businesses*

## ACTION

RSVP (aka Mixx)  
2-UP-2014 (bar) & 3-UP-2014 (live entertainment)

### Request to consider the following:

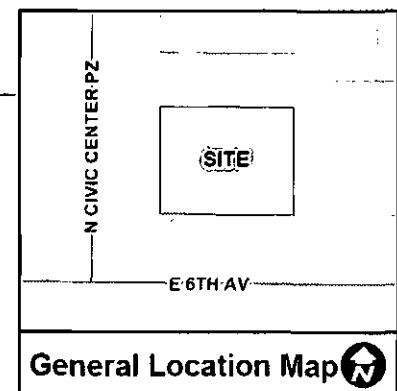
1. Find that the Conditional Use Permit criteria have been met, and recommend that City Council approve a Conditional Use Permit for a Bar at an existing 3,298+/- square foot establishment, located at 4301 N. Civic Center Plaza, with Highway Commercial, Parking District and Downtown Overlay (C-3/P-3 DO) zoning.
2. Find that the Conditional Use Permit criteria have been met, and recommend City Council approve a Conditional Use Permit for Live Entertainment at an existing 3,298+/- square foot establishment, located at 4301 N. Civic Center Plaza, with Highway Commercial, Parking District, Downtown Overlay (C-3/P-3 DO) zoning.

### Key Items for Consideration

- Conditional Use Permit (CUP) Criteria
- Site previously approved for bar use in 2008 (14-UP-2008)
- Nearest residential district located approximately 1,000 feet from the site
- Previous CUP automatically expired one year after previous establishment closed (per stipulations)
- Parking provided by a combination of on-site spaces, remote parking, historical P-3 Credits, and In-Lieu Parking Credits.

## OWNER

Civic Center Enterprises  
602-558-8118



Action Taken \_\_\_\_\_

## APPLICANT CONTACT

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Mike Stein  
M1 Hospitality 1 LLC  
602-774-6828

## LOCATION

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4301 N Civic Center Pz

## BACKGROUND

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### Character Area Plan

The Land Use element of the Downtown Plan designates this site as Downtown Multiple-Use, Type 2. This designation encourages new development, redevelopment and infill that strengthen Downtown Scottsdale's mix of uses and activities through the development of mutually supportive land uses.

### Zoning

The site is zoned Highway Commercial District, Parking District, Downtown Overlay (C-3/P-3 DO & P-2 DO), which allows for a wide variety of uses, including retail, service and restaurants. Bars with live entertainment are permitted subject to approval of a Conditional Use Permit .

### Other Related Policies, References:

- 14-UP-2008: Approval of a Conditional Use Permit for a bar
- 58-DR-2008: Approval of an exterior remodel to an existing office building to accommodate a bar use.

### Context

Located at the northeast corner of N. Civic Center Plaza and E. 6<sup>th</sup> Avenue, the site is located in an area that is occupied primarily by a variety of office and service uses. Another bar is located on the south side of E. 6<sup>th</sup> Avenue approximately 175 feet to the east (Electric Ballroom). The properties to the east and west of the site are zoned Downtown District, Office-Residential, Type 2, Downtown Overlay (D/OR-2 DO) and the properties to the north and south are zoned Highway Commercial District, Parking District, Downtown Overlay (C-3/P-3 DO & P-2 DO). Please refer to context graphics attached.

## APPLICANTS PROPOSAL

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### Goal/Purpose of Request

The applicant seeks approval of Conditional Use Permits (CUP) to open a bar with live entertainment in an existing commercial building. The building was previously occupied by Whisper Lounge, also a bar; however, that establishment closed and the site sat dormant for more than a

year, which triggered the sunset clause attached to the previous CUP. In the Project Narrative, the applicant classifies the proposed establishment as a “Mixed-Use” venue. The goal is not open another nightclub with live entertainment; but rather a relatively small and intimate event venue that can be utilized not only for live music, but also for graduation receptions, birthday parties, and private/corporate functions during the week. The proposed floor plan includes a dance floor on the first floor as well as a DJ booth on the second floor. On weekends, the venue would be available as an upscale lounge, catering to a more refined clientele.

### Development Information

- Existing Use: Vacant (previously occupied by bar use)
- Proposed Use: Bar with Live Entertainment
- Parking Required: 48 spaces
- Parking Provided: 48 spaces (1 on-site space, 12 P-3 credits, 31 remote spaces, and 4 In-Lieu Credits)
- Floor Area: 3,298 square feet (gross)
- Patio Area: 1,472 square feet

## IMPACT ANALYSIS

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### Conditional Use Permit

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

- A. That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council’s consideration shall include, but not be limited to, the following factors:

1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
  - **This location was previously approved for a bar use in 2008 (14-UP-2008). No live entertainment was proposed or approved and the CUP included a stipulation prohibiting speakers on the patio. Internal speakers were provided.**

**The applicant’s proposal includes providing small, low-power speakers on the patio that will transmit primarily pre-recorded music; however, the applicant would like the option to hook the speakers on the patio up to the live entertainment equipment on occasion so patrons on the patio can listen to the music. The establishment is not located within 500 feet of a residential district, so outdoor speakers are permissible; however, there is a multi-family community approximately 175 feet south of the site, as well as another multi-family residential community currently under construction approximately 175 feet to the north. As such, the applicant has agreed to mount the speakers so they will be directed**

downward and oriented in toward the building to mitigate potential impacts from noise. Additionally, the applicant proposes to add sound dampening materials to the interior of the building to further mitigate potential noise impacts. The applicant will keep all windows and doors closed but not locked during the hours live entertainment is being provided. All activities will occur during evening hours when the surrounding office and service uses in the area are closed. No damage or nuisance from noise, smoke, odor, dust, vibration, or illumination is anticipated.

2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
  - Aside from interior modifications to the floor plan, the operation plan for the proposed use will not deviate significantly from the previously approved operation plan for Whisper Lounge. Peak traffic will occur during evening hours when most of the surrounding businesses in the area are closed, and parking is accounted for via a combination of historical credits, remote parking and In-Lieu credits. Additionally, the establishment has access to on-street parking spaces on both N. Civic Center Plaza and E. 6<sup>th</sup> Avenue; and is within 175 feet of a public parking lot, located west of the site at 7375 E. Stetson Avenue. No significant impacts to existing traffic patterns are anticipated.
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
  - This site was previously approved for a bar use in 2008 (14-UP-2008). Consistent with the previous establishment, this establishment will only operate during evening hours, when most of the surrounding businesses are closed. Another bar is currently in operation approximately 180 feet to the east, on the south side of E. 6<sup>th</sup> Avenue (Electric Ballroom) and many other bars are located on N. 75<sup>th</sup> Street, within 500 feet of this establishment.
- C. The additional conditions in Section 1.403, as applicable, have been satisfied.

Section 1.403.C: Bars, cocktail lounges and/or after-hours establishments

  1. The use shall not disrupt existing balance of daytime and nighttime uses.
    - The site was previously occupied by a bar that only operated during evening hours.
  2. The use shall not disrupt pedestrian-oriented daytime activities.
    - This use is proposed to be open during evening hours only, except on weekends and New Year's Day. No daytime-oriented activities will be disrupted.
  3. If the site is located within the downtown overlay district then:
    - a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.
      - The site was previously occupied by a bar use. This establishment is proposed

- The applicant's proposal includes providing small, low-volume speakers on the patio that will transmit primarily pre-recorded music. The establishment is not located within 500 feet of a residential district, so outdoor speakers are permissible; however, there is a residential community approximately 175 feet from the site. As such, outdoor speakers will be mounted so they are directed downward and oriented toward the building (facing north) to mitigate potential impacts from noise on the residential community. Additionally, the applicant proposes to add sound dampening materials to the interior of the building to further mitigate potential noise impacts. Other than internal lighting, no additional lighting is proposed as part of this request.
8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.
- Parking for the establishment is being provided via a combination of on-site spaces (1), historical P-3 credits (12), remote parking (31 spaces), and In-Lieu Credits (4). Traffic generated by the proposed use will be consistent to the traffic volumes generated by the previous bar use that occupied this site (Whisper Lounge).
9. After hours establishments must maintain a valid after-hours establishment license.
- No after-hours activities are proposed as part of this request. There will be no time limitation for live entertainment on New Year's Day.

Section 1.403.K: Live Entertainment

1. The applicant has provided and obtained approval of a written Security and Maintenance Plan.
- A Security, Maintenance and Operations Plan and Public Safety Plan have been reviewed and approved by the Scottsdale Police Department and are on file. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.
2. The applicant has provided written evidence that sound resulting from indoor live entertainment will be contained within the building, except where external speakers are permitted by Conditional Use Permit to allow indoor live entertainment to be heard outdoors.
- The site was previously approved as a bar only, with no live entertainment (14-UP-2008). At that time, outdoor speakers were prohibited by stipulation. The applicant's proposal includes providing small, low-volume speakers on the patio that will transmit primarily pre-recorded music; however, the applicant would like the option to hook the speakers on the patio up to the live entertainment equipment on occasion so patrons on the patio can listen to the music being played inside. The establishment is not located within 500 feet of a residential district, so outdoor speakers are permissible; however, there is a multi-family residential

community approximately 175 feet from the site. As such, outdoor speakers will be mounted so they are directed downward and oriented toward the building (facing north) to mitigate potential impacts from noise on the residential community. Additionally, the applicant proposes to add sound dampening materials to the interior of the building to further mitigate potential noise impacts.

3. The applicant has provided a lighting plan that addresses exterior lighting on the property, in accordance with Article VII of the Zoning Ordinance and Security and Maintenance Plan requirements.
  - **Existing lighting in and around the site is in compliance with the Zoning Ordinance. No changes are proposed as part of this request. Conditions of the Security, Maintenance and Operations Plan and Public Safety Plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**
4. The applicant has provided a floor plan which identifies the areas for the primary use and accessory functions, including but not limited to areas for performance.
  - **The submittal materials include a floor plan that calls out the location of all live entertainment related elements. As this is intended to be a multi-faceted event venue, there is no specific area of the floor plan set aside for live performances, i.e. a stage or sound equipment. Instead, any portion of the floor plan could feasibly be devoted to some element of an event occurring on the site. The only live entertainment related elements specified are a dance floor on the first floor and a DJ booth on the second floor.**
5. If the establishment is not in the Downtown area, and access to the establishment is from a street other than one classified by the Transportation Master Plan as minor collector or greater, the applicant shall provide a traffic analysis which complies with the City's transportation guidelines. The traffic analysis shall demonstrate that the level of service on all streets accessed by the use meets the City's standards.
  - **This establishment is in the Downtown area and was previously approved for a bar use (14-UP-2008). No significant changes to existing traffic patterns are anticipated.**
6. If the Zoning Administrator determined that a parking study is necessary the applicant shall provide a study which complies with the City requirements.
  - **All required parking for the proposed use is accounted for by a combination of on-site spaces, historical P-3 credits, remote parking spaces and In-Lieu credits. Staff has confirmed the availability of all proposed remote spaces. A parking study is not required as part of this request.**
7. The owner shall provide any additional information required by the Zoning Administrator to evaluate the impacts of the proposed use on the area.

- **The application materials provided by the applicant are sufficient for staff to evaluate the impacts of the proposal.**
8. All building openings, such as doors, windows and movable wall panels shall be closed but not locked, except as permitted by Conditional Use Permit. Doors and service windows may be opened temporarily to allow passage.
- **All doors and windows will be closed but not locked during the hours live entertainment is provided.**
9. No external speakers used for live entertainment or outdoor live entertainment activities will be permitted on the premises of a use which is located within five-hundred (500) feet of a residential district, as shown in Table 4.100.A
- **The establishment is not located within 500 feet of a residential district, so outdoor speakers are permissible; however, there is a multi-family residential community approximately 175 feet from the site. As such, outdoor speakers will be mounted so they are directed downward and oriented toward the building (facing north) to mitigate potential impacts from noise on the residential community. Additionally, the applicant proposes to add sound dampening materials to the interior of the building to further mitigate potential noise impacts.**
10. The owner and operator shall comply with all plans approved as part of the Conditional Use Permit.
- **The owner and operator understand they must comply with all plans approved as part of this Conditional Use Permit.**
11. All patron entrances shall be illuminated in accordance with the Building Code and the exterior lighting plans approved by the Development Review Board.
- **No additional exterior lighting is proposed as part of this request. Existing exterior lighting, approved as part of the Development Review Board approval (58-DR-2008) is sufficient to illuminate all patron entrances.**
12. Noise generated from the live entertainment shall conform to the City's Noise Ordinance.
- **The applicant is aware of the Noise Ordinance and understands this request must comply with those restrictions.**

### **Public Safety**

The nearest fire station is located at 7522 E. Indian School Road, approximately 1,330 feet (0.25 mile) from the site. A Security, Maintenance and Operations Plan, including a Refuse Control Plan, and a Public Safety Plan have been reviewed and approved by the Scottsdale Police Department and are on file. No significant impacts to existing service levels are anticipated.

### **Liquor License Review**

An application for location and person transfer of a Series 6 (bar) liquor license (23-LL-2014) is pending consideration by the City Council.

### **OPTIONS & STAFF RECOMMENDATION**

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#### **Recommended Approach:**

Staff recommends that the Planning Commission find that the Conditional Use Permit criteria have been met, and make a recommendation to City Council for approval, subject to the attached stipulations.

### **RESPONSIBLE DEPARTMENT(S)**

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#### **Planning, Neighborhood and Transportation**

Current Planning Services

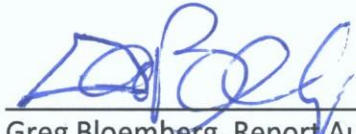
### **STAFF CONTACT(S)**

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Greg Bloemberg  
Senior Planner  
480-312-4306  
E-mail: [gbloemberg@ScottsdaleAZ.gov](mailto:gbloemberg@ScottsdaleAZ.gov)

**APPROVED BY**

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Greg Bloemberg, Report Author

5.22.14

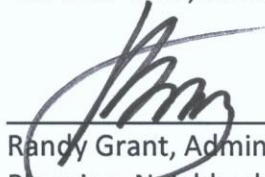
Date



Tim Curtis, AICP, Current Planning Director  
480-312-4210, tcurtis@scottsdaleaz.gov

5/22/14

Date



Randy Grant, Administrator  
Planning, Neighborhood and Transportation  
480-312-7064, rgrant@scottsdaleaz.gov

5/22/14

Date

**ATTACHMENTS**

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1. Stipulations (2-UP-2014)
  - Exhibit A to Attachment 1: Site Plan
  - Exhibit B to Attachment 1: Floor Plan
2. Stipulations (3-UP-2014)
  - Exhibit A to Attachment 2: Site Plan
  - Exhibit B to Attachment 2: Floor Plan
3. Applicant's Narrative
4. Context Aerial
- 4A. Aerial Close-Up
5. General Plan Land Use Map
6. Zoning Map
7. Remote Parking Map
8. Citizen Involvement
9. City Notification Map

## Conditional Use Permit – Bar

### Stipulations for:

### RSVP (aka Mixx)

### Case Number: 2-UP-2014

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

#### OPERATIONS

1. **CONFORMANCE TO THE CONCEPTUAL SITE PLAN.** Site layout shall conform with the conceptual site plan submitted by the applicant, with a city staff date of 4/14/14, attached as Exhibit A to Attachment 1. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. **CONFORMANCE TO CONCEPTUAL FLOOR PLAN.** The interior layout of the premises shall be in substantial conformance with the conceptual floor plan submitted by the applicant, with a city staff date of 4/14/14, attached as Exhibit B to Attachment 1. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. **NO LIVE ENTERTAINMENT.** This Conditional Use Permit is for a bar use only, and no live entertainment is approved as part of this request (refer to case 3-UP-2014).
4. **HOURS OF BAR OPERATIONS.** The hours of the bar operations for this establishment shall be limited to the following hours; except on New Year's Day of each calendar year. There shall be no time limitations for bar operations on New Year's Day.

	Open to Customers	Close to Customers
Sunday	11:00 AM	2:00 AM
Monday	5:00 PM	2:00 AM
Tuesday	5:00 PM	2:00 AM
Wednesday	5:00 PM	2:00 AM
Thursday	5:00 PM	2:00 AM
Friday	5:00 PM	2:00 AM
Saturday	11:00 AM	2:00 AM

5. **SECURITY, MAINTENANCE, AND OPERATIONS PLAN.** The operations of the bar shall conform to the Security, Maintenance, and Operations Plan and Public Safety Plan approved by, and on record with the City of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division. A copy of the approved Security, Maintenance, and Operations Plan and Public Safety Plan shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an updated Security, Maintenance, and Operations Plan and/or Public Safety Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. At least ten (10) days before any

operational change of the bar, or any promotional event (excluding Special Events), that modifies the requirements or contents of the Security, Maintenance, and Operations Plan or Public Safety Plan, the owner shall submit a revised Security, Maintenance, and Operations Plan and/or Public Safety Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. Any revised Security, Maintenance, and Operations Plan or Public Safety Plan shall be subject to approval by the City of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division. Where provisions of the Security, Maintenance and Operations Plan conflict with the provisions of the Public Safety Plan, the provisions which establish the higher standard of protection to public health and safety shall apply.

6. NOISE. In addition to the City's Noise Ordinance (Ordinance No. 3192, Article II, Chapter 19 of the Scottsdale Revised Code), noise generated from this use, including any speakers or other amplification equipment, shall not exceed ambient noise levels consistent to the use and the character of the area during hours of operation, as determined by the Zoning Administrator, or designee.
7. EXTERNAL SPEAKERS. External speakers shall be directed downward and oriented inward toward the building.

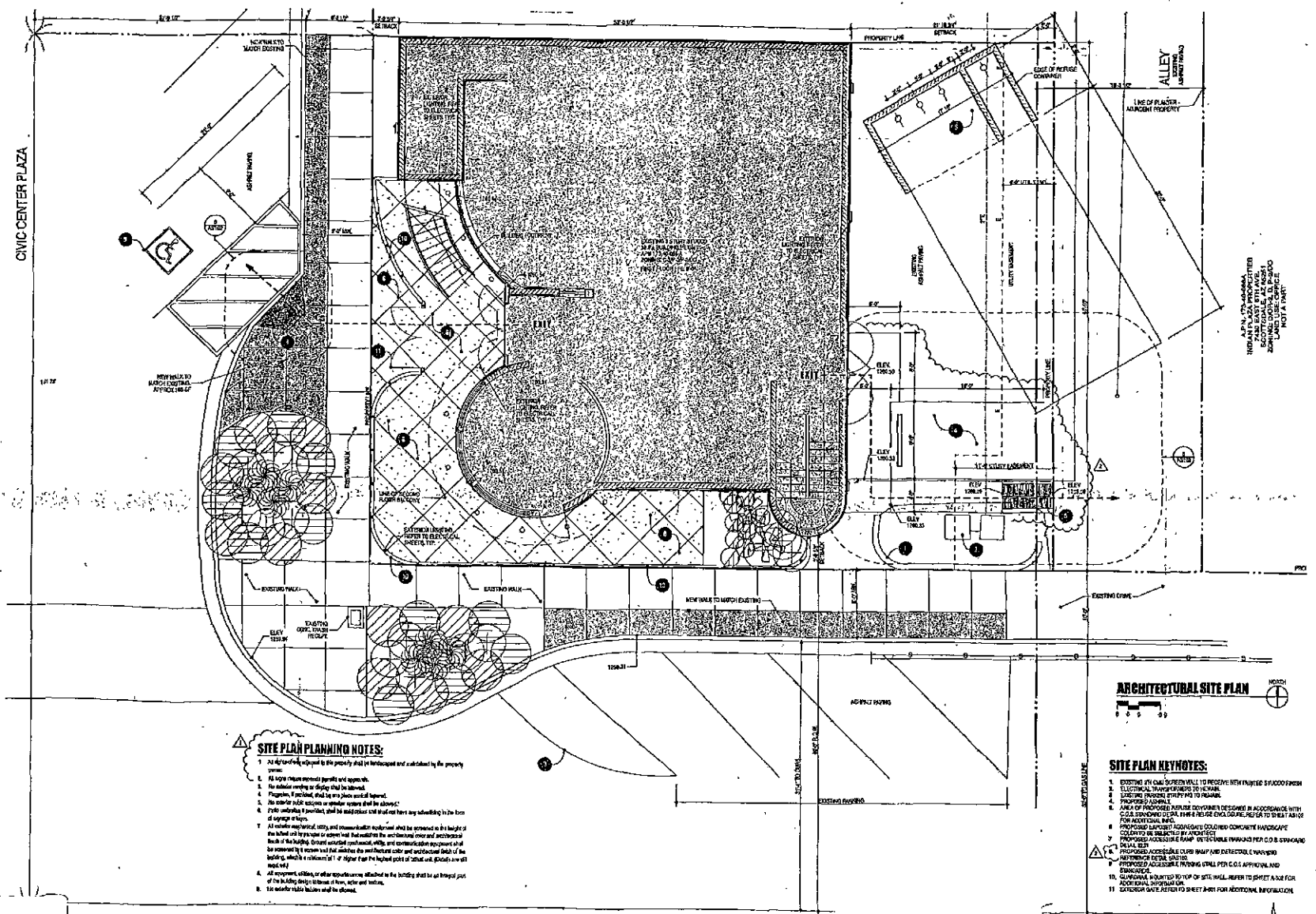
#### **PARKING**

8. MINIMUM PARKING. The site shall be required to provide parking, as required by the Zoning Ordinance, through on-site parking, off-site parking, in-lieu parking spaces, or any combination thereof, at all times. Failure to provide required parking for the use, to the satisfaction of the Zoning Administrator, or designee, may be grounds for revocation of the Conditional Use Permit.
9. PARKING ASSURANCE AGREEMENT(S). Thirty (30) days before the expiration of any assurance agreement, the owner or operator shall submit a new assurance agreement to the Zoning Administrator, or designee, subject to city review and approval. Inability of the owner or operator to obtain the required parking under an assurance agreement, to the satisfaction of the Zoning Administrator, or designee, may be grounds for revocation of the Conditional Use Permit.

#### **ADMINISTRATIVE/PROCESS**

10. CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW. Within ten (10) days after a request by the Zoning Administrator or designee, the owner shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
11. CHANGES IN OWNERSHIP. Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.

CIVIC CENTER PLAZA



- SITE PLAN PLANNING NOTES:**
1. All site work to be performed on the property shall be indicated and established by the property owner.
  2. All signs require special permits and approvals.
  3. No outdoor vending or display shall be allowed.
  4. Flagpoles, if provided, shall be in a plain vertical design.
  5. No outdoor toilet enclosures or urinals shall be allowed.
  6. If site work is provided, shall be indicated and shall not have any subsiding in the form of signage or signs.
  7. All outdoor mechanical units, and communication equipment shall be screened to the height of the building and be placed on a common level. Mechanical units shall be placed on the roof of the building. Exhaust ducts, electrical, utility, and communication equipment shall be screened by a screen wall that matches the architectural style and topographical level of the building, which is a minimum of 10' higher than the highest point of the building. All ducts are to be hidden.
  8. All equipment, utility, or other equipment attached to the building shall be set beyond the point of the building design to be of a low, wide and hidden.
  9. No outdoor table facilities shall be allowed.

**ARCHITECTURAL SITE PLAN**

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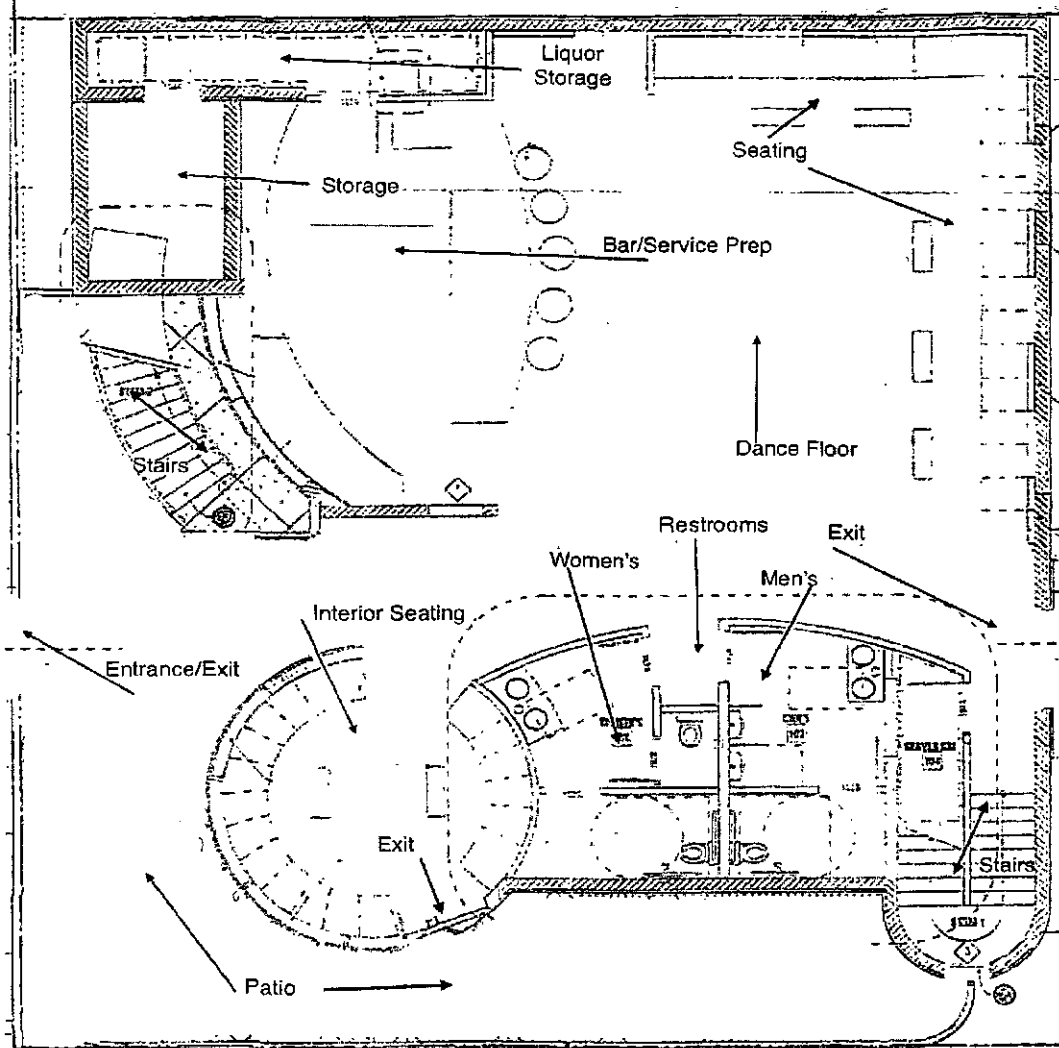
NORTH

- SITE PLAN KEYNOTES:**
1. EXISTING 4TH GEAR SPEEDWAY WALL TO REMAIN WITH PAINTED SPACED FINISH
  2. EXISTING DRIVEWAY TO REMAIN
  3. EXISTING DRIVEWAY TO REMAIN
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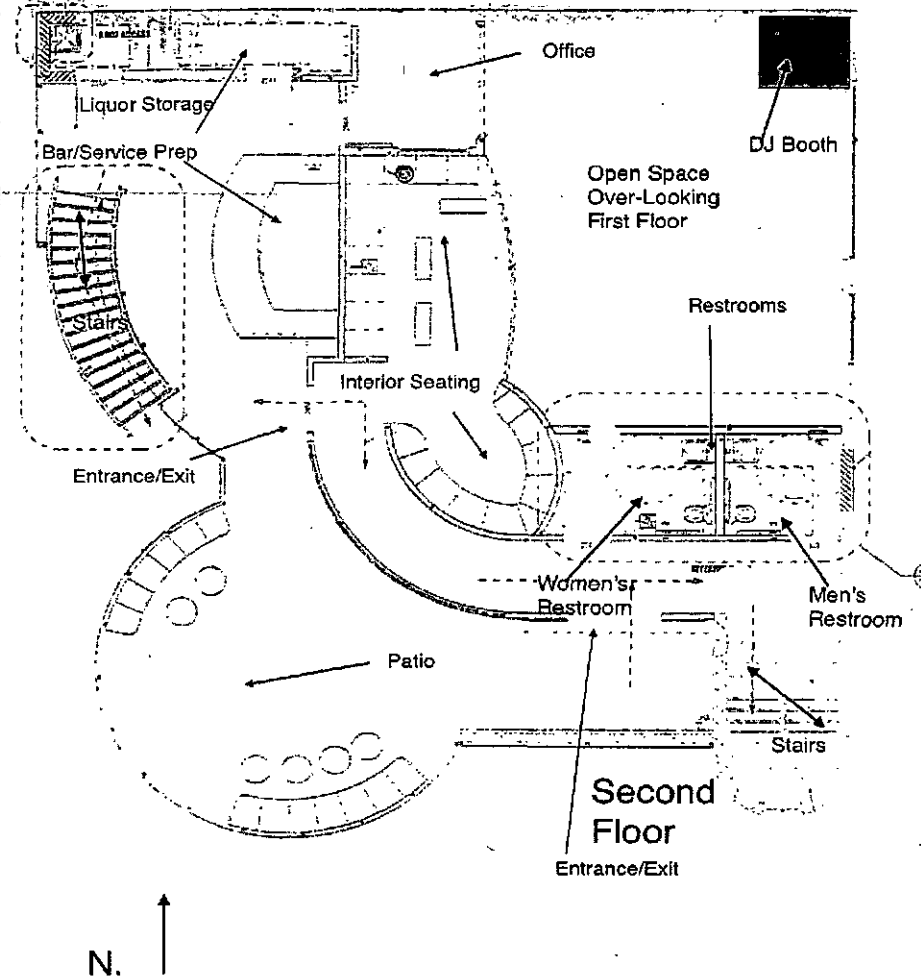
CONSTRUCTION DOCUMENTS  
 ARCHITECTURAL SITE PLAN  
 AS101

Exhibit A to  
 Attachment 1

6TH AVE.



First Floor



Second Floor

4301 N. Civic Center Plaza  
 Scottsdale, AZ 85251

2-UP-2014  
 4/14/2014

Exhibit B to  
 Attachment 1

## Conditional Use Permit – Live Entertainment

### Stipulations for:

### RSVP (aka Mixx)

**Case Number: 3-UP-2014**

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

#### GOVERNANCE

1. EXPIRATION OF CONDITIONAL USE PERMIT. This Conditional Use Permit shall expire two years from the date of City Council approval.

#### OPERATIONS

2. CONFORMANCE TO THE CONCEPTUAL SITE PLAN. The site layout of the premises shall be in substantial conformance with the conceptual site plan submitted by the applicant, with a city staff date of 4/14/14, attached as Exhibit A to Attachment 2. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. CONFORMANCE TO CONCEPTUAL FLOOR PLAN. The interior layout of the premises shall conform with the conceptual floor plan submitted by the applicant, with a city staff date of 4/14/14, attached as Exhibit B to Attachment 2. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
4. NO BAR USE. This Conditional Use Permit is for live entertainment only, and a bar use is not approved as part of this request (refer to case 2-UP-2014).
5. HOURS OF LIVE ENTERTAINMENT. The hours of the live entertainment for this establishment shall be limited to the following hours; except on New Year's Day of each calendar year. There shall be no time limitations for live entertainment on New Year's Day.

	Allowed Start of the Live Entertainment	To	Required End of the Live Entertainment
Sunday	11:00 AM		12:00 AM
Monday	5:00 PM		2:00 AM
Tuesday	5:00 PM		2:00 AM
Wednesday	5:00 PM		2:00 AM
Thursday	5:00 PM		2:00 AM
Friday	5:00 PM		2:00 AM
Saturday	11:00 AM		2:00 AM

6. SECURITY, MAINTENANCE, AND OPERATIONS PLAN. The live entertainment shall conform to the Security, Maintenance, and Operations Plan and Public Safety Plan approved by, and on record with the City of Scottsdale's Police Department and the Planning, Neighborhoods,

and Transportation Division. A copy of the approved Security, Maintenance, and Operations Plan and Public Safety Plan shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an updated Security, Maintenance, and Operations Plan and/or Public Safety Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. At least ten (10) days before any operational change of the live entertainment, or any promotional event (excluding Special Events), that modifies the requirements or contents of the Security, Maintenance, and Operations Plan or Public Safety Plan, the owner shall submit a revised Security, Maintenance, and Operations Plan or Public Safety Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. Any revised Security, Maintenance, and Operations Plan or Public Safety Plan shall be subject to approval by the City of Scottsdale's Police Department and the Planning, Neighborhoods, and Transportation Division. Where provisions of the Security, Maintenance and Operations Plan conflict with the Public Safety Plan, the provisions which establish the higher standard of protection to the public health and safety shall prevail.

7. NOISE. In addition to the City's Noise Ordinance (Ordinance No. 3192, Article II, Chapter 19 of the Scottsdale Revised Code), noise generated from this use, including any speakers or other amplification equipment, shall not exceed ambient noise levels consistent to the use and the character of the area during hours of operation, as determined by the Zoning Administrator, or designee. The applicant shall provide sound dampening materials to the interior walls of the building to further limit noise emanating from the establishment.

Noise emitted from live entertainment equipment, including external speakers, shall not exceed 68 decibels at a point 175 feet from the property line of the subject site.

8. EXTERNAL SPEAKERS. External speakers shall be directed downward and oriented inward toward the building.
9. EXTERNAL DOORS AND WINDOWS. All external doors and windows shall be closed but not locked during the hours live entertainment is provided.

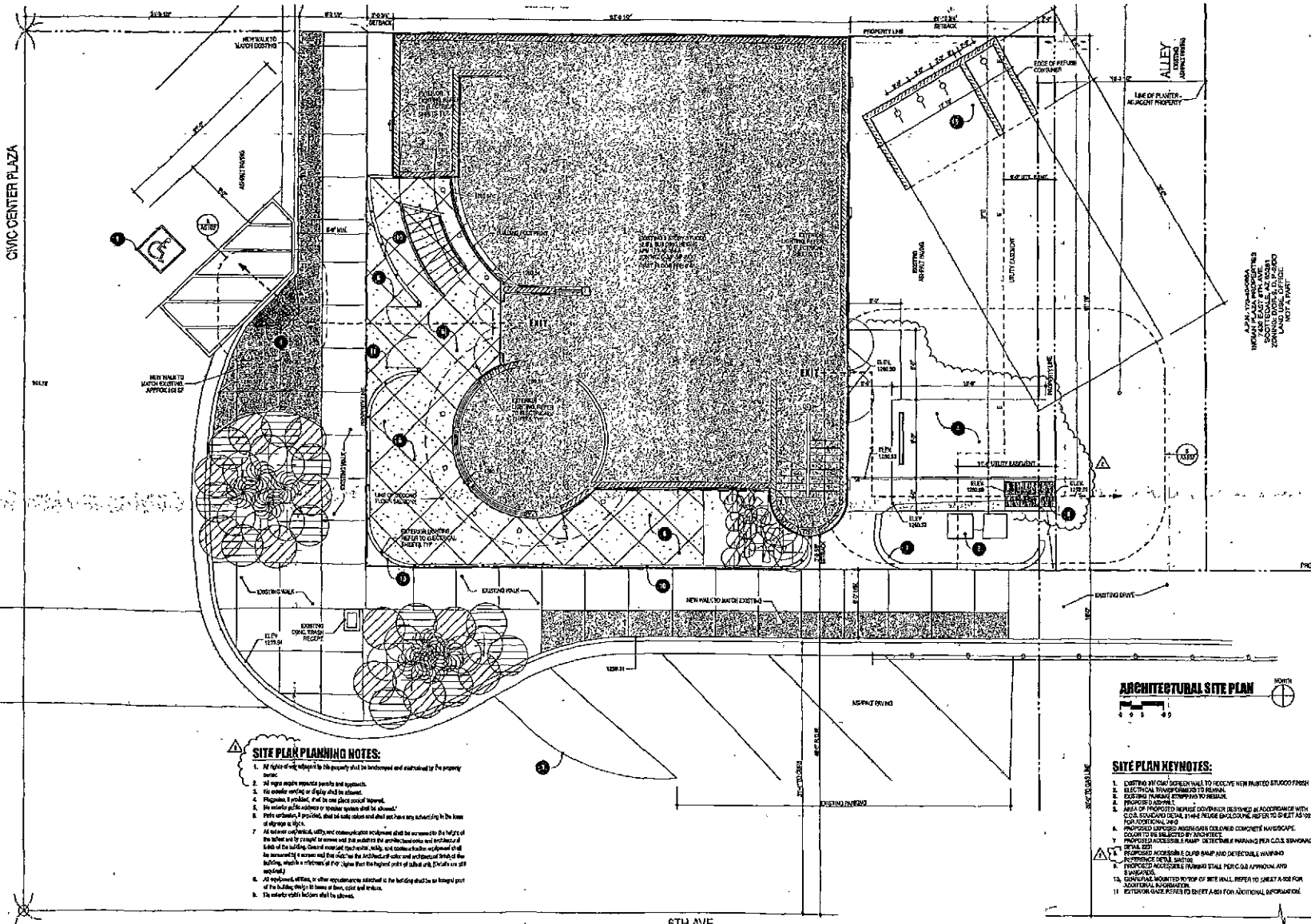
#### **PARKING**

10. PARKING ASSURANCE AGREEMENT. Thirty (30) days before the expiration of the assurance agreement, the owner shall submit a new assurance agreement to the Zoning Administrator, subject to city review and approval. If the owner is unable to obtain the required parking under an assurance agreement, to the satisfaction of the Zoning Administrator or designee, it may be grounds for a revocation the Conditional Use Permit.

#### **ADMINISTRATIVE PROCESS**

11. CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW. Within ten (10) days after a request by the Zoning Administrator or designee, the owner, shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
12. CHANGES IN OWNERSHIP. Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.

CHIC CENTER PLAZA



**SITE PLAN PLANNING NOTES:**

1. All rights-of-way adjacent to the property shall be landscaped and maintained by the property owner.
2. All signs require separate permits and approvals.
3. No outdoor parking or display shall be allowed.
4. Provisions for disabled, and for emergency access of travel.
5. The interior of the exterior or interior system shall be allowed.
6. Where applicable, fire hydrants, shall be clearly marked and shall not have any obstruction in the form of storage or signs.
7. All interior and exterior utility communication enclosures shall be so connected to the height of the building and to existing structures and the existing or proposed structure and to the existing or proposed structure. One of the existing or proposed structure, shall, and continue to be, a minimum of 10 feet from the existing or proposed structure. The location of the building, structure or structure shall be indicated on the architectural plan of the building, structure or structure. (Note: The height of the building, structure or structure shall be indicated on the architectural plan of the building, structure or structure.)
8. All equipment, utility, or other requirements situated on the building shall be so integral part of the building design in terms of form, color and finish.
9. The exterior walls of the building shall be allowed.

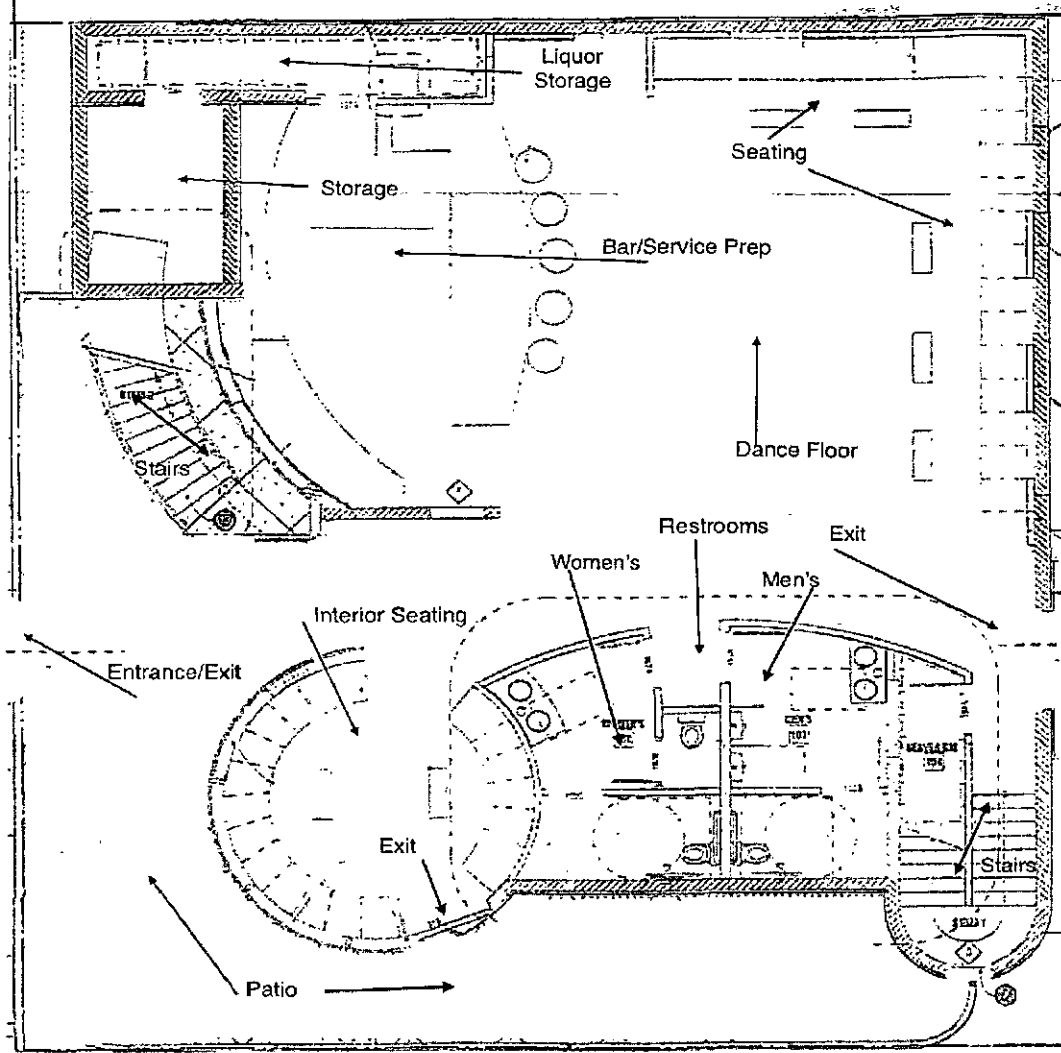
**ARCHITECTURAL SITE PLAN**

**SITE PLAN KEYNOTES:**

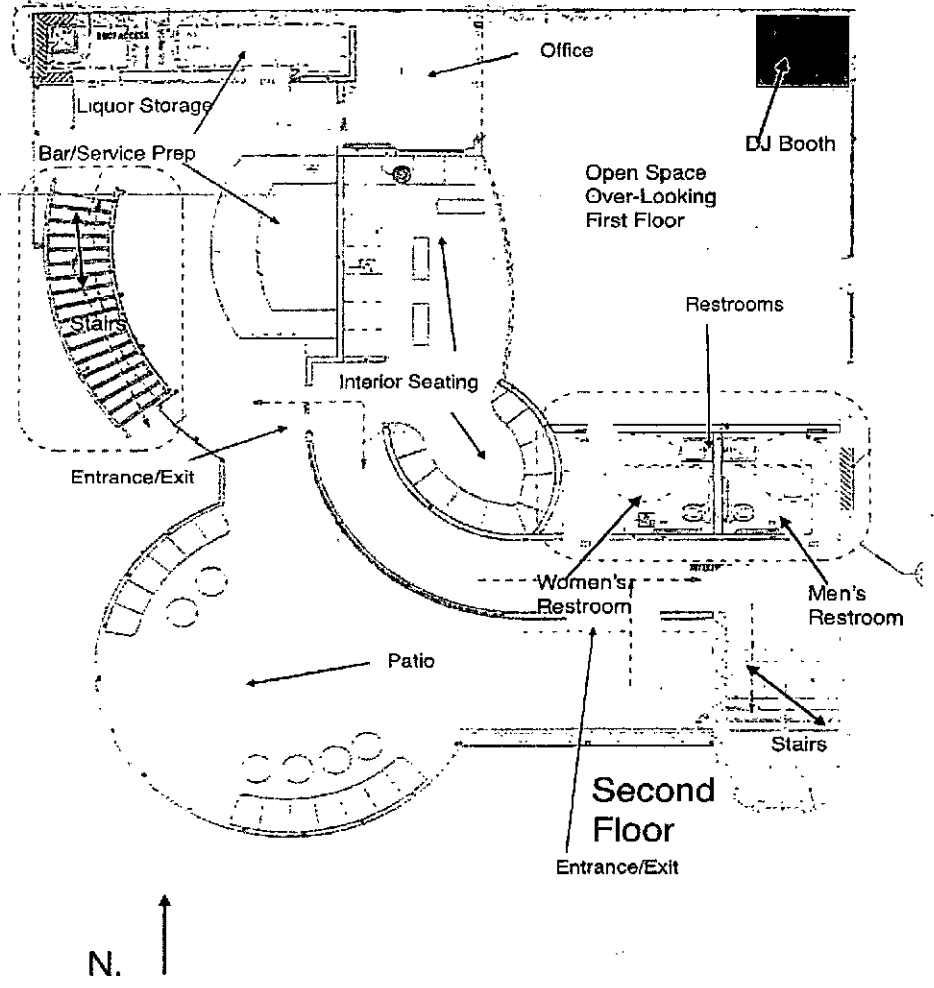
1. EXISTING EXTERIOR WALL TO RECEIVE NEW PAINTED STUCCO FINISH
2. EXISTING TRANSFORMER TO REMAIN
3. EXISTING PAVEMENT RETAINING WALL TO REMAIN
4. EXISTING SIGNAGE
5. AREA OF PROPOSED REPAIR TO BE COMPLETED AS APPROPRIATE WITH LOCAL STANDARD DETAIL 11444. PLEASE CONSULT ARCHITECT TO DETERMINE FOR ADDITIONAL INFO
6. PROPOSED EXTERIOR WALL FINISHES TO BE COMPLETED HANDSCRAFTED TO MATCH EXISTING WALLS
7. PROPOSED EXTERIOR WALL FINISHES TO BE COMPLETED HANDSCRAFTED TO MATCH EXISTING WALLS
8. PROPOSED EXTERIOR WALL FINISHES TO BE COMPLETED HANDSCRAFTED TO MATCH EXISTING WALLS
9. PROPOSED EXTERIOR WALL FINISHES TO BE COMPLETED HANDSCRAFTED TO MATCH EXISTING WALLS
10. CONCRETE MOUNTED TOP OF SITE WALL REFER TO SHEET A-101 FOR ADDITIONAL INFORMATION
11. EXTERIOR GROUND LEVEL TO SHEET A-101 FOR ADDITIONAL INFORMATION

Exhibit A to Attachment 2

CONSTRUCTION DOCUMENTS  
 ARCHITECTURAL SITE PLAN  
**AS101**



First Floor



Second Floor

Exhibit B to Attachment 2

4301 N. Civic Center Plaza  
Scottsdale, AZ 85251

2-UP-2014  
4/14/2014

## MIXX Project Narrative Attachment

MIXX is slated as a "Mixed-use" venue. This business will be a comfortable event venue, for Bar/Bat Mitzvahs, Sweet 16s, Graduation Receptions, and private/corporate functions. On the weekends, MIXX will be available as an upscale lounge, catering to the more refined clientele of Scottsdale. Live entertainment may include jazz musicians, guitar players, and pianists. DJs may also be used to play music from 60s, 70s, 80s, and more. MIXX has prioritized addressing the Planning Commission's recommendations regarding use permits.

### Sec. 1.401 Concerns

#### A.1. Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination.

MIXX will have no impact on the surrounding area regarding the above. MIXX will be available for private events 7 days a week, after 6pm. There are no plans to utilize any smoke, odors, or dust. Light from MIXX will not be visible on the north or east due to the existing full height masonry wall. The existing wall will also act as a buffer for noise. Noise and light from the west and south side will be controlled through the use of controlled volume levels, the masonry wall, and tinted paned windows.

#### A.2. Impact on surrounding areas resulting from an unusual volume or character of traffic.

MIXX will have no impact on the surrounding weekday daytime office uses as it will be closed during that time. On the weekends and after hours, due to the limited size of the venue and nature of private events, it will have no impact on surrounding area resulting from an unusual volume or character of traffic.

#### B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses in the surrounding areas.

The proposed use as an event space and lounge is compatible with the other high-end restaurants and businesses in the area. Appropriately, this site was formerly a licensed bar located in the Entertainment District. It was and is zoned, appropriately.

### Sec. 1.403 (C.1.) Concerns

#### 1. The use shall not disrupt existing balance of daytime and nighttime uses.

MIXX will occupy the currently vacant premises at 4301 N. Civic Center Plaza. No new construction will occur resulting in an immediate and seamless blending of MIXX into the surrounding business environment. The operating hours and nature of business of MIXX will integrate with, not disrupt, the existing balance of daytime and nighttime uses in the area.

#### 2. The use shall not disrupt pedestrian-oriented daytime activities.

MIXX will operate in the evenings, after the 8-5/9-6 daytime hours of surrounding daytime businesses, as well as on the weekends, insuring no effect on existing weekday, daytime operations of adjacent businesses. The site has an existing sidewalk along the west and south that will remain in place. The prior tenant added a new hard-scape that was incorporated to provide a pedestrian friendly path to avoid congestion along the sidewalk during evening operating hours. Additionally, MIXX will operate during weekends and select holidays.

Weekends: 11am-2am

Holidays: New Years Day, Valentines Day, St. Patrick's Day, Mardi Gras, Derby Day, Purim, Cinco De Mayo, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Halloween Day, Thanksgiving Day, Christmas Day.

3.b. The required parking for the use shall be within six hundred (600) feet of the property and shall not be separate from the property by a major or minor arterial street.

MIXX's proposed use requires forty-eight (48) parking spaces. Six (6) spaces are located onsite, however five (5) were used for the addition of a refuse enclosure in accordance with the City of Scottsdale standard 2146-2. Eleven (11) spaces are credited per P-3 zoning. Six (6) spaces are located at 7403 E. 6<sup>th</sup> Ave. Three (3) spaces are located at 4307 N. Civic Center Plaza. Fourteen (14) are located at 7425 E. Stetson Drive. Nine (9) spaces are located at 7375 E. 6<sup>th</sup> St. Five (5) spaces are provided by the City of Scottsdale via In-Lieu Parking agreement. All parking is located within the 600 feet of the premises. The attachment shows ample parking within the immediate surrounding area.

5. An active management and security plan shall be created, approved, implemented, maintained, and enforced by the business.

The project owner has created/established a security and maintenance plan, which has already been approved by Detective Miller. The plan will be implemented and enforced by management.

6. The applicant shall provide, with the application for a conditional use permit, a written exterior refuse control plan which must be approved by the planning and development department staff as complying with the written guidelines of the department.

The refuse control plan is part of the security and maintenance plan created by the owner of the business. The plan will be implemented and enforced by management. A refuse enclosure is onsite and located on the property behind the building in the alley, five (5) parking spaces were removed in order to incorporate the enclosure per city of Scottsdale standard detail 2146-2. MIXX will utilize its plan to control exterior refuse.

7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.

Light from MIXX will not be visible on the north or east due to the existing full height masonry wall. The existing wall will also act as a buffer for noise. Noise and light from the west and south side will be controlled through the use of controlled volume levels, the masonry wall, and tinted paned windows.

8. The applicant shall demonstrate that the uses shall meet required parking and shall not exceed capacity for traffic in the area.

MIXX's proposed use requires forty-eight (48) parking spaces. MIXX will have at least 48 spaces. Six (6) spaces are located onsite, however five (5) were used for the addition of a refuse enclosure in accordance with the City of Scottsdale standard 2146-2. Sixteen (16) spaces are credited per P-3 zoning. Six (6) spaces are located at 7403 E. 6<sup>th</sup> Ave. Three (3) spaces are located at 4307 N. Civic Center Plaza. Fourteen (14) are located at 7425 E. Stetson Drive. Nine (9) spaces are located at 7375 E. 6<sup>th</sup> St. Five (5) spaces are provided by the City of Scottsdale via In-Lieu Parking agreement. All parking is located within the 600 feet of the premises. The attachment shows ample parking within the immediate surrounding area. MIXX will operate in the evenings, after the 8-5/9-6 daytime hours of surrounding daytime businesses, as well as on the weekends, insuring no effect on existing weekday, daytime operations of adjacent businesses. MIXX's small size will insure no significant nighttime traffic in excess of what already exists in the Entertainment District.

#### Sec. 1.403 (J) Concerns

1. The site plan shall demonstrate that (a.) Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area

to residential districts and (b.) all patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.

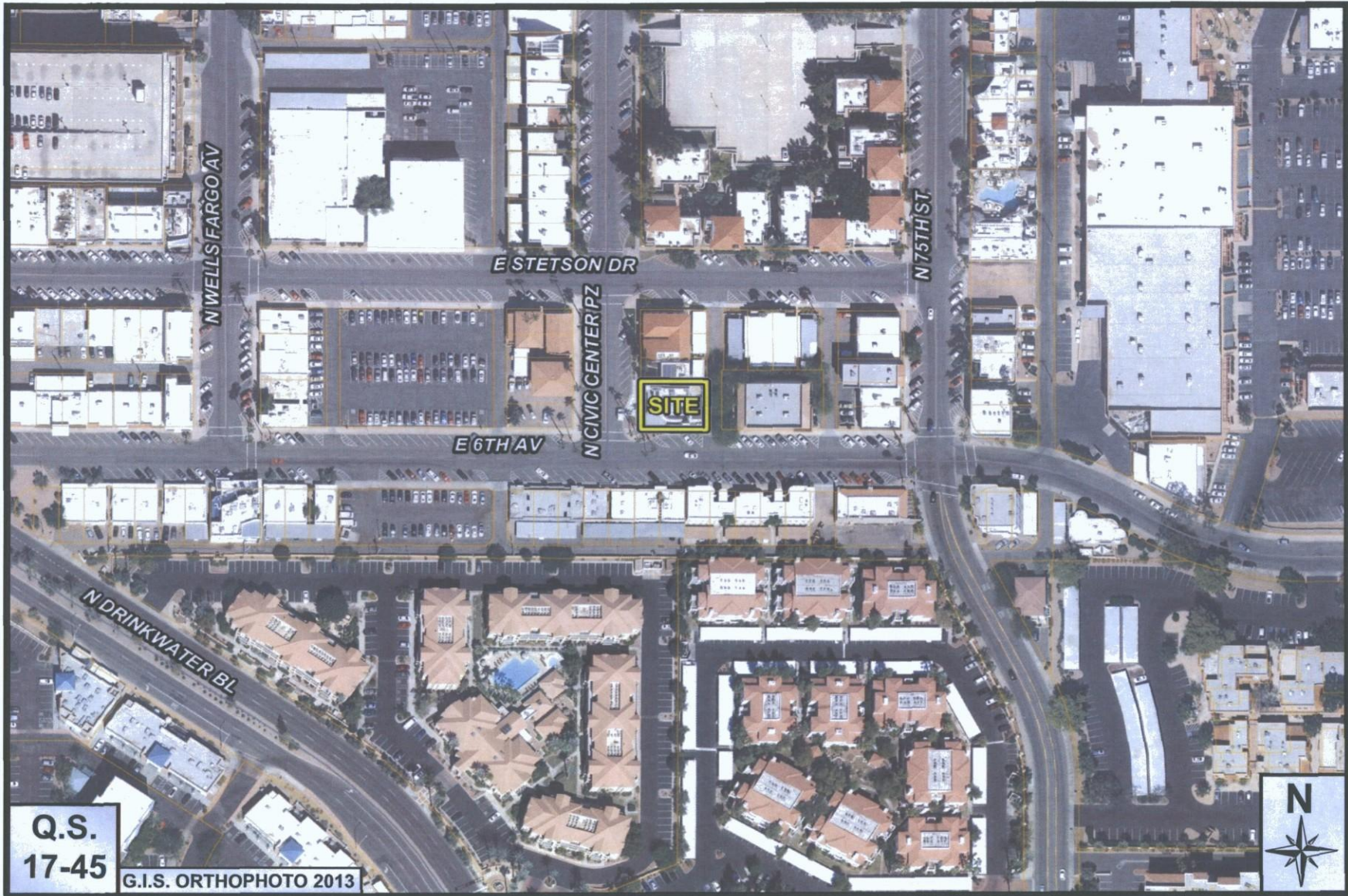
A full height masonry wall exists to and acts as a buffer for noise on the north and east side of the premises. All patron entrances are on the street and readily visible to patrons approaching the building.

3. The applicant has provided a written public safety plan which the city police and fire departments have approved as complying with the written guidelines of the Planning and Development Department.

The project owner has created/established a security and maintenance plan, which has already been approved by Detective Miller. The plan will be implemented and enforced by management.

5. The applicant shall provide a written exterior refuse control plan with must be approved by the Planning and Development Department staff as complying with the written guidelines of the department.

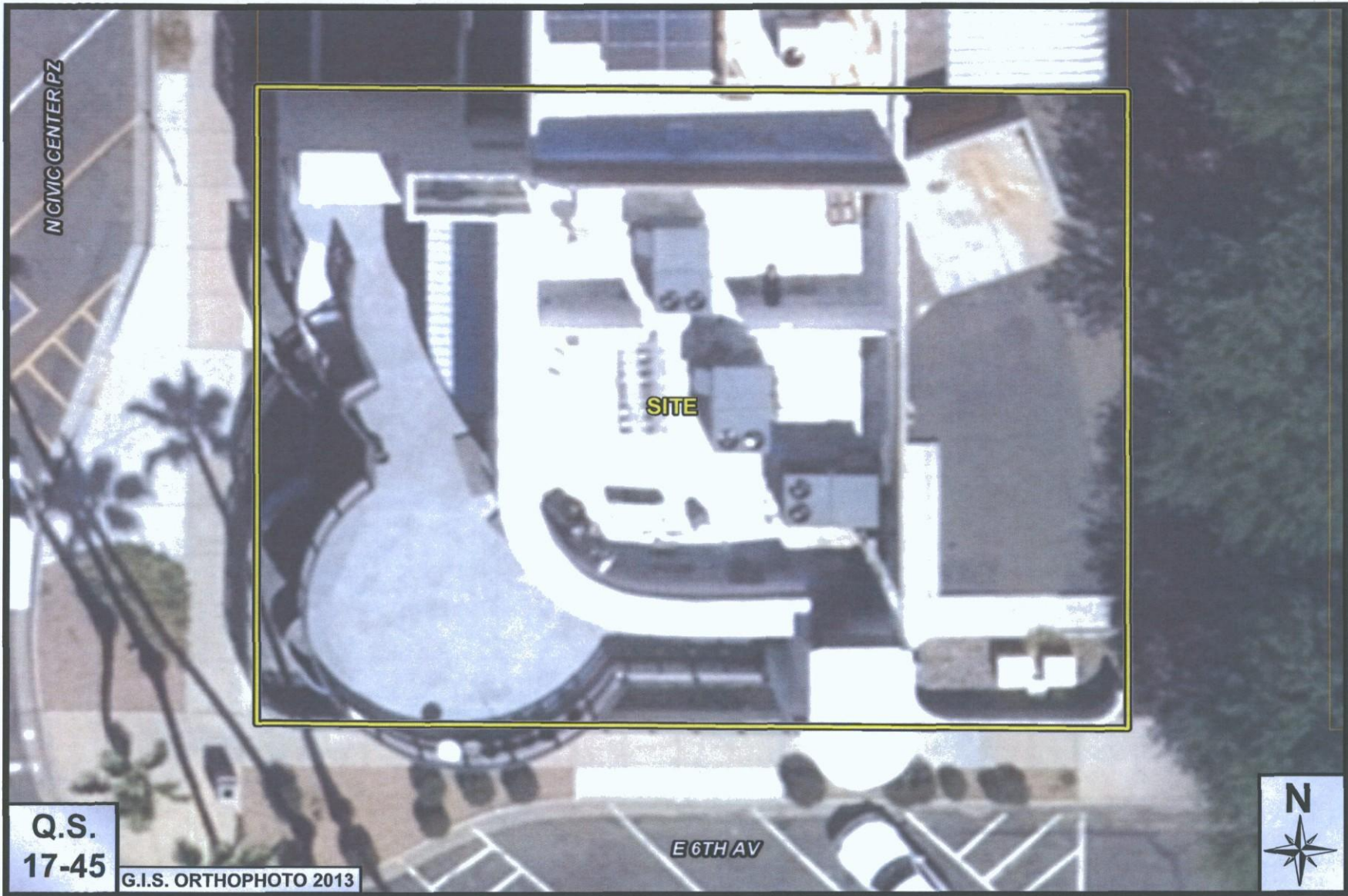
The refuse control plan is part of the security and maintenance plan, which has already been approved by Detective Miller. The plan will be implemented and enforced by management.



Mixx

2-UP-2014 & 3-UP-2014

ATTACHMENT #4

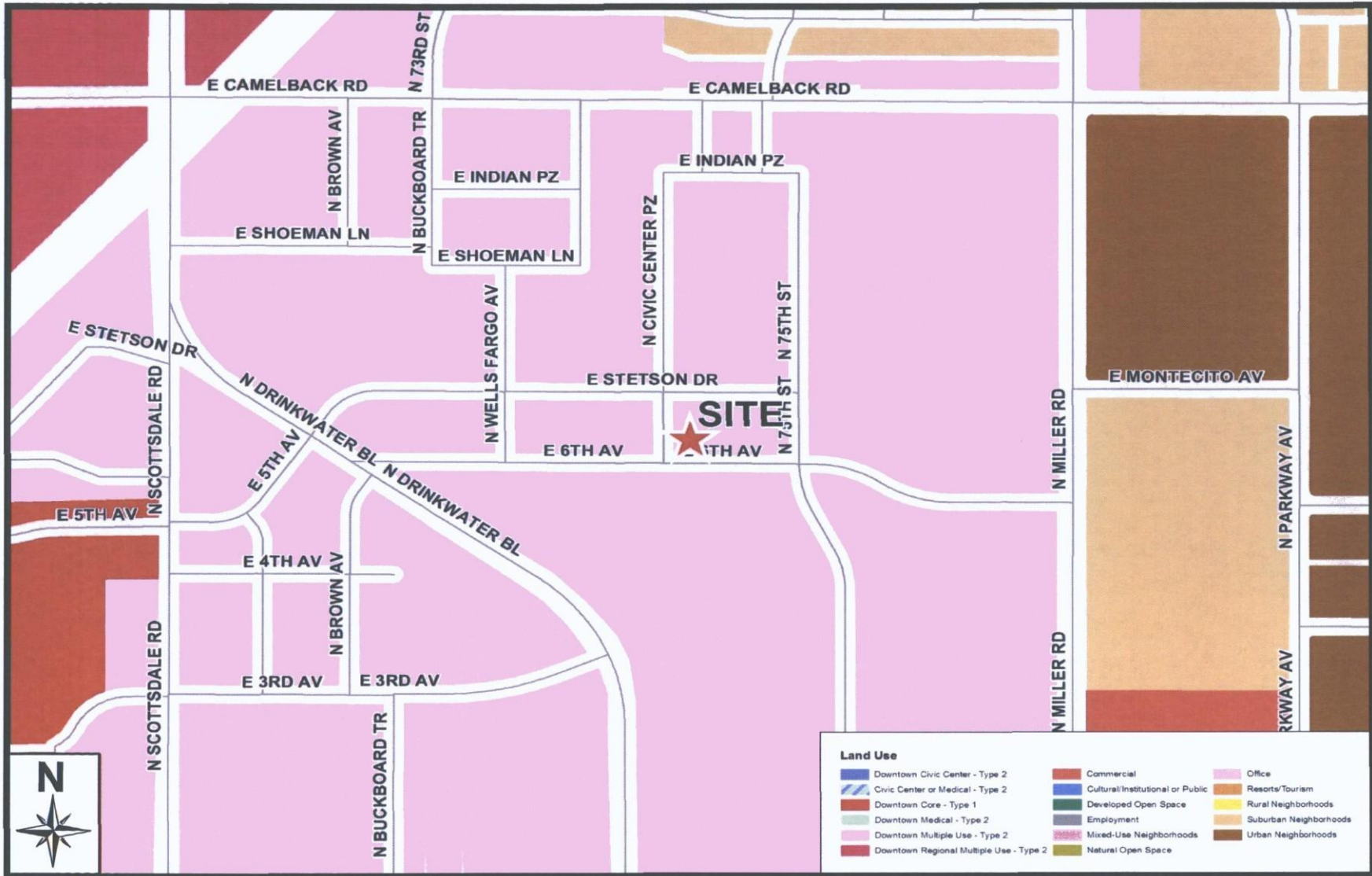


Mixx

2-UP-2014 & 3-UP-2014

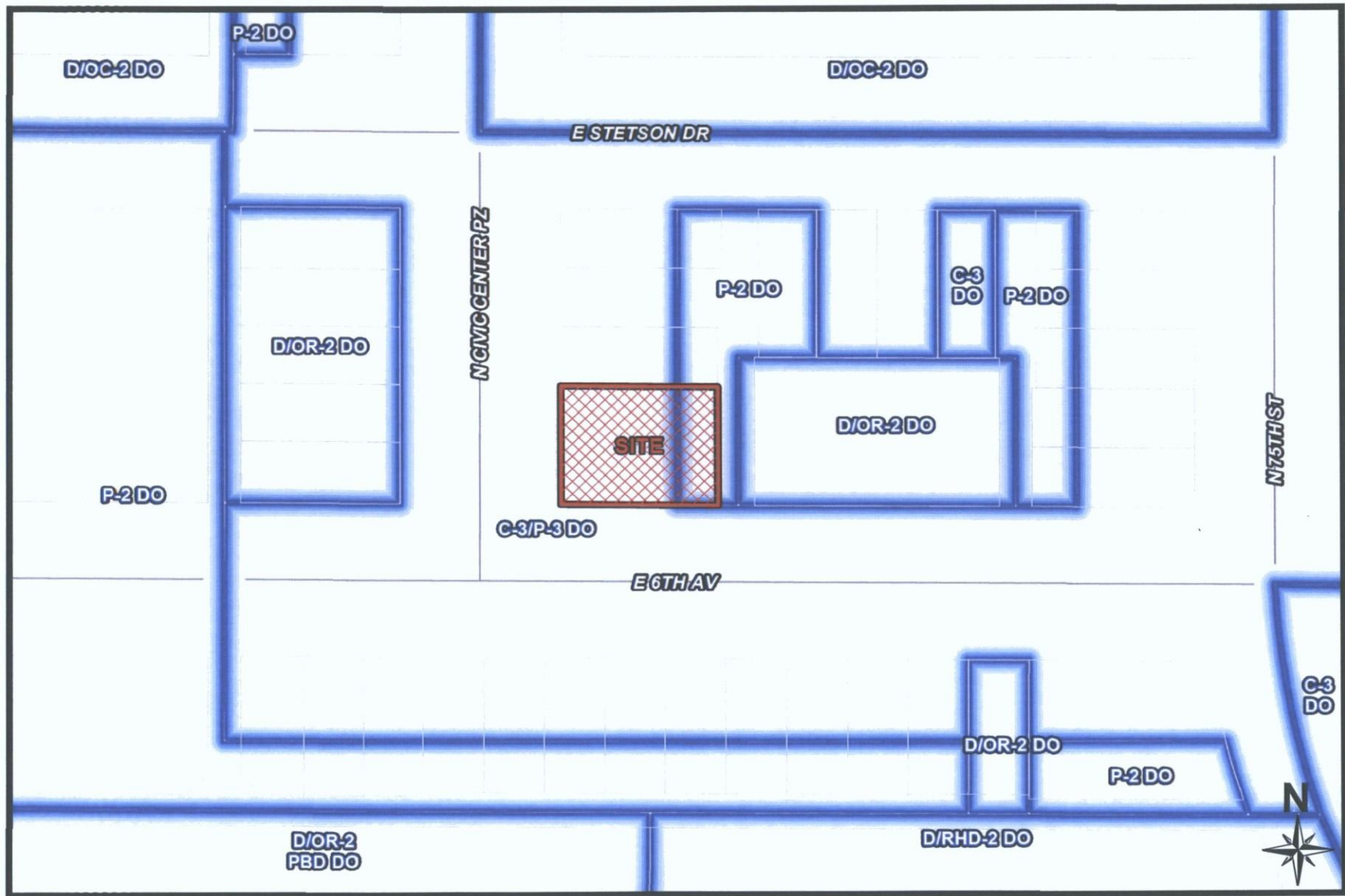
ATTACHMENT #4A

# Existing General Plan Land Use Map



2-UP-2014 & 3-UP-2014

ATTACHMENT #5



**2-UP-2014 & 3-UP-2014**



- 4301 N. Civic Center Plaza (SITE) - 12 Spaces ■
- 7403 E. 6th Ave - 6 Spaces ■
- 4307 N. Civic Center Plaza - 3 Spaces ■
- 7425 E. Stetson Drive - 4 Spaces ■
- 7375 E. 6th St. - 9 Spaces ■

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2-UP-2014  
4/14/2014

# Neighborhood Notification Report

## OPEN HOUSE FOR "MIXX"

**Project Number: 272-PA-14**

MIXX is a proposed Lounge/Event Space located at 4301 N. Civic Center Plaza in Scottsdale, Arizona.

An open house meeting occurred on April 11, 2014 from 6:30 pm to 7:30 pm at the site location of 4301 N. Civic Center Plaza in Scottsdale, AZ.

Michael Stein, the business owner, was in attendance. Michael holds a very positive attitude about the project. No one presented with any opposition to the project. No further follow up is necessary.

Enclosed with this meeting summary is the attendance sheet from the meeting, the notification checklist, and returned letters of notification that were unable to be delivered to their recipients.



Michael Stein

4-11-14

Date

**ATTACHMENT #8**

2-UP-2014  
4/14/2014

# ATTENDANCE SHEET

OPEN HOUSE FOR "MIXX" APRIL 11, 2014

Project Number: 272-PA-14

NAME

ISSUES OF CONCERN

NAME	ISSUES OF CONCERN
<i>Michael Stein</i>	<i>None</i>

ATTENDANCE CERTIFIED AS ACCURATE BY:

*Michael Stein*  
Michael Stein

*4-11-14*  
Date

March 27, 2014

Re: Mixx, 4301 N. Civic Center Plaza

Dear Neighbor,

This letter is notification of a proposed project named Mixx located at 4301 N. Civic Center Plaza, Scottsdale, AZ 85251; which is on the corner of Civic Center Plaza and 6<sup>th</sup> Avenue.

Mixx is slated as a "Mixed-use" venue. This versatile space will be transformed into a comfortable event venue, for Bar/Bat Mitzvahs, Sweet 16s, and corporate functions. On the weekends, Mixx will be available as an upscale lounge, catering to the more refined clientele of Scottsdale.

The property is currently a two story building sited on 4,942 gross square feet of lot area (0.11 acres). The property is zoned C-3/P-3/P-2/DO. The proposed project will retain the zoning. There will not be any structural changes to the building. New cosmetic work will be made to the interior and exterior, although cosmetic work to the exterior will only be improvements to the existing condition and will not change the look. Applications for a Conditional Use Permit for uses of a Bar and Live Entertainment are being applied.

An open house will be held April 11, 2014 at 6:30PM at 4301 N. Civic Center Plaza Scottsdale, AZ 85251.

Contact information should there be any questions regarding the project.

Applicant:

M1 Hospitality 1 LLC d/b/a Mixx

Michael Stein

mstein@m1hospitality.com

(602) 774-6828

City of Scottsdale:

Greg Bloemberg

gbloemberg@scottsdaleaz.gov

(480) 312-4306

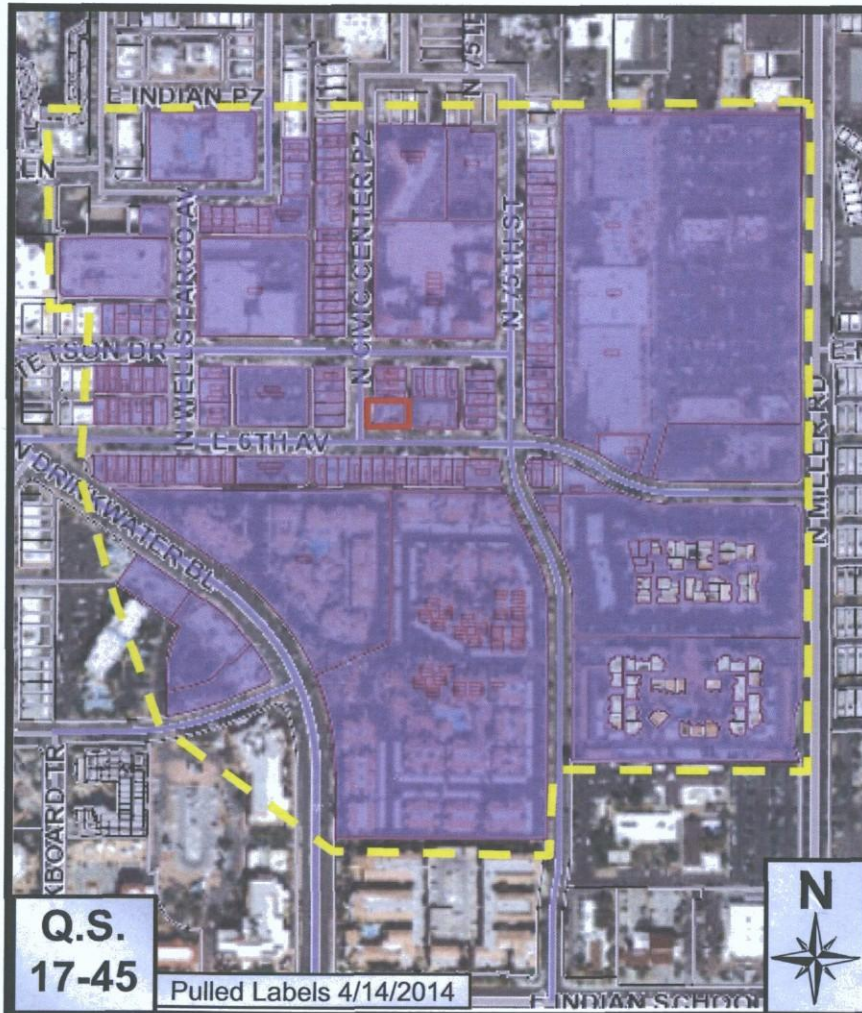
Sincerely,



Michael Stein

2-UP-2014  
4/14/2014

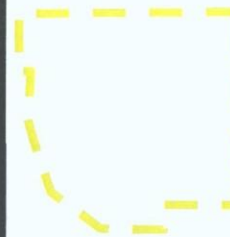
# City Notifications – Mailing List Selection Map



## Map Legend:



Site Boundary



Properties within 750-foot  
Postcards – 114 HUP  
Postcards – 114 PC

## Additional Notifications:

- Interested Parties List
- Adjacent HOA's
- P&Z E-Newsletter
- Facebook
- Twitter
- City Website-Projects in the hearing process

**2-UP-2014 & 3-UP-2014**

**Mixx**

ATTACHMENT # 8