

**Application  
Narrative  
Cash Transmittal  
Pre-Application  
Pre-App Narrative  
Pre-App Cash Transmittal  
Development Standards**

# Development Application



**Development Application Type:**  
Please check the appropriate box of the Type(s) of Application(s) you are requesting

Zoning	Development Review	Land Divisions
<input type="checkbox"/> Rezoning (ZN)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Subdivision (PP)
<input type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Subdivision (Minor) (MD)
<input checked="" type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Wash Modification (WM)	<input type="checkbox"/> Land Assemblage
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Historic Property (HP)	<b>Other</b>
<input type="checkbox"/> Development Agreement (DA)	<b>Wireless Communication Facilities</b>	<input type="checkbox"/> Annexation/De-annexation (AN)
<b>Exceptions to the Zoning Ordinance</b>	<input type="checkbox"/> Small Wireless Facilities (SW)	<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Minor Amendment (MN)	<input type="checkbox"/> Type 2 WCF DR Review Minor (SA)	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Hardship Exemption (HE)	<b>Signs</b>	<input type="checkbox"/> Abandonment (AB)
<input type="checkbox"/> Variance/Accommodation/Appeal (BA)	<input type="checkbox"/> Master Sign Program (MS)	<b>Other Application Type Not Listed</b>
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Community Sign District (MS)	<input type="checkbox"/> Other: _____

**Project Name:** BLK Live Restaurant & Music

**Property's Address:** 7301 E. Butherus Dr

**Property's Current Zoning District Designation:**

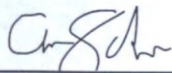

The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.

<b>Owner:</b> Gary Daichendt	<b>Agent/Applicant:</b> Jeff Benice/Rodney Q. Jarvis
<b>Company:</b> SDL Restaurant Group, LLC/Theory R Properties, LLC	<b>Company:</b> BLK Live, LLC & Earl, Curley & Lagarde, P.C.
<b>Address:</b> 14988 N. 78th Way, Ste 112, Scottsdale, AZ 85260	<b>Address:</b> 3101 N. Central Avenue, Ste. 1000, Phoenix, AZ 85012
<b>Phone:</b> 480-991-7076 <b>Fax:</b>	<b>Phone:</b> 602-265-0094 <b>Fax:</b>
<b>E-mail:</b> chris@theoryr.com & rjarvis@ecllaw.com	<b>E-mail:</b> chris@theoryr.com & rjarvis@ecllaw.com
<b>Designer:</b> Cory Wiebers	<b>Engineer:</b> N/A
<b>Company:</b> CW Architecture	<b>Company:</b>
<b>Address:</b> 10628 N. 71st Place, Scottsdale, AZ 85254	<b>Address:</b>
<b>Phone:</b> 480-264-7273 <b>Fax:</b>	<b>Phone:</b> <b>Fax:</b>
<b>E-mail:</b> chris@theoryr.com & rjarvis@ecllaw.com	<b>E-mail:</b>

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).

- This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications<sup>1</sup> will be reviewed in a format similar to the Enhanced Application Review methodology.

- Enhanced Application Review:** I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.
- Standard Application Review:** I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

 Digitally signed by Christopher Scheideler Date: 2018.10.22 07:37:10 -07'00'	 Agent/Applicant Signature
Owner Signature	Agent/Applicant Signature

**Official Use Only**      Submittal Date: \_\_\_\_\_      Development Application No.: \_\_\_\_\_

**13-UP-2018**  
**1/4/19**

# Development Application

## Review Methodologies



### Review Methodologies

The City of Scottsdale maintains a business and resident friendly approach to new development and improvements to existing developments. In order to provide for flexibility in the review of Development Applications, and Applications for Permitting, the City of Scottsdale provides two methodologies from which an owner or agent may choose to have the City process the application. The methodologies are:

#### **1. Enhanced Application Review Methodology**

Within the parameters of the Regulatory Bill-of-Rights of the Arizona Revised Statutes, the Enhanced Application Review method is intended to increase the likelihood that the applicant will obtain an earlier favorable written decision or recommendation upon completion of the city's reviews. To accomplish this objective, the Enhanced Application Review allows:

- the applicant and City staff to maintain open and frequent communication (written, electronic, telephone, meeting, etc.) during the application review;
- City staff and the applicant to collaboratively work together regarding an application; and
- City staff to make requests for additional information and the applicant to submit revisions to address code, ordinance, or policy deficiencies in an expeditious manner.

Generally, the on-going communication and the collaborative work environment will allow the review of an application to be expedited within the published Staff Review Time frames.

#### **2. Standard Application Review Methodology:**

Under the Standard Application Review, the application is processed in accordance with the Regulatory Bill-of-Rights of the Arizona Revised Statutes. These provisions significantly minimize the applicant's ability to collaboratively work with City Staff to resolve application code, ordinance, or policy deficiencies during the review of an application. After the completion the city's review, a written approval or denial, recommendation of approval or denial, or a written request for additional information will be provided.

The City is not required to provide an applicant the opportunity to resolve application deficiencies, and staff is not permitted to discuss or request additional information that may otherwise resolve a deficiency during the time the City has the application. Since the applicant's ability to collaboratively work with Staff's to resolve deficiencies is limited, the total Staff Review Time and the likelihood of a written denial, or recommendation of denial is significantly increased.

In addition to the information above, please review the Development Application, and/or the Application for Permitting flow charts. These flow charts provide a step-by-step graphic representation of the application processes for the associated review methodologies.

#### Note:

1. Please see the Current Planning Services and Long Range Planning Services Substantive Policy Statements and Staff Review Timeframes for Development Applications, number III.

## Planning and Development Services

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 • [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov)

# Development Application

## Arizona Revised Statutes Notice



### §9-834. Prohibited acts by municipalities and employees; enforcement; notice

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.

## Planning and Development Services

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 • [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov)

December 3, 2018

City of Scottsdale  
Planning & Development Services  
7447 E. Indian School Road  
Scottsdale, AZ 85251

Re: Authorization – 7301 E. Butherus, Scottsdale, Arizona (APN No. 215-56-024B)

To whom it may concern:

Please accept this letter as authorization for BLK Live, LLC & Rodney Q. Jarvis with Earl, Curley & Lagarde, P.C. to file the appropriate documents and to correspond with the City of Scottsdale with regards to only the following:

1. Amend the current Conditional Use Permits.

I hereby certify that I am the property owner and/or authorized agent of property owner and have the authority to grant this authorization.

Best regards,  
SDL Restaurant Group, LLC

By: Chi John

Its: Senior Manager

13-UP-2018  
1/4/19

**EARL, CURLEY & LAGARDE, P.C.**  
ATTORNEYS AT LAW

Telephone (602) 265-0094  
Fax (602) 265-2195  
www.ecllaw.com

3101 North Central Avenue  
Suite 1000  
Phoenix, Arizona 85012

January 4, 2018

Bryan Cluff, Senior Planner  
Scottsdale Planning and Development Services  
3939 N. Drinkwater Boulevard  
Scottsdale, AZ 85251

RE: BLK Live Conditional Use Permit - City Comment Response Letter  
CUP #: 12-UP-2018 and 13-UP-2018

ZONING:

1) Revised parking calculations have been provided on the revised Site Plan (UP 1) and have been "Accepted" by Bryan Cluff, via email, on Tuesday, October 30<sup>th</sup>. Per an additional email from Bryan Cluff on Wednesday, December 19<sup>th</sup> our team can re-submit WITHOUT having the all the required parking stalls acquired however the use permit cannot be APPROVED without final parking stall lease documents. See Site Plan (UP 1) for parking stall distribution which includes leased stalls and a re-stripping exercise on the project property to gain stalls. (4) stalls still need to be acquired.

- 2) The hanging sound system has been reduced from 12 cabinets to 10 (5 cabinets per side).
- a. The system was adjusted to re-aim the speakers further downward, and also lowered to reduce spillage over the walls.
  - b. The subwoofers were reduced from 6 to 4 (2 per side).
  - c. A curfew of 11:30 p.m., or shortly thereafter, has been self-imposed, though the CUP allows shows to continue until 2:00 a.m.
  - d. The applicant purchased a calibrated sound level meter to monitor a maximum dB limit at the Front of House mix position, approximately 65 feet from the speakers and stage. BLK staff monitors every outdoor event to ensure maximum level does not exceed 68 dB at the closest residential property line. The means for ensuring this sound level is that constant measure of dB level at the mix position, so long as that sound level does not exceed 96 dB at that location, we know the sound level at the closest residential line is not exceeding 68 dB.

There are two (2) additional sound mitigation alterations being proposed. The first is to add sound absorbing materials to an existing mechanical screen on top of the adjacent building.

The second is to add an acoustical canopy of those same materials on top of the existing site wall on two sides. Site Plan (UP 1) shows the locations and extents of these two changes. Conceptual building elevations and a conceptual section of the acoustical canopy are both shown on a sheet called Sound Mitigation Elevations & Section (UP 7).

- 3) As noted in Item #2 above, the applicant has self-imposed an 11:00 p.m. (or very close to it) curfew. We propose the CUP be amended to limit the hours for outside concerts to 11:30 p.m., Sunday through Thursday nights, and 12:30 a.m. Friday and Saturday nights. While sound checks have, rarely taken place before 5:00 p.m. on weekdays, no soundchecks hereafter will be performed before 5:00 p.m., Monday through Friday.
- 4) The stage is sized as is noted within the Site Plan (UP 1).
- 5) Completed
- 6) Completed

BUILDING ELEVATION DESIGN:

- 7) As stated in the Project Narrative the original stage, shown as existing in the previous exterior project at this site (BLK Patio Addition Project #: 730-17 (Building) & 730-17-1 (Planning)), varied only slightly in width and depth from the existing stage on-site now. The stage in question was not a part of the Scope of Work of the prior project nor was the use of the stage and surrounding patio changed by the prior project. The Project Narrative also states that the structural components of the stage, including the trusses and stairways, are assembled in a way that does not constitute a permanent structure. Because the stage is currently in place, we have now provided pictures, from the locations stated in the comment, with height information in lieu of conceptual exterior elevations as requested in this city comment. Bryan Cluff stated to our architect, Jeff Pielage, that this method should “work” for the UP, via email, on Tuesday, November 27<sup>th</sup>. A Site Photos/Elevation Information sheet (UP 3) sheet is included in this re-submittal in the various sizes stipulated in the city comments. Also included for the DRB, is a Stage Plans & Photos sheet (UP 4). This sheet includes a dimensioned floor plan and ceiling plan of the stage along with photos of the stage from various angles.

LIGHTING DESIGN:

- 8) At the end of the city comments is a list of required plans and their sizes for re-submittal. According to this list a Lighting Site Plan, Photometric Analysis Plan, and a sheet with all Manufacturers' Cut Sheets are required. When questioned about the exact scope area for both plans on Tuesday, November 27<sup>th</sup> Bryan Cluff stated that, "We need to review any lighting that is associated with the use, including the stage and any new exterior lights". Regardless of what "new" means a Lighting Site Plan (UP 2) and Photometric Analysis Plan have been provided for the exterior use area (Stage area & surrounding patio) as directed. Sheet (UP 2) also includes basic specifications for the theatrical stage lighting. A separate sheet called Site Lighting Specifications/Cut Sheets (UP 5) includes all the specifications for the lights shown on the Lighting Site Plan. There is a note at the center bottom of sheet (UP-5) that states that I.E.S files, required for photometric calculations, do not exist for the lights in place. Therefore, the light specs used on the Photometric Analysis Plan are substitutes and deemed as equivalent by the electrical engineer providing the plan. Therefore, the specifications shown on the two sheets will be different.

TECHNICAL CORRECTIONS:

- 9) The word "EXISTING" has been changed to say, "PROPOSED" in the OVERALL SITE PLAN on sheet (UP 1).

Sincerely,



Rodney Q. Jarvis

Attachments:

- (8) Site Plan (UP 1) sheets (Various sizes)
- (4) Lighting Site Plan (UP 2) sheets (Various sizes)
- (4) Site Photo / Elevation Information (UP 3) sheets (Various Sizes)
- (4) Stage Plans & Photos (UP 4) sheets (Various sizes)
- (4) Site Lighting Specifications/Cut Sheets (UP 5) sheets (Various Sizes)
- (4) Leased Parking Stall Plan (UP 6) sheets (Various sizes)
- (8) Sound Mitigation Elevations & Section (UP 7) sheets (Various Sizes)
- (4) Electrical Cut (DR1.0 & DR 2.0) sheets (Various Sizes)

# BLK Live Conditional Use Permit - Live Entertainment

## PROJECT NARRATIVE

In 2011, the City Council approved zoning Case No. 33-UP-2011, a Conditional Use Permit for a Bar Use for an existing restaurant. In 2014, the City Council approved Case No. 12-UP-2013, a Conditional Use Permit for Live Entertainment for an existing bar and restaurant establishment. The venue originally operated as more of a Hip Hop and dance club venue.

In recent years, the establishment has successfully operated a high-end restaurant within the building and live music shows on the large, roughly 10,000 sq. ft. exterior patio. Documents from 2014 approval show a roughly 20' wide x 10' deep size stage on the site plan. The current stage is roughly 28' wide x 20' deep. The truss system which envelopes the stage makes the stage appear roughly 6' wider on each side. The purpose of this application is to update the Live Entertainment CUP to create parameters for which any future stage could operate under.

It is important to note; stage size has no correlation on sound produced by the venue. Noise production is more reflective of sounds systems, speakers, volume controls, noise mitigation measures and other factors.

## APPROVAL CRITERIA

The City of Scottsdale Zoning Ordinance Sec. 1.400 Conditional Use Permits, sets forth the following approval criteria:

- A. Granting the CUP will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, consideration shall include, but not be limited to, the following factors: (1) Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination; (2) impact on surrounding area resulting from and unusual volume or character of traffic.**

Approval of the CUP request will not be materially detrimental to the public health, safety or welfare. Noise mitigation measures have, and will continue to be taken, and the venue will continue to be in compliance with the City's noise ordinance and requirements. (See Item #12 below.) The project will not emit smoke, odor, dust, vibration, or illumination such that damage or nuisance occurs. It is also important to note the venue is adjacent to an active airport runway which contributes to the ambient conditions of the area. Traffic patterns in the area are already well established.

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

A stage for live entertainment has been in operation at this site for years. The request to create parameters for the stage is to ensure it remains reasonably compatible with the characteristics of the existing venue. The site plan submitted reflects the dimensions of the existing stage, which would constitute a parameter for the stage area going forward.

**C. The additional conditions specified in Ordinance Sec. 1.403, as applicable, have been satisfied.**

**1.403.K - Live Entertainment:**

**1. The applicant has provided and obtained City approval of a written Security and Maintenance Plan.**

The establishment currently operates under an approved Security and Maintenance Plan and no changes are anticipated with this updated application as the request simply creates parameters for the existing stage area.

**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 live entertainment.**

The existing venue operates as an outdoor live music venue with exterior speakers. Numerous noise mitigation measures have been and continue to be taken to ensure reasonable noise levels. Measurements taken by the City and the Applicant have never exceeded the 68db code requirements. (See Item #12 below.)

**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.**

Lighting data has been submitted herewith.

**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.**

The establishment currently operates under an approved site plan (see approve Case No. 409-SA-2016) a copy of which is provided with this application. This application adds the dimension of the existing stage.

- 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 serve on all streets accessed by the use meets the City's standards.**

The establishment is not located in the Downtown Area and is accessed by a local commercial street. A TIMA was included with previous approvals and shows the level of serve meets City 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.**

Per discussion with Staff, a total of 183 spaces are required. The site plan reflects 111 onsite and 64 offsite parking spaces.

- 7. The owner shall provide any additional information required by the Zoning Administrator to evaluate the impacts of the propose use upon the area.**

To date, no additional information has been requested. The applicant will continue to work with the City and the public on any requested information.

- 8. All building openings such as doors, windows and movable wall panels shall be closed but not locked. However, doors and service windows may be opened temporarily to allow passage.**

All building openings will be closed but not locked, except doors and windows leading to any pool or patio.

- 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.**

The property is not located within 500 feet of a residential district.

- 10. The owner and operator shall comply with all plans approved as part of the Conditional Use Permit.**

The owner and operator will comply with all plans and requirements of the approved CUP.

**11. All patron entrances shall be illuminated in accordance with the Building Code and the exterior lighting plans approved by the Development Review Board.**

Patron entrances are illuminated and in accordance with approvals.

**12. Noise generated from the live entertainment shall conform to the City's Noise Ordinance.**

The venue has and will continue to conform to the City's noise ordinance and will continue to work with nearby property owners, residents and business owners to mitigate potential issues.

The hanging sound system has been reduced from 12 cabinets to 10 (5 cabinets per side).

- a. The system was adjusted to re-aim the speakers further downward and was lowered as well to reduce spillage over the walls.
- b. The subwoofers were reduced from 6 to 4 (2 per side).
- c. A curfew of 11:00 p.m., or shortly thereafter, has been self-imposed, though the CUP allows shows to continue until 2:00 a.m. Applicant proposes to adjust the show hours to end at 11:30 p.m. Sunday through Thursday nights and 12:30 a.m. on Friday and Saturday nights.
- d. Applicant purchased a calibrated sound level meter to monitor a maximum dB limit at the Front of House mix position, approximately 65 feet from the speakers and stage. BLK staff monitors every outdoor event to ensure maximum level does not exceed 68 dB at the closest residential property line. The means for ensuring this sound level is that constant measure of dB level at the mix position. So long as the sound level does not exceed 96 dB at that location, we know the sound level at the closest residential line is not exceeding 68 dB.

There are two (2) additional sound mitigation alterations being proposed. The first is to add sound absorbing materials to an existing mechanical screen on top of the adjacent building. The second is to add an acoustical canopy of those same materials on top of the existing site wall on two sides. Site Plan (UP 1) shows the locations and extents of these two changes. Conceptual building elevations and a conceptual section of the acoustical canopy are both shown on a sheet called Sound Mitigation Elevations & Section (UP 7).

## **CONCLUSION**

The requested Conditional Use Permit involves a small change to the previously approved CUP and introduces additional sound reduction measures. The request also meets or exceeds the approval requirements noted in the zoning ordinance and described in detail above. The request will place parameters on future stages which may be erected or operated on site. Approval of this request will not be detrimental to any adjacent properties or uses and will help maintain another quality amenity for Scottsdale residents and visitors alike.

Please feel free to contact me if you have any questions, or if you need any additional information.

**13-UP-2018**  
**1/4/19**

BLK Live – Conditional Use Permit  
CUP #: 12-UP-2018 and 13-UP-2018

## Citizen Review Report

### Late 2017.

Complaints received regarding sound levels.

This precipitated study of measures to be taken to reduce sound levels. City of Scottsdale and Applicant began taking sound level measurements.

### April 2018.

Several meetings held between Applicant and City Staff (first meeting April 17, 2018) and Scottsdale PD relating to sound level reduction measures.

### May 22, 2018.

A neighborhood meeting was hosted on this date at the applicant's site. Various complaints regarding sound level were voiced by neighbors who attended. The applicant offered the sound reduction measures outlined in Item #2 above. Notice of the meeting was per City requirements. City Staff noted the neighbors who attended.

### Ongoing Since May 22, 2018.

Manager of BLK Live goes to the neighborhood of any neighbor who calls during a show to listen for sound level.

Manager of BLK Live notifies Scottsdale PD if any show sound level is anticipated to be over the sound level maximum.

### Early November, 2018.

The neighbors held a meeting, which the applicant attended. The applicant has since been implementing additional adjustments to the orientation (aim) of the speakers in the sound system, to be completed by 12/8/18.

13-UP-2018  
1/4/19

April 30, 2018

City of Scottsdale  
Planning and Development Services  
7447 E. Indian School Road  
Scottsdale, Arizona 85251

Re: Authorization – 7301 E. Butherus, Scottsdale, Arizona (APN No. 215-56-024B)

To whom it may concern:

Please accept this letter as authorization for Withey Morris, PLC to file applications for land use entitlements for the above reference property. I hereby certify that I am the property owner and / or authorized agent of property owner and have the authority to grant this authorization.

Sincerely,  
SDL Restaurant Group LLC

By: Bek Lin, LLC  
[Signature]

It's: lessor

**13-UP-2018**  
**7/20/2018**

## BLK Live Conditional Use Permit – Live Entertainment

### PROJECT NARRATIVE

In 2011, the City Council approved zoning Case No. 33-UP-2011, a Conditional Use Permit for a Bar Use for an existing restaurant. In 2014, the City Council approved Case No. 12-UP-2013, a Conditional Use Permit for Live Entertainment for an existing bar and restaurant establishment. The venue originally operated as more of a Hip Hop and dance club venue.

In recent years, the establishment has successfully operated a high-end restaurant within the building and live music shows on the large, roughly 10,000 sqft exterior patio. Documents from 2014 approval show a roughly 20' wide x 10' deep size stage on the site plan. However, the size or style of stage was never stipulated to or limited in any means by the approvals. Stages are typically temporary structures, changing for different performers and often erected and disassembled on a weekly or monthly basis. In essence, the stage on the 2014 site plan was just a placeholder reflecting the general area where the stage was anticipated to be. The current stage is roughly 28' wide x 20' deep. The truss system which envelopes the stage makes the stage appear roughly 6' wider on each side. The purpose of this application is to update the Live Entertainment CUP to create parameters for which any future stage could operate under. No other changes are being requested.

It is important to note; stage size has no correlation on sound produced by the venue. A single DJ on a small stage can produce noise in great excess of a band on a large stage with multiple performers. Noise production is more reflective of sounds systems, speakers, volume controls, noise mitigation measures and numerous other factors.

### APPROVAL CRITERIA

The City of Scottsdale Zoning Ordinance Sec. 1.400 Conditional Use Permits, sets forth the following approval criteria:

- A. Granting the CUP will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, consideration shall include, but not be limited to, the following factors: (1) Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination; (2) impact on surrounding area resulting from and unusual volume or character of traffic.**

Approval of the CUP request will not be materially detrimental to the public health, safety or welfare. Noise mitigation measures have, and will continue to be taken, and the venue will continue to be in compliance with the City's noise ordinance and requirements. The project will not emit smoke, odor, dust, vibration, or illumination such that damage or nuisance occurs. It is also important to note the venue is adjacent to an active airport runway which contributes to the ambient conditions of the area. Traffic patterns in the area are already well established.

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

A stage for live entertainment has been in operation at this site for years. The request to create parameters for the stage is to ensure it remains reasonably compatible with the characteristics of the existing venue.

**C. The additional conditions specified in Ordinance Sec. 1.403, as applicable, have been satisfied.**

**1.403.K – Live Entertainment:**

**1. The applicant has provided and obtained City approval of a written Security and Maintenance Plan.**

The establishment currently operates under an approved Security and Maintenance Plan and no changes are anticipated with this updated application as the request simply creates parameters for the existing stage area.

**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 live entertainment.**

The existing venue operates as an outdoor live music venue with exterior speakers. Numerous noise mitigation measures have been and continue to be taken to ensure reasonable noise levels. Measurement taken by the City and the venue have never exceeded the 68db code requirements.

**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.**

The establishment currently operates under an approved lighting plan.

**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.**

The establishment currently operates under an approved site plan (see approve Case No. 409-SA-2016) a copy of which is provided with this application. The site plan notes area for live entertainment and is not changing with this application. This application will only add parameters for which a stage may be erected and maintained on site.

- 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 serve on all streets accessed by the use meets the City's standards.**

The establishment is not located in the Downtown Area and is accessed by a local commercial street. A TIMA was included with previous approvals and shows the level of serve meets City 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.**

A parking study is not required with this application. The venue fully meets parking requirements through a combination of on-site and off-site parking.

- 7. The owner shall provide any additional information required by the Zoning Administrator to evaluate the impacts of the propose use upon the area.**

To date, no additional information has been requested. The applicant will continue to work with the City and the public on any requested information.

- 8. All building openings such as doors, windows and movable wall panels shall be closed but not locked. However, doors and service windows may be opened temporarily to allow passage.**

All building opening swill be closed by not locked except doors and windows leading to any pool or patio.

- 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.**

The property is not located within 500 feet of a residential district.

- 10. The owner and operator shall comply with all plans approved as part of the Conditional Use Permit.**

The owner and operator will comply with all plans.

**11. All patron entrances shall be illuminated in accordance with the Building Code and the exterior lighting plans approved by the Development Review Board.**

Patron entrances are illuminated and in accordance with approvals.

**12. Noise generated from the live entertainment shall conform to the City's Noise Ordinance.**

The venue has and will continue to conform to the City's noise ordinance and will continue to work with nearby property owners, residents and business owners to mitigate potential issues.

## **CONCLUSION**

The requested Conditional Use Permit involves a small change to the previously approved CUP. The request also meets or exceeds the approval requirements noted in the zoning ordinance and described in detail above. The request will place parameters on future stages which may be erected or operated on site. Approval of this request will not be detrimental to any adjacent properties or uses and will help maintain another quality amenity for Scottsdale residents and visitors alike.

Please feel free to contact me if you have any questions, or if you need any additional information.

# Development Application



### Development Application Type:

Please check the appropriate box of the Type(s) of Application(s) you are requesting

Zoning	Development Review	Signs
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Master Sign Program (MS)
<input type="checkbox"/> Rezoning (ZN)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Community Sign District (MS)
<input type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Wash Modification (WM)	Other:
<input checked="" type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Historic Property (HP)	<input type="checkbox"/> Annexation/De-annexation (AN)
Exemptions to the Zoning Ordinance	Land Divisions (PP)	<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Hardship Exemption (HE)	<input type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input type="checkbox"/> Abandonment (AB)
<input type="checkbox"/> Variance (BA)	<input type="checkbox"/> Perimeter Exceptions	Other Application Type Not Listed
<input type="checkbox"/> Minor Amendment (MA)	<input type="checkbox"/> Plat Correction/Revision	<input type="checkbox"/>

Project Name: BLK Live Restaurant & Music

Property's Address: 7301 E. Butherus

Property's Current Zoning District Designation:

The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.

Owner: Jeffrey S. Benice	Agent/Applicant: George Pasquel III
Company: SDL Restaurant Group LLC	Company: Withey Morris, PLC
Address: 14988 N 78th Way, Scottsdale 85260	Address: 2525 E. Arizona Biltmore Cir Phx 85016
Phone: 714.641.3600 Fax: N/A	Phone: 602.230.0600 Fax: N/A
E-mail: JSB@JeffreyBenice.com	E-mail: George@WitheyMorris.com
Designer: Cory Wiebers	Engineer: N/A
Company: CW Architecture	Company:
Address: 10628 N. 71st Place Scottsdale 85254	Address:
Phone: 480.264.7273 Fax: N/A	Phone: Fax:
E-mail: CoryW@CWArchitecture.net	E-mail:

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).

- This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications<sup>1</sup> will be reviewed in a format similar to the Enhanced Application Review methodology.

<input checked="" type="checkbox"/> Enhanced Application Review:	I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.
<input type="checkbox"/> Standard Application Review:	I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

Owner Signature	Agent/Applicant Signature
Official Use Only	Submittal Date: Development Application No.:

### Planning and Development Services

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088

City of Scottsdale's Website: [www.scottsdaleaz.gov](http://www.scottsdaleaz.gov)

# BLK Live Conditional Use Permit – Live Entertainment

## PROJECT NARRATIVE

In 2011, the City Council approved zoning Case No. 33-UP-2011, a Conditional Use Permit for a Bar Use for an existing restaurant. In 2014, the City Council approved Case No. 12-UP-2013, a Conditional Use Permit for Live Entertainment for an existing bar and restaurant establishment. The venue originally operated as more of a Hip Hop and dance club venue.

In recent years, the establishment has successfully operated a high-end restaurant within the building and live music shows on the large, roughly 10,000 sqft exterior patio. Documents from 2014 approval show a roughly 20' wide x 10' deep size stage on the site plan. However, the size or style of stage was never stipulated to or limited in any means by the approvals. Stages are typically temporary structures, changing for different performers and often erected and disassembled on a weekly or monthly basis. In essence, the stage on the 2014 site plan was just a placeholder reflecting the general area where the stage was anticipated to be. The current stage is roughly 28' wide x 20' deep. The truss system which envelopes the stage makes the stage appear roughly 6' wider on each side. The purpose of this application is to update the Live Entertainment CUP to create parameters for which any future stage could operate under. No other changes are being requested.

It is important to note; stage size has no correlation on sound produced by the venue. A single DJ on a small stage can produce noise in great excess of a band on a large stage with multiple performers. Noise production is more reflective of sounds systems, speakers, volume controls, noise mitigation measures and numerous other factors.

## APPROVAL CRITERIA

The City of Scottsdale Zoning Ordinance Sec. 1.400 Conditional Use Permits, sets forth the following approval criteria:

- A. Granting the CUP will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, consideration shall include, but not be limited to, the following factors: (1) Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination; (2) impact on surrounding area resulting from and unusual volume or character of traffic.**

Approval of the CUP request will not be materially detrimental to the public health, safety or welfare. Noise mitigation measures have, and will continue to be taken, and the venue will continue to be in compliance with the City's noise ordinance and requirements. The project will not emit smoke, odor, dust, vibration, or illumination such that damage or nuisance occurs. It is also important to note the venue is adjacent to an active airport runway which contributes to the ambient conditions of the area. Traffic patterns in the area are already well established.

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

A stage for live entertainment has been in operation at this site for years. The request to create parameters for the stage is to ensure it remains reasonably compatible with the characteristics of the existing venue.

**C. The additional conditions specified in Ordinance Sec. 1.403, as applicable, have been satisfied.**

**1.403.K – Live Entertainment:**

**1. The applicant has provided and obtained City approval of a written Security and Maintenance Plan.**

The establishment currently operates under an approved Security and Maintenance Plan and no changes are anticipated with this updated application as the request simply creates parameters for the existing stage area.

**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 live entertainment.**

The existing venue operates as an outdoor live music venue with exterior speakers. Numerous noise mitigation measures have been and continue to be taken to ensure reasonable noise levels. Measurement taken by the City and the venue have never exceeded the 68db code requirements.

**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.**

The establishment currently operates under an approved lighting plan.

**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.**

The establishment currently operates under an approved site plan (see approve Case No. 409-SA-2016) a copy of which is provided with this application. The site plan notes area for live entertainment and is not changing with this application. This application will only add parameters for which a stage may be erected and maintained on site.

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 serve on all streets accessed by the use meets the City's standards.**

The establishment is not located in the Downtown Area and is accessed by a local commercial street. A TIMA was included with previous approvals and shows the level of serve meets City 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.**

A parking study is not required with this application. The venue fully meets parking requirements through a combination of on-site and off-site parking.

7. **The owner shall provide any additional information required by the Zoning Administrator to evaluate the impacts of the propose use upon the area.**

To date, no additional information has been requested. The applicant will continue to work with the City and the public on any requested information.

8. **All building openings such as doors, windows and movable wall panels shall be closed but not locked. However, doors and service windows may be opened temporarily to allow passage.**

All building opening swill be closed by not locked except doors and windows leading to any pool or patio.

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.**

The property is not located within 500 feet of a residential district.

10. **The owner and operator shall comply with all plans approved as part of the Conditional Use Permit.**

The owner and operator will comply with all plans.

**11. All patron entrances shall be illuminated in accordance with the Building Code and the exterior lighting plans approved by the Development Review Board.**

Patron entrances are illuminated and in accordance with approvals.

**12. Noise generated from the live entertainment shall conform to the City's Noise Ordinance.**

The venue has and will continue to conform to the City's noise ordinance and will continue to work with nearby property owners, residents and business owners to mitigate potential issues.

## **CONCLUSION**

The requested Conditional Use Permit involves a small change to the previously approved CUP. The request also meets or exceeds the approval requirements noted in the zoning ordinance and described in detail above. The request will place parameters on future stages which may be erected or operated on site. Approval of this request will not be detrimental to any adjacent properties or uses and will help maintain another quality amenity for Scottsdale residents and visitors alike.

Please feel free to contact me if you have any questions, or if you need any additional information.

# BLK Live Conditional Use Permit – Live Entertainment

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**13-UP-2018  
7/20/2018**

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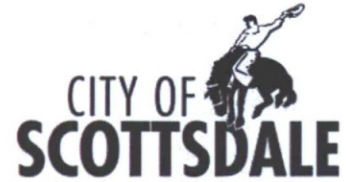
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# Conditional Use Permit Development Application Checklist



### Minimal Submittal Requirements:

At your pre-application meeting, your project coordinator will identify which items indicated on this Development Application checklist are required to be submitted. A Development Application that does not include all items indicated on this checklist may be rejected immediately. A Development Application that is received by the City does not constitute that the application meets the minimum submittal requirements to be reviewed.

In addition to the items on this checklist, to avoid delays in the review of your application, all Plans, Graphics, Reports and other additional information that is to be submitted shall be provided in accordance with the:

- requirements specified in the Plan & Report Requirements For Development Applications Checklist;
- Design Standards & Policies Manual;
- requirements of Scottsdale Revised Code (including the Zoning Ordinance); and
- stipulations, include any additional submittal requirements identified in the stipulations, of any Development Application approved prior to the submittal of this application.

If you have any question regarding the information above, or items indicated on this application checklist, please contact your project coordinator. His/her contact information is on the page 8 of this application.

Please be advised that a Development Application received by the City that is inconsistent with information submitted with the corresponding pre-application may be rejected immediately, and may be required to submit a separate: pre-application, a new Development Application, and pay all additional fees.

Prior to application submittal, please research original zoning case history to find the original adopted ordinance(s) and exhibit(s) to confirm the zoning for the property. This will help to define your application accurately. The City's full-service Records Department can assist.

## PART I -- GENERAL REQUIREMENTS

Req'd	Rec'd	Description of Documents Required for Complete Application. <b>No application shall be accepted without all items marked below.</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. Conditional Use Permit Application Checklist (this list)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	2. Application Fee \$ <u>615.00</u> (subject to change every July)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3. Completed Development Application Form (form provided) <ul style="list-style-type: none"> <li>• The applicant/agent shall select a review methodology on the application form (Enhanced Application Review or Standard Application Review).</li> <li>• If a review methodology is not selected, the application will be review under the Standard Application Review methodology.</li> </ul> Prior to application submittal, please research original zoning case history to find the original adopted

### Planning and Development Services

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

**13-UP-2018**  
**7/20/2018**

## Conditional Use Permit Application Checklist

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	ordinance(s) and exhibit(s) to confirm the zoning for the property. This will help to define your application accurately. The City's full-service Records Department can assist.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	4. <b>Request to Submit Concurrent Development Applications</b> (form provided)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	5. <b>Proposition 207 wavier or refusal (Delay submittal until after the Planning Commission Hearing (sample agreement information provided)</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6. <b>Letter of Authorization</b> (from property owner(s) if property owner did not sign the application form)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	7. <b>Affidavit of Authorization to Act for Property Owner</b> (required if the property owner is a corporation, trust, partnership, etc. and/or the property owner(s) will be represented by an applicant that will act on behalf of the property owner(form provided)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	8. <b>Appeal of Required Dedications or Exactions</b> (form provided)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	9. <b>Commitment for Title Insurance – No older than 30 days from the submittal date</b> (requirements form provided) <ul style="list-style-type: none"> <li>• 8-1/2" x 11" – 1 copy</li> <li>• Include complete Schedule A and Schedule B.</li> </ul>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	10. <b>Legal Description:</b> (if not provided in Commitment for Title Insurance) <ul style="list-style-type: none"> <li>• 8-1/2" x 11" – 2 copies</li> </ul>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	11. <b>Request for Site Visits and/or Inspections Form</b> (form provided)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	12. <b>Addressing Requirements</b> (forms provided)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	13. <b>Neighborhood Notification Process Requirements:</b> (form provided) <ul style="list-style-type: none"> <li>• Provide one copy of the Neighborhood Notification Report</li> <li>• If substantial modifications are made to an application, additional notification may be required by the Zoning Administrator, or designee. When required, provide one copy of the Neighborhood Notification Report addendum.</li> </ul>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	14. <b>Request for Neighborhood Group Contact information</b> (form provided)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	15. <b>Site Posting Requirements:</b> (form provided (white and red signs) <ul style="list-style-type: none"> <li>• Affidavit of Posting for Project Under Consideration</li> <li>• Affidavit of Posting for Planning Commission Public Hearing (<b>Delayed submittal</b>). Affidavit must be turned in 20 days prior to Planning Commission hearing)</li> <li>• Affidavit of Posting for City Council Public Hearing (<b>Delayed submittal</b>). Affidavit must be turned in 20 days prior to City Council hearing)</li> </ul>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	16. <b>Photo Exhibit of Existing Conditions: Printed digital photos on 8-1/2"x11" Paper</b> – (form provided) <ul style="list-style-type: none"> <li>• Provide 1 color original set and 1 - 8-1/2" x 11"</li> </ul>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	17. <b>Archaeological Resources</b> (information sheets provided) <ul style="list-style-type: none"> <li><input type="checkbox"/> Archaeology Survey and Report - 3 copies</li> <li><input type="checkbox"/> Archaeology 'Records Check' Report Only - 3 copies</li> <li><input type="checkbox"/> Copies of Previous Archeological Research - 1 copy</li> </ul>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	18. <b>Completed Airport Vicinity Development Checklist</b> – Your property is located within the vicinity of the Scottsdale Municipal Airport (within 20,000 foot radius of the runway; information packet provided)

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## Conditional Use Permit Application Checklist

		<input type="checkbox"/> Airport Data Page <input type="checkbox"/> Aviation Fuel Dispensing Installation Approval form
<b>PART II -- REQUIRED NARRATIVE, PLANS &amp; RELATED DATA</b>		
Req'd	Rec'd	Description of Documents Required for Complete Application. <b>No application shall be accepted without all items marked below.</b>
N/A		19. Plan & Report Requirements For Development Applications Checklist (form provided)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	20. Results of ALTA Survey (24" x 36") FOLDED <ul style="list-style-type: none"> <li>• 24" x 36" - 1 copy, folded (The ALTA Survey shall not be more than 30 days old)</li> </ul>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	21. Application Narrative <ul style="list-style-type: none"> <li>• 8 1/2" x 11" - 4 copies</li> <li>a. The application narrative shall include:             <ul style="list-style-type: none"> <li>• A one paragraph explanation of the request. This shall be no greater than a half page.</li> <li>• Each of the Conditional Use Permit criteria specify in Section 1.401 of the Zoning ordinance. After each criterion, provide narrative response.</li> <li>• Each of the Additional Conditional Use Permit criteria specify in Section 1.403 of the Zoning ordinance. After each additional criterion, provide narrative response.                 <ul style="list-style-type: none"> <li><input type="checkbox"/> Bar</li> <li><input checked="" type="checkbox"/> Live Entertainment</li> <li><input type="checkbox"/> Other</li> </ul> </li> </ul> </li> <li>b. Historic Property. If the property is an existing or potential historic property, describing how the proposal preserves the historic character or compliance with property's existing Historic Preservation Plan.</li> </ul>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	22. Security, Maintenance & Operations Plan (For Bars and Live Entertainment) (form provided) <ul style="list-style-type: none"> <li>• Required for any of the following uses:             <ul style="list-style-type: none"> <li>▪ Live entertainment (other than DJ)</li> <li>▪ Medical marijuana Use / Caregiver Cultivation</li> </ul> </li> <li>• The Security, Maintenance &amp; Operations Plan shall be accepted and signed by the Scottsdale Police Department prior to the submittal of the Conditional Use Permit application. See the provided form for instructions.</li> </ul>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	23. Public Safety Plan (form provided) <ul style="list-style-type: none"> <li>• Required for any of the following uses:             <ul style="list-style-type: none"> <li>▪ Establishments that require age verification for admittance, such as a Bar</li> <li>▪ Teen dance centers</li> <li>▪ Adult uses</li> <li>▪ Establishments that have a Disc Jockey (DJ)</li> </ul> </li> <li>• The Public Safety Plan accepted and signed by the Scottsdale Police Department prior to the submittal of the Conditional Use Permit application. See the provided form for instructions.</li> </ul>

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## Conditional Use Permit Application Checklist

<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<p><b>24. Context Aerial with the proposed site improvements superimposed</b></p> <ul style="list-style-type: none"> <li>• 24" x 36" – 2 color copies, <u>folded</u></li> <li>• 11" x 17" – 1 color copy, <u>folded</u></li> <li>• 8 ½" x 11" – 1 color copy (quality suitable for reproduction)</li> </ul> <p>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:</p> <p>_____ 750 foot radius from site</p> <p>_____ 1/4 mile radius from site</p> <p>_____ Other: _____</p>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<p><b>25. Site Plan</b></p> <ul style="list-style-type: none"> <li>• 24" x 36" – 11 copies, <u>folded</u></li> <li>• 11" x 17" – 1 copy, <u>folded</u> (quality suitable for reproduction)</li> <li>• 8 ½" x 11" – 1 copies (quality suitable for reproduction)</li> <li>• Digital - 1 copy (Text and drawing shall be black and white, and in the DWF format)</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<p><b>26. Open Space Plan (Site Plan Worksheet) (sample provided)</b></p> <ul style="list-style-type: none"> <li>• 24" x 36" – 2 copies, <u>folded</u></li> <li>• 11" x 17" – 1 copy, <u>folded</u> (quality suitable for reproduction)</li> <li>• 8 ½" x 11" – 1 copy (quality suitable for reproduction)</li> <li>• Digital – 1 copy (Text and drawing shall be black and white, and in the DWF format)</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>		<p><b>27. Natural Area Open Space Plan (ESL Areas)</b></p> <ul style="list-style-type: none"> <li>• 24" x 36" – 2 copies, <u>folded</u></li> <li>• 11" x 17" – 1 copy, <u>folded</u> (quality suitable for reproduction)</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>		<p><b>28. Topography and slope analysis plan (ESL Areas)</b></p> <ul style="list-style-type: none"> <li>• 24" x 36" – 1 copy, <u>folded</u></li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>		<p><b>29. Landscape Plan</b></p> <ul style="list-style-type: none"> <li>• 24" x 36" – 2 copies, <u>folded of black and white line drawings</u> (a grayscale copy of the color Landscape Plan will not be accepted.)</li> <li>• 11" x 17" – 1 copy, <u>folded</u> (quality suitable for reproduction)</li> <li>• 8 ½" x 11" – 1 copy (quality suitable for reproduction)</li> <li>• Digital – 1 copy (Text and drawing shall be black and white, and in the DWF format)</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<p><b>30. Hardscape Plan</b></p> <ul style="list-style-type: none"> <li>• 24" x 36" – 2 copies, <u>folded of black and white line drawings</u> (a grayscale copy of the color Landscape Plan will not be accepted.)</li> <li>• 11" x 17" – 1 copy, <u>folded</u> (Text and drawing shall be black and white, and in the DWF format)</li> </ul>

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

## Conditional Use Permit Application Checklist

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<p><b>31. Parking Plan</b></p> <ul style="list-style-type: none"> <li>• 24" x 36" – 1 copy, <u>folded</u></li> <li>• 11" x 17" – 1 copy, <u>folded</u> (quality suitable for reproduction)</li> <li>• 8 ½" x 11" – 1 color copy (quality suitable for reproduction)</li> <li>• Digital – 1 copy (Text and drawing shall be black and white, and in the DWF format)</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<p><b>32. Parking Master Plan</b></p> <p>See the City's <u>Zoning Ordinance, Article IX</u> for specific submittal and content requirements for Parking Master Plan. 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.</p> <ul style="list-style-type: none"> <li>• 8-1/2" x 11" - 2 copies</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<p><b>33. Pedestrian and Vehicular Circulation</b></p> <ul style="list-style-type: none"> <li>• 24" x 36" – 1 copy, <u>folded</u></li> <li>• 11" x 17" – 1 copy, <u>folded</u> (quality suitable for reproduction)</li> <li>• 8 ½" x 11" – 1 copy (quality suitable for reproduction)</li> <li>• Digital – 1 copy (Text and drawing shall be black and white, and in the DWF format)</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<p><b>34. Elevations</b></p> <ul style="list-style-type: none"> <li>• 24" x 36" – 2 copies, <u>folded</u> black and white line drawing (a grayscale copy of the color elevations will not be accepted.)</li> <li>• 24" x 36" – 2 color copies, <u>folded</u></li> <li>• 11" x 17" – 1 color copy, <u>folded</u> (quality suitable for reproduction)</li> <li>• 11" x 17" – 1 copy, <u>folded</u> black and white line drawing (quality suitable for reproduction)</li> <li>• 8 ½" x 11" – 1 color copy, (quality suitable for reproduction)</li> <li>• 8 ½" x 11" – 1 copy black and white line drawing (quality suitable for reproduction)</li> <li>• Digital – 1 copy (Text and drawing shall be black and white, and in the DWF format)</li> </ul>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<p><b>35. Floor Plans</b></p> <ul style="list-style-type: none"> <li>• 24" x 36" – 1 copy, <u>folded</u></li> <li>• 11" x 17" - 1 copy, <u>folded</u> (quality suitable for reproduction)</li> </ul>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<p><b>36. Floor Plan Worksheet(s)</b></p> <p>(Required for restaurants, bars or development containing there-of, and multi-family developments):</p> <ul style="list-style-type: none"> <li>• 24" x 36" – 1 copy, <u>folded</u></li> <li>• 11" x 17" - 1 copy, <u>folded</u> (quality suitable for reproduction)</li> <li>• Digital – 1 copy (Text and drawing shall be black and white, and in the DWF format)</li> </ul>

### Planning and Development Services

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

## Conditional Use Permit Application Checklist

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<p><b>37. Exterior Lighting Site Plan</b> (policy provided)</p> <ul style="list-style-type: none"> <li>• 24" x 36" – <b>1 copy, folded</b></li> <li>• 11" x 17" – <b>1 copy, folded</b> (Text and drawing shall be black and white, and in the DWF format)</li> </ul>
			<p><b>38. Exterior Lighting Photometric Analysis</b></p> <ul style="list-style-type: none"> <li>• 24" x 36" – <b>1 copy, folded</b></li> <li>• 11" x 17" – <b>1 copy, folded</b> (Text and drawing shall be black and white, and in the DWF format)</li> </ul>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<p><b>39. Manufacturer Cut Sheets of All Proposed Lighting</b></p> <ul style="list-style-type: none"> <li>• 24" x 36" – <b>1 copy, folded</b></li> <li>• 11" x 17" – <b>1 copy, folded</b> (Text and drawing shall be black and white, and in the DWF format)</li> </ul>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<p><b>40. Drainage Report</b> (information provided)</p> <p>See the City's <u>Design Standards &amp; Policies Manual</u> for specific submittal and content requirements for drainage report. 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, topography maps and preliminary grading and drainage plans. Full size plans/maps shall be folded and contained in pockets.</p> <ul style="list-style-type: none"> <li>• 8-1/2" x 11" - <b>2 copies</b> of the Drainage Report including full size plans/maps in pockets</li> </ul>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<p><b>41. Master Drainage Plan</b></p> <p>See the City's <u>Design Standards &amp; Policies Manual</u> for specific submittal and content requirements for Master Drainage Report. 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, topography maps and preliminary grading and drainage plans. Full size plans/maps shall be folded and contained in pockets.</p> <ul style="list-style-type: none"> <li>• 8-1/2" x 11" - <b>2 copies</b> of the Drainage Report including full size plans/maps in pockets</li> </ul>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<p><b>42. Basis of Design Report for Water and Wastewater</b></p> <p>See the City's <u>Design Standards &amp; Policies Manual</u> for specific submittal and content requirements for Basis of Design Report for Water. 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, and plans.</p> <ul style="list-style-type: none"> <li>• 8-1/2" x 11" - <b>2 copies</b> of the Basis of Design Report for Water including full size plans/maps in pockets</li> </ul>

### Planning and Development Services


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

## Conditional Use Permit Application Checklist

<input type="checkbox"/>	<input type="checkbox"/>	<p style="font-size: 1.5em; margin: 0;">N/A</p>	<p><b>43. Basis of Design Report for Wastewater</b></p> <p>See the City's <u>Design Standards &amp; Policies Manual</u> for specific submittal and content requirements for Design Report for Wastewater. 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, and plans.</p> <ul style="list-style-type: none"> <li>• 8-1/2" x 11" - 2 copies of the Basis of Design Report for Wastewater including full size plans/maps in pockets</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>		<p><b>44. Transportation Impact &amp; Mitigation Analysis (TIMA) (information provided)</b></p> <p>Please review the City's Design Standards &amp; Policies Manual and Transportation Impact and Mitigation Analysis Requirements provided with the application material for the specific 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, and plans.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Category 1 Study</li> <li><input type="checkbox"/> Category 2 Study</li> <li><input type="checkbox"/> Category 3 Study</li> <li>• 8-1/2" x 11" - 3 copies of the Transportation Impact &amp; Mitigation Analysis</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>		<p><b>45. Native Plant Submittal</b></p> <ul style="list-style-type: none"> <li>• 24" x 36" - 1 copy, <u>folded</u>.</li> </ul> <p>(Aerial with site plan overlay to show spatial relationships of existing protected plants and significant concentrations on vegetation to proposed development)</p> <ul style="list-style-type: none"> <li>• See Sec. 7.504 of the Zoning Ordinance for specific submittal requirements.</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<p><b>46. Other Plans and Report Requirements</b></p> <ul style="list-style-type: none"> <li>• Please submit all plans, reports, and graphics stipulated in an associated Development application (such as a rezoning, Conditional Use Permit, abandonment, preliminary plat, etc)</li> <li>• 24" x 36" - 1 copy, <u>folded</u>. (Plans and graphics)</li> <li>• 8-1/2" x 11" - 3 copies of any report</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>		<p><b>47. Other:</b></p> <hr/> <hr/> <hr/> <hr/> <hr/>

## Conditional Use Permit Application Checklist

### PART III – SUBMITTAL OF THE DEVELOPMENT APPLICATION

Req'd	Rec'd	Description of Documents Required for Complete Application. <b>No application shall be accepted without all items marked below.</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	48. An appointment must be scheduled to submit this application. To schedule your submittal meeting please call 480-312-7767. Request a submittal meeting with a Planning Specialist and provide your case pre-app number; <u>924</u> -PA- <u>2017</u> .
<input checked="" type="checkbox"/>	<input type="checkbox"/>	49. Submit all items indicated on this checklist pursuant to the submittal requirements.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	50. <b>Delayed Submittal.</b> Additional copies of all or certain required submittal indicated items above will be required at the time your Project Coordinator is preparing the public hearing report(s). Your Project Coordinator will request these items at that time, and they are to be submitted by the date indicated in the request.
<input type="checkbox"/>	<input type="checkbox"/>	51. Other: _____ _____ _____
<input checked="" type="checkbox"/>		<p>52. If you have any question regarding this application checklist, please contact your Project Coordinator.</p> <p>Coordinator Name (print): <u>BRYAN CLUFF</u> Phone Number: <u>480-312-2258</u></p> <p>Coordinator email: <u>bcluff</u> @scottsdaleaz.gov Date: <u>12/21/18</u></p> <p>Coordinator Signature: </p> <p>If the Project Coordinator is no longer available, please contact the Current Planning Director at the phone number in the footer of this page if you have any question regarding this application checklist.</p> <p>This application needs a: <input checked="" type="checkbox"/> New Project Number, or  <input checked="" type="checkbox"/> A New Phase to an old Project Number: _____</p>

### Planning and Development Services

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

## Conditional Use Permit Application Checklist

### Required Notice

Pursuant to A.R.S. §9-836, an applicant/agent may request a clarification from the City regarding an interpretation or application of a statute, ordinance, code or authorized substantive policy, or policy statement. Requests to clarify an interpretation or application of a statute, ordinance, code, policy statement administered by the Planning and Development Services, including a request for an interpretation of the Zoning Ordinance, shall be submitted in writing to the One Stop Shop to the attention of the Planning and Development Services Director. All such requests must be submitted in accordance with the A.R.S. §9-839 and the City's applicable administrative policies available at the Planning and Development Services' One Stop Shop, or from the city's website:

<http://www.scottsdaleaz.gov/building-resources/forms>

Planning and Development Services

One Stop Shop

Planning and Development Services Director

7447 E. Indian School Rd, Suite 105

Scottsdale, AZ 85251

Phone: (480) 312-7000

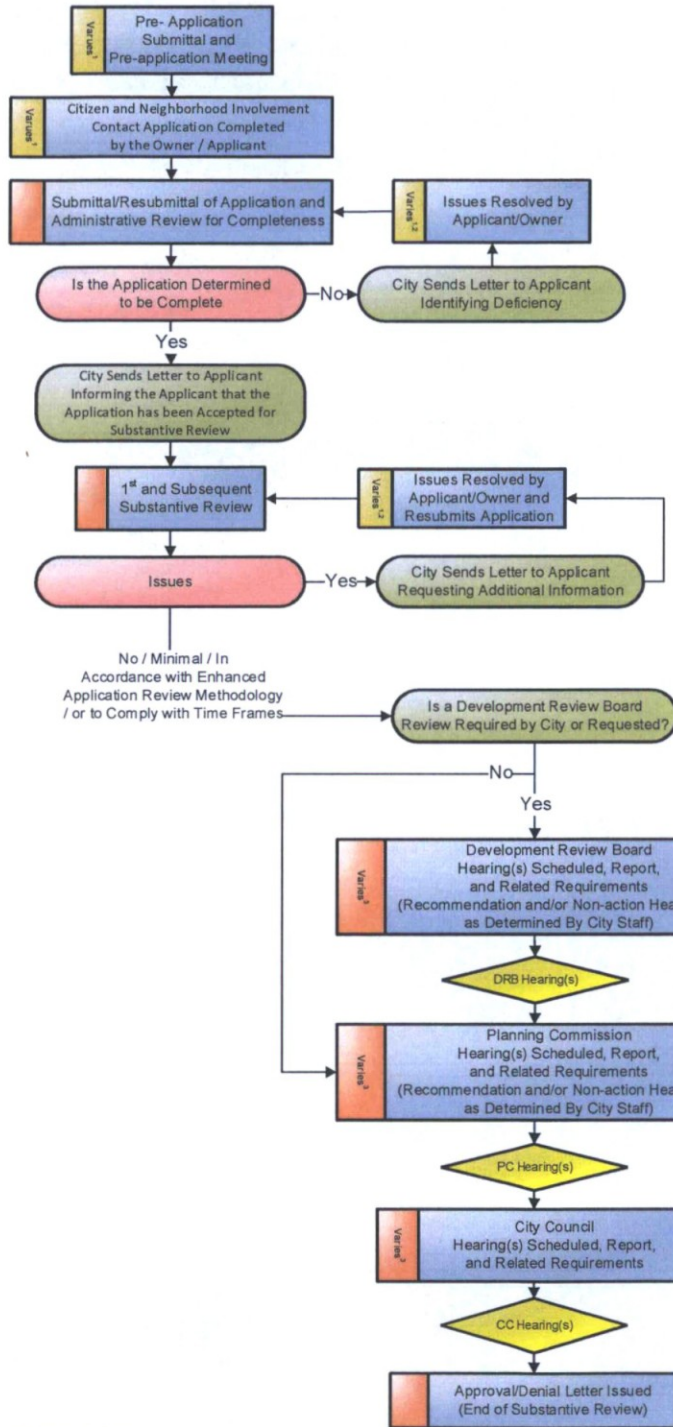
**Planning and Development Services**

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# Development Applications Process

## Enhanced Application Review

### Conditional Use Permit (UP)



#### Enhanced Application Review Methodology

Within the parameters of the Regulatory Bill-of-Rights of the Arizona Revised Statutes, the Enhanced Application Review method is intended to increase the likelihood that the applicant will obtain an earlier favorable written decision or recommendation upon completion of the city's reviews. To accomplish this objective, the Enhanced Application Review allows:

- the applicant and City staff to maintain open and frequent communication (written, electronic, telephone, meeting, etc.) during the application review;
- City staff and the applicant collaboratively work together regarding an application; and
- City staff to make requests for additional information and the applicant to submit revisions to address code, ordinance, or policy deficiencies in an expeditious manner.

Generally, the on-going communication and the collaborative work environment will allow the review of an application to be expedited within the publish Staff Review Time frames.

#### Note:

1. Time period determined by owner/applicant.
2. All reviews and time frames are suspended from the date a letter is issued requesting additional information until the date the City receives the resubmittal from the owner/applicant.
3. The substantive review, and the overall time frame time is suspended during the public hearing processes.
4. Owner/applicant may agree to extend the time frame by 25 percent

#### Time Line

Administrative Review	Substantive Review	Public Hearing Process	Approval/Denial Letter Issued
15 Staff Working Days Per Review	95 Total Staff Working Days, Multiple Reviews in This Time Frame <sup>2,3,4</sup>	Time Frames Vary <sup>3</sup>	

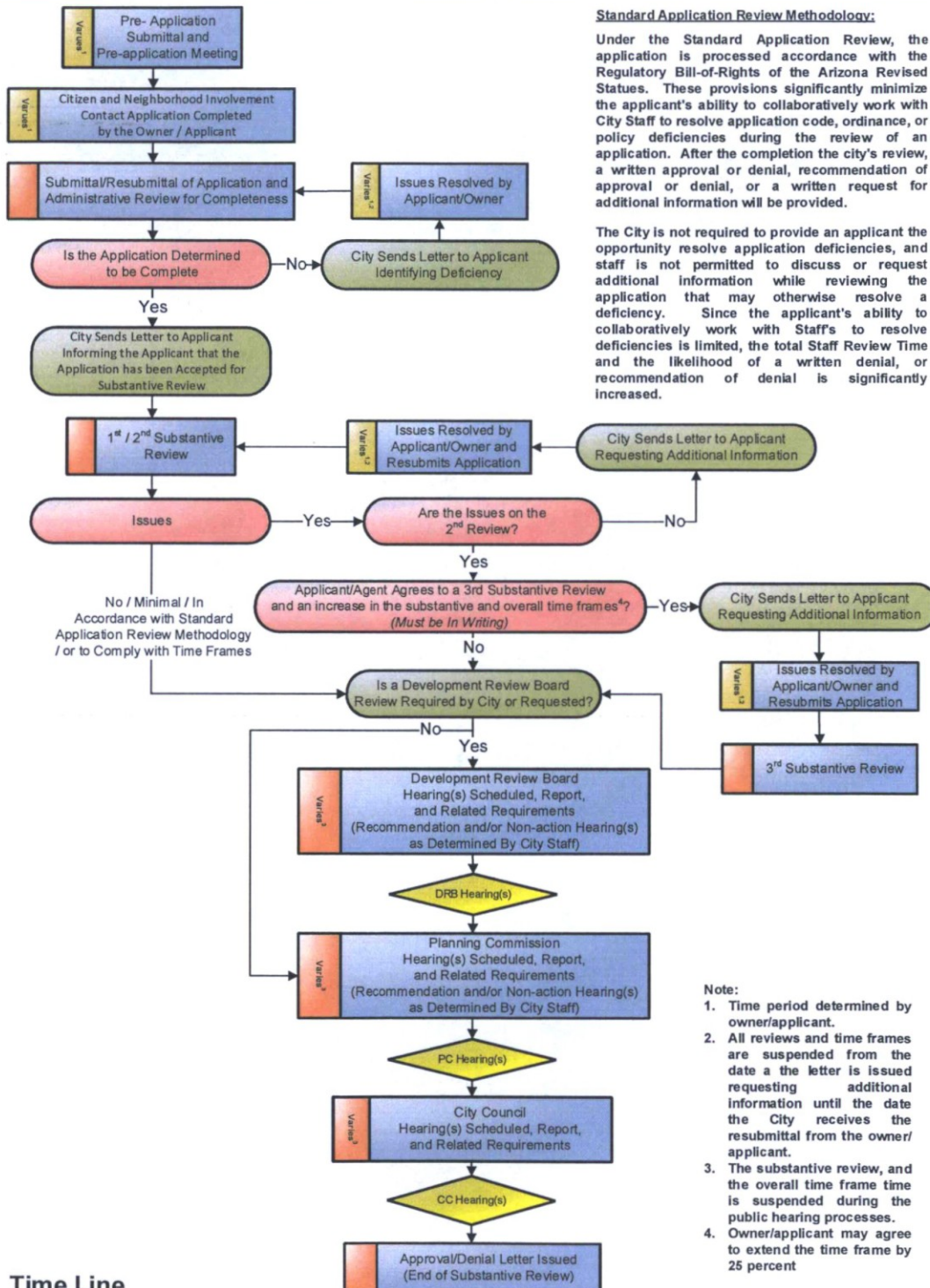
## Planning and Development Services

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

# Development Applications Process

## Standard Application Review

### Conditional Use Permit (UP)



#### Standard Application Review Methodology:

Under the Standard Application Review, the application is processed accordance with the Regulatory Bill-of-Rights of the Arizona Revised Statutes. These provisions significantly minimize the applicant's ability to collaboratively work with City Staff to resolve application code, ordinance, or policy deficiencies during the review of an application. After the completion the city's review, a written approval or denial, recommendation of approval or denial, or a written request for additional information will be provided.

The City is not required to provide an applicant the opportunity resolve application deficiencies, and staff is not permitted to discuss or request additional information while reviewing the application that may otherwise resolve a deficiency. Since the applicant's ability to collaboratively work with Staff's to resolve deficiencies is limited, the total Staff Review Time and the likelihood of a written denial, or recommendation of denial is significantly increased.

#### Time Line

Administrative Review	Substantive Review	Public Hearing Process	Approval/Denial Letter issued
15 Staff Working Days Per Review	95 Total Staff Working Days, Two Reviews in This Time Frame <sup>2,3,4</sup>	Time Frames Vary <sup>3</sup>	

#### Note:

1. Time period determined by owner/applicant.
2. All reviews and time frames are suspended from the date a letter is issued requesting additional information until the date the City receives the resubmittal from the owner/applicant.
3. The substantive review, and the overall time frame time is suspended during the public hearing processes.
4. Owner/applicant may agree to extend the time frame by 25 percent

## Planning and Development Services

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



# City of Scottsdale Cash Transmittal

## # 116067

\*\*\*\*\* DUPLICATE \*\*\*\*\*

116067  
10 01142987  
7/20/2018 PLN-1STOP  
JOGAZ HP600G2040  
7/20/2018 3:44 PM  
\$615.00

**Received From :**

Blk Live/ Randy Nations  
7301 E BUTHERUS DR  
SCOTTSDALE, AZ 85260

**Bill To :**

Rocco Visnjic  
7301 E. Butherus Dr.  
Scottsdale , AZ 85260  
(602) 705-3353

\*\*\*\*\* DUPLICATE \*\*\*\*\*

<b>Reference #</b>	924-PA-2017	<b>Issued Date</b>	7/20/2018
<b>Address</b>	7301 E BUTHERUS DR	<b>Paid Date</b>	7/20/2018
<b>Subdivision</b>	THUNDERBIRD INDUSTRIAL AIRPARK NO. 02	<b>Payment Type</b>	CHECK
<b>Marketing Name</b>		<b>Cost Center</b>	
<b>MCR</b>	118-10	<b>Jurisdiction</b>	SCOTTSDALE
<b>APN</b>	215-56-024B	<b>Water Zone</b>	
<b>Owner Information</b>		<b>Water Type</b>	
Jeffrey Benice	<b>Lot Number</b>	21	<b>Sewer Type</b>
7301 E. Butherus Dr.	<b>Metes/Bounds</b>	No	<b>Meter Size</b>
Scottsdale , AZ 85260	<b>Gross Lot Area</b>	0	<b>QA</b>
(602) 705-3353	<b>NAOS Lot Area</b>	0	<b>34-45</b>
	<b>Net Lot Area</b>	0	
	<b>Number of Units</b>	1	
	<b>Density</b>		

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

**13-UP-2018**  
**7/20/2018**

SIGNED BY ROCCO VISNJIC ON 7/20/2018

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.)

3" and larger water meter fees are based on cost recovery. The city will contact the owner of the construction permit if additional funds are due. Payment will be due within 30 days notification.

**TO HAVE WATER METER SET - CALL 480-312-5650 AND REFER TO TRANSMITTAL # 116067**

# Development Application

## Review Methodologies



### Review Methodologies

The City of Scottsdale maintains a business and resident friendly approach to new development and improvements to existing developments. In order to provide for flexibility in the review of Development Applications, and Applications for Permitting, the City of Scottsdale provides two methodologies from which an owner or agent may choose to have the City process the application. The methodologies are:

#### **1. Enhanced Application Review Methodology**

Within the parameters of the Regulatory Bill-of-Rights of the Arizona Revised Statutes, the Enhanced Application Review method is intended to increase the likelihood that the applicant will obtain an earlier favorable written decision or recommendation upon completion of the city's reviews. To accomplish this objective, the Enhanced Application Review allows:

- the applicant and City staff to maintain open and frequent communication (written, electronic, telephone, meeting, etc.) during the application review;
- City staff and the applicant to collaboratively work together regarding an application; and
- City staff to make requests for additional information and the applicant to submit revisions to address code, ordinance, or policy deficiencies in an expeditious manner.

Generally, the on-going communication and the collaborative work environment will allow the review of an application to be expedited within the published Staff Review Time frames.

#### **2. Standard Application Review Methodology:**

Under the Standard Application Review, the application is processed in accordance with the Regulatory Bill-of-Rights of the Arizona Revised Statutes. These provisions significantly minimize the applicant's ability to collaboratively work with City Staff to resolve application code, ordinance, or policy deficiencies during the review of an application. After the completion the city's review, a written approval or denial, recommendation of approval or denial, or a written request for additional information will be provided.

The City is not required to provide an applicant the opportunity to resolve application deficiencies, and staff is not permitted to discuss or request additional information that may otherwise resolve a deficiency during the time the City has the application. Since the applicant's ability to collaboratively work with Staff's to resolve deficiencies is limited, the total Staff Review Time and the likelihood of a written denial, or recommendation of denial is significantly increased.

In addition to the information above, please review the Development Application, and/or the Application for Permitting flow charts. These flow charts provide a step-by-step graphic representation of the application processes for the associated review methodologies.

#### Note:

1. Please see the Current Planning Services and Long Range Planning Services Substantive Policy Statements and Staff Review Timeframes for Development Applications, number III.

#### Planning and Development Services

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City of Scottsdale's Website: [www.scottsdaleaz.gov](http://www.scottsdaleaz.gov)

Page 2 of 3

Revision Date: 05/18/2015

**13-UP-2018**  
**7/20/2018**

# Development Application

## Arizona Revised Statutes Notice



### §9-834. Prohibited acts by municipalities and employees; enforcement; notice

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.

13-UP-2018  
7/20/2018

#### Planning and Development Services

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088

City of Scottsdale's Website: [www.scottsdaleaz.gov](http://www.scottsdaleaz.gov)

# BLK Live Conditional Use Permit – Live Entertainment

## PROJECT NARRATIVE

In 2011, the City Council approved zoning Case No. 33-UP-2011, a Conditional Use Permit for a Bar Use for an existing restaurant. In 2014, the City Council approved Case No. 12-UP-2013, a Conditional Use Permit for Live Entertainment for an existing bar and restaurant establishment. The venue originally operated as more of a Hip Hop and dance club venue.

In recent years, the establishment has successfully operated a high-end restaurant within the building and live music shows on the large, roughly 10,000 sqft exterior patio. Documents from 2014 approval show a roughly 20' wide x 10' deep size stage on the site plan. However, the size or style of stage was never stipulated to or limited in any means by the approvals. Stages are typically temporary structures, changing for different performers and often erected and disassembled on a weekly or monthly basis. In essence, the stage on the 2014 site plan was just a placeholder reflecting the general area where the stage was anticipated to be. The current stage is roughly 28' wide x 20' deep. The truss system which envelopes the stage makes the stage appear roughly 6' wider on each side. The purpose of this application is to update the Live Entertainment CUP to create parameters for which any future stage could operate under. No other changes are being requested.

It is important to note; stage size has no correlation on sound produced by the venue. A single DJ on a small stage can produce noise in great excess of a band on a large stage with multiple performers. Noise production is more reflective of sounds systems, speakers, volume controls, noise mitigation measures and numerous other factors.

## APPROVAL CRITERIA

The City of Scottsdale Zoning Ordinance Sec. 1.400 Conditional Use Permits, sets forth the following approval criteria:

- A. Granting the CUP will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, consideration shall include, but not be limited to, the following factors: (1) Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination; (2) impact on surrounding area resulting from and unusual volume or character of traffic.**

Approval of the CUP request will not be materially detrimental to the public health, safety or welfare. Noise mitigation measures have, and will continue to be taken, and the venue will continue to be in compliance with the City's noise ordinance and requirements. The project will not emit smoke, odor, dust, vibration, or illumination such that damage or nuisance occurs. It is also important to note the venue is adjacent to an active airport runway which contributes to the ambient conditions of the area. Traffic patterns in the area are already well established.

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

A stage for live entertainment has been in operation at this site for years. The request to create parameters for the stage is to ensure it remains reasonably compatible with the characteristics of the existing venue.

**C. The additional conditions specified in Ordinance Sec. 1.403, as applicable, have been satisfied.**

**1.403.K – Live Entertainment:**

**1. The applicant has provided and obtained City approval of a written Security and Maintenance Plan.**

The establishment currently operates under an approved Security and Maintenance Plan and no changes are anticipated with this updated application as the request simply creates parameters for the existing stage area.

**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 live entertainment.**

The existing venue operates as an outdoor live music venue with exterior speakers. Numerous noise mitigation measures have been and continue to be taken to ensure reasonable noise levels. Measurement taken by the City and the venue have never exceeded the 68db code requirements.

**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.**

The establishment currently operates under an approved lighting plan.

**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.**

The establishment currently operates under an approved site plan (see approve Case No. 409-SA-2016) a copy of which is provided with this application. The site plan notes area for live entertainment and is not changing with this application. This application will only add parameters for which a stage may be erected and maintained on site.

- 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 serve on all streets accessed by the use meets the City's standards.**

The establishment is not located in the Downtown Area and is accessed by a local commercial street. A TIMA was included with previous approvals and shows the level of serve meets City 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.**

A parking study is not required with this application. The venue fully meets parking requirements through a combination of on-site and off-site parking.

- 7. The owner shall provide any additional information required by the Zoning Administrator to evaluate the impacts of the propose use upon the area.**

To date, no additional information has been requested. The applicant will continue to work with the City and the public on any requested information.

- 8. All building openings such as doors, windows and movable wall panels shall be closed but not locked. However, doors and service windows may be opened temporarily to allow passage.**

All building opening swill be closed by not locked except doors and windows leading to any pool or patio.

- 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.**

The property is not located within 500 feet of a residential district.

- 10. The owner and operator shall comply with all plans approved as part of the Conditional Use Permit.**

The owner and operator will comply with all plans.

**11. All patron entrances shall be illuminated in accordance with the Building Code and the exterior lighting plans approved by the Development Review Board.**

Patron entrances are illuminated and in accordance with approvals.

**12. Noise generated from the live entertainment shall conform to the City's Noise Ordinance.**

The venue has and will continue to conform to the City's noise ordinance and will continue to work with nearby property owners, residents and business owners to mitigate potential issues.

## **CONCLUSION**

The requested Conditional Use Permit involves a small change to the previously approved CUP. The request also meets or exceeds the approval requirements noted in the zoning ordinance and described in detail above. The request will place parameters on future stages which may be erected or operated on site. Approval of this request will not be detrimental to any adjacent properties or uses and will help maintain another quality amenity for Scottsdale residents and visitors alike.

Please feel free to contact me if you have any questions, or if you need any additional information.

# Routing Sheet

LIVE ENTERTAINMENT

1st Submittal

or Resubmittal (← circle one)  
(Stip Review Added - Except AB)

13-UP-2018  
7/20/2018

Public Hearing Case Type (circle one):

Administrative Case Type (circle one):

AB AN BA DR GP HE HP II IP PE PP TA UP ZN Other:

HP MD MN MS SA WM Other:

Coordinator: _____	Pre-App #: <u>924-PA-2017</u>	Date Submitted: _____	PC/CC Track: _____	BOA Track: _____
Admin Staff: _____	Case #: _____	Comments Due: _____	DRB Track: _____	Other: _____

### Review Team:

(For additional documents, please view the case file.)

		Design Review (Steve Venker)	Engineering Group (Eliana Hayes)	Transportation Eng (Phil Kercher)	Transportation Pln (Greg Davies)	Fire Group (Scott Stanek)	Drainage (Richard Anderson)	GIS (Tanya H.)	Airport (Sarah Ferrara)	Maps (Eliana Hayes)	Land Survey (Dwayne Haught)	Archaeological (Steve Venker)	Long Range Pln (Taylor Reynolds)	Water Resources name:	Other:
<input type="checkbox"/>	Digital File	Narrative	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> x2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Digital File	Site Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> x2	<input type="checkbox"/>	<input type="checkbox"/> x2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Digital File	Alta Survey	<input type="checkbox"/>												<input type="checkbox"/>
<input type="checkbox"/>	Digital File	Grading & Drainage Plan	<input type="checkbox"/>				<input type="checkbox"/>								<input type="checkbox"/>
<input type="checkbox"/>	Digital File	Context Aerial Site Plan Overlay	<input type="checkbox"/>				<input type="checkbox"/>								<input type="checkbox"/>
<input type="checkbox"/>	Digital File	Phasing Plan	<input type="checkbox"/>				<input type="checkbox"/>								<input type="checkbox"/>
<input type="checkbox"/>	Digital File	Site Details	<input type="checkbox"/>				<input type="checkbox"/>								<input type="checkbox"/>
<input type="checkbox"/>	Digital File	Pedestrian & Circulation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										<input type="checkbox"/>
<input type="checkbox"/>	Digital File	Bike & Trails Path	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>										<input type="checkbox"/>
<input type="checkbox"/>	Digital File	Trip gen., Traffic Study, TIMA	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> x2	<input type="checkbox"/>									<input type="checkbox"/>
<input type="checkbox"/>	Digital File	Water and/or Wastewater BOD's	<input type="checkbox"/>				<input type="checkbox"/>							<input type="checkbox"/> x2	<input type="checkbox"/>
<input type="checkbox"/>	Digital File	Drainage Report	<input type="checkbox"/>					<input type="checkbox"/> x2							<input type="checkbox"/>
<input type="checkbox"/>	Digital File	Geotech Report	<input type="checkbox"/>												<input type="checkbox"/>
<input type="checkbox"/>	Digital File	Archaeological Report	<input type="checkbox"/>									<input type="checkbox"/>			<input type="checkbox"/>
<input type="checkbox"/>	Digital File	Draft Amended Dev Standards	<input type="checkbox"/>												<input type="checkbox"/>
<input type="checkbox"/>	Digital File	Proposed CC&R's	<input type="checkbox"/>				<input type="checkbox"/>								<input type="checkbox"/>
<input type="checkbox"/>	Digital File	Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>