

Correspondence Between  
Staff and Applicant  
Approval Letter

## Cluff, Bryan

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**From:** Cluff, Bryan  
**Sent:** Tuesday, January 29, 2019 5:29 PM  
**To:** Greg Loper; Rod Jarvis  
**Subject:** BLK Live 2nd Review

Rod,

Staff has completed the 2nd review of the submitted applications (12-UP-2018 & 13-UP-2018). The following remaining items need to be addressed:

1. The plans illustrate, and the project narrative discusses sound mitigation measures that are proposed to reduce the noise that is traveling into the residential areas. Please provide a report and/or other documentation from a sound engineer or other qualified professional that validates the effectiveness of the proposed mitigation techniques, which include re-orientation and reduction of speakers and the acoustical canopy.
2. The site plan has been updated to show new angled parking spaces located along the northern site driveway and at the southeast quadrant of the property. Please add dimensions to the drive aisles to confirm compliance with Zoning Ordinance Section 9.106.B., which requires 24 feet of width for a two-way drive aisle with 90 degree parking on one or both sides.
3. Light fixtures 'L2' and 'COLORado 1-tri' do not meet the requirements of the City of Scottsdale lighting design guidelines. Please provide additional information regarding how these fixtures are mounted in a way that will not allow the light source to be visible from off-site and does not allow light to escape into the sky.
4. The resubmittal included a revised narrative for the Live Entertainment (13-UP-2018), but did not include a narrative for the Bar (12-UP-2018). Please provide an updated narrative for the bar use.

Please let me know if you have any questions. I am happy to meet to go over the comments if necessary.

Thank you,

Bryan D. Cluff, LEED AP  
Senior Planner  
City of Scottsdale  
Planning & Development  
Phone: 480-312-2258  
Fax: 480-312-7088  
bcluff@ScottsdaleAZ.gov

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-----Original Message-----

From: Jeff Pielage <jpielage@exd-az.com>  
Sent: Friday, January 25, 2019 6:53 PM  
To: Cluff, Bryan <BCluff@Scottsdaleaz.gov>  
Cc: Jeffrey Benice <JSB@jeffreybenice.com>; Rod Jarvis <rjarvis@ecllaw.com>; Greg Loper <gloper@ecllaw.com>; Rocco

Visnjic <Rocco@BLKLiveAZ.com>

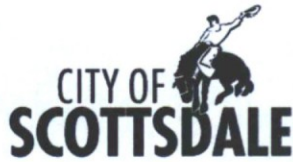
Subject: BLK User Permit - Parking quantity reached.

Bryan

As you are aware our team submitted our use permit package a few weeks ago. I know you are in the middle of DR on it. I just wanted to let you know that we have now acquired the agreed upon minimum parking stall quantity and have secured all formal lease agreements. Would you allow us to resubmit a revised site plan reflecting this new information along with the parking agreement while the original package is being reviewed. Obviously our team is eager to knock these items off our to do list as I'm sure you are. Any hints as to what city comments we can expect in the coming weeks would also be appreciated.

Thank you.

Jeff Pielage, LEED AP  
Extollo Design, LLC  
480-888-6565



8/30/18

George Pasquel  
Withey Morris, PLC  
2525 E Arizona Biltmore Cir A-212  
Phoenix, AZ 85016

RE: 12-UP-2018 & 13-UP-2018  
BLK Live Bar & Live Entertainment

Dear Mr. Pasquel:

The Planning & Development Services Division has completed the review of the above referenced development application submitted on 7/20/18. The following **1<sup>st</sup> Review Comments** represent the review performed by our team, and is intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application.

**Zoning Ordinance and Scottsdale Revise Code Significant Issues**

The following code and ordinance related issues have been identified in the first review of this application, and shall be addressed in the resubmittal of the revised application material. Addressing these items is critical to scheduling the application for public hearing, and may affect the City Staff's recommendation. Please address the following:

**Zoning:**

1. Please revise the parking calculations on the site plan and project narrative for the bar and live entertainment uses to comply with the requirements of Zoning Ordinance, Sec. 9.103., Table 9.103.A., which requires one parking space for each sixty (60) square feet of gross for area for bar uses, one parking space for each sixty (60) square feet of gross for area for live entertainment uses, and one parking space for each two-hundred (200) square feet of patio area for both uses, minus the first two-hundred (200) square feet of patio area.
2. In response to Zoning Ordinance Sections 1.401.A.1. and 1.403.K.2., the live entertainment project narrative states 'Noise mitigation measures have, and will continue to be taken...' with regard to the live entertainment request. Please provide information in the project narrative and supplemental materials as needed to describe the types of noise mitigation measures that are in place. Due to recent noise complaints, it may also be beneficial to provide detailed information regarding when the noise mitigation measures were taken.
3. The existing conditional use permit (12-UP-2013) limits the hours of operation for live entertainment from 5:00pm to 2:00am Monday thru Friday and from 2:00pm to 2:00am on Saturdays and Sundays. The submitted Public Safety Plan identifies hours of operation for the facility

starting from 4:00pm Tuesday thru Sunday. If a change in hours of operation is proposed, please update the project narrative to discuss the requested change in hours.

**Please Note:** Staff has received a phone message from a nearby commercial tenant who has been impacted by live music before the hours of 5:00pm and has requested the hours be further limited to not allow live entertainment before 6:00pm on weekdays.

4. In the live entertainment project narrative, it is stated '...the size or style of the stage was never stipulated in any means by the approvals.' The existing conditional use permit (12-UP-2013) stipulates to a site/floor plan that clearly identifies the location and limits of the stage that was in place at time of approval. The plan also notes that the existing stage will be utilized for live entertainment. Please revise the project narrative to remove or revise this statement to clarify the request is to enlarge the stage that is used for live entertainment.
5. City records identify the property owner as 'SDL Restaurant Group LLC', however the application and associated documents have been signed by 'BLK Live LLC'. Please submit a revised Development Application and associated forms with the signature of the property owner of record, in accordance with Zoning Ordinance, Sec. 1.304.
6. Please provide a copy of the Citizen Review Report summary to include details of the most recent public outreach efforts, including any additional public comments that may have been received, in accordance with Zoning Ordinance, Sec. 1.305.C.2.b.

#### **Significant Policy Related Issues**

The following policy related issues have been identified in the first review of this application. Even though some of these issues may not be critical to scheduling the application for public hearing, they may affect the City Staff's recommendation pertaining to the application and should be addressed with the resubmittal of the revised application material. Please address the following:

#### **Building Elevation Design:**

7. Based on the design details that were included with the live entertainment application, the proposed stage includes a vertical truss system above the stage to hold speakers, lighting, and other equipment as needed. This structure is subject to Development Review Board review of the design, in accordance with Section 1.902. of the Zoning Ordinance. Please provide conceptual exterior elevations of the proposed structure as it would be viewed from the adjacent streets and neighboring properties.

#### **Lighting Design:**

8. Please provide additional information regarding any lighting that may be located on the vertical truss system above the stage demonstrating compliance with Zoning Ordinance Section 7.600. A ceiling or cover may be necessary to prevent light spillage into the night sky.

#### **Technical Corrections**

The following technical ordinance or policy related corrections have been identified in the first review of the project. While these items are not as critical to scheduling the case for public hearing, they will likely affect a decision on the final plans submittal (construction and improvement documents) and should be addressed as soon as possible. Correcting these items before the hearing may also help clarify questions regarding these plans. Please address the following:

Site:

9. Please revise the site plan to identify the stage as 'proposed' in-lieu of 'existing', in accordance with the Plan & Report Requirements for Development Applications.

Please resubmit the revised application requirements and additional information identified in Attachment A, Resubmittal Checklist, and a written summary response addressing the comments/corrections identified above as soon as possible for further review. The City will then review the revisions to determine if the application is to be scheduled for a hearing date, or if additional modifications, corrections, or additional information is necessary.

**PLEASE CALL 480-312-7767 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A SCHEDULED MEETING. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS. RESUBMITTAL MATERIAL THAT IS DROPPED OFF MAY NOT BE ACCEPTED AND RETURNED TO THE APPLICANT.**

These **1<sup>st</sup> Review Comments** are valid for a period of 180 days from the date on this letter. The Zoning Administrator may consider an application withdrawn if a revised submittal has not been received within 180 days of the date of this letter (Section 1.305. of the Zoning Ordinance).

If you have any questions, or need further assistance please contact me at 480-312-2258 or at [bcluff@ScottsdaleAZ.gov](mailto:bcluff@ScottsdaleAZ.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Bryan Cluff', with a long horizontal flourish extending to the right.

Bryan Cluff  
Senior Planner

**ATTACHMENT A**  
**Resubmittal Checklist**

Case Number: **12-UP-2018 & 13-UP-2018**

Please provide the following documents, in the quantities indicated, with the resubmittal (all plans larger than 8 ½ x11 shall be folded):

- One copy: COVER LETTER – Respond to all the issues identified in this 1st Review Comment Letter
- One original: Letter of Authorization-actual owner of record
- One copy: Revised Narrative for Project
- One copy: Citizen Review Report
- One copy: Revised Security, Maintenance & Operations Plan (if applicable)

Site Plan:

\_\_\_\_\_ 4 \_\_\_\_\_ 24" x 36"      \_\_\_\_\_ 2 \_\_\_\_\_ 11" x 17"      \_\_\_\_\_ 2 \_\_\_\_\_ 8 ½" x 11"

Elevations:

Color	_____	24" x 36"	_____	11" x 17"	_____	8 ½" x 11"
B/W	_____ 2 _____	24" x 36"	_____ 1 _____	11" x 17"	_____ 1 _____	8 ½" x 11"

Lighting Site Plan(s):

\_\_\_\_\_ 2 \_\_\_\_\_ 24" x 36"      \_\_\_\_\_ 1 \_\_\_\_\_ 11" x 17"      \_\_\_\_\_ 1 \_\_\_\_\_ 8 ½" x 11"

Photometric Analysis Plan(s):

\_\_\_\_\_ 2 \_\_\_\_\_ 24" x 36"      \_\_\_\_\_ 1 \_\_\_\_\_ 11" x 17"      \_\_\_\_\_ 1 \_\_\_\_\_ 8 ½" x 11"

Manufacturer Cut Sheets of All Proposed Lighting:

\_\_\_\_\_ 2 \_\_\_\_\_ 24" x 36"      \_\_\_\_\_ 1 \_\_\_\_\_ 11" x 17"      \_\_\_\_\_ 1 \_\_\_\_\_ 8 ½" x 11"



**Planning and Development Services Division**

7447 East Indian School Road  
Scottsdale, Arizona 85251

Date: 5/31/18  
Contact Name: GEORGE PASQUEL  
Firm Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

RE: Minimal Submittal Comments

924 - PA - 2017

Dear MR. PASQUEL :

It has been determined that your Development Application for BIK Live CUPS  
Does not contain the minimal information, and has not been accepted for review.

Please refer to the application checklist and the Minimal Information to be Accepted for Review Checklist, and the Plan & Report Requirements pertaining to the minimal information necessary to be accepted for review.

**PLEASE CALL 480-312-7000 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A SCHEDULED MEETING. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS. RESUBMITTAL MATERIAL THAT IS DROPPED OFF MAY NOT BE ACCEPTED AND RETURNED TO THE APPLICANT.**

These **Minimal Submittal Comments** are valid for a period of 180 days from the date on this letter. The Zoning Administrator may consider an application withdrawn if a revised submittal has not been received within 180 days of the date of this letter (Section 1.305. of the Zoning Ordinance).

Sincerely,

Name: Bryan Cluff  
Title: Sr. Planner  
Phone Number: (480) 312 -  
Email Address: BCluff @ScottsdaleAZ.gov