Meeting Date: July 10, 2019
General Plan Element: Land Use
General Plan Goal: Create a sense of community through land uses

ACTION

JOJO Coffeehouse
3-UP-2019

Request to consider the following:

1. A recommendation to City Council regarding a request by applicant for a Conditional Use Permit for live entertainment in a +/-2,412 square-foot tenant space within a multi-tenant building, with Highway Commercial Downtown Overlay (C-3 DO) zoning, located at 3712 N. Scottsdale Road Suite 102.

Goal/Purpose of Request
To allow live music to be played inside the JOJO Coffeehouse tenant space for the entertainment of its customers.

Key Items for Consideration
• Conditional Use Permit Criteria

OWNER

2ND SDALE, LLC

APPLICANT CONTACT

Michael Melton
JOJO Coffee, LLC
480-220-2069

LOCATION

3712 N. Scottsdale Road, Suite 102
BACKGROUND

Downtown Character Area Plan
The Downtown Future Land Use Map of the Old Town Character Area Plan designates this site as Multiple Use Type 3, which encourages a “mix of uses and activities through the development of mutually supportive uses” (Policy LU 2.3).

Zoning
This site is zoned Highway Commercial Downtown Overlay (C-3 DO). The C-3 DO zoning district is intended to permit most types of commercial activities located along major streets, including shopping and service needs. Live Entertainment is permitted subject to the approval of a Conditional Use Permit.

Context
The site is the southernmost tenant space in the 2nd Street Hub development. The development is located at the southwest corner of the intersection of E. 2nd Street and N. Scottsdale Road.

Adjacent Uses and Zoning
- North: Salty Senorita; zoned Highway Commercial Downtown Overlay (C-3 DO)
- South: The Rack; zoned Downtown Office Commercial Type 1, Downtown Overlay (D/OC-1 DO)
- East: Honor Health; zoned Downtown Medical Type 2, Special Campus, Downtown Overlay (D/M-2 SC DO)
- West: Larson Gallery & American Legion Post 44; zoned Highway Commercial Downtown Overlay (C-3 DO)

Other Related Policies, References:
Scottsdale General Plan 2001, as amended
Old Town Character Area Plan
Zoning Ordinance
(18-DR-2017, 34-LL-2018)

APPLICANTS PROPOSAL

Development Information
The proposal includes the addition of live entertainment performances to the existing restaurant use of the JOJO Coffeehouse within the 2nd Street Hub development.

- Existing Use: Restaurant (Coffee Shop)
- Proposed Use: Restaurant (Coffee Shop) with Live Entertainment
- Buildings/Description: +/-2,412 square foot tenant space
- Parking Required: 11 (total for the development)
- Parking Provided: 18 (total for the development)
IMPACT ANALYSIS

Land Use
The primary land use for this tenant space is a restaurant (coffee shop) with a Series 7 (beer and wine sales) liquor license. The applicant is requesting to provide live music performances inside the existing establishment for the entertainment of their customers.

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 proposed scope of the live entertainment is accessory to the primary use as a coffee shop. Performances will take place in a designated “stage” location central to the tenant space and are not anticipated to have a negative impact to the surrounding tenants or businesses in the area.

2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
   • Parking for the development site requires 11 spaces, 18 space are provided in accordance with the approvals of 18-DR-2017.
   • The proposed scope of the live entertainment is accessory to the primary use as a coffee shop and is not anticipated to have an impact on the parking demands.

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

   • This establishment is in an area with similar uses and intensities, including bars and restaurants, and the nearest residential use is located approximately 350-feet west of the site. The characteristics of the proposed use is reasonably compatible with uses in the surrounding area.

C. The additional conditions specified in Section 1.403, as applicable, have been satisfied. The proposal meets the provisions for Live Entertainment as identified in Zoning Ordinance Section 1.403.K., including:

1. The applicant has provided and obtained City approval of a written Security and Maintenance Plan.
   • The City’s Police Department has reviewed and approved a Security, Maintenance, and Operations Plan for the proposed use.

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 by Conditional Use Permit to allow indoor live entertainment to be heard outdoors.

- The applicant has identified that the operator's selected style of performance and the location within the tenant space will mitigate sound containment concerns.

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.

- No new exterior lighting is proposed as a component of the CUP request. All existing lighting was reviewed as part of the building design review and permitting process for the overall development.

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 performance area is identified on the submitted floorplan.

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

- The establishment is located in the Downtown Area.

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 has not been determined necessary.

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

- Additional information has not been required.

8. All building openings, such as doors, windows and movable wall panels shall be closed but not locked, except as permitted by the Conditional Use Permit. Doors and service windows may be opened temporarily to allow passage.

- The live entertainment use is stipulated that all doors and windows will be closed during the time when live entertainment is provided.

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 five hundred (500) feet of a residential district shown in Table 4.100A.

- The live entertainment is stipulated that no external speakers will be provided. No outdoor live entertainment is proposed.
10. The owner and operator shall comply with all plans approved as part of the Conditional Use Permit.
   - The stipulations for this live entertainment include substantial conformance to the floor plan provided by the applicant as part of this application.

11. All patron entrances shall be illuminated in accordance with the Building Code and the exterior lighting plans approved by the Development Review Board.
   - The establishment is part of an existing multi-tenant commercial building that includes exterior lighting previously approved by the Development Review Board. Existing site lighting is sufficient to guide patrons to the main entrance of the establishment, and no changes to the lighting plan approved by the Development Review Board are proposed as part of this application.

12. Noise generated from the live entertainment shall conform to the City’s Noise Ordinance.
   - The applicant understands the proposed live entertainment use is subject to the provisions of the City’s Noise Ordinance.

Public Safety
The City’s Police Department has reviewed and approved a Security, Maintenance, and Operations Plan for the proposed use. This request is not anticipated to impact existing service levels for this area of Downtown.

Liquor License Review
The establishment has received approval for a Series 7 liquor license (34-LL-2018).

Community Involvement
Property owners within 750 feet of the site have been notified by mail of the applicant’s request and the site is posted with the required signage.

STAFF RECOMMENDATION

Recommended Approach:
Staff recommends that the Planning Commission find that the Conditional Use Permit criteria have been met and make a recommendation to City Council for approval per the attached stipulations.

RESPONSIBLE DEPARTMENT

Planning and Development Services
Current Planning Services

STAFF CONTACT
Jeff Barnes
Senior Planner
480-312-2376
E-mail: jbarnes@ScottsdaleAZ.gov
APPROVED BY

Jeff Barnes, Report Author

Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

6/13/19

6/17/2019

6/26/19
ATTACHMENTS

1. Context Aerial
2. Aerial Close-Up
3. Stipulations
   Exhibit A to Attachment 3: Floor Plan
4. Applicant’s Narrative
5. Zoning Map
6. Citizen Involvement
7. City Notification Map
Conditional Use Permit – Live Entertainment

Stipulations:

JOJO Coffeehouse for

Case Number: 3-UP-2019

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

OPERATIONS

1. CONFORMANCE TO THE CONCEPTUAL FLOOR PLAN. The interior layout of the premises shall be in substantial conformance with the conceptual floor plan, attached as Exhibit A to Attachment 3. 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 BAR USE. This Conditional Use Permit is for live entertainment only, and a bar use is not approved as part of this request.

3. HOURS OF LIVE ENTERTAINMENT. The hours of the live entertainment for this establishment shall be limited to:

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<tr>
<th>Day</th>
<th>Allowed Start of Live Entertainment</th>
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4. SECURITY, MAINTENANCE, AND OPERATIONS PLAN. The live entertainment shall conform to the Security, Maintenance, and Operations Plan 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 Security, Maintenance, and Operations 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 Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning and Development Services Department. At least ten (10) days before any operational change of the live entertainment, or any promotional event (excluding Special Events), that modifies the requirements or contents of the Security, Maintenance, and Operations Plan, the owner shall submit a revised Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning and Development Services Department. Any revised Security, Maintenance, and Operations Plan shall be subject to approval by the City of Scottsdale’s Police Department and the Planning and Development Services Department.

ATTACHMENT 3
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 establishment.

6. EXTERNAL LIVE ENTERTAINMENT. No external live entertainment is permitted.

7. EXTERNAL SPEAKERS. No external speakers to broadcast live entertainment are permitted.

8. EXTERNAL DOORS. All external doors shall be closed, except for passage, but not locked during Live Entertainment.

9. EXTERNAL WINDOWS. All external windows shall be closed during live entertainment.

Administrative Process

10. 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.

11. 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.
JOJO Coffeehouse Project Narrative- Entertainment Permit

JOJO Coffeehouse seeks to obtain an Entertainment Permit from the City of Scottsdale that would permit Live Entertainment including local musicians (performing coffeehouse-style genre music), publicly know musicians (performing coffeehouse-style genre music). Coffeehouse-style music is defined as:

**Coffeehouse as a Musical Genre**

"The definition states that "the coffee houses provides social members with a place to congregate, talk, write, read, entertain one another, or pass the time, whether individually or in small groups of 2 or 3". You get comfortable chairs and sofas, wireless internet connection and the self-service method that allows you to pretty much act like you are in your own office or living room. The music is also chosen accordingly. The genres vary from jazz to soft-rock, from alternative to blues. But the playlists are almost always made up from songs that are relaxing enough not to interrupt your work and/or conversations, but they are not so slow and monotonous that will make you feel sleepy."

In addition to musical performances, JOJO Coffeehouse would permit stand up comedians to perform live for their audiences.

Performances will be held in the large square on the Floor Plan (attached with original submittal) located at the center-north area of the floor plan. This area will be set up for musicians and will only be used for the use of live entertainment performances.

Sec. 1.400. - Conditional Use Permits.
Sec. 1.401. - Issuance.
Conditional use permits, which may be revocable, conditional or valid for a specified time period, may be granted only when expressly permitted by this ordinance and, except in the case of conditional use permits for adult uses under Section 1.403(A), only after the Planning Commission has made a recommendation and the 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.

   *Granting this permit will not cause nuisance arising from noise as the live entertainment will be controlled within the premises (inside only) as all building material (see material map) eliminates outside sound. Smoke is not permitted on/in JOJO Coffeehouse property. Illumination will not result in nuisance (see Lighting Map for approved and contained lighting used at all times) as the lighting is for the general*
visibility inside the business. Coffeehouse-style music is acoustic based genre that does not generate high vibration.

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

Volume will be contained inside the premise. All windows and doors can be closed, allowing for safe entrance and exit, however containing the volume within the business. Use of parking lot located between “The Rack” and JOJO Coffeehouse, creates ample parking and organization for events. Live entertainment will not cause out of the ordinary character of traffic.

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

JOJO Coffeehouse is located in an area that offers many forms of entertainment, dining and night-life. Neighboring “The Rack” and “R&R” similar events are held for the public frequently. All neighbors of JOJO have been notified and invited to voice their questions and concerns (Public Notification Meeting Letter & Feedback).

Section 1.403.K outlines the following specific criteria:

K. Live entertainment.

1. The applicant has provided and obtained City approval of a written Security and Maintenance Plan. We included a copy of the Security & Maintenance Plan in the attached documents however, we do not require bouncers or security personnel. The nature of the live entertainment offered, is acoustic, local artists, where no tickets are sold, or covers are charged. It is simply offered as background entertainment in our restaurant while our guests dine. No outside entertainment is available, including NO outside speakers. The volume is contained within our internal business structure.

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 by Conditional Use Permit to allow indoor live entertainment to be heard outdoors. Please see the attached “Interior Tenant Improvement Plan”. This plan confirms the sturdiness and effective sound management material used to contain all noise within the indoor structure of the business. No external speakers will be used. No outdoor entertainment will be authorized.

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. Yes, please see the attached “Lighting Plan” that was submitted with this application.

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. Yes, please see the attached “Floor Plan” that was submitted with this application. The entertainment area is clearly defined.

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 service on all streets accessed by the use meets the City's standards. N/A

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. N/A

7. The owner shall provide any additional information required by the Zoning Administrator to evaluate the impacts of the proposed use upon the area. N/A

8. All building openings such as doors, windows and movable wall panels shall be closed but not locked, except as permitted by Conditional Use Permit. Doors and service windows may be opened temporarily to allow passage. JOJO Coffeehouse operates under these guidelines, effectively.

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 five hundred (500) feet of a residential district shown on Table 4.100.A. No external speakers are in use or installed.

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

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

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

Sincerely,

Mike Melton

Founder

JOJO Coffeehouse
April 12, 2019.

To Whom It May Concern:

On March 6th, 2019, JOJO Coffeehouse and founder Mike Melton held a Neighborhood Open House Meeting at 1:00pm. All residents and businesses in close proximity to JOJO Coffeehouse, located at 3712 N. Scottsdale Rd, Suite 110, were invited by a mailed public outreach letter (see attached). The contact list was provided by the City of Scottsdale.

We prepared collaboration initiatives and information for our neighbors/community including all our intended business practices, community events, art, music and so much more!

There were no posted questions or concerns brought to our attention during the allocated meeting, nor through email, phone or mail. We are humbled to be so kindly welcomed into the community and intend to continue to initiate positivity and support for our neighbors.

Along with the attached public outreach letter, there is also a picture of the current posted sign outside our premise, per the City of Scottsdale regulations. Once granted permission, we will post the next regulatory sign. Please keep us informed on the necessity of this next posting and we will take care of it immediately.

We look forward to the next steps in this process!

Success,

Mike Melton
Founder
JOJO Coffeehouse
mikemelton@jojocoffee.net
(480) 220-2069

ATTACHMENT 6
February 13th, 2019

Dear JOJO Coffeehouse Neighbors,

My name is Mike Melton with JOJO Coffee, owner and operator of JOJO Coffeehouse. We are leasing the lot in between The Rock and Unbaked at 3712 N. Scottsdale Rd. Suite #110. We are innovating a new coffee concept that is going to be serving premium coffee, teas, artisan bruschetta, sandwiches, salads and pastries, seven days a week for people in the community.

The design of the coffee shop is similar to what you see in Downtown Scottsdale where there is a mix of traditional elements with a slightly modern feel. We feel like we have created a concept that fits well into Downtown Scottsdale, and yet stays true to the brand of JOJO.

The brand of JOJO Coffeehouse is about connecting the community through self-expression, coffee, breakfast & brunch, and coffeehouse music. This is every genre of music but broken down into a coffeehouse feel. We are asking for your support, understanding and feedback as we move forward with the City of Scottsdale Conditional Use Permit process for Live Entertainment. Your questions and feedback are vital as we progress. We will be glad to answer any questions you might have concerning this matter during the meeting on March 6th, 2019 at 1:00pm.

We sent this to the City of Scottsdale earlier this week and would like to share it with our neighbors here in the community as well. I would really like to earn your support on this, and I am very excited to be a neighbor of yours in this community.

I have reserved the back-meeting table at JOJO Coffeehouse on Wednesday, March 6th at 1:00pm. I will be providing lunch for the JOJO Coffeehouse Neighbors who can make it, and I will go over what my thoughts are in further detail to help contribute to our local community. Please email me your RSVP so I can ensure I plan accordingly. Should you not be able to attend the live meeting on March 6th, 2019, please feel free to contact me anytime. I will be open to your feedback and happy to answer any questions you may have. My contact information is listed below.

This is a great opportunity for us to get to know each other so if you can make it please let me know. I look forward to being your neighbor for many years to come, and I wish you all the best.

Thank you,

Mike Melton
JOJO Coffee
480.220.2069
mikemelton@jojocoffee.net