

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

## Project Narrative

### Conditional Use Permit for Vines & Hops Beer and Wine Bar

For its project narrative, in accordance with the requirements of the City of Scottsdale's Conditional Use Permit for a Bar, Vines & Hops, LLC dba Vines & Hops states as follows:

Vines & Hops is requesting approval of a Conditional Use Permit for a Bar to allow a Series 7 bar liquor license on the premises and alcoholic beer and food consumption in the interior and on the enclosed, fenced patio of the building located at 4216 North Brown Avenue, Scottsdale, AZ 85251. The existing location is currently licensed under a Series 7 bar liquor license with alcohol and food consumption inside and on the enclosed, fenced patio of the establishment. Vines & Hops is applying for the existing Series 7 liquor license currently registered to Badwater Brewing to be transferred to Vines & Hops.

Vines & Hops will continue to sell food at the establishment in accordance with the restrictions of operating a "cold kitchen" in which no raw food will be served. Vines & Hops will operate in full compliance with the limitations of the license issued by Maricopa County regarding the operation of the kitchen and service of food. Vines & Hops will also continue to serve alcohol on premises and sell ancillary closed liquor bottles for retail as previously approved by the City of Scottsdale. Therefore, the applicant is requesting approval of a Conditional Use Permit for a Bar allowing a Series 7 liquor license for on-site consumption of alcoholic beverages as well as food consumption inside the premises and on the enclosed, fenced patio, and for auxiliary off-site sales of alcohol, which meets the requirements of the Arizona Department of Liquor License and Control as well as the City of Scottsdale (as previously approved for the existing series 7 liquor license approved for the location).

The consumption of alcohol at this site will not negatively impact residents or other businesses within the surrounding area, as most adjacent businesses close by 6:00 p.m. The building has been operated as a Series 7 liquor license bar since 2014 when it opened and has served alcohol for on-site consumption and off-site sales since it opened, and has served food for consumption since its opening. Vines & Hops will continue to operate largely in the same manner as the previous business operated, with the only change being that the bar will serve wine in addition to beer. No changes to the physical layout of the building are planned. Vines & Hops will offer service from 11:00 a.m. to 11:00 p.m. seven days per week, but anticipates that most of its business will take place in the evening hours, between 6:00 p.m. and 11:00 p.m.

A copy of the existing food menu, beer list and wine list is attached. Vines & Hops will specialize in serving local Arizona beer and a wide selection of high quality wine. We expect for food sales to comprise 35% of total sales, and the food will be sourced from local vendors and feature only the highest quality products. Vines & Hops intends to be a cozy, inviting place for guests to come and enjoy a drink, some food, and friendly company in a relaxed atmosphere for people looking to escape the loudness of the Scottsdale club scene. The operations will largely continue as previously approved by the city when the existing license was approved. The small approximately 200 square feet attached patio is enclosed by an iron fence and has small seating, and will provide a safe, quiet place for customers.

As Vines & Hops will close at 11:00 p.m. every day, its operations will not disrupt the existing balance of daytime and nighttime uses.

Conditional Use Permit Criteria for a Bar:

- A. That the granting of such conditional 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.

Response: Vines & Hops will have no impact on the surrounding area regarding the above. The existing and proposed use does not generate smoke, odors or dust. Light from Vines & Hops will not be visible on the west, north or south sides due to the existing full height masonry wall. The existing wall will also act as a buffer for noise. Noise and light from the east side will be controlled through the use of controlled volume levels, the masonry wall, and limited tinted, paned windows.

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

Response: Vines & Hops is primarily an evening establishment that will offer limited service during lunch hours. It will operate largely the same hours as the existing establishment, only on more days of the week. The primary anticipated times of heavy traffic will be evenings and weekends when the surrounding businesses are closed. To date, the existing operation has not had an impact on the surrounding area resulting from an unusual volume or character of traffic. The addition of the Conditional Use Permit for a Bar is not anticipated to cause an effect on the surrounding area resulting from any unusual volume or character of traffic.

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

Response: The proposed Conditional Use Permit for a Bar is compatible with the other high-end bars, hotels, offices, restaurants and businesses in the area. Appropriately, this site has been operating as a beer bar and is zoned accordingly, subject to the approval of a Conditional Use Permit for a Bar.

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

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

Response: Vines & Hops will occupy the currently occupied premises at 4216 North Brown Avenue. No new construction will occur resulting in an immediate seamless blending of Vines & Hops into the surrounding business environment. The operating hours and nature of operations of Vines & Hops will integrate with, and not disrupt, the existing balance of daytime and nighttime uses in the area.

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

Response: Vines & Hops will primarily operate in the evenings and weekends, and anticipates having minimal traffic during the hours during which the surrounding businesses mainly operate for a

limited lunch service. As such, there will be minimal impact on existing weekday, daytime operations of the adjacent businesses.

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.

Response: Vines & Hops has existed in its current location in the daytime and evening business since it opened in 2014, and the new operations will not significantly change the character of the operation from how it has operated. The addition of the conditional use permit will not displace any daytime retail uses.

- b. The required parking for the use shall be within 600 feet of the property and shall not be separated from the property by a major or minor arterial street.

Response: Vines & Hops has three dedicated parking spots behind its location and is allocated 5.79 P-3 Parking Credits by the City's zoning. In addition, the owner is requesting to participate in the in-lieu parking program for 2.89 in-lieu parking credits to meet the additional parking required for the Conditional Use Permit for a Bar.

4. If the use is located within 500 feet of a residential use or district then:

- a. The use shall not adversely impact residential uses.

Response: The Vines & Hops location (formerly Badwater Brewing) has existed at the current location since 2014 and has not had any known effect on the residential uses within 500 feet of the establishment. Other than obtaining a Conditional Use Permit for a Bar, no modification to the business operations is intended. Therefore, the addition of a Conditional Use Permit for a Bar at this location is not anticipated to have an adverse effect on the residential uses within 500 feet of the business.

- b. The use shall provide methods of buffering residential uses.

Response: The distance to the nearest residential use will provide a significant buffer itself, as the building is surrounded in the immediate vicinity by business operations and hotels and restaurant establishments. In addition, with the exception of a small 200 square foot patio between the buildings, all operations will be within the building. Also, light from Vines & Hops will not be visible on the west, north or south sides due to the existing full height masonry wall. The existing wall will also act as a buffer for noise. Noise and light from the east side will be controlled through the use of controlled volume levels, the masonry wall, and limited tinted, paned windows.

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

Response: The owner of the establishment and Vines & Hops tenant have obtained approval of a Public Safety Plan from the City's Police Department, which is maintained on file with the city and a copy is maintained on the business premises.

6. The property owner shall create a written exterior refuse control plan for approval by the city.

Response: The refuse control plan is part of the Public Safety Plan created by the owner and tenant of the business which has been approved by the City's Police Department. The plan will be implemented and enforced by management. A refuse enclosure is on site and located on the property behind the building in the alley. Vines & Hops will utilize its plan to control exterior refuse.

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

Response: Light from Vines & Hops will not be visible on the west, north or south sides due to the existing full height masonry wall. With the exception of a small 200 square foot patio between the buildings, all operations will be within the building. The existing walls around the patio will act as a buffer for noise. Noise and light from the east side will be controlled through the use of controlled volume levels, the masonry wall, and limited tinted, paned windows.

8. The use shall conform to the parking requirements of Article IX and shall not exceed capacity for traffic in the area.

Response: Vines & Hops will require approximately 11.68 parking spaces. Three parking spaces are allocated to the business in the alley behind the establishment. In addition, the property has 5.79 P-3 parking credits. The remaining 2.89 spaces will be allocated to the business through the City's in-lieu parking agreement, for which the owner has applied, if approved by the City Council. Vines & Hops operates mostly in the evening in an area that contains mostly businesses that operate during daytime hours. Vines & Hops is a small establishment that will not add significantly to the traffic in excess of that which already exists in the area.

9. After hours establishments must maintain a valid after hours establishment license.

Response: Vines & Hops will close at 11:00 p.m. daily, therefore an after hours establishment permit will not be required.

Respectfully,

Chad DeVille/Owner  
602-338-4553



# 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 checked="" 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: Vines & hops

Property's Address: 4216 N. Brown Ave, Scottsdale, AZ 85251

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: <u>Lewis Kubitz</u>	Agent/Applicant: <u>Erica Rocush</u>
Company: <u>Divergent Holdings LLC</u>	Company: <u>Vines &amp; Hops, LLC</u>
Address: <u>4308 N. 24th St #1205</u>	Address: <u>7450 N. Gilbert Rd #124-163</u>
Phone: <u>805-936-7987</u> Fax:	Phone: <u>520-237-3212</u> Fax:
E-mail: <u>lkubitz@gmail.com</u>	E-mail: <u>ekrocush@gmail.com</u>
Designer: <u>N/A</u>	Engineer: <u>N/A</u>
Company:	Company:
Address:	Address:
Phone: Fax:	Phone: Fax:
E-mail:	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 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.

Owner Signature

Agent/Applicant Signature

Official Use Only      Submittal Date:      Development Application No.:

### Planning, Neighborhood & Transportation

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)



# 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.

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# Development Application

## Arizona Revised Statues 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.

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# Submittal Fee

ERICA KOCUSH

Project Name: VINES + HOPS Pre-App#: 698-PA-2016

Fee Type: USE PERMIT Fee Amount: \$ 2,400.00

Staff Name: ALEX ACEVEDO Signature:  Phone: 2547 Date: 9-23-18

**Planning, Neighborhood & Transportation Division**

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



# City of Scottsdale Cash Transmittal

## # 108007

108007  
00935582  
9/23/2016 PLN-1STOP  
METERS HPTC600512  
9/23/2016 10:52 AM  
\$2,440.00

### Received From :

Vines & Hops/Chad Michael DeVille  
4216 N BROWN AVE  
SCOTTSDALE, AZ  
602-338-4553

### Bill To :

Reference # 698-PA-2016  
Address 4216 N BROWN AV  
Subdivision WINFIELD SCOTT PLAZA  
Marketing Name  
MCR 066-03  
APN 173-51-037  
Owner Information  
Vines & Hops, LLC  
745 N. Gilbert Rd. #124-163  
Gilbert, AZ 85234  
602-338-4553

Lot Number  
County No  
Gross Lot Area 0  
NAOS Lot Area 0  
Net Lot Area  
Number of Units 1  
Density

Issued Date 9/23/2016  
Paid Date 9/23/2016  
Payment Type CHECK  
Cost Center  
Metes/Bounds No  
Water Zone  
Water Type  
Sewer Type  
Meter Size  
QS 17-45

Code	Description	Additional	Qty	Amount	Account Number
3175	USE PERMIT APPLICATION		1	\$2,440.00	100-21300-44221

City of Scottsdale  
7447 E. Indian School Rd.  
Scottsdale, AZ 85251  
(480) 312-2500  
One Stop Shop

Date: 9/23/2016 Cashier: KPETERS  
Office: PLN-1STOP Mach ID: HPTC6005125  
Tran #: 1 Batch #: 56638

Receipt: 00935582 Date: 9/23/2016 10:52 AM  
108007  
3175 USE PERMITS \$2,440.00

### TENDERED AMOUNTS:

Check Tendered: \$2,440.00  
Chk #: 1033 VINES & HOPS LLC  
Transaction Total: \$2,440.00

Thank you for your payment.  
Have a nice day!

SIGNED BY ERICA ROCUSH ON 9/23/2016

Total Amount **\$2,440.00**

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

TO HAVE WATER METER SET - CALL 480-312-5650 AND RI

8-UP-2016  
9/23/2016

- # 108007



## Request for Site Visits and/or Inspections Development Application (Case Submittals)

This request concerns all property identified in the development application.

Pre-application No: 698 - PA - 2016

Project Name: Vine & Aops

Project Address: 4216 N. Brown Ave, Scottsdale, AZ 85251

### STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the development application.

### STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the development application in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner/Property owners agent: Erica Rowsh

Print Name

Erica Rowsh

Signature

### City Use Only:

Submittal Date: \_\_\_\_\_ Case number: \_\_\_\_\_

### Planning and Development Services

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

8-UP-2016  
9/23/2016