

Neighborhood Notification
Open House Information
Citizen Comments
Affidavit of Posting
Site Sign
Legal Protest



Affidavit of Posting

Office of the City Clerk

STATE OF ARIZONA)
)
COUNTY OF MARICOPA)

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I, Steve Perone, being first duly sworn, depose and say:

That on July 23, 2018 I posted notification poster(s) for the properties indicated below.

Site(s) must be posted on or before: 7/25/18

Case No.	Description and Location of Project	No. of Signs	Date Posted
2-ZN-2018 & 1-II-2018	Don & Charlie's Hotel, 7501 E. Camelback Rd.	1	7/23/18
12-DR-2018	Toca Madera, 4736 N Goldwater Bl	1	7/23/18

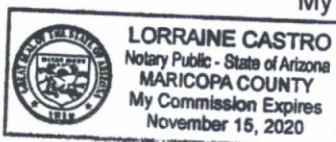
Date of Development Review Board Public Meeting: August 2, 2018, AT 1:00 P.M. IN THE CITY HALL KIVA, SCOTTSDALE, ARIZONA.

Signature
(Signature)

Acknowledged this 24th day of July 2018.

Lorraine Castro
(Notary Public)

My commission expires 11/15/2020



Planning and Development Services

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088

AMER
1-877-933
AMERICANFE

PUBLIC HEARING NOTICE

REQUEST: Approval of a site plan, landscape plan, and building elevations for a new freestanding restaurant development.

CASE#: 12-DR-2018

DATE: August 2, 2018

HEARING DATE SUBJECT TO CHANGE
PLEASE CHECK OUR WEBSITE FOR LATEST
INFORMATION

UNLESS OTHERWISE NOTIFIED, ALL
PUBLIC HEARINGS ARE HELD AT:

SCOTTSDALE CITY HALL
3939 N. DRINKWATER BLVD.

YOUR COMMENTS ABOUT THIS REQUEST CAN BE MADE
PRIOR TO OR AT THE ABOVE PUBLIC HEARING
IF YOU WISH TO SPEAK AT THIS MEETING PLEASE
ALLOW ENOUGH TIME TO FILL OUT A COMMENT CARD.



POSTING DATE:

480-312-7000

7-23-2018

<https://eservices.scottsdaleaz.gov/bid/resources/Cases>

Cluff, Bryan

From: Mark Winkleman <mw@mgsrealty.com>
Sent: Thursday, March 29, 2018 11:49 AM
To: Cluff, Bryan
Subject: RE: Fashion Square

Hi Bryan,

Thanks for the response. The Macerich guys told me that they would screen their buildings from above. The Ocean 44 guy met with me and said that he thinks that the 7-foot walls along the exterior will substantially screen the mechanical equipment, but if it doesn't they would install sails or some other type of screening structure.

Regarding the Dillard's sign, yes I was referring to the rendering. It shows a sign above where the temporary banner sign was recently hung. I am mostly concerned that it not be bright red like the Harkins' sign. Is it possible for the public to see the new Comprehensive Sign Plan?

Lastly, I see that the Toca Madera building is in the permitting process. I think it will largely be screened by the Ocean 44 building. Some of the residents here have questioned whether Toca Madera will have loud music that will be disturbing. Their building application describes a significant outdoor lounge. Does outdoor music (either live or a DJ) require a special use permit? How can we determine whether this would be an issue?

Thank you for your help!

Mark Winkleman
MGB Realty Partners
7117 E. Rancho Vista Drive
Suite 6003
Scottsdale, Arizona 85251
(602) 432-5955

From: Cluff, Bryan <BCluff@Scottsdaleaz.gov>
Sent: Wednesday, March 28, 2018 3:12 PM
To: Mark Winkleman <mw@mgsrealty.com>
Subject: RE: Fashion Square

Mark,

The plans have been reviewed and permits issued for the Ocean 44 restaurant. The mechanical units are screened in accordance with what is required by the Zoning Ordinance and DRB approval, but that does not mean they will be completely unseen from above. I will be following closely as the building is constructed, and the applicant has stated they are willing to provide additional screening if necessary. Have you had any further communication with Macerich or the Ocean 44 team?

With regard to the Dillard's signage – Are you referring to the sign in the rendering? If so, that is just conceptual and does not necessarily represent what the sign will look like or where it will be located. I am not aware of any current proposals to relocate that sign. However, Fashion Square is working on an update to their Comprehensive Sign Plan for the entire mall property. These design details will be worked out through that proposal.

Thank you,

Cluff, Bryan

From: Mark Winkleman <mw@mgsrealty.com>
Sent: Monday, May 07, 2018 5:33 PM
To: Cluff, Bryan
Subject: RE: Fashion Square

Hi Bryan,

Thank you for your responses below. Regarding the outdoor music, I found the following in a letter from them addressed to you:

February 12, 2018

Mr. Bryan Cluff

Planning Department Coordinator

City of Scottsdale Planning and Development Services

7447 East Indian School Road, suite 105

Scottsdale, AZ 85251

Subject: Application Narrative

Toca Madera Restaurant – Scottsdale Fashion Square – Lot B 762-PA-2017

The Toca Madera restaurant is located within the Scottsdale Fashion Square "Deluxe Wing" on a building pad just east of the Dillards parking structure, and will be one of a few new restaurants being developed on new pads in this area.

The exterior elevations blend a combination of warm, earth-tone colors with a material palette of concrete, wood, stone and steel that wrap the exterior. The main exterior feature are ornate metal screens, reminiscent of early Moorish architecture that hang in front of the façade, above the pedestrian walkways, screening clerestory windows into the main dining room and a patio/lounge that opens to the sky. The screen with cut-outs appear semi-transparent and will be back-lit providing additional texture to the building in the evening. Thru-wall fireplaces adorn the north elevation, providing a glimpse inside the Bar/Lounge, while giving a human scale to the stone façade. With limited perimeter landscaping, we are proposing that the exterior building edges become the structure for creeping vines and greenery. In addition, the open-air lounge is generously landscaped with hanging planters and a specimen tree in the center. The main dining room opens via a moveable glass wall to the open-air lounge. The landscape palette is from the City approved plant list.

As you can see there are references to an "open-air lounge". If you go online and see the information there are many references to "it's like a club", "the DJ is great", etc. We have no problem for this type of activity as long as the music is kept indoors. Their hours show that they are open until midnight, and we are concerned that their "open-air lounge" will cause loud music to be broadcast throughout the adjoining neighborhood. Can you investigate this issue for us?

Thank you,

Cluff, Bryan

From: Mark Winkleman <mw@mgsrealty.com>
Sent: Wednesday, June 06, 2018 10:02 AM
To: Cluff, Bryan
Subject: RE: Fashion Square Follow Up

Hi Bryan,

Thanks for the update. I would appreciate another update when you hear back from the applicant about their music plans.

Thanks,

Mark Winkleman
MGS Realty Partners
7117 E. Rancho Vista Drive
Suite 6003
Scottsdale, Arizona 85251
(602) 432-5955

From: Cluff, Bryan <BCluff@Scottsdaleaz.gov>
Sent: Wednesday, June 6, 2018 9:58 AM
To: Mark Winkleman <mw@mgsrealty.com>
Subject: RE: Fashion Square Follow Up

Mark,

I am waiting for a response from the applicant regarding how they intend to operate the DJ booth. They would not need a Conditional Use Permit unless they have live entertainment, which is defined as live performers with amplified music and/or a DJ that is interacting with the crowd and/or patron dancing. If they have a DJ that is playing recorded music, but is not interacting with the patrons, that does not qualify as live entertainment and does not need a Conditional Use Permit. Based on the floor plan I am assuming they will be doing the latter. I will let you know after I hear back from them.

They will need to comply with the noise ordinance, which requires that any noise/music not be louder than 68 decibels when at least 100 feet away from the business and in a residential district. Your units in Optima are not protected by the noise ordinance because the zoning is not residential, however, the single-family homes north of Highland are protected and I believe are even closer to Toca Madera than the Optima. So if you are bothered they would likely be bothered as well.

Thank you,

Bryan D. Cluff, LEED AP
Senior Planner
City of Scottsdale
Planning & Development
Phone: 480-312-2258
Fax: 480-312-7088
bcluff@ScottsdaleAZ.gov

Get informed!