

CITY COUNCIL REPORT



Meeting Date: November 12, 2024
General Plan Element: *Land Use*
General Plan Goal: *Create a sense of community through land uses*

ACTION

Paloma 7-UP-2023

Request to consider the following:

1. Adopt Resolution No. 13245 for approval of a conditional use permit for a bar in a new +/- 1,532 square foot building with Central Business, Parking District, Downtown Overlay (C-2/P-3 DO) and Parking District, Downtown Overlay (P-2 DO) zoning, located at 4439 N. Saddlebag Trail.

Goal/Purpose of Request

The owner requests approval to operate a bar on the site. The property owner received Development Review Board approval to construct a new building (11-DR-2022) and said building is presently under construction.

Key Items for Consideration

- Conditional Use Permit Criteria
- Noise mitigation
- Parking provided by a combination of historical Downtown Overlay credits, P-3 credits, remote parking and in-lieu credits
- Availability of remote parking confirmed
- Nearest residence located approximately 375 feet northeast of subject site
- One written comment from nearby property owner received
- Planning Commission heard this case on October 9, 2024 and recommended approval with a 5-1 vote (Commissioner Gonzales dissenting and Commissioner Young recusing)

OWNER

Ryan Jocque
(310) 213-4971

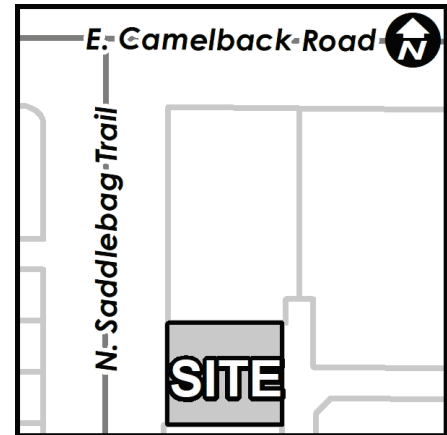
APPLICANT CONTACT

Robert W Leavitt
Jeffrey Craig Miller
(480) 290-1685

LOCATION

4439 N Saddlebag Tr

BACKGROUND



Old Town Character Area Plan (OTSCAP)

The OTSCAP designates the subject site as Downtown Multiple-Use, which encourages a “mix of uses and activities through the development of mutually supportive uses”.

Zoning

The site was annexed into the city in 1959 (Ord. #78) and assigned Central Business (C-2) zoning, which allows bars subject to approval of a conditional use permit. In 2003, the Downtown Overlay was adopted and placed over the property. No other zoning activity has taken place since.

Context

Located on the east side of N. Saddlebag Trail, approximately 125 feet south of E. Camelback Road, the site is situated in an area occupied by a variety of commercial uses of varying intensity. The site is located within the Entertainment District within Old Town, and nearest residence is located approximately 375 feet northeast. Old Town is a collection of mixed-use neighborhoods and the future land use in the area is designated as Multiple Use by the OTSCAP, so new residential could be constructed in the vicinity in the future. The balcony for this establishment faces west toward other commercial uses, though there is exposure to the north as well, making noise mitigation a priority. Please refer to context graphics attached.

Adjacent Uses and Zoning

- North: Surface Parking (privately owned), zoned D/DMU-3 PBD DO
- South: Bar, zoned D/DMU-3 PBD DO
- East: Restaurant/Bar, zoned D/DMU-3 PBD DO, and Office, zoned C-3/P-3 & P-2 DO
- West: Bar, zoned D/DMU-3 PBD DO

Other Related Policies, References:

- Scottsdale General Plan 2035, as amended
- Old Town Character Area Plan
- Zoning Ordinance
- 11-DR-2022: Approved a new two-story commercial building

APPLICANT’S PROPOSAL

Development Information

- Existing Use: N/A (new building presently under construction)
- Proposed Use: Bar
- Parking Required: 34 spaces (1 space for every 120 square feet of gross floor area + 1 space for every 200 square feet of patio or balcony)
- Parking Provided: 35 spaces (4 on-site spaces, 9 P-3 credits, 17 remote spaces and 5 in-lieu parking credits)
- Floor Area: 1,532 square feet of indoor floor area, 4,296 square feet of patio/balcony area

IMPACT ANALYSIS

Conditional Use Permit

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

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

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

- The establishment is located in an area with uses of similar intensity, including bars and restaurants, and the nearest residence is approximately 375 feet northeast of the subject site. No live entertainment is proposed. The bar itself is relatively small at 1,532 square feet, however, a large 4,296 square foot patio/balcony is also proposed. The balcony faces west toward other commercial uses, though there is exposure to the north as well. During review of the DRB case, staff coordinated with the property owner to incorporate noise mitigation measures as part of the building design, specifically for the north edge that faces residential (refer to Attachment #4). Additionally, a stipulation requiring any external speakers on the balcony to be oriented in toward the establishment and directed downward is included as part of this report. It should be noted that the property to the north is part of the Scottsdale Collection Planned Block Development (PBD, 9-ZN-2020). At this location, a building up to 96 feet in height can be constructed as part of the PBD approval, which when built could further screen noise from residential properties to the north. No damage or nuisance from noise, smoke, odor, dust, vibration or illumination is anticipated.

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

- The proposed use is consistent in intensity with other establishments in the area and parking complies with ordinance requirements. This request is not anticipated to generate a significant increase in volume of vehicular traffic that would affect existing traffic patterns on surrounding streets.

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

- This establishment is located in the Entertainment District, which is occupied by uses of similar intensity, including bars and restaurants, and the nearest residence is approximately 375 northeast of the site. The characteristics of the proposed use are reasonably compatible with uses in the surrounding area.

C. The additional conditions specified in Section 1.403.C (bar), as applicable, have been satisfied.

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

- The proposed hours of operation are 5:00 PM to 2:00 AM Monday-Friday, and 10:00 AM to 2:00 AM Saturday and Sunday. These hours of operation are typical for most of the establishments in the Entertainment District, with a few exceptions. This request is not anticipated to disrupt the balance of daytime and nighttime uses.

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

- The proposed building includes a large balcony on the 2nd level and a smaller ground level patio, both of which will encourage interaction between pedestrians on the street and patrons of the establishment. This request is not anticipated to disrupt pedestrian-oriented daytime activities.

3. If the site is located within the Downtown Overlay district then:

- a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.**
 - This new building was designed for food and beverage services and will not displace any daytime retail uses.
- b. The required parking for the use shall be within six hundred (600) feet of the property and shall not be separated from the property by a major or minor arterial street.**
 - There are four parking spaces on-site. The applicant has also secured 17 remote parking spaces on various properties, all within 600 feet of the subject site. None of the spaces are separated from the site by a major or minor arterial street. Assurance of Remote Parking Agreements have been executed and availability of spaces confirmed by staff.

4. **If the use is located within five hundred (500) feet of a residential use or district then:**
 - a. **The use shall not adversely impact residential uses.**
 - b. **The use shall provide methods of buffering residential uses.**
 - This site is located approximately 375 feet from the nearest residential use and no live entertainment is proposed. While the proposed 2nd level balcony is oriented toward the west, there is exposure to the north, which faces residential on the north side of E. Camelback Road. Noise mitigation was integrated into the building design along the north edge as part of the DRB process that should help to minimize noise intrusion on the residential to the north.
5. **An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.**
 - The Police Department has reviewed the proposal and sees no reason to delay the application from going through the process of approval to obtain the required conditional use permit. Further review of the Public Safety Plan (PSP), and associated refuse control plan, will be conducted upon issuance of the Certificate of Occupancy.
6. **The applicant shall create a written exterior refuse control plan for approval by the City.**
 - The Police Department has reviewed the proposal and sees no reason to delay the application from going through the process of approval to obtain the required conditional use permit. Further review of the Public Safety Plan (PSP), and associated refuse control plan, will be conducted upon issuance of the Certificate of Occupancy.
7. **The applicant shall demonstrate how noise and light generated by the use shall be mitigated.**
 - This site is located approximately 375 feet from the nearest residential use and no live entertainment is proposed. While the proposed 2nd level balcony is oriented toward the west, there is exposure to the north, which faces residential on the north side of E. Camelback Road. Noise mitigation was integrated into the building design along the north edge as part of the DRB process that should help to minimize noise intrusion on the residential to the north. All proposed lighting was reviewed as part of the DRB process for compliance with the city's Exterior Lighting Policy.
8. **The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.**
 - A total of 34 spaces is required for the proposed bar use. There are 4 spaces on-site, 9 P-3 credits, 17 spaces provided remotely and 5 in-lieu credits. The site is close to E. Camelback Road, which is classified as a Minor Arterial. In recent years, the street network in the Entertainment District has been converted to one-way only to promote a safer pedestrian environment.
9. **After hours establishments must maintain a valid after-hours establishment license.**
 - No after-hours activities are proposed as part of this application.

Public Safety

The Police Department has reviewed the proposal and sees no reason to delay the application from going through the process of approval to obtain the required conditional use permit. Further review of the Public Safety Plan (PSP), and associated refuse control plan, will be conducted upon issuance of the Certificate of Occupancy. As with any project that contributes to growth, the fire department and police department continually anticipate and evaluate resource needs for the city's budget process.

Community Involvement

The City of Scottsdale promotes public participation in the development of the built environment and has used multiple public outreach methods. The applicant has also complied with the city's suggested best practices for public outreach by sending written notification to all property owners within 750 feet of the subject site. To date, one written comment has been received by staff and is attached to this report.

OTHER BOARDS AND COMMISSIONS

Planning Commission:

Planning Commission heard this case on October 9, 2024. The case was moved from the Consent Agenda to the Regular Agenda at the request of a local business owner who wished to speak on the item. The speaker's primary concern was noise. This resulted in a lengthy discussion regarding noise that included feedback from a sound engineer in attendance for the applicant team. After discussion, the Commission recommended approval with two additional noise-related stipulations added in the motion, which passed 5-1 with Commissioner Gonzales dissenting and Commissioner Young recusing himself.

Recommended Approach:

Staff recommended that the Planning Commission find that the Conditional Use Permit criteria have been met, and make a recommendation to City Council for approval of a conditional use permit for a bar in a new +/- 1,532 square foot building with Central Business, Parking District, Downtown Overlay (C-2/P-3 DO) and Parking District, Downtown Overlay (P-2 DO) zoning, located at 4439 N. Saddlebag Trail, per the attached stipulations.

STAFF RECOMMENDATION

Recommended Approach:

Adopt Resolution No. 13245 for approval of a conditional use permit for a bar in a new +/- 1,532 square foot building with Central Business, Parking District, Downtown Overlay (C-2/P-3 DO) and Parking District, Downtown Overlay (P-2 DO) zoning, located at 4439 N. Saddlebag Trail.

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

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

APPROVED BY



Greg Bloemberg, Report Author

10-17-2024

Date



Tim Curtis, AICP, Current Planning Director
Planning Commission Liaison
Phone: 480-312-4210 Email: tcurtis@scottsdaleaz.gov

10/24/2024

Date



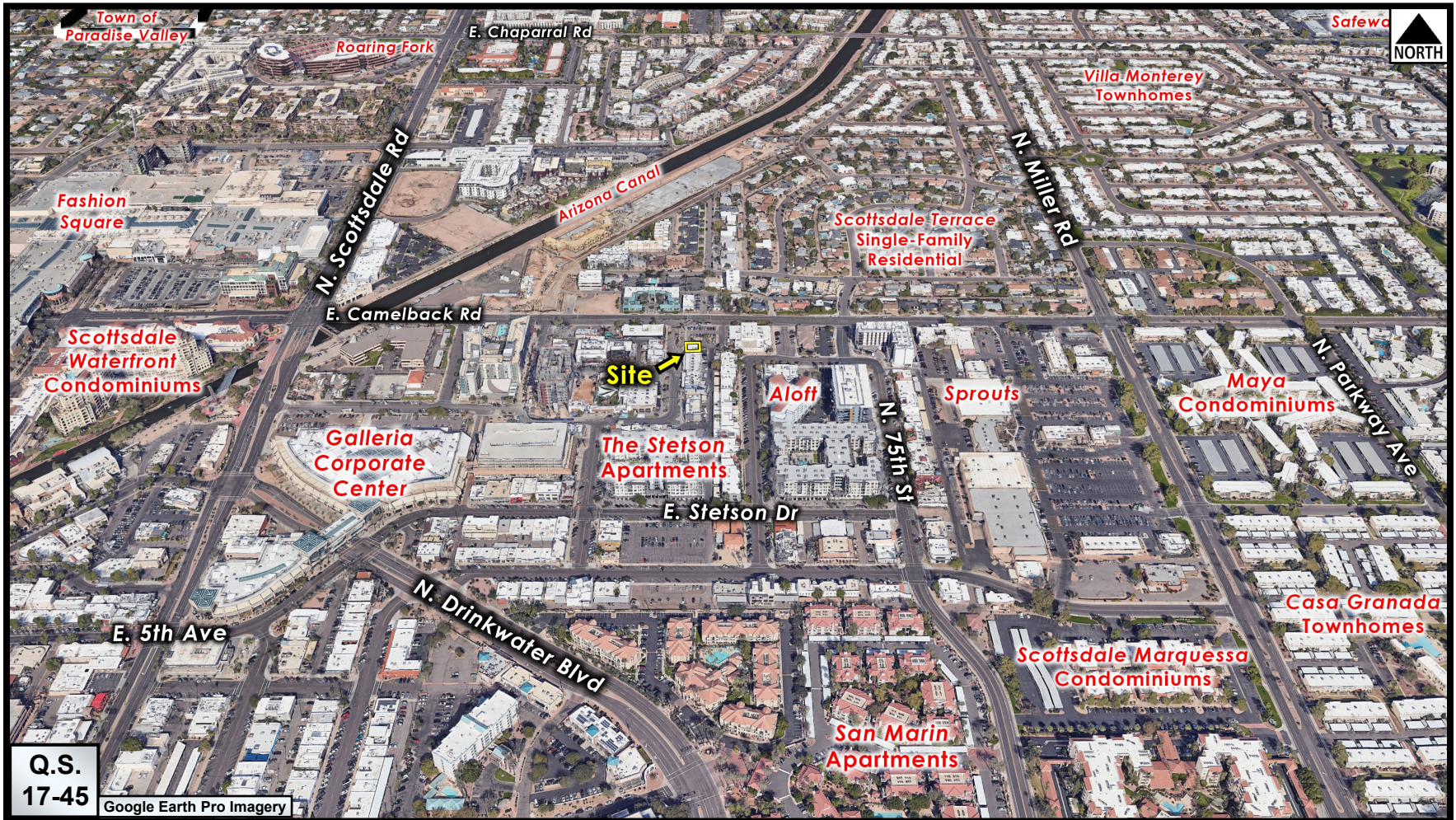
Erin Perreault, AICP, Executive Director
Planning and Development Services
Phone: 480-312-7093 Email: eperreault@scottsdaleaz.gov

10/25/2024

Date

ATTACHMENTS

1. Context Aerial
2. Resolution No. 13245
 - Exhibit 1: Aerial Close Up
 - Exhibit 2: Stipulations
 - Exhibit A to Exhibit 2: Floor Plan
 - Exhibit 3: Additional Conditions
3. Applicant's Narrative
4. Noise Mitigation Exhibit
5. Zoning Map
6. Community Involvement
7. City Notification Map
8. October 9, 2024 Planning Commission Meeting Minutes
9. Public Comment



Context Aerial

7-UP-2023

RESOLUTION NO. 13245

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR A BAR USE WITHIN AN APPROXIMATELY +/-1,532 SQUARE FOOT BUILDING WITH CENTRAL BUSINESS, PARKING DISTRICT, DOWNTOWN OVERLAY (C-2/P-3 DO) AND PARKING DISTRICT, DOWNTOWN OVERLAY (P-2 DO) ZONING LOCATED AT 4439 N. SADDLEBAG TRAIL.

WHEREAS, the Planning Commission held a public hearing on September 25th and October 9, 2024; and

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

Section 1. That the City Council finds:

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

Section 2. That a description of the conditional use permit is set forth in Case No. 7-UP-2023. The property that is subject to the conditional use permit is shown on **Exhibit 1** and the conditional use permit approval is conditioned upon compliance with all of the stipulations that are set forth in **Exhibits 2** and **Exhibit 3**. All exhibits are incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this ____ day of _____, 2024.

ATTEST:

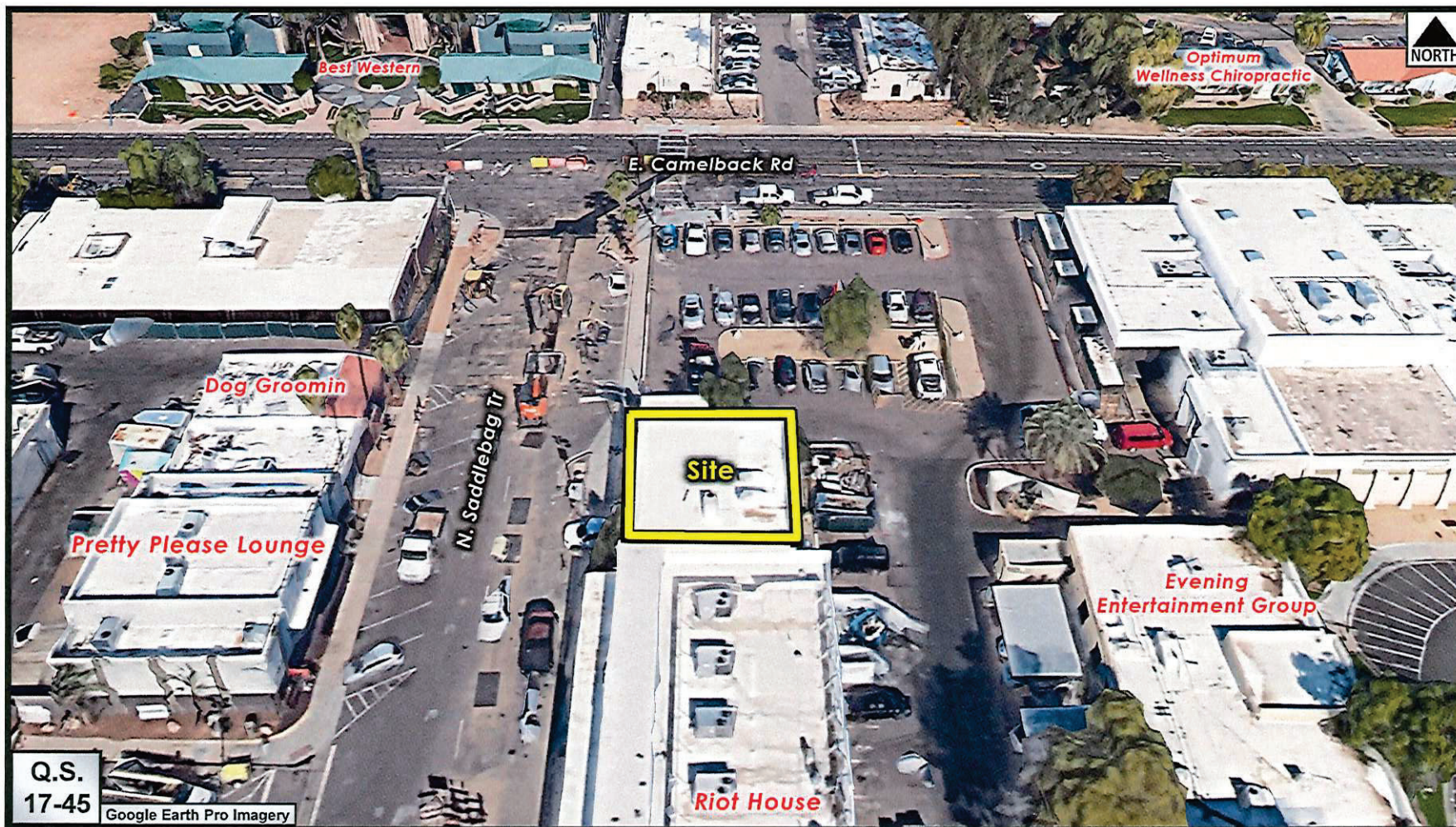
CITY OF SCOTTSDALE, an Arizona
Municipal Corporation

By: _____
Ben Lane
City Clerk

By: _____
David D. Ortega
Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By:  _____
Sherry R. Scott, City Attorney
By: Joe Padilla, Deputy City Attorney



Close-up Aerial

Conditional Use Permit – Bar

Stipulations

Paloma

Case Number: 7-UP-2023

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

Additional stipulations in bold print added by the Planning Commission as part of the recommendation of approval.

OPERATIONS

1. CONFORMANCE TO THE CONCEPTUAL FLOOR PLAN. The interior and exterior layout of the premises shall be in substantial conformance with the conceptual floor plan submitted by AV3 Design Studio, attached as Exhibit A to Exhibit 2. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. NO LIVE ENTERTAINMENT. This Conditional Use Permit is for a bar use only. No live entertainment is approved as part of this request.
3. HOURS OF BAR OPERATIONS. The hours of operation for this establishment shall be limited to:

	Open to Customers	Close to Customers
Sunday	10:00 AM	2:00 AM
Monday	5:00 PM	2:00 AM
Tuesday	5:00 PM	2:00 AM
Wednesday	5:00 PM	2:00 AM
Thursday	5:00 PM	2:00 AM
Friday	5:00 PM	2:00 AM
Saturday	10:00 AM	2:00 AM

4. Public Safety Plan (PSP). The operations of the bar shall conform to PSP approved by, and on record with the City of Scottsdale's Police Department and the Planning and Development Services Department. A copy of the approved PSP shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the PSP to the Scottsdale Police Department and the Planning and Development Services Department. At least ten (10) days before any operational change of the bar, or any promotional event (excluding Special Events), that modifies the requirements or contents of the PSP, the owner shall submit a revised PSP to the Scottsdale Police Department and the Planning and Development Services Department. Any revised PSP shall be subject to approval by the City of Scottsdale's Police Department and the Planning and Development Services Department.
5. NOISE. In addition to the City's Noise Ordinance (Ordinance No. 3192, Article II, Chapter 19 of the Scottsdale Revised Code), noise generated from this use, including any speakers or

other amplification equipment, shall not exceed ambient noise levels consistent to the use and the character of the area during hours of operation, as determined by the Zoning Administrator, or designee. Amplified music shall be limited to the times that State law allows liquor sales at this bar.

6. NOISE MITIGATION. In addition to the measures incorporated into the building design approved by the Development Review Board, the wrought iron railing on the second level balcony shall be replaced with plexiglass (height to match) to provide an additional measure of noise mitigation.
7. EXTERNAL SPEAKERS. External speakers shall be oriented toward the establishment and directed downward to minimize the potential for noise trespass on the residential neighborhood to the north.
8. **BARRIER. A minimum 42-inch-high plexiglass barrier shall be added to the perimeter of the 2nd story balcony.**
9. **NOISE LIMITER. The owner shall utilize a compressor limiter to mitigate noise levels. The limiter shall be set so noise does not exceed ambient noise levels of the surrounding area.**
10. EXTERNAL DOORS. All external doors shall be closed but not locked during business hours.

PARKING

11. MINIMUM PARKING. The site shall be required to provide parking, as required by the Zoning Ordinance, through on-site parking, off-site parking, in-lieu parking spaces, or any combination thereof, at all times. Failure to provide required parking for the use, to the satisfaction of the Zoning Administrator, or designee, may be grounds for revocation of the Conditional Use Permit.
12. PARKING ASSURANCE AGREEMENT(S). A minimum of 17 physical parking spaces shall be provided remotely at the following locations:
 - 4414 N. Civic Center Plaza (12 spaces)
 - 4422 N. Civic Center Plaza (5 spaces)Thirty (30) days before the expiration of any assurance agreement, the owner or operator shall submit a new assurance agreement to the Zoning Administrator, or designee, subject to city review and approval.

ADMINISTRATIVE/PROCESS

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



APPENDIX B – BASIC ZONING ORDINANCE
1.403

C.1 Bars, cocktail lounges, and/or after-hours establishments.

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



ARIZONA LIQUOR
INDUSTRY CONSULTANTS

P.O. Box 2502
Chandler, Arizona 85244
(480) 730-2675 Phone (480) 730-2676 Fax

June 15, 2023

City of Scottsdale
Planning & Development Department
7447 East Indian School Road
Suite #105
Scottsdale, Arizona 85251

Re: Application # 284-PA-2023

To whom it may concern:

Our firm represents Good Heavens Entertainment, LLC dba Paloma ("applicant"), an Arizona Limited Liability Company registered with the Arizona Corporation Commission with file # 23449231. The applicant wishes to apply for a Conditional Use Permit ("CUP") to allow for the sales, service, and on-sale consumption of alcoholic beverages on their premises located at 4439 North Saddlebag Trail, Scottsdale, Arizona 85251.

The property owner, Selena Properties, LLC ("property owner") is an Arizona Limited Liability Company registered with the Arizona Corporation Commission with file # 23267188. Mr. Ryan Jocque is the Managing Member of said LLC and the Managing Member of Good Heavens Entertainment, LLC, and as such no property owner permission letter to use the premises for the stated purpose is required. Further, Selena

Properties, LLC has authorized AZLIC to act on behalf of the property owner and the applicant for the purpose of the CUP application. Upon the issuance of the CUP applied for herein, applicant has authorized Arizona Liquor Industry Consultants ("AZLIC") to apply for a Location Transfer of their existing Arizona Department of Liquor License and Control ("ADLLC") Series 6 liquor license for a bar (006070014492).

ADLLC Series 6 liquor license is being transferred from Winfield's, 4440 North Saddlebag Trail, Scottsdale, Arizona 85251 to Paloma, 4439 North Saddlebag Trail, Scottsdale, Arizona 85251 .

The applicant has performed extensive remodeling construction of the property located at 4439 North Saddlebag Trail which totals three thousand six hundred eighty (3,680) square feet and is a two (2) story/level property. The business has a seating capacity of one hundred fifty-five (155) persons. All dining will be on the attached outdoor patios with a combined seating capacity of one hundred ten (110) persons and the bar areas will have a combined seating capacity of forty-five (45) persons. The business will have several wall mounted televisions in the bar area, but will have no dancing and no electronic entertainment devices.

The business will be open from 5:00 PM until 2:00 AM Monday through Friday, and from 10:00 AM until 2:00 AM on Saturday and Sunday. All outdoor speakers be directional inward to the business to minimize any detectable music on the outside. The business plans to employ seventy-five (75) employees with various job functions.

June 15, 2023

The applicant has developed and submitted a Public Safety Plan ("PSP") in accordance with the requirements of City of Scottsdale Ordinance 4109. Applicant's PSP is being reviewed by the Scottsdale Police Department's Liquor Enforcement Unit and is expected to be approved in conjunction with the CUP applied for herein.

The premises at 4439 North Saddlebag Trail are currently under remodeling construction and the applicant is planning to be ready to open for their normal course of business on or before November 1, 2023.

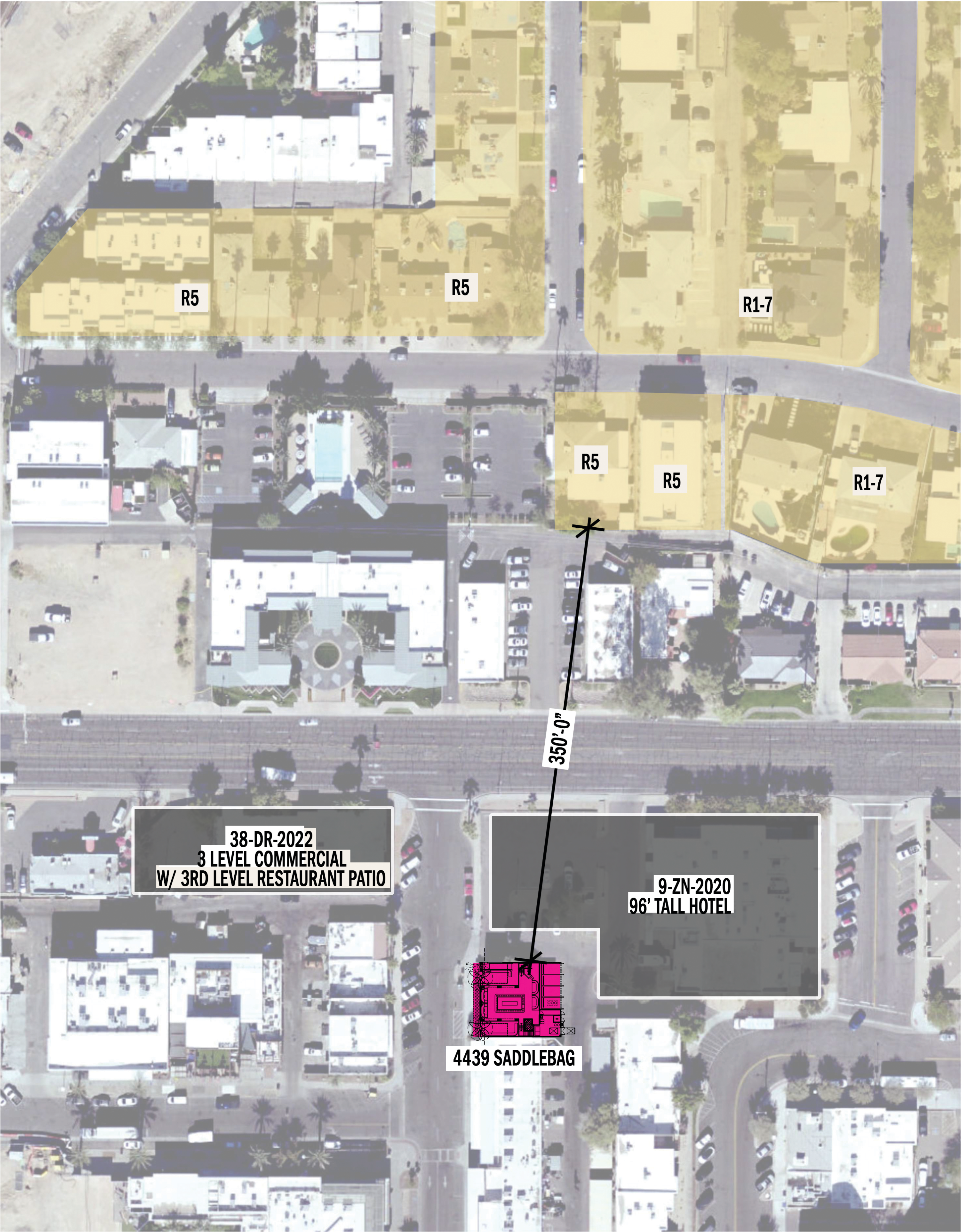
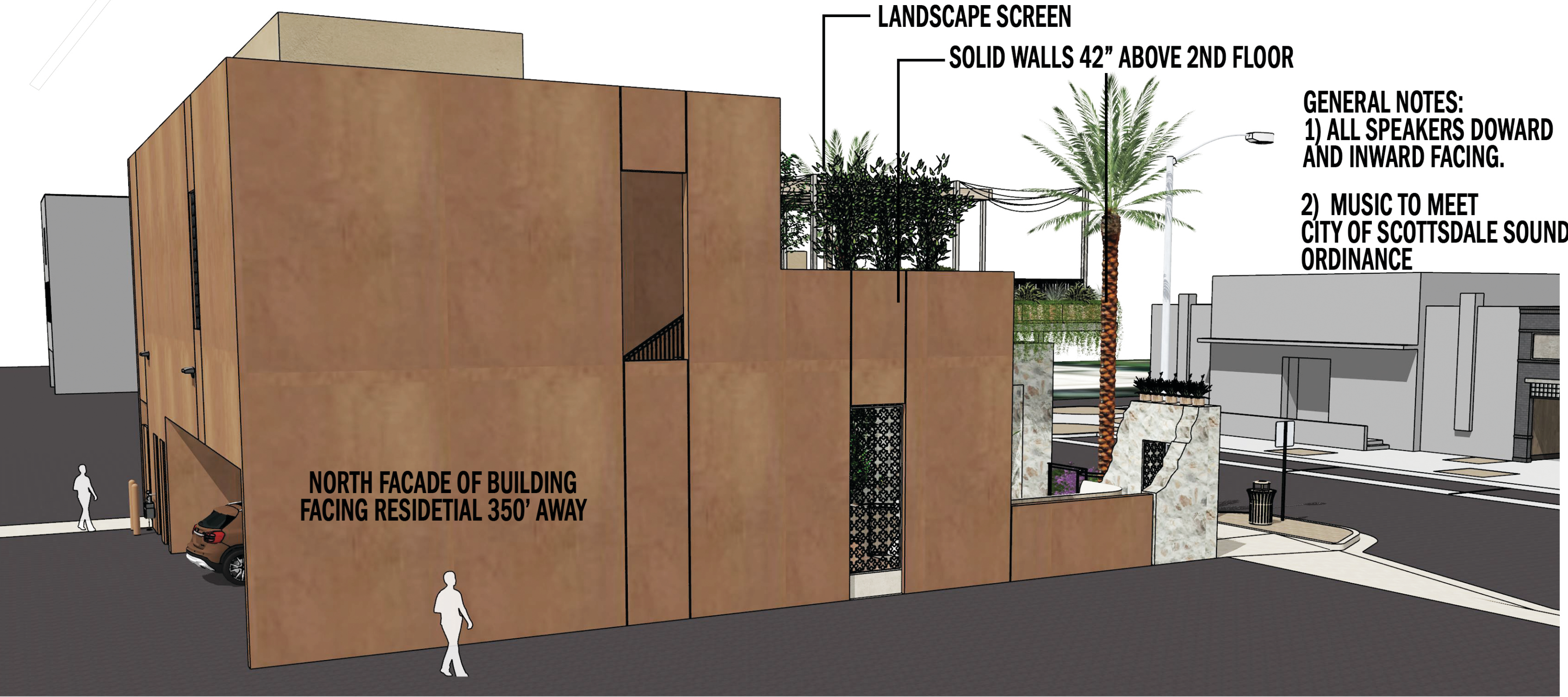
The issuance of this CUP will not cause any significant vehicular and/or pedestrian traffic in adjacent areas. The surrounding area contains other restaurants and stores, and therefore, will not cause any additional nuisances such as odors, dust, gas, vibration, heat, or glare.

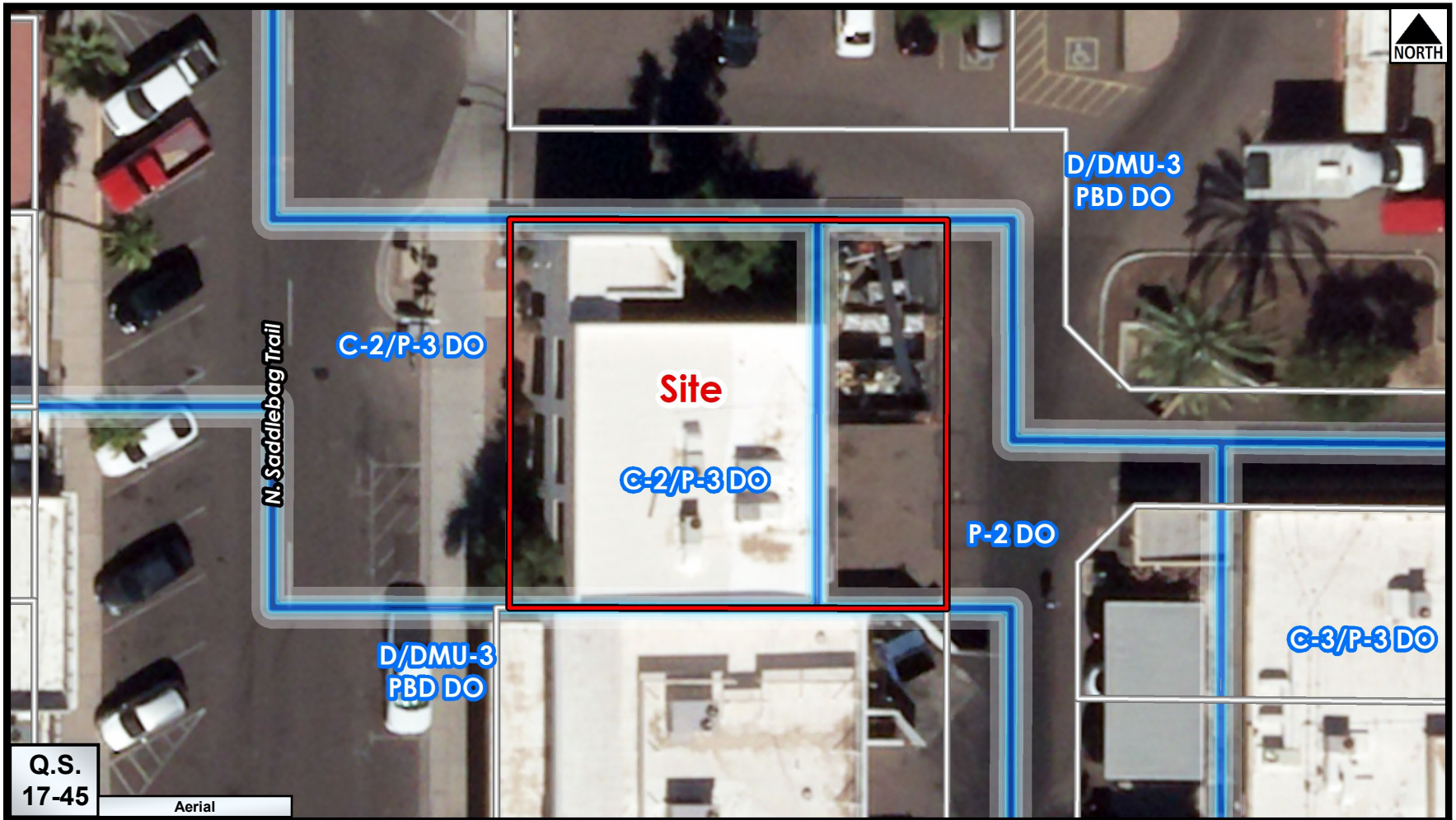
Respectfully submitted,



Jeffrey Craig Miller

On behalf of Good Heavens Entertainment, LLC dba Paloma





Q.S.
17-45

Aerial

Zoning Aerial

7-UP-2023



ARIZONA LIQUOR
INDUSTRY CONSULTANTS

P.O. Box 2502
Chandler, Arizona 85244
(480) 730-2675 Phone (480) 730-2676 Fax

REQUEST FOR CONDITIONAL USE PERMIT
Paloma 4439 N Saddlebag Trl Scottsdale AZ 85251

July 19, 2023

Dear Neighbor,

Paloma is hosting an open house/neighborhood meeting that will be held at Paloma to discuss a Conditional Use Permit for a bar with entertainment that will be submitted to the City of Scottsdale, located at 4439 N Saddlebag Trl, Scottsdale AZ 85251.

Neighborhood Meeting
Monday, August 7th 6:00pm-7:00pm
Paloma
4439 N Saddlebag Trl
Scottsdale AZ 85251

Paloma will apply for a Series 6 bar liquor license. Paloma in total is 5,828 square ft including the 4,296 square foot patio areas. The business will provide various forms of live musical entrainment with all outdoor speakers be directional inward to the business to minimize any detectable music on the outside.

You may reach the City of Scottsdale Planning and Development Services Department at 480-312-7000 or Greg Bloemberg at 480-312-4306 and gbloemberg@scottsdaleaz.gov. Please reference case number 7-UP-2023.

If you have any questions, please call Rhonda Rodriguez or Jeffrey Craig Miller at 480-730-2675.

Sincerely,

Jeffrey Craig Miller,
Representative for Paloma

Neighborhood Open House

CoS Planning # 284-PA-2023

August 7, 2023, from 6-7PM

Meeting conducted by Ryan Jocque &
Robert Leavitt

**Materials Available for Review: Architectural
Renderings, Restaurant Menu, Construction Specifications &
Neighborhood Map Depicting Paloma in Relation to Other
Properties Within a 750 ft Radius.**

Open House began at 6:00PM

6:12: 4 interested parties (business owners) arrived, and discussion began with a detailed explanation of the Paloma project, including the demolition and rebuild of the new structure.

Questions regarding traffic and parking were raised; it was explained that a detailed parking plan was being developed in compliance with the City of Scottsdale code for the number of square feet of the project.

Of significant interest was the potential for noise pollution from Paloma. As described below, it was explained that a sophisticated sound system was being created to specifically limit an ambient sound to surround businesses and residential properties.

6:25: 2 interested parties (1 residential owner and 1 from the Coalition of Greater Scottsdale) arrived and joined the discussion which then focused on the planned entertainment. It was explained that the entertainment was limited to a DJ with no microphones or significant amplification; further, it was explained that a sophisticated sound systems is being designed to create invisible sound barriers which will direct all sound inward to the business with the intent of limiting ambient sound to the exterior and surrounding properties.

6:35: **Councilwoman Solange Whitehead** joined the group. She asked and received clarification regarding the “live entertainment” which is planned; it was again explained that the entertainment will be limited to a “DJ” with the sound systems as explained previously.

6:50: 2 interested parties who are residential property owners at the “Envy” condo building had basic questions regarding the general nature of the business and the time frame of when the business is expected to be up and running.

7:00: All parties left at or before 7:00 PM; **all attendees reacted favorably with the information provided in response to their concerns.**



Affidavit of Posting

Required: Signed, Notarized originals.

Recommended: E-mail copy to your project coordinator.

☐ Project Under Consideration Sign (White)

☒ Public Hearing Notice Sign (Red)

Case Number:

7-UP-2023

Project Name:

Location:

4439 N Saddlebag Trl

Site Posting Date:

09/04/24

Applicant Name:

Arizona Liquor Industry Consultants

Sign Company Name:

Dynamite Signs

Phone Number:

480-585-3031

I confirm that the site has been posted as indicated by the Project Manager for the case as listed above.

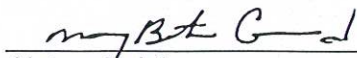

Applicant Signature

09/04/24

Date

Return completed original notarized affidavit AND pictures to the Current Planning Office no later than 14 days after your application submittal.

Acknowledged before me on September 4, 2024


Notary Public

My commission expires: 10-25-24

City of Scottsdale -- Current Planning Division

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



City of Scottsdale
PUBLIC NOTICE

scan,
snap,
save



ZONING/PUBLIC HEARING

CITY HALL: 3939 N. Drinkwater Boulevard

PLANNING COMMISSION: 5:00 P.M., 9/25/2024

CITY COUNCIL: 5:00 P.M., TBD

REQUEST: Request by owner for approval of a conditional use permit for a bar in a new +/- 4,000 square foot building with Central Business, Parking District, Downtown Overlay (C-2/P-3 DO) and Parking District, Downtown Overlay (P-2 DO) zoning, located at 4439 N Saddlebag Trail.

CASE NUMBER: 7-UP-2023

Project Location: 4439 N Saddlebag Tr

Applicant Contact:

Jeffery Craig Miller
(480) 730-2675

City Contact:

Greg Bloomberg

480-312-4306

gbloomberg@scottsdaleaz.gov

Case File Available at City of Scottsdale 480-312-7767

Posting Date: 9/04/2024

Project information may be researched at: <https://eservices.scottsdaleaz.gov/bldgresources/Cases>

Penalty for removing or defacing sign prior to date of last hearing. Applicant responsible for sign removal.

Sep 4, 2024 at 11:36:18 AM

4439 N Saddlebag Trail

Scottsdale AZ 85251





RE: 284-PA-2023

August 11, 2023

Dear Ryan,

Thank you for taking time to present the Paloma restaurant and bar to us and our neighbors.

We look forward to a restaurant that serves food in our neighborhood and hope to frequent it ourselves.

The Series 6 liquor license concerns me that food will not be served, however your reassurances give me confidence in your venture.

Your restaurant looks beautiful, and I feel it will be a positive addition to the bar district and neighborhood in general.

We support your project and wish you much success.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jude Nau', written in a cursive style.

Jude Nau

Sundial Resorts Inc.

Sundial

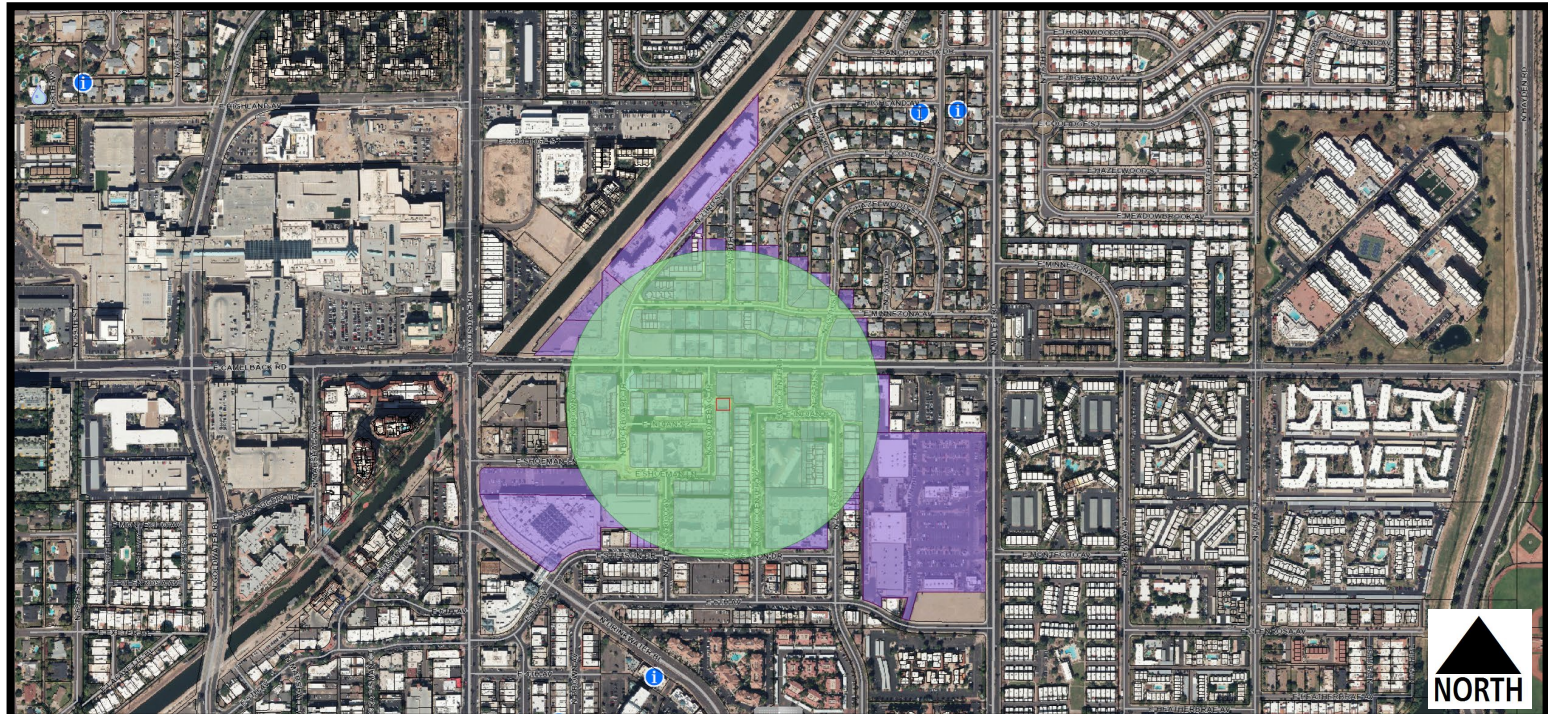
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City Notifications – Mailing List Selection Map

Paloma



Labels Pulled
September 3, 2024

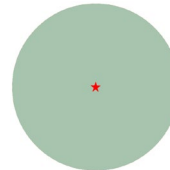
Additional Notifications:

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

Map Legend:



Site Boundary



Properties within 750-feet

Postcards: 202

7-UP-2023



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

WEDNESDAY, OCTOBER 9, 2024

SUMMARIZED MEETING MINUTES

PRESENT: Renee Higgs, Chair
Joe Young, Vice Chair
Barney Gonzales, Commissioner
George Ertel, Commissioner
Michal Ann Joyner, Commissioner
William Scarbrough, Commissioner
Diana Kaminski, Commissioner

ABSENT: None

STAFF: Tim Curtis
Joe Padilla
Greg Bloemberg
Casey Steinke
Becca Cox
Jason McWilliams
Clayton Chults

CALL TO ORDER

Chair Higgs called the regular session of the Scottsdale Planning Commission to order at 5:01 p.m.

ROLL CALL

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

ATTACHMENT #8

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

MINUTES REVIEW AND APPROVAL

1. Approval of the September 25, 2024 [Regular Meeting Minutes](#).
Approval of the September 25, 2024 Executive Session Meeting Minutes.

Vice Chair Young made a motion to approve the September 25 regular meeting minutes. Second by Commissioner Gonzales, the motion carried unanimously by a vote of seven (7) to zero (0) by Chair Higgs, Vice Chair Young, Commissioner Gonzales, Commissioner Kaminski, Commissioner Ertel, Commissioner Joyner and Commissioner Scarbrough.

Commissioner Scarbrough made a motion to continue the September 25, 2024 executive session meeting minutes to the October 23, 2024 regular meeting. Second by Commissioner Ertel, the motion carried unanimously by a vote of seven (7) to zero (0) by Chair Higgs, Vice Chair Young, Commissioner Gonzales, Commissioner Kaminski, Commissioner Ertel, Commissioner Joyner and Commissioner Scarbrough.

CONSENT AGENDA

2. [7-UP-2023 \(Paloma\)](#)

Request by owner for approval of a conditional use permit for a bar in a new +/- 4,000 square foot building with Central Business, Parking District, Downtown Overlay (C-2/P-3 DO) and Parking District, Downtown Overlay (P-2 DO) zoning, located at 4439 N. Saddlebag Trail. Staff contact person is Greg Bloemberg, 480-312-4306. **Applicant contact person is Robert W Leavitt, (480) 290-1685.**

Item No. 2 moved to regular agenda; Jude Nau spoke in opposition. Commissioner Ertel made a motion for recommendation of approval to City Council for case 7-UP-2023 per the staff recommended stipulations and additional stipulations regarding noise mitigation after finding that the Conditional Use Permit criteria have been met. Second by Commissioner Joyner, the motion carried by a vote of five (5) to one (1) by Chair Higgs, Commissioner Kaminski, Commissioner Ertel, Commissioner Joyner and Commissioner Scarbrough with Commissioner Gonzales dissenting and Vice Chair Young recusing himself.

3. [2-ZN-2010#2 \(The Loop\)](#)

Request by owner for approval of a Zoning District Map Amendment to amend the previously approved development plan, including amended development standards including Building height, Floor Area Ratio, Volume, Open space, Front yard setback and Permissible height and Area regulations resulting in a development plan that conforms to the development standards of the Industrial Park (I-1) zoning district, on a +/- 18.36-acre site located at 17821 N. 85th Street, 17799 N. 85th Street, 17791 N. 85th Street, and 17761 N. 85th Street with Planned Community District (P-C) zoning with Industrial Park District (I-1) as the comparable zoning district. Staff contact person is Casey Steinke, 480-312-2611. **Applicant contact person is Kurt Jones, (602) 452-2729.**

Item No. 3; Commissioner Scarbrough made a motion for recommendation of approval to City Council for case 2-ZN-2010#2 per the staff recommended stipulations after finding that

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the Planned Community District (PCD) district criteria have been met and that the proposed Zoning District Map amendment is consistent and conforms with the adopted General Plan. Second by Commissioner Joyner, the motion carried by a vote of six (6) to zero (0) by Chair Higgs, Commissioner Gonzales, Commissioner Kaminski, Commissioner Ertel, Commissioner Joyner and Commissioner Scarbrough with Vice Chair Young recusing himself.

REGULAR AGENDA

4. [15-ZN-2005#4 \(Aria at Silverstone\)](#)

Request by owner for a zoning district map amendment from Planned Community District with P-C comparable Commercial Office District (P-C C-O) to Planned Community District with P-C comparable Multiple-family Residential District (P-C R-5), including an amendment to the Silverstone development plan and amendment to the Silverstone Land Use Budget to allow R-5 zoning on this site and increase the overall number of residential units in the Silverstone PCD from 976 units to 1,076 units, for a new 100-unit townhome community on a +/- 16.3-acre site located at 22602 N. 74th Street. Staff contact person is Greg Bloemberg, 480-312-4306. **Applicant contact person is John Berry, (480) 385-2753.**

Item No. 4; Commissioner Joyner made a motion for recommendation of approval to City Council for case 15-ZN-2005#4 per the staff recommended stipulations after finding that the Planned Community District (PCD) district criteria have been met and that the proposed Zoning District Map amendment is consistent and conforms with the adopted General Plan. Second by Commissioner Ertel, the motion carried unanimously by a vote of seven (7) to zero (0) by Chair Higgs, Vice Chair Young, Commissioner Gonzales, Commissioner Kaminski, Commissioner Ertel, Commissioner Joyner and Commissioner Scarbrough.

NON-ACTION ITEMS

5. [3-TA-2024 \(Adaptive Reuse & Development Application Determination Text Amendment\)](#)

Request by the City of Scottsdale to amend the Zoning Ordinance (Ord. No. 455), Article I., Section 1.206. (Processing of development applications.) and Section 1.305. (Review of applications.), Article III., Section 3.100. (Definitions), Article V., Section 5.2102. (Planned Community – P-C, General Provisions) and Section 5.2605 (Planned Regional Center – PRC, Use Regulations), Article VII. – General Provisions, and Article XI. – Land Use Tables, and any associated sections for the purposes of addressing recent State of Arizona legislation of HB2297 regarding adaptive reuse and SB1162 regarding development application time frames. **Staff contact person is Brad Carr, AICP, (480) 321-7713.**

6. [4-TA-2024 \(Accessory Dwelling Unit \(ADU\) Text Amendment\)](#)

Request by the City of Scottsdale to amend the Zoning Ordinance (Ord. No. 455), Article I., Section 1.206. (Processing of development applications.) and Section 1.1304. (Enlargement, extension, reconstruction or structural alteration of nonconforming structure; enlargement of nonconforming use.), Article III., Section 3.100. (Definitions), Article V., Sections 5.010. through 5.556. (Single-family Residential), Sections 5.600. through 5.606. (Two-family Residential), Sections 5.700. through 5.707. (Medium Density Residential), Sections 5.800. through 5.807. (Townhouse Residential), Sections 5.900. through 5.907. (Resort/Townhouse Residential), Sections 5.1000. through 5.1007. (Multiple-family Residential), Sections 5.1100. through 5.1107. (Service Residential), and Sections 5.2000. through 5.2008. (Manufactured Home), Article VI.,

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Section 6.1004. (Property development standards.), Article VII., Sections 7.200.A. through 7.200.G. (Additional Area Regulations.), Section 7.203. (Vacation rentals or Short-term rentals.), and Section 7.900., Article XI. – Land Use Tables, and any associated sections for the purposes of addressing recent State of Arizona legislation of HB2720 regarding accessory dwelling units and HB2325 regarding backyard fowl. **Staff contact person is Brad Carr, AICP, (480) 321-7713.**

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 7:11 p.m.

10/9/2024



RE: 7-UP-2023

Planning commission meeting, City of Scottsdale.

PALOMA BAR CUP Planning Commission Meeting 10/9/2024.

1. The location to neighboring Residential map concerns me.

The map on the location is inaccurate by at least 125 feet to the residential and occupied property directly across Camelback Road and my property. Zoned Office Residential. The future for development of mixed compatible uses with residential in this area is likely and encouraged by the city.

2. The change from Restaurant and Bar to BAR in this CUP concerns me.

The construction of the Paloma bar has been impressive. The exterior capacity and balcony space overlook the entertainment district, across Camelback Road and to the North, where my guests sleep.

The current application for CUP today has no reference to the restaurant we happily supported in the 2023 meeting.

Recent Update: Today, Ryan Jocque paid me a quick visit. I appreciated his reassurance of maintaining his plan to operate a restaurant and that he has implemented noise mitigation he feels we will be satisfied with. I believe him and other bar owners who have said similar, however, the entertainment clubs DJ's turn it up while the owners are home away from the entertainment district.

I respectfully request stipulations added to this CUP to protect my business and the visitors and residents of our neighborhood. Restricting noise from escaping the enclosed building and restricting the use of electrically powered speakers, music, voice, tv and other sound emitting devices.


Owner

Sundial

7320 E. Camelback Road, Scottsdale, AZ 85251 P: (480) 994-4170 Reservations: (800) 528-1234
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ATTACHMENT #9

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REQUEST TO SPEAK

Request to Speak cards must be submitted to City Staff **BEFORE** public testimony begins.

Public testimony is limited to three (3) minutes per speaker.

Additional time **MAY** be granted to speakers representing two or more persons.

Cards for designated speakers and the person(s) they represent must be submitted together.



NAME (print) Jude Nau MEETING DATE 10/9/2024
NAME OF GROUP/ORGANIZATION (if applicable) Sundial Resorts Inc BW Plus Sundial
ADDRESS 7320 E Camelback Rd ZIP 85251
HOME PHONE 480 994 4170 WORK PHONE 480 440 8669
E-MAIL ADDRESS (optional) jude.nau@bwsundial.com
☒ I WISH TO SPEAK ON AGENDA ITEM # 2 ☐ I WISH TO DONATE MY TIME TO _____
☐ I WISH TO SPEAK DURING "PUBLIC COMMENT"* CONCERNING _____

**Citizens may complete one Request to Speak "Public Comment" card per meeting and submit it to City Staff. "Public Comment" time is reserved for citizen comments regarding non-agendized items. The Board and Commission may hear "Public Comment" testimony, but is prohibited by state law from discussing items which are not listed on the agenda.*

This card constitutes a public record under Arizona law.