



**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**Current Planning Division**

104 Road Runner Drive  
Sedona, Arizona 86336

Tel: 928-203-5049  
Fax: 928-204-7124  
TDD: 928-282-3113  
dnicolella@sedonaaz.gov

**SUMMARY SHEET**  
**Studio Live (The Backyard)**  
**PZ 13-00001 / Conditional Use Permit (CUP)**

**Action Requested:** Approval of a Conditional Use Permit for an outdoor entertainment venue

**Staff Recommendation:** Approval, with conditions

**Parcel numbers (APN):** 408-24-041 and 408-24-042A.

**Meeting date:** April 2, 2013

**Applicant:** Susan Schomaker, President/ CEO of the Sedona Performing Arts Alliance, a 501c (3) nonprofit

**Project Summary:** Conditional Use Permit (CUP) request for nonprofit fund-raising activities that are not conducted within a permanent structure (Article 622.02 B, 4)

**Location:** 215 Coffeepot Drive (Studio Live)

**Site sizes:** 0.42 acres APN: 408-24-041  
0.17 acres APN: 408-24-042A

**Current zoning:** C-3 (Heavy Commercial/Light Manufacturing District)

**Current land uses:** APN: 408-24-041: Commercial: Studio Live & Creative Flooring  
APN: 408-24-042A: "The Backyard" An outdoor lawn area with a performance stage

**Current SCP designation:** Commercial

	<u>Area zoning</u>	<u>Area land uses</u>
<b>North:</b>	RS-10a	A parking area for the subject site
<b>South:</b>	C-3	Commercial nursery sales and service.
<b>East:</b>	PDR	The Casita Bonita Condominiums
<b>West:</b>	C-3	Single family residences and the Oak Creek Brewery Commercial Subdivision

**Report prepared by:** David Nicolella, Associate Planner

**Summary of the "Backyard" outdoor area**

An outdoor performance area generally known as the "Backyard" was created by the applicant in 2012 for the purpose of offering a performance venue for local, regional, and national artists. The area consists of an approximately 2,500 square foot (S.F.) grass area and an approximately three-hundred (300) S.F. stage for live performances. The stage area is connected to a lights and sound board where the light and sound levels are controlled by a technician.

In 2012, eight (8) outdoor live performances occurred through the approval of Temporary Use Permits (TUP) by the City of Sedona. Per current City regulations, applicant is allowed a maximum of 12 events per year authorized through the TUP process. The applicant is requesting a CUP to hold a maximum of thirty-two (32) events a year, in an eight (8) month period, between the months of March and October. The events are proposed to occur on Fridays and Saturdays, and occasionally on a Sunday or Monday during holiday weekends. The applicant has proposed performances hours of 4:00 p.m. to 10:00 p.m. with performance time of 2-4 hours.

**Strengths:**

- A place to bring the performing arts community together to educate and encourage and to foster a growing awareness of the performing arts in Sedona.
- A place to enrich the community through performance events.
- An opportunity to expand a use that currently offers performance lessons/education as well as a place to encourage live performances.
- Outdoor amplified performances will enhance the existing indoor performing arts activities.

**Weaknesses:**

- The existing stage in the backyard area is facing towards, and is less than 100 feet from, a residential zoning district.
- The existing building is a small office complex which consists of four suites, approximately 1,900 S.F. each, with limited parking.
- The backyard and parking areas are on a small area of land and are unable to accommodate the proposed large outdoor events. According to SPAA's web-site, they are advertising that as many as two-hundred and fifty (250) people can attend a back yard event, see [www.studiolivesedona.com](http://www.studiolivesedona.com).
- One of the proposed shared parking areas is over five-hundred (500) feet away and there is no lighting or sidewalks to provide safe pedestrian movements between the subject property and the proposed off-site vehicle parking area. The Sedona Land Development Code (SLDC) requires shared parking to be within three-hundred (300) feet of the property (SLDC, Article 912.03 [A]).
- Adjacent neighborhood residents have concerns that the proposed events at Studio Live will create noise and traffic impacts. (See Citizens Participation section).

**Recommendation:** Staff is recommending approval of a five (5) year revocable CUP with conditions of approval.

**Attachments:**

1. Aerial Map
2. Vicinity Map
3. Site Plan
4. Site Photos
5. Revised Letter of Intent – March 11, 2013
6. The Following Letter from Susan Shomaker
  - a. No food preparation
  - b. Liquor license confirmation
  - c. Creative Flooring Statement
  - d. Sun Signs Parking Agreement
  - e. Rentals of Sedona Parking Agreement
7. Public Input Letters
8. Email from Susan Shomaker to the neighbor who provided comments
9. Letter from the Building Safety Division
10. Letter from the Public Works
11. Letter from the Sedona Fire District
12. Letter from the Yavapai County Community Health Service



## DEPARTMENT OF COMMUNITY DEVELOPMENT Current Planning Division

### STAFF REPORT

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**To:** Planning and Zoning Commission

**Through:** Audree Juhlin, Assistant Director  
Department of Community Development

**From:** David Nicolella, Associate Planner  
Department of Community Development

**Meeting date:** April 2, 2013

**Applicant:** Susan Schomaker, President/ CEO of the Sedona Performing Arts Alliance

**Case number:** PZ 13-00001(CUP)

#### BACKGROUND

The existing Studio Live facility has been established and is operated by the Sedona Performing Arts Alliance (SPAA). Currently Studio Live offers two office spaces for performance event activities. These are:

1. **The Annex:** Consists of an approximately 1,900 square foot (S.F.) indoor space that offers performing arts lessons and educational opportunities. This large open space is providing a place for music, dance, spoken work and theatrical lessons.
2. **Studio Live:** Located in the same building as the Annex and offers an intimate area for live stage performances. The raised stage area is approximately 200 S.F. allowing artist(s) to perform in front of approximately 70 people. The room is furnished with tables and chairs. Wine, beer and light snacks are served.

The third and final activity that occurs at Studio Live is the area for outdoor amplified performance events. The area is referred to as, "The Backyard" and is the subject of the CUP.

#### "The Backyard"

Since the creation of the area, live outdoor performances with amplification have occurred through the approval of Temporary Use Permits (TUP) by the City of Sedona. In 2012, the City of Sedona Community Development Department has approved eight (8) TUPs for a variety of events as each TUP requires a separate application. The applicant has expressed a desire to obtain CUP approval from the City to allow for more events at the subject property than currently permitted under the adopted TUP regulations.

The applicant is proposing to hold a maximum of thirty-two (32) outdoor events a year in the "Backyard" area between the months of March and October. These outdoor, amplified live performances are proposed to include music, dance, spoken word, theatrical performances, weddings and community events. Music events are proposed to include solo acoustic acts, full bands, and small orchestral groups. In MONTH?? 2013, a liquor license for Studio Live was approved by the City Council and authorized by the State Liquor Board.

### **SITE CHARACTERISTICS**

- The site consists of two separate parcels:
  - Assessor's Parcel Number (APN) 408-24-041 (0.45 acres) Adjacent to Coffee Pot Drive and contains a 7,800 S.F. office building with four (4) suites and thirteen (13) parking spaces.
  - APN 408-24-042A (0.15 acres) contains the Backyard area.
- Suites A&D offer restroom facilities for the Backyard area.
- Suite B is the location of Creative Flooring.
- In addition, the adjacent parcel to the north, APN 408-28-044D, is also owned by the same property owner as Studio Live. The parcel is the location of about fourteen (14) parking spaces and a residential dwelling (zoned RS-10a).

### **DEVELOPMENT PROPOSAL**

- The applicant is requesting a five year CUP to facilitate an area for outdoor amplified performance events. The area is referred to as, "The Backyard" and is the subject of the CUP.
- The Backyard area has been allowed to function, as proposed, on eight different occasions through the approval of TUP's. The applicant is requesting CUP approval for a maximum of thirty-two (32) events a year, in an eight (8) month period between the months of March and October only.
- The events are proposed on Fridays and Saturdays, and occasionally on a Sunday or Monday during holiday weekends.
- Performances are proposed to occur between 4:00 p.m. and 10:00 p.m. and last for 2-4 hours.
- The performances will accommodate outdoor performance events for local, regional, and national artists.
- The Backyard stage area is connected to a lights and sound board where the light and sound levels are controlled by a technician.

### **Access and Traffic**

- Access to the outdoor entertainment venue at Studio Live will be from Coffee Pot Drive.
- The Backyard area is accessed through a sixteen (16) foot wide gate at the north end of the building.
- There will be direct impact on traffic as a result of this Conditional Use Permit around the time an event begins and when an event ends.

### **Parking**

- Because parking space requirements are not listed in the SLDC for the proposed use, SLDC Article 912.03.D specifies that the parking requirement shall be determined by the Director on the basis of requirements for similar uses. The Director determined that there shall be one parking space for every 3.5 ticket sales less 3 spaces for employees.
- The site plan included in the packet proposes four (4) on-site spaces referred to as Parking Spaces 1, 21, 22 and 23 that do not comply with the current drive aisle dimensional standards specified in SLDC (Article 912, Figure 9-46). Therefore, the total number of available on-site compliant parking spaces is twenty-seven (27).
- The applicant has submitted a shared parking agreement with, "Sun Signs". The site plan shows 9 spaces are available to be shared.
- The applicant has submitted a shared parking agreement for ten (10) spaces with "Rentals of Sedona", located at 2020 Contractors Road. The spaces cannot be counted towards the parking calculation because they are over three-hundred (300) feet away from Studio Live (SLDC, Article 912.03 [A]):
  - SLDC, Article 912.03 (A). **Off-Site Parking.** Parking for a specific use may be allowed on a separate property that is within three-hundred (300) feet of the property, provided the two (2) properties are not separated by an arterial street or collector roadway. A legal, nonrevocable written agreement must be submitted to the Director for approval before establishment of any off-site parking arrangements. Proof of continuing use and maintenance shall be a requirement of such approval.
- The applicant has submitted a signed statement from the owner of, "Creative Flooring" stating that the parking from events at the outdoor entertainment venue will not interfere with his store hours.
- The applicant has secured a total of thirty-six (36) code compliant parking spaces comprised of the twenty-seven (27) on-site spaces and the nine (9) off-site spaces at the Sun Signs Property. The applicant has proposed that three (3) of these spaces shall be reserved for employees of Studio Live. Therefore, there are a maximum of thirty-three (33) available code compliant parking spaces.

Based on the parking standard determined by the Director and the availability of thirty-three (33) parking spaces a maximum of one-hundred and sixteen (116) tickets shall be sold for each outdoor event (33 parking spaces x 3.5 ticket sales).

### **Waste Disposal**

- The property is connected to the City of Sedona's municipal wastewater collection system.
- The property receives trash and recycling pick-up from a local hauler.

### **Signage**

- No new signage is proposed.

### **Outdoor Lighting**

- One new fully shielded light fixture will be added along with the addition of emergency exit lighting which will be approved by the Sedona Fire Department.
- There is one existing light fixture for each suite located under the entry overhang.

### **Citizen Participation Report**

- The applicant has met the requirements of Section 408 of the SLDC by sending an informational letter to all property owners within 500 feet. This letter provided contact information for the applicant as well as directing anyone interested to Studio Live's web site.
- Staff has received thirty (30) written responses from the public in opposition to the CUP for the following reasons: 1) negative impact from loud music; 2) events every weekend is too frequent; 3) events until 10:00 p.m. is too late; 4) the stage is located too close to homes; 5) cars parking along Coffee Pot Drive are a safety hazard; 6) alcohol is being served; 7) crowd control issues; and the speakers are too big for the outdoor area (See Attachment # 7 - Public Input).

### **COMMENTS AND CONCERNS**

#### **Consistency with the Sedona Community Plan**

- **Community Plan Designation: Commercial**
- The Long Range Planning Division reviewed this application and no comments or concerns were noted.

#### **Community Development-Current Planning**

- Staff generated a list of comments and concerns that were provided to the applicant as a result of staff's initial review of this project. The applicant has addressed these issues.

#### **City of Sedona Building Safety Division (See Attachment # 9)**

- Has expressed the following concerns to the applicant:
  - Overloaded restrooms. Due to the sale of alcohol, the maximum occupancy load is 40 people per restroom.
  - Exits to a public way; and
  - How will electrical power be provided for the "Backyard"? Provide electrical load calculations.

#### **City Engineering Department (See Attachment # 10)**

- The sewer fees will be impacted due to the increased use of the property.
- There is a sewer capacity fee balance due.
- The current sewer capacity fee allows for a maximum of 70 people on site.

#### **Sedona Fire District (See Attachment # 11)**

- Has expressed the following concerns to the applicant:
  - Emergency exiting
  - Maximum occupancy load
  - Emergency lights

- Staffing plan for the exits

### **City of Sedona Police Department**

- Has expressed the following concerns to city staff:
  - There needs to be a main contact person for all events regardless if the applicant is holding the event or the outdoor space is being rented out.
  - In the past, parking along the Coffee Pot right-of-way has been a problem.
  - The events may result in traffic and crowd control issues.
  - Requested that a list of the events be email to them thirty (30) days prior to the event.

### **Yavapai County Health Department**

- The applicant is responsible for obtaining the required health permits.

## **REVIEW, COMMENTARY & ANALYSIS**

The following approval is requested from the Planning and Zoning Commission:

### **Compliance with Conditional Use Permit findings**

Section 402.06 of the LDC requires that findings be made for the following criteria before granting a Conditional Use Permit:

- A. *That the proposed location of the conditional use is in accordance with the objectives of the Code and the purpose of the zoning district in which the site is located.*
- B. *That the granting of the Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. The factors to be considered in evaluating this application shall include:*
  1. *Property damage or nuisance resulting from noise, smoke, odor, dust, vibration or illumination.*
  2. *Any hazard to persons and property from possible explosion, contamination, fire or flood.*
  3. *Any impact on surrounding area resulting from unusual volume or character of traffic.*
- C. *That the characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of use permitted in the surrounding area.*
- D. *That the proposed use, as it may be conditioned, will comply with the applicable provisions of this Code, and other ordinances.*
- E. *That the proposed expansion or change of a non-conforming use (if applicable) is no more deleterious to other properties in the surrounding area than the existing use.*

The following are staff's findings regarding compliance to Section 402.6.A-E:

**402.06 Findings.** The following findings shall be made before granting a conditional use permit:

*A. That the proposed location of the conditional use is in accordance with the objectives of this Code and the purpose of the zoning district in which the site is located.*

- The proposed use for an outdoor entertainment venue is permitted in the C-3/Light Industrial zoning district through the approval of a Conditional Use Permit (SLDC Article 622.02 B).
- The site is located in the C-3/Light Industrial Zoning District (SLDC Article 622). This zoning district is the designation for the city's most intense land uses such as: 1) body and fender shops; 2) car washes; 3) commercial kennels; and 4) newspaper and magazine printing facilities. These uses tend to generate more noise, more traffic volumes, and potentially operate longer hours and more days per week than those uses permitted in C-1 or C-2 zoning districts.
- The City of Sedona Sound Regulations (Chapter 8.25 Sound Regulations) allow a sound level of 65 decibels, for a 24 hour period in the C1, C-2 and C-3 zoning district. As conditioned, the sound level for Studio Live outdoor entertainment venue will be limited to 60 decibels at the property line and occur only during a scheduled outdoor event.

*B. That the granting of the conditional use permit will not be materially detrimental to the public health, safety or welfare. The factors to be considered in evaluating this application shall include:*

*1. Property damage or nuisance resulting from noise, smoke, odor, dust, vibration or illumination:*

**Public health, safety or welfare:**

- The outdoor entertainment venues shall remain accessible to emergency vehicles and personnel at all times.
- The maximum number of attendees is limited by the number of available restroom facilities.
- Traffic, parking, noise or crowd control issues: The applicant is required to address these issues immediately and is responsible for reimbursing the Sedona Police Department and/or the Sedona Community Development Department for any responses necessary to address traffic, parking, noise or crowd control issues.
- The applicant shall comply with all requirements of the Yavapai County Department of Health.

**Noise nuisance:**

- The applicant shall relocate the stage so that it is oriented in a north-to-south direction such that all sound emanating from the stage is directed southward.

- Events with amplified sound in the Backyard area shall be limited to a maximum sound level of 60 decibel and this sound level shall only occur during a scheduled outdoor entertainment venue.

***2. Any hazard to persons and property from possible explosion, contamination, fire or flood;:***

- The subject property is not located in a designated floodplain. The proposed use of the site does not involve any actions that would create increased potential for explosion or contamination. The proposed use of the site does not involve any actions that would create increased potential for fire or fire damage.

***3. Any impact on surrounding areas resulting from unusual volume or character of traffic:***

- The increase in traffic volume caused by the outdoor entertainment venue would typically occur before the start time of the event and end at the conclusion of the event. This limited increase in traffic volume would be restricted by the days and times the venue are allowed to occur. The increase would typically be less in times and duration than that traffic volumes that could be generated by other permitted uses in the C-3/ Light Industrial zoning district.
- The traffic volumes would be acceptable because of the limited times and measures taken to limit the number of attendees and prohibit parking on the public right-of-way.
- The parking issue on the Coffee Pot right-of-way can be managed by limiting the number of ticket sales to the number of parking spaces available and placing "no parking signs" along both sides of Coffee Pot Drive.

***C. That the characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of use permitted in the surrounding area.***

- As conditioned, the proposed use would be reasonably compatible with the surrounding area.
- Because the use is granted subject to conditions, failure to comply with the conditions may result in revocation of the conditional use permit (SLDC Article 402.10).

***D. That the proposed use, as it may be conditioned, will comply with the applicable provisions of this Code, and other ordinances.***

- As conditioned, the proposed use will comply with the applicable provisions of this Code and other applicable ordinances.

*E. That the proposed expansion or change of a nonconforming use (if applicable) is no more deleterious to other properties in the surrounding area than the existing use.*

- The proposed use of the subject property under consideration for conditional use permit approval is not a non-conforming use. Therefore, this criterion is not applicable.

Staff concludes that the proposed conditional use is in compliance or can be in compliance through the application of conditions of approval with the aforementioned criteria specified in Article 402.06.

### **RECOMMENDATION**

**Based on compliance with all ordinance requirements and satisfaction of the Conditional Use Permit findings of the Land Development Code, staff recommends approval of case number PZ 13-00001 (CUP) subject to all applicable ordinance requirements and the attached conditions of approval:**

#### **Staff's Recommended Motion for Approval**

I move for approval of case number PZ 13-00001 (CUP), based on compliance with all ordinance requirements and satisfaction of the Conditional Use Permit findings and applicable Land Development Code requirements and the conditions as outlined in the staff report.

#### **Staff's Alternative Motion for Denial**

I move for denial of case number PZ 13-00001 (CUP), based on the following findings (*specify findings*).

*(Please note that the above motions are offered as samples only and that the Commission may make other motions as appropriate.)*

**CONDITIONS OF APPROVAL  
The Backyard at Studio Live  
PZ 13-00001 (CUP)**

1. The Backyard at Studio Live is granted **CONDITIONAL APPROVAL** subject to the following conditions. Failure to comply with the conditions may result in revocation of the conditional use permit (SLDC Article 402.10):
2. The Conditional Use Permit approval shall be valid for a period of five (5) years and shall expire on April 17, 2018. At least sixty-three (63) calendar days prior to the expiration date, the applicant shall file a renewal application of the Conditional Use Permit with the Community Development Department. The Planning and Zoning Commission shall then reevaluate the permit application based on consistency with City ordinances, the conditions of approval, and compatibility with the surrounding area. During this period, staff will complete annual reviews and assessments of the project to ensure that its operation is consistent with the Land Development Code requirements and applicable conditions of approval.
3. No indoor events shall be held at the Studio Live or the Annex office spaces when a Backyard performance is scheduled.
4. The applicant, or a designee, must be on the property at all times while an outdoor entertainment venue is operating. The applicant shall provide the, prior to the first occurrence of a performance or event, Community Development Department with the name and contact information including phone number and e-mail address for a designated contact person and shall update this information as needed.
5. The Backyard area shall be allowed to have a maximum of thirty-two (32) outdoor events a year in an eight (8) month period, between the months of March and October. A maximum of two (2) consecutive Friday and Saturday events shall be allowed to occur in any given month.
6. The Backyard area shall be allowed to have outdoor events on Fridays and Saturdays, and on Sunday or Monday, but not both days consecutively, only during federal holiday weekends. No events shall be allowed to occur Monday through Thursday and on Sundays that are not part of federal holiday day weekends.
7. Events with amplified sound shall comply with the City of Sedona Sound Control Regulations and as modified by conditions number nine (9) and ten (10).

8. Prior the occurrence of the first event or performance the applicant shall relocate and subsequently maintain the stage so that it is oriented in a north-to-south direction such that all sound emanating from the stage is directed southward.
9. Events with amplified sound in the Backyard area shall be limited to a maximum sound level of 60 decibels at the property line. There shall be no amplification after 9:00 p.m..
10. Events with amplified sound in the Backyard area shall start no earlier than 5:00 p.m. and end no later than 9:00 p.m. Said time does not include set-up, sound check, and tear down times. Set up and sound check activities shall start no earlier than 1:00 p.m. All activities including tear down shall be completed by no later than 10:00 p.m.
11. At the beginning of each month during which outdoor performances are authorized, the applicant shall provide the Community Development Department with a list of scheduled events that will occur during that month. The applicant shall submit an updated schedule to the Community Development Department if there is a change in performances or scheduled events.
12. A maximum of 116 tickets may be sold for each individual outdoor event. The applicant shall use dual tickets with consecutive numbers and shall submit to the Community Development Department within seventy-two (72) hours of the event or performance all tickets sold for the event along with a signed and dated cover letter from the applicant confirming the number of attendees.
13. A minimum of three (3) restroom facilities shall be made available for each outdoor event for a maximum of 116 attendees. In the event that only two (2) restroom facilities are available for a performance or event, the maximum number of attendees shall be eighty (80) attendees.
14. The outstanding sewer capacity fee shall be paid, or arrangements for financing made, by the April 17, 2013 effective date of the approval of this CUP.
15. The outdoor entertainment venues shall remain accessible to emergency vehicles and personnel at all times.
16. Prior to the occurrence of the first performance or event, the applicant shall satisfy the conditions stated in the February 20, 2013 comment letter (refer to Attachment No. 9 of this staff report) from the City of Sedona Building Safety Division.
17. Prior to the occurrence of the first performance or event, the applicant shall satisfy the conditions stated in the February 19, 2013 comment letter (refer to Attachment No. 11 of this staff report) from the Sedona Fire District,.
18. The applicant shall notify the Sedona Police Department of the date and time of each event via email to [rwheeler@sedonaaz.gov](mailto:rwheeler@sedonaaz.gov) a minimum of thirty (30) calendar days in advance of each event.

19. Any traffic, parking, noise or crowd control issues that arise as a result of an outdoor entertainment venue must be addressed immediately by the applicant. The applicant shall be responsible for reimbursing the Sedona Police Department and/or the Sedona Community Development Department for any responses necessary to address traffic, parking, noise or crowd control issues. The applicant shall submit a written agreement to the Community Development Department agreeing to reimbursement as stated prior to the occurrence of the first performance or event authorized under this approval. In the event that an issue occurs, the performance or event shall not be allowed to proceed until such time that the City has agreed to any proposed solution to address the issue.
20. No event parking is permitted on Coffee Pot Drive, any other public right-of-way, or any other private property. Cars parked in such a manner shall be towed and/or ticketed by the Sedona Police Department.
21. The applicant shall place "no parking signs" on the east side of Coffee Pot Drive, in front of the Casita Bonita Condominiums, and on the west side of Coffee Pot Drive between Jackrabbit Lane and Yavapai Drive. Prior to installation, staff and the applicant shall mutually agree on the size, type, number and locations of the no parking signs.
22. No off-premise advertising signs shall be permitted at any time for an outdoor entertainment venue.
23. No new on-site signage shall be permitted without first obtaining an approved City sign permit.
24. The applicant shall be responsible for ensuring that all vendors are in conformance with the City of Sedona Tax Code, including ensuring business licenses are obtained, if required and reporting requirements are fulfilled.
25. The applicant shall comply with all requirements of the Yavapai County Department of Health. Prior to the first occurrence of performances or events authorized under this conditional approval, the applicant shall submit to the Community Development Department written evidence of approval from the Yavapai County Department of Health.
26. Prior to the occurrence of the first performance or event the applicant shall submit a written and notarized agreement agreeing to the conduct of unscheduled and unannounced audits by representatives of the City to ensure compliance to the conditions of approval during the period of the CUP conditional approval. This agreement shall further specify that the applicant shall agree without protest to take immediate actions directed by City representatives to address lack of compliance to one or more of the conditions of approval.
27. Within thirty (30) calendar days of approval of the Conditional Use Permit, the property owner of record of the subject property voluntarily agrees to sign and record a waiver acknowledging their waiver of any right to claim just compensation for diminution in value under A.R.S. §12-1134 related to the granting of this Conditional Use Permit.





**ATTACHMENT**

**NUMBERS**

**1,2,3,4,5,6**



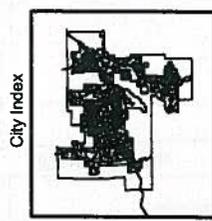
# Aerial View

Parcel  
#408-24-041 &  
#408-24-042A  
Studio Live

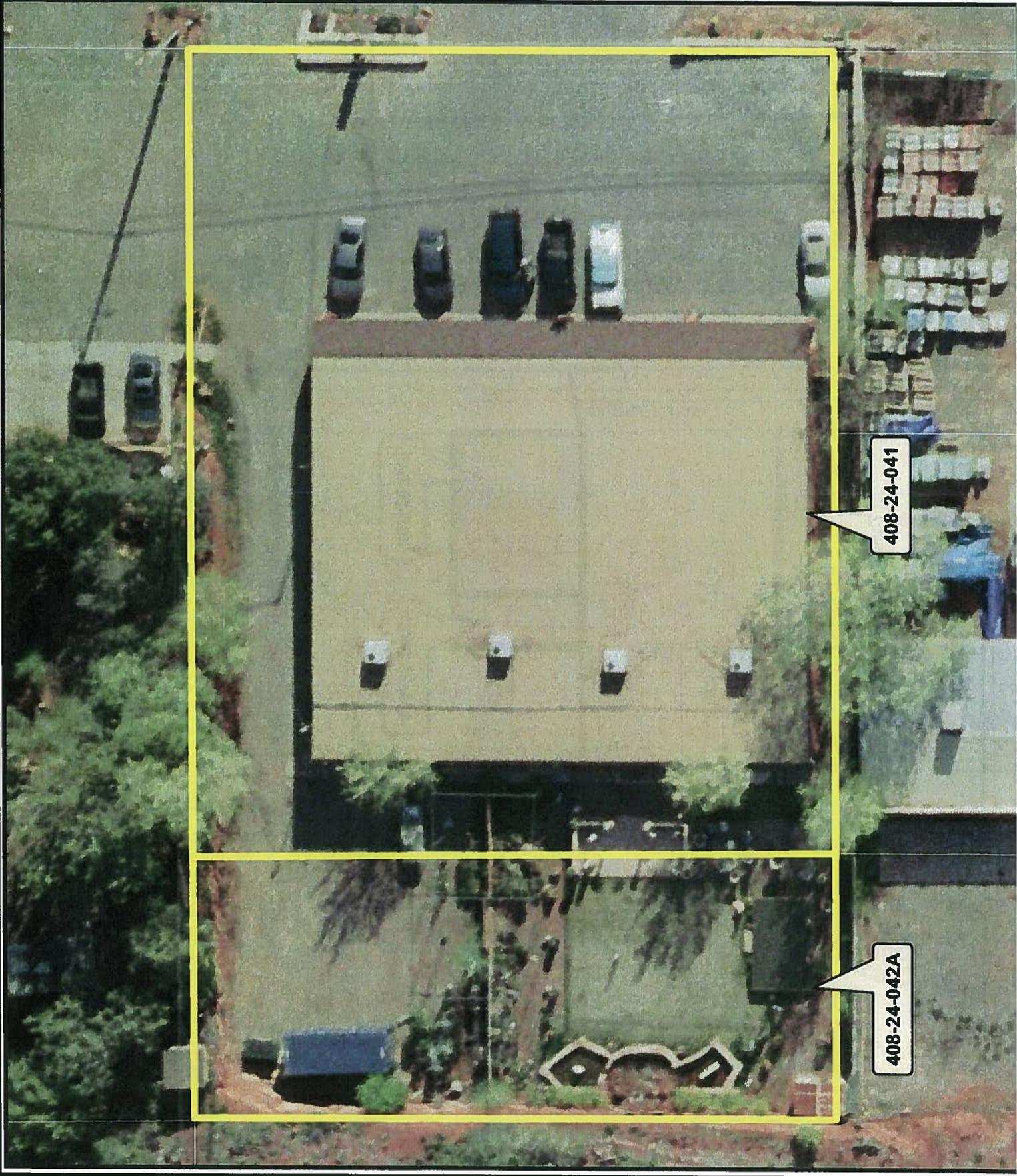
- Parcel  
#408-24-041 &  
#408-24-042A
- Parcel Boundary
- Street Centerline



0 10 20 Feet

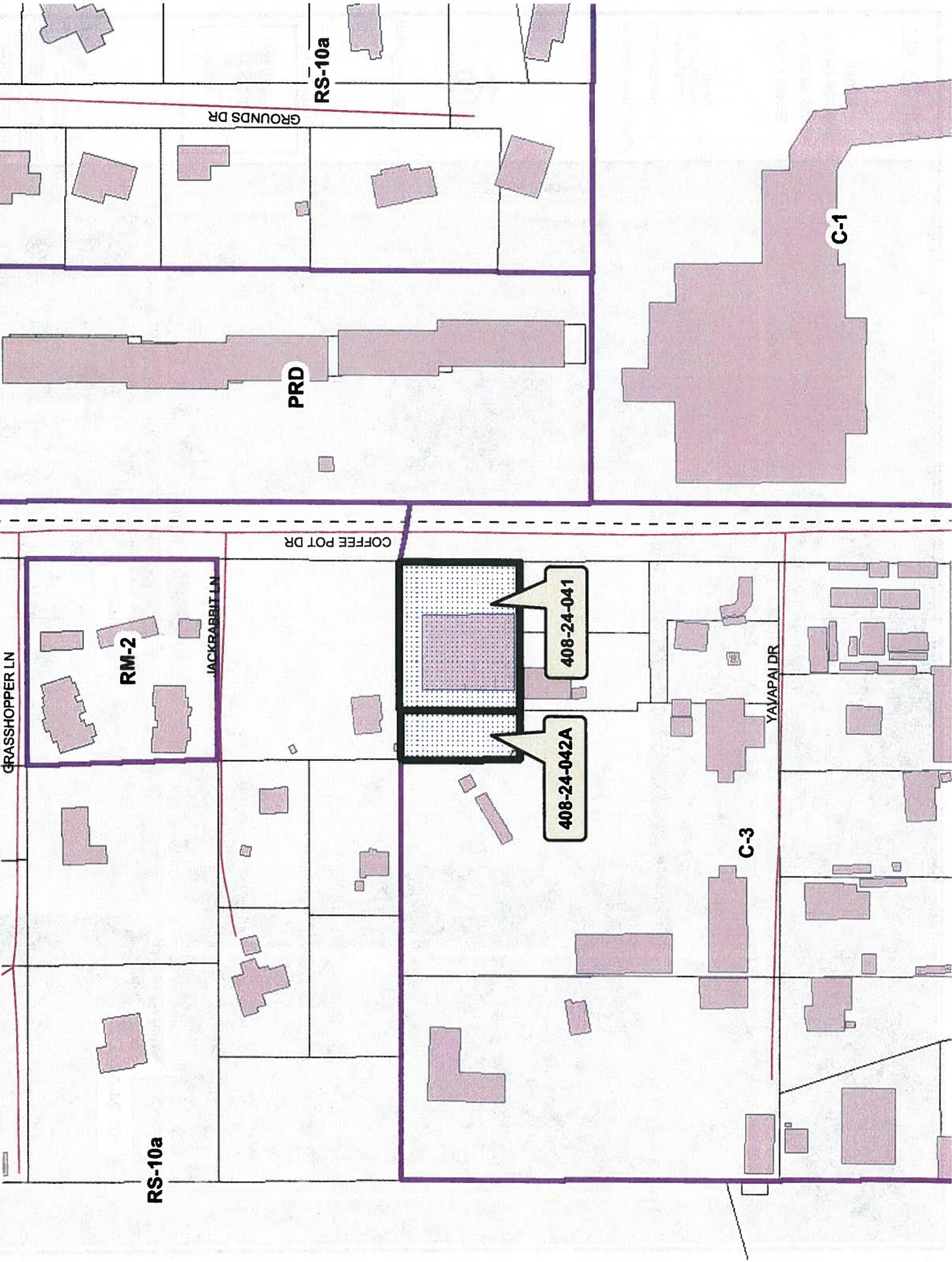


GIS, City of Sedona  
01/13/2013  
Project: 408-24-041\_042A\_042B  
This map was prepared to provide the public with information regarding the proposed project. It is not intended to be used for any other purpose. The City of Sedona is not responsible for any errors or omissions in this map. The City of Sedona is not responsible for any damages or losses resulting from the use of this map. The City of Sedona is not responsible for any damages or losses resulting from the use of this map.



408-24-041

408-24-042A



RS-10a

GROUNDS DR

PRD

C-1

COFFEE POT DR

GRASSHOPPER LN

RM-2

JACKRABBIT LN

408-24-041

408-24-042A

YAVAPAI DR

C-3

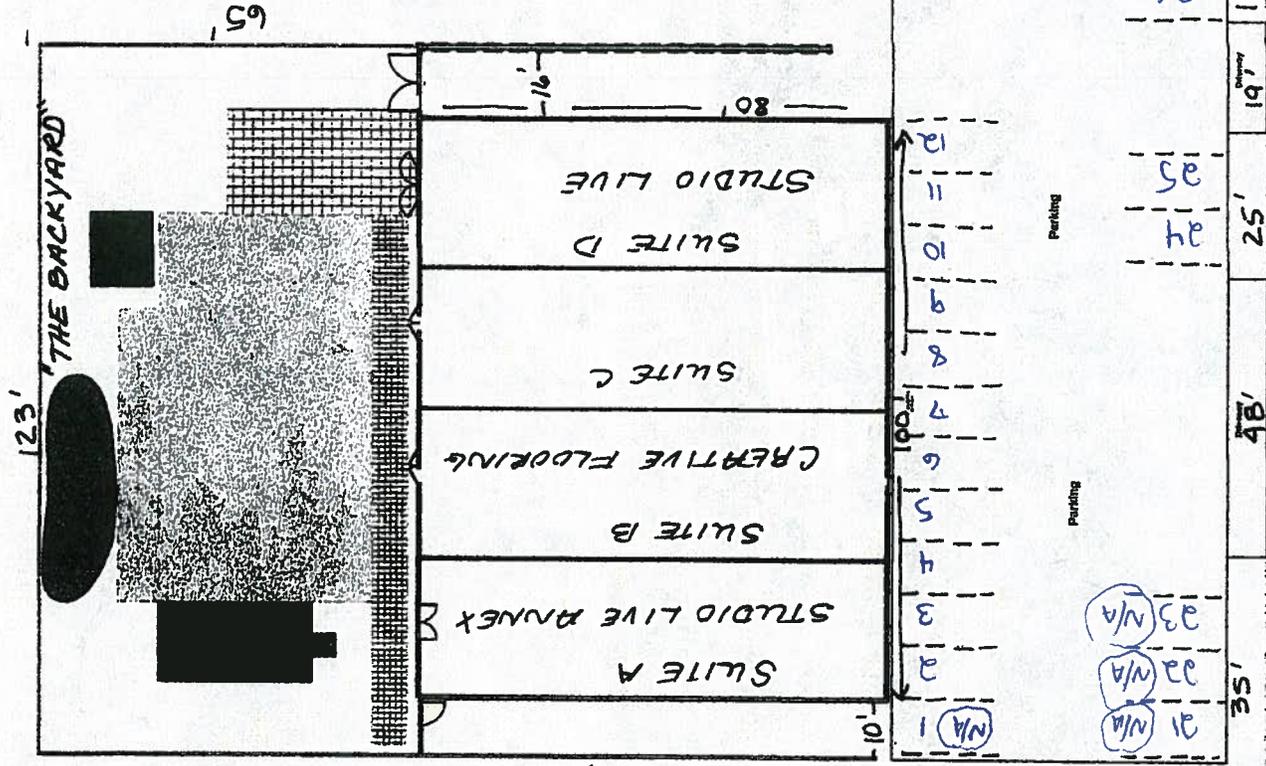
RS-10a

PROJECT  
 "THE BACKYARD" - PARCEL 408-24-042A  
 215 Coffeepot Dr.  
 APPROXIMATE DIMENSIONS  
 EACH PARKING SPACE REPRESENTS  
 9' WIDTH AND DEPTH OF 18'

W ←

N

STUDIO LIVE PLAZA

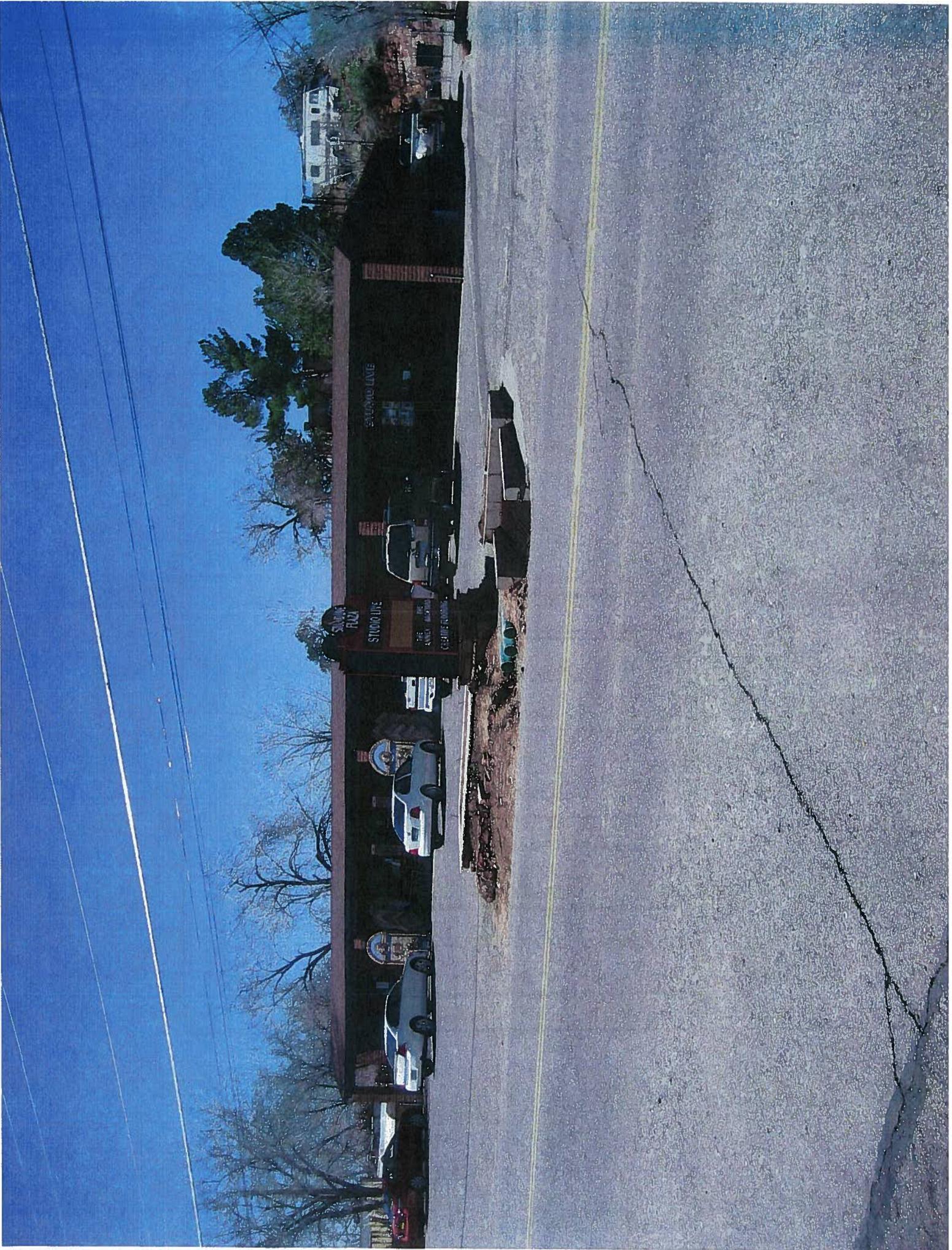


PARCEL  
 40824041 →

S



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RECEIVED  
MAR 11 2013

CITY OF SEDONA  
COMMUNITY DEVELOPMENT

215 Coffee Pot Driv  
Sedona, AZ 8633  
928.282.054  
EIN 26-419038

[www.studiolivesedona.com](http://www.studiolivesedona.com)

March 11, 2013  
City of Sedona  
Planning and Zoning Commission  
104 Roadrunner Dr  
Sedona, AZ 86336  
Re: AMENDED "The BackYard" - Conditional Use Permit Application  
Sedona Performing Arts Alliance/Studio Live - "The BackYard" Venue

The Sedona Performing Arts Alliance (SPAA) is a 501c(3) with a primary focus on supporting and growing the awareness of the performing arts in Sedona. Over the past three years, SPAA has been enriching the community through hundreds of performance events, providing support for local artists, building partnerships with community organizations and helping to connect everyone with the magic of the performing arts through education and live performance.

Studio Live is the performing arts venue established and operated by the Sedona Performing Arts Alliance located at 215 Coffeepot Dr., Sedona, Arizona. Studio Live provides three distinct venues used for different types of education and performance. Two of the three performance spaces are indoors; one for educational use called the Annex and the other called Studio Live that provides an intimate indoor stage and lounge area. The third area, encompassing an outdoor lawn, stage, and greater seating capacity, is called "The BackYard".

Located at Studio Live Plaza, "The BackYard" venue was created for the Sedona performing arts scene in 2012, giving the community a lovely lawn with a large rock fountain to enjoy fair-weather evening events. The "BackYard" showcases local/regional/national artists, and has hosted several weddings to date.

It is the desire of The Sedona Performing Arts Alliance/Studio Live to secure a Conditional Use Permit to hold outdoor events in the "BackYard". These events provide various kinds of music, dance, spoken word and theatrical performances, and are generally held late afternoons and evenings, weather permitting. Most events are scheduled to last two to four hours, with two hours on either side of the event for setup and breakdown. Any evening event will be scheduled to end no later than 10PM to respect the residential neighbors living in proximity to Studio Live. Performances can range from solo acoustic acts to bands and small orchestral groups including theatrical and dance troupes. These past two years we have been using TUP's for our outdoor events, working with the City, and being diligent to respect our neighbors and the city requirements. A conditional use permit will allow us to continue to grow our community involvement while giving our community an intimate outdoor space for all to enjoy performance and the amazing beauty of Sedona!

We have advised our neighbors by mail regarding our request for a permit. Also we scheduled an open house so that all can personally experience "The BackYard". My staff and I were available at such time to answer any questions and discuss our plans. We also offered an email address for responses. Attached is a timeline and description of the operational needs of the venue.

This letter is the formal request from The Sedona Performing Arts Alliance / Studio Live to the City of Sedona for the issuance of a Conditional Use Permit for 5 years with renewal available after such time. Should you desire further information, please contact me, Susan Schomaker, 928-282-0549.

Thank you for your consideration,

Susan Schomaker  
President / CEO Sedona Performing Arts Alliance  
[director@studiolivesedona.com](mailto:director@studiolivesedona.com)

# **"The BackYard" @ Studio Live Plaza, 215 CoffeePot Dr, Sedona**

**Description:** To hold outdoor events/performances in "The BackYard" venue located at 215 CoffeePot Dr. Sedona. Events would include musical events, dance, theatre, spoken word, weddings and community events. Performers would include solo performers up to full band: and orchestras, dance and theatrical troupes. Most events are 2-4 hours long with once or twice a year "Festival/Fundraiser" that may be 6 hours. (ex. Gumption Festival)

**Hours of operation:**

- 2-4 times a month
- March through October
- Friday, Saturday or Sunday or Monday holiday show
- Events take place between the hours of 12pm-10:00pm
- Setup/breakdown time 2 hours before and after.
- Most Events are scheduled 2-4 hours in length.
- Twice a year the venue will schedule a festival or fundraiser for longer than 4 hours not to exceed 10pm.

**Employees:**

- Event Manager
- Ticket person - Sale of tickets (Volunteers)
- 2 - Gate keepers (ticket takers/security) (Volunteers)
- 1 - Concession (Volunteers)
- 2 - sound techs
- Set up crew (Volunteers)
- Breakdown crew (Volunteers)

**Traffic impact:**

- Parking will be on the premises with overflow to be street parking, 165 Coffeepot Dr (SunSigns), 2020 Contractors Row (Rentals of Sedona) and 65 CoffeePot Dr (Fox Building parking lot).

**GIS**

- Letter of Intent mailed to neighbors with contact information so citizens may express concerns/questions (GIS will supply labels) Feb. 8, 2013
- Saturday Feb. 23, 2013 open house
- Provide Dept of Community Development a report of community concerns/responses by Feb. 28, 2013



Sedona Performing Arts Alliance/Studio Live do not intend to prepare foods ourselves. If and when we do have food we would hire a licensed food service.

We held a Community Comment open house day on February 23, 2013. There were no attendees and no comments received, either by email, phone or at our open house.

**Susan Schomaker**  
**Sedona Performing Arts Alliance**  
**President**



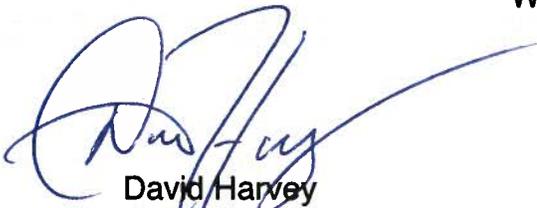
The liquor license has been purchased and has been finalized. We have just been notified of approval for our license. The license number is #07-30022.

**Susan Schomaker**  
**Sedona Performing Arts Alliance**



The hours of Creative Flooring 10-am - 5 pm. Monday through Friday. Our shows will not interfere with his store hours. David Harvey has been since our inception in 2009 and continues to be a active supporting member of the Sedona Performing Arts Alliance. We can discuss and work through any scheduling issues that may arise.

We agree to the above statement



David Harvey  
Creative Flooring



Susan Schomaker  
Sedona Performing Arts Alliance

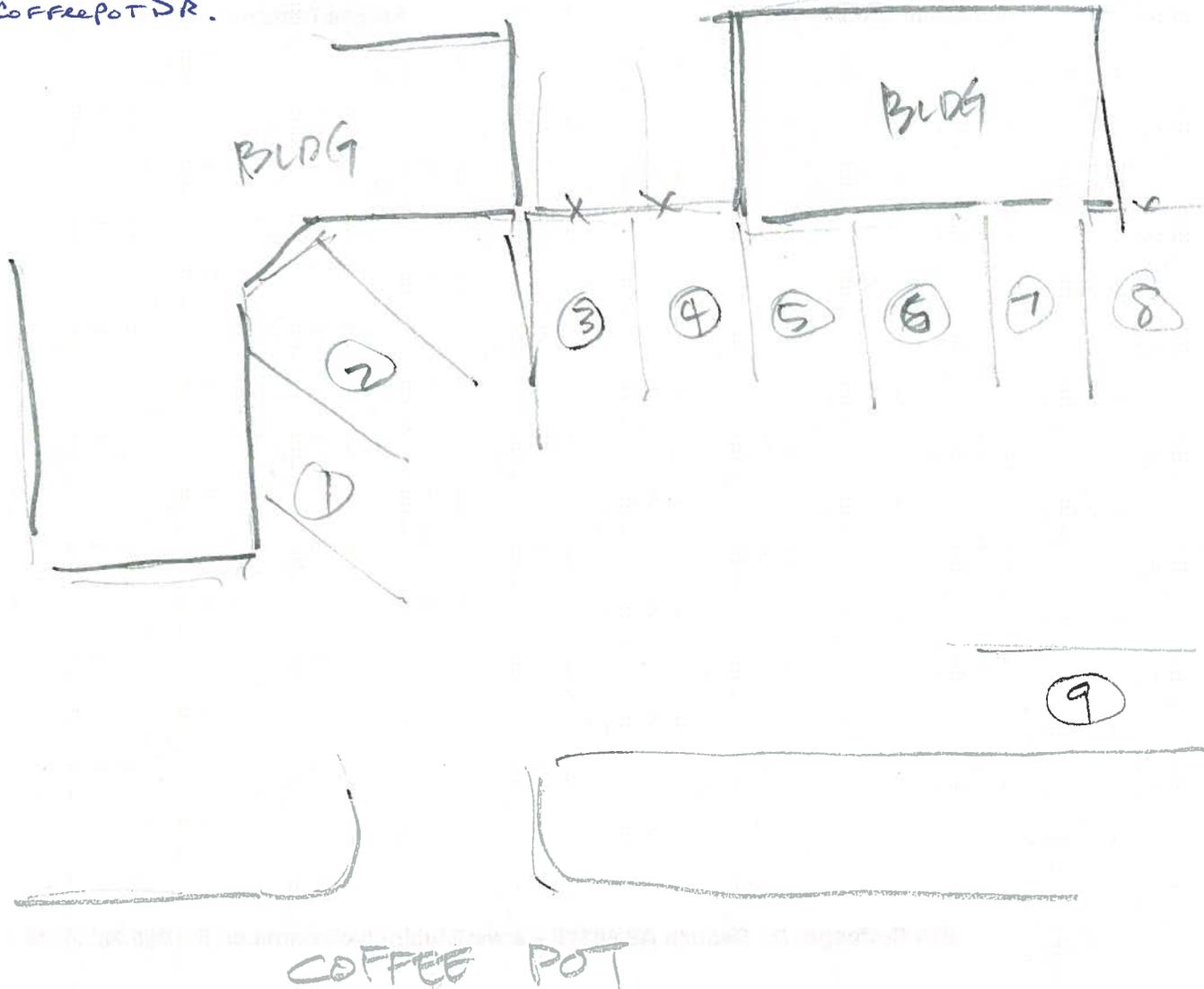


We agree that Studio Live can use parking at Sun Signs when they have an out door event at the Backyard. There are 9 parking places available to use.

We agree to the above statement

Mark  
Sun Signs  
165 Coffeepot Dr.

Susan Schomaker  
Sedona Performing Arts Alliance





We agree that Studio Live can use parking at 2020 Contractors Road when they have an outdoor event at the Backyard. There are 10 parking places available to use. Studio Live will give the Landlord and tenants at the above mentioned property a schedule of shows, and if there are any date conflicts, Studio Live will be notified and Studio Live will not use certain parking spots when not available.

We agree to the above statement.

William Holman  
Rentals of Sedona

Susan Schomaker  
Sedona Performing Arts Alliance

# ATTACHEMENT

## NUMBERS

7,8



## Petition

We, the undersigned are **opposed to the granting of a Conditional use Permit for Studio Live to operate an outdoor entertainment Venue at 215 Coffee Pot Drive.**

Our experience with events held in that outdoor facility in the past, have been completely negative. Large speakers blare music for prolonged hours all afternoon and well into the night. They typically exceed the decibel limit provided under city code. Even when they stay within the code requirements – the music is pounding, loud and a nuisance. We have tolerated occasional events. This permit would give them the right to disrupt our peace and quiet on a regular and ongoing basis.

Under Arizona Criminal Law 13-2917 Part A - we have the right to comfortable enjoyment of life or property by our community or by our neighborhood or by a considerable number of persons. Under Part D this is considered a Class 2 misdemeanor. Granting this permit to Studio Live would violate this right.

We also understand that Studio live has applied for a liquor license from the State. Along with this Conditional Use permit that would in effect create another bar in our neighborhood.

We already have to tolerate the noise from the Oak Creek Brewery as many as 6 nights a week in the warmer months and Saturday and Sunday afternoons as well as any Monday on a long weekend.

When there is an outdoor event in the Venue at 215 Coffee Pot and a band at Oak Creek Brewery we all must endure dueling bands. Neither Venue has exhibited any care, concern or compassion for their residential neighbors. We do not believe that their attitude will miraculously change in the future.

The Studio Live parking lot does not accommodate the amount of clients that their events draw. This means that Coffee Pot and all the side streets are full of parked cars. There is increased traffic and noise to the area. This presents a serious safety issue. There are no lights in the Studio Live parking lot. There are no lights on the streets. Coffee Pot is lined with ditches and there are no sidewalks . This presents a serious danger to other drivers and pedestrians. This is not the sort of traffic we want in our area. This is not conducive to safety or security.

We also believe that granting this permit will adversely affect property values in our area.

**We are asking that the City refuse Studio Lives request for a Conditional Use Permit to operate and Outdoor entertainment venue at 215 Coffee Pot Drive.**

Wendy Wizinowich 265 Jackrabbit Lane (928) 274-1323

I am opposed to the granting of this permit to Studio Live. The noise is too loud and prolonged. It is very disturbing. The noise disrupts tranquility and peace of the neighborhood. We have tolerated it occasionally but 32 times over an 8 month period is too much.

I do not want another bar in the area.

The dueling bands from Oak Creek Brewery and Studio Live is intolerable.

Safety issues with the street and parking and inebriated drivers.

My personal health issues make this permit a nightmare. I suffer from intense, debilitating migraines. The noise will make living in my home impossible. Please see attached letter from my health care provider.

Please note:

This affects far more than residents within 500 yards of Studio Live. We have people signing the petition from Grasshopper, Sanborn and Little Elf. All of them hear the music and are disturbed by it.

City letters went out to owners within 500 yards of Studio Live. Most of the units and homes within that area are occupied by renters. Every renter we were able to find at home signed the petition – but they did not receive a notice letter.

The people on Grasshopper and farther up Coffee Pot and Sanborn and Little Elf did not receive a City notice. They are affected and they are opposed.

Kevin Torres at 2060 Grasshopper told us that when the home he is renting was renovated – special windows were installed that have a gas between the panes to block the noise. This was done to block the noise from Studio Live. It is fairly effective but it means his air conditioning bills are higher because he has to keep all the windows closed and the air on. He also cannot sit quietly in his yard or on his deck.

The additional noise and safety risk constitutes a great nuisance to this neighborhood.

[akialba@msn.com](mailto:akialba@msn.com)

  
\_\_\_\_\_

March 21, 2013

Dear City Planners

Wendy Wizinowich is a patient of mine. She suffers from frequent, extreme and prolonged migraines. Her migraines are not controllable with medication or pain killers. This means she must suffer through intense pain that lasts typically from three to twelve days at a time.

In my opinion, loud, prolonged noise from music with a beat would exacerbate her condition. She would not be able to seek a quieter place when Outdoor performances coincided with one of her migraine attacks. When she is stricken with a migraine she is unable to leave her bed.

The granting of the proposal to Studio Live to run an Outdoor Entertainment Venue would in effect turn her home from a refuge to a torture chamber.

Yours Truly,

A handwritten signature in black ink that reads "Gayle Mason". The signature is written in a cursive, flowing style.

Gayle Mason, Nurse Practitioner

13. Name                      Address                      Phone  
Ilan Cohen                      320 Coffee Pot Dr.                      274-1455

Comments: To loud / we have a child.  
\_\_\_\_\_  
\_\_\_\_\_

Email                                      Signature  
\_\_\_\_\_                                      Ilan Dubov-Cohen

14. Name                      Address                      Phone  
Elke Belue                      2035 Grasshopper Lane Apt 4                      928-202-1983

Comments: It would be very disturbing to me  
because I live right behind the studio.  
I am a very quiet person. I never listen  
to music.  
\_\_\_\_\_  
\_\_\_\_\_

Email                                      Signature  
ebelue5(at)msu.com                                      Elke Belue

1. Name

Address

Phone

Jody NATOLI

260 Coffee Pot Dr. #22  
SEDONA, AZ 86336

619-806-0240

Comments: As a renter, it is in the CCIR's of the Casa Bonita Condo Assn

to provide a quiet, peaceful environment. The distribution of alcohol  
in this particular area would cause a serious security & safety  
issue considering the lack of lighting & sidewalks, especially with  
the foot traffic along the street. Also, there is insufficient parking  
for the venue presented and thus the volume of cars parked  
on the street increases the danger to pedestrians. Cars are  
parked next to a large drainage ditch on Coffee Pot Dr.  
Coffee Pot Dr. is very dark and the increase in pedestrian  
traffic crossing the street at this area is dangerous.

2. Name

Address

Phone

I support Studio Five and think that Jody Natoli  
up to this point they have been a benefit & contribute to our city but  
they must consider the residential properties surrounding their  
building and not infringe on our rights to a quiet existence.

Email

Signature

JNATOLI@gmail.com

Jody Natoli

11. Name

Address

Phone

Ty Hawley

260 coffee Pot

300 4428

Comments: Have 3 year old that sleeps  
early.

Email

Signature

the.hawleys@yahoo

Ty Hawley

12. Name

Address

Phone

Dolores A. Dinnen

260 Coffee Pot Dr

424-206-2389

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Email

Signature

dinneendi@gmail.com

Dolores A. Dinnen



7. Name                      Address                      Phone  
SooHi Jo                      55 Grasshopper Ln.                      301-5902

Comments: quite Pleas.                      I Need it

Email                      Signature  
soohijo1047@gmail.com                      [Signature]

8. Name                      Address                      Phone  
Jean Krass                      115 Grasshopper Lane                      [Phone]

Comments: I came here to live in  
a peaceful place & don't  
need more noise

Email                      Signature  
[Blank]                      Jean Krass

7. Name

Address

Phone

LORI SHUPP

2080 GRASSHOPPER LANE

928 399 0229

Comments: \_\_\_\_\_

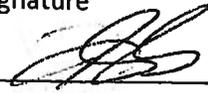
\_\_\_\_\_

\_\_\_\_\_

Email

Signature

\_\_\_\_\_

 \_\_\_\_\_

8. Name

Address

Phone

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Email

Signature

\_\_\_\_\_

\_\_\_\_\_

11. Name

Walter Paulsen

Address

80 Grasshopper Ln

Phone

(928)300-9761

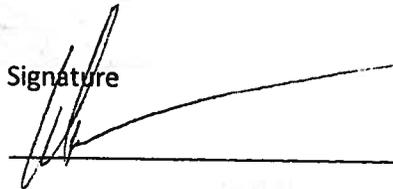
Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Email

chef1dax@hotmail.com

Signature



12. Name

Jan Naumer

Address

120 Grasshopper Lane

Phone

928-254-8490

Comments:

This is a quiet, secluded neighborhood on a  
dead-end street. WHAT we DO NOT NEED is  
noise pollution.

Email

jan-naumer@gmail.com

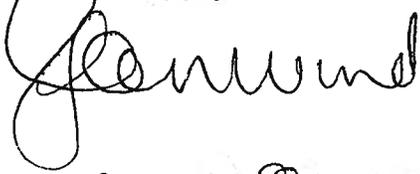
Signature



15. Name

Address

Phone

Jan Wind  


40 Grasshopper Ln

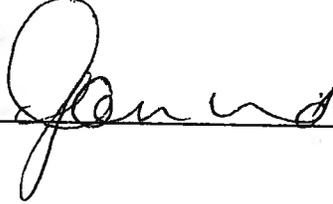
282-0763

Comments: Occasional outdoor events are acceptable with discretion based on times of operation, days of week, & a continuous use permit would be disruptive both in sound and traffic. Coffee Pot has NO safe areas to walk as is let alone when there are cars parked up + down the street.

Email

Signature

redrockwind@suddenlink.net



16. Name

Address

Phone

Jeff Wind

40 Grasshopper Ln.

282-0763



Comments: An occasional <sup>event</sup> is acceptable, however there are times when the volume is not acceptable nor the hours. The traffic definitely poses a hazard to pedestrians. We do not need another BAR in the area. We need to maintain a residential atmosphere.

Email

Signature

Redrockwind@suddenlink.net



13. Name

Address

Phone

Akasja Ellegaard ~~P.O. Box~~ 550 Coffee Pot 282-2675

Comments: Insufficient parking creates traffic  
hazard : endangers pedestrians

Email

—

Signature

Akasja Ellegaard

14. Name

Address

Phone

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Email

Signature

\_\_\_\_\_

\_\_\_\_\_

NAME	ADDRESS	PHONE
BEN MAY	2030 SANBORN DR	732-713-3197

COMMENTS

Loud, too loud

EMAIL

Signature



NAME	ADDRESS	PHONE
LIN MARTIN	260 COFFEYS PT Unit #2 PR.	928-274-1911

COMMENTS

Having experienced the loud music from "Oak Creek Brewery" in the past. — I would not welcome any additional musical "out door" venues. Very disruptive to peace & quiet — and certainly not the ~~of~~ quality ~~of~~ or ambience Sedona needs.

EMAIL

LINDAVIDMARTIN@  
yahoo.com

SIGNATURE



15. Name

Address

Phone

Claude Wigent

2035 Sanborn Pa

282-9218

Comments:

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Email

---

Signature

Claude Wigent

16. Name

Address

Phone

GERARD BREZNAU

2055 SANBORN DR

940-367-2616

Comments:

LOUD, IRRITATING, LOW QUALITY  
OBNOXIOUS!

---

---

Email

BREZNAUG@GMAIL.COM

Signature

Gerard Brezneau

17. Name

Rob Burke

Address

2030 Senborn

Phone

774-487-7956

Comments: Early or Never Land for neighbors ü

\_\_\_\_\_  
\_\_\_\_\_

Email

\_\_\_\_\_

Signature

Rob Burke

18. Name

Josh Halford

Address

2030 Senborn

Phone

926-300-9791

Comments: Too Late.

\_\_\_\_\_  
\_\_\_\_\_

Email

\_\_\_\_\_

Signature

Josh H

5. Name

Address

Phone

Jane Backus

35 Little Elf Dr.

949 554-4975

Comments:

YES! We <sup>hear it</sup> ~~hear~~ up here!

Email

Signature

duopugs@hotmail.com

Jane Backus

6. Name

Address

Phone

Andrew Duhssen

2040 Sanborn dr <sup>8326</sup> 928

204-9980

Comments:

very loud and annoying I can hear every  
word of the songs

Email

Signature

ADUHRSEN@gmail.com

Andrew R Duhssen

1. Name Horst Butz Address 25 W. Gunsmoke Rd Phone 208-4181

Comments: Music from the Oak Creek Brewery  
can be heard in the Thunder Mountain Ranch  
when the East Wind blows. This happen last year  
quite often. This noise is very disturbing to our sleep on warm  
summer days.

Email hrbutz@gmail.com

Signature Horst R. Butz

2. Name Sharon Butz Address 25 West Gunsmoke Rd Phone 208-4181

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Email srbutz@gmail.com

Signature Sharon Butz

3. Name Address Phone  
Monnie Ramsell 50 Bronco Drive Salome 86331 928-282-6318

Comments: Outdoor concert at this venue site will be very  
disturbing to West Salome Neighborhood. Sound travels and  
we can hear it. Once or twice a year maybe fine. Daily or even  
once a week is way too much. Why the city doesn't even notify us  
of this

Email  
Monnie@ramsell.net

Signature Monnie Ramsell

4. Name Address Phone  
\_\_\_\_\_  
\_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Email  
\_\_\_\_\_

Signature  
\_\_\_\_\_

9. Name

Address

Phone

Carl Bittenger

135 Little Elf Dr.

282-3464

Comments: We live up Little Elf Dr. to end of street  
where we can hear all the noise -

Email

\_\_\_\_\_

Signature

Carl Bittenger

10. Name

Address

Phone

Earl Bittenger

135 LITTLE ELF DR.

282-3464

Comments: I AGREE FULLY WITH THE ABOVE!

\_\_\_\_\_  
\_\_\_\_\_

Email

\_\_\_\_\_

Signature

Earl Bittenger



**From:** Aurora Adonai <jinshinaurora@hotmail.com>  
**To:** "dnicolella@sedonaaz.gov" <dnicolella@sedonaaz.gov>  
**CC:** "cmeyer@sedona.gov" <cmeyer@sedona.gov>  
**Date:** 3/21/2013 12:31 PM  
**Subject:** Studio Live's outdoor venue application

Dearest David and Cari;

I've lived here at 245 Coffee Pot Dr for 19 years. It's an oasis of Peace and Healing. I've had a great relationship with my land lady: Paula Brockman, and have poured money into this property: 6 valve drip system (3/4 acre), fenced entire inside portion (300ft?), built 3stained glass gates, raised beds, flowers, roses, pruned trees,gifted Paula with a \$900 travertine marble kitchen counter,added a washer, dryer, refrigerator,ceiling fans, and on and on----out of my own pocket. I never received a notice about Studio Live's application for an outdoor concert venue every weekend in the spring, summer, and fall!

They have a nice sound-proofed venue, but when Dave Harvey ( who owned Creative flooring next door and also rented from my landlady) had the handful of outdoor events, it would literally blast me out of my home for hours/ days. It was so loud it freaked out my 2 kitties, even with all the windows shut! It was unbearable!

Jim DeGeorge, Paula's son-in-law, made it extremely clear to me last year (or so), not to complain. Apparently, as Paula is aging, he is taking over, though I still send my rent to Paula.

The sound bounces off the apartments in front of me and ricochets back. So it's a double wammy. I've lived in Sedona since 1978, and have heard friends complain of the noise all the way up the hill 3/4 of a mile away and more. Sound travels clearly in this dry air. Most of them never received notices either. I have a home based business ( Jin Shin Jyutsu-- similar to acupressure without needles,) since 1984, and deep quiet is paramount. As I said before, my garden is peaceful and uplifting.

By law, a resident is entitled to peaceful enjoyment of his residence and to deny this is a felony.

Thank you for your time and attention

Blessings and Love,  
Aurora Adonai

Sent from my iPhone



**David Nicolella - Studio Live**

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**From:** <gwen@qwestoffice.net>  
**To:** <dnicolella@sedonaaz.gov>  
**Date:** 3/21/2013 2:45 PM  
**Subject:** Studio Live

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I own property at 260 Coffee Pot Dr. and I STRONGLY oppose the changes to Studio Live's zoning variance. In the past, Studio Live was supposed to keep their business door closed during live music, and they did not follow those rules, and I was forced to call the Police Dept for noise violations. Also, this area is residential and having outside music will interfere with my quality of life. The Gumption Fest once a year is a nightmare for traffic, and noise levels, especially with people walking in the neighborhood with no sidewalk access. The area is extremely dark and the Sedona waste water ditch is a hazard to both increased car and pedestrian traffic. I can not object strongly enough to outside music in this location. I believe that these changes would be very disruptive to the Casa Bonita residents. Also, I feel this would have a negative impact on my property values, and ability to rent out these units. I do not want the noise or increased traffic nuisance directly across from where I live. Please do not allow this zoning change. Thank you Jan E. Condon



**David Nicolella - Comment - Outdoor Entertainment Venue at 215 Coffee Pot Dr**

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**From:** "Wind" <redrockwind@suddenlink.net>  
**To:** <dnicolella@sedonaaz.gov>, <cmeyer@sedonaaz.gov>  
**Date:** 3/22/2013 11:10 AM  
**Subject:** Comment - Outdoor Entertainment Venue at 215 Coffee Pot Dr

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We live at 40 Grasshopper Ln and would like to voice our concerns regarding the granting of a Conditional Use Permit for Studio Live to operate an outdoor entertainment Venue at 215 Coffee Pot Dr. in Sedona.

The Outdoor concerts at Studio Live do not currently occur on a regular basis and although we can hear the music and voices over the microphone from our residence, we are willing to support local art and local business. However, were this outdoor venue able to hold concerts on a regular basis, it would interfere with our personal enjoyment of quiet afternoons and evenings beyond our acceptance. In addition, if a liquor license were to be granted, the activity level and noise level would increase. Not only can we hear these sounds from our residence we can hear them as far away as Farmer Brothers and Little Elf streets.

When the concerts occur there is overflow parking on the east side of Coffee Pot Drive from Bashas to Grasshopper Ln. As you are aware, there are no sidewalks on Coffee Pot, a condition that we have addressed with the City numerous times. When the overflow parking occurs, a dangerous scenario develops for drivers but more importantly for any residents wanting to walk on Coffee Pot including those attending the concert. Once again, with the addition of a liquor license safety concerns would increase.

With regard to property resale values, having congestion up and down Coffee Pot Dr. and continuous weekend and/or weekday audible music imposed on nearby residents, would certainly have a negative impact on property values.

We are requesting that the City of Sedona not approve the Conditional Use Permit and require that Studio Live continue to submit for approval per event.

Jan and Jeffrey Wind  
928.282.0763  
redrockwind@suddenlink.net



**David Nicolella - Fwd: 215 Coffee Pot Drive**

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**From:** Cari Meyer  
**To:** David Nicolella  
**Date:** 2/4/2013 2:59 PM  
**Subject:** Fwd: 215 Coffee Pot Drive

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Email regarding the CUP for Studio Live from a property owner...

Cari

>>> <mlansky@mindspring.com> 2/4/2013 2:35 PM >>>

To:

Cari Meyer  
 Associate Planner  
 City of Sedona  
 Department of Community Development

Dear Cari,

As the owner of the residence located at 205 Grounds Drive I would like to go on record as being AGAINST the Conditional Use Permit for 215 Coffee Pot Drive. There are 2 reasons why I am against this permit.

1) My home is located directly west of this property on a hill overlooking Casa Bonita condos and this property. Music and the associated noise from this venue carries and it is already a huge nuisance when an event is there. When sitting on my deck the peace and quiet normally enjoyed in this area is disrupted. It is bad enough that we have to endure this during Gumption Fest but to have to put up with this on a year round basis would not be my idea of a normal residential area. As I am sure you already know this property is surrounded on two sides by residential housing. This is hardly an ideal location for an outdoor music venue. I did not buy a home in Sedona so that I could hear live music every night (or even every weekend) on my deck. As it is now I sometimes have to close my doors and windows and turn up my television to an uncomfortable level to drown out their "events". I purchased my home in West Sedona to enjoy peace, quiet and to get away from noise.

2) Safety. This space was not designed to be a live music venue, it was designed to be an office/showroom/warehouse unit. There is already inadequate parking as the lot can only hold a dozen or so cars. Patrons at this establishment park on the side of the road and sometimes half off-half on the roadway creating a very dangerous condition. I can only see this getting worse with increased crowds. I am sure they will be parking on both sides of the road further constricting an already narrow and dark road. Additionally, traffic carries quite a bit of speed coming down the hill on Coffee Pot Drive and with all the cars parked on the side of the road it will create a very dangerous situation. Navigating through this will be extremely hazardous for pedestrians, bicyclists and even automobiles.

I am all for live music in Sedona however this is not the right location for it. There are many other areas that a venue like the one proposed would be better suited. A residential area is NOT one of them. Finally, this seems to me like a thinly veiled attempt to establish a bigger bar in a residential neighborhood. If they are looking for outdoor venues where they can have live music there are plenty in the area. We don't need another bar in West Sedona on Coffee Pot Drive.

1 of 2

I may not be able to make the meeting on April 2nd and if I am not present I would like this letter read into the record.

Please feel free to contact me with any questions/concerns.

Sincerely,

Martin Lansky

[www.themissionboutique.com](http://www.themissionboutique.com)  
[www.martinlansky.com](http://www.martinlansky.com)

2 of 2

**David Nicolella - Fwd: Re PZ 13-00001 Studio Live**

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**From:** Cari Meyer  
**To:** David Nicolella  
**Date:** 2/6/2013 12:38 PM  
**Subject:** Fwd: Re PZ 13-00001 Studio Live

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David,

For the file on Studio Live.

Cari

>>> Margaret Jones <carmarmike@msn.com> 2/6/2013 12:27 PM >>>  
February 6, 2013

Hello Ms. Meyer,

I am responding to the letter I received concerning the application for a Conditional Use Permit (Studio Live); PZ 13-00001

As a homeowner living right across from the location, we feel that having events possibly every weekend would not be conducive to the residential element of the neighborhood. Having Gumption Fest once a year seems like a reasonable proposition.

The applicants need to be aware that having a "party" every weekend in their backyard would probably not be something they could live with and therefore must realize that it is an unrealistic request for our backyard.

It is our desire that this Conditional Use Permit be denied by the Community Development staff in order that we maintain our standard of peace and quiet which is within our rights.

Thank you for your letter and your consideration of our desires.

Margaret and Michael Jones  
260 Coffee Pot Dr.

**David Nicolella - Fwd: PZ13-00001 - Studio Live**

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**From:** Cari Meyer  
**To:** David Nicolella  
**Date:** 2/19/2013 10:56 AM  
**Subject:** Fwd: PZ13-00001 - Studio Live

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FYI...

>>> Iala Jaggs <akialba@msn.com> 2/17/2013 11:03 AM >>>

Dear Cari Meyer

Thank you for contacting us regarding the conditional use permit PZ 13-00001 for Studio Live.

As property owners of very close proximity to the Venue we are vehemently opposed to this permit.

Our experience from their past outdoor performances has been highly negative. We do appreciate that they generally finish at 10 p.m. but by then we are shell shocked and exhausted from the noise. We do not appreciate the decibel level of their sound systems. They are always extremely loud and distorted. Our experience is that we are not able to enjoy an afternoon or evening outside when they have a performance. We have to close all doors and windows to make the sound level bearable. Studio Live Outdoor performances are a great disturbance to our Peace and the quality of life at our home.

All of us in this neighborhood also have to deal with the Oak Creek Brewery and their almost daily bands and drumming circles during the warmer months. They too have very little regard for decibel levels, time of night and their neighbors comforts. They do not respond to requests to lower the sound level and the only way to make them respond is by calling in a noise complaint to the police.

Quite often in the past we have had to deal with dueling Venues and their sound systems. Many times the Outdoor space behind Studio Live and Oak Creek Brewery have both had bands basicly warring with each other for sound supremacy all day long and well into the night.

Our neighborhood does not need or deserve more of this type of venue. What we do need is the same level and quality of peace and quiet that other Sedona neighborhoods expect and receive as their right.

Thank you  
Wendy Wizinowich and David Jaggs  
Property Owners at 267 Jackrabbit Lane.

**David Nicolella - Studio Live Conditional Permit**

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**From:** Aileen Lansky <a.lansky@yahoo.com>  
**To:** "dnicolella@sedonaaz.gov" <dnicolella@sedonaaz.gov>  
**Date:** 3/13/2013 1:56 AM  
**Subject:** Studio Live Conditional Permit

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Good morning David,  
I am writing to you with regards to a letter my husband and I recently received regarding awarding Studio Live a conditional permit. Our home is located at 205 Grounds Drive and I am against awarding this permit.

Both my husband and I are from Cleveland, Ohio. One of the major reasons we purchased a home in Sedona is because of the beautiful serene "quiet" environment. We wanted to get away from all of the noise pollution, traffic, people, music and constant high stress levels we were living because of city live. We found that haven in Sedona.

One experience I have had with Studio Live was on a beautiful warm sunny Saturday afternoon. I was sitting on my deck in a chair reading a book and out of the blue comes this loud music, cars and people everywhere. Studio Live was having an event. So much for that afternoon. Closed the book, put the chair away, locked up the house and went to Bell Rock. I understood that it was at 4:00 in the afternoon and I can accept that they had a venue at that time of the day. But what I cannot accept is events going on until 9:00 - 10:00 pm in the evening.

One of the major concerns is the safety. Their location is at the boundary of a residential area. With the parking situation anyone driving down Coffee Pot in the dark will have limited sight and that is an accident waiting to happen. On that particular Saturday afternoon, cars were parked along side the road, people walking across the street. Throw nightfall into that mix and that is a very serious safety issue. In addition, you have a brewery a few doors down. Now you have alcohol added to that and it now becomes a deadly mix.

Please understand, I am not against Studio Live expanding their venues. But not at that location. Please keep our neighborhood not only quiet, but safe! Please keep Sedona the beautiful serene city that it is.....a haven of solitude, serenity and peacefulness.

Thank you for the opportunity to share my thoughts and opinions with you.

Sincerely,  
Aileen Lansky

**David Nicolella - Studio Live Conditional Permit**

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**From:** "Mike Jones" <mikejones@wonderhomes.biz>  
**To:** <dnicolella@sedonaaz.gov>  
**Date:** 3/18/2013 4:03 PM  
**Subject:** Studio Live Conditional Permit

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Dear Mr. Nicolella,

I am not in support of having Studio Live possibly have music every weekend across the street where from I live.

With the music they have now when asked to shut the door because of the loudness they did not comply.

I do not think it would be wise to allow them to have music on a possibly weekly basis. They already have shown that they cannot comply with request to keep it quiet.

I support art and music in the community, but not in my back yard every week.

Thank you.

Mike Jones

**David Nicolella - Sedona Performing Arts Alliance & Studio Live Permit Process**

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**From:** Suzie Schomaker <director@studiolivesedona.com>  
**Date:** 3/19/2013 10:21 AM  
**Subject:** Sedona Performing Arts Alliance & Studio Live Permit Process  
**CC:** <dnicolella@sedonaaz.gov>

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Hi,

My name is Suzie Schomaker and I am the president of the Sedona Performing Arts Alliance/Studio Live. Thank you for your reply to our mailing regarding the Conditional Use Permit application at Studio Live Plaza.

As we go through this process I am grateful to learn about our neighbors and their concerns. Our goal is to be a great neighbor and a community organization whether we are awarded the permit or not.

It is sad for me to hear how performance is a nuisance in Sedona and we are striving to change that. Currently we are scheduling a day to test different speaker setups in "the BackYard" at Studio Live, that should create lower seepage of sound from the area. I would like to invite you to help us with this test. When I have a date scheduled you will be notified and your assistance would be a great help. We would love to hear your experience at your home, on the street and at our venue if you choose to join us. This process will teach us how best to do outdoor events and in turn will help everyone in Sedona as we share what we learn along the way. I am intent to learn how to produce outdoor events and control sound levels. I know it can be accomplished.

As we all agree our location may not be perfect so we are working best with what we have at the moment. Our goals are the advancement of the performing arts through education, live performance and artist support serving as a catalyst for community development through quality arts programming. We do not wish and I personally do not wish to have a bar or add a bar in our neighborhood. I too agree that there are enough of them. We serve wine and beer only during our shows once or twice a week.

This permit is only for the months that outdoor events are possible and only once a week at the most. So we could have 24 shows at the most. In 2012 we had 12 shows and to be honest, we are not sure there is enough interest or volunteers to do more.

We have secured parking from our business friends in the neighborhood and would be happy to add a parking attendant for each event to keep the street safe and not to be a difficulty for our neighbors. Would love to talk about the ways we could do that and welcome your ideas.

Please feel free to contact me personally. We can meet at Studio Live and discuss how best to do things properly. With your help I know we can make this a world class destination for performance, education and community too!

Thank you for your time and I look forward to meeting you very soon.

**SUZIE SCHOMAKER**  
President/CEO  
Sedona Performing Arts Alliance  
928.282.0549  
561.308.4387  
[director@studiolivesedona.com](mailto:director@studiolivesedona.com)  
[www.SedonaPAA.org](http://www.SedonaPAA.org)



**ATTACHEMENT**

**NUMBERS**

**9,10,11,12**



## David Nicolella - Re: Fwd: Studio Live Conditional Use Permit

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**From:** Brian Pearson  
**To:** David Nicolella  
**Date:** 2/20/2013 3:03 PM  
**Subject:** Re: Fwd: Studio Live Conditional Use Permit

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Building Safety has the following comments / concerns based on the information provided.

1. If liquor is served and dances are held the occupancy class would have to change from A1 to A2 on both parcels ( assuming liquor and dances on both parcels ). Building code requirements for A2 occupancies would now apply.
2. Currently there are no restrooms on parcel 408-24-042A ( The Back Yard ), the existing single user unisex restroom in suite A of parcel 408-24-041 is technically overloaded per table 2902.1 of the 2006 IBC. Any increase of occupant load or change of use would require both a mens and women's restroom be provided with fixtures as required by table 2902.1. Both restrooms would have to be fully accessible and provided with emergency lighting.
3. 2 exits to a public way will have to be provided, both paths of egress will have to be illuminated during evening and night events and backup emergency lighting will also have to be provided. A minimum of 2 illuminated exit signs will be required based on the initial review.
4. A seating and vendor layout plan for both parcels will be needed, the path of egress travel from the "Back Yard" to the public way must be identified.
5. How will electrical power be provided for the "Back Yard" parcel? Will vendors require power? An electrical plan with load calculations prepared by a licensed electrician will be needed. If power is pulled from an existing service the calculations must include all current loads of that suite or building served by that panel.
6. A Building permit for the shade cover over the stage must be applied for in a timely manner regardless of other proposed uses on this parcel.

>>> David Nicolella 2/19/2013 1:43 PM >>>  
Brian and Kevin,

As we discussed, please provide your comments with regards to ingress/egress, new bathrooms, seating, and whatever else you remember from our conversation.

I have included four attachments:

1. Aerial
2. Letter of intent. Page two talks about the frequency of the events
3. Site Plan - this shows the side exit's for the "Backyard" area; and
4. Studio Live Diagram, this shows the dimensions of one bathroom

Thanks  
David

The City of Sedona has received an application for a Conditional Use Permit to operate an outdoor



**David Nicolella - Re: Studio Live Conditional Use Permit**

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**From:** David Peck *Public Works*  
**To:** David Nicolella  
**Date:** 2/21/2013 3:01 PM  
**Subject:** Re: Studio Live Conditional Use Permit  
**Attachments:** 408-24-041 Studio Live.doc

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David,

Please see the attachment regarding sewer capacity and billing for Studio Live. This would need to be settled before they are granted the CUP.

Please let me know if you have any questions.

Thanks,  
David

Parcel 408-24-041

Re: Studio Live

As of 2/21/13, they are currently being billed for 70 units of Theater/Library/Church. This equates to 0.70 ERU.

Finance records (Ref. #826040) indicate the following:

- Capacity fees for 4 retail restrooms were paid at time of connection (Jan. 1994). This equates to  $4 \times 0.16 = 0.64$  ERU
- Under Building Permit B10644 in 2009, an additional 0.54 ERU sewer capacity was purchased.  $\$2713.50/\$5,025$  per ERU = 0.54 ERU

As of 2/21/13 the total capacity available is  $0.64 + 0.54 = 1.18$  ERU

The use of the building upon inspection on 2/21/13 is as follows:

- There are four units at 1900 sq. ft. each and one restroom in each unit.
- The northernmost unit is for Studio Live which has 70 theater seats = 0.70 ERU
- The next unit to the south is for portrait photography and will be considered retail use = 1 restroom at 0.16 ERU
- The next unit to the south is Creative Flooring and will be considered retail use = 1 restroom at 0.16 ERU
- The southernmost unit is office space for Studio Live =  $1900 \times .0002 = 0.38$  ERU
- So the current use =  $0.70 + 0.16 + 0.16 + 0.38 = 1.40$  ERU

Based on this assessment, capacity fees are owed for  $1.40 - 1.18 = 0.22$  ERU.  
 $\$7529.00$  per ERU  $\times 0.22$  ERU =  $\$1656.38$ .

Monthly billing needs to be adjusted to include the two retail restrooms at  $\$7.13$  each per month, and the office space unit at  $\$11.97$  per month.



# SEDONA FIRE DISTRICT

2860 SOUTHWEST DRIVE • SEDONA, AZ 86336 • TEL: (928) 282-6800 • FAX: (928) 282-6857

February 19, 2013

Mr. David Nicolella  
Associate Planner, Current Planning  
City of Sedona Community Development  
City of Sedona  
104 Road Runner Drive  
Sedona, Arizona 86336

Dear Mr. Nicolella:

A Conditional use permit review has been completed for the project listed below.

**Description:** Studio Live  
**Address:** 215 Coffee Pot Drive, Sedona, Arizona 86336  
**Case#:** PZ13-00001 (CUP)  
**APN:** 408-24-041 & 042A  
**Proposal:** Outdoor Entertainment at Studio Live

Based on the submitted information the following fire code requirements shall be applicable.

1. A detailed scaled layout shall be provided for each expected use of the outdoor area. This layout shall include:
  - a. Location of all exits and an exiting diagram. The exiting diagram shall include the location of all exits and emergency lights.
  - b. Location of all tents. Tents greater than 200 square feet and canopies greater than 400 square feet will require a permit.
  - c. Location of any on-site cooking operation. All cooking operation will require a review from this office.
  - d. Location of all additional props used in the production of an outdoor event.
  - e. Maximum occupant load for this area.
2. Exit and emergency lights shall meet the requirements of the building code.
3. A staffing plan for the exits shall be provided for each expected use of the outdoor area. This staffing plan shall include the number of staff, how the exits will be constantly staffed and a copy of the written procedures for exit staffing.

Safe....Friendly....Dedicated

4. The flame resistance for the black material used in suite D has reached its expected lifetime of three years. This material shall be replaced with flame resistance material or be tested to current manufacturer's instruction.
5. Any changes to the use, modifications to any portion of the building will require review by this office. An automatic fire sprinkler system may be required as a result of this review.

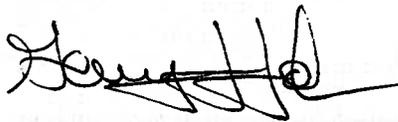
These comments shall not be meant to exclude any applicable requirements adopted by the Sedona Fire District or other regulatory agency. The adopted fire code is based on the 2003 edition of the International Fire Code with amendments as approved by the Arizona State Fire Marshal.

Inspections required by the fire code, to ensure that these requirements have been satisfied, shall be scheduled through this office. Proof of these inspections shall be submitted by you to the City of Sedona Community Development Department prior to a certificate of occupancy being issued.

**As of February 27, 2008 the Sedona Fire District adopted a fee for service schedule. Service fees include construction plan reviews. A construction permit is required to be obtained from this office prior to any commencement of work. Construction permits will not be issued until such time that fee payments are received.**

If you have any questions concerning these comments please feel free to contact me at (928) 204-8907 or [gjohnson@sedonfire.org](mailto:gjohnson@sedonfire.org).

Sincerely,



Gary J. Johnson  
District Fire Marshal

C: City of Sedona  
Community Development

**David Nicolella - RE: Studio Live Conditional Use Permit**

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**From:** Robert Mumper <Robert.Mumper@yavapai.us>  
**To:** 'David Nicolella' <DNicolella@sedonaaz.gov>  
**Date:** 2/22/2013 8:39 AM  
**Subject:** RE: Studio Live Conditional Use Permit

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Hi David,

The letter of intent does not indicate any type of food or beverage service; however, the floor plan shows a bar and cooler. If the applicant wishes to serve any food or beverages at this location, a health license to operate may be required. If alcoholic beverages will be served, approvals must also be obtained from the Arizona Department of Liquor License and Control. Note: Clarification will be needed on this issue before Yavapai County Community Health Services (YCCHS) can properly advise the applicant.

Please let the Planning Commission know that the Health Department may have concerns regarding food service without further clarification.

Thanks for keeping me updated.

Robert Mumper, RS

Environmental Health Specialist II

Yavapai County Community Health Services

(928) 634-6891

