

# CITY COUNCIL REPORT



MEETING DATE: October 21, 2008

ITEM NO. 1 GOAL: Coordinate Planning to Balance Infrastructure

## SUBJECT

**Martini Park**  
**15-UP-2008 and 16-UP-2008**

## REQUEST

### Request to consider the following:

1. Approve a Conditional Use Permit (Case 15-UP-2008) for a bar use on property located at 15037 North Scottsdale Road, Suite 100 (Scottsdale Quarter).
2. Approve a Conditional Use Permit (Case 16-UP-2008) for live entertainment for the same property located at 15037 North Scottsdale Road, Suite 100 (Scottsdale Quarter).
3. Adopt Resolution No. 7737 affirming the above Conditional Use Permit for a bar and finding that the Conditional Use Permit Criteria have been met.
4. Adopt Resolution No. 7738 affirming the above Conditional Use Permit for Live Entertainment and finding that the Conditional Use Permit Criteria have been met.

### Key Items for Consideration:

- The proposed establishment of 9,169 square feet will be located in a new building within Scottsdale Quarter, a mixed-use development containing over 1.2 million square feet of floor area.
- The nearest existing residential use is more than 1,000 feet to the west within the Kierland mixed-use development.
- There are residential uses proposed within Phase III of the Scottsdale Quarter project. These residential uses will be approximately 340 feet away from the closest part of the proposed establishment.
- The Planning Department has received no opposition on the two Conditional Use Permit requests as of the date of this report.
- The Planning Commission recommended approval of both Conditional Use Permits with a unanimous vote of 5-0.

### Related Policies, References:

- **5-GP-2005:** An approval for a Major General Plan amendment from Employment to Mixed-Use Neighborhoods.
- **14-ZN-2005:** An approval for a rezoning from Industrial Park District (I-1) to Planned Regional Center (PRC).
- **10-DR-2007:** An approval for a Development Review Board case which included the Master Plans and Phase I building elevations for Scottsdale Quarter.
- **10-DR-2007#2:** An approval for a Development Review Board case which included the Master Lighting Plan for Scottsdale Quarter.
- **10-DR-2007#3:** An approval for a Development Review Board case which included the building elevations for Phase II of Scottsdale Quarter.
- **10-DR-2007#4:** An approval for a Development Review Board case

which included revisions to Building C within Phase I of Scottsdale Quarter.

**OWNER**

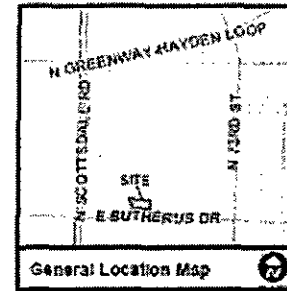
Sucia Scottsdale, LLC  
480-993-0472  
Kierland Crossing Residential, LLC  
Kierland Crossing Residential II, LLC  
Kierland Crossing Residential III, LLC  
480-315-9595

**APPLICANT CONTACT**

Lynne A. Lagarde  
Earl Curley & Lagarde P C  
602-265-0094

**LOCATION**

15037 North Scottsdale Road, Suite 100



**BACKGROUND**

**Zoning.**

This 22.8-acre property is zoned Planned Regional Center (PRC). PRC zoning allows a broad range of general merchandise and service uses, office, cultural and entertainment uses, and residential.

**Context.**

Located on N. Scottsdale Road between E. Butherus Road to the south, N. 73<sup>rd</sup> Street to the east and E. Greenway-Hayden Loop to the north, this site is near the western edge of the Scottsdale Airpark. Kierland Commons shopping center is to the immediate west, across N. Scottsdale Road from this property. There is an existing Dial Corporation facility on the property, which will remain in operation through Phase I of the Scottsdale Quarter project and will be demolished when their new office building at One Scottsdale is completed to allow construction of Phase II.

Building permits have been issued for the six buildings within Phase I (Buildings A, B, C, D, E, and J) of the project. These are currently under construction along N. Scottsdale Road, E. Butherus Road and E. Greenway-Hayden Loop, around the existing Dial Corporation facility. The proposed Martini Park establishment will be located in an 8,722 square foot suite on the ground floor of building J within this project, which is adjacent to E. Butherus Road.

**Adjacent Uses and Zoning:**

- North: Commercial mixed-use (Scottsdale Quarter); Zoned Planned Regional Center (PRC).
- South: E. Butherus Road, further south existing office uses; Zoned Industrial Park District (I-1).
- East: Commercial mixed-use (Scottsdale Quarter); Zoned Planned Regional Center (PRC).
- West: Commercial mixed-use (Scottsdale Quarter); Zoned

**APPLICANT'S  
PROPOSAL****Goal/Purpose of Request.**

The applicant is seeking approval of a Conditional Use Permit for live entertainment (16-UP-2008) and a Conditional Use Permit for a bar (15-UP-2008). The applicant proposes to establish an up-scale restaurant and cocktail lounge venue as part of the Scottsdale Quarter mixed-use development. The applicant has purchased a State of Arizona Series 6 Liquor License (72-LL-2008) which will be heard by City Council with the proposed Conditional Use Permits. In addition to live DJs, the applicant intends to provide a live band and dancing as live entertainment for the nightclub. The establishment will be open Monday through Saturday from 4:00 p.m. to 2:00 a.m. There is a 447 square foot outdoor patio proposed on the west side of the building. Alcohol will be served on the patio, but all live entertainment will be enclosed within the building.

**Development Information.**

- Existing Use: Vacant, currently under construction
- Proposed Use: Bar with live entertainment
- Parcel Size: ± 22.8 Acres (Scottsdale Quarter)
- Building Height Allowed: 60 Feet
- Building Height Proposed: 30-60 Feet (whole site) 54.6 feet (subject building)
- Parking Required (whole site): 3,150 Spaces (per parking study 10-DR-2007 for Scottsdale Quarter)
- Parking Required (this tenant): 176 Spaces (per parking study 10-DR-2007 for Scottsdale Quarter)
- Parking Provided: 3,184 Spaces in three garages and 133 surface spaces at build out
- Open Space Required: 204,911 Square feet
- Open Space Provided: 248,065 Square feet
- Floor Area:
 

<b>Total:</b>	<b>9,169 Square feet</b>
Public Area:	5,600 Square feet
Live Ent. Area:	2,959 Square feet
Bar service area:	921 Square feet
Kitchen:	756 Square feet
Outdoor Patio:	447 Square feet

**IMPACT ANALYSIS****Traffic.**

The site is bounded by three arterial streets (N. Scottsdale Road, E. Greenway-Hayden Loop and E. Butherus Road) and a minor collector street (Dial Boulevard/N. 73<sup>rd</sup> Street). A traffic impact analysis was performed for the Scottsdale Quarter project during the rezoning and General Plan amendment of the site (14-ZN-2005, 5-GP-2005). This study concluded that there is sufficient capacity for the proposed mix of uses on the site, which included

the site (14-ZN-2005, 5-GP-2005). This study concluded that there is sufficient capacity for the proposed mix of uses on the site, which included restaurant, retail, office, hotel and residential.

The proposed Martini Park bar and lounge will operate only in the evening hours from 4:00 p.m. to 2:00 a.m., with primary trip generation occurring when other businesses in the area are closed. Any traffic generated by this use is not anticipated to create any significant adverse impacts.

**Parking.**

At the time of Development Review Board approval of the master plans for the Scottsdale Quarter project (10-DR-2007), a shared parking analysis was conducted for the whole site. This analysis broke down the proposed areas of all the planned uses for the project in order to determine an accurate parking requirement for the project as a whole. At the time the analysis was conducted, bar/nightclub uses were anticipated within the project. The shared parking analysis concluded that parking for bar/nightclub uses shall be provided at a ratio of one space per 50 square feet of public area plus one space per patio. At this ratio, 176 spaces are required for the Martini Park establishment. There are 3,184 parking spaces provided for the Scottsdale Quarter site. A total of 176 spaces will be allocated to Martini Park and it is anticipated that during the peak hours of operation for Martini Park, the spaces available for their use will be in excess of 176.

**Water/Sewer.**

The water and sewer improvements necessary to serve the site have been planned for and are currently being installed. This proposal is not anticipated to generate any additional impacts.

**Police/Fire.**

There are no reported public service concerns with these types of uses in this area. The bar and live entertainment uses are required to submit a Security, Maintenance and Operations Plan, which has been reviewed and approved by the Police Department (See Attachment #7 ). Station #9 of the City of Scottsdale Fire Department is the nearest fire station to the site. The station is located at the northeast corner of E. Raintree Drive and N. 78<sup>th</sup> Way.

**Use Permit Criteria.**

All live entertainment uses fall under section 1.403 J "Live entertainment" use permit criteria of the Zoning Ordinance, and all bar uses fall under section 1.403 C.1 "Bar, cocktail lounges, and /or after hours establishments" use permit criteria of the Zoning Ordinance. The key issues of the two use permit requests are highlighted respectively in the end of this section.

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 the City Council has found as follows:

- A. That the granting of such conditional use permit will not be materially

1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
    - **The subject site is in a mixed-use commercial and industrial area and within close proximity to the Scottsdale Airport. As part of the application, a noise study was conducted which concluded that any noise generated by this use will be within acceptable levels for the context of the site. A master lighting plan was approved by the Development Review Board (10-DR-2007#2) for all of the buildings in the Scottsdale Quarter project. This tenant is not proposing any additional outdoor lighting. A pollution control device with a grease-scrubber function will be used to help mitigate any potential odor generated by this type of use. No smoke, dust, or vibration is anticipated from this use.**
  2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
    - **This type of use was planned as part of the Scottsdale Quarter development and included in the traffic impact analysis for the project. The proposed bar and live entertainment uses are not anticipated to create any adverse traffic impacts.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
- **The proposed bar and live entertainment uses are compatible with the uses proposed within Scottsdale Quarter and the surrounding uses which include office, retail, restaurants, restaurants with bars, and industrial.**
- C. The additional conditions for live entertainment uses specified in Section 1.403.J. have been applied and satisfied as noted as follows:
1. The site plan shall demonstrate that:
    - a. Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts.
    - b. All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.
  - **The site is buffered by other commercial buildings to the north, east, and west. The proposed tenant space is located adjacent to E. Butherus Road to the south with an Industrial zoned parcel located on the other side of E. Butherus Road. The closest residential development is located over 1,000 feet to the west.**
  - **All patron entrances will be well lit and clearly visible to patrons from the surrounding streets and sidewalks.**
2. The applicant has provided written evidence that all sound resulting from business activities will be contained within the building, except where external speakers are permitted.

2. The applicant has provided written evidence that all sound resulting from business activities will be contained within the building, except where external speakers are permitted.
  - **The floor plan indicates that all live entertainment activities will be located within the structure. Outdoor speakers are not proposed.**
3. The applicant has provided a written public safety plan which the city police and fire departments have approved as complying with the written guidelines of the Planning and Development Department.
  - **A Security, Maintenance and Operations Plan has been submitted and approved by the Police Department.**
4. The applicant has provided a written lighting plan which addresses exterior lighting on and surrounding the property, in accordance with section 7.600 of the zoning ordinance and with the public safety plan guidelines.
  - **The approved lighting for the Scottsdale Quarter project meets the provisions of this ordinance. No new lighting has been proposed with this application.**
5. The applicant shall provide a written exterior refuse control plan which must be approved by the Planning and Development Department staff as complying with the written guidelines of the department, prior to the issuance of a business license. The review will be conducted as provided in Section 1.305.
  - **Provisions for refuse control are included with the Security, Maintenance and Operations Plan and have been stipulated with this case.**
6. The applicant has provided a floor plan which identifies the areas for the primary use and for ancillary functions, which include but are not limited to patron dancing areas and/or stages for performances.
  - **The floor plan has been provided for review as Attachment #11.**
7. If access to the establishment is from a street other than one classified by the General Plan as minor collector or greater, or classified by the downtown General Plan as local street or greater, the applicant has provided a traffic analysis which complies with transportation planning department written guidelines. The plan shall demonstrate to the satisfaction of the transportation department that the level of service on all streets accessed by the use shall meet the standard set by the city.
  - **There are several points of access to the site which are all classified as minor arterial or greater.**
8. If the Zoning Administrator determines that a study is necessary the applicant shall provide a parking study which complies with the written guidelines of the Planning and Development Department.

staff in order to evaluate the impacts of the proposed use upon the area.

- **All requested information has been provided.**

10. *The following operational standards must be met by the use throughout its operation:*

- a. All external doors shall be closed but not locked during business hours.
  - b. No external speakers will be permitted on the premises of a use permitted under this section, which is located within five hundred (500) feet of a residential district.
  - c. The applicant/operator shall comply with all plans approved as provided herein.
- **With the exception of the doors on the west patio, all external doors will be closed but not locked during business hours.**
  - **No external speakers are proposed.**
  - **The applicant/operator will comply with all approved plans. The approved plans have been stipulated with this case.**

The additional conditions for Bars, cocktail lounges, and/or after hours establishments specified in Section 1.403.C.1 have been applied and satisfied as noted as follows:

1. The use shall not disrupt existing balance of daytime and nighttime uses.
  - **Most uses within Scottsdale Quarter and the surrounding area are retail shops, offices and industrial airpark uses which operate mostly during the daytime and in early evening. The proposed bar and live entertainment uses are intended to operate in the late evening and will not adversely impact other uses.**
2. The use shall not disrupt pedestrian-oriented daytime activities.
  - **There is a substantial amount of pedestrian circulation provided throughout the Scottsdale Quarter project which will not be negatively impacted by the proposed bar and live entertainment use. A patio is proposed to be located on the sidewalk in front of the building, but adequate space for pedestrian flow will be maintained.**
3. If the site is located within the downtown overlay district then:
  - a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.
  - b. The required parking for the use shall be within six hundred (600) feet of the property and shall not be separated from the property by a major or minor arterial street.
  - **The site is outside of the Downtown and Downtown Overlay area.**
4. If the use is located within five hundred (500) feet of a residential use or district then:

- a. The use shall not adversely impact residential uses.
- b. The use shall provide methods of buffering residential uses.
  - **The proposed establishment is not within 500 feet of any existing residential zone or use. There is residential development proposed within Phase III of the Scottsdale Quarter project which will not be completed until after Martini Park is established. The proposed residential development will be buffered by another commercial building and the Martini Park entry and outdoor patio area will be over 500 feet away on the opposite side of the building.**
5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.
  - **A Security, Maintenance and Operations Plan has been submitted and approved by the Police Department.**
6. The applicant shall provide, with the application for a conditional use permit, a written exterior refuse control plan which must be approved by the planning and development department staff as complying with the written guidelines of the department.
  - **Provisions for refuse control are included with the Security, Maintenance and Operations Plan and have been stipulated with this case.**
7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.
  - **No new exterior lighting is proposed for the establishment. Noise levels have been stipulated to not exceed the ambient noise levels of the area.**
8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.
  - **The parking analysis submitted by the applicant demonstrated that parking requirements are met for the use and the traffic impact analysis indicates that trips generated will not exceed capacity for roadways in the area.**
9. After hours establishments must maintain a valid after hours establishment license.
  - **The proposed use is not an after hours establishment.**

**Community Impact.**

The proposed bar and live entertainment uses are located within the Scottsdale Quarter development and along N. Scottsdale Road and E Butherus Road. The proposed use will only be open in the evening and night hours and will be compatible with the surrounding retail, office, restaurant, and industrial uses. The applicant has submitted and obtained approval of a Security, Maintenance and Operations Plan that will establish maintenance and security operations for the use.



**Community Involvement.**

Property owners within a 750-foot radius of the subject site were notified. The site has been posted. Staff has received no comments from the public regarding this application.

**STAFF  
RECOMMENDATION  
TO PLANNING  
COMMISSION**

**Recommended Approach:**

Staff recommended approval of this case subject to the attached stipulations and found that the Conditional Use Permit criteria under Sec. 1.403 were met.

**OTHER BOARDS AND  
COMMISSIONS**

**Planning Commission.**

The Planning Commission heard this case on September 24, 2008, and recommended approval subject to the attached stipulations, with a unanimous vote of 5-0 on the consent agenda, finding that the Conditional Use Permit Criteria under Section 1.403 were met.

**OTHER  
DEPARTMENTS**

**Planning and Development Services Department**  
Current Planning Services

**RESPONSIBLE  
DEPT(S)**

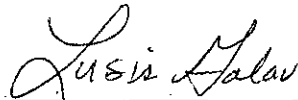
**Planning and Development Services Department**  
Current Planning Services

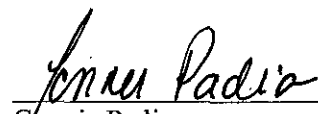
**STAFF CONTACT(S)**

Bryan Cluff  
Planner  
480-312-2258  
E-mail: bcluff@ScottsdaleAZ.gov

Lusia Galav, AICP  
Director, Current Planning  
480-312-2605  
E-mail: lgalave@ScottsdaleAZ.gov

**APPROVED BY**

 10-01-2008  
\_\_\_\_\_  
Lusia Galav, AICP Date  
Director, Current Planning

 10/3/08  
\_\_\_\_\_  
Connie Padian Date  
Interim General Manager, Planning and Development Services

**ATTACHMENTS**

1. Resolution No. 7737  
Exhibit 1: Context Aerial  
Exhibit 2: Amended Stipulations  
Exhibit 3: Section 1.403. [C.1] - Bar Conditional User Permit  
Criteria
2. Resolution No. 7738  
Exhibit 1: Context Aerial  
Exhibit 2: Amended Stipulations  
Exhibit 3: Section 1.403.J. - Live Entertainment Criteria  
Conditional Use Permit Criteria
3. Applicant's Narrative
4. Close-Up Aerial
5. Land Use Map
6. Zoning Map
7. Security, Maintenance and Operations Plan
8. Parking Study
9. City Notification Map
10. Site Plan
11. Floor Plan
12. September 24, 2008 Planning Commission Draft Minutes

RESOLUTION NO. 7737

A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR A BAR LOCATED AT 15037 N. SCOTTSDALE ROAD, SUITE 100, WITH PLANNED REGIONAL CENTER DISTRICT (P.R.C.) ZONING.

WHEREAS, the Planning Commission held a public hearing on September 24, 2008;  
and

WHEREAS, the City Council, held a public hearing on October 21, 2008;

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

Section 1. That the granting of this conditional use permit will not be materially detrimental to the public health, safety or welfare and the City Council has specifically considered, but not limited itself to considering the following factors: damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic.

Section 2. That the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas and that compliance with the additional conditions for a bar conditional use permit, set forth on Exhibit 3, have been met.

Section 3. That the above conditional use permit is described in Case No. 15-UP-2008 for a property, which is shown on Exhibit 1.

Section 4. That the conditional use permit is conditionally approved based upon compliance with all the stipulations attached hereto as Exhibit 2 and incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 21st day of October 2008.

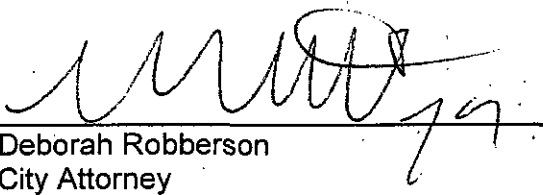
ATTEST:

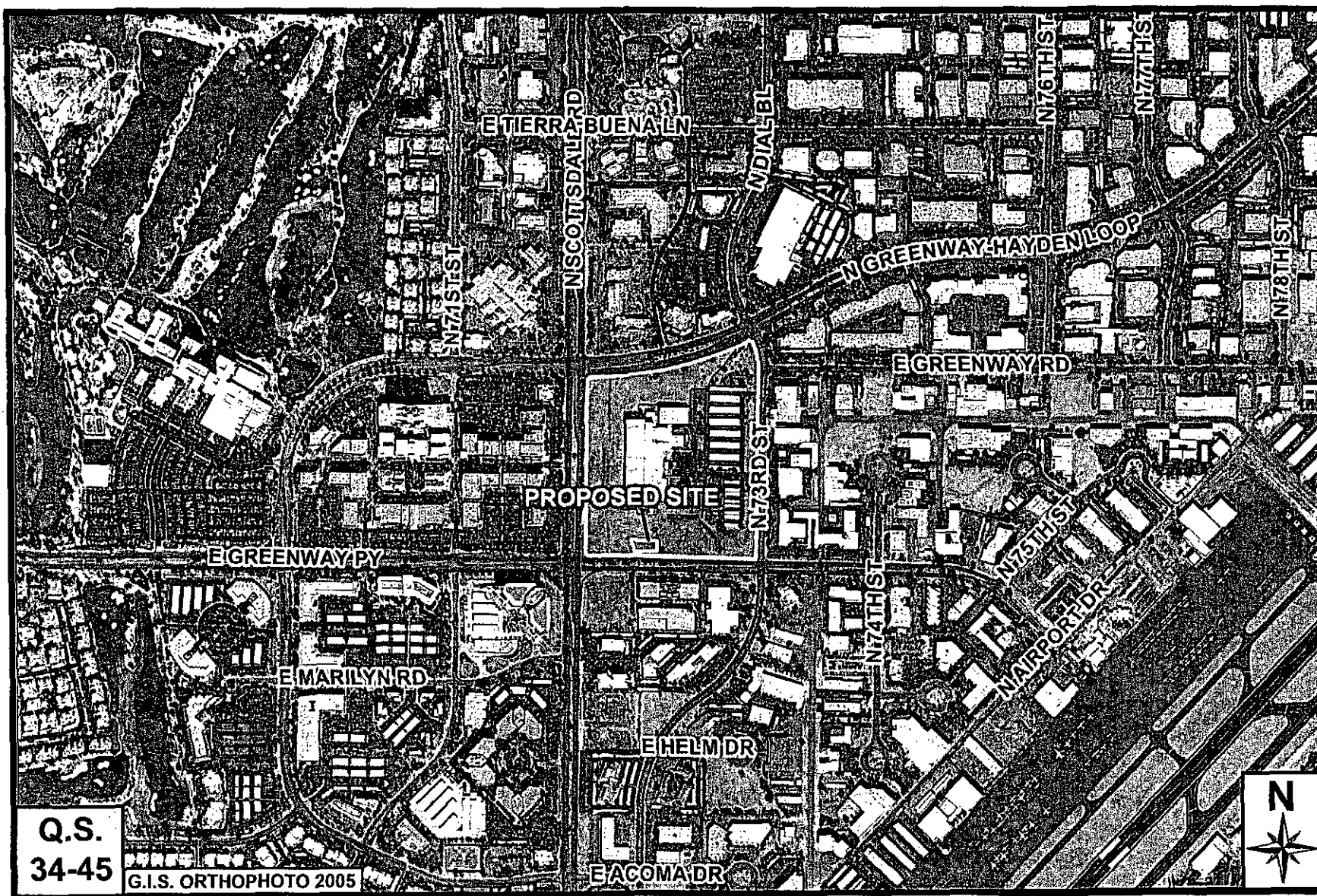
CITY OF SCOTTSDALE, an Arizona  
Municipal Corporation

By: \_\_\_\_\_  
Carolyn Jagger  
City Clerk

By: \_\_\_\_\_  
Mary Manross  
Mayor

APPROVED AS TO FORM:

By:  \_\_\_\_\_  
Deborah Robberson  
City Attorney



Martini Park

EXHIBIT 1

15-UP-2008

RESOLUTION NO 7737

**STIPULATIONS FOR CASE 15-UP-2008**

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

**PLANNING/ DEVELOPMENT**

1. **CONFORMANCE TO DEVELOPMENT SUBMITTAL.** Development shall conform to the site plan, floor plan, and development program submitted by Aria Group Architects, Inc. dated 8/01/2008. If there is a conflict between this document and the above-referenced site plan, the Zoning Administrator shall determine which document takes precedence. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
2. **PATIO:**
  - a. The west patio improvements shall be constructed as shown on the above referenced site plan and shall provide at least six feet five inches clear for pedestrian circulation on the sidewalk adjacent to the patio.
  - b. The two exit gates shown on the patio enclosure shall be located so that they do not swing into the main corridor of the adjacent sidewalk.
3. **PUBLIC SECURITY AND MAINTENANCE PLAN.** The owner/operator(s) shall maintain and conform to a Public Security, Maintenance and Operations Plan dated 6/4/2008, by City Staff approved by the Scottsdale Police Department, on record with the City of Scottsdale, and shall keep a copy on site. Each year, prior to the anniversary of this use permit approval, the owner/operator(s) shall provide an update of the Public Security, Maintenance and Operations Plan to the Police Department and the Planning and Development Services Department. Such update shall state that the plan continues in effect as originally approved, or the update shall conform to the following: If there are any changes that modify the requirements or contents of the Public Security, Maintenance and Operations Plan, those changes shall be documented in a revised Public Security, Maintenance and Operations Plan, which shall be subject to approval by the Police Department and the Planning and Development Services Department.
4. **HOURS OF OPERATION.** The hours of operation for this establishment shall be Monday through Saturday from 4:00 p.m. to 2:00 a.m.
  - a. **WITH THE EXCEPTION OF THE DOORS ON THE WEST PATIO, all external doors shall be closed but not locked during business hours.**
5. **NOISE.** 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 General Manager of the Planning and Development Services Department or designee. Amplified music shall be limited to the times that State law allows liquor sales at this establishment. No external outdoor speakers shall be permitted.
6. **LIGHTING.** All exterior lighting shall be in conformance with the Master Lighting Plan as approved by the Development Review Board with case 10-DR-2007#2. No additional exterior lighting is permitted.
7. **REFUSE AND LITTER CONTROL.** The owner/operator(s) shall maintain and conform to a refuse and litter control plan set forth in the Public Security, Maintenance and Operations Plan dated 6/4/2008, by City Staff approved by the City of Scottsdale's Planning and Development Services Department and any other applicable departments to city staff satisfaction. A copy of the approved Plan shall be kept on site. The owner/operator(s) shall remove and dispose of litter

and debris daily, to the satisfaction of city staff.

8. **SECURITY MONITORING.** Security personnel identified in the Public Security, Maintenance and Operations Plan shall monitor the parking areas within 500 feet of the use at least once an hour when the bar is open and for at least 30 minutes after the bar closes. Monitoring is defined as physically walking through the parking areas or by viewing cameras (if used) to provide video surveillance.
9. **NOTIFICATION.** Within ten (10) days of receiving any complaints regarding the establishment's effect on the adjacent uses and properties, the owner/operator(s) shall notify the Zoning Administrator of the nature of the complaint. Notification shall also include actions taken or planned by the owner/operator(s) to address those complaints.
10. **ADMINISTRATION:**
  - a. **EXPIRATION DATE.** These Use Permits shall expire one (1) year after City Council approval, unless: (1) the use begins before the expiration date, or (2) the City Council approves an extension based on a written request for extension submitted to the Planning Department at least ninety (90) days before the expiration date.
  - b. **OPERATION CHANGE:** Any change in operator/business owner at the subject location shall require an administrative review by the Zoning Administrator for compliance to these stipulations and the approved Security and Maintenance Plan. Any deviation from any conditions of approval or change in floor plan may be grounds for revocation of the Conditional Use Permit. The applicant shall provide notice of any such operator/owner change within 30 days after the change occurs.

Exhibit 3  
Scottsdale Revised Code Section 1.403 (C.1)

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

1. The use shall not disrupt existing balance of daytime and nighttime uses.
2. The use shall not disrupt pedestrian-oriented daytime activities.
3. If the site is located within the downtown overlay district then:
  - a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.
  - b. The required parking for the use shall be within six hundred (600) feet of the property and shall not be separated from the property by a major or minor arterial street.
4. If the use is located within five hundred (500) feet of a residential use or district then:
  - a. The use shall not adversely impact residential uses.
  - b. The use shall provide methods of buffering residential uses.
5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.
6. The applicant shall provide, with the application for a conditional use permit, a written exterior refuse control plan which must be approved by the planning and development department staff as complying with the written guidelines of the department.
7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.
8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.
9. After hours establishments must maintain a valid after hours establishment license.



RESOLUTION NO. 7738

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR LIVE ENTERTAINMENT LOCATED AT 15037 N. SCOTTSDALE ROAD, SUITE 100, WITH PLANNED REGIONAL CENTER DISTRICT (P.R.C.) ZONING.

WHEREAS, the Planning Commission held a public hearing on September 24, 2008,  
and

WHEREAS, the City Council, held a public hearing on October 21, 2008;

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

Section 1. That the granting of this conditional use permit will not be materially detrimental to the public health, safety or welfare and the City Council has specifically considered, but not limited itself to considering the following factors: damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic.

Section 2. That the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas and that compliance with the additional conditions for a live entertainment conditional use permit, set forth on Exhibit 3, have been met.

Section 3. That the above conditional use permit is described in Case No. 16-UP-2008, for a property, which is shown on Exhibit 1.

Section 4. That the conditional use permit is conditionally approved based upon compliance with all the stipulations attached hereto as Exhibit 2 and incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 21<sup>st</sup> day of October, 2008.


ATTEST:

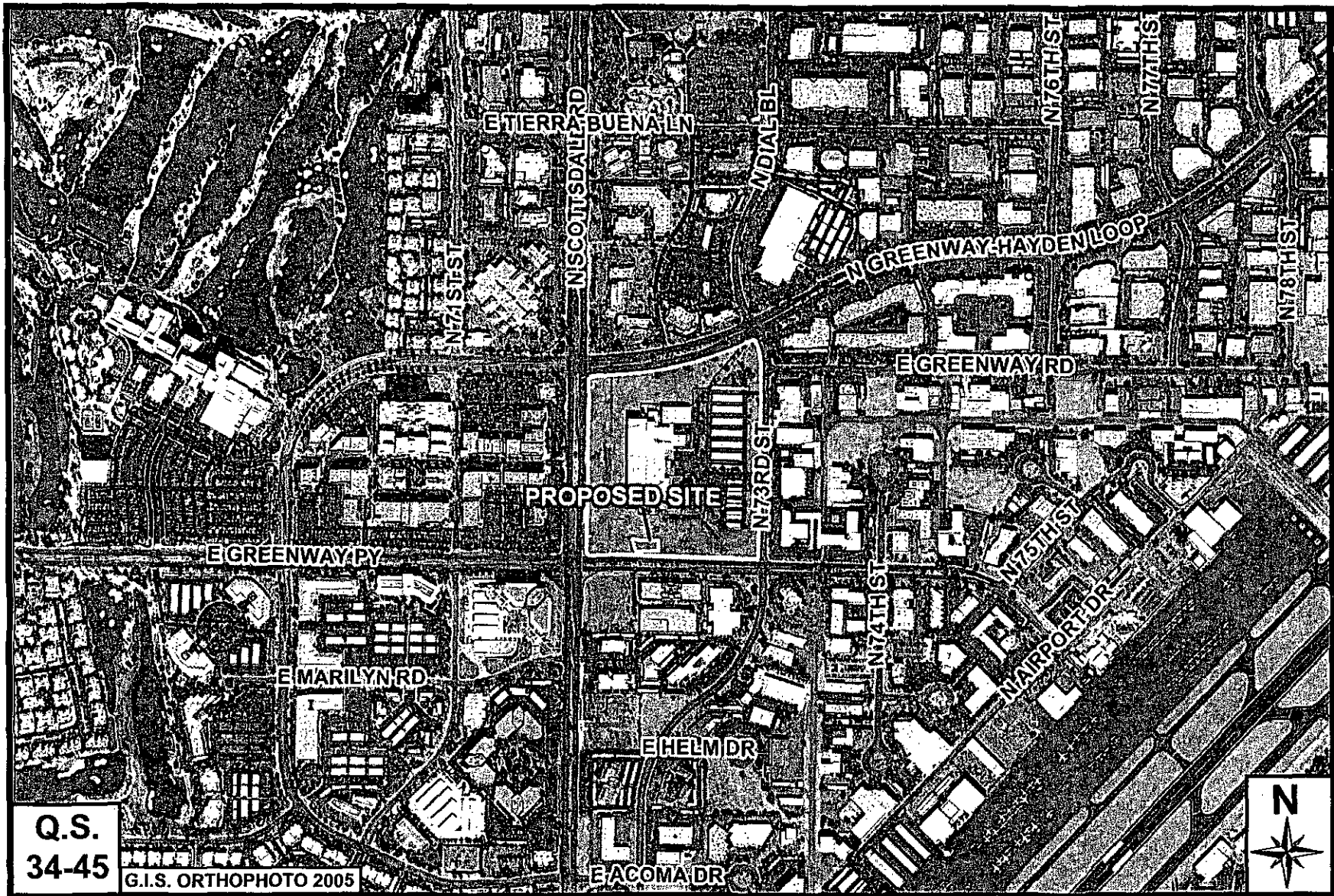
CITY OF SCOTTSDALE, an Arizona  
Municipal Corporation

By: \_\_\_\_\_  
Carolyn Jagger  
City Clerk

By: \_\_\_\_\_  
Mary Manross  
Mayor

APPROVED AS TO FORM:

By:  \_\_\_\_\_  
Deborah Robberson  
City Attorney



Martini Park

EXHIBIT 1

16-UP-2008

RESOLUTION NO 7738

# STIPULATIONS FOR CASE 16-UP-2008

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

## PLANNING/ DEVELOPMENT

1. **CONFORMANCE TO DEVELOPMENT SUBMITTAL.** Development shall conform to the site plan, floor plan, and development program submitted by Aria Group Architects, Inc. dated 8/01/2008. If there is a conflict between this document and the above-referenced site plan, the Zoning Administrator shall determine which document takes precedence. Any proposed significant change, as determined by the Zoning Administrator, shall be subject to subsequent public hearings before the Planning Commission and City Council.
2. **PATIO:**
  - a. The west patio improvements shall be constructed as shown on the above referenced site plan and shall provide at least six feet five inches clear for pedestrian circulation on the sidewalk adjacent to the patio.
  - b. The two exit gates shown on the patio enclosure shall be located so that they do not swing into the main corridor of the adjacent sidewalk.
3. **PUBLIC SECURITY AND MAINTENANCE PLAN.** The owner/operator(s) shall maintain and conform to a Public Security, Maintenance and Operations Plan dated 6/4/2008, by City Staff approved by the Scottsdale Police Department, on record with the City of Scottsdale, and shall keep a copy on site. Each year, prior to the anniversary of this use permit approval, the owner/operator(s) shall provide an update of the Public Security, Maintenance and Operations Plan to the Police Department and the Planning and Development Services Department. Such update shall state that the plan continues in effect as originally approved, or the update shall conform to the following: If there are any changes that modify the requirements or contents of the Public Security, Maintenance and Operations Plan, those changes shall be documented in a revised Public Security, Maintenance and Operations Plan, which shall be subject to approval by the Police Department and the Planning and Development Services Department.
4. **HOURS OF OPERATION.** The hours of operation for this establishment shall be Monday through Saturday from 4:00 p.m. to 2:00 a.m.
  - a. **WITH THE EXCEPTION OF THE DOORS ON THE WEST PATIO, all external doors shall be closed but not locked during business hours.**
5. **NOISE.** 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 General Manager of the Planning and Development Services Department or designee. Amplified music shall be limited to the times that State law allows liquor sales at this establishment. No external outdoor speakers shall be permitted.
6. **LIGHTING.** All exterior lighting shall be in conformance with the Master Lighting Plan as approved by the Development Review Board with case 10-DR-2007#2. No additional exterior lighting is permitted.
7. **REFUSE AND LITTER CONTROL.** The owner/operator(s) shall maintain and conform to a refuse and litter control plan set forth in the Public Security, Maintenance and Operations Plan dated 6/4/2008, by City Staff approved by the City of Scottsdale's Planning and Development Services Department and any other applicable departments to city staff satisfaction. A copy of the approved Plan shall be kept on site. The owner/operator(s) shall remove and dispose of litter

and debris daily, to the satisfaction of city staff.

8. **SECURITY MONITORING.** Security personnel identified in the Public Security, Maintenance and Operations Plan shall monitor the parking areas within 500 feet of the use at least once an hour when the bar is open and for at least 30 minutes after the bar closes. Monitoring is defined as physically walking through the parking areas or by viewing cameras (if used) to provide video surveillance.
9. **NOTIFICATION.** Within ten (10) days of receiving any complaints regarding the establishment's effect on the adjacent uses and properties, the owner/operator(s) shall notify the Zoning Administrator of the nature of the complaint. Notification shall also include actions taken or planned by the owner/operator(s) to address those complaints.
10. **ADMINISTRATION:**
  - a. **EXPIRATION DATE.** These Use Permits shall expire one (1) year after City Council approval, unless: (1) the use begins before the expiration date, or (2) the City Council approves an extension based on a written request for extension submitted to the Planning Department at least ninety (90) days before the expiration date.
  - b. **OPERATION CHANGE:** Any change in operator/business owner at the subject location shall require an administrative review by the Zoning Administrator for compliance to these stipulations and the approved Security and Maintenance Plan. Any deviation from any conditions of approval or change in floor plan may be grounds for revocation of the Conditional Use Permit. The applicant shall provide notice of any such operator/owner change within 30 days after the change occurs.

Exhibit 3  
Scottsdale Revised Code Section 1.403(J)

J. *Live entertainment.*

1. The site plan shall demonstrate that:
  - a. Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts.
  - b. All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.
2. The applicant has provided written evidence that all sound resulting from business activities will be contained within the building, except where external speakers are permitted.
3. The applicant has provided a written public safety plan which the city police and fire departments have approved as complying with the written guidelines of the Planning and Development Department.
4. The applicant has provided a written lighting plan which addresses exterior lighting on and surrounding the property, in accordance with section 7.600 of the zoning ordinance and with the public safety plan guidelines.
5. The applicant shall provide a written exterior refuse control plan which must be approved by the Planning and Development Department staff as complying with the written guidelines of the department, prior to the issuance of a business license. The review will be conducted as provided in Section 1.305.
6. The applicant has provided a floor plan which identifies the areas for the primary use and for ancillary functions, which include but are not limited to patron dancing areas and/or stages for performances.
7. If access to the establishment is from a street other than one classified by the General Plan as minor collector or greater, or classified by the downtown General Plan as local street or greater, the applicant has provided a traffic analysis which complies with transportation planning department written guidelines. The plan shall demonstrate to the satisfaction of the transportation department that the level of service on all streets accessed by the use shall meet the standard set by the city.
8. If the Zoning Administrator determines that a study is necessary the applicant shall provide a parking study which complies with the written guidelines of the Planning and Development Department.
9. The applicant has provided any additional information required by city staff in order to evaluate the impacts of the proposed use upon the area.
10. The following operational standards must be met by the use throughout its operation:
  - a. All external doors shall be closed but not locked during business hours.

- b. No external speakers will be permitted on the premises of a use permitted under this section, which is located within five hundred (500) feet of a residential district.
- c. The applicant/operator shall comply with all plans approved as provided herein.



**Martini Park**  
**BAR AND LIVE ENTERTAINMENT**  
**USE PERMITS PROJECT NARRATIVE**

Updated August 1, 2008



*Martini Park's outdoor patio enlivens its Chicago streetscape.*

Martini Park is a restaurant and cocktail lounge venue new to the Valley that is coming to the Scottsdale Quarter mixed-use project on Scottsdale Road between Butherus and Greenway-Hayden. Martini Park is requesting approval of both bar and live entertainment use permits at its proposed location in the Phase One Building J at the northeast corner of 72<sup>nd</sup> and Butherus Drive. The building is currently under construction.



*Martini Park's live band and DJ entertain patrons with familiar pop/rock selections.*

Martini Park's innovative dining and entertainment concept attracts clientele in their 30's, and older, who enjoy an evening out but are looking for a more sophisticated ambiance rather than the usual loud and raucous lounge scene. Martini Park features highly-acclaimed cuisine, signature martinis/cocktails and live entertainment with a variety of contemporary lite "adult" music. A live band will perform sets of recognizable pop and rock favorites from a centrally located elevated stage. A DJ will offer similar selections between band sets. The live band and DJ music is intended to be played at a reasonable volume for listening, dancing and conversation.



Martini Park will include several distinct environments: guests can enjoy live music and dancing in the main room, chat in the intimate round bar area, or socialize in the patio areas. Approximately 9,100 square feet of space including a patio bar area with both indoor and outdoor seating, a main room with a stage bar, flexible dance floor area and seating, as well as a round bar with seating and a DJ booth, are planned. There will also be approximately 800± square feet of outdoor patio area.



*The eye-catching "round bar" offers an inviting place to mingle and chat.*

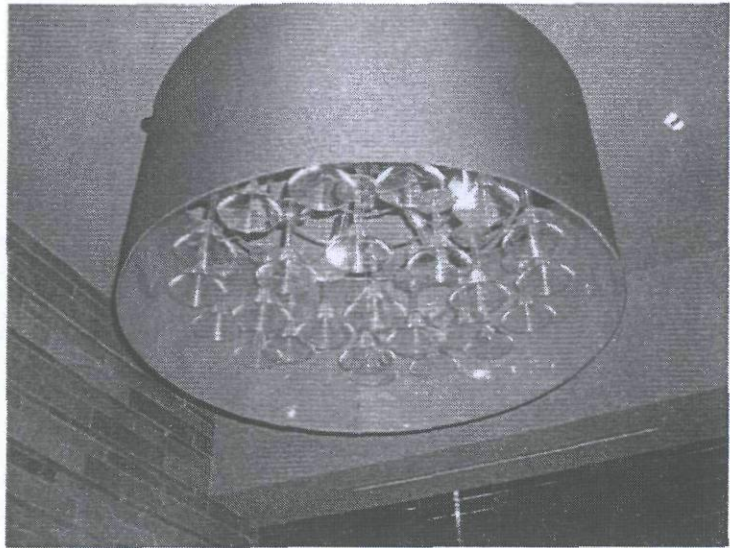


*The "patio bar" provides patrons another choice for gathering at Martini Park.*

Structured parking adjacent to and above the Martini Park space, which serves Phase One of the Scottsdale Quarter project, will provide the required parking for Martini Park. Based on the DRB approved Project Master Site Plan and Parking Summary dated 07-12-07, and stamped approved on 08-23-07, which calculates "bar/nightclub" uses at 1 car/50 SF, 175 spaces are required. The Scottsdale Shared Parking Model which supports this requirement is included with this use permit submittal. Even if the parking requirement were based on occupancy with a 2.5 calculation factor, ample parking is available to accommodate this primarily nighttime use.

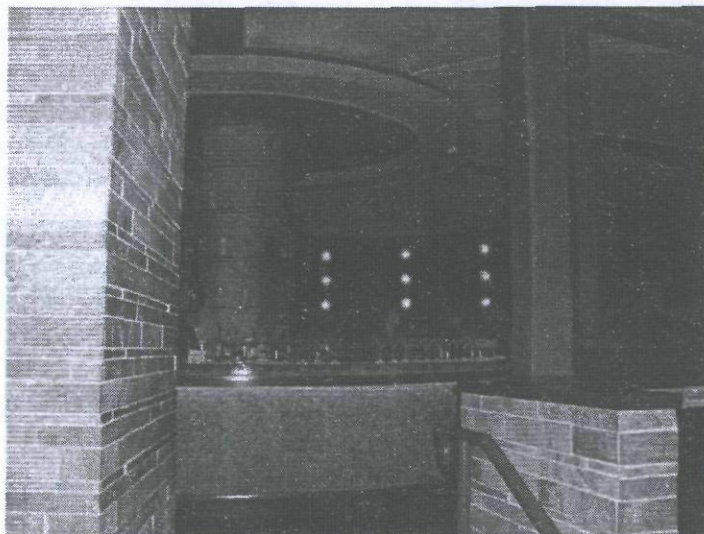


Martini Park's elegant and exclusive ambiance has been created to attract the well-dressed, mostly professional, set who are looking to socialize and dine in a truly distinctive setting with live entertainment and dancing. Designed by world-renowned architect Jeffrey Beers, the lounge features glamorous and dramatic lighting and decor that appeal to the more mature "in crowd," who have previously not been offered this type of alternative nightlife venue. The Martini Park menu offers creative small plate items designed for sharing and munching over the course of the evening, making dining an integral part of the Martini Park experience.



*Signature chandeliers reflect Martini Park's specialty.*

The Scottsdale Quarter is planned to be a high-end, mixed-use, regional urban district with places for people to live, work and play. Martini Park is exactly the type of upscale restaurant/entertainment use envisioned as part of the Scottsdale Quarter "play" mix. Scottsdale Quarter residents, along with those in the Kierland development across Scottsdale Road, will be the kind of clientele targeted by Martini Park. Phase One of the Scottsdale Quarter consists of 139,876 SF of retail/restaurant uses, including the Martini Park space along with 141,969 SF of office uses along Scottsdale Road. Building J is a 60-ft. tall, 38,264 sq. ft. building containing ground floor retail, restaurant and parking. The structured parking consists of 3 sub-levels, a ground level and 4 levels above grade and can accommodate 1,314 cars. Martini Park will have access to this adjacent structured parking and is intended to enhance the vibrancy and day-night appeal of the Scottsdale Quarter.



*Martini Park's décor creates a trendy, upscale ambiance.*

## **Martini Park Bar and Live Entertainment Use Permits Meet all Ordinance Criteria**

### **Satisfaction of Bar Use Permit Criteria**

Sec. 1.403. [C.1] *Bars, cocktail lounges, and/or after hours establishments.*

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

**Martini Park will be located in the Scottsdale Quarter just off Scottsdale Road within the vicinity of the Scottsdale Airpark, in a commercial and industrial area with a mix of employment, shopping, dining and residential uses. The Scottsdale Quarter was designed to provide a balance of daytime and nighttime uses, including specifically "bar/nightclub" uses. The primary hours of operation for the proposed Martini Park bar and live entertainment use will be after normal retail and office hours and will thus not conflict with but rather augment daytime uses.**

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

**Martini Park is expected to operate Monday through Saturday from 4:00 PM to 2:00 AM and will provide exactly the daytime – nighttime mix of activities envisioned for the Scottsdale Quarter and its residents. Martini Park adds an intended nighttime activity and takes advantage of the mix of uses and pedestrian orientation of the Scottsdale Quarter.**

3. If the site is located within the downtown overlay district then:

**Not applicable.**

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

- a. The use shall not adversely impact residential uses.
- b. The use shall provide methods of buffering residential uses.

**The Scottsdale Quarter will ultimately include residential units along with a hotel, in Phase Three. These units are well-separated from Martini Park and buffered by commercial buildings between Martini Park and the planned residential units. Both the Martini Park entry and west patio are five hundred (500) feet away from the proposed condominiums and are oriented to the west, facing away from these residential uses. Residents who come to live in the Scottsdale Quarter will be choosing that location knowing its mixed-use context and wanting the urban life-style, dining and nightlife it affords. Martini Park is being designed to be a good neighbor to Scottsdale Quarter residents and to mitigate any potential adverse impacts. The closest other residential uses are located over 1,600 feet away to the northwest, at the Mark Taylor luxury**

apartment community located at 71<sup>st</sup> Street and Kierland Boulevard (City of Phoenix); the next closest residences are near 71<sup>st</sup> Street and Acoma Drive (City of Phoenix). Any noise emanating from the site will be mitigated by building design and buffered by the distance separation as well as the retail and commerce park development located at the northwest and southwest corners of Scottsdale Road and Greenway.

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

**The Security, Maintenance and Operations Plan has been submitted.**

6. The applicant shall provide, with the application for a conditional use permit, a written exterior refuse control plan which must be approved by the planning and development department staff as complying with the written guidelines of the department.

**The Security, Maintenance and Operations Plan, with Plan of Operation and Service Areas Plan Addenda, which includes exterior refuse control, is being submitted as part of the application as required. The site plan shows a designated Trash Compactor for Building J and Martini Park use at ground level within the parking structure.**

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

**The updated Acoustics Letter analyzes noise impacts and addresses the land use context and acceptable noise levels in this mixed-use area in relatively close proximity to the airport and surrounded by commercial and Airpark uses. No amplification equipment is proposed to be installed in the outdoor patio area, which is located now only on the west internal to the Scottsdale Quarter project. Martini Park is surrounded on three sides by the rest of the Scottsdale Quarter mixed-use development. To the north of Martini Park is a parking structure and additional commercial retail/office buildings. To the east are another retail tenant and a series of buildings within Scottsdale Quarter, including condominiums on the eastern perimeter of the project several hundred feet away. Then across the street farther to the east are office/industrial buildings. To the south across Butherus are additional office/industrial buildings. To the west are Scottsdale Quarter commercial retail/office buildings, Scottsdale Road and the Kierland mixed-use development with additional shopping/dining/entertainment uses. In this context the sound levels associated with Martini Park are consistent with the context and character of the area, particularly since Martini Park is generally operating when the office/industrial buildings to the south of Butherus and across the street from Scottsdale Quarter to the east would be closed. Martini Park is not in the middle of a quiet residential neighborhood but rather in the**

**middle of a mixed-use area planned to include employment, retail, dining and entertainment uses.**

**The Master Lighting Plan for the Scottsdale Quarter, including Building J and the Martini Park space, was approved by the DRB as Case No. 10-DR-2007#2, on June 5, 2008. The Master Lighting Plan also complies with Sec. 7.600 of the Zoning Ordinance and provides adequate security lighting to provide for public safety under the City's Policy for Exterior and Site Lighting Design Principles. The landlord's lighting consultant has confirmed that the combination of building and pole light levels approved in the Scottsdale Quarter Master Lighting Plan meets the City's minimum requirements.**

8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.

**Building J contains ground level retail and restaurant uses and a multi-level parking garage that can accommodate 1,314 cars. The bar and live entertainment required parking of 175 cars based upon the approved Scottsdale Quarter development which calculated 1:50 spaces for "bar/nightclub" uses can be adequately served by the on-site parking. A parking requirement based upon the occupancy factor can also easily be accommodated. The DRB approved Project Master Site Plan and Shared Parking Model are included with this application. Also included are the City's Traffic Impact Analysis Summary contained in the zoning approval for the Scottsdale Quarter, which confirms that capacity is not exceeded by traffic generated from the approved Scottsdale Quarter uses, and the Desman Associates Shared Parking Analysis contained in the DRB approval for the Scottsdale Quarter.**

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

**No after hours use is proposed.**

#### **Satisfaction of Live Entertainment Use Permit Criteria**

**Sec. 1.403 J. *Live entertainment.***

1. The site plan shall demonstrate that:
  - a. Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts.

**The Scottsdale Quarter approved Project Master Site Plan demonstrates the required separation and buffering from residential uses within the Scottsdale Quarter. There are no residential districts in the vicinity of Martini Park.**

- b. All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.

**The Master Lighting Plan for the Scottsdale Quarter approved by the DRB in Case No. 10-DR-2007#2, on June 5, 2008, shows ample lighting of the entrance to Martini Park which is clearly visible from the adjacent streets and parking structure. The Scottsdale Quarter Master Lighting Plan approved in 10-DR-2007#2 provides two (2) building mounted shielded down lights at the Martini Park entry. The entry is further identified by glass entry doors and a glass entry corner façade which provide additional illumination of the entry in accordance with Sec. 1.403.J.1.b's requirement of providing a well-lit and identifiable entry.**

2. The applicant has provided written evidence that all sound resulting from business activities will be contained within the building, except where external speakers are permitted.

**The updated Acoustics Letter analyzes noise impacts and addresses the land use context and acceptable noise levels in this mixed-use area in relatively close proximity to the airport and surrounded by commercial and Airport uses. No amplification equipment is proposed to be installed in the outdoor patio area, which is located now only on the west internal to the Scottsdale Quarter project. Martini Park is surrounded on three sides by the rest of the Scottsdale Quarter mixed-use development. To the north of Martini Park is a parking structure and additional commercial retail/office buildings. To the east are another retail tenant and a series of buildings within Scottsdale Quarter, including condominiums on the eastern perimeter of the project several hundred feet away. Then across the street farther to the east are office/industrial buildings. To the south across Butherus are additional office/industrial buildings. To the west are Scottsdale Quarter commercial retail/office buildings, Scottsdale Road and the Kierland mixed-use development with additional shopping/dining/entertainment uses. In this context the sound levels associated with Martini Park are consistent with the context and character of the area, particularly since Martini Park is generally operating when the office/industrial buildings to the south of Butherus and across the street from Scottsdale Quarter to the east would be closed. Martini Park is not in the middle of a quiet residential neighborhood but rather in the middle of a mixed-use area planned to include employment, retail, dining and entertainment uses.**

3. The applicant has provided a written public safety plan which the city police and fire departments have approved as complying with the written guidelines of the Planning and Development Department.

**The Security, Maintenance and Operations Plan designed to satisfy this requirement has been submitted as part of this application.**



4. The applicant has provided a written lighting plan which addresses exterior lighting on and surrounding the property, in accordance with section 7.600 of the zoning ordinance and with the public safety plan guidelines.

**The Master Lighting Plan for the Scottsdale Quarter approved by the DRB in Case No. 10-DR-2007#2, on June 5, 2008, depicts the exterior lighting for Martini Park which complies with Ordinance and public safety plan requirements. The Master Lighting Plan also complies with Sec. 7.600 of the Zoning Ordinance and provides adequate security lighting to provide for public safety under the City's Policy for Exterior and Site Lighting Design Principles. The landlord's lighting consultant has confirmed that the combination of building and pole light levels approved in the Scottsdale Quarter Master Lighting Plan meets the City's minimum requirements.**

5. The applicant shall provide a written exterior refuse control plan which must be approved by the Planning and Development Department staff as complying with the written guidelines of the department, prior to the issuance of a business license. The review will be conducted as provided in Section 1.305.

**The Security, Maintenance and Operations Plan, which includes exterior refuse control, is being submitted as part of the application as required. The site plan shows a designated Trash Compactor Room for Building J and Martini Park use at ground level within the parking structure.**

6. The applicant has provided a floor plan which identifies the areas for the primary use and for ancillary functions, which include but are not limited to patron dancing areas and/or stages for performances.

**The floor plan with these areas identified is included in this application, including dancing/stage areas.**

7. If access to the establishment is from a street other than one classified by the General Plan as minor collector or greater, or classified by the downtown General Plan as local street or greater, the applicant has provided a traffic analysis which complies with transportation planning department written guidelines. The plan shall demonstrate to the satisfaction of the transportation department that the level of service on all streets accessed by the use shall meet the standard set by the city.

**The Access Plan Evaluation by Kimley-Horn dated June 6, 2005, and contained in the rezoning approval for the Scottsdale Quarter site, is included with this application.**

8. If the Zoning Administrator determines that a study is necessary the applicant shall provide a parking study which complies with the written guidelines of the Planning and Development Department.

**The Shared Parking Model Study, from the rezoning approval of the Scottsdale Quarter, and the Desman Shared Parking Analysis, from the DRB approval of the Scottsdale Quarter, are both included with this application.**

9. The applicant has provided any additional information required by city staff in order to evaluate the impacts of the proposed use upon the area.

**All required checklist items have been submitted.**

10. The following operational standards must be met by the use throughout its operation:
  - a. All external doors shall be closed but not locked during business hours.
  - b. No external speakers will be permitted on the premises of a use permitted under this section, which is located within five hundred (500) feet of a residential district.
  - c. The applicant/operator shall comply with all plans approved as provided herein.

**Acknowledged.**

The proposed use permits also meet the general use permit criteria in Sec.1.401.

- 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.

**Martini Park is located within a regional mixed-use district in a commercial and industrial area and has been designed to mitigate noise, lighting and other impacts of the use.**

**The updated Acoustics Letter analyzes noise impacts and addresses the land use context and acceptable noise levels in this mixed-use area in relatively close proximity to the airport and surrounded by commercial and Airpark uses. No amplification equipment is proposed to be installed in the outdoor patio area, which is located now only on the west internal to the Scottsdale Quarter project. Martini Park is surrounded on three sides by the rest of the Scottsdale Quarter mixed-use development. To the north of Martini Park is a parking structure and additional commercial retail/office buildings. To the east are another retail tenant and a series of buildings within Scottsdale Quarter, including condominiums on the eastern perimeter of the project several hundred feet away. Then across**



the street farther to the east are office/industrial buildings. To the south across Butherus are additional office/industrial buildings. To the west are Scottsdale Quarter commercial retail/office buildings, Scottsdale Road and the Kierland mixed-use development with additional shopping/dining/entertainment uses. In this context the sound levels associated with Martini Park are consistent with the context and character of the area, particularly since Martini Park is generally operating when the office/industrial buildings to the south of Butherus and across the street from Scottsdale Quarter to the east would be closed. Martini Park is not in the middle of a quiet residential neighborhood but rather in the middle of a mixed-use area planned to include employment, retail, dining and entertainment uses.

The Scottsdale Quarter Master Lighting Plan approved in 10-DR-2007#2 provides two (2) building mounted shielded down lights at the Martini Park entry. The entry is further identified by glass entry doors and a glass entry corner façade which provide additional illumination of the entry in accordance with Sec. 1.403.J.1.b's requirement of providing a well-lit and identifiable entry. The Master Lighting Plan is also complies with Sec. 7.600 of the Zoning Ordinance and provides adequate security lighting to provide for public safety under the City's Policy for Exterior and Site Lighting Design Principles. The landlord's lighting consultant has confirmed that the combination of building and pole light levels approved in the Scottsdale Quarter Master Lighting Plan meets the City's minimum requirements.

A Pollution Control Device with a grease-scrubber function will be used as part of odor control. The use will therefore not create any damage or nuisance arising from the listed impacts.

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

The Martini Park use was planned as part of the Scottsdale Quarter mix of uses, and the traffic impacts of all proposed uses were evaluated in the rezoning and DRB approvals. There are therefore no unusual or unanticipated traffic impacts from the use.

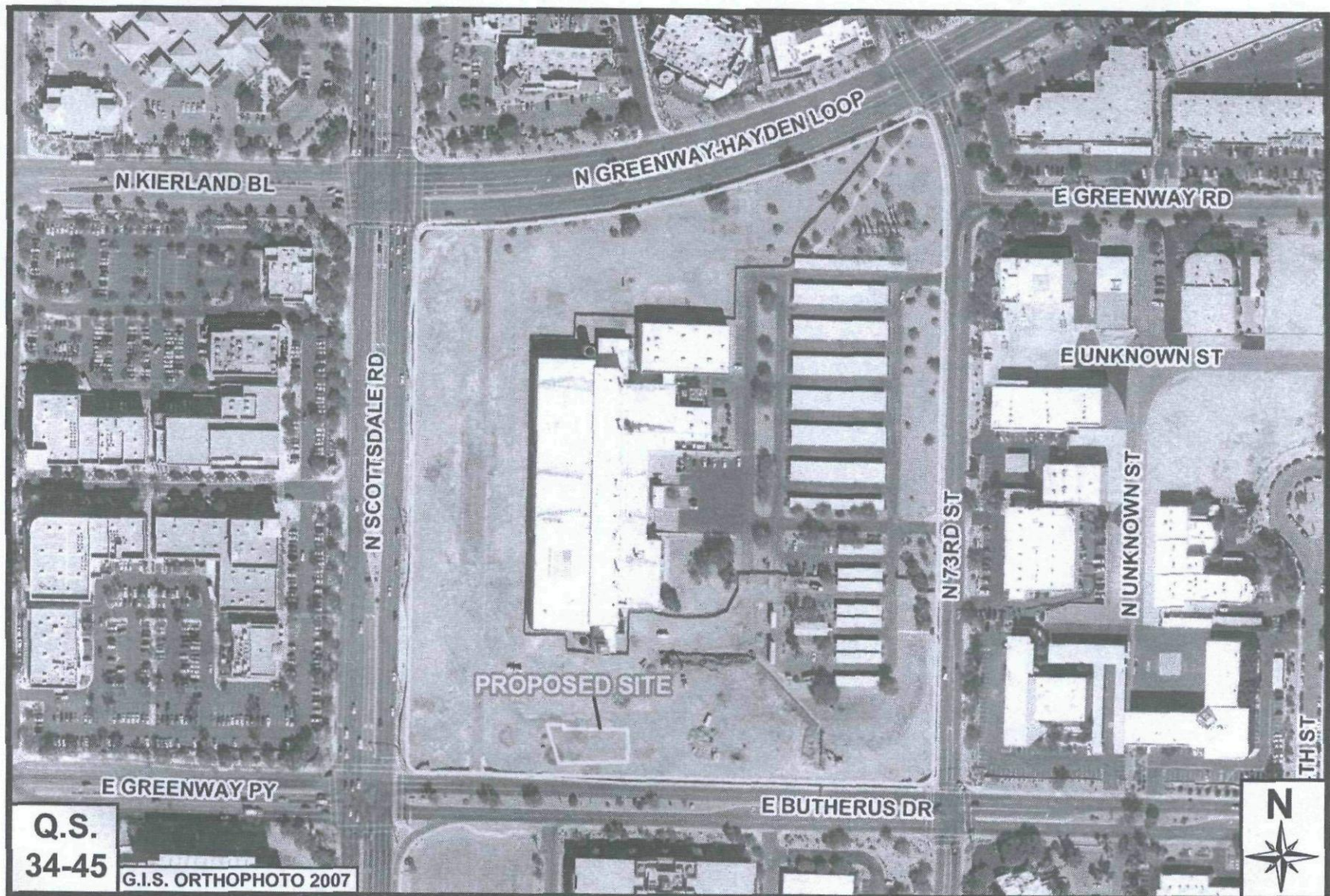
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.

The Martini Park use is an appropriate one in the Scottsdale Quarter mixed-use project and is compatible with the surrounding larger commercial area along this segment of Scottsdale Road.

- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied.

**[See above verification of satisfaction of additional bar and live entertainment conditions.]**

O:\INDEX\Martini Park\NEC Scotts & Butherus\Docs\UP Proj Narr 8-1-08.doc



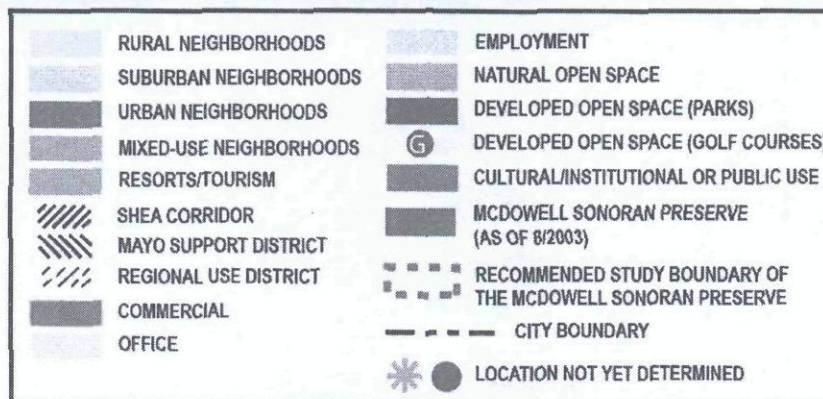
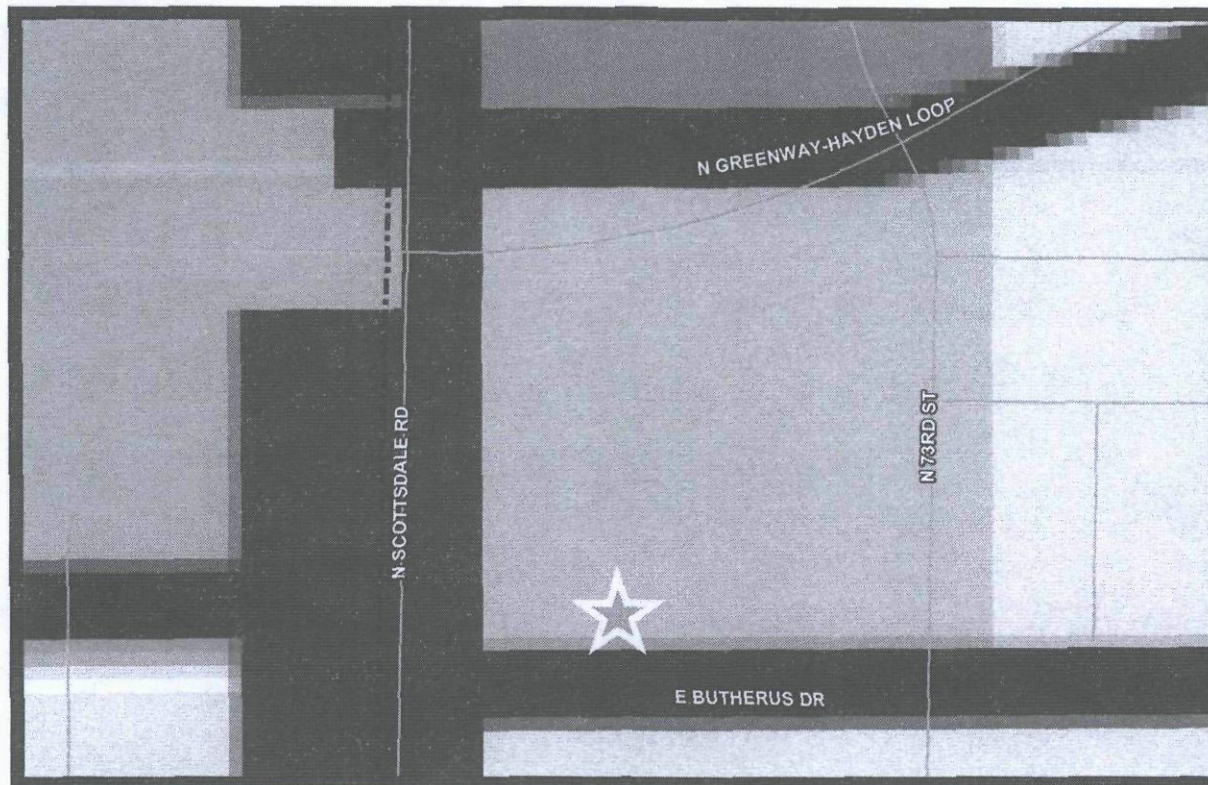
Martini Park

15-UP-2008  
and 16-UP-2008

ATTACHMENT #4

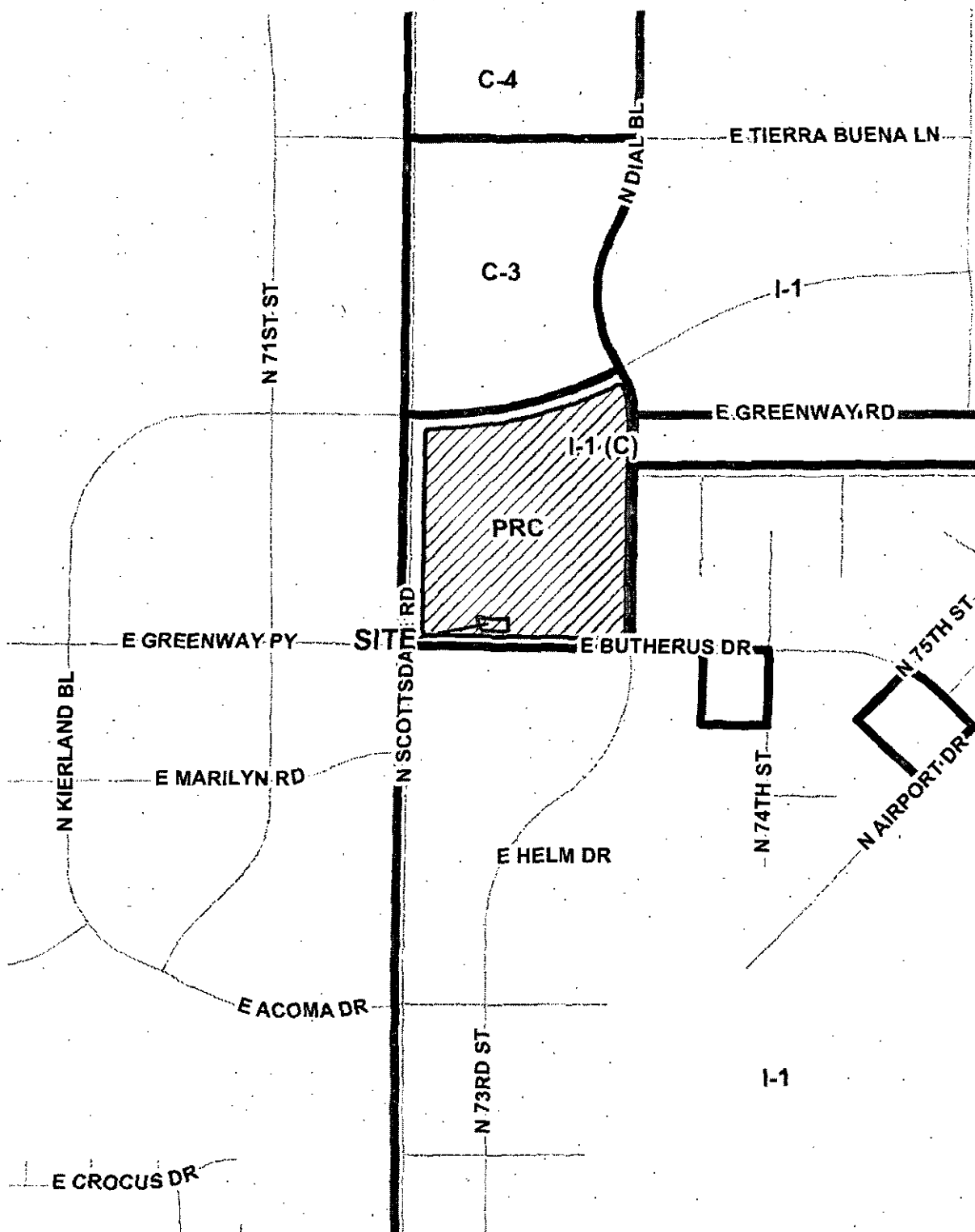


# General Plan



15-UP-2008 and 16-UP-2008

ATTACHMENT #5



15-UP-2008 & 16-UP-2008

ATTACHMENT #6



# SECURITY, MAINTENANCE AND OPERATIONS PLAN

For Bars and Live Entertainment Use Permits

File #  
401877



Scottsdale Police Department, 3700 North 75<sup>th</sup> Street, Scottsdale, AZ 85251

480.312.5000 FAX 480.312.7701

City of Scottsdale Planning, 7447 E. Indian School, Scottsdale AZ 85251

480-312-7000 FAX 480-312-7088

Assigned Planner: \_\_\_\_\_

Police Contact: \_\_\_\_\_

Establishment: Martini Park

Address: 15037 N. Scottsdale Rd., Ste. J-100  
Scottsdale, AZ 85260

Business Phone: Building not completed - to be assigned

Business FAX: " "

Maximum Occupancy: 720

Effective Date of the Plan: Upon opening scheduled for early 2009

Date of Plan Review: \_\_\_\_\_

Use Permit Issue Date: \_\_\_\_\_

Liquor License Number: \_\_\_\_\_

Contact Person (1): \_\_\_\_\_

Home Phone: \_\_\_\_\_

Contact Person (2): \_\_\_\_\_

Home Phone: \_\_\_\_\_

16-UP-2008  
06-20-2008

ATTACHMENT #7

## Purpose of the Plan

To address security measures, maintenance/refuse and operations for an establishment whose use shall require a Security Plan pursuant to Scottsdale Revised Codes. These uses typically include a Bar Use Permit and a Live Entertainment Use Permit. The contents of this plan will address the listed concerns as well as community concerns regarding:

- Any significant increase in vehicular or pedestrian traffic, including effects on parking, traffic and circulation in the area.
- Adequate control of disruptive behavior both inside and outside the premises to include property damage and refuse issues.
- Compatibility with surrounding structures and uses.

It is the intent of the City of Scottsdale to provide an environment that enhances the safeguarding of property as well as public welfare and to limit the need for law enforcement involvement.

The Permittee agrees that successful execution and enforcement of this Plan are a required condition of the use permit. Termination, cancellation, deviation or non-approval of the Plan constitutes a breach of the Plan and could result in the revocation of the use permit.

## Operations and Hours

1. Permittee: MARTINI PARK OF PHOENIX, LLC

Type of Organization: Arizona Corporation Corporation  
Sole Proprietorship LLC  
Partnership Other

2. Managing Agents Name: CHRISTOPHER BARISH

Title: MEMBER/MANAGER

Address: MARTINI PARK  
55 5TH AVENUE, 16TH FLOOR  
N.Y.C., N.Y. 10003

Phone Numbers: 212-625-0896

Fax or Other Numbers: 212-625-9349

3. Business Owner(s) (If different than Managing Agent) Name, Address, Phone: N/A

4. Property Owner or Property Manager (If different from Managing Agent)  
 Name, Address, Phone: WATERLAND CROSSING, LLC

AKA GLIMCHER BEAUTY 180 E. BROAD STREET

5. Hours of Operation: 21ST FLOOR COLUMBUS, OH 43215 644-621-9000

	Peak/Non-Peak Night	Open to Customers	Liquor Sale Begin	Liquor Sale Ends	Closed to Customers
Monday	NON	4:00p	4:00p	1:30 A	2:00 A
Tuesday	NON	"	"	"	"
Wednesday	NON	"	"	"	"
Thursday	PEAK	"	"	"	"
Friday	PEAK	"	"	"	"
Saturday	PEAK	"	"	"	"
Sunday	CLOSED				

6. Promotional Events: (Attach an addendum which describes week to week promotional events you plan to have throughout the year i.e. "Ladies night." Do not include special events) N/A

7. Program Format/Entertainment/Advertising: (Complete for Live Entertainment Use Permit Only. Attach addendum that describes



MUSIC IS 70'S, 80'S, 90'S AND CURRENT  
TOP HITS

entertainment format i.e. DJ, Live music, Comedy acts etc.) See Scottsdale Revised Code - Appendix B, Zoning Ordinance for definitions.

8. Special Events: LIVE MUSIC MAINLY (2-5 PIECE BANDS) DJ BEFORE & BETWEEN SETS

Permittee must give notice to City of Scottsdale Planning and Development at least forty-five (45) days prior to conducting Special Events on the premises. "Special Events" are any program formats varying from the regular format and audiences described or provided above organized or planned by Permittee. Scottsdale requires separate licenses for outdoor special events.

9. Cooperation/Complaints/Concerns:

Permittee will maintain communications with establishments located on and adjacent to the premises, and with residents and other businesses that may be affected by patrons or operations of the Permittee. Permittee designates the following person to receive and respond to concerns or complaints from other residents or businesses:

Name: CHRIS BARISH Address: 55 5TH AVE, 11TH FL  
NY, NY 10003 Phone: 212-625-0896

Permittee, managing agents, on-duty managers, supervisors and security personnel will cooperate closely with Scottsdale Police, City of Scottsdale Code Enforcement staff or other City staff as well as business and residential neighbors in addressing and investigating complaints, criminal acts, refuse issues and any other concerns.

## Security and Maintenance

### Security Attire

Security personnel must be readily identifiable to police, patrons, and other employees to ensure the safety of the security staff when engaged with patrons. Security personnel should wear an appropriate styled shirt with the word "security" on both the front and back, in two (2) inch lettering and clearly visible. During cold weather, a jacket with the same inscription should be worn.

*Wear  
Shirts  
w/  
Security  
Name  
Tag*

The use of radios should be employed between security staff and management when the size of the establishment limits communication efforts.

### Security Officer Responsibilities

The Permittee or management must clearly delineate the below responsibilities to all new security personnel and ensure these responsibilities are explained and understood.

Civilian Security Officers will be responsible for patrolling the full property of the liquor establishment during all hours when patrons are in the establishment, outside the establishment, and in the establishment parking areas.

On peak nights, there will be a minimum of 12 uniformed security officer(s). (Wearing the above-described uniform). The following responsibilities shall be agreed upon and adhered to:

- 3-9  
inside  
3-4  
out
1. 8 Security officer(s) will be responsible for roaming the interior of the business and identifying hazards, problems, and maintaining guest safety.
  2. 2 Security officer(s) will be responsible for checking identifications at the front door. Acceptable identification are those listed in Arizona Revised Statutes Title 4, section 241A and apply to patrons accessing any area of the licensed premises, including the time period of After-Hours, if applicable. Additional responsibilities shall include: access control, counting of patrons, and prevention of intoxicated persons from entering the business.
  3. 2 Security officer(s) will be responsible for conducting roaming patrol of the exterior in an effort to prevent criminal behavior, maintain the peace and prevent refuse issues. This patrol shall include all parking areas to prevent a gathering of patrons during business hours and up to thirty (30) minutes after closing.

In addition, security officers will report all acts of violence to management personnel, complete a written report, log the act of violence, and contact Scottsdale Police Department immediately. Liquor establishment management and/or ownership has the ultimate responsibility for the recording of the act of violence, logging of the act of violence, and reporting the act of violence to the police department and the State Department of Liquor Licenses.

#### Management Responsibilities

The Permittee must clearly delineate the below responsibilities to all managers, assistant managers, and person(s)-in-charge and ensure these responsibilities are understood and followed.

The manager(s) shall ensure that all employees, security staff and off-duty officers (if applicable) be trained and knowledgeable about the contents of this plan. The following shall be agreed upon and adhered to:

1. There will be a minimum of 4 manager(s) available during peak nights.
2. There shall be a general manager and one assistant manager on duty all hours while open for business and for thirty minutes after closing.
3. A manager shall be identified as the "Security Manager" for the establishment and be responsible for ensuring that a safe environment exists; for the supervision of all security personnel and that all security personnel as identified here shall meet or exceed the requirements established by A.R.S. 32-2621 through A.R.S. 32-2636, as amended, relating to security personnel and guards, and any regulation issued pursuant thereto.
4. At least one security manager will be on duty until one hour after closing or the last security officer is off duty, whichever occurs last.

#### **Uniformed Sworn Officer Responsibilities:**

If Off-duty law enforcement is used for security, it is the responsibility of the Permittee or management to clearly delineate the following responsibilities, which include at a minimum the following:

1. Conduct traffic control as needed;
2. Assist civilian security officer(s) in removal of disorderly and/or intoxicated guests and maintain the peace outside the establishment;
3. If necessary, patrol the exterior portions of the business to maintain the peace as well as prevent criminal acts;
4. If a valet is utilized, maintain the peace in the area of the valet;
5. Assist Security Officers with maintaining order in the entrance line and assist in discovery of underage patrons attempting admittance.

- ☐ I plan to hire \_\_\_\_\_ officer(s) during peak nights from (name of agency) \_\_\_\_\_
- ☒ I do not plan to hire off-duty law enforcement.

#### **Parking**

In order to reduce criminal activity that negatively affects the nearby businesses, the Permittee is responsible for the designated parking area to include any lots used by the Permittee's contracted valet company. It is the Permittee's responsibility to ensure that parking areas utilized by patrons and employees will be routinely patrolled by security staff so parking areas are not used: as a gathering place; for consumption of spirituous liquor; for violations of state or city law; for acts of violence, or disorderly conduct. Management will ensure that all patrons have left the parking areas within thirty minutes after the designated closing time.

If valet is used, it is the Permittee's responsibility to ensure the valet company meets all the requirements of the City of Scottsdale and has a valid valet license and permit prior to conducting valet business.

#### **Refuse Plan**

It is the Permittee's responsibility to ensure refuse containers are properly used and the area in and around the business is kept clean. Failure to do so will result in an investigation and possible citation from the City of Scottsdale Code Enforcement or other governmental agencies.

At closing, management will be responsible for refuse pick-up and any appropriate cleaning, for any refuse found within a 300 foot (three hundred) radius of the business. This will also include patron parking lot(s), valet parking lot(s) and employee parking lot(s). All bottles, trash, bodily fluids or secretions and refuse found on streets, sidewalks, private property, and empty lots within the above designated areas will be placed in the refuse container or cleaned appropriately.

### **Enforcement of Security Plan**

Violations of this Security Plan will be enforceable by City of Scottsdale Police Officers and/or Code Enforcement employees and may constitute grounds for revocation of applicable use permits relating to the establishment.

### **Violation, amendment, revocation, as defined in Scottsdale City Zoning Code Sec. 1.402.**

Conditional use-permits, which have been approved by the City Council, shall be subject to the following procedures and criteria regarding any violation, amendment, or revocation.

- The violation of any condition imposed by the conditional use permit shall constitute a violation of this ordinance and shall be subject to the requirements of Section 1.1400 et seq.
- Conditional uses shall be developed in conformance to the approved plans as determined by the Zoning Administrator. An amendment to a conditional use permit is required before implementation of any material change in the scope and nature of an approved conditional use, material change in any conditions or stipulations to a conditional use permit or material change in the physical size, placement or structure of property subject to a conditional use permit. The Zoning Administrator shall have the discretion to determine if a proposed change warrants an amendment. An amendment must be approved as provided in Section 1.400 et seq. for the approval of conditional use permits.
- The Zoning Administrator may recommend to the City Council and the City Council may affect revocation of a conditional use permit pursuant to Section 1.402 of the Scottsdale Zoning Code for acts including but not limited to:
  1. A violation of the Plan.
  2. Violation of the conditions of the Use Permit.
  3. Violation of Scottsdale ordinances or law.
  4. Repeated acts of violence or disorderly conduct as reflected by police calls for service or offenses occurring on premises utilized by patrons of the Permittee, or failure to report acts of violence
  5. Failure of the Permittee to take reasonable steps to protect the safety of persons entering, leaving or remaining on the premises when the Permittee knew or should have known of the danger to such person, or the Permittee fails to take reasonable steps to intervene by notifying law enforcement officials or otherwise to prevent or break up an act of violence or an altercation occurring on the premises or on premises utilized by patrons and employees of the Permittee when the Permittee knew or reasonably should have known of such acts of violence or altercations.
  6. Any enlargement or expansion of the premises, plan of operation or program format without appropriate approval from the City.
  7. Misrepresentations or material misstatements of the Permittee, its agents or employees.

### **Dissemination of the Security Plan**

- A copy of this security plan must be provided to each security officer and off-duty sworn law enforcement officer as well as the manager(s) and assistant manager(s) employed by the permittee.
- A reading log will be maintained and will be signed by each of the above persons, stating they have read and understood this plan. Each security employee must read the plan once per year, or when there are any changes to the plan.
- A current copy of this plan will be maintained on the premises at all times, and a copy of this plan must be made available upon request of any code enforcement officer or police officer.
- Failure to conform to this plan will be considered a violation of the use permit.

#### Termination of the Plan

This plan terminates on the date that the permittee's use permit terminates, or two (2) years from the security plan's effective date, whichever occurs first.

#### Enclosures

☐ Addendums attached

☒ No enclosures

#### APPLICANT/MANAGEMENT:

Name: Christopher Borch  
 Address: 55 5th Avenue, 16th floor - New York, NY 10003  
 Phone: 212-625-0896  
 Date: 5/2/08  
 Signature: Christopher Borch

#### APPROVED BY:

Name: D.S.T. MIKE FRITZ  
 Phone: 410 312-2942  
 Date: 7-1-08  
 Signature: Mike Fritz R296



**SUBMITTAL REQUIREMENTS FOR A:**

## **Plan of Operation**

**PURPOSE:** A plan of operations is to explain *all* operational characteristics of a proposed use.

**ELEMENTS OF THE PLAN:**

1. Business use type (e.g. retail, office, manufacturing)
2. Days of operation
3. Hours of operation
4. Number of employees
  - a. Full time, indicate work shift
  - b. Part time, indicate work shift
5. Other business officials on site if not employees
6. Customer characteristics
  - a. Patron seating
  - b. Frequency and peak time of customer activity
7. Outdoor operations
  - a. Explain all outdoor activities (e.g. everything that takes place outside the confines of an enclosed building)
    - i. Parking
    - ii. Loading
    - iii. Storage
    - iv. Display
    - v. Product demonstrations/testing
    - vi. Activities that take place within areas that are walled but not roofed or covered
    - vii. Other activities

**PLAN FORMAT:**

The plan shall be submitted in both narrative format and with supporting graphic diagrams on 8 ½ X 11 inch sheets of paper.

## MARTINI PARK SERVICE AREAS PLAN ADDENDUM

Martini Park is a restaurant/lounge, which will be a tenant in Building J of the Scottsdale Quarter development. The attached Agreement for Shopping Center Maintenance and September 18, 2007 letter from landlord Glimcher/Kierland Crossing LLC. document the service activities such as parking lot sweeping, loading, trash hauling and similar associated activities, along with their frequency, which will be provided by the landlord as part of the common area maintenance of the Scottsdale Quarter project.

# AGREEMENT FOR SHOPPING CENTER MAINTENANCE

## ATTACHMENT A SWEEPING RESPONSIBILITIES

1. Pick up and disposal of wastepaper and debris and other discarded material on or about said parking lot 7 times per week to maintain a clean and neat appearance. Sweeping will be performed on the following days:

Vacuum sweep: \$            /sweep  
SUN ☒ MON ☒ TUES ☒ WED ☒ THUR ☒ FRI ☒ SAT ☒

Hand Pick: \$            /pick  
SUN ☒ MON ☒ TUES ☒ WED ☒ THUR ☒ FRI ☒ SAT ☒

2. Sweeping of sidewalks and all other work necessary to maintain the shopping center, in our opinion, in a clean and neat condition. (You shall not be responsible for tenant trash removal). This will be done each time the lot is swept.
3. Empty trash containers along the walkway and keep them clean and orderly, 7 times per week, cost of trash liners included in price.  
\$            /week
4. Check all gratings and catch basins in the shopping center on a weekly basis. Notify Owner's Agent if in need of cleaning out, missing, or damaged. Contractor to check on normal schedule for blockage paper, by card board or other material, on top of grate and clear as required.
5. Contractor shall notify Owner's Agent office of the need for any blacktop repairs, broken or inoperative lamps, parking lot lights, canopy lights, building lights, security lights or broken sign faces and any other unusual problems or liability conditions which should be brought to our attention.
6. Contractor to check all handicap signs for condition and make sure they are located in the proper place.
7. Contractor to notify Landlord of any newly noticed vacancies, move outs in process, or other suspicious situations.
8. Additional services included in this agreement as specified below:

Total Cost: \$            /month

☐ Site Plan included

CONTRACTOR'S  
INITIAL:

OWNER'S AGENT  
INITIALS:

A-1



VIA OVERNIGHT MAIL

September 18, 2007

George A. Melera, AIA  
Nelson Partners, Inc.  
15210 Scottsdale Road, Suite 300  
Scottsdale, 85254

Re: Scottsdale Quarter

Dear Mr. Melera,

Please find listed below a brief outline of our intent to porter trash our our Scottsdale Quarter location affording us to utilize less refuse containers.

Glimcher Properties has contracted with Waste Management, a national company, to provide trash removal services for all of its properties and intends to extend that agreement to our newest project Scottsdale Quarter (See Attachment A).

For Phases I and II, Waste Management or our maintenance staff will porter the trash from each tenant multiple times per day to ensure consistant trash managment and economical use of its containers with scheduled pick-ups. For Phase III, those services will be serviced independently through their respective developers.

By utilizing a portering type system we are able to ensure that debris are collected in a timely and consistant manner enabling the property to be better manage recyclable material, reduce our exposure to inconsistent trash removal by the tenant and insure the cleanliness of our site.

Further, the tenant leases include language that enables Kierland Crossing L.L.C. to control the collection through CAM charges (See attachment B).

Please feel free to contact me regarding any additional information that you require.

Sincerely,

**KIERLAND CROSSING, L.C.C.**



Brian D. Teske  
Project Manager

Attachment: Master Service Agreement  
Lease Documentation

CC: Armand Mastropietro, Senior Vice President, Glimcher Properties LP  
Charles Kretzer, Director of Operations, Glimcher Properties  
Steve Bruch, Director, Glimcher Develepoment  
Tony Marshall, Vice President, Glimcher Development



## **SUBMITTAL REQUIREMENTS FOR A:**

# **Service Areas Plan**

**PURPOSE:** A service areas plan is to explain *all* service characteristics of a proposed use.

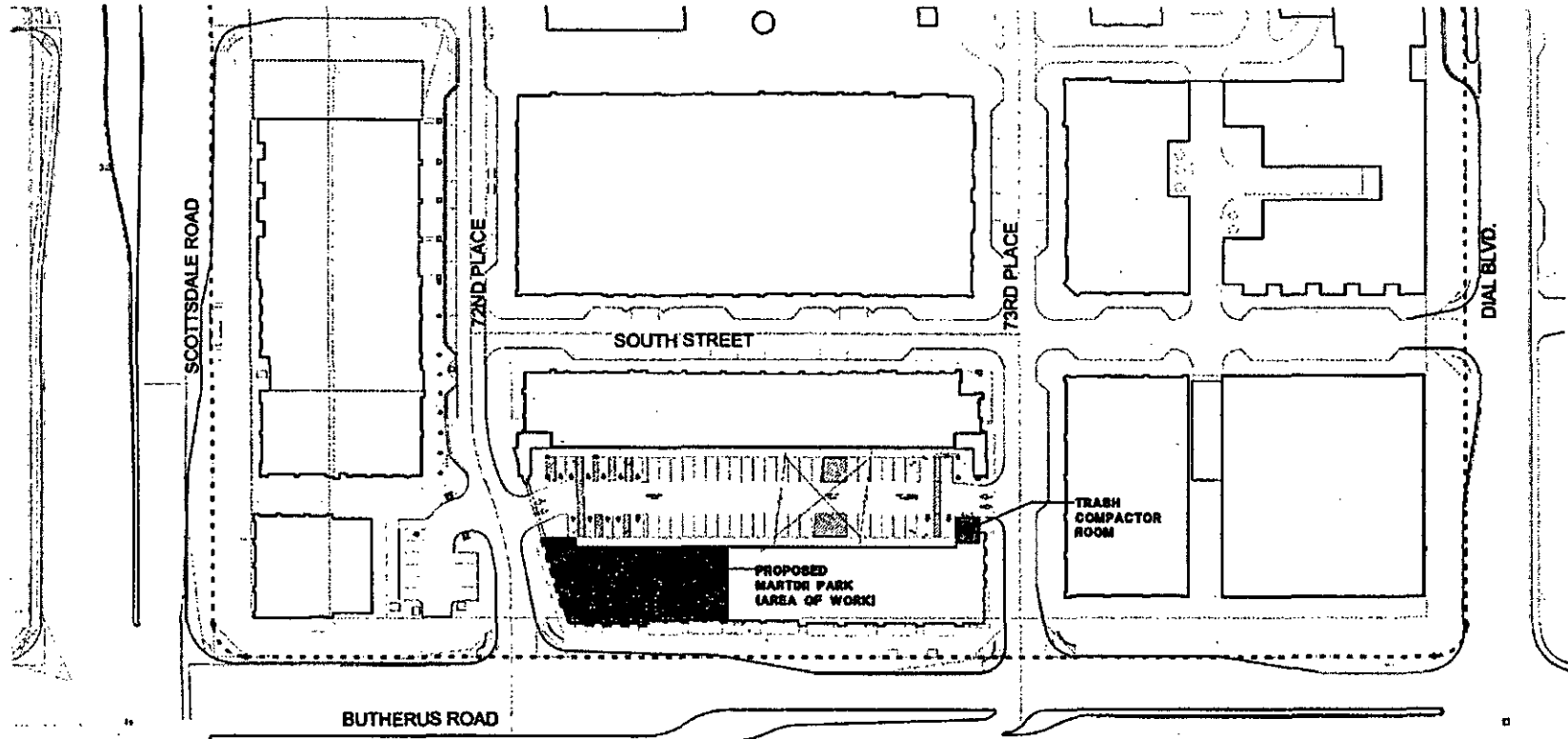
## **ELEMENTS OF THE PLAN:**

1. Business use type (e.g. retail, office, manufacturing)
2. Description of service activities such as parking lot sweeping, loading, trash hauling, and similar associated activities.
3. Analysis of services:
  - a. Frequency
    - i. Day(s) of week
    - ii. Hours of day
  - b. Location relative to lower intensity uses
4. Narrative description with supporting documents such as site plans, elevations, and other plans that visually demonstrate service areas

## **PLAN FORMAT:**

The plan shall be submitted in narrative format and with supporting graphic diagrams on 8 ½ X 11 inch sheets of paper.

081675\_2008-06-02 site plan (1275x825x24b jpeg)



**martini**  
PARK Scottsdale, Arizona

 **SITE PLAN**  
SCALE: NOT TO SCALE

Date:  
Project No.:

6 June 2008  
081675

 **Aria Group**  
 **Architects, Inc.**

ARCHITECTURE • PLANNING • INTERIOR DESIGN



SUBMITTAL REQUIREMENTS FOR A:

## Noise Study

**PURPOSE:** A noise study is to explain *all* noise characteristics of a proposed use and how that noise is abated.

**ELEMENTS OF THE PLAN:**

1. Business use type (e.g. retail, office, manufacturing)
2. Description of activities that generate noise that will be apparent to/from adjoining properties.
3. Analysis of noise generated:
  - a. Source of noise
  - b. Noise level in dBA at source of noise and point of impact
  - c. Description and diagrams of noise source location
4. Description and documentation of how noise is abated
  - a. Narrative description
  - b. Site plans, elevations, and other plans that visually demonstrate noise source and noise levels
5. Proposal for noise monitoring and maintenance of acceptable noise levels

**PLAN FORMAT:**

The plan shall be submitted in narrative format and with supporting graphic diagrams on 8 1/2 X 11 inch sheets of paper.

## MARTINI PARK NOISE STUDY

1. Martini Park is a restaurant/lounge use, which will be a tenant in Building J of the Scottsdale Quarter development. The attached letter indicates how Martini Park generally handles noise mitigation and will use similar techniques in the Scottsdale Quarter project.

G:\MSR\2008\Martini Park\Noise Study & Evaluation\2008 Noise Study.doc

16 June 2008



John Racanelli  
[johnracanelli@racanellidevelopment.com](mailto:johnracanelli@racanellidevelopment.com)  
Martini Park

Subject: Acoustics  
Martini Park, Scottsdale  
SMW Project 8134

INTEGRATED  
COMMUNICATIONS  
TECHNOLOGY AND  
ACOUSTIC CONSULTING

Dear John,

This letter report will summarize some of our initial comments associated with the Martini Park, Scottsdale project.

We understand that the Martini Park project will be located in a special district called the Scottsdale Quarter. We understand there are a number of similar entertainment facilities in the area, and that there are no residential properties in close proximity to the Martini Park facility.

We also understand that the Martini Park facility will operate from approximately 4PM to midnight, or 2AM and will cater to professionals in the 30-40 year old age group.

We have made acoustical measurements of live music in the Martini Park facility in Chicago on a weekend evening. The level of music was typically played at a reasonable listening level, with the loudest pieces termed "moderately loud" i.e. up to 95 dBA. (Note: Loud Rock type music can often measure in excess of 105 dBA). Our Chicago measurements can be used to more closely assess the Scottsdale conditions once we know more about the project needs and requirements.

In answer to the question regarding sound transmission of live music sound from inside to outside the Martini Park venue, we estimate that, within approximately fifteen feet (15 ft.) of the main entry area or patio, the exterior sound level would be approximately 70-75 dBA with the doors closed. With the doors open, we estimate that, within approximately fifteen feet (15 ft.) of the main entry area or patio, the exterior sound level would be approximately 80-85 dBA. This estimate is based on reasonable listening levels from a live band. We have reviewed and analyzed the floor plan drawing of the Martini Park facility and made estimates for sound attenuation of the interior barriers and finish treatments proposed.

The sound level from exterior mounted loudspeakers could vary, depending on the setting of the volume indicator. Low-level background music is typically 65-70 dBA. Higher listening levels can be in the range of 70-80 dBA or higher.

Regarding sound isolation between adjacent tenants, we understand there is a potential tenant immediately to the east of the Martini Park space, in the same building. Based on the floor plan drawing that I reviewed, there is a deep Kitchen space occupying the full length of the demising wall at the adjacent tenant space to the east. Therefore, there would be no transfer of music from Martini Park to the tenant space to the east. A demising wall consisting of a single (or double would be better) row of metal studs with a total of four layers of 5/8" gypsum board and full thick batt insulation in the stud cavity should be adequate to isolate all sounds from the Kitchen. We do not see any critical occupied space anywhere else adjacent to the Martini Park space.

We trust this letter adequately meets your immediate needs. We will continue to do more detailed acoustic studies as the need arises. If you have any questions, please do not hesitate to call.

Sincerely Yours,  
Shen Milsom & Wilke Inc

  
Dennis Paoletti Principal FAIA



10-DR-2007  
5TH: 7/5/2007

## Memorandum

**To:** Gwen Jarick  
Nelsen Partners, Inc.

**From:** Gerald Salzman  
David Taxman

**Date:** July 3, 2007

**Re:** Shared Parking Analysis  
Scottsdale Quarter  
Scottsdale, Arizona

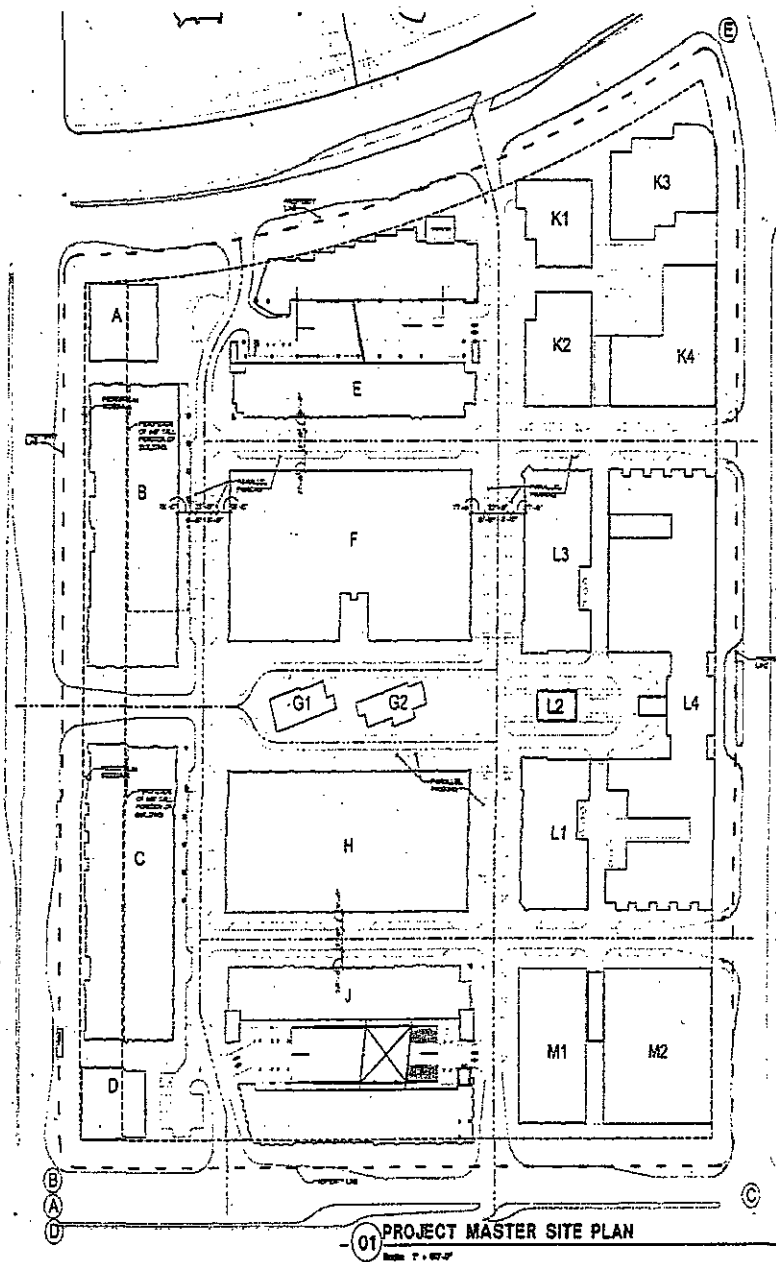
The purpose of this memorandum is to summarize the findings of a shared parking study conducted by DESMAN Associates for Scottsdale Quarter in Scottsdale, Arizona. Scottsdale Quarter is a mixed-use development which plans to contain retail, office space, restaurant, night club, restaurant-patios, cinema, residential, and hotel. The development will be constructed in three different phases. An analysis of the amount of parking needed for each phase will be conducted as part of this study. The Urban Land Institute (ULI) 2<sup>nd</sup> edition (2005) of *Shared Parking* and the Scottsdale Zoning Code were utilized in performing this shared parking analysis.

The ULI 2<sup>nd</sup> Edition of *Shared Parking* uses a significant amount of national information for estimating parking demand. ULI defines shared parking as parking spaces that can be used to serve two or more individual land uses without conflict or encroachment. They define that in order to share parking two conditions must exist:

- Variations in the accumulation of vehicles by hour, by day, or by season at the individual land uses, and
- Relationships among the land uses that result in visiting multiple land uses on the same auto trip



Figure 2 – Scottsdale Quarter Master Site Plan (Phases I, II, and III)



# SITE DATA

Survey	7/02
Gross Site Area	1,345,148.75 SF
Net Site Area	28,811,804 SF
Net Site Area	1,238,529.00 SF
Open Space Required	234,811 SF
+ 25% max. of Net Site Area	214,772 SF
Open Space Provided	51,328 SF
Percentage Open Space Provided	+ 25% of Open Space
Percentage Open Space Provided	51,328 SF
Parking Lot Landscape Area	2,338 SF
Parking Lot Landscape Area	100% of Total Parking Lot Area
Parking Lot Landscape Provided	227 SF
Building Height Allowed	65 feet
Building Density	20' at 100 feet
FAR Allowed (per ordinance)	0.5 (250,000 SF)
FAR Proposed	0.4 (200,000 SF)
Office Allowed (25% of Commercial)	871,344 + 423,272.5 SF
Office Proposed	271,321 SF
Residential Allowed (50% of Commercial)	871,344 + 423,272.5 SF
Residential Proposed	231 Units / 426,522 SF

# TABULATIONS

BUILDING	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING A	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING B	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING C	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING D	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING E	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING F	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING G	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING H	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING I	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING J	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING K	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING L	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING M	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING N	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING O	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING P	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING Q	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING R	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING S	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING T	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING U	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING V	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING W	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING X	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING Y	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY
BUILDING Z	LEVEL 1 PRELIMINARY	LEVEL 2 PRELIMINARY	LEVEL 3 PRELIMINARY

IN-PAVED PARKING LOT	234,811 SF
PAVED PARKING LOT	234,811 SF
TOTAL PARKING	469,622 SF

TOTAL PARKING: 469,622 SF (234,811 SF IN-PAVED, 234,811 SF PAVED)

## Methodology

In Article IX of the Scottsdale Zoning Code (Parking and Loading Requirements) Table 9.2 provides the required parking ratios for each type of land use. There is also a mixed-used shared parking program outlined in the Zoning Code. Table 9.3 in the Zoning Code provides parking occupancy percentages during different time periods for a variety of land uses which are generally located at mixed-use developments. However, there is one limitation for mixed-use shared parking in the Zoning Code which says, "*The total number of parking spaces required by table 9.2 shall not be reduced by more than twenty (20) percent.*"

A non-shared parking analysis was conducted for Phase I of the project, which utilizes the parking ratios provided in the Scottsdale Zoning Code. For the land uses and sizes specified in the project master site plan, three different parking analyses were performed. It was assumed that reserved, non-shared parking would be provided for the Phase III components of the project, which includes 238 residential units and 125 hotel units. The first parking analysis calculates the non-shared parking demand based on the schedule of parking requirements defined in Table 9.2 of the Scottsdale Zoning Code. The second analysis calculates the shared parking demand based on the shared parking guidelines provided in Table 9.3 of the Zoning Code. The third is a shared parking analysis based on the ULI 2<sup>nd</sup> Edition of *Shared Parking*. Both number of spaces calculated from the shared parking demand analyses were compared to the 20% allowed reduction from the non-shared parking demand. This will show if a 20% reduction from the non-shared parking demand would be sufficient to support the parking needs on site.

## Assumptions

Some key assumptions were made as part of the shared parking study, which deal with modal split, non-captive ratios, categorization of land uses, and possible reserved spaces in the garage. The non-captive ratio is an estimate of the percentage of parkers at a land use in a mixed-use development or district who are not already counted as being parked at another of the land uses. An example of this would be if an employee of one land use went to eat on-site, so no additional parking demand is generated. Modal split is the percentage of persons arriving at a destination in different modes of transportation other than by car. Among the modes that may be available are public transportation, carpools and vanpools, and walking.

Modal split and non-captive ratios were only applied to the ULI shared parking analysis. The modal split percentages are based on 2005 US Census Bureau data. Table 1 shows the US Census Bureau modal split data for Scottsdale, Arizona. Since half the people car pooling drive a vehicle there is approximately a 3.5% reduction in the number of parked vehicles. The total mode split is 6.5% ( $3.5\% + 1\% + 2\% = 6.5\%$ ). A conservative mode split of 6% was used for the ULI shared parking analysis.

**Table 1 – Modal Split for Scottsdale Arizona**

Mode of Transportation	# of People	% of People
Car, truck, or van - drove alone	84,065	90%
Car, truck, or van - carpooled	6,626	7%
Public transportation (excluding taxicab)	1,333	1%
Walked	1,510	2%

*U.S. Census Bureau*

Provided below is a list of the assumptions for this analysis.

- It was assumed that both the hotel and residential space (Phase III) would provide reserved, non-shared parking based on the parking ratios from the Scottsdale Zoning Code.
- Assumed a 6% mode split for all retail, restaurant, office, and cinema employees, which was based on the 2005 US Census Bureau statistics for Scottsdale, Arizona.
- Square footages for each land use are based on Nelsen Architects most recent site plan drawings dated July 12, 2007.
- Assumed for the retail that 20% captive during weekday daytime, 10% captive during the weekday evening, and 5% captive during the weekend daytime and evening.
- Assumed for the restaurant that 20% captive during weekday daytime, 5% captive during the weekday evening, and 5% captive during the weekend daytime and evening.
- Assumed that the cinema would consist of 350 seats.
- Analyzed the 6,770 sq. ft. of grocery space as retail space for both shared parking analyses, but non the non-shared parking analysis.
- Assumed a 35% reduction in restaurant space to determine the amount of public floor area, since the parking ratios in the Zoning Code are based on public floor area for a restaurant.
- Assumed that 20% of the 170,000 sq. ft. of hotel space would be utilized for commercial space, which calculates to be 34,000 sq. ft. ( $170,000 \times 0.2 = 34,000$ ).
- Assumed a parking ratio of 5 spaces per 1000 sq. ft. for the retail portion of the Scottsdale shared and non-shared parking analysis.

- For all three analyses it was assumed there are 10 patios outside of the restaurants which would generate a total of 50 vehicles.
- Assumed 50 reserved valet spaces to serve the restaurants and 50 for the nightclubs. Assumed that 50% of these users would use valet when less than a 100 vehicle demand.
- Assumed that for the office that 1 space would be reserved per 1,000 sf of office. These office spaces are only reserved during the weekdays and not the weekends. The non-reserved office parking demand was decreased during the weekday because of the reserved spaces.

### Phase I Parking Analysis

The non-shared parking demand for Phase I of Scottsdale Quarter is provided in Table 2. The calculations are based on the parking ratios provided in Table 9.2 of the Scottsdale Zoning Code. As shown in Table 2, 1,424 parking spaces are needed on site to support the non-shared parking demand for Phase I of the Scottsdale Quarter.

**Table 2 – Phase I Non-Shared Parking Demand**

Land Use	Quantity	Scottsdale Parking Ratios	Unit	Parking Demand
Retail	143,356 sq. ft.	5.00	/ksf GLA	717
Office	141,175 sq. ft.	2.33	/ksf GLA	329
Office Reserved	141,175 sq. ft.	1.00	/ksf GLA	141
Total Restaurant	26,368 sq. ft.	-	-	-
Effective Restaurant	17,139 sq. ft.	12.50	/ksf GLA	214
Grocery	6,770 sq. ft.	3.33	/ksf GLA	23
<b>Total</b>				<b>1,424</b>

DESMAN Associates

### Master Site Plan (Phases I, II, and III)

The next portion of the parking study is an analysis of all three phases of the study. Phases I and II were analyzed together to determine the shared parking demand for those land uses. The Phase III parking demand for the hotel and residential portion were analyzed separately assuming these land uses would provide reserved and non-shared parking spaces.

# DESMAN

ASSOCIATES

## Scottsdale Non-Shared Parking Analysis

The first analysis consisted of analyzing the non-shared parking demand for Phases I and II based on the parking ratios provided in table 9.2 of Article IX (Parking and Loading Requirements) of the Scottsdale Zoning Code. Table 3 shows the non-shared parking demand for Phases I and II based on the Scottsdale parking ratios. Based on the non-shared parking demand there is a demand for 3,134 spaces for Phases I and II. The maximum allowable reduction of 20% gives a space total of 2,507 spaces ( $3,134 \times 0.8 = 2,507$ ).

**Table 3 – Non-Shared Parking Demand for Phases I and II**

Land Use	Quantity	Scottsdale Parking Ratios	Unit	Parking Demand
Retail	310,211 sq. ft.	5.00	/ksf GLA	1551
Office	217,107 sq. ft.	2.33	/ksf GLA	506
Office Reserved	217,107 sq. ft.	1.00	/ksf GLA	217
Total Restaurant	56,179 sq. ft.	-	-	-
Effective Restaurant	36,516 sq. ft.	12.50	/ksf GLA	406
Grocery	6,770 sq. ft.	3.33	/ksf GLA	23
Patios	10 patios	-	-	50
Nightclub	14,800 sq. ft.	20.00	ksf indoor public area	246
Valet Reserved Spaces <sup>(1)</sup>	100 spaces	-	-	100
Cineplex	350 seats	0.10	/seat	35
<b>Total</b>				<b>3,134</b>

<sup>(1)</sup> 50 spaces reserved for restaurant and 50 spaces reserved for nightclub, 100 spaces were subtracted from restaurant and nightclub parking demand.

DESMAN Associates

## Scottsdale Shared Parking Analysis

A shared parking demand for Scottsdale Quarter was calculated based on the schedule of shared parking provided in Table 9.3 of the Scottsdale Zoning Code for Phases I and II of Scottsdale Quarter. Table 9.3 of the Scottsdale Zoning Code provides the percentages to calculate the number of spaces required for six different time periods (Weekdays and Weekends from 12 AM to 7 AM, 7 AM to 6 PM, and 6 PM to 12 AM). The percentages reduced the parking demand calculated in the non-shared parking demand (Table 3). Table 4 shows the Scottsdale shared parking demand for all six time periods. For this analysis it was assumed that 50 spaces were reserved for the restaurant, 50 spaces reserved for the nightclub, 50 spaces reserved for the patio and 1 space per 1,000 square feet of office was reserved. The shared parking demand for these land uses (restaurant, nightclub, patio, and office) were reduced by the number of reserved spaces so the demand was not counted double. It was determined that the Scottsdale shared peak parking demand is 3,081 spaces and would be during a weekday from 7 AM to 6 PM.



**Table 4 -- Scottsdale Shared Parking Demand for Phases I and II**

Land Use	Quantity	Scottsdale Parking Ratios		Parking Demand					
		Weekday	Weekend	Weekdays			Weekend		
				12 AM - 7 AM	7 AM - 6 PM	6 PM - 12 AM	12 AM - 7 AM	7 AM - 6 PM	6 PM - 12 AM
Retail	316,981 sq. ft.	5.00	5.00	0	1585	1268	0	1585	951
Office	217,107 sq. ft.	2.33	3.33	25	506	25	0	434	72
Office Reserved	217,107 sq. ft.	1.00	0.00	217	217	217	0	0	0
Total Restaurant	56,179 sq. ft.	-	-	-	-	-	-	-	-
Effective Restaurant	38,516 sq. ft.	12.50	12.50	301	442	652	266	442	652
Patios	10 patios	-	-	50	50	50	50	50	50
Nightclub	14,800 sq. ft.	20.00	20.00	98	157	246	83	157	246
Valet Reserved Spaces <sup>(1)</sup>	100 spaces	-	-	100	100	100	100	100	100
Cineplex	350 seats	0.10	0.10	0	25	35	2	25	35
				132	3,081	2,253	50	2,253	2,105

<sup>(1)</sup> 50 spaces reserved for restaurant and 50 spaces reserved for nightclub, 100 spaces were subtracted from restaurant and nightclub parking demand

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### ULI Shared Parking Analysis

A shared parking analysis was performed for Phases I and II of Scottsdale Quarter based on the ULI 2<sup>nd</sup> Edition of *Shared Parking*. For this analysis the modal split and non-captive ratios were taken into account for specific land uses. The modal split was based on the US Census Bureau data (Table 1) and the non-captive ratios are based on DESMAN's professional experience and analysis. For this analysis 100 spaces were reserved for valet (50 spaces for restaurant and 50 spaces for nightclub), 50 spaces reserved for patio space, and 1 space per 1,000 square feet reserved for office employees. Table 5 shows the results of the ULI shared parking demand analysis. The ULI shared parking summary table is provided in the Appendix. The peak parking demand for the weekday and weekend shown in the shared parking summary table in the Appendix is 100 spaces greater than the peak parking demand shown in the row labeled "Sub-Totals" in Table 5 because it doesn't take into account the 100 reserved spaces from the restaurant and nightclub. Based on this analysis it was determined that the peak shared parking demand is 2,253 spaces in December at approximately 2 PM. This calculated number of spaces (2,253) is below the 20% reduction from the non-shared parking demand (2,507). Scottsdale Quarter would sufficiently support the parking demand with 2,253 parking spaces. However, the Scottsdale Zoning Code clearly states that this is below the required number of spaces. It is suggested that for Phases I and II of the Scottsdale Quarter a total of 2,507 parking spaces be provided on-site.

**Table 5 – ULI Shared Parking Demand for Phases I and II**

Land Use	Quantity	ULI Parking Ratios		Peak Parking Demand	
		Weekday	Weekend	December at 2 PM	December at 8 PM
				Weekday	Weekend
Retail Patrons	316,981 sq. ft.	2.90	3.20	735	626
Retail Employees		0.70	0.80	209	179
Office Visitors	217,107 sq. ft.	1.95	0.23	51	0
Office Employees		0.30	0.03	398	0
Office Reserved Employees	217,107 sq. ft.	1.00	0.00	217	0
Total Restaurant Patrons	56,179 sq. ft.	15.25	17.00	396	857
Total Restaurant Employees		2.75	3.00	130	159
Nightclub Patrons	14,800 sq. ft.	15.25	17.50	0	144
Nightclub Employees		1.25	1.00	2	22
Cineplex Patrons	350 seats	0.25	0.35	11	82
Cineplex Employees		0.04	0.04	4	11
Sub-Totals:				2,153	2,080
Valet Reserved <sup>(1)</sup>				50	100
Restaurant-Patio				50	50
Total				2,253	2,230

<sup>(1)</sup> 50 spaces reserved for restaurant and 50 spaces reserved for nightclub, 100 spaces were subtracted from restaurant and nightclub parking demand.

DESMAN Associates

### Phase III Parking Analysis

Phase III of Scottsdale Quarter plans to have 238 residential units and 125 hotel units. Scottsdale Quarter plans to provide reserved and non-shared parking for both the hotel and residential portion of the development. Parking for the Phase III elements plans to be constructed along with the Phase III uses. Table 6 shows the non-shared parking demand for the hotel and residential portion of Scottsdale Quarter, which is based on the parking ratios provided in Table 9.2 of the Scottsdale Zoning Code. It was assumed that 20% of the 170,000 sq. ft. of hotel space would be utilized for commercial accessory uses, which calculates to be 34,000 sq. ft. ( $170,000 \times 0.2 = 34,000$ ). Any public space in the hotel is included in the Phase I and II analysis and there are no plans for public assembly space in the hotel. According to Table 6, 686 spaces are needed for Phase III.

**Table 6 – Phase III Parking Demand**

Land Use	Quantity	Scottsdale Parking Ratios	Unit	Parking Demand
Hotel	125 Units	1.00	/Unit	125
Hotel Commercial Uses <sup>(1)</sup>	34,000 sq. ft.	2.50	/ksf	85
Residential	238 Units	2.00	/Unit	476
Total				686

<sup>(1)</sup> Assumed 20% of Hotel is for commercial accessory uses.

DESMAN Associates

### Conclusion

The parking demand at Scottsdale Quarter was analyzed for Phase I, II and III. For Phase I the non-shared parking demand was calculated, but each of the land uses for Phase I can share parking. A combined analysis of Phases I and II was performed where three different analyses were conducted. One method calculated the non-shared parking demand based on the Scottsdale Zoning Code parking ratios. The second method calculated the shared parking demand based on the Scottsdale Zoning Code shared parking schedule. The third method was a calculation of the shared parking demand utilizing the ULI 2<sup>nd</sup> Edition of *Shared Parking*. The Scottsdale Zoning Code states that it allows a reduction in the amount of required parking at a mixed-use site of no more than 20% for shared parking. The ULI shared parking analysis produced a peak parking demand of 2,253 spaces. However, this is below 2,507 spaces, which is the number of spaces needed to satisfy the 20% reduction from the non-shared parking demand. DESMAN suggests that 2,507 parking spaces are needed for Phases I and II at Scottsdale Quarters.

A non-shared analysis was conducted for Phase III. A total of 686 parking spaces are needed to support the parking demand for the hotel and residential space as part of Phase III. It is suggested that when all three phases of Scottsdale Quarters is completed a total of 3,193 spaces are needed on site ( $686 + 2,507 = 3,193$ ).

# Appendix

## ULI Shared Parking Summary Table

PEAK MONTH: DECEMBER -- PEAK PERIOD: 2 PM, WEEKDAY																	
Land Use	Project Data Quantity Unit	Weekday					Weekend					Weekday			Weekend		
		Base Rate	Mode Adj	Non-Captive Ratio	Project Ratio	Unit	Base Rate	Mode Adj	Non-Captive Ratio	Project Ratio	Unit	Peak Hr Adj	Peak Mo Adj	Estimated Parking Demand	Peak Hr Adj	Peak Mo Adj	Estimated Parking Demand
		2 PM	December				8 PM	December									
Community Shopping Center (<400 ksf)	316,981 sf GLA	2.90	1.00	0.00	2.32	/ksf GLA	3.20	1.00	0.95	3.04	/ksf GLA	1.00	1.00	735	0.65	1.00	626
Employee		0.70	0.94	1.00	0.66	/ksf GLA	0.80	0.94	1.00	0.75	/ksf GLA	1.00	1.00	209	0.75	1.00	179
Fine/Casual Dining Restaurant	56,179 sf GLA	15.25	1.00	0.00	12.20	/ksf GLA	17.00	1.00	0.95	16.15	/ksf GLA	0.65	1.00	446	1.00	1.00	907
Employee		2.75	0.94	1.00	2.59	/ksf GLA	3.00	0.94	1.00	2.82	/ksf GLA	0.90	1.00	130	1.00	1.00	159
Nightclub	14,000 sf GLA	15.25	1.00	1.00	15.25	/ksf GLA	17.50	1.00	1.00	17.50	/ksf GLA	0.00	1.00	0	0.75	1.00	194
Employee		1.25	1.00	1.00	1.25	/ksf GLA	1.00	1.00	1.00	1.00	/ksf GLA	0.10	1.00	2	1.00	1.00	22
Cineplex	350 seats	0.25	1.00	1.00	0.25	/seat	0.35	1.00	1.00	0.35	/seat	0.55	0.23	11	1.00	0.67	82
Employee		0.04	0.94	1.00	0.04	/seat	0.04	0.94	1.00	0.04	/seat	0.50	0.50	4	1.00	0.80	11
Reserved Office	217,107 sf GLA	0.00	1.00	1.00	0.00	/ksf GLA	0.00	1.00	1.00	0.00	/ksf GLA	1.00	1.00	0	1.00	1.00	0
Employee		1.00	1.00	1.00	1.00	/ksf GLA	0.00	1.00	1.00	0.00	/ksf GLA	1.00	1.00	217	1.00	1.00	0
Office >500 ksf	217,107 sf GLA	0.23	1.00	1.00	0.23	/ksf GLA	0.03	1.00	1.00	0.03	/ksf GLA	1.00	1.00	51	0.00	1.00	0
Employee		1.95	0.94	1.00	1.83	/ksf GLA	0.30	0.94	1.00	0.28	/ksf GLA	1.00	1.00	398	0.00	1.00	0
ULI base data have been modified from default values.												Customer Employee	1243	Customer Employee	1809		
												Reserved	960	Reserved	371		
												Total	0	Total	0		
												Total	2203	Total	2180		

Shared Parking Reduction 37%

38%

07/05/07

## Shared and Non-Shared Parking Analysis Summary Scottsdale Quarters

7/5/2007 11:40

### Non-Shared Parking Demand

Land Use	Quantity	Scottsdale Parking Ratios	Unit	Parking Demand
Retail	310,211 sq. ft.	5.00	/ksf GLA	1551
Office	217,107 sq. ft.	2.33	/ksf GLA	506
Office Reserved	217,107 sq. ft.	1.00	/ksf GLA	217
Total Restaurant	58,179 sq. ft.	-	-	-
Effective Restaurant	36,516 sq. ft.	12.50	/ksf GLA	406
Grocery	6,770 sq. ft.	3.33	/ksf GLA	23
Patios	10 patios	-	-	50
Nightclub	14,800 sq. ft.	20.00	ksf indoor public area	246
Valet Reserved Spaces <sup>(1)</sup>	100 spaces	-	-	100
Cineplex	350 seats	0.10	/seat	35

<sup>(1)</sup> 50 spaces reserved for restaurant and 50 spaces reserved for nightclub, 100 spaces were subtracted from restaurant and nightclub parking demand

### Scottsdale Schedule of Shared Parking Calculations - Table 9.3 of Article IX, Parking and Loading Requirements

Land Use	Quantity	Scottsdale Parking Ratios		Parking Demand					
		Weekday	Weekend	12 AM - 7 AM	7 AM - 6 PM	6 PM - 12 AM	12 AM - 7 AM	7 AM - 6 PM	6 PM - 12 AM
Retail	316,981 sq. ft.	5.00	5.00	0	1585	1268	0	1585	951
Office	217,107 sq. ft.	2.33	3.33	25	506	25	0	434	72
Office Reserved	217,107 sq. ft.	1.00	0.00	217	217	217	0	0	0
Total Restaurant	58,179 sq. ft.	-	-	-	-	-	-	-	-
Effective Restaurant	36,516 sq. ft.	12.50	12.50	301	442	652	268	442	652
Patios	10 patios	-	-	50	50	50	50	50	50
Nightclub	14,800 sq. ft.	20.00	20.00	98	157	246	83	157	246
Valet Reserved Spaces <sup>(1)</sup>	100 spaces	-	-	100	100	100	100	100	100
Cineplex	350 seats	0.10	0.10	0	25	35	2	25	35
Sub-Totals:				3,081	3,081	2,694	500	2,102	2,102

<sup>(1)</sup> 50 spaces reserved for restaurant and 50 spaces reserved for nightclub, 100 spaces were subtracted from restaurant and nightclub parking demand

### Desman/ULI Shared Parking Analysis w/ 1 Space Reserved per 1,000 sf of Office

Land Use	Quantity	ULI Parking Ratios		Peak Parking Demand	
		Weekday	Weekend	December at 2 PM	December at 8 PM
Retail Patrons	316,981 sq. ft.	2.60	3.20	735	626
Retail Employees		0.70	0.60	209	179
Office Visitors	217,107 sq. ft.	1.95	0.23	51	0
Office Employees		0.30	0.03	398	0
Office Reserved Employees	217,107 sq. ft.	1.00	0.00	217	0
Total Restaurant Patrons	58,179 sq. ft.	15.25	17.00	396	857
Total Restaurant Employees		2.75	3.00	130	159
Nightclub Patrons	14,800 sq. ft.	15.25	17.50	0	144
Nightclub Employees		1.25	1.00	2	22
Cineplex Patrons	350 seats	0.25	0.35	11	82
Cineplex Employees		0.04	0.04	4	11
Sub-Totals:				2,153	2,080
Valet Reserved <sup>(1)</sup>				50	100
Restaurant-Patio				50	50
Total:				2,253	2,230

<sup>(1)</sup> 50 spaces reserved for restaurant and 50 spaces reserved for nightclub, 100 spaces were subtracted from restaurant and nightclub parking demand

<sup>(2)</sup> Shared Parking Limitation, 20% Reduction of Scottsdale Parking and Loading Requirements Ordinance (Table 9.2):

2,507 Spaces

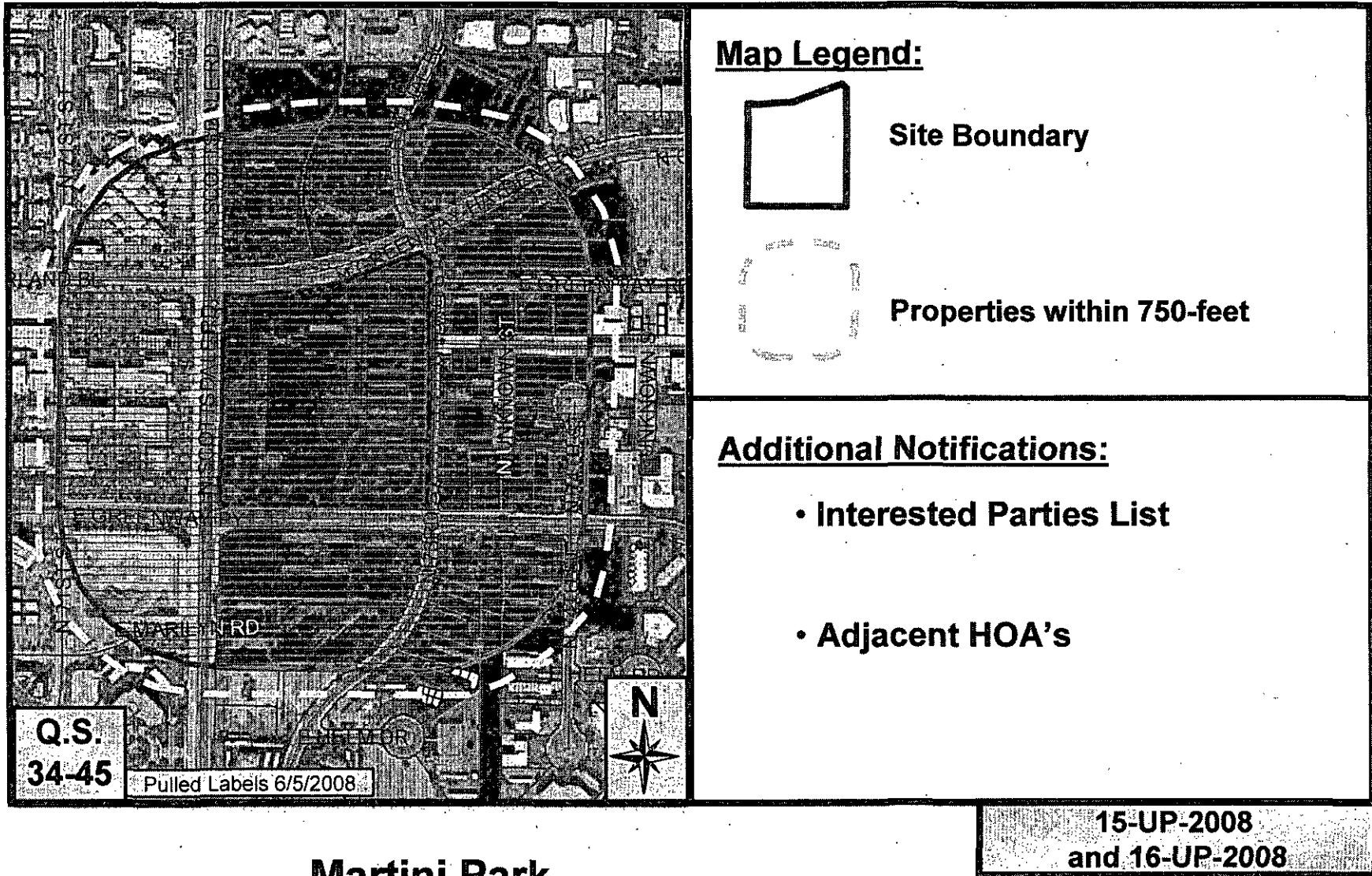
07/05/07

**Phase III Parking Demand**

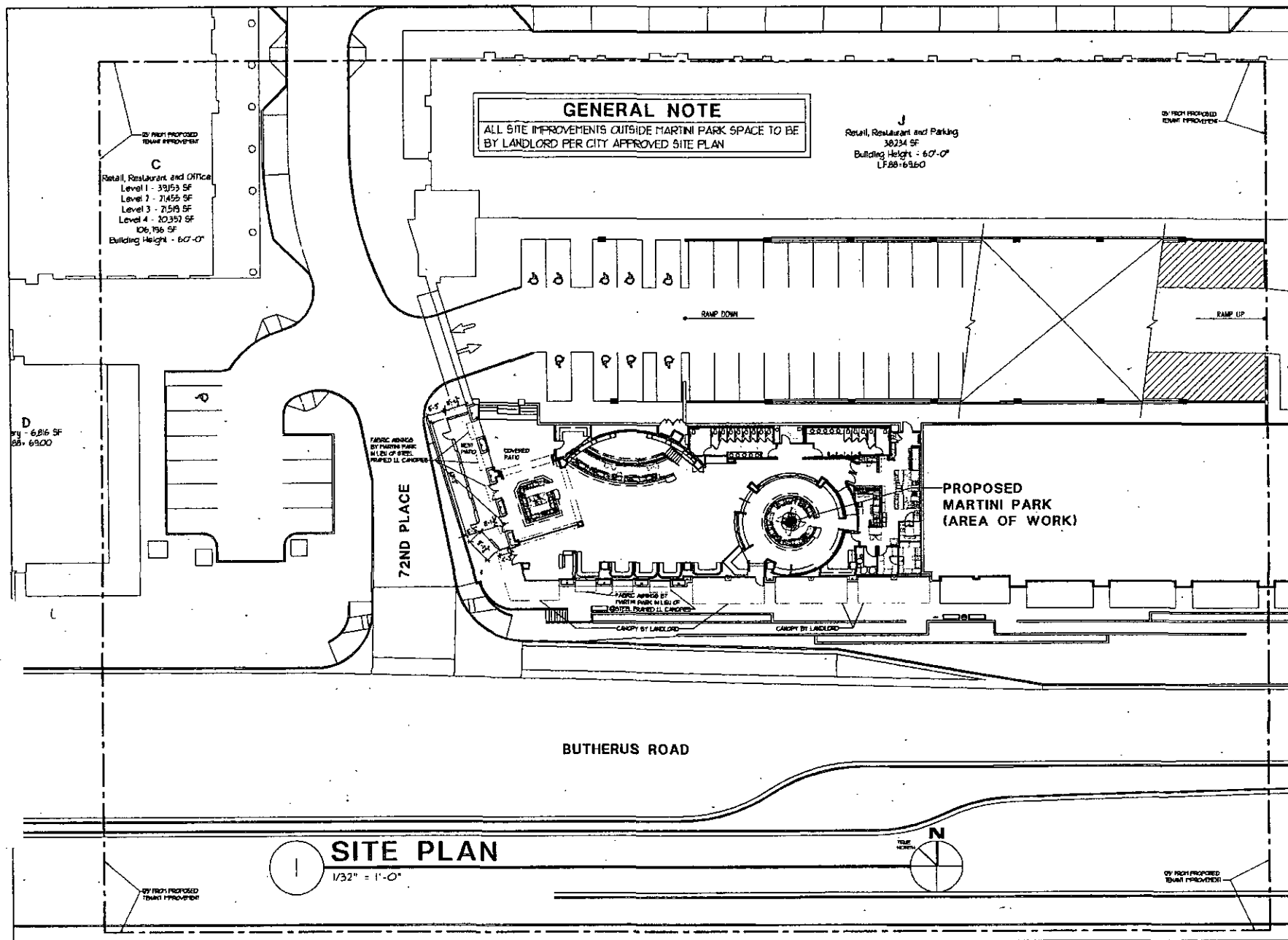
Land Use	Quantity	Scottsdale Parking Ratios	Unit	Parking Demand
Hotel	125 Units	1.00	/Unit	125
Hotel Commercial Uses <sup>(1)</sup>	34,000 sq. ft.	2.50	/ksf	85
Residential	238 Units	2.00	/Unit	476
<b>Total</b>				<b>686</b>

<sup>(1)</sup> Assumed 20% of Hotel is for commercial accessory uses.

## City Notifications – Mailing List Selection Map







**Aria Group Architects Inc.**

830 North Blvd.  
Oak Park, Illinois  
60301  
708.443.8400  
708.443.1788 Fax

**MARTINI PARK**  
NORTHDALE, AZ

**FIELD VERIFICATION**  
The design team has verified the site conditions and the proposed improvements. The design team has verified the site conditions and the proposed improvements. The design team has verified the site conditions and the proposed improvements.

**CONTRACT**  
The design team has verified the site conditions and the proposed improvements. The design team has verified the site conditions and the proposed improvements. The design team has verified the site conditions and the proposed improvements.

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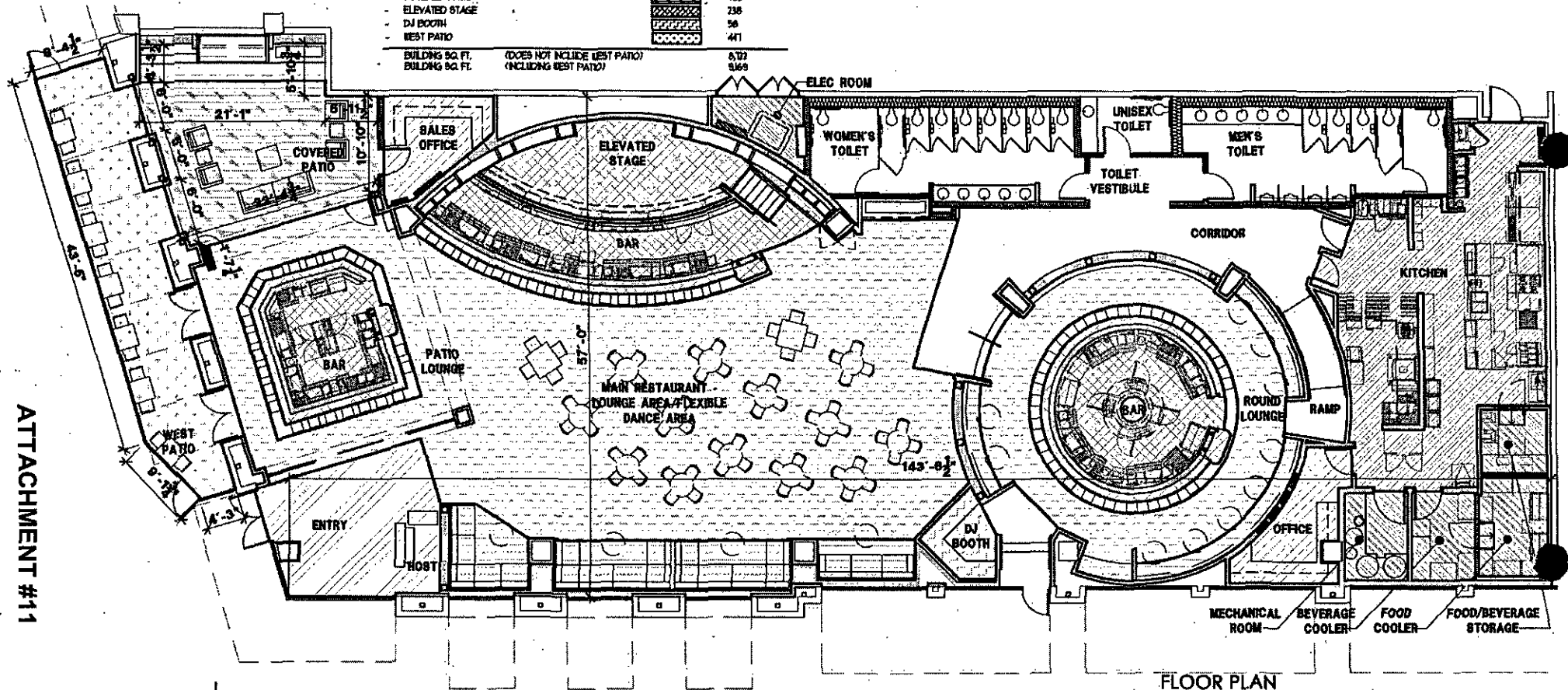
**CONTRACT**  
The design team has verified the site conditions and the proposed improvements. The design team has verified the site conditions and the proposed improvements. The design team has verified the site conditions and the proposed improvements.

15-UP-2008  
08/01/2008

16-UP-2008  
2nd: 08-01-2008

# MARTINI PARK - USE PERMIT FLOOR PLAN WORKSHEET

AREA	AREA HATCH	SQUARE FEET
MAIN RESTAURANT - LOUNGE AREA/FLEXIBLE DANCE AREA		1663
DINING - BANQUETTE		AS PROVIDED
COUNTER SEATING - BARS		AS PROVIDED
KITCHEN		756
BAR - SERVICE AREA		901
OFFICE		237
ACCESSORY (MECHANICAL/STORAGE)		333
CIRCULATION, TOILETS, FIXED ITEMS, ETC.		1562
ENTRY/HOST STAND - STANDING		265
COVERED PATIO		403
ELEVATED STAGE		238
DJ BOOTH		58
WEST PATIO		471
BUILDING SQ. FT.		8,772
BUILDING SQ. FT. (DOES NOT INCLUDE WEST PATIO)		8,301
BUILDING SQ. FT. (INCLUDING WEST PATIO)		8,772



## FLOOR PLAN

SCALE: 3/32" = 1'-0"

Date:

Project No.:

10 September 2008  
081675

**martini**

PARK Scottsdale, Arizona

**Aria Group**  
**Architects, Inc.**

ARCHITECTURE • PLANNING • INTERIOR DESIGN

15-UP-2008  
08/01/2008

16-UP-2008  
2nd: 08-01-2008

ATTACHMENT #11

DRAFT

**CONTINUANCE**

4. 11-AB-2008 Hawk Nest Estates Abandonment

Request by owner to abandon the southern 15 feet of the existing 40-foot right-of-way at 8604 E. Hawk Nest Road with Single-Family Residential District, Environmentally Sensitive Lands District (R1-35 ESL) zoning.

5. 4-ZN-2008 Scottsdale Epicenter

Request by owner to approve an amendment to the Core South Planned Community District (P.C.D.) by rezoning from Industrial Park, Planned Community District (I-1 P.C.D.) to Planned Regional Center, Planned Community District (P.R.C./P.C.D.) with amended development standards on a 28+/- gross acre site located on the north side of E. Bell Road at N. 91<sup>st</sup> Street.

**COMMISSIONER SCHMITT MOVED TO CONTINUE 11-AB-2008 TO A DATE TO BE DETERMINED AND 4-ZN-2008 TO THE OCTOBER 10, 2008 HEARING. SECONDED BY COMMISSIONER O'NEILL, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).**

**EXPEDITED AGENDA**

6. 15-UP-2008 Martini Park

Request by owner for a Conditional Use Permit for a bar in a 9,169 +/- square-foot suite located at 15037 N. Scottsdale Road in Suite 100 in the Scottsdale Quarter project with Planned Regional Center District (P.R.C) zoning.

7. 16-UP-2009 Martini Park

Request by owner for a Conditional Use Permit for live entertainment in a 9,169 +/- square-foot suite located at 15037 N. Scottsdale Road in Suite 100 in the Scottsdale Quarter project with Planned Regional Center District (P.R.C.) zoning.

8. 3-ZN-2008 Ladyhawk Ranch

Request by owner to rezone from Single Family Residential District (R1-35) to Single Family Residential District (R1-7) on 2.5 +/- acre parcel located at 13681 N. 88<sup>th</sup> Place.

**COMMISSIONER STEINKE MOVED TO APPROVE 15-UP-2008 BECAUSE IT MEETS THE SPECIAL USE REQUIREMENTS, 16-UP-2008 INCLUDING UPDATED STIPULATIONS BECAUSE IT MEETS THE SPECIAL USE REQUIREMENTS, AND 3-ZN-2008. SECONDED BY COMMISSIONER O'NEILL, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).**

**REGULAR AGENDA**

- Citizens are encouraged to register for free Preserve Connection Tours by calling 312-3111.
- A moment of silence was observed for former Scottsdale Firefighter, DPS Medic Bruce Harrolle, who was killed in the line of duty.

## MINUTES

REGULAR MEETINGS  
September 23, 2008

SPECIAL MEETINGS  
September 16, 2008

COUNCILMEMBER DRAKE MOVED TO APPROVE THE REGULAR MEETING MINUTES OF SEPTEMBER 23, 2008 AND THE SPECIAL MEETING MINUTES OF SEPTEMBER 16, 2008. COUNCILMAN LANE SECONDED THE MOTION, WHICH CARRIED 6/0.

## PUBLIC COMMENT

**Darlene Petersen** spoke about the General Plan, and said the Downtown Plan Urban Design and Architectural Guidelines adopted in 1986 are wonderful.

**Jeffrey Richards** believes he was unjustly arrested, and asked the Council to investigate the *circumstances of his arrest*.

## CONSENT AGENDA

ITEM NO. 16 WAS REMOVED FROM THE CONSENT AGENDA FOR FURTHER DISCUSSION

### 1. Martini Park Conditional Use Permits (15-UP-2008 and 16-UP-2008)

**Request:**

1. Approve a Conditional Use Permit for a bar for Case No. 15-UP-2008.
2. Adopt **Resolution No. 7737** affirming the Conditional Use Permit for a bar and finding that the conditional use permit criteria have been met for Case No. 15-UP-2008.
3. Approve a Conditional Use Permit for live entertainment for Case No. 16-UP-2008.
4. Adopt **Resolution No. 7738** affirming the Conditional Use Permit for Live Entertainment and finding that the conditional use permit criteria have been met in Case No. 16-UP-2008.

**Location:** 15037 North Scottsdale Road, Suite 100

**Related Policies, References:** 5-GP-2005; 14-ZN-2005; 10-DR-2007; and 10-DR-2007#2, #3, & #4

**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

### 2. Martini Park Liquor License (72-LL-2008)

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 6 (bar) liquor license for a new location.

**Location:** 15037 N. Scottsdale Road, Suite 100

**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

**3. W Scottsdale Hotel Liquor License (75-LL-2008)**

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) liquor license for a new location.

**Location:** 7277 E. Camelback Road

**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

**4. Avalon Restaurant Liquor License (76-LL-2008)**

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 6 (bar) liquor license for an existing location with a new owner.

**Location:** 7707 E. McDowell Road

**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

**5. Coach House Tavern Liquor License (77-LL-2008)**

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for an agent and acquisition of control change for a series 6 (bar) liquor license for an existing location.

**Location:** 7011 E. Indian School Road

**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

**6. Daily Dose Liquor License (78-LL-2008)**

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location with a new owner.

**Location:** 4020 N. Scottsdale Road, Suite 101

**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

**7. Brackin's Bar Liquor License (79-LL-2008)**

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) liquor license for an existing location with a new owner.

**Location:** 7320 Scottsdale Mall

**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

**8. Fogo De Chao Liquor License (80-LL-2008)**

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location with a new owner.

**Location:** 6300 N. Scottsdale Road

**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

**9. Tequila Grill Liquor License (81-LL-2008)**

**Request:** Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location with a new owner.

**Location:** 4363 N. 75<sup>th</sup> Street

**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

**10. The Myriad of Scottsdale Conditional Use Permit (13-UP-2008)**

**Requests:**

1. Approve a Conditional Use Permit for live entertainment for an event facility with Highway Commercial (C-3) zoning.
2. Adopt **Resolution No. 7736** affirming the Conditional Use Permit and finding that the conditional use permit criteria have been met.

**Location:** 7345 E. Earll Drive

**Related Policies, References:**

- Zoning Ordinance
- 67-DR-2007#2, companion Development Review Board case

**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

**11. Coyotes Ice Expansion Conditional Use Permit (56-UP-1996#2)**

**Request:** Continue to a date uncertain.

**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

**12. North Scottsdale Road Abandonment (8-AB-2008)**

**Requests:**

1. Abandon the ±24-foot-wide East 3<sup>rd</sup> Street right-of-way easement located at 3712 N. Scottsdale Road.
2. Adopt **Resolution No. 7740** vacating and abandoning the public right-of-way easement.

**Related Policies, References:** The East 3<sup>rd</sup> Street right-of-way easement, Maricopa County Recorder No. 8332-679, was recorded on September 29, 1970. In addition, the following cases are related to the site: 69-DR-2007 and 6-PC-2008.

**Location:** 3712 N. Scottsdale Road

**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

**13. Windgate Ranch Replat (9-PP-2004#1A#2)**

**Request:** Approve a replat for Windgate Ranch to adjust property lines.

**Location:** E. Bell Road and N. 104<sup>th</sup> Street

**Related Policies, References:**

- 9-PP-2004
- 9-PP-2004#1A

**Staff Contact(s):** Connie Padian, Interim Planning and Development Services General Manager, 480-312-2664, [cpadian@scottsdaleaz.gov](mailto:cpadian@scottsdaleaz.gov); Lusia Galav, Current Planning Director, 480-312-2506, [lgalav@scottsdaleaz.gov](mailto:lgalav@scottsdaleaz.gov)

**14. Intergovernmental Agreement with Salt River Pima-Maricopa Indian Community to Fund Local Programs and Activities**

**Requests:**

1. Adopt **Resolution No. 7761** authorizing Intergovernmental Agreement No. 2008-169-COS, between the Salt River Pima-Maricopa Indian Community and the City, to accept \$688,900 in Proposition 202 funds.
2. Authorize the transfer of \$688,900 in Future Grants Budget adopted in the FY 2008/09 Grants Budget to the center assigned to record all the grant activity.

**Related Policies, References:** On November 6, 2007, Council authorized the Mayor to execute IGA Contract No. 2007-175-COS to accept a similar agreement. This IGA is in accordance with Proposition 202 and ARS 5-601, relating to distribution of a share of tribal gaming revenues for public benefit.

**Staff Contact(s):** Debra Baird, Community Services General Manager, 480-312-2480, [dbaird@scottsdaleaz.gov](mailto:dbaird@scottsdaleaz.gov); Bridget Schwartz-Manock, Government Relations Director, 480-312-2423, [bschwartzmanock@scottsdaleaz.gov](mailto:bschwartzmanock@scottsdaleaz.gov)

**15. Intergovernmental Agreement for Continued Joint Legal Representation in the Quantification and Settlement of White Mountain Apache Tribe Water Rights Claims**

**Request:** Adopt **Resolution No. 7755** authorizing the Mayor to execute the following agreements related to continued joint legal representation in negotiations related to the quantification and settlement of the water rights claims of the White Mountain Apache Tribe:

1. Intergovernmental Agreement No. 2008-073-COS-A1, an agreement among the cities of Scottsdale, Chandler, Glendale, and Avondale.
2. Contract for Legal Services No. 2008-074-COS-A1 among the cities of Scottsdale, Chandler, Glendale, and Avondale, and the law firm of Engelman Berger, P.C.

**Staff Contact(s):** Deborah Robberson, City Attorney, 480-312-2405, [dobberson@scottsdaleaz.gov](mailto:dobberson@scottsdaleaz.gov)

**16. Amend Scottsdale Revised Code Relating to Teletrack Dog Racing**

**Request:** Adopt **Ordinance No. 3809** amending Chapter 16, Article XVI, Scottsdale Revised Code, to add dog racing as a category to be regulated under the pari-mutuel wagering on telecast racing (teletrack) events licensing ordinance.

**Related Policies, References:** Chapter 16, Article XVI, of the Scottsdale Revised Code

**Staff Contact(s):** Craig Clifford, Financial Services General Manager, 480-312-2364, [cclifford@scottsdaleaz.gov](mailto:cclifford@scottsdaleaz.gov)

ITEM 16 WAS REMOVED FROM THE CONSENT AGENDA FOR FURTHER DISCUSSION, SEE PAGE 8.

17. **2008 Water, Water Resources, and Wastewater Infrastructure Improvements Plan**  
**Request:** Adopt **Resolution No. 7704** approving the 2008 Water, Water Resources, and Wastewater Infrastructure Improvements Plan.

**Related Policies, References:**

- Arizona Revised Statutes § 9-463.05
- Development Fee Study, published July 10, 2008
- 2008 Integrated Water Master Plan, approved March 4, 2008
- 2008 Integrated Wastewater Master Plan, approved March 4, 2008

**Staff Contact(s):** Marshall Brown, Water Resources General Manager, 480-312-5683, [mbrown@scottsdaleaz.gov](mailto:mbrown@scottsdaleaz.gov)

18. **Amended Water, Water Resources, and Wastewater Development Impact Fees**  
**Requests:**

1. Adopt **Resolution No. 7705** declaring the document entitled "Amendments to Water, Water Resources and Wastewater and Development Fees" amending Sections 49-71, 49-72, 49-74, 49-74.1, 49-74.2 and 49-74.3 – Chapter 49, Scottsdale Revised Code, a public document.
2. Adopt **Ordinance No. 3802** amending Water, Water Resources, and Wastewater Development Impact fees and fee methodology, effective January 5, 2009.

**Related Policies, References:**

- Arizona Revised Statutes § 9-463.05
- Development Fee Study, published July 10, 2008
- 2008 Integrated Water Master Plan, approved March 4, 2008
- 2008 Integrated Wastewater Master Plan, approved March 4, 2008
- 2008 Water, Water Resources, and Wastewater Infrastructure Improvements Plan

**Staff Contact(s):** Marshall Brown, Water Resources General Manager, 480-312-5683, [mbrown@scottsdaleaz.gov](mailto:mbrown@scottsdaleaz.gov)

19. **Design and Construction Agreement for Salt River Project Replacement Well 23.5E-10.6N (COS 5E)**

**Request:** Adopt **Resolution No. 7734** authorizing Design and Construction Agreement No. 2008-154-COS between Salt River Project (SRP) and the City in the amount of \$45,672 for the City's portion of the electrical and mechanical work required to connect the replacement well to the City's system.

**Related Policies, References:**

- City of Scottsdale integrated Water Resources Master Plan, approved March 2008
- Design and Construction Agreement between SRP and the City for SRP Replacement Well 22.9E-10.8N (COS 5W), approved October 16, 2007
- Source Water Emergency/Contingency Planning Report, Damon S. Williams Associates, 2005.
- Water Delivery and Use Agreement between Salt River Valley Water User's Association and the City of Scottsdale, adopted December 12, 1994, Section 12 – City Use of Association Wells

**Staff Contact(s):** Marshall Brown, Acting Water Resources General Manager, 480-312-5683, [mbrown@scottsdaleaz.gov](mailto:mbrown@scottsdaleaz.gov)



- 20. Intergovernmental Agreement with Maricopa County Department of Transportation for the Construction of Paved Bicycle Lanes on Rio Verde Drive**  
**Request:** Adopt **Resolution No. 7707** authorizing Intergovernmental Agreement No. 2008-145-COS with the Maricopa County Department of Transportation (MCDOT) allowing MCDOT to construct paved shoulders on Rio Verde Drive between 136<sup>th</sup> Street and the City's eastern boundary.

**Related Policies, References:**

- ARS 11-951
- City Charter Article 1, Section 3-1
- 2008 Scottsdale Transportation Master Plan
- 2008 Design Standards and Policy Manual

**Staff Contact(s):** Dave Meinhart, Transportation Planning and Transit Director, 480-312-7010, [dmeinhart@scottsdaleaz.gov](mailto:dmeinhart@scottsdaleaz.gov); Mary O'Connor, Transportation General Manager, 480-312-2334, [moconnor@scottsdaleaz.gov](mailto:moconnor@scottsdaleaz.gov)

**Discussion:**

- Councilman Nelssen asked if the IGA authorized the construction of any equestrian trails or multi-purpose paths. Transportation Planning and Transit Director Dave Meinhart explained that the agreement is for a shoulder paving project, and not a full-blown corridor improvement project.
- Councilman Nelssen asked if the shoulder would be designated as a bike lane. Mr. Meinhart replied that the five-foot paved shoulder would be marked as a bike lane.

- 21. Design-Build Construction Services Contract for the Tom's Thumb and East End Trails in the McDowell Sonoran Preserve**

**Request:** Adopt **Resolution No. 7725** authorizing Design-Build Construction Services Contract No. 2008-150-COS with Matt Woodson, a sole proprietor dba Okanogan Trail Construction (OTC) for construction phase services at the Tom's Thumb and East End Trails in the McDowell Sonoran Preserve for a guaranteed maximum price of \$328,011.

**Related Policies, References:** This project is consistent with the following:

- McDowell Sonoran Preserve Access Area Report, approved by the McDowell Sonoran Preserve Commission and accepted by Council in 1994 and updated in 1999
- Conceptual Preserve Trails Plan, approved by the McDowell Sonoran Preserve Commission and accepted by Council in 1998
- Trails Master Plan, approved by Council in February 2004
- Conceptual Preserve Trails Plan (serves as the basis for design and construction plans for Preserve trails)
- Preserve Ordinance, approved by Council in May 2000 (establishes general rules and regulations for activities in the McDowell Sonoran Preserve and the provisions of this ordinance manage public use of Preserve trails)

**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

- 22. Construction Services Contract for Gainey Ranch Water Reclamation Facility Upgrades**

**Request:** Adopt **Resolution No. 7745** authorizing Construction Manager at Risk (CM@Risk) Construction Services Contract No. 2008-162-COS with PCL Construction,

Inc., in the amount of \$3,377,667, for Gainey Ranch Water Reclamation Facility upgrades.

**Related Policies, References:**

- On July 8, 2008, Council awarded Construction Services Contract No. 2008-095-COS to PCL Construction, Inc., for upgrades to Gainey Ranch Water Reclamation Facility
- On March 4, 2008, Council approved the 2008 Integrated Water and Wastewater Master plans
- On January 22, 2008, Council authorized Engineering Services Contract No. 2007-210-COS with Valentine Environmental Engineers, LLC for the design of upgrades to Gainey Ranch Water Reclamation Facility

**Staff Contact(s):** Dan Worth, Municipal Services General Manager, 480-312-2776, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)

**MOTION AND VOTE - CONSENT AGENDA**

COUNCILMEMBER DRAKE MOVED TO APPROVE CONSENT AGENDA ITEM NOS. 1 THROUGH 10, 12 THROUGH 15, AND 17 THROUGH 22, FINDING IN CONFORMANCE WITH THE CONDITIONAL USE PERMIT CRITERIA FOR ITEMS 1 AND 10; AND CONTINUING ITEM 11 TO A DATE UNCERTAIN. COUNCILMAN LANE SECONDED THE MOTION, WHICH CARRIED 6/0.

ITEM 16 REMOVED FROM THE CONSENT AGENDA FOR FURTHER DISCUSSION.

**16. Amend Scottsdale Revised Code Relating to Teletrack Dog Racing**

**Request:** Adopt **Ordinance No. 3809** amending Chapter 16, Article XVI, Scottsdale Revised Code, to add dog racing as a category to be regulated under the pari-mutuel wagering on telecast racing (teletrack) events licensing ordinance.

**Related Policies, References:** Chapter 16, Article XVI, of the Scottsdale Revised Code

**Staff Contact(s):** Craig Clifford, Financial Services General Manager, 480-312-2364, [cclifford@scottsdaleaz.gov](mailto:cclifford@scottsdaleaz.gov)

Customer Service Director Debora Johnson gave a PowerPoint presentation summarizing the proposed teletrack ordinance revisions (attached).

Mayor Manross opened public comment.

**Tom Anderson**, Owner, Upper Deck Sports Grill, advised that approval of the ordinance amendment does not automatically approve a request for teletrack dog racing for any business establishment. He stressed that the purpose for the revision is to simply bring the City's ordinance in line with State law.

Mayor Manross closed public comment.

Discussion continued:

- Vice Mayor Littlefield said off-track horse wagering has resulted in no ill effects, and has encouraged business in the downtown; therefore, he supports the item.
- Councilman Lane said the agenda item only relates to ordinance revisions, not future teletrack racing applications, and supports the item.
- Councilmember Drake asked how revisions to the existing ordinance would affect other types of sports wagering. Ms. Johnson explained that the Phoenix Metro area currently