

CITY COUNCIL REPORT



Meeting Date: January 12, 2010
 General Plan Element: *Land Use*
 General Plan Goal: *Create a sense of community through land uses*

ACTION

Prime Bar (AKA Martini Park)
15-UP-2008#2 and 16-UP-2008#2

Request to consider the following:

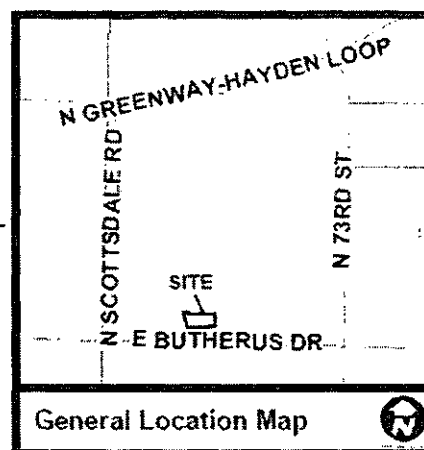
1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 8154 approving a bar use on a property located at 15037 North Scottsdale Road, Suite 100 (Scottsdale Quarter).
2. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 8155 approving a Conditional Use Permit for live entertainment for the same property located at 15037 North Scottsdale Road, Suite 100 (Scottsdale Quarter).

OWNER

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

APPLICANT CONTACT

John Polizzi
 Prime Bar America LLC
 702-499-3041



LOCATION

15037 North Scottsdale Road Suite 100 (Scottsdale Quarter building J)

BACKGROUND

History

This tenant space, located in the Scottsdale Quarter project, is a location that was previously approved for a bar with live entertainment as Martini Park (15-UP-2008 and 16-UP-2008). This approval was granted by City Council on October 21, 2008. Prime Bar would like to utilize the same development plan that was submitted and approved for Martini Park. The original Conditional Use Permits that were granted for Martini Park have expired since the use did not commence within the first year after approval. Prime Bar is now re-applying for approval of the Conditional Use Permits for a bar and live entertainment with the same documents that were approved for Martini Park.

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 bounded by E. Butherus Road to the south, N. 73rd 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.

The six (6) buildings within Phase I of Scottsdale Quarter have been completed and are open for business. Phase II of the project, which is centrally located within the site, is currently under construction. There is also a Phase III for the project that is planned to be constructed in the near future. The proposed Prime Bar establishment will be located in an 8,722 square foot suite on the ground floor of building J (Phase I) 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 are 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 Planned Regional Center (PRC).

Key Items for Consideration

- This site has an existing approval for a bar and live entertainment (15-UP-2008, 16-UP-2008) that has expired. This request is for re-approval of the same documents that were previously approved.
- The proposed establishment of 9,169 (including patio) square feet will be located in an existing 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.

Related Policies, References:

- 5-GP-2005, 14-ZN-2005, 10-DR-2007, 10-DR-2007#3, 15-UP-2008, 16-UP-2008

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant is seeking approval of a Conditional Use Permit for a bar (15-UP-2008) and a Conditional Use Permit for live entertainment (16-UP-2008). The applicant proposes to establish an up-scale restaurant and cocktail lounge venue as part of the Scottsdale Quarter mixed-use development. Prime Bar plans to begin the bar use immediately after approval and the live entertainment, which includes live DJs, dancing and a live band, will be started after the bar operations have been established. Prime Bar 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 tenant space | |
| • 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): | 3,060 Spaces (per parking study 10-DR-2007 for Scottsdale Quarter) | |
| • Parking Required (this tenant): | 113 Spaces (per parking study 10-DR-2007 for Scottsdale Quarter) | |
| • Parking Provided (whole site): | 3,200 Spaces | |
| • Open Space Required: | 204,911 Square feet | |
| • Open Space Provided: | 248,065 Square feet | |
| • Floor Area: | Total: | 9,169 Square feet |
| | 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. 73rd 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 restaurant, retail, office, hotel and residential.

The proposed 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, 113 spaces are required for the Prime Bar establishment. There are 3,200 parking spaces provided on the Scottsdale Quarter site. A total of 113 spaces will be allocated to Prime Bar and it is anticipated that during the peak hours of operation for Prime Bar, the spaces available for their use will be in excess of 113.

Water/Sewer

The water and sewer improvements necessary to serve the site are existing. This proposal is not anticipated to generate any additional impacts.

Public Safety

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. 78th Way.

Conditional Use Permit

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

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

1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - **The 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 in Section 1.403 have been satisfied:
The proposal meets the provisions for bars, cocktail lounges, and/or after hours establishments as identified in Zoning Ordinance Section 1.403.C.1, including:
 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.

The proposal meets the provisions for Live Entertainment as identified in Zoning Ordinance Section 1.403.J, including:

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 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.**
 - b. All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.
 - **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.
 - **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 Exhibit B to Exhibit 2.**
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.
 - **Based on the approved parking analysis for Scottsdale Quarter (10-DR-2007) submitted by the applicant, the project meets the parking provisions of the zoning ordinance.**
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 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.
 - **With the exception of the doors on the west patio, all external doors will 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.
 - **No external speakers are proposed.**
 - c. The applicant/operator shall comply with all plans approved as provided herein.
 - **The applicant/operator will comply with all approved plans. The approved plans have been stipulated with this case.**

Community Involvement

Property owners within a 750-foot radius of the subject site were notified and the request was advertised. Staff has received no comments from the public regarding this application.

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.

OTHER BOARDS & COMMISSIONS

Planning Commission

Planning Commission heard this case on December 9, 2009, and found that the Conditional Use Permit criteria had been met and recommended approval, subject to the attached stipulations, with a unanimous vote of 7-0.

Staff Recommendation to Planning Commission

Staff recommended approval to the Planning Commission, subject to the attached stipulations and has determined that the Conditional Use Permit findings have been met.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 8154 approving a bar use on a property located at 15037 North Scottsdale Road, Suite 100 (Scottsdale Quarter).
2. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 8155 approving a Conditional Use Permit for live entertainment for the same property located at 15037 North Scottsdale Road, Suite 100 (Scottsdale Quarter).

RESPONSIBLE DEPARTMENT(S)

Planning, Neighborhood and Transportation

Current Planning Services

STAFF CONTACTS (S)

Bryan Cluff

Planner

480-312-2258

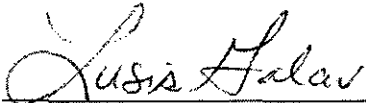
E-mail: bcluff@ScottsdaleAZ.gov

APPROVED BY



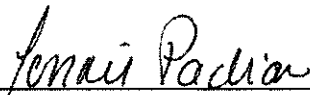
Bryan Cluff, Report Author

12/16/09
Date



Lusia Galav, AICP, Current Planning Director
480-312-2506, lgalav@scottsdaleaz.gov

12/17/2009
Date



Connie Padian, Acting Executive Director
Planning, Neighborhood and Transportation
480-312-2664, cpadian@scottsdaleaz.gov

12/28/09
Date

ATTACHMENTS

1. Resolution No. 8154
 - Exhibit 1. Context Aerial
 - Exhibit 2. Stipulations
 - Exhibit A to Exhibit 2 Site Plan
 - Exhibit B to Exhibit 2 Floor Plan
 - Exhibit 3. Additional Criteria
2. Resolution No. 8155
 - Exhibit 1. Context Aerial
 - Exhibit 2. Stipulations
 - Exhibit A to Exhibit 2 Site Plan
 - Exhibit B to Exhibit 2 Floor Plan
 - Exhibit 3. Additional Criteria
3. Applicant's Narrative
4. Aerial Close-Up
5. General Plan Map
6. Zoning Map
7. Security, Maintenance and Operations Plan
8. City Notification Map
9. December 9, 2009 Planning Commission Minutes

RESOLUTION NO. 8154

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 (PRC) ZONING.

WHEREAS, the Planning Commission held a public hearing on December 9, 2009; and

WHEREAS, the City Council, held a public hearing on January 12, 2010;

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

Section 1. That the City Council finds:

a) that the granting of this conditional use permit per stipulations set forth on Exhibit 2 will not be materially detrimental to the public health, safety or welfare based on, but not limited to, the following factors: damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic;

b) that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas; and

c) that compliance with the additional conditions for a bar, set forth on Exhibit 3, is required.

Section 2. That a description of the conditional use permit is set forth in Case No. 15-UP-2008#2. The property that is subject to the conditional use permit is shown on Exhibit 1 and the conditional use permit approval is conditioned upon compliance with all of the stipulations that are set forth in Exhibits 2 and 3. All exhibits are incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 12th day of January, 2010.

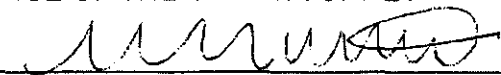
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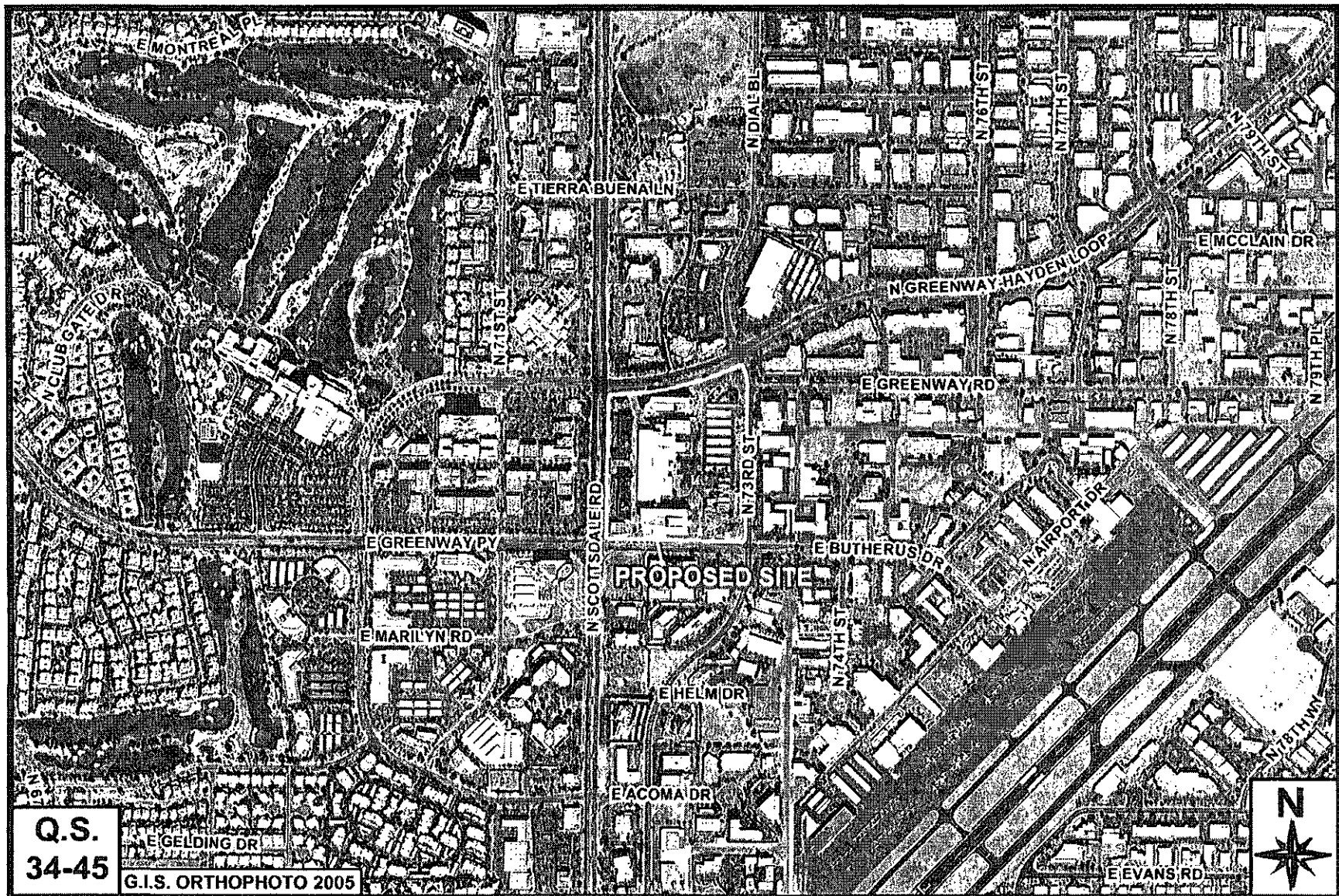
CITY OF SCOTTSDALE, an Arizona
Municipal Corporation

By: _____
Carolyn Jagger
City Clerk

By: _____
W.J. "Jim" Lane
Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 
Bruce Washburn, by Sherry R. Scott,
Deputy City Attorney



Stipulations for the Conditional Use Permit

For a Bar and Live Entertainment

Prime Bar

Case Number: 15-UP-2008#2 and 16-UP-2008#2

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale. Unless otherwise stated, the owner's completion of all requirements below is subject to the satisfaction of the Project Coordinator and the Final Plans staff.

PLANNING/ DEVELOPMENT

1. **CONFORMANCE TO DEVELOPMENT SUBMITTAL.** Development shall conform to the site plan, floor plan, and development program by Aria Group Architects, Inc. dated 10/23/2009 and attached as Exhibit A to Exhibit 2 and Exhibit B to Exhibit 2. 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 Conditional 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, Neighborhood and Transportation 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, Neighborhood and Transportation 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 Executive Director of the Planning, Neighborhood and Transportation 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, Neighborhood and Transportation 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 Conditional 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.

ALL SITE IMPROVEMENTS OUTSIDE MARTINI PARK
SPACE TO BE BY LANDLORD PER CITY APPROVED
SITE PLAN

ALL SITE IMPROVEMENTS OUTSIDE MARTINI PARK
SPACE TO BE BY LANDLORD PER CITY APPROVED
SITE PLAN

830 North Hwy.
Oak Park, Illinois
60301
708.445.1400
708.445.1700 Fax

UNOFFICIAL
F A R E

20

[illegible]

22

100

STATE VERIFICATION
I declare that only the persons named
and nothing else is in the file of the
State Archives, and of my knowledge
and belief, no other persons are in the file.

[illegible]

No.	Date	Description	Credit	Debit

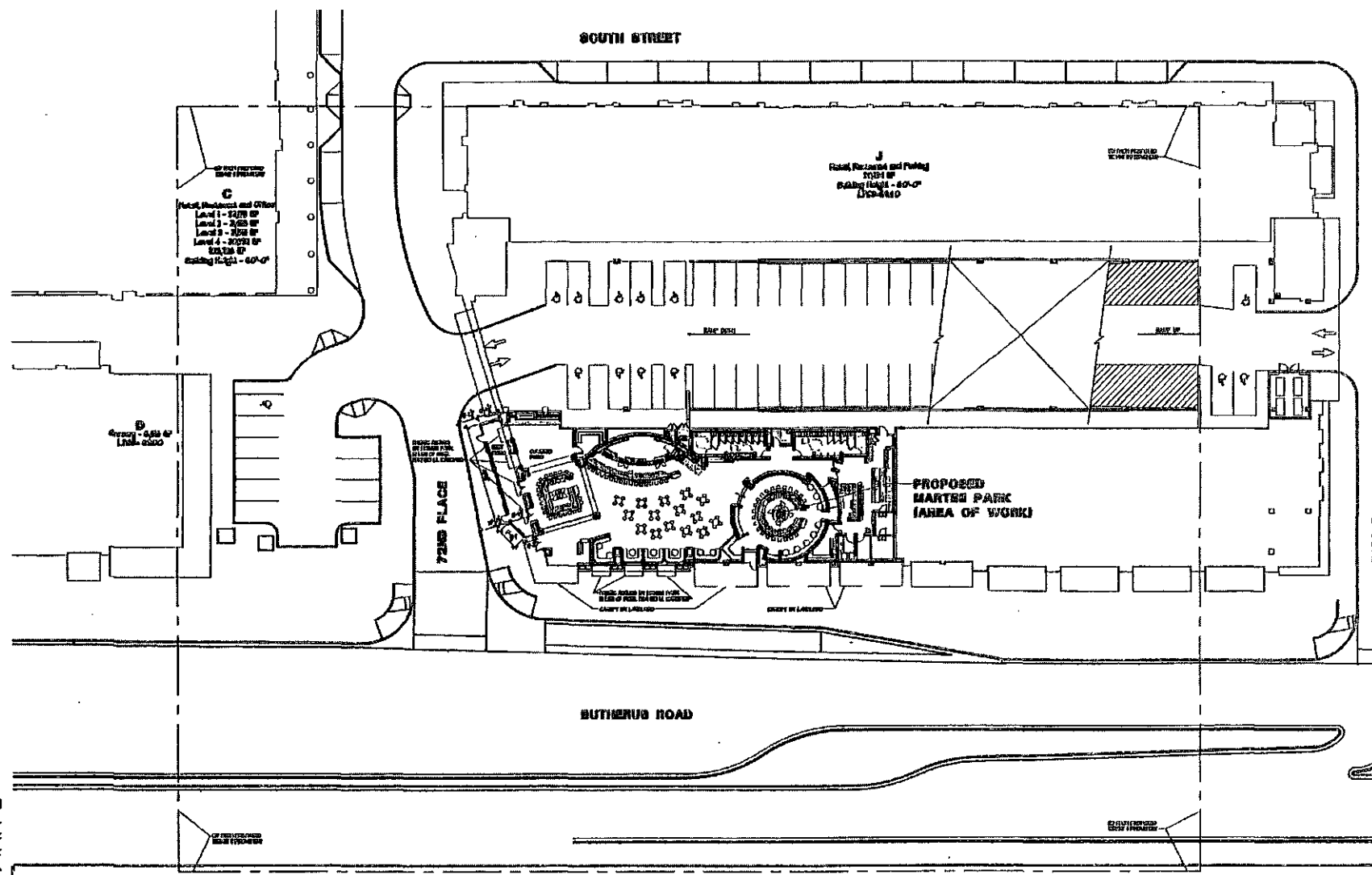
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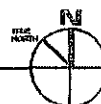
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<p>Job No. 04875</p>	<p>Owner JPL</p>

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TIME	10:00
BY	10:00
TO	10:00

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SITE PLAN

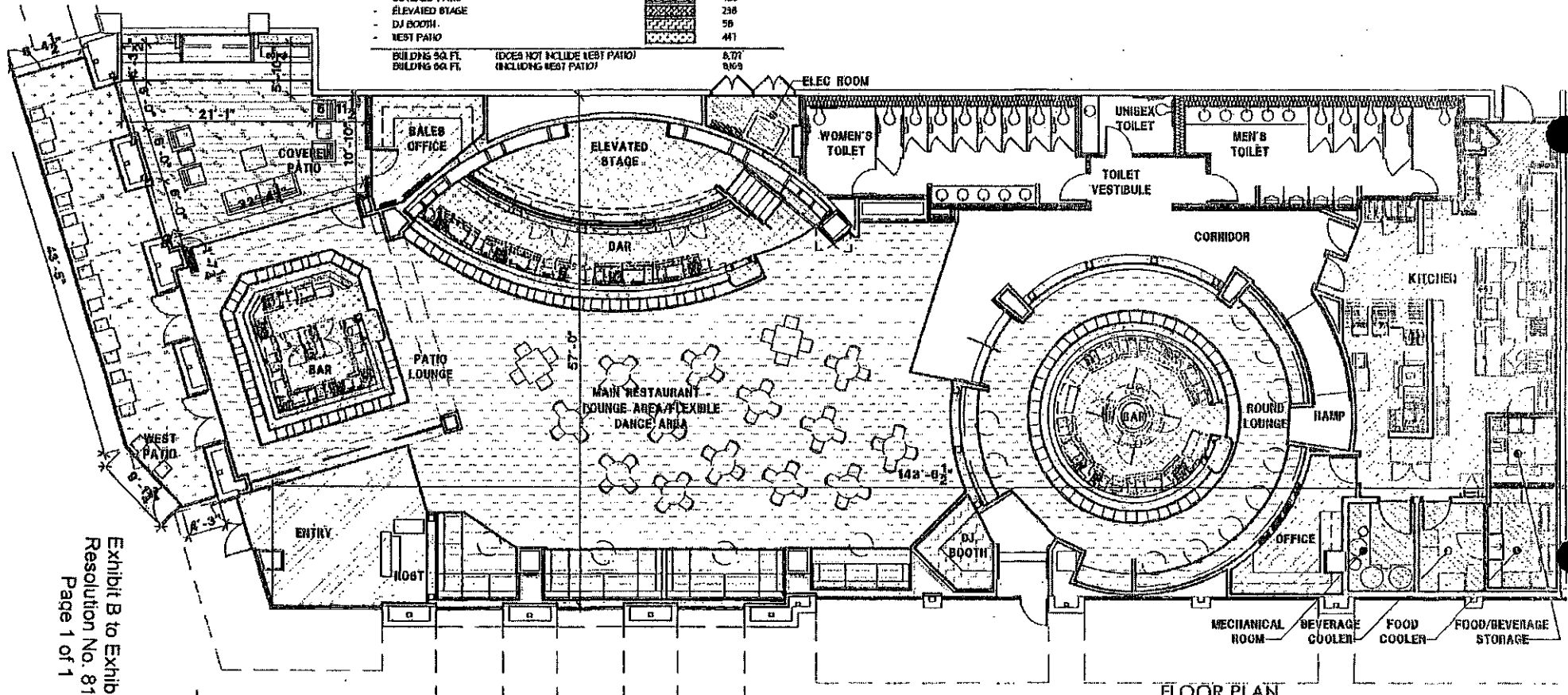
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15-UP-2008#2
10/23/2009

Exhibit A to Exhibit 2
Resolution No. 8154
Page 1 of 1

MARTIN PARK - USE PERMIT FLOOR PLAN WORKSHEET

AREA	AREA HATCH	SQUARE FEET
MAIN RESTAURANT - LOUNGE AREA/FLEXIBLE DANCE AREA		7663
DINING - BANQUET		AS PROVIDED
COUNTER SERVICE - BAR		AS PROVIDED
KITCHEN		756
BAR - SERVICE AREA		921
OFFICE		237
ACCESSORY (MECH/ELEC/STORAGE)		333
CIRCULATION, TOILETS, FIXED SEATING, ETC.		1562
BIRTHDAY STAND - STANDING		285
COVERED PATIO		403
ELEVATED STAGE		238
DJ BOOTH		58
WEST PATIO		411
BUILDING SQ. FT.		8,777
BUILDING SQ. FT. (DOES NOT INCLUDE WEST PATIO)		8,366



FLOOR PLAN

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

Date:

Project No. :

10 September 2008
001675

Aria Group
Architects, Inc.

ARCHITECTURE • PLANNING • INTERIOR DESIGN

15-UP-2008#2

10/23/2009

Exhibit B to Exhibit 2
Resolution No. 8154
Page 1 of 1

MARTIN PARK Scottsdale, Arizona

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. 8155

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 (PRC) ZONING.

WHEREAS, the Planning Commission held a public hearing on December 9, 2009 and

WHEREAS, the City Council held a public hearing on January 12, 2010.

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

Section 1. That the City Council finds:

a) that the granting of this conditional use permit per stipulations set forth on Exhibit 2 will not be materially detrimental to the public health, safety or welfare based on, but not limited to, the following factors: damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic;

b) that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas; and

c) that compliance with the additional conditions for live entertainment, set forth on Exhibit 3, is required.

Section 2. That a description of the Conditional Use Permit is set forth in Case No. 16-UP-2008#2. The property that is subject to the Conditional Use Permit is shown on Exhibit 1 and the conditional use permit approval is conditioned upon compliance with all of the stipulations that are set forth in Exhibits 2 and 3. All exhibits are incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 12th day of January 2010.


ATTEST:

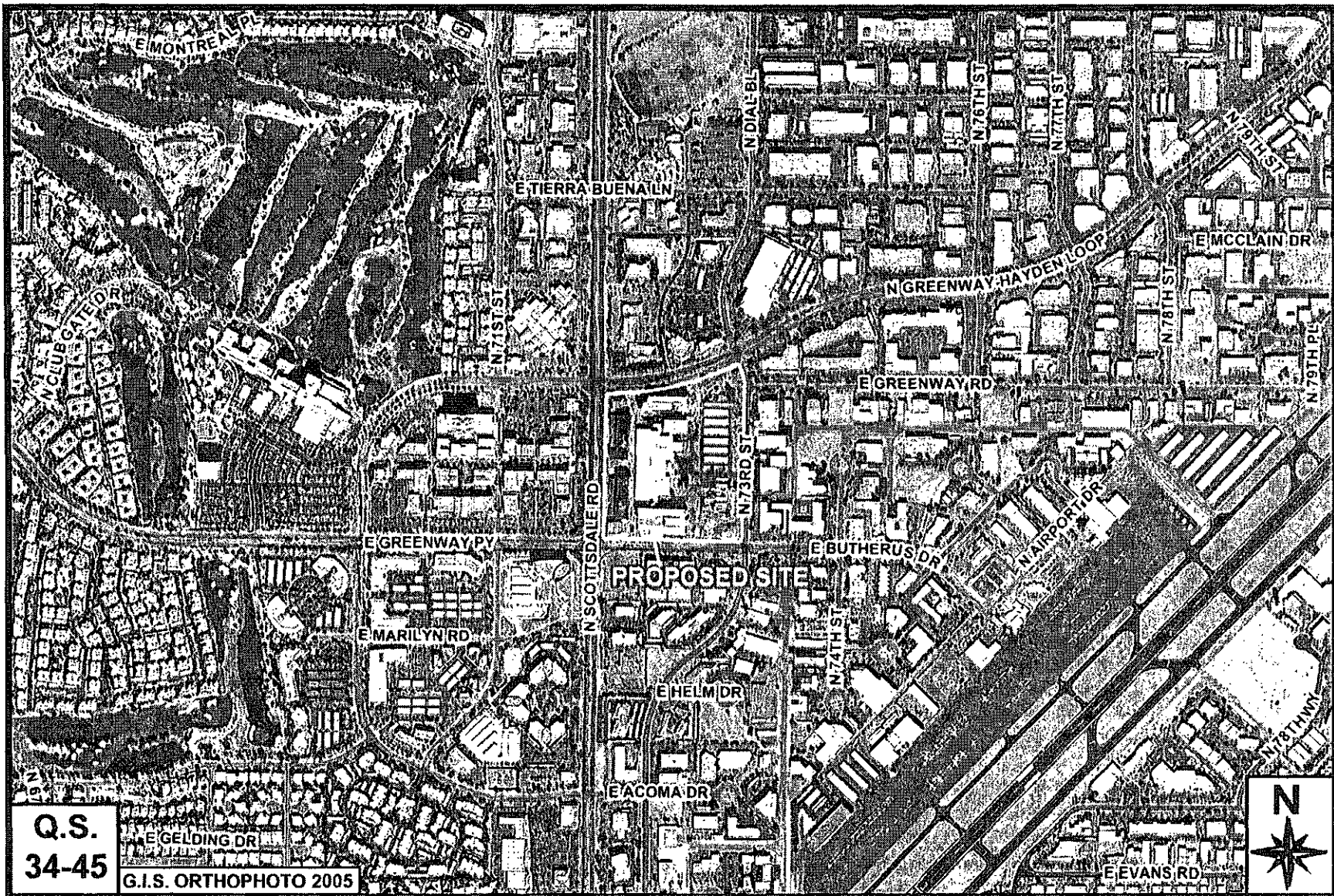
CITY OF SCOTTSDALE, an Arizona
Municipal Corporation

By: _____
Carolyn Jagger
City Clerk

By: _____
W.J. "Jim" Lane
Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By:  _____
Bruce Washburn, by Sherry R. Scott,
Deputy City Attorney



Stipulations for the Conditional Use Permit

For a Bar and Live Entertainment

Prime Bar

Case Number: 15-UP-2008#2 and 16-UP-2008#2

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale. Unless otherwise stated, the owner's completion of all requirements below is subject to the satisfaction of the Project Coordinator and the Final Plans staff.

PLANNING/ DEVELOPMENT

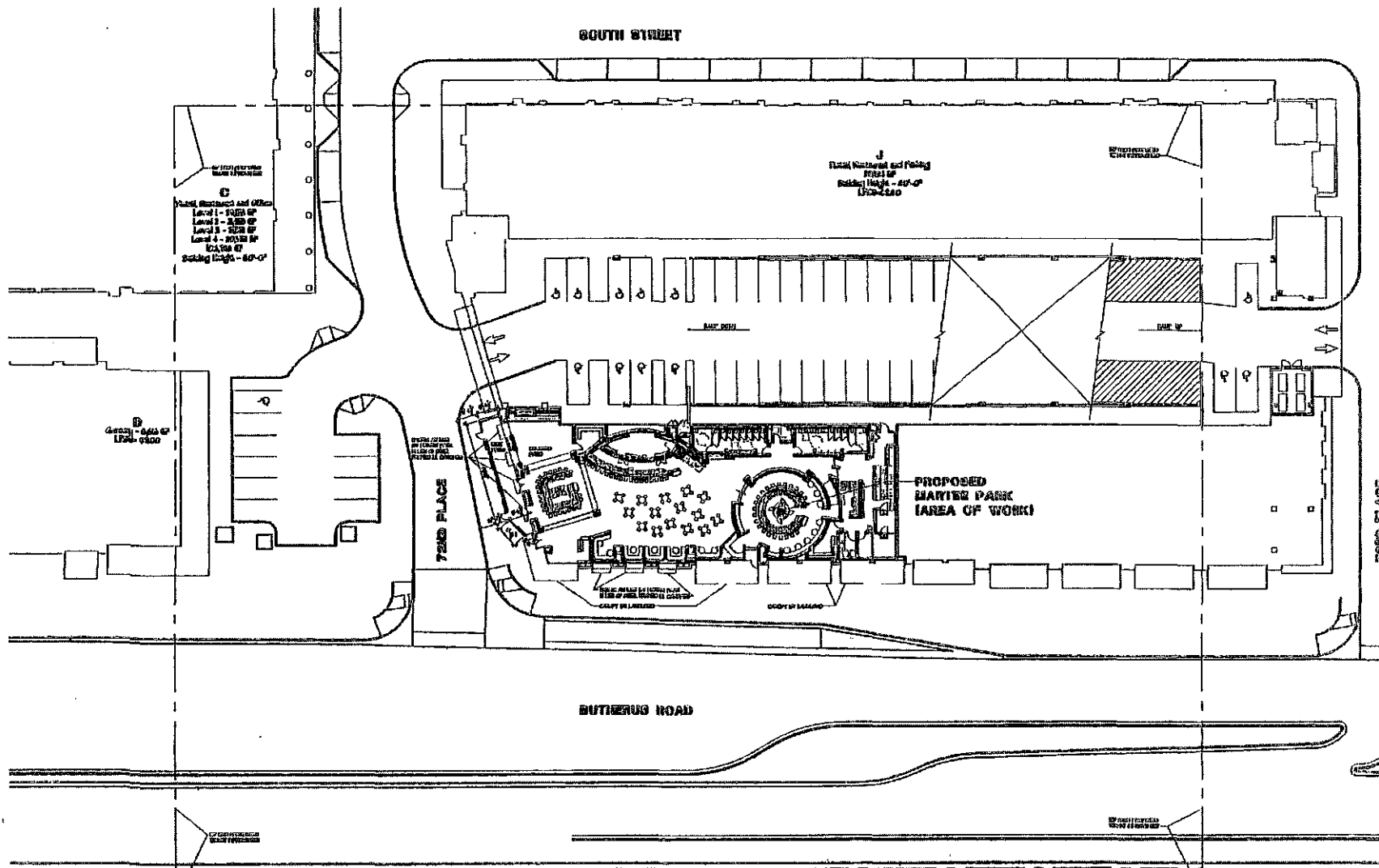
1. **CONFORMANCE TO DEVELOPMENT SUBMITTAL.** Development shall conform to the site plan, floor plan, and development program by Aria Group Architects, Inc. dated 10/23/2009 and attached as Exhibit A to Exhibit 2 and Exhibit B to Exhibit 2. If there is a conflict between this document and the above-referenced 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 Conditional 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, Neighborhood and Transportation 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, Neighborhood and Transportation 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 Executive Director of the Planning, Neighborhood and Transportation 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.

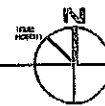
6. **LIGHTING.** All exterior lighting shall be in conformance with the Master Lighting Plan as approved by the Development Review Board with case 10-DR-2007#2. No additional exterior lighting is permitted.
7. **REFUSE AND LITTER CONTROL.** The owner/operator(s) shall maintain and conform to a refuse 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, Neighborhood and Transportation 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 Conditional 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.

GENERAL NOTE

ALL SITE IMPROVEMENTS OUTSIDE MARTINI PARK
SPACE TO BE BY LANDLORD PER CITY APPROVED
SITE PLAN



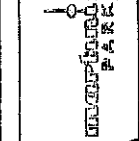
SITE PLAN
1/64" = 1'-0"



15-UP-2008#2
10/23/2009

**Aria
Group
Architects
Inc.**

610 North Blvd.
Oak Park, Ohio
551301
702.445.8100
702.445.1700 Fax



THIS DOCUMENT
REPRESENTS THE
DESIGN OF THE
PROPOSED PROJECT
AND IS NOT TO BE
USED FOR ANY OTHER
PURPOSE WITHOUT
THE WRITTEN
CONSENT OF THE
ARCHITECT.

REVISIONS

NO.	DATE	DESCRIPTION
1	10/23/09	ISSUED FOR PERMIT

REVISIONS

REVISIONS

Drawing File:
SITE PLAN
REFERENCE
ONLY

Job No.	00510	Owner	JPO
---------	-------	-------	-----

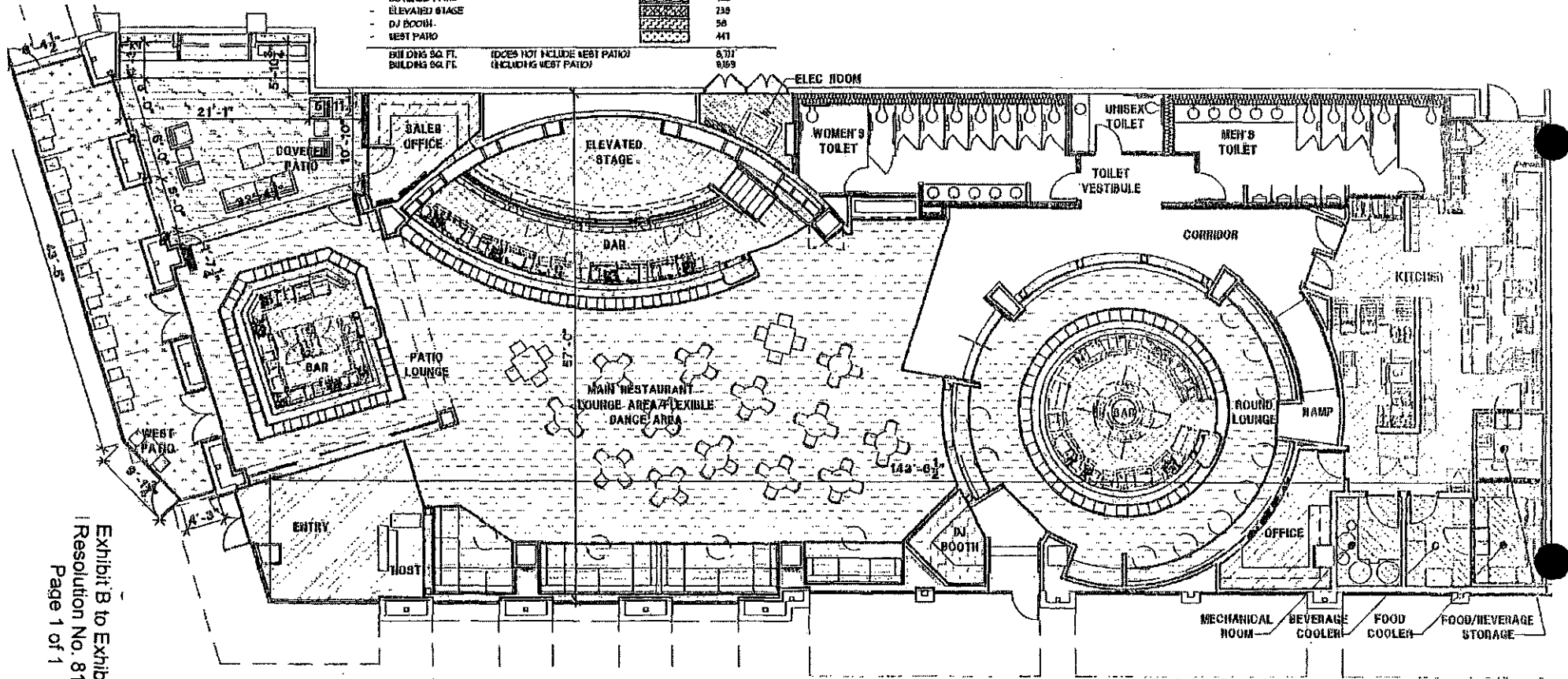
Scale	AS SHOWN	Scale	OUTDOOR
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Sheet No.
001

MARTINI PARK - USE PERMIT FLOOR PLAN WORKSHEET

AREA	AREA HATCH	SQUARE FEET
MAIN RESTAURANT - LOUNGE AREA/FLEXIBLE DANCE AREA		2663
DINING - BANQUETTE		AS PROVIDED
COUNTER SEATING - BARS		AS PROVIDED
KITCHEN		756
BAR - SERVICE AREA		921
OFFICE		231
ACCESSORY (RECYCLE/STORAGE)		333
CIRCULATION, TOILETS, FIBED HIB, ETC.		1562
ENTRY/ACCOMMODATION - STANDING		200
COVERED PATIO		403
ELEVATED STAGE		230
DJ BOOTH		50
WEST PATIO		441
BUILDING SQ. FT.		8,731
BUILDING SQ. FT.		9,359

DOES NOT INCLUDE WEST PATIO
(INCLUDING WEST PATIO)



FLOOR PLAN

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

Date:

Project No.:

10 September 2000
001675

Aria Group
Architects, Inc.

ARCHITECTURE • PLANNING • INTERIOR DESIGN

15-UP-2008#2
10/23/2009

Exhibit B to Exhibit 2
Resolution No. 8155
Page 1 of 1

MARTINI PARK Scottsdale, Arizona

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.

September 29, 2009

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

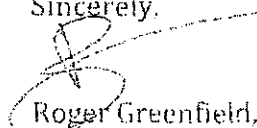
Re: Request for approval of Bar Use Permit at the NE Corner of
Scottsdale and Butherus

To Whom It May Concern:

Prime Bar Scottsdale, LLC is applying for approval of Bar Use Permit. Prime Bar has taken over the space, previously held by Martini Park. Prime Bar is in agreement with Martini Park's August 30, 2008 submittal of their use permit project narrative.

If you have any further questions, please feel free to contact me.

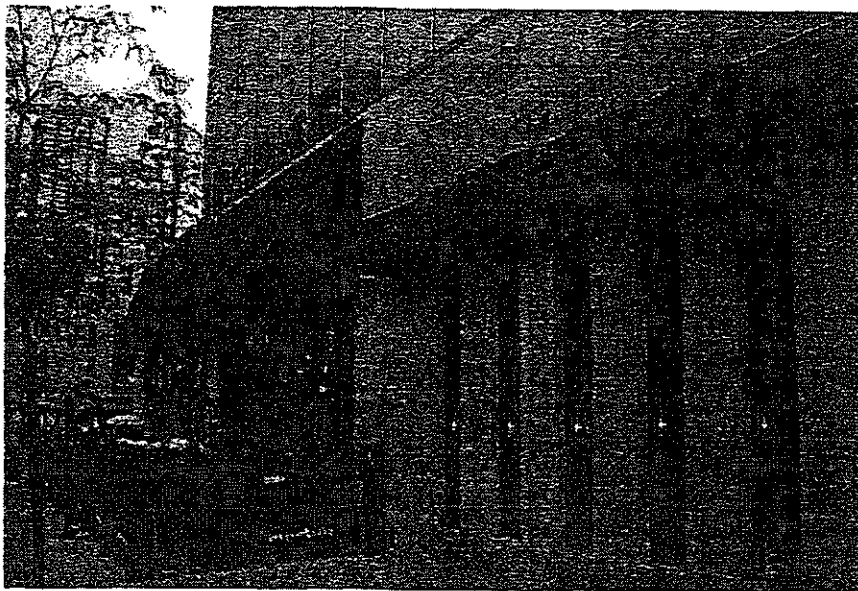
Sincerely,



Roger Greenfield, Member

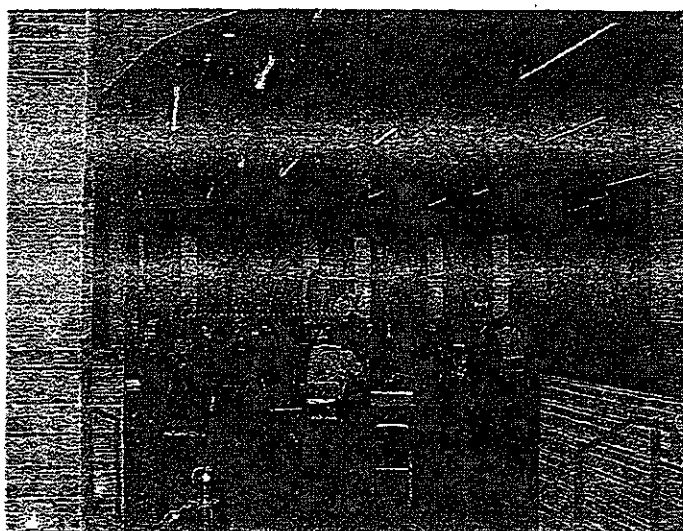
Martini Park
BAR AND LIVE ENTERTAINMENT
USE PERMITS PROJECT NARRATIVE

Updated August 1, 2008



Martini Park's outdoor patio enlivens its Chicago streetscape.

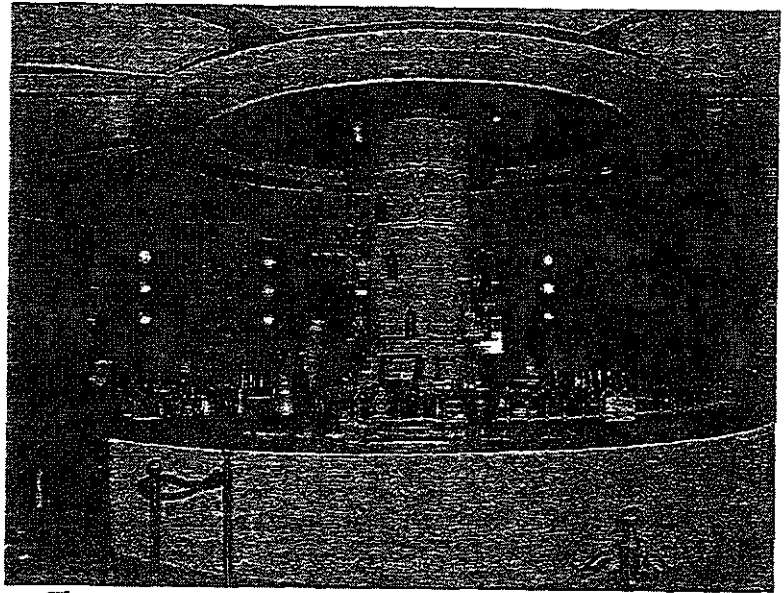
Martini Park is a restaurant and cocktail lounge venue new to the Valley that is coming to the Scottsdale Quarter mixed-use project on Scottsdale Road between Butherus and Greenway-Hayden. Martini Park is requesting approval of both bar and live entertainment use permits at its proposed location in the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



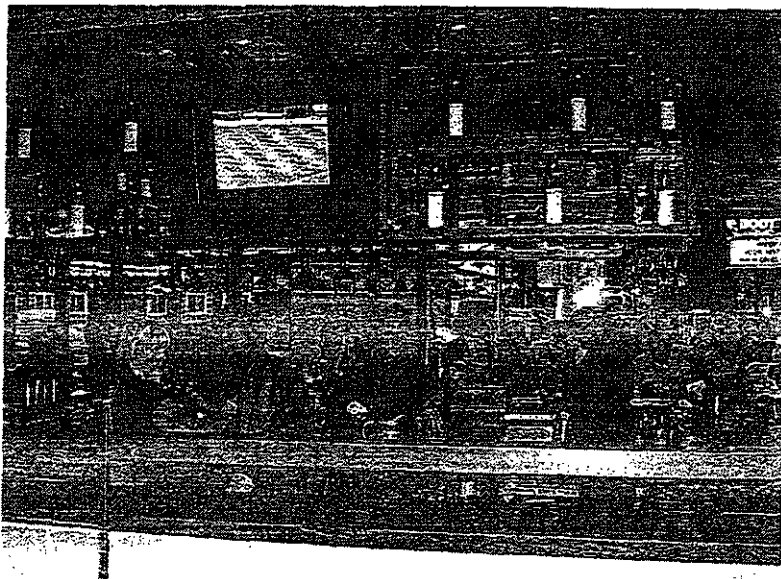
Martini Park's live band and DJ entertain patrons with familiar pop/rock selections.

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.



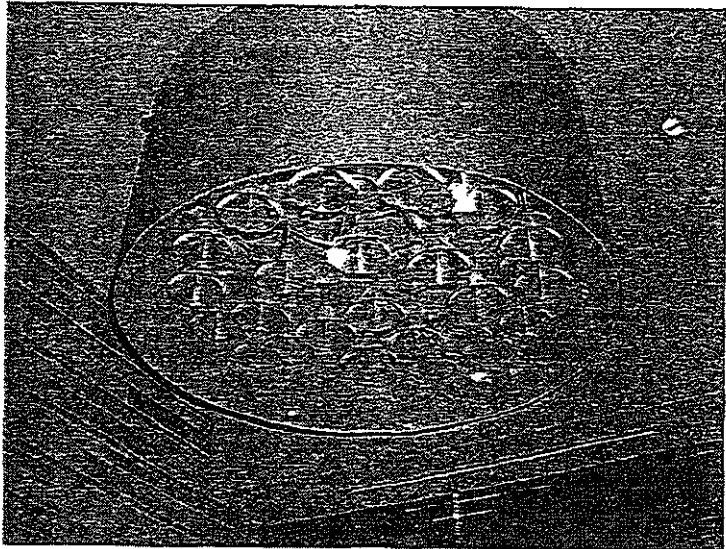
The eye-catching "round bar" offers an inviting place to mingle and chat.



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

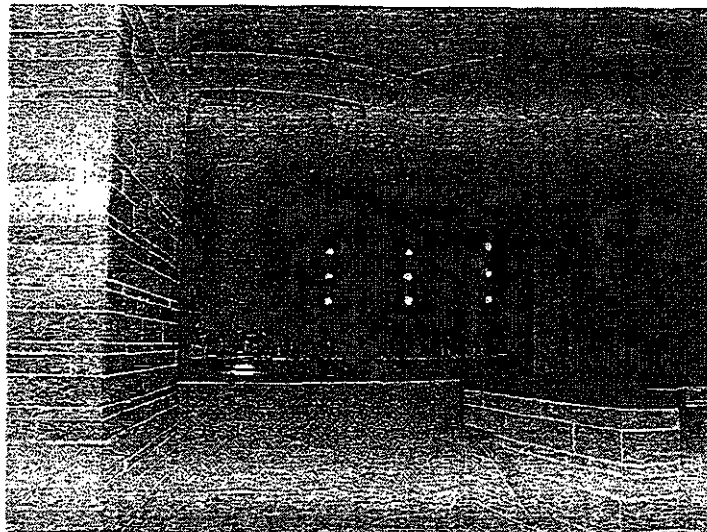
Structured parking adjacent to and above the Martini Park space, which serves Phase One of the Scottsdale Quarter project, will provide the required parking for Martini Park. Based on the DRB approved Project Master Site Plan and Parking Summary dated 07-12-07, and stamped approved on 08-23-07, which 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 71st Street and Kierland Boulevard (City of

Phoenix); the next closest residences are near 71st 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 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.

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.]

31 July 2008



John Racanelli
johnracanelli@racanellidevelopment.com
Martini Park
Cc Lynne Lagarde llagarde@ecllaw.com

INTEGRATED
COMMUNICATIONS
TECHNOLOGY AND
ACOUSTIC CONSULTING

Subject: Acoustics
Martini Park, Scottsdale
SMW Project 8134

NEW YORK
HONG KONG
WASHINGTON D.C.
CHICAGO
SAN FRANCISCO
PRINCETON
HOUSTON
DENVER
LONDON
LAS VEGAS
DUBAI

Dear John,

This letter will respond to the City of Scottsdale's letter of 3 July to Lynne Lagarde, Earl Curley & Lagarde, regarding Ordinance Related Issues for the proposed Martini Park, Scottsdale facility (Re: 15-UP-2008, 16-UP-2008 Martini Park); in particular, Section Zoning 2 and 3.

Zoning 2. (Outdoor Speakers)

We understand there will be no outdoor loudspeakers used for sound amplification of music or speech at the Martini Park facility.

Zoning 3 (Acoustics)

Previous acoustical sound levels and documentation is acknowledged regarding expected outdoor noise levels in the vicinity of the Martini Park venue. This paragraph requests a response to the "standard stipulation for noise levels associated with a bar/live entertainment use" as noted in the following paragraph:

"No amplification equipment shall be installed in the outdoor patio. No noise generated from this use, including the outdoor patio, shall exceed noise levels of ambient noise consistent with the use and character of the area during the corresponding hours of operation, as determined by City staff."

Noise disturbance is typically identified with residential areas, where people might be enjoying the peace and tranquility of their home, or sleeping in the evening. As the evening time gets later, the ambient noise (resulting from traffic/vehicles and general sounds created in the outside environment) typically decreases. Non-sensitive areas would typically include commercial office, retail, and industrial buildings.

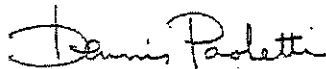
In typical urban or suburban environments near heavily trafficked arterials, the ambient noise level might be in the range of 65-80 decibels ("A" scale; hence dBA).

With all of the doors to the outside closed, and music playing inside, the expected sound level outside of Martini Park would be approximately 65-75 dBA, controlled by the traffic ambient, and would not be noticeable. With all of the Nano doors open to the patio, the exterior sound level would be approximately 80-85 dBA within about 15-20 ft. from the building, and would be inaudible approximately 60-80 ft. away.

We understand that Martini Park is surrounded on three sides by the Scottsdale Quarter mixed use development consisting of a parking structure to the north, and commercial, retail and office buildings (including some industrial buildings to the south across Butherus) on all other sides. None of these buildings (to our knowledge) are considered noise-sensitive; and none are expected to be occupied in the late evening hours when Martini Park is in operation. We understand there is a planned condominium project hundreds of feet to the east of the Martini Park facility. These residential and hotel buildings would either not have line-of-sight to the Martini Park facility, would be shielded by other intervening buildings, or would be too far away to be impacted by the Martini Park operations.

If you have any questions, please do not hesitate to call.

Sincerely Yours,
Shen Milsom & Wilke Inc



Dennis Paoletti Principal FAIA

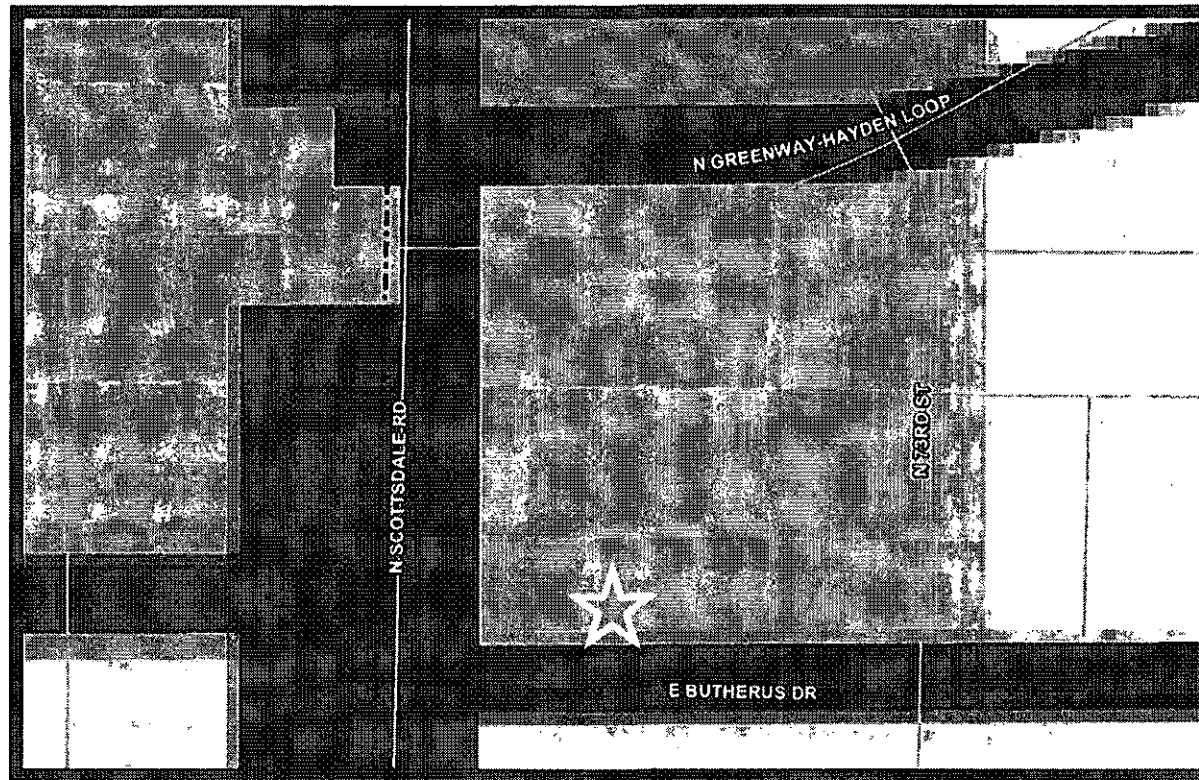





















Primebar

15-UP-2008#2 & 16-UP-2008#2

ATTACHMENT #4

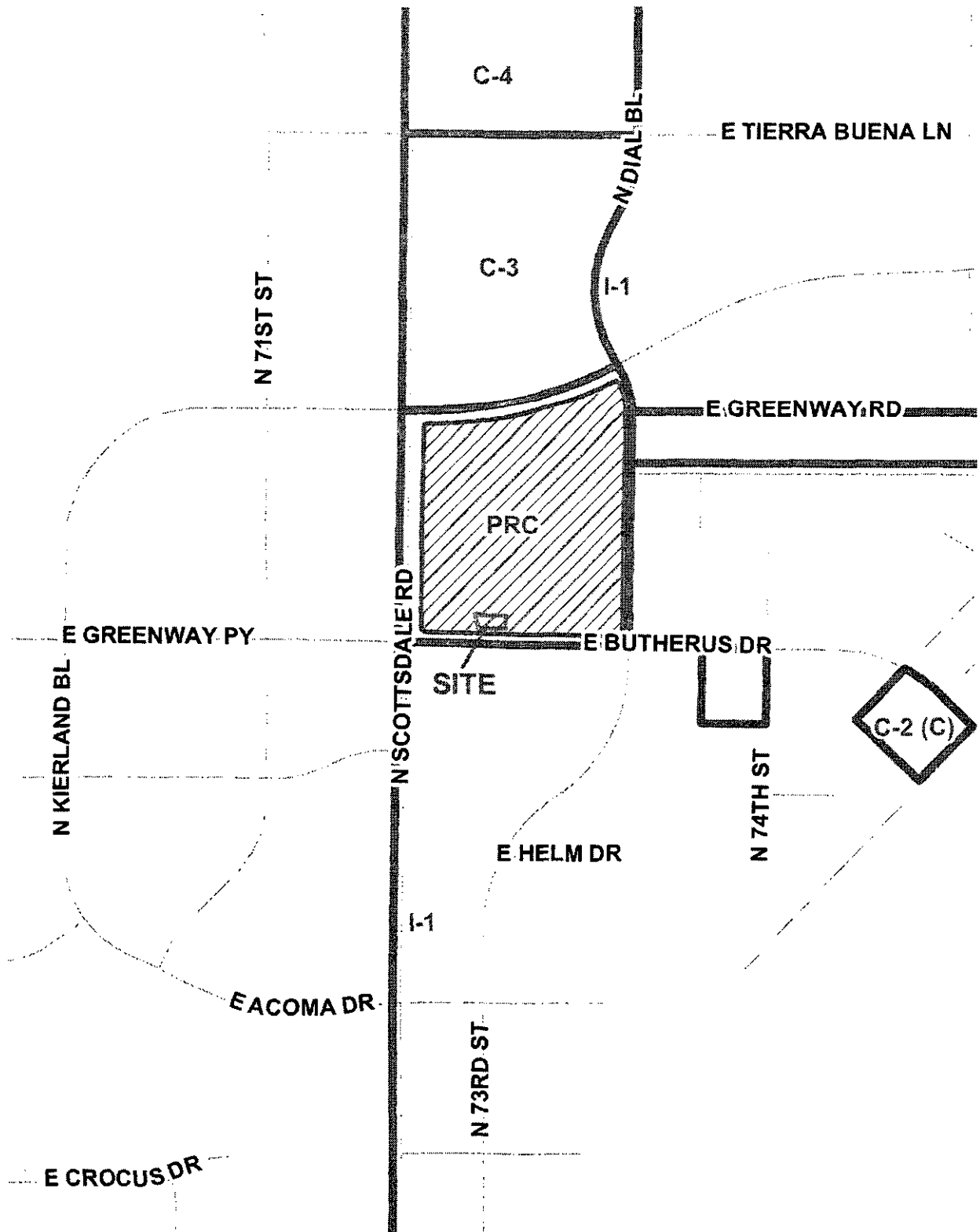
General Plan



	RURAL NEIGHBORHOODS		EMPLOYMENT
	SUBURBAN NEIGHBORHOODS		NATURAL OPEN SPACE
	URBAN NEIGHBORHOODS		DEVELOPED OPEN SPACE (PARKS)
	MIXED-USE NEIGHBORHOODS		DEVELOPED OPEN SPACE (GOLF COURSES)
	RESORTS/TOURISM		CULTURAL/INSTITUTIONAL OR PUBLIC USE
	SHEA CORRIDOR		MCDOWELL SONORAN PRESERVE (AS OF 8/2003)
	MAYO SUPPORT DISTRICT		RECOMMENDED STUDY BOUNDARY OF THE MCDOWELL SONORAN PRESERVE
	REGIONAL USE DISTRICT		CITY BOUNDARY
	COMMERCIAL		LOCATION NOT YET DETERMINED
	OFFICE		



**15-UP-2008#2 &
16-UP-2008#2**
ATTACHMENT #5



15-UP-2008#2

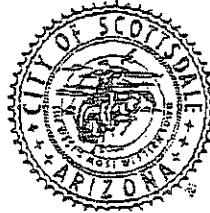
ATTACHMENT #6



SECURITY, MAINTENANCE AND OPERATIONS PLAN

For Bars and Live Entertainment Use Permits

File #
401877



Scottsdale Police Department, 3700 North 75th 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: _____

15-UP-2008#2
10/23/2009

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
NYC, NY 10003
 Phone Numbers: 212-625-0894
 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 REALTY 180 E. BROAD STREET
5. Hours of Operation: 21ST FLOOR COLUMBUS, OH 43215 614-621-9000

	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 NIGHTLY (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 BARTSH* Address: *55 5TH AVE, LUTHER*
17107 10003 Phone: *212-625-0391*

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:

- 8-2
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 1 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.

Uninformed 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 Barish
 Address: 55 5th Avenue, 16th floor - New York, NY 10003
 Phone: 212-643-0896
 Date: 5/2/08
 Signature: Christopher Barish

APPROVED BY:

Name: DET. MIKE FATE
 Phone: 410 312-2942
 Date: 7-1-08
 Signature: Mike Fate R296

1. Martini Park is a restaurant/lounge.
2. Martini Park operates Monday through Saturday;
3. From 4:00 p.m. to 2:00 a.m.
4. Martini Park employs 104 employees plus 4 full-time managers
 - a. There are 73 full-time employees, working five shifts, 8:00 p.m. to close
 - b. There are 32 part-time employees, working three to five shifts, 3:00 p.m. to 10:00 p.m.
5. N/A
- 6.a. & b. The approximate patron seating is 250 and the peak time of customer activity is Thursday, Friday and Saturday from 9:00 p.m. to 1:00 a.m.
7. Outdoor operations – Martini Park is a tenant within Building J of the Scottsdale Quarter project. Martini will therefore have access to the adjacent and above structured parking which includes loading facilities. The band would typically load-in between 2:00 p.m. and 3:00 p.m. Monday through Saturday. The outdoor patio is walled but not roofed. There is a fixed patio railing and the patio will have tables for full food/beverage service.



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.

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.

VIA OVERNIGHT MAIL

September 18, 2007

George A. Melera, AIA
Nelson Partners, Inc.
15210 Scotsdale 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.

Glincher 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).

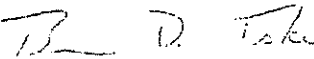
For Phases I and II, Waste Management or our maintenance staff will porter the trash from each tenant multiple times per day to ensure consistent trash management and economical use of its containers with scheduled pick-ups. For Phase III, those services will be serviced independently through their respective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

By utilizing a portering type system we are able to ensure that debris are collected in a timely and consistent 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, LCC.



Brian D. Teske
Project Manager

Attachment: Master Service Agreement
Lease Documentation

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

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:

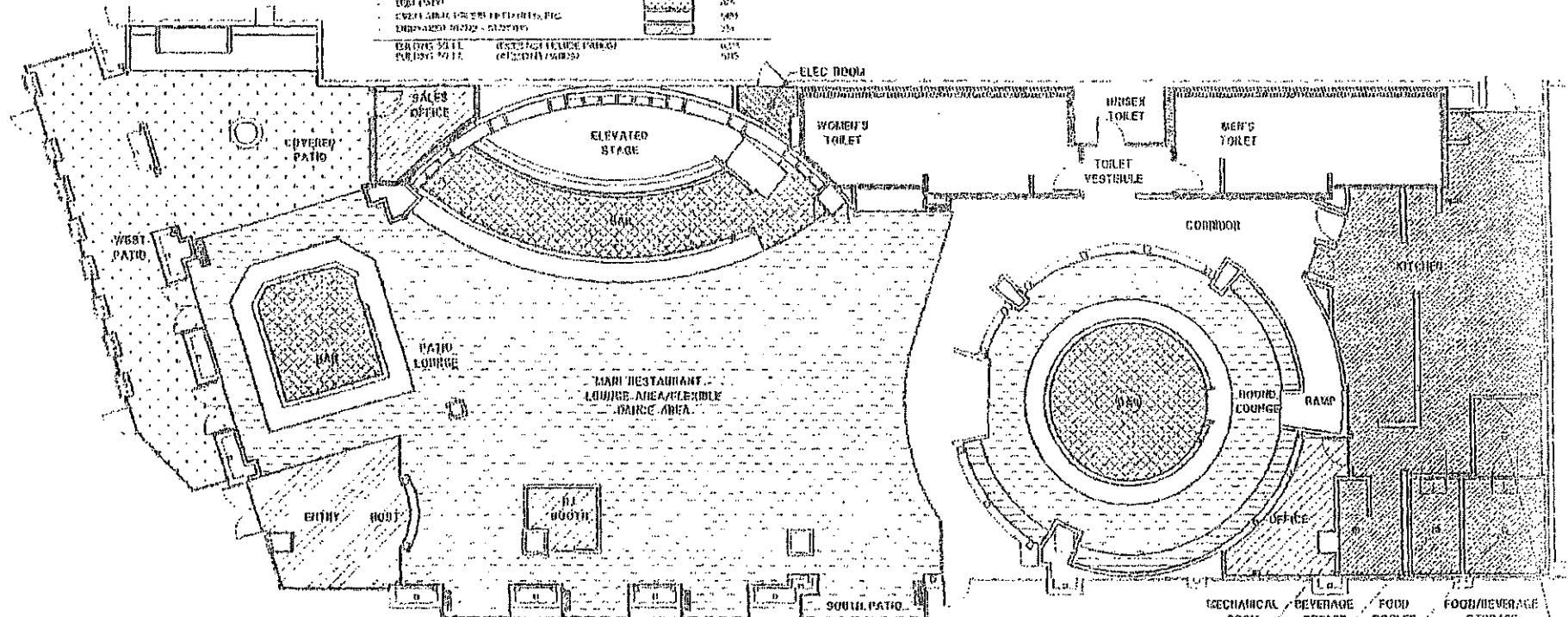
Total Cost: \$ /month

☐ Site Plan included

CONTRACTOR'S
INITIAL:

OWNER'S AGENT
INITIALS:

A-1

[illegible]

Date _____
Project No. _____

28 May 2008
081675



 Aria Group
 Architects, Inc.

大田C 1991年C 7月10日, 中土大田C 11月14日, 中土大田C 11月14日 12月5日

P A R K J o u r n a l M a g a z i n e



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 ½ X 11 inch sheets of paper.

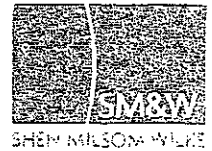
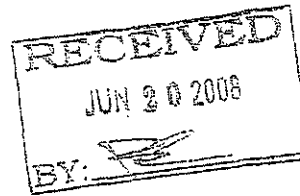
MARTINI PARK
NOISE STUDY

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.

1. *U.S. Department of Health and Human Services, Office of the Assistant Secretary for Health, "The Surgeon General's Call to Action to Promote Mental Health," Washington, D.C., 2003.*

15-UF-2008
1st: 6/4/2008

16 June 2008



John Racanelli
johnracanelli@racanellidevelopment.com
Martini Park

INTEGRATED
COMMUNICATIONS
TECHNOLOGY AND
ACOUSTIC CONSULTING

Subject: Acoustics
Martini Park, Scottsdale
SMW Project 8134

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.

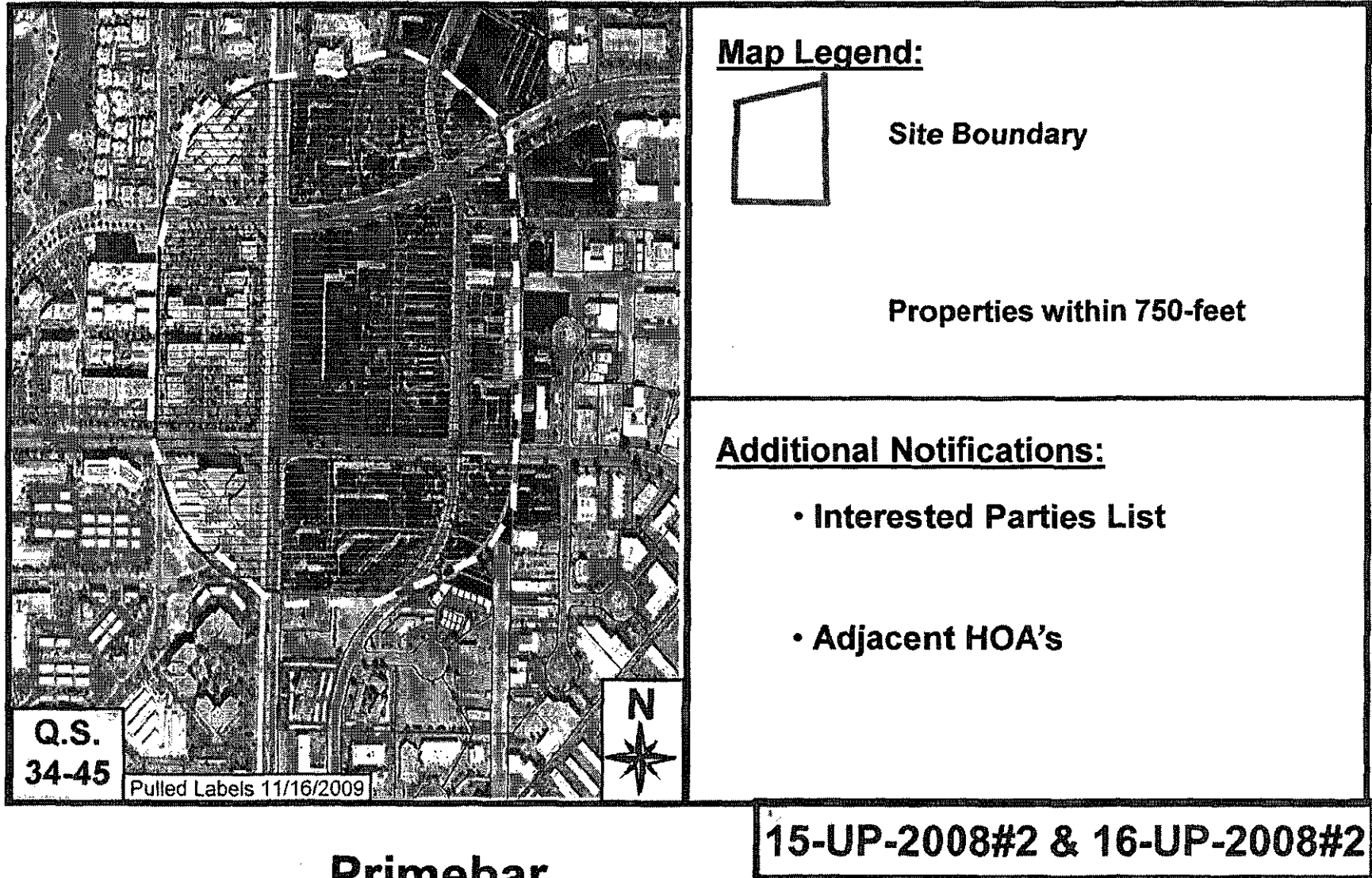
Regarding sound isolation between adjacent tenants, we understand there is a potential tenant immediately to the east of the Martini Park space, in the same building. Based on the floor plan drawing that I reviewed, there is a deep Kitchen space occupying the full length of the demising wall at the adjacent 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

City Notifications – Mailing List Selection Map





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

WEDNESDAY, DECEMBER 9, 2009

DRAFT MEETING MINUTES

PRESENT: Michael D'Andrea, Chairman
Steven Steinke, Vice Chairman
Michael Schmitt, Commissioner (left 6:05 p.m.)
Kevin O'Neill, Commissioner
Ed Grant, Commissioner
Erik Filsinger, Commissioner
Jason Ottman, Commissioner

STAFF: Lusia Galav
Sherry Scott
Dan Symer
Greg Bloemberg
Louisa Garbo
Joe Collins
Erin Perrault
Don Hadder

CALL TO ORDER

Chairman D'Andrea called the regular session of the Scottsdale Planning Commission to order at 5:01 p.m.

ROLL CALL

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

MINUTES REVIEW AND APPROVAL

1. November 11, 2009 Regular meeting minutes including Study Session.

VICE-CHAIR STEINKE MOVED TO APPROVE THE NOVEMBER 11, 2009 PLANNING COMMISSION MINUTES, INCLUDING THE STUDY SESSION. SECONDED BY COMMISSIONER O'NEILL, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

EXPEDITED AGENDA

2. 34-UP-2009 American Junkie

Request by applicant for a Conditional Use Permit for live entertainment for an existing +/- 4,594 square foot bar use located at 4363 N. 75th Street, with Highway Commercial District, Parking District, Downtown Overlay (C-3/P-3 DO) zoning.

3. 15-UP-2008#2 Prime Bar

Request by Applicant for a Conditional Use Permit for a +/- 9,169 square foot bar use located at 15037 N. Scottsdale Rd., Suite 100 with Planned Regional Center (PRC) zoning.

4. 16-UP-2008#2 Prime Bar

Request by applicant for a Conditional Use Permit for live entertainment for a +/- 9,169 square foot bar located at 15037 N. Scottsdale Rd., Suite 100 with Planned Regional Center (PRC) zoning.

COMMISSIONER GRANT MOVED TO APPROVE 34-UP-2009, AMERICAN JUNKIE, ASSUMING THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET; 15-UP-2008#2, PRIME BAR, ASSUMING THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET; AND 16-UP-2008#2, PRIME BAR, ASSUMING THE USE PERMIT CRITERIA HAVE BEEN MET.

REGULAR AGENDA

5. 1-ZN-2009 Scottsdale Healthcare Shea Medical Center

Request by applicant to rezone from Commercial Office, Planned Community District (C-O PCD) zoning and Planned Commerce Park, Planned Community District (PCP PCD) zoning to Planned Community District, Special Campus (PCD SC) zoning on a +/- 60 acre parcel located at 9003 E. Shea Blvd.

Commissioner Grant noted a conflict and recused himself from the discussion.

Ms. Garbo reviewed the request for rezoning to special campus district, including the amended development standards and noting that the hospital campus would remain part of the McCormick Ranch PCD. The intent of the rezoning is to

provide long-range development framework to guide future expansion and redevelopment.

Ms. Michelle Pabis, director of Scottsdale Healthcare, provide a history of Scottsdale Healthcare, highlighting the mission statement and the importance of the organization to the Scottsdale community. She stressed the need for height as a tool for providing more efficient response times and for moving patients through the hospital.

Mr. Berry explained that the campus planning effort will allow Scottsdale Healthcare to unify the campus and to achieve certainty and flexibility needed to provide Scottsdale with the most cutting edge technology over the next 25 years. He outlined the restrictions under the current zoning, stressing that no additional square footage or density is being requested. He displayed a graphic depiction of how the additional three stories would visually impact the community. The comprehensive development plan includes a landscape plan, motor vehicle circulation plan, open space plan, transit plan, and pedestrian circulation. The community medical services are a fundamental part of Scottsdale's quality of life, adding services and jobs that make Scottsdale an attractive place to live.

Commissioner Filsinger noted understanding about the benefits that additional height will provide to patient care. He commented that it is a benefit to the community to allow major employers to remain competitive in their marketplace by improving facilities. He expressed concern about the traffic impacts. Mr. Berry noted that the independent traffic consultant hired by the city concluded that the proposed unified campus plan would provide 17 percent less traffic at build-out than if developed under the existing entitlements.

Vice-Chairman Steinke expressed discontent about allowing buildings over 120 feet outside of the Downtown area. He stressed the importance of addressing internal traffic circulation as well as resolving traffic issues surrounding the campus. It is critical that the city be closely involved in all circulation planning. He was uncertain about the use of roundabouts and about proposed stop light locations.

Commissioner Schmitt felt that the additional height would be appropriate for the area, which consists predominantly of businesses, and would better serve the hospital's needs. He noted that the proposal was one of the most thorough and well-thought-out master plans he has seen, leaving him with few concerns. He commented that issues will be addressed individually by the Development Review Board.

Commissioner Ottman expressed concern about buildings being permitted to abut the wash with a ten-foot setback requirement, creating an overwhelming massing, particularly in the area of Shea and 90th Street near the library and office building. Mr. Berry explained that the planning philosophy was to aggregate the buildings towards the center of campus. A great deal of parking is in place near the library, which provides additional open space. Commissioner Ottman felt that it was important to recognize that development as it exists today could change and an eight-story building with a ten-foot setback could inhibit the development of adjoining properties.

Chairman D'Andrea asked that the Applicant discuss potential alternate setback distances.

Mr. Jon Levy, president-elect of the auxiliary, spoke in support of the proposed zoning change. He mentioned the wonderful accomplishments of the auxiliary and their over 1,000 volunteer members.

Chairman D'Andrea reiterated the comprehensiveness of the proposal, noting that the city should be proud of the team working on the project. He suggested that the wash area be developed as a gathering space for recovering patients. As the campus is developed, individual projects should uphold the same high standards as the hospital. He challenged the development team to create cutting edge architecture.

Chairman D'Andrea asked why the request was for 120 feet and not for more. He feels that the option of additional height is important in this location. Mr. Berry noted that Scottsdale Healthcare as a longtime member of Scottsdale recognizes the sensitivity of height to the community and has tried to balance the needs of the community with the needs of the institution.

After consultation with the engineers regarding Commissioner Ottman's setback concerns, Mr. Berry suggested stipulating to a minimum of 10-foot setback with an average of 20-foot providing undulation between the buildings. Commissioner Ottman argued that he is not opposed to height but that 10 feet is too close to the neighboring property line. Mr. Berry offered a compromise of a minimum of 15 feet setback with an average of 25 feet.

Commissioner O'Neill commented that he would be comfortable with the setbacks and stipulations as originally proposed.

COMMISSIONER O'NEILL MOVED FOR APPROVAL OF 1-ZN-2009, SCOTTSDALE HEALTHCARE SHEA MEDICAL CENTER, ASSUMING THAT THE PCD FINDINGS AND THE SPECIAL CAMPUS FINDINGS HAVE BEEN MET. SECONDED BY COMMISSIONER SCHMITT, THE MOTION CARRIED WITH A VOTE OF SIX (6) TO ZERO (0). COMMISSIONER GRANT WAS RECUSED.

6. 13-ZN-2009 Silverleaf Perimeter Center Special Hospital

Request by applicant to rezone from Industrial Park District, Planned Community District (I-1 PCD) zoning with amended development standards to Planned Community District, Commercial Office District (PCD C-O) zoning with amended development standards on a 3.74 +/- acre parcel located at 8550 E. Anderson Dr. and 8600 E. Anderson Dr.

7. 32-UP-2009 Silverleaf Perimeter Center Special Hospital

Request by applicant for a Conditional Use Permit for a hospital on a 3.74 +/- acre parcel located at 8550 E. Anderson Dr. and 8600 E. Anderson Dr. with proposed Planned Community District, Commercial Office District (PCD C-O) zoning with amended development standards.

Mr. Collins reviewed the request.

In response to a question by Commissioner Ottman, Mr. Hadder explained that based on an analysis conducted on the Perimeter Center, the building will be well within the height required by the FAA for buildings in the area.

Mr. David Hursher (phonetic) clarified that microspine surgery is minimally invasive surgery requiring a specialty facility. He described the surgery process.

Commissioner O'Neill expressed concern that the location might not be appropriate for other hospital uses if it is sold.

In response to a question by Chairman D'Andrea, Mr. Hadder explained that the hospital classification is needed because of the potential for patients requiring an overnight stay.

The site plan is tied to a narrative and site description. Review would not be required if the use is changed and the nature and impact are determined to be the same. If the hospital use were to leave the site, the building would revert to an office use.

COMMISSIONER FILSINGER MOVED TO APPROVE 13-ZN-2009, SILVERLEAF PERIMETER CENTER SPECIAL HOSPITAL, AND 32-UP-2009, SILVERLEAF PERIMETER CENTER SPECIAL HOSPITAL USE, AS STIPULATED AND ASSUMING THAT THE PCD FINDINGS AND CONDITIONAL USE PERMIT REQUIREMENTS HAVE BEEN MET. SECONDED BY COMMISSIONER GRANT, THE MOTION CARRIED WITH A VOTE OF SIX (6) TO ZERO (0). COMMISSIONER SCHMITT WAS NOT PRESENT.

NON-ACTION

8. 6-TA-2009 Downtown Districts Text Amendment

Continued discussion of key issues.

- Question: Should there be an allowance to transfer additional development rights within a PBD, and/or other properties with D district zoning?

Commissioner Ottman indicated that he is not in favor of transfer development rights.

Vice-Chairman Steinke agreed that TDRs are not desirable because of the potential of unknowingly creating undesirable situations.

In response to a question by Commissioner Grant, Mr. Symer explained that the goal of the exercise is to seek information about various solutions; not all aspects of TDRs have yet been considered. Commissioner Grant agreed that transfer development rights are undesirable.

Commissioner O'Neill agreed that there should be no additional allowances for the transfer of development rights.

Chairman D'Andrea felt that in transitional areas TDRs could be beneficial to developer because it could enable transitioning within the property; however, he was not supportive of permitting transfer of development rights to another site.

In response to a question by Commissioner O'Neill, Mr. Symer explained that currently rights can only be transferred within a site through a PBD.

- Question: To encourage new development to incorporate community amenities, public realm, and open space, what bonuses/trade-offs may be provided as incentives?

Mr. Symer explained the differences between public realm and public open space amenity, noting that the goal of the Downtown Plan is to expand the public realm/public open space. Currently, the Downtown plan does not require open space through the Downtown Ordinance or the Downtown Overlay.

Commissioner Ottman commented that a lot of protections are available when achieving height; trading height for open space could become complicated.

Commissioner Grant opined that the obvious tradeoff for open space is additional height. He suggested that the city consider a reduction in fees as an additional incentive for open space.

Vice-Chairman Steinke commented that the tradeoffs will be site-specific and the most appropriate incentives are already being employed. The city will benefit by having trails systems, walkways, and infrastructure identified so that the needs are outlined.

Chairman D'Andrea agreed that height and density are the best incentives. Land values increase by giving provisions for height and density. He commented that the public art element needs to be revisited to determine what is considered a public area. Many developers are putting their public art in the public areas within their developments.

- Question: What are some criteria that may be considered in the expansion of the Downtown boundary?

Commissioner O'Neill felt it important to give consideration to the main gateways to Downtown that do not have both sides within the Downtown Boundaries.

Ms. Perrault asked that the Commission review attachment seven and consider the pros and cons of inclusion of various areas.

Commissioner Filsinger commented that in looking at contiguous parcels, it might be asked: when does it appear prudent to consider other downtown districts within the City of Scottsdale in areas that have been identified as growth areas?

Vice-Chairman Steinke emphasized the dramatic difference that can be made through the creation of a gateway by adding to the Downtown; a new set of

criteria will be introduced to the area. It is important to consider the sensitive edge that develops along the boundary.

Commissioner Grant stressed the importance of adequate buffering and considering neighbors' property rights. Parking and mobility need either to be preserved or enhanced as part of an expansion.

- Question: Is the expansion of an art/cultural facility in itself enough for flexibility and should the flexibility include addition of height and floor area?

Mr. Symer noted that public outreach revealed a need for flexibility, primarily because of programming and a desire to engage the community in a variety of ways.

Commissioner O'Neill commented that height and density are the most logical tradeoffs, but consideration should be on a case-by-case basis.

Commissioner Grant opined that it is important for Scottsdale to grant additional flexibility as a tool for maintaining leadership in the community.

Vice-Chairman Steinke felt that the entity coming forward with a request has an obligation to come forward with concepts and ideas, whether it is height and density or some other request. The Solari Bridge is a great example.

Chairman D'Andrea opined that the City of Scottsdale should do anything necessary to encourage the development of cultural facilities in Scottsdale.

- Question: What types of incentives should be provided to incorporate live/work and housing diversity in Downtown?

Commissioner O'Neill commented that development is market driven and cannot be regulated because the market will change over time.

Commissioner Grant felt that the city should not be in the business of subsidizing certain housing types in the Downtown; development is market driven. The city needs to provide a developer with the ability to work within the confines of Scottsdale's zoning regulations to achieve a project that works.

Vice-Chairman Steinke commented that the city needs to do a better job in creatively addressing housing options; price points are critically important and the live/work/play concept has not come to fruition. He agreed that development is market driven.

Commissioner Ottman commented that a lot of tools are already in place for the time when the market conditions improve.

Chairman D'Andrea agreed that housing diversity is market driven. The city should support live/work/play in multiple ways with fewer restrictions.

Question: Is there a desire to amend land uses currently allowed without a Conditional Use Permit in the Downtown and/or provide additional regulations?

Ms. Perrault explained that in the mid '80s eight land use districts were created that have since been condensed into five. Staff is looking for guidance regarding alignment of the categories from the currently adopted Downtown plan into one district.

Commissioner Ottman said that consideration should be given to what makes Downtown special and make uses by right. Uses that would impede the desired uses should be regulated.

Vice-Chairman Steinke suggested researching past Conditional Use Permits to determine which were the most requested and make those by right.

Commissioner O'Neill agreed and suggested that special attention should be placed to buffering the boundary and how uses will impact certain areas. Businesses around the border of Downtown should be required to go through process similar to the one currently in place.

Chairman D'Andrea commented that it is important to be careful that undesirable businesses are not encouraged. If the Downtown is truly mixed-use, the impacts to the surrounding areas and some type of conditional use permitting should be considered.

Ms. Galav noted that the process is in the beginning stages and staff will return with questions from time to time as they move through the Downtown District Ordinance.

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 7:18 p.m.

Respectfully submitted,
A/V Tronics, Inc. DBA AVTranz.