

**Application  
Narrative  
Cash Transmittal  
Pre-Application  
Pre-App Narrative  
Pre-App Cash Transmittal  
Project Data Sheet**



# Project Application

Project Number: 719 - PA - 2011 Case Number: 3 - UP - 2012 Date: February 1, 2011

Staff Signature required PRIOR to submittal

*This Document Constitutes A Public Disclosure Under ARS Section 39-121, Inspection of Public Records*

## Applicant to Complete Section Below

Case Type: ☐ Abandonment (AB) ☐ Master Plan Map (MP) ☐ Rezoning (ZN)  
☐ Changes to a Recorded Plat (PC) ☐ Master Sign Program (MS) ☐ Text Amendment (TA)  
☐ Change to Existing Lots (PC) ☐ Minor Subdivision (MD) ☒ Use Permit (UP)  
☐ Development Review (DR) ☐ Preliminary Plat (PP) ☐ Variance (BA)  
☐ General Plan Amendment (GP) ☐ Other: \_\_\_\_\_

Project Name: The Downside Risk Scottsdale

Project Address: 8989 N. Scottsdale Rd. Ste., 608, Scottsdale, AZ 85253-2325

Current Zoning District: C-2 PCD Parcel Number(s): 174\_29\_143\_B Quarter Section:      -     

Request: A Conditional Use Permit for Live Entertainment

*The property owner shall designate an agent for the project. This person (the applicant) shall attend pre-application conferences and public hearings, will receive the agenda, recommendations, and case reports, and will communicate all case information to other parties as required. All contact for this project will be made through the applicant listed below.*

Owner: Randy Frederick  
Company: The Downside Risk Scottsdale  
Phone: 602-418-0842 Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Address: 8989 N. Scottsdale Rd. Ste., 608  
Scottsdale, AZ 85253-2325

Developer: N/A  
Company: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Address: \_\_\_\_\_

Architect: Scott King  
Company: Sixty First Place Architects, Ltd.  
Phone: 480-947-6844 Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Address: 7120 E. Indian School Rd. Ste., L  
Scottsdale, AZ 85251

Engineer: N/A  
Company: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Address: \_\_\_\_\_

Applicant Contact: Southwest Development Svcs. Joe Goforth Phone: 602-369-1486  
Applicant E-mail: joe.goforth1@gmail.com Fax: \_\_\_\_\_  
Applicant Address: 8683 E. Via de Negocio, Ste., 200, Scottsdale, AZ 85258

Owner Signature \_\_\_\_\_

Applicant Signature \_\_\_\_\_

OFFICIAL USE ONLY

Staff Signature: \_\_\_\_\_ E-mail: \_\_\_\_\_@ScottsdaleAZ.gov 480-312-\_\_\_\_\_

This application needs a: ☐ New Project Number or ☐ Old Project Number: \_\_\_\_\_ Date: \_\_\_\_\_

## Planning & Development Services Department

7447 E. Indian School Road, Suite 100, Scottsdale, AZ 85251 • Phone: 480-312-7000

3-UP-2012

1st: 2/07/12

Revision Date: 16-Jul-09 sperone





# Conditional Use Permit

## Application Checklist

At your pre-application meeting, your project coordinator will identify which items are required for submittal. Please note that ALL items checked will be required at the time of formal submittal.

### PART I -- GENERAL REQUIREMENTS

Req'd Rec'd Description of Documents Required for Complete Application. No application will be accepted without all items marked below.

- | Req'd                               | Rec'd                               | Description of Documents Required for Complete Application. No application will be accepted without all items marked below.  |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 1. Completed Application Checklist ( <i>this form</i> )  |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 2. Application Fee — \$ <u>615.00</u> (subject to change every July)<br>\$ _____ (subject to change every July)  |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 3. Completed Application Form ( <i>form provided</i> )   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | 4. Proposition 207 information handout (sample agreement provided)   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 5. Authorization (from property owner(s) if property owner did not sign the application form) <ul style="list-style-type: none"> <li>List owners of property and/or list of principal of Limited Liability Company (LLC) controlling property</li> <li>Affidavit of Authority to Act for Property Owner</li> </ul> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 6. Project Narrative ( <i>form provided</i> ) Describe criteria in Sect. 1.400 and any additional criteria<br>Add additional criteria : <input type="checkbox"/> Bar <input type="checkbox"/> Live Entertainment <input type="checkbox"/> Other  |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 7. Current Title Report (requirements form provided) <ul style="list-style-type: none"> <li>8-1/2" x 11" — 1 copy</li> <li>Include legal description and complete Schedule A and Schedule B.</li> </ul>  |

Planning, Neighborhood & Transportation Division

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 Phone 480-312-7000 Fax 480-312-7000

3-UP-2012  
1st: 2/07/12



## Conditional Use Permit Application Checklist

☒ ☒ 8. Provide a Combined Context Aerial and Context Site Plan

Aerial shall not be more than 1 year old and shall include and overlay of the site plan showing lot lines, tracts, easements, street locations/names and surrounding zoning for a radius from the site of:

- 350 feet radius from site
- Other: \_\_\_\_\_
- 24" x 36" - FOLDED - 2 color copies
- 11" x 17" - 1 color copy (quality suitable for reproduction)

Show the proposed site plan in relation to surrounding development including the following:

- Building footprints and other site improvements such as drives, parking areas, site walls (indicate height of buildings and site walls);
- Label surrounding zoning and land uses;
- Streets including sidewalks, and any surrounding driveways or intersections;
- Show bike paths and trails; and
- Development plans approved by the Development Review Board during the past year that have not been constructed. (Approved plans are available at the Scottsdale Records Division at 7447 E. Indian School Road, Suite 105).

☒ ☒ 9. Existing Conditions Photo Exhibit: Mounted Or Printed On 8-1/2"X11" Paper (Printed digital photos are OK)

- Photos mounted on cardboard, foamboard, particleboard, posterboard or other material will not be accepted.
- See attached Existing Conditions Photo Exhibit graphic showing required photograph locations and numbers.
- Provide 1 color original set and 12 color copy sets - 8-1/2" x 11"

☒ ☒ 11. Assessor's Map (obtain from Records Department) identifying parcel(s); project location is to be clearly marked:

- 8-1/2" x 11" - 2 copies

☒ ☒ 12. Location Map

Provide a map, drawn to scale, showing the location of the site in relation to arterial & intersecting streets and indicating the zoning of the site and adjacent properties.

- 8-1/2" x 11" - 1 copy (quality suitable for reproduction - sample attached)

☒ ☒ 13. Neighborhood Involvement Requirements - (form provided)☒ ☒ 14. Community Input Certification - (form provided)☒ ☒ 15. School District Notification: map attached☒ ☒ 16. Policy for Appeal of Required Dedications or Exactions (form provided)

Planning, Neighborhood & Transportation Division

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 Phone 480-312-7000 Fax 480-312-7088



## Use Permit Application Checklist

## 17. Archaeological Resources (information sheets provided)

- ☐ Certificate of No Effect / Approval Application Form (provided)
- ☐ Archaeology Survey and Report - 3 copies
- ☐ Archaeology 'Records Check' Report Only - 3 copies
- ☐ Copies of Previous Archeological Research - 1 copy
- ☐ Maps(s)/Narrative for any archaeological resources within a Master Planned Development or larger project - 1 copy

## 17. Historic Property (existing or potential historic property)

Narrative describing proposal to preserve the historic character or compliance with property's existing Historic Preservation Plan

## 18. Completed Airport Vicinity Development Checklist

Your property is located within the vicinity of the Scottsdale Municipal Airport (within 20,000 foot radius of the runway; information packet provided)

## 19. Site Posting Requirements and Affidavit (decals provided)

for hearing

## 20. Purchase Agreement for "In Lieu Parking Credits" (form provided)

Completed form to be submitted prior to DRB hearing

## PART II -- REQUIRED PLANS &amp; RELATED DATA

All Graphics And Plans Shall Be To Scale And Dimensioned.

## 1. Site Plan (Include all existing or approved site plan data. Use an engineer's scale not less than 1" = 40')

- 24" x 36" - 11 copies, FOLDED
- 11" x 17" - 1 copy (quality suitable for reproduction)
- Digital - 1 copy (See Digital Submittal Plan Requirements)

SP2. pad

## 2. Project Data Sheet (form provided)

## 3. Site Plan Worksheet including calculations (sample provided)

- 24" x 36" - 1 copies, FOLDED

## 4. Floor Plans: (Use an architect's scale not less than 1/8" = 1'. The floor plan data shall be used to determine parking requirements &amp; kitchen area as a percentage of total square footage).

- 24" x 36" - 1 copies, FOLDED
- 11" x 17" - 1 copy
- Digital - 1 copy (See Digital Submittal Plan Requirements)

A2. pdf

## 5. Floor Plan Worksheet: (including calculations)

- 24" x 36" - 1 copies, FOLDED

A0. pdf

## Planning, Neighborhood &amp; Transportation Division

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## Conditional Use Permit Application Checklist

☒ ☒ 6. Elevations:

- 24" x 36" - 1 color copy FOLDED
- 11" x 17" - 1 color copy
- Digital- 1 copy (See Digital Submittal Plan Requirements)

☒ ☒ 7. Conceptual Landscaping Plan:

- 24" x 36" - 1 color copy FOLDED
- 11" x 17" - 1 color copy

☒ ☒ 8. Corporate Image Features

☒ ☒ 9. Lighting Details And Cut Sheets:

- 24" x 36" - 1 copy FOLDED

☒ ☒ 10. Photometric Analysis with horizontal foot-candle diagram

- 24" x 36" - 1 copy FOLDED

☒ ☒ 11. Lighting Site Plan, include landscape lighting, building lighting and all other lighting

- 24" x 36" - 1 copy FOLDED

☒ ☒ 12. Parking Analysis

*on site plan/floor plan*

*Ganey College  
Parking*

☒ ☒ 13. Parking Master Plan:

- 3 copies (required for reduction of ordinance requirements)

☒ ☒ 14. Transportation Impact & Mitigation Analysis (TIMA): Contact the TIMA Coordinator.

\_\_\_\_\_ at \_\_\_\_\_, for TIMA requirements.  
Name Phone

At time of submittal, provide letter from the TIMA coordinator.

\_\_\_\_\_ Trip Generation Analysis- 3 copies

\_\_\_\_\_ Traffic Impact Study- 3 copies

\_\_\_\_\_ Traffic Evaluation- 3 copies (for Bars, Live Entertainment)

☒ ☒ 15. **Drainage Report:** See Sec. 2-202 of the City's Design Standards & Policies Manual for specific submittal and content requirements. The report shall be bound (3 ring, GBC or coil wire, no staples) with card stock front and back covers, and must include all required exhibits, full color aerial/topo maps and preliminary grading and drainage plans. Full size plans/maps shall be folded and contained in pockets.

- Demonstrate compliance with Army Corp. of Engineers 404 compliance
- Demonstrate compliance with National Pollutant Discharge Elimination Systems (NPDES)
- 8-1/2" x 11" - 2 copies of the Drainage Report including full size plans/maps in pockets
- Digital- 1 copy (See Digital Submittal Plan Requirements)

Planning Systems will not process project applications until the Drainage Report contains sufficient information in detail, scale and clarity for review.

### Planning, Neighborhood & Transportation Division

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251. Phone 480-312-7000 Fax 480-312-7088



## Conditional Use Permit Application Checklist

☒ ☒ 16. ESL Addendum, Slope Analysis, NAOS Plan, Site Plan with Superimposed Topographic Map

- 2 copies each (forms provided)

☒ ☒ 17. Security, Maintenance & Operations Plan (For Bars and Live Entertainment)

☒ ☒ 18. Operations Plan

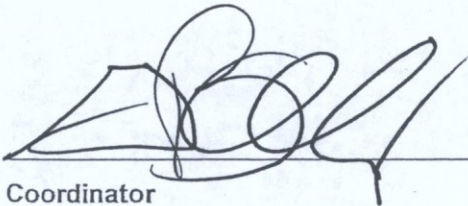
☒ ☒ 19. Other

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☒ 20. Submit items pursuant to the Submittal Instructions provided.

☒ 21. An appointment must be scheduled to submit this application. To schedule your submittal meeting, please call 480-312-7000. Request a submittal meeting with a Planning Specialist and provide your case pre-app number; \_\_\_\_\_-PA-\_\_\_\_\_

Notes:



Coordinator

12-20-11

Date

This application needs a: ☐ New Project Number \_\_\_\_\_ or ☐ Old Project Number: \_\_\_\_\_

**Planning, Neighborhood & Transportation Division**

7447 E Indian School Road, Suite 105 Scottsdale, AZ 85251 Phone 480-312-7000 Fax 480-312-7088



## Submittal Fee

Project Name: Downside Risk Pre-App#: 719 PA 2011  
Fee Type: 615.00 UP Fee Amount: \$ 615.00  
Staff Name: Foranne Signature: \_\_\_\_\_ Phone: x Date: 2/7/11

### Planning, Neighborhood & Transportation Division

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-2500 ♦ Fax: 480-312-7088





# City of Scottsdale Cash Transmittal

# 89388

**Received From :**

SOUTHWEST DEVELOPMENT SERVICES / JOSEPH D GOFOI  
8683 E VIA DE NEGOGIO STE 200  
SCOTTSDALE, AZ 85258  
480-241-3735

**Bill To :**

Sixty First Place Architects  
7120 E INDIAN SCHOOL RD STE L  
SCOTTSDALE, AZ 85251  
480-947-6844

**Reference #** 719-PA-2011

**Issued Date** 2/7/2012

**Address** 8989 N SCOTTSDALE RD

**Paid Date** 2/7/2012

**Subdivision**

**Payment Type** CREDIT CARD

**Marketing Name**

**Cost Center**

**MCR**

**Lot Number**

**Metes/Bounds** No

**APN** 174-29-143B

**County** No

**Water Zone**

**Owner Information**

**Gross Lot Area** 0

**Water Type**

DOWNSIDE RISK

**NAOS Lot Area** 0

**Sewer Type**

8989 N SCOTTSDALE RD STE 117

**Net Lot Area**

**Meter Size**

SCOTTSDALE, AZ

**Number of Units** 1

602-418-0842

**Density**

**QS** 26-45

Code	Description	Additional	Qty	Amount	Account Number
3175	USE PERMIT APPLICATION	MINOR	1	\$615.00	100-21300-44221

3-UP-2012  
1st: 2/07/12

SIGNED BY JOE GOFORTH ON 2/7/2012

Total Amount **\$615.00**

(When a credit card is used as payment I agree to pay the above total amount according to the Card Issuer Agreement.)

**TO HAVE WATER METER SET - CALL 480-312-5650 AND REFER TO TRANSMITTAL # 89388**



# The Downside Risk Scottsdale

## Conditional Use Permit Project Narrative, Operations and Maintenance Plan

February 1, 2011

Prepared for: Randy Frederick  
The Downside Risk Scottsdale  
8989 N. Scottsdale Rd. Ste. 608  
Scottsdale, AZ 85253-2325

Prepared by: Joseph D. Goforth  
Southwest Development Services, LLC  
8683 E. Via de Negotio, STE 200  
Scottsdale, AZ 85258  
480-241-3735



## **I. Introduction**

The Downside Risk Scottsdale, located at 8989 N. Scottsdale Rd. (the "Property") requests approval of a City of Scottsdale, (the "City") Conditional Use Permit, ("CUP") for live entertainment. The Downside Risk Scottsdale, previously located in Downtown is an iconic Scottsdale restaurant and tavern with proud tradition of serving Scottsdale residents.

The Property is located within the Shops at Gainey Village (the "Shops"), generally located at the southeast corner of Scottsdale and Double Tree Ranch Rds. The Shops are zoned Central Business District, Planned Community Development (C-2, PCD).

The Shops include more than 150,000 gross square feet of commercial retail floor area and is the commercial core of the Gainey Ranch master planned community. The Shops and Property adjoin significant roadways including Scottsdale Rd. classified as a Major Arterial and Double Tree Ranch Rd. classified as a Major Collector. As such, commercial land uses including those with live entertainment, are appropriate at this location.

## **II. Conditional Use Permit Findings**

Conditional uses, as opposed to those permitted by right, are such that they may be appropriate under some conditions within a given zoning district, and or may be inappropriate under others.

In the case of a CUP for live entertainment, Section 1.401 of the Zoning Ordinance establishes the criteria utilized by the Planning Commission and City Council to determine that appropriateness of a proposed conditional use. Further, Section 1.401 (J) outlines additional criteria and is addressed below in section III, "Criteria for Live Entertainment".

The granting of a CUP will not be materially detrimental to the public health, safety or welfare. To reach this conclusion, the Planning Commission and City Council consider:

1. Damage or Nuisance arising from noise, smoke, odor, dust, vibration or illumination, and,
2. Impact on the surrounding areas resulting from an unusual volume or character of traffic.

The proposed live entertainment does not generate smoke, odor, dust vibration or illumination. Sound generated by the live entertainment is compatible with the surrounding area and does not cause damage. The nearest residential property is approximately 250 feet away from the Property and buffered by significant landscaping, site



walls and Double Tree Ranch Rd. No external speakers will be utilized for live entertainment.

The proposed live entertainment does not impact the surrounding area resulting from an unusual volume or character of traffic for a host of reasons. The Property is zoned C-2, PCD and trip generation from uses permitted in the area do not increase by the proposed live entertainment. Again, the Property is located generally at the intersection of Scottsdale and Double Tree Ranch Rds. Both streets are designed to convey significant trip traffic and enjoy excess capacity.

### **III. Criteria for Live Entertainment**

Section 1.403 (J) of the Zoning Ordinance specifies additional criteria for the Live Entertainment land use and is listed below:

Live entertainment.

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.

**Response: The buffering and separation specified above is provided by both solid exterior walls and a substantial Landscaping. Double Tree Ranch Rd. provides additional landscaping and buffering.**

- b. All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.

**Response: Patron entrances are illuminated, clearly marked and controlled by employees.**

2.The applicant has provided written evidence that all sound resulting from business activities will be contained within the building, except where external speakers are permitted.

**Response: Activities related to live entertainment occur within a fully enclosed, commercially rated structure, and patio area. Sound will not exceed the decibel level prescribed by current City noise ordinances.**



3. The applicant has provided and obtained City approval of a written public safety plan.

**Response:**     **A public safety plan has been submitted to the City.**

4. The applicant has provided a written lighting plan which addresses exterior lighting on and surrounding the property, in accordance with Section 7.600. of the Zoning Ordinance and with the public safety plan guidelines.

**Response:**     **Plans previously submitted to and approved by the City for tenant improvements included an exterior lighting plan in accordance with Section 7.600.**

5. The applicant shall provide and obtain City approval of a written exterior refuse control plan.

**Response:**     **This application includes a Security and Maintenance Plan and an Operation Plan that includes exterior refuse control.**

6. The applicant has provided a floor plan which identifies the areas for the primary use and for ancillary functions, which include but are not limited to patron dancing areas and/or stages for performances.

**Response:**     **A floor plan depicting the areas specified above accompanies this application, including future patron dancing.**

7. If access to the establishment is from a street other than one classified by the Transportation Master Plan as minor collector or greater, or classified by the if the establishment is located within the Downtown Area and access to the establishment is located on a street classified by the Transportation Master Plan as a local street or greater, the applicant shall provide a traffic analysis which complies with City's transportation guidelines. The traffic analysis shall demonstrate the level of service on all streets accessed by the use shall meets the City's standards.

**Response:**     **Access to the Property is from a street classified greater than a minor collector by the City's Transportation Master Plan.**

8. If the Zoning Administrator determines that a study is necessary the applicant shall provide a parking study which complies with the City's written guidelines.

**Response:**     **The Zoning Administrator has not determined that a parking study is required for this application.**

9.The applicant has provided any additional information required by the Zoning Administrator to evaluate the impacts of the proposed use upon the area.

**Response: To date no additional information has been requested by the Zoning Administrator.**

10.The following operational standards must be met by the use throughout its operation:

a.All external doors shall be closed but not locked during business hours.

**Response: All external doors shall be closed but not locked during business hours with management and staff providing continuous monitoring and supervision.**

b.No external speakers will be permitted on the premises of a use permitted under this section, which is located within five hundred (500) feet of a residential district.

**Response: No external speakers are proposed in this application.**

c.The applicant/operator shall comply with all plans approved as provided herein.

**Response: The operator shall comply with all plans approved as provided herein.**

#### **IV. Security, Maintenance & Operation Plan**

Separately, a Security and Maintenance Plan and Operation Plan accompany this application on forms provided by the City and are incorporated by reference herein.

#### **V. Conclusion**

The Downside Risk Scottsdale is *not* required to possess a CUP for a bar or cocktail lounge and holds a Series 12 liquor License, requiring the majority of sales to be food products versus alcohol. As such, the live entertainment proposed in this application is consistent with a restaurant/dinning experience rather than a bar or cocktail lounge.

The Shops represent a significant commercial retail center with a level of intensity that makes live entertainment, at this location, appropriate. The Property is surrounded by commercial land uses to the east, south and west. The nearest residential land uses are



approximately 250 feet away to the north and buffered by substantial landscaping, site wall and Double Tree Ranch Rd.

To date the applicant is not aware of any opposition to this request.