

DEVELOPMENT REVIEW BOARD REPORT



MEETING DATE: August 20, 2009

ITEM NO. 10

CASE NUMBER/ 102-DR-2009
PROJECT NAME Bloom Restaurant

LOCATION 8877 N. Scottsdale Rd.

REQUEST Approval of storefront graphic window sun treatments for Bloom restaurant.

OWNER Fox Restaurant Concepts
480-905-6920

ENGINEER N/A

ARCHITECT/ N/A
DESIGNER

APPLICANT/ Kara Sundeen
CONTACT Bloom Restaurant
480-751-2164

BACKGROUND **Zoning.**
The site is zoned Central Business District Planned Community District (C-2 PCD), which allows a variety of business, retail, service, and residential uses.

Context.
The site is located in the Shops at Gainey Village shopping center, at the southeast corner of N. Scottsdale Road and E. Doubletree Ranch Road. The Bloom restaurant is located in the south side of Building D which fronts on N. Scottsdale Road and is approximately 290 feet south of the intersection at Doubletree Ranch Road.

Adjacent Uses and Zoning:

- North: Retail/restaurant, zoned Central Business District (C-2)
- South: Retail/restaurant, zoned Central Business District (C-2)
- East: Retail/restaurant, zoned Central Business District (C-2)
- West: Residential, Town of Paradise Valley zoning R-43

APPLICANT'S
PROPOSAL

Applicant's Request.
The applicant is requesting approval of window sun treatments with floral graphics on the west facing window front of the Bloom restaurant.

Development Information:

- Existing Use: Restaurant/retail/office
- Parcel Size: 622,882 square feet
- Building Size (D): 12,500 square feet
- Bloom Tenant Space: 6,339 square feet
- Building Height Allowed: 36 feet

- Building Height Existing: 36 feet

DISCUSSION

These graphic window sun treatments are existing installations on the west facing windows of the Bloom restaurant. The restaurant kitchen is located on the west side of the building and the window treatments were installed in response to a comment received by the Health Department related to heat gain in food prep areas. The landlord did not support a plain black film over the windows, so the graphic window sun treatments were installed to mitigate heat gain as an alternative to blacking-out the windows.

On June 3, 2009, Bloom received a compliance notice from the Code Enforcement Department regarding the window graphics. The violation was related to the sign ordinance which only allows nine (9) square feet of window signage per window pane. In this case the entire window panes are covered by the window graphics.

After further review staff has determined that the graphic window sun treatments are not considered signage since they are not intended to or designed in a way to attract the attention of the public to the business, use, or product. Although the window graphics are not signage, they are a design feature on the exterior of the building that requires review and approval from the Development Review Board.

Bloom has obtained approval from the landlord and surrounding tenants for the proposed graphic window sun treatments (see attachment #5).

**STAFF
RECOMMENDATION**

Staff recommends approval, subject to the attached stipulations.

STAFF CONTACT(S)

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

APPROVED BY



Bryan Cluff, Planner
Report Author



Steve Venker
Development Review Board Liaison
Phone: 480-312-2831
E-mail: svenker@ScottsdaleAZ.gov

ATTACHMENTS

- A. Stipulations
 - 1. Applicant's Narrative
 - 2. Context Aerial
- 2A. Aerial Close-Up
- 3. Building Elevations (Photos)
- 4. Compliance Notice
- 5. Letters of Support

**Stipulations for the
Development Review Board Application:
Bloom Restaurant
Case Number: 102-DR-2009**

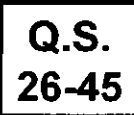
These stipulations are intended to protect the public health, safety, welfare, and the City of Scottsdale. Unless otherwise stated, the owner's completion of all requirements below is subject to the satisfaction of Project Coordinator and the Final Plans staff.

APPLICABLE DOCUMENTS AND PLANS:

1. Except as required by the Scottsdale Revised Code, the Design Standards and Policies Manual (DS&PM), and the other stipulations herein, the site design and construction shall substantially conform to the following documents:
 - a. The location, configuration, and design of the graphic window sun treatments shall be consistent with the west elevation photo, with a city staff date of 7/31/2009.
 - b. Any proposed change or modification in the location, configuration, or design of the graphic window sun treatments other than general maintenance shall require additional review and approval.
2. Maintenance of the graphic window sun treatments shall be the responsibility of the property owner. If for any reason, the graphics become damaged or worn, the property owner shall replace them as necessary to the satisfaction of the City Planning Department.

Narrative of request for approval:

Attached with this narrative are photos of window sun treatments we installed at Bloom at 8877 N. Scottsdale Road in the Shops at Gainey Village (Double Tree Ranch Road and Scottsdale). We had received a comment from the Health Department that our West facing windows in our kitchen were giving off too much heat in the prep areas where food was being prepared; therefore food was not holding temperature. They asked us to treat the windows with a film or sun shades to block the heat from coming in to these prep areas. We went to the Landlord and they did not want to do a plain black window film and asked us to propose something different. We reviewed existing elements and colors in the Development and came up with the proposed. The Development has blue, green, yellow and white in existing shade structures, fencing and signage. The Development and its surrounding areas are also very floral in nature (see attached photos); so we proposed window treatments with the colors blue and green with white and yellow flowers. The landlord said it was ok to proceed. We recently received a compliance notice unaware City approval was needed therefore we are submitting for approval.



Bloom Restaurant

102-DR-2009

ATTACHMENT #2



Q.S.
26-45

G.I.S. ORTHOPHOTO 2007

Bloom Restaurant

102-DR-2009

ATTACHMENT #2A



West Elevation (Scottsdale Road)

102-DR-2009



West Elevation (Close-up)

102-DR-2009



South Elevation

102-DR-2009



East Elevation

102-DR-2009

June 03, 2009



Code Enforcement

COMPLIANCE NOTICE

GAINEY VILLAGE RETAIL CENTER LLC
1850 M ST NW 12TH FL
WASHINGTON, DC 20036

"BLOOM"

RE: 8877 N SCOTTSDALE, SCOTTSDALE, AZ 85258 (APN: 174-29-143B)

This notice to comply is to inform you that on Wednesday, June 03, 2009, the property listed above was inspected and found to be in violation of the City of Scottsdale codes or Arizona Revised Statutes as listed on the attached pages. A re-inspection will be conducted on or after Thursday, June 18, 2009 to verify compliance. If the property is brought into compliance with the Code prior to the scheduled re-inspection date listed above, you will not be subject to citations or fines for the violation(s). This letter serves as a legal notice of violation(s) of the following subsection(s) of the Property Maintenance Ordinance - Chapter 18, Zoning Ordinance of the Scottsdale City Code or Arizona Revised Statutes.

We appreciate your cooperation in this matter. If for any reason you have difficulty complying with the noted corrective actions listed on the attached page or need further information, please contact us by using any of the following methods below:

Code Inspector: Paul Anderson 480-312-8033
Code Enforcement Office: 7447 E. Indian School Rd., Suite 300, Scottsdale, AZ 85251
Phone: (480) 312-2546 Fax: (480) 312-2455
HTTP://ScottsdaleAZ.gov/Departments/CodeEnforcement
8 A.M. - 5 P.M. Mon. - Fri.

For TTY users, have operator at the AZ Relay Services (711) call our number. This information is available in alternate format upon request.

ATTACHMENT #4

VIOLATION DETAIL(S)

Please be advised that an investigation has shown that this property is in violation of the City Nuisance and Property Maintenance Ordinance or City Code in the following areas(s):

Correct all violation(s) by: Thursday, June 18, 2009

Violation Code: 8.417 - Window sign requirements

Violation Description:

Signs placed inside within 3 feet of the window pane are considered window signs and may be illuminated only with the use of exposed neon lighting. Sign copies are limited to business identification, graphic symbol and any combination thereof. Signs are limited to one 9 Square foot per window panel.

Corrective Action:

See information regarding C-2 zoning use.

Violation Code: 5.1403(C-2) - Central Business District

Violation Description:

You are maintaining a use in a commercial zoned district that is not permitted. The City's zoning ordinance allows certain permitted uses for land, according to its zoning district.

Corrective Action:

The scenic mural painting of the windows on the west side of building for "Bloom" adjacent to Scottsdale Rd. constitutes an exterior change that requires Development Review Board approval. Contact Wendy Hardy in the Planning Department at 7447 E. Indian School Rd. suite # 100 to obtain the required approval, or remove the mural painting.

Applicable in instances of non-compliance

Civil and Criminal Penalties: Persistent or uncorrected violations may result in fines of up to \$2,500 for each day a violation is found, six (6) months in jail, probation, or any combination thereof. Property Maintenance Ordinance violations that are not corrected may be abated by a City hired contractor with an assessment against the property for the costs incurred. Recidivists (repeat offenders) may receive only ONE official Notice of Ordinance Violation.



July 23, 2009

City of Scottsdale

**RE: THE SHOPS GAINNEY VILLAGE
SIGNAGE APPROVAL**

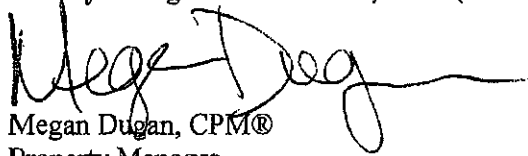
We are in receipt of the attached signage designs for Bloom at *the SHOPS gainney village* (Tenant Signage).

Accordingly, on behalf of the Landlord, we approve the Tenant Signage submitted, in accordance with the terms of the each tenant's lease agreement.

Should you have any questions or require additional information, please do not hesitate to contact me at 602-953-6150.

Sincerely,

**Main Street Real Estate Advisors
Managing Agent for
Gainey Village Retail Center, LLC ("Landlord")**


Megan Dugan, CPM®
Property Manager

Enclosures

ATTACHMENT #5

11811 N. Tatum Boulevard, Suite P177 • Phoenix, Arizona 85028 • 602.953.6150 • 602.953-6151

102-DR-2009
1st: 7/31/2009

July 29, 2009

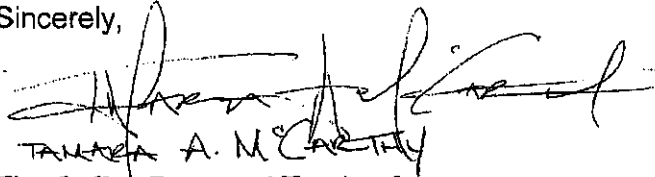
**RE: SIGNAGE APPROVAL FOR BLOOM
the SHOPS at gainey village**

To Whom It May Concern:

This letter shall serve as our approval of the window signage designs for our neighboring tenant, Bloom, at **the SHOPS gainey village**.

Should you have any questions, please do not hesitate to contact me at 480-315-9335

Sincerely,

A handwritten signature in black ink, appearing to read 'Tanaka A. McCarthy', written over a horizontal line.

TANAKA A. MCCARTHY
The Coffee Bean and Tea Leaf
the SHOPS gainey village

July 29, 2009

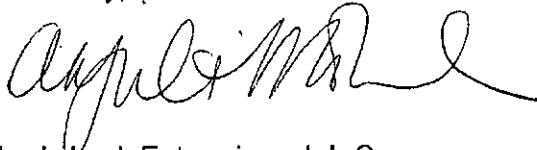
**RE: SIGNAGE APPROVAL FOR BLOOM
the SHOPS at gainey village**

To Whom It May Concern:

This letter shall serve as our approval of the window signage designs for our neighboring tenant, Bloom, at **the SHOPS gainey village**.

Should you have any questions, please do not hesitate to contact me at 480-998-1637.

Sincerely,



Lady Luck Enterprises, L.L.C.
dba Fleurt
the SHOPS gainey village

102-DR-2009
1st: 7/31/2009

July 29, 2009

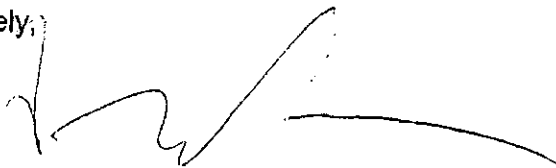
RE: **SIGNAGE APPROVAL FOR BLOOM**
the SHOPS at gainey village

To Whom It May Concern:

This letter shall serve as our approval of the window signage designs for our neighboring tenant, Bloom, at ***the SHOPS gainey village***.

Should you have any questions, please do not hesitate to contact me at 480-556-8989.

Sincerely,

A handwritten signature in black ink, appearing to be 'The Village Wine Cellar', written over a horizontal line.

The Village Wine Cellar
the SHOPS gainey village