

CITY COUNCIL REPORT



Meeting Date: February 24, 2026
General Plan Element: Land Use
General Plan Goal: Create a sense of community through land uses

ACTION

Alpio's at Troon Event Center - BAR CUP 7-UP-2025

Request to consider the following:

1. Adopt Resolution No. 13594 for a Bar Conditional Use Permit on a +/- 3,925 square foot site zoned Central Business Environmentally Sensitive Land Overlay (C-2 ESL) located at 10452 E. Jomax Road.

Goal/Purpose of Request

The applicant's request is to operate a bar out of an existing commercial establishment.

Key Items for Consideration

- Conditional Use Permit Criteria
- Public comment has been received for this proposal
- Planning Commission heard this case 1/28/2026 and recommended approval with a vote of 5-1

OWNER

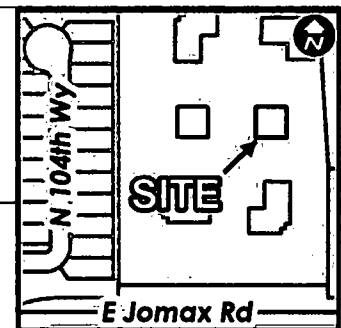
Duane Smith
(319) 431-6104

APPLICANT CONTACT

TERRI VIRGA TRIEBWASSER
(916) 412-2352

LOCATION

10452 E Jomax Rd



BACKGROUND

General Plan

The General Plan Land Use Element designates the property as commercial. This category includes general commercial uses providing a variety of goods and services to the people who live, work, or visit Scottsdale and have been designated throughout the community at various locations.

Zoning

The subject site was annexed into the City of Scottsdale in 1982 by Ordinance No. 1493 and received R1-190 Zoning. The site is currently zoned Central Business Environmentally Sensitive Land Overlay (C-2 ESL) and received that approved rezoning in April of 1995 by Ordinance No. 2773. The C-2 zoning district allows a broad range of general merchandise and service uses including, but not limited to, retail, office, restaurants, bars, and live entertainment. Bars require conditional use permits.

Context

The subject property is located approximately +/-700' (feet) from the intersection of E Jomax Road and N Alma School Parkway. The Villages at Pinnacle Peak are 6 individual commercial buildings that allow single or multi-tenant operators. The subject building requesting this conditional use permit (CUP) is the middle building on the eastern portion of The Villages at Pinnacle Peak development.

Please refer to context graphic with this report.

Adjacent Uses and Zoning

- North: Natural Area Open Space tract dedicated for the Crescent Moon Ranch Development (OS ESL) and existing commercial establishments
- South: Self storage facility, Case 162-DR-1998, Zoned C-2 ESL (HD)
- East: Natural Area Open Space tract dedicated for the Crescent Moon Ranch Development (OS ESL) and existing commercial establishments
- West: Existing commercial buildings within the Village at Pinnacle Peak development

Other Related Policies, References:

28-DR-2003, 62-ZN-1994

APPLICANTS PROPOSAL

Development Information

The development proposal includes bar services as part of the operation of an existing commercial establishment.

- Existing Use: Commercial retail/office/events
- Proposed Use: Commercial retail/office/events with Bar services
- Buildings/Description: Existing single story building at 26 feet tall
- Parcel Size: +/-212,366 sq.ft./ +/- 4.88 Acres
- Parking Required: 168 spaces
- Parking Provided: 196 spaces
- Floor Area: 4,220 sq.ft.

IMPACT ANALYSIS

Land Use

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 use is not anticipated to create adverse impacts on adjacent properties and is intended to support community events.**
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **Parking for the proposed use requires 53 spaces and the overall commercial center requires 168 spaces. One hundred ninety-six (196) spaces are provided for the overall commercial center.**
 - **The proposed use is not anticipated to have a negative impact on the volume or character of traffic. This commercial area contains restaurants, retail, and office uses.**

- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
- **This use is permitted under the C-2 ESL zoning district with an associated conditional use permit. The shopping center has a variety of other commercial uses that are compatible with this request.**
- C. The additional conditions in Section 1.403, as applicable, have been satisfied.
1. The use shall not disrupt existing balance of daytime and nighttime uses.
 - **The proposed use will not disrupt the balance of daytime and nighttime uses. Alpio's at Troon operates on a scheduled, private-event basis and does not displace or interfere with existing daytime commercial activity.**
 2. The use shall not disrupt pedestrian-oriented daytime activities.
 - **The use will not disrupt pedestrian-oriented daytime activities. There are no new physical conditions requested that would alter pedestrian 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.
 - **The site is not located within the DO District.**
 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.
 - **Although the site is located within 500 feet of residential uses, the proposed use is not anticipated to adversely impact nearby residences. All activities are conducted indoors with no outdoor entertainment or amplified sound. Buffering is provided through existing building separation, operational controls, and event management procedures.**
 5. An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.
 - **An active management and security plan will be implemented and enforced during all events. This includes on-site management, trained staff, compliance with alcohol service laws, and security personnel as necessary.**

6. The applicant shall create a written exterior refuse control plan for approval by the City.
 - **A written exterior refuse control plan will be provided for City approval. Refuse will be stored in designated, screened enclosures and serviced regularly, with prompt post-event cleanup.**
7. The applicant shall demonstrate how noise and light generated by the use shall be mitigated.
 - **Noise and lighting will be mitigated through indoor-only operations, adherence to City noise ordinances, and existing downward-directed, code-compliant exterior lighting.**
8. The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.
 - **As calculated the required parking for this use is 53 parking spaces and the overall commercial center requires 129 spaces. The existing commercial center includes 196 parking spaces for all users.**
9. After hours establishments must maintain a valid after hours establishment license.
 - **The proposed use is not an after-hours establishment.**

Fire/Police

The nearest fire station is within .8 miles of the site and located at 27775 N Alma School Parkway. The subject site is served by Police District Foothills, Beat 19. As with any project that contributes to growth, the fire and police departments continually anticipate and evaluate resource needs for the city's budget process.

Community Impact

Property owners within a 750-foot radius of the subject site were notified, an informational open house was held, and the site was posted. Staff has received comments via phone and email from the public regarding this application.

Other Boards and Commissions

Planning Commission:

Planning Commission heard this case on January 28, 2026 and recommended approval with a vote of 5-1.

Recommended Approach:

Staff Recommended that the Planning Commission find that the Conditional Use Permit criteria have been met and make a recommendation to City Council for approval, per the attached stipulations.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

Adopt Resolution No. 13594 for a Bar Conditional Use Permit on a +/- 3,925 square foot site zoned Central Business Environmentally Sensitive Land Overlay (C-2 ESL) located at 10452 E. Jomax Road.

RESPONSIBLE DEPARTMENT(S)

Planning and Development Services

Current Planning Services

STAFF CONTACT(S)

Chris Zimmer

Planner

480-312-2347

E-mail: czimmer@ScottsdaleAZ.gov

APPROVED BY



Chris Zimmer, Report Author

2/5/2026

Date



Tim Curtis, AICP, Current Planning Director
Planning Commission Liaison
Phone: 480-312-4210, Email: tcurtis@scottsdaleaz.gov

2/9/2026

Date



Erin Perreault, AICP, Sr. Director
Planning & Development Services
Phone: 480-312-7093 Email: eperreault@scottsdaleaz.gov

02/06/2026

Date

ATTACHMENTS

1. Context Aerial
2. Resolution No. 13594
Exhibit 1: Aerial Close Up
Exhibit 2: Stipulations
Exhibit A to Exhibit 2: Site Plan
Exhibit B to Exhibit 2: Floor Plan
Exhibit 3: Additional Conditions
3. Applicant Narrative
4. Existing Zoning Map
5. Community Outreach
6. City Notification Map
7. Planning Commission Draft Meeting Minutes January 28, 2026



Q.S. 49-53
 esert
 nds Dr
 Google Earth Pro Imagery

Context Aerial

7-UP-2025

ATTACHMENT 1

RESOLUTION NO. 13594

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, APPROVING A CONDITIONAL USE PERMIT FOR A BAR USE WITHIN AN APPROXIMATELY +/-3,925 SQUARE FOOT SITE WITH CENTRAL BUSINESS ENVIRONMENTALLY SENSITIVE LAND OVERLAY (C-2 ESL) ZONING LOCATED AT 10452 E JOMAX RD.

WHEREAS, the Planning Commission held a public hearing on January 28, 2026; and

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 bars, set forth on **Exhibit 3**, is required.

Section 2. That a description of the conditional use permit is set forth in Case No. 7-UP-2025. 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 **Exhibit 3**. All exhibits are incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this ____ day of _____, 2026.

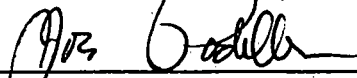
ATTEST:

CITY OF SCOTTSDALE, an Arizona
Municipal Corporation

By: _____
Ben Lane
City Clerk

By: _____
Lisa Borowsky
Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By:  _____
Luis E. Santaella, Interim City Attorney
By: Joe Padilla, Deputy City Attorney



Close-up Aerial

7-UP-2025

Conditional Use Permit - Bar
Stipulations
Alpio's at Troon Event Center - BAR CUP
Case Number: 7-UP-2025

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

GOVERNANCE

1. **APPLICABILITY.** All stipulations of this case, 7-UP-2025, supersede all of the stipulations of case 28-DR-2003.

OPERATIONS

2. **CONFORMANCE TO CONCEPTUAL SITE PLAN.** Development shall conform with the conceptual site plan submitted by Terri Triebwasser, attached as Exhibit A to Exhibit 2. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. **CONFORMANCE TO THE CONCEPTUAL FLOOR PLAN.** The interior layout of the premises shall be in substantial conformance with the conceptual floor plan submitted by Terri Triebwasser, attached as Exhibit B to Exhibit 2. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
4. **NO LIVE ENTERTAINMENT.** This Conditional Use Permit is for a bar use only, and no live entertainment is approved as part of this request.
5. **SECURITY, MAINTENANCE, AND OPERATIONS PLAN.** The operations of the bar shall conform to the Security, Maintenance, and Operations Plan approved by, and on record with the City of Scottsdale's Police Department and the Planning and Development Services Department. A copy of the approved Security, Maintenance, and Operations shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning and Development Services Department. At least ten (10) days before any operational change of the bar, or any promotional event (excluding Special Events), that modifies the requirements or contents of the Security, Maintenance, and Operations Plan, the owner shall submit a revised Security, Maintenance, and Operations Plan to the Scottsdale Police Department and the Planning, Neighborhoods, and Transportation Division. Any revised Security, Maintenance, and Operations Plan shall be subject to approval by the City of Scottsdale's Police Department and the Planning and Development Services Department.
6. **NOISE.** In addition to the City's Noise Ordinance (Ordinance No. 3192, Article II, Chapter 19 of the Scottsdale Revised Code), 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 Zoning Administrator, or designee. Amplified music shall be limited to the times that State law allows liquor sales at this bar.

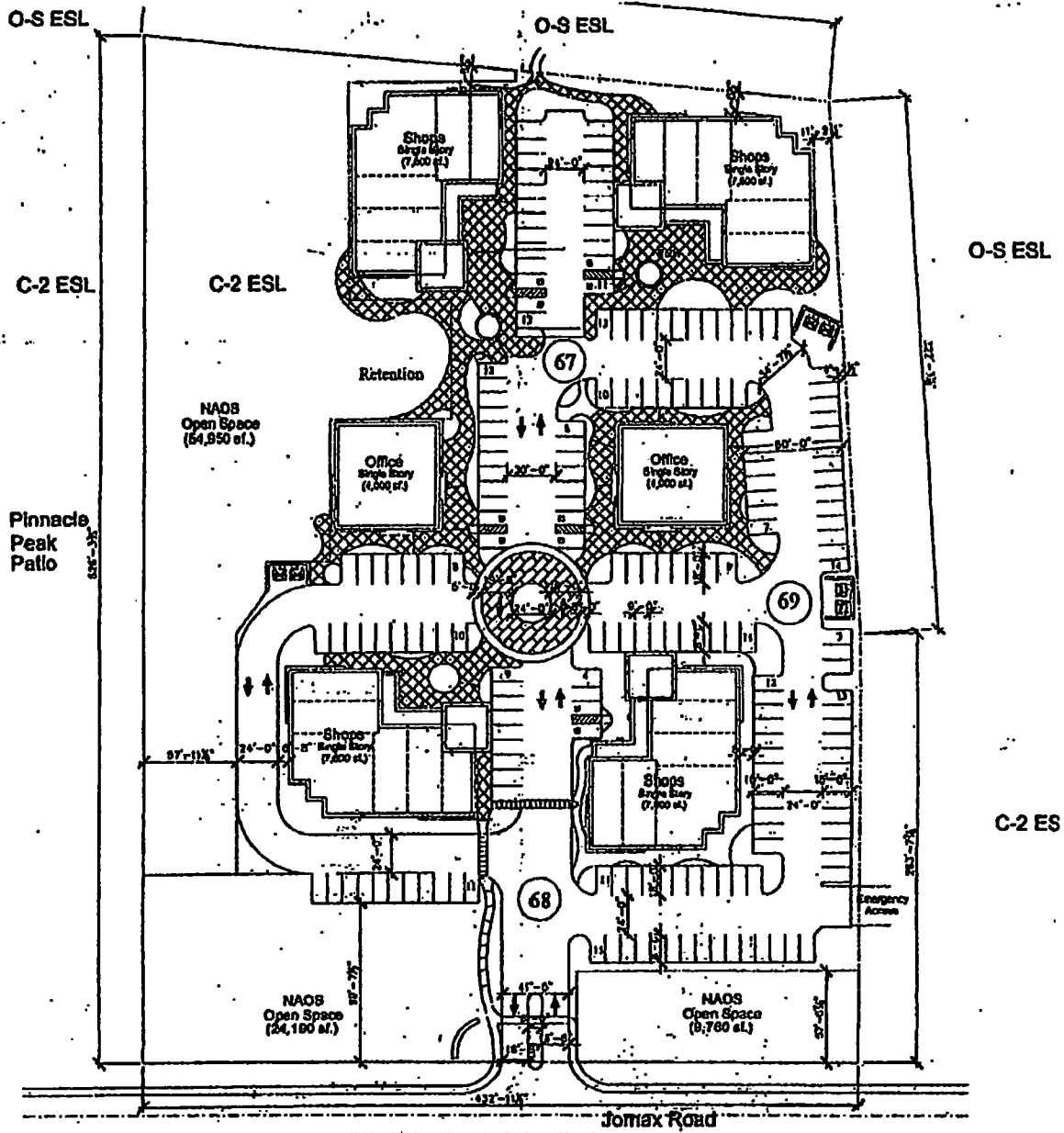
7. EXTERNAL DOORS. All external doors shall be closed but not locked during business hours.

PARKING

8. MINIMUM PARKING. The site shall be required to provide parking, as required by the Zoning Ordinance, through on-site parking, off-site parking, in-lieu parking spaces, or any combination thereof, at all times. Failure to provide required parking for the use, to the satisfaction of the Zoning Administrator, or designee, may be grounds for revocation of the Conditional Use Permit.

ADMINISTRATIVE/PROCESS

9. CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW. Within ten (10) days after a request by the Zoning Administrator or designee, the owner shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
10. CHANGES IN OWNERSHIP. Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.



PROJECT DATA

EXISTING ZONING: C-2
 F.A.R.: 0.15 (By re-zoning Stipulation)
 Net Site Area: 0.84 acres (268,669 sf.)
 BUILDING AREA: 38,328 sqft.
 Office Building Area: 3 x 4,200 sqft = 12,600 sqft
 Retail Building Area: 4 x 7,262 sqft = 29,048 sqft
 BUILDING HEIGHT: 25'-0" (Single Story Building)
 Parking Required: 149 spaces
 Office Building Area: 4,200 sqft (1 per 800 sqft) = 57 Spaces
 Retail Building Area: 29,048 sqft (1 per 200 sqft) = 121 Spaces
 Parking Provided: 204 spaces (5.3 / 1,000 sf.)
 Accessible parking space required: (8) spaces, 4% of total required.
 Accessible parking space provided: (16) spaces
 Accessible van parking space required: (2) spaces
 Accessible van parking space provided: (2) spaces
 Bicycle Rack required: 15 spaces (1/10 of required parking)
 Bicycle Rack Provided: 20 spaces

OPEN SPACE CALCULATIONS

Open Space Required (25'-0" building ht.):
 15.2% = 238,864 sf. = 59,216 sf.
 Open Space Provided:
 Final Open Space Required: 13,051 sf.
 Final Open Space Provided: 23,930 sf.
 Parking Lot Landscaping Required: 13,200 sf.
 Parking Lot Landscaping Provided: 23,317 sf.

NAOS OPEN SPACE CALCULATIONS

NAOS Space Required 63,240 sf. (1.8 AC by re-zoning)
 NAOS Space Provided 77,000 sf. (20% of 268,669 sf.)

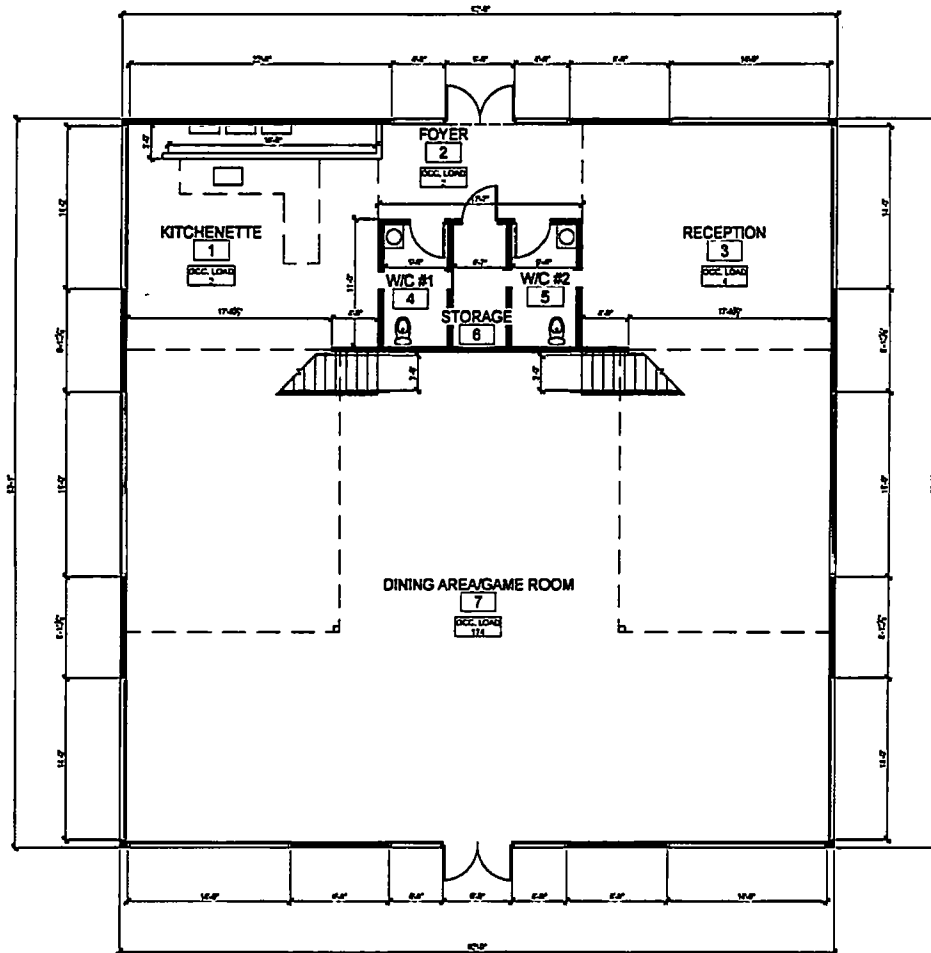
Site plan



Site Plan

12.01.2003
 4/22/03

A 6024 (2020) - Form 1 - First Floor Plan - Resolution No. 13594 - Exhibit B to Exhibit 2 - Page 1 of 2



Resolution No. 13594
Exhibit B to Exhibit 2
Page 1 of 2

NORTH



① FIRST FLOOR PLAN

1" = 20'-0"



STOWART + REDDISH
ARCHITECTURE, PLLC
8745 E. Indian Drive Rd.
Scottsdale, Arizona 85258
480.351.1122
www.sra360.com

CONTACT:
ALVIN G. WILSON
REGISTERED ARCHITECT
LICENSE NO. 12411-0005

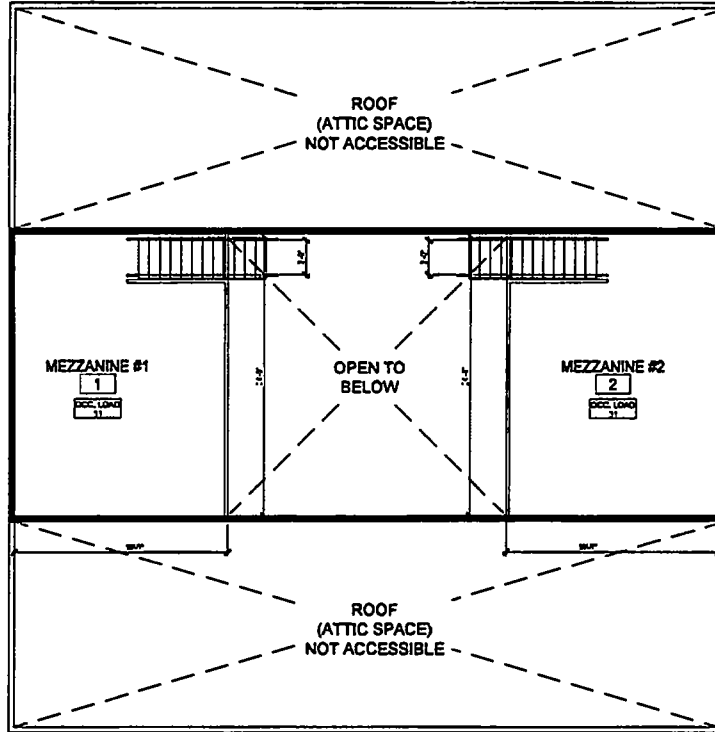
Project:
**TROON
EVENT CENTER**
10452 E. JONAX ROAD
SCOTTSDALE, AZ 85282

Date:	07/11/2025
Issue No.:	OCCUPANT LOAD CERTIFICATION
Revision No.:	001
Job No.:	25-000

Sheet No.:
FIRST FLOOR PLAN

Sheet No.:
A1

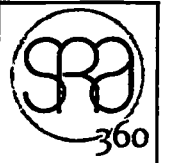
1. 2023-2024 Troon Event Center - 061 (City of Scottsdale Construction Division) at 01 Jun 2023 12:00 PM by [Redacted] 11/11/2023 4:00 PM



① MEZZANINE FLOOR PLAN

Resolution No. 13594
 Exhibit B to Exhibit 2
 Page 2 of 2

1" = 20'-0"



STEWART + REMONDINI
 ARCHITECTURE, PLLC
 4145 E. Indian Drive Rd.
 Scottsdale, Arizona 85250
 480.375.3120
 www.sr360.com

Project: TROON EVENT CENTER
 10452 E. JONAX ROAD
 SCOTTSDALE, AZ 85262

Project: TROON
 EVENT CENTER
 10452 E. JONAX ROAD
 SCOTTSDALE, AZ 85262

Order:	031122025
Issued for:	OCCUPANT LOAD CERTIFICATION
Revision No.:	001
Job No.:	25-020

Level ID: MEZZ. FLOOR PLAN
 Sheet No.: A2

APPENDIX B – BASIC ZONING ORDINANCE 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.**
- 2. The use shall not disrupt pedestrian-oriented daytime activities.**
- 3. If the site is located within the Downtown Overlay District D-O 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 property owner shall create a written exterior refuse control plan for approval by the City.**
- 7. The property owner shall demonstrate how noise and light generated by the use shall be mitigated.**
- 8. The use shall conform to the parking requirements of Article IX and shall not exceed capacity for traffic in the area.**
- 9. After hours establishments must maintain a valid after-hours establishment license**

Conditional Use Permit Applicant Responses
Alpio's At Troon

Section 1.401 – Public Health, Safety, and Welfare

AR1. Applicant Response:

The proposed conditional use will not be materially detrimental to the public health, safety, or welfare. Operations at Alpio's At Troon will comply with all applicable City of Scottsdale ordinances and regulations, including licensed alcohol service requirements, fire and life-safety standards, occupancy limits, and City noise regulations.

Potential impacts related to noise, smoke, odor, dust, vibration, and illumination will be minimized through indoor-only operations, professionally managed sound levels, and controlled event hours. No outdoor amplified sound, industrial processes, or nuisance-generating activities are proposed.

Traffic impacts will be limited, as the venue operates by reservation-only for private events and does not maintain regular walk-in business hours. Events are scheduled to avoid peak traffic periods, and guest arrivals and departures are managed to prevent congestion.

BR1. Applicant Response:

The proposed use is compatible with surrounding land uses. Alpio's At Troon is located within an existing mixed-use commercial development consisting of restaurants, offices, and fitness uses. The event-based operation aligns with the established character of the area and does not introduce an incompatible intensity or use.

Section 1.403.C – Bars, Cocktail Lounges, and After-Hours Establishments

1R. Balance of Daytime and Nighttime Uses:

The proposed use will not disrupt the balance of daytime and nighttime uses. Alpio's At Troon operates on a scheduled, private-event basis and does not displace or interfere with existing daytime commercial activity.

2R. Pedestrian-Oriented Daytime Activities:

The use will not disrupt pedestrian-oriented daytime activities. Events are primarily held during evenings or weekends, and pedestrian circulation and sidewalk access remain unobstructed during business hours.

3R. Downtown Overlay District:

Not applicable. The subject site is not located within the Downtown Overlay District.

4R. Proximity to Residential Uses:

Although the site is located within 500 feet of residential uses, the proposed use will not adversely impact nearby residences. All activities are conducted indoors with no outdoor entertainment or amplified sound. Buffering is provided through existing building separation, operational controls, and event management procedures.

5R. Management and Security Plan:

An active management and security plan will be implemented and enforced during all events. This includes on-site management, trained staff, compliance with alcohol service laws, and security personnel as necessary.

6R. Exterior Refuse Control Plan:

A written exterior refuse control plan will be provided for City approval. Refuse will be stored in designated, screened enclosures and serviced regularly, with prompt post-event cleanup.

7R. Noise and Light Mitigation:

Noise and lighting will be mitigated through indoor-only operations, adherence to City noise ordinances, and existing downward-directed, code-compliant exterior lighting.

8R. Parking and Traffic:

The use complies with Article IX parking requirements. Parking demand is managed through event scheduling and shared parking within the multi-tenant development. Traffic capacity will not be exceeded.

9R. After-Hours Establishment License:

Not applicable. The proposed use is not an after-hours establishment.

REVISED PARKING EXHIBIT

This Revised Parking Exhibit is submitted in direct response to Planning Staff comments. The prior individual building parking breakdown has been removed and replaced with the two parking scenarios requested by staff. This exhibit is intended to both replace the existing parking narrative and serve as the formal staff comment response.

Scenario 1 – Existing Shared Commercial Center Parking

Total Gross Floor Area (Entire Development): 38,480 square feet

Parking Ratio (Mixed-Use Shared Parking): 1 space per 300 square feet

Required Parking Calculation:

$38,480 \div 300 = 128.27$, rounded to 129 spaces

Accessible Parking Requirement:

$129 \times 4\% = 5.16$, rounded to 6 accessible spaces required

Accessible Spaces Provided: 12 spaces

Bicycle Parking Requirement:

$129 \div 10 = 12.9$, rounded to 13 bicycle spaces required

Bicycle Spaces Provided: 24 spaces

Conclusion:

The development meets and exceeds all required vehicle, accessible, and bicycle parking requirements under the existing mixed-use shared parking standard.

Scenario 2 – Proposed MUCC Parking with Alpio's Bar Use

Alpio's at Troon (Building 5):

Interior Floor Area: 4,220 square feet

Parking Ratio: 1 space per 80 square feet

Required Parking:

$4,220 \div 80 = 52.75$, rounded to 53 spaces

Remainder of Commercial Center:

Remaining Floor Area: 34,260 square feet

Parking Ratio: 1 space per 300 square feet

Required Parking:

$34,260 \div 300 = 114.2$, rounded to 115 spaces

Total Required Parking:

$53 + 115 = 168$ spaces (rounded from 167)

Accessible Parking Requirement:

$167 \times 4\% = 6.68$, rounded to 7 accessible spaces required

Accessible Spaces Provided: 12 spaces

Bicycle Parking Requirement:

$167 \div 10 = 16.7$, rounded to 17 bicycle spaces required

Bicycle Spaces Provided: 24 spaces

Parking Supply:

Total On-Site Parking Provided: 199 spaces

Aerial Parking Count Indicates Approximately 201 Spaces (verification pending)

Conclusion:

The site exceeds required vehicle, accessible, and bicycle parking requirements with the proposed bar use at Alpio's at Troon.



Zoning Aerial

7-UP-2025

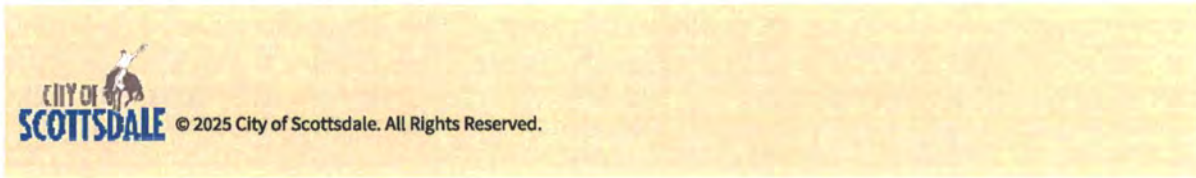
Hults, Clayton

From: NoReply
Sent: Tuesday, September 23, 2025 9:14 AM
To: Projectinput
Subject: 7-UP-2025

Categories: Clayton



I live next to this propoaed bar and would like more information. The video you posted had very few details. And the website also was limited. Has the owner filed a more complete proposal? -- sent by Robert Schmiedeler (case# 7-UP-2025)



ATTACHMENT 5

Hults, Clayton

From: Peggy Fehlman <pfehlman@azdot.gov>
Sent: Monday, September 29, 2025 9:14 AM
To: Projectinput
Cc: redletter@azdot.gov
Subject: RE: 7-UP-2025 ALPIO'S AT TROON EVENT CENTER 216-80-148 ALPIO'S AT TROON EVENT CENTER-NEC 104TH WAY & E.JOMAX ROD
Attachments: Scanned from a Xerox Multifunction Printer.pdf
Categories: Clayton

External Email: Please use caution if opening links or attachments!

Re: 7-Up-2025
Alpio's At Troon Event Center
216-80-148
Nec 104th Way & E.Jomax Road

Thank you for your notice of the above referenced project.

After review, the above referenced location is more than 1/2 mile from any ADOT proposed or existing highway facility and is not anticipated to cause impacts to ADOT facilities. Exceptions to this would be traffic control necessary at ADOT facilities. If you are in need of performing traffic control on ADOT facilities said traffic control would require a permit. Otherwise, ADOT has no comment regarding the request associated with this case.

See Permit Encroachment Links:

Permit Encroachment Process Link - <https://azdot.gov/business/permits/encroachment-permits>.
Permit Encroachment General Mailbox is: CentralPermit@azdot.gov.

ADOT reserves the right to review any future plans, additions and/or changes to this development as to any impact they may have on the State Highway System.

Kind Regards,



Peggy Fehlman
Transportation Engineer Specialist
Central District

2140 W. Hilton Avenue
Phoenix, AZ 85009
602.712.6622 | azdot.gov

City Notifications – Mailing List Selection Map

Alpio's at Troon Event Center- CUP





Labels pulled
August 21, 2025

Additional Notifications:

- Interested Parties List
- Adjacent HOA's
- P&Z E-Newsletter
- Facebook
- Nextdoor.com
- City Website-Projects in the hearing process

Map Legend:

-  Site Boundary
-  Properties within 750-feet

Postcards: 101

7-UP-2025



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

WEDNESDAY, JANUARY 28, 2026

***DRAFT SUMMARIZED MEETING MINUTES ***

PRESENT: Joe Young, Chair
William Scarbrough, Vice Chair
George Ertel, Commissioner
Michal Ann Joyner, Commissioner
Barney Gonzales, Commissioner
Doug Drake, Commissioner

ABSENT: David Reid, Commissioner

STAFF: Tim Curtis
Joe Padilla
Becca Cox
Jason Katz
Casey Steinke
Chris Zimmer
Jack Kelly
Jason McWilliams

CALL TO ORDER

Chair Young called the regular session of the Scottsdale Planning Commission to order at 5:00 p.m.

ROLL CALL

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

MINUTES REVIEW AND APPROVAL

1. Approval of the January 14, 2026 Regular Meeting Minutes.

Vice Chair Scarbrough made a motion to approve the January 14, 2026 Regular Meeting Minutes. Second by Commissioner Joyner, the motion passed unanimously by a vote of six (6) to zero (0).

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

CONSENT AGENDA

2. 6-AB-2024 (114th St Abandonment)

Request by property owner to abandon the southern 25' and eastern 30' of right of way on a property with Single-family Residential (R1-35) zoning, located at 11345 E Beryl Avenue. City to obtain needed dedications. Staff contact person is Jason Katz, 480-312-2542. **Applicant contact person is Jamaal Ragland, 770-686-8810.**

Item No. 2; Moved to Regular Agenda. Vice Chair Scarbrough made a motion for recommendation of approval to City Council for case 6-AB-2024 after finding that the proposed abandonment is consistent with and conforms to the adopted General Plan. Second by Commissioner Ertel, the motion passed by a vote of five (5) to one (1) with Commissioner Gonzales dissenting.

3. 5-UP-2025 (Old Town Tavern - Bar Use)

Request for a Bar Conditional Use Permit on a +/- 6,000 sf site, zoned Central Business Downtown Overlay (C-2 DO) located at 7330 E. Main St. Staff contact person is Casey Steinke, 480-312-2611. **Applicant contact person is Cameron Morgan, 480-990-9507.**

4. 6-UP-2025 (Old Town Tavern - Live Entertainment)

Request for a Live Entertainment Conditional Use Permit on a +/- 6,000 sf site, zoned Central Business Downtown Overlay (C-2 DO) located at 7330 E. Main St.

Staff contact person is Casey Steinke, 480-312-2611. **Applicant contact person is Cameron Morgan, 480-990-9507.**

Item No. 3 & 4; Moved to Regular Agenda. Commissioner Ertel made motion for recommendation of approval to City Council for cases 5-UP-2025 and 6-UP-2025 after finding that the CUP criteria have been met and that the proposed Conditional Use Permits are consistent and conform with the adopted General Plan, per the attached stipulations. Second by Commissioner Joyner the motion passed unanimously by a vote of six (6) to zero (0).

5. 7-UP-2025 (Alpio's at Troon Event Center - BAR CUP)

Request by owner for a conditional use permit for a bar located at 10452 E Jomax Rd with Central Business Environmentally Sensitive Land Overlay (C-2 ESL) zoning. Staff contact person is Chris Zimmer, 480-312-2347. **Applicant contact person is TERRI Virga Triebwasser, (916) 412-2352.**

Item No. 5; Moved to Regular Agenda. Commissioner Joyner made a motion for recommendation of approval to City Council for case 7-UP-2025 after finding that the CUP criteria have been met and that the proposed Conditional Use Permit is consistent and conforms with the adopted General Plan, per the attached stipulations. Second by Commissioner Drake, the motion passed by a vote of five (5) to one (1) with Commissioner Gonzales dissenting.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 6:22 p.m.

Item 3

From: Robin Farrell <T48971640@hotmail.com>
Sent: Saturday, February 14, 2026 4:15 PM
To: Borowsky, Lisa; jdubauakas@scottsdaleaz.gov; Graham, Barry; akwasma@scottsdaleaz.gov; klittlefield@scottsdale.gov; McAllen, Maryann; Whitehead, Solange; Zimmer, Christopher
Subject: Opposition to Case 7-UP-2025 – Alpio’s at Troon Bar Conditional Use Permit

External Email: Please use caution if opening links or attachments!

Dear Mayor Borowsky, Members of the Scottsdale City Council and Senior Scottsdale Planner,

I am writing as a concerned Scottsdale resident to express my strong opposition to Case 7-UP-2025, the request for a Bar Conditional Use Permit at Alpio’s at Troon, located at 10452 E. Jomax Road.

After reviewing the Planning Commission report and the applicant’s materials, it is clear that this proposal does not meet the Conditional Use Permit criteria required for approval. The impacts to nearby homes, the environmentally sensitive setting, and the already strained parking and traffic conditions make this use inappropriate for this location.

1. The proposed bar use is incompatible with the Environmentally Sensitive Lands Overlay (C-2 ESL).

This site is within the Environmentally Sensitive Lands Overlay, which is intended to protect natural desert character and limit high-intensity commercial activity. A late-night bar with alcohol service is fundamentally inconsistent with the purpose of the ESL designation and the surrounding NAOS tracts.

2. Noise impacts will be unavoidable and disruptive to nearby homes.

Although the staff report states that activities are “conducted indoors,” the property includes an outdoor patio, and the applicant’s operations involve amplified sound and event-based gatherings. Under state liquor laws, alcohol service can extend until 2 AM, which will inevitably disturb nearby residents.

The CUP criteria require that noise be mitigated and not exceed ambient levels. This standard cannot realistically be met for a bar/event center within 500 feet of residential neighborhoods. I live in the adjacent neighborhood and know the noise levels of the restaurant with an outside patio. While not welcome, it usually quiets down by 9 P.M.

3. Parking is already insufficient — and the applicant’s own documents confirm it. The applicant’s parking analysis shows:

- Required parking for the bar/event center: 53 spaces
- Total required for the center: 211 spaces
- Total provided: 188 spaces

This is a deficit of 23 spaces, even before considering special events or overlapping uses.

During the farmers market, the center already experiences illegal parking, overflow into surrounding areas, and congestion. Adding a bar use will worsen an already unsafe and inadequate parking situation.

4. Traffic and congestion will increase in an area already under strain.

The Planning Commission report acknowledges that the site is located within 500 feet of residential uses. Residents already experience congestion during events and market days. A bar use will increase nighttime traffic, ride-share activity, and late-night vehicle noise.

5. The proposal does not satisfy the CUP criteria required for approval.

To approve a Conditional Use Permit, the Council must find that:

- The use will not be detrimental to public health, safety, or welfare.
- The use is reasonably compatible with surrounding areas.
- The use will not adversely impact nearby residential districts.
- Adequate parking and traffic capacity exist.
- Noise and light impacts are fully mitigated.

Based on the evidence, these findings cannot be made.

6. The community does not support this use.

Residents have already submitted concerns, and more opposition is growing as neighbors learn about the proposal. This area values its quiet character, dark skies, and environmental sensitivity. A bar use is simply not appropriate here.

My request, for the reasons above, I respectfully urge the City Council to deny the Conditional Use Permit for Case 7-UP-2025.

Thank you for your time and for your commitment to protecting Scottsdale's neighborhoods and environmentally sensitive areas.

Sincerely,

Robin Farrell
Scottsdale Resident

From: Linda De Bella <linda.debella@icloud.com>
Sent: Monday, February 16, 2026 9:05 AM
To: Zimmer, Christopher
Subject: Please Deny Case 7-UP-2025 – Alpio’s at Troon Bar CUP

⚠ External Email: Please use caution if opening links or attachments!

Dear Mayor Borowsky and Members of the City Council,

I am a full-time Scottsdale resident writing to strongly oppose Case 7-UP-2025, the request for a Bar Conditional Use Permit at Alpio’s at Troon.

This location is not appropriate for a bar use. The site is within the Environmentally Sensitive Lands Overlay and borders NAOS, where quiet, low-intensity uses are essential. A bar with late-night alcohol service will create noise and activity that will disturb nearby homes and wildlife.

Parking is already over capacity in this center, and during the farmers market we regularly see illegal parking and congestion. The applicant’s own documents show a deficit of required parking spaces. Adding a bar will worsen these unsafe conditions.

The Conditional Use Permit criteria require that the use not harm public welfare, not adversely impact nearby residences, and not exceed parking or traffic capacity. Based on the evidence, these findings cannot be made.

For these reasons, I respectfully ask you to deny the Conditional Use Permit for 7-UP-2025.

Thank you for your consideration.

Sincerely,

Linda De Bella
10434 E Monterra Way
Scottsdale 85262
312-259-6161

From: Mary Bilali <mary.bilali@gmail.com>
Sent: Monday, February 16, 2026 10:04 AM
To: Zimmer, Christopher; klittlefield@scottsdale.gov;
akwasma@scottsdaleaz.gov; Graham, Barry;
jdubauakas@scottsdaleaz.gov; Borowsky, Lisa; McAllen, Maryann;
Whitehead, Solange
Subject: Case 7-UP-2025

External Email: Please use caution if opening links or attachments!

Dear Mayor Borowsky and Members of the City Council,

I am a Scottsdale resident writing to strongly oppose Case 7-UP-2025, the request for a Bar Conditional Use Permit at Alpio's at Troon.

This location is not appropriate for a bar use. The site is within the Environmentally Sensitive Lands Overlay and borders NAOS, where quiet, low-intensity uses are essential. A bar with late-night alcohol service will create noise and activity that will disturb nearby homes and wildlife.

Parking is already over capacity in this center, and during the farmers market we regularly see illegal parking and congestion. The applicant's own documents show a deficit of required parking spaces. Adding a bar will worsen these unsafe conditions.

The Conditional Use Permit criteria require that the use not harm public welfare, not adversely impact nearby residences, and not exceed parking or traffic capacity. Based on the evidence, these findings cannot be made.

For these reasons, I respectfully ask you to deny the Conditional Use Permit for 7-UP-2025.

Thank you for your consideration.

Sincerely,

Mary Bilali

Scottsdale Resident

Zimmer, Christopher

From: nancyb@gunder.us
Sent: Monday, February 16, 2026 1:08 PM
To: Borowsky, Lisa; jdubauakas@scottsdaleaz.gov; Graham, Barry; akwasmak@scottsdaleaz.gov; Littlefield, Kathy; McAllen, Maryann; Whitehead, Solange; Zimmer, Christopher
Subject: Please Deny Case 7-UP-22025 - Alpio's at Troon Bar CUP

⚠ External Email: Please use caution if opening links or attachments!

Dear Mayor Borowsky and Members of the Scottsdale City Council,

As a Scottsdale resident and homeowner at the Reserve at Pinnacle Peak Patio since 2018, I am writing to strongly oppose Case 7-UP-2025, the request for a Bar Conditional Use Permit at Alpio's at Troon, located at 10452 E. Jomax Road.

As a concerned citizen, we read the planning commission report and applicant's proposal and have concluded that it does not meet the Conditional Use Permit Criteria required to approve it. Nearby homes (residences within 500 feet), the environmentally sensitive setting (C-2 ESL), and the already insufficient parking and traffic conditions make this use inappropriate for this location.

1. The proposed bar use does not conform with the site's Environmentally Sensitive Lands Overlay (C-2 ES) which is intended to protect the natural desert character of the site and limit high-intensity commercial activity. Opening a late-night bar with alcohol service at this site is inconsistent with the purpose of the ESL designation and the nearby Natural Areas Open Space (NOAS) tracts.
2. The noise impact will be unavoidable and disruptive to nearby homes. Although the staff report states that activities will be "conducted indoors", the property includes an outdoor patio, and the applicant's operations include amplified sound and event-based gatherings. Under state liquor laws, alcohol service can extend until 2 A.M., which will surely disturb nearby residents, The CUP criteria require that noise be mitigated and not exceed ambient levels. This standard cannot realistically be met for a bar/event center within 500 feet of residential neighborhoods. I own a home directly adjacent to the center and am familiar with the noise levels of a nearby restaurant with an outside patio. Sound and voices carry from the outdoor patio but fortunately things tend to quiet down by 9 P.M.
3. Parking is already insufficient as noted in the applicants own documents. The applicant's parking analysis shows that the bar/event center will require 53 parking spaces. The mall requires 211 spaces and a total of 188 are provided resulting in a deficit of 23 spaces even before considering special events and overlapping uses. During a regular Saturday Farmer's market, the center already experiences illegal parking, overflow parking into the surrounding areas, and significant congestion. Adding a bar/event venue will worsen an already unsafe and inadequate parking situation.
4. Traffic and congestion will increase in an area already under strain. The Planning Commission report acknowledges that the site is located within 500 feet of residential uses. Residents already experience congestion during events and farmer's market days. A nearby senior living center and Pinnacle Peak Park also add to the demand for parking in the area
5. In order to approve a Conditional Use Permit, the Council must find that:
 - . The use will not be detrimental to public health, safety, and welfare;
 - . The use is reasonably compatible with the surrounding areas;
 - . The use will not adversely impact nearby residential districts;
 - . Adequate parking and traffic capacity exist; and,
 - . Noise and light impacts are fully mitigated.

6. Based on the evidence provided above, approval of a Conditional Use Permit should NOT be made for this site. The local community does not support this use. Residents have already submitted concerns, and more opposition is growing as neighbors are learning about the proposal. The residents in this area value the neighborhood's quiet character, dark skies, and environmental sensitivity. Opening a bar/event venue is not an appropriate use for this site.

Therefore, I am asking you to vote to deny the Conditional Use Permit for Case 7-UP-2025. Thank you for taking the time to read about my concerns and for your ongoing commitment to protecting Scottsdale's neighborhoods and environmentally sensitive areas.

Sincerely,

Nancy Gunder
Resident, The Reserve at Pinnacle Peak Patio Scottsdale, Arizona 85262

Zimmer, Christopher

From: nancyb@gunder.us
Sent: Monday, February 16, 2026 1:18 PM
To: Borowsky, Lisa; jdubauakas@scottsdaleaz.gov; Graham, Barry; akwasmak@scottsdaleaz.gov; Littlefield, Kathy; McAllen, Maryann; Whitehead, Solange; Zimmer, Christopher
Subject: Re: Please Deny Case 7-UP-22025 - Alpio's at Troon Bar CUP

⚠ External Email: Please use caution if opening links or attachments!

> On Feb 16, 2026, at 1:08 PM, nancyb@gunder.us wrote:

>

> Dear Mayor Borowsky and Members of the Scottsdale City Council,

>

> As a Scottsdale resident and homeowner at the Reserve at Pinnacle Peak Patio since 2018, I am writing to strongly oppose Case 7-UP-2025, the request for a Bar Conditional Use Permit at Alpio's at Troon, located at 10452 E. Jomax Road.

>

> As a concerned citizen, we read the planning commission report and applicant's proposal and have concluded that it does not meet the Conditional Use Permit Criteria required to approve it. Nearby homes (residences within 500 feet), the environmentally sensitive setting (C-2 ESL), and the already insufficient parking and traffic conditions make this use inappropriate for this location.

>

> 1. The proposed bar use does not conform with the site's Environmentally Sensitive Lands Overlay (C-2 ES) which is intended to protect the natural desert character of the site and limit high-intensity commercial activity. Opening a late-night bar with alcohol service at this site is inconsistent with the purpose of the ESL designation and the nearby Natural Areas Open Space (NOAS) tracts.

>

> 2. The noise impact will be unavoidable and disruptive to nearby

> homes. Although the staff report states that activities will be "conducted indoors", the property includes an outdoor patio, and the applicant's operations include amplified sound and event-based gatherings. Under state liquor laws, alcohol service can extend until 2 A.M., which will surely disturb nearby residents, The CUP criteria require that noise be mitigated and not exceed ambient levels. This standard cannot realistically be met for a bar/event center within 500 feet of residential neighborhoods. I own a home directly adjacent to the center and am familiar with the noise levels of a nearby restaurant with an outside patio. Sound and voices carry from the outdoor patio but fortunately things tend to quiet down by 9 P.M.

>

> 3. Parking is already insufficient as noted in the applicants own documents. The applicant's parking analysis shows that the bar/event center will require 53 parking spaces. The mall requires 211 spaces and a total of 188 are provided resulting in a deficit of 23 spaces even before considering special events and overlapping uses. During a regular Saturday Farmer's market, the center already experiences illegal parking, overflow parking into the surrounding areas, and significant congestion. Adding a bar/event venue will worsen an already unsafe and inadequate parking situation.

>

> 4. Traffic and congestion will increase in an area already under
> strain. The Planning Commission report acknowledges that the site is
> located within 500 feet of residential uses. Residents already
> experience congestion during events and farmer's market days. A
> nearby senior living center and Pinnacle Peak Park also add to the
> demand for parking in the area

>

> 5. In order to approve a Conditional Use Permit, the Council must find that:

- > . The use will not be detrimental to public health, safety, and welfare;
- > . The use is reasonably compatible with the surrounding areas;
- > . The use will not adversely impact nearby residential districts;
- > . Adequate parking and traffic capacity exist; and,
- > . Noise and light impacts are fully mitigated.

> 6. Based on the evidence provided above, approval of a Conditional Use Permit should NOT be made for this site. The local community does not support this use. Residents have already submitted concerns, and more opposition is growing as neighbors are learning about the proposal. The residents in this area value the neighborhood's quiet character, dark skies, and environmental sensitivity, Opening a bar/event venue is not an appropriate use for this site.

> Therefore, I am asking you to vote to deny the Conditional Use Permit for Case 7-UP-2025. Thank you for taking the time to read about my concerns and for your ongoing commitment to protecting Scottsdale's neighborhoods and environmentally sensitive areas.

> Sincerely,

> Nancy Gunder

> Resident, The Reserve at Pinnacle Peak Patio Scottsdale, Arizona 85262.

Zimmer, Christopher

From: Greg Noe <noegreg8@gmail.com>
Sent: Monday, February 16, 2026 7:42 PM
To: Zimmer, Christopher
Subject: Alpio's Bar Request Case 7-UP-2025 Please Deny

External Email: Please use caution if opening links or attachments!

Dear Mister Zimmer,

I am the HOA president of the Reserve at Pinnacle Peak Patio homes and writing to strongly oppose Case 7-UP-2025, the request for a Bar Conditional Use Permit at Alpio's at Troon. The Reserve at Pinnacle Peak community and my home lie directly adjacent to the Villages at Pinnacle Peak commercial complex which includes Alpio's.

This location is not appropriate for a bar use. The site is within the Environmentally Sensitive Lands Overlay and borders NAOS, where quiet, low-intensity uses are essential. A bar with late-night alcohol service will create noise and activity that will disturb nearby homes and wildlife. It will also increase "Dark Sky" violations in the area.

Parking is already far over capacity in this center, and during the farmers market we regularly see illegal parking and congestion. The applicant's own documents show a deficit of required parking spaces. Adding a bar will worsen these unsafe conditions.

The Conditional Use Permit criteria require that the use not harm public welfare, not adversely impact nearby residences, and not exceed parking or traffic capacity. Based on the evidence, these findings cannot be made.

For these reasons, I respectfully ask you to deny the Conditional Use Permit for 7-UP-2025. We are seeking legal counsel to help navigate this potential serious issue.

Thank you,
Greg Noe
26770 N 104th Way
Scottsdale AZ 85262
602-725-9522

Zimmer, Christopher

From: Rob Schmiedeler <robschmied@gmail.com>
Sent: Tuesday, February 17, 2026 1:04 PM
To: Borowsky, Lisa; jdubauakas@scottsdaleaz.gov; Graham, Barry; akwasma@scottsdaleaz.gov; klittlefield@scottsdale.gov; McAllen, Maryann; Whitehead, Solange; Zimmer, Christopher
Subject: Please Deny Case 7-UP-2025 – Alpio’s at Troon Bar CUP

External Email: Please use caution if opening links or attachments!

Dear Mayor Borowsky and Members of the City Council,

I am a homeowner living in the Reserve at Pinnacle Peak and writing to strongly oppose Case 7-UP-2025, the request for a Bar Conditional Use Permit at Alpio’s at Troon. The Reserve at Pinnacle Peak community and my home lie directly adjacent to the Villages at Pinnacle Peak commercial complex which includes Alpio’s. Within The Reserve, my lot is one of the closest to the proposed bar -THE PROPOSED BAR IS LESS THAN 100 YARDS FROM MY PATIO. I purchased here in 2018 and have enjoyed the tranquility of the Troon area, with quiet nights, peaceful sunsets, and limited noise and light pollution. I didn’t buy here expecting to be next to a bar. Troon is not Old Town!

This location is not appropriate for a bar use. The site is within the Environmentally Sensitive Lands Overlay and borders NAOS, where quiet, low-intensity uses are essential. A bar with late-night alcohol service will create noise and activity that will disturb nearby homes and wildlife.

Parking is already over capacity in this center, and during the farmers market we regularly see illegal parking and congestion. The applicant’s own documents show a deficit of required parking spaces. Adding a bar will worsen these unsafe conditions.

The Conditional Use Permit criteria require that the use not harm public welfare, not adversely impact nearby residences, and not exceed parking or traffic capacity. Based on the evidence, these findings cannot be made.

For these reasons, I respectfully ask you to deny the Conditional Use Permit for 7-UP-2025.

Thank you for your consideration.

Robert Schmiedeler
26771 N 104th Way
303 579 4218

Zimmer, Christopher

From: David Durfee <ddurfee@ellsworthcobb.com>
Sent: Tuesday, February 17, 2026 2:13 PM
To: Borowsky, Lisa; jdubauakas@scottsdaleaz.gov; Graham, Barry; akwasma@scottsdaleaz.gov; klittlefield@scottsdale.gov; McAllen, Maryann; Whitehead, Solange; Zimmer, Christopher
Subject: Case 7-UP-2025 – Alpio’s at Troon Bar CUP

⚠ External Email: Please use caution if opening links or attachments!

Mayor Borowsky and Members of the Scottsdale City Council:

Please reject Case 7-UP-2025, the request for a Bar Conditional Use Permit at Alpio’s at Troon.

I live in a home in the peaceful Reserve at Pinnacle Peak, next door to the Villages at Pinnacle Peak center which includes Alpio's. My understanding is that prerequisites for issuance of a Conditional Use Permit include assurances that the use shall not harm public welfare, shall not adversely impact nearby residences, and shall not result in parking or traffic that exceeds capacity. These assurances surely do not exist here.

The Alpio’s location is absolutely not appropriate for a bar use. The site is within the Environmentally Sensitive Lands Overlay and borders NAOS, where quiet, low-intensity uses are essential. A bar with late-night alcohol service will surely create excessive noise, lights, traffic and activity that will disturb nearby residents and even wildlife.

Parking is already over capacity in this center. The applicant’s own documents show a deficit of required parking spaces. During the weekly farmers market held in this locale, we already see illegal parking and congestion. Adding a bar will only worsen these unsafe conditions.

Please deny the Conditional Use Permit for 7-UP-2025. Thank you.

David Durfee
26700 N. 104th Pl.
Scottsdale, AZ 85262
602-538-8525

David Durfee, attorney
Ellsworth Cobb PLC
1850 N. Central Ave., S. 1100
Phoenix, AZ 85004



(602) 538 8525 (direct/mobile)
ddurfee@ellsworthcobb.com

Zimmer, Christopher

From: sadler602@gmail.com
Sent: Tuesday, February 17, 2026 4:46 PM
To: Borowsky, Lisa; jdubauakas@scottsdaleaz.gov; Graham, Barry; akwasma@scottsdaleaz.gov; klittlefield@scottsdale.gov; McAllen, Maryann; Whitehead, Solange; Zimmer, Christopher
Subject: Please Deny Case 7 UP 2025 – Alpio’s at Troon Bar CUP

⚠ External Email: Please use caution if opening links or attachments!

Subject: Please Deny Case 7-UP-2025 – Alpio’s at Troon Bar CUP

Dear Mayor Borowsky and Members of the City Council,

I am a homeowner living in the Reserve at Pinnacle Peak and writing to strongly oppose Case 7-UP-2025, the request for a Bar Conditional Use Permit at Alpio’s at Troon. The Reserve at Pinnacle Peak community and my home lie directly adjacent to the Villages at Pinnacle Peak commercial complex which includes Alpio's.

This location is not appropriate for a bar use. The site is within the Environmentally Sensitive Lands Overlay and borders NAOS, where quiet, low-intensity uses are essential. A bar with late-night alcohol service will create noise and activity that will disturb nearby homes and wildlife.

Parking is already over capacity in this center, and during the farmers market we regularly see illegal parking and congestion. The applicant’s own documents show a deficit of required parking spaces. Adding a bar will worsen these unsafe conditions.

The Conditional Use Permit criteria require that the use not harm public welfare, not adversely impact nearby residences, and not exceed parking or traffic capacity. Based on the evidence, these findings cannot be made.

For these reasons, **I respectfully ask you to deny the Conditional Use Permit for 7-UP-2025.**

Thank you for your consideration.

Sherri & Steven Adler
10430 East Summit Peak Way
Scottsdale, AZ 85262

Lane, Benjamin

From: Howard Lein <howardlein@gmail.com>
Sent: Friday, February 20, 2026 8:14 AM
To: City Council
Subject: Project #166-PA-2025 - URGENT - TO BE DISCUSSED THIS COMING TUESDAY AT THE CITY COUNCIL MEETING
Attachments: Villages cover letter to City Council.pdf; Villages DaCosta letter to City Council.pdf; Villages CC&Rs addendum.pdf; Villages 7-26-26 letter from HL to P and Z.pdf; Villages Larry Bonnell letter to Zimmer.pdf; Villages signed petitions.pdf

⚠ External Email: Please use caution if opening links or attachments!

Mayor Borowsky, Vice Mayor Kwasman and all Scottsdale City Council Members,

I am writing you directly to provide you some important information regarding a project that will be coming before the city council this coming Tuesday. There are many reasons why this should not have ever gotten to this point with the City Council. Attached are a number of documents and support as to why this project should not be approved by the Council. I have provided below a quick summary of the major issues that I think you need to be aware of when considering this project:

1. Five of the six building owners representing a super majority vehemently object to this project.
2. It was never even properly presented for approval to the POA and thus never approved by the POA.
3. The **complex's CCRs do not allow for a variety of things, including a bar/tavern that are proposed in this application.** By disregarding the CCR's and ignoring the private deed restrictions, approval of this project would instantly result in lawsuits being filed to stop it.
4. The applicants provided false information to Chris Zimmer in planning. As such, the parking calculations for the application were done incorrectly and Chris has subsequently admitted that. The applicants told him that one of the buildings was being changed from a restaurant to retail, which is completely false and documented as such by the owner of that building in one of the attachments. The applicants **have requested an increase of over two and a half times the number of parking spaces (from 22 to 55) they are entitled to**, based on the current complex allocation.
5. The applicants have **requested the building capacity to be increased from 55 to 245 people, a 345% increase** for their proposed event center. That number makes absolutely no sense based on the size of the building and parking that would be required for that many people.
6. In addition to the actual building owners, all of tenants in the complex, other than the applicants, are opposed to the proposal.
7. Many of the neighbors and surrounding businesses also object to this proposal.
8. Note that the applicants have been operating an Event Center for over 5 years without a City issued permit for the activity. They operated a Cars and Coffee event for at least 5 years without the required City issued permits or insurance. Police, Fire and Code Enforcement have issued tickets and fines for the illegal activities. Now, the applicant is putting a band aid on the activity and claiming the other owners in the complex are at fault for enforcing their CC&R rights.

For these reasons and others further discussed in the attached documents, we respectfully ask the City Council to reject this proposal and allow the complex to operate within its own CCR's. I would be happy to discuss any of this with you. Please feel free to reach out to me at 602-622-2226. Thank you in advance for your time and attention on this matter.

Best,

Howard Lein

President

Villages at Pinnacle Peak HOA

City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251

2/11/2026

Hand delivered

RE: OPPOSITION to Case No. 7-UP-2025 (Alpio's at Troon Event Center – Bar CUP) Location:
10452 E. Jomax Road, Scottsdale, AZ

Dear Mayor Borowsky and Members of the City Council:

This letter is submitted on behalf of the Villages at Pinnacle Peak Property Owners Association (the "Association") and the individual property owners subject to the recorded Covenants, Conditions and Restrictions ("CC&Rs") governing the subject property, recorded at Instrument No. 2005-06086890, Maricopa County Recorder.

The Association and affected owners formally and vigorously oppose approval of the above-referenced Conditional Use Permit ("CUP"). The CUP would allow the Applicant to operate a bar with 245 people on site at any one time. We respectfully request that the City Council remove this item from its agenda and if it is not able to do so, DENY this application.

I. THE APPLICANT FAILED TO OBTAIN APPROVAL FROM THE ASSOCIATION AND LACKS AUTHORITY TO PROCEED

Before approaching the City of Scottsdale, the Applicant had a contractual obligation to present this change of use and operational plan to the Association for review and approval. They failed to do so.

The Applicant is asking the City to bless a plan that the governing body of the property has not approved and is in direct violation of the long-standing CC&R's. To proceed with the proposed use, the Applicant requires Association approval for several items including but not limited to:

1. Change of Use: An exception to the prohibited uses clause (Bar/Tavern) in the CC&Rs.
2. Parking Reallocation: An amendment to the common area allocations to utilize 53 parking spaces when they are only deeded rights to approximately 22 spaces.
3. Refuse/Trash: Approval for new exterior refuse control plans as required by CCR Article IV, Section 4.5.
4. Prohibition in increased intensity and traffic impacts: Article V, Section 5.4 (Use Intensity and Compatibility) prohibits uses that materially increase traffic, parking demand, or activity intensity beyond what was contemplated for the development. The Applicant's own parking analysis, while incorrect, confirms a substantial increase in required parking.

The Association has not granted these approvals. By bringing this application to the City first, the Applicant is attempting to circumvent the private governance of the property. The City should not be a participant in this circumvention.

II. APPROVAL OF A USE PROHIBITED BY DEED RESTRICTIONS IS CONTRARY TO ARIZONA LAW AND SOUND PUBLIC POLICY

While City Staff often advise that the City "does not enforce private covenants," the City Council, in exercising its legislative discretion for a Conditional Use Permit (CUP), must consider the validity and viability of the proposal. Approving a CUP for a use that is contractually banned is a futility that wastes municipal resources and harms the community.

Use of this space as a bar and as a place for hire for large assemblies of people violate the Deed Restrictions. This is a matter of private contract, but given how bereft the CUP Application is of any details, the residents and the City are basically being told to "trust" the Applicant. How can anyone trust people who cavalierly ignore their contractual obligations?

In addition, the CUP application states the applicant "shall create a written exterior refuse control plan for approval by the City. However Article IV, Section 4.5 of the CC&Rs dictates that "No Garbage" shall be placed or kept on the Condominium except in covered containers or a type, size and style that are approved by the Association." The Applicant has promised screening and concessions to the City that they have no authority to implement without prior Association approval, which they have not obtained. **Additional refuse containers and their enclosures would take at least 2 to 3 parking spaces, which are already in very short supply.**

A. Zoning Does Not Override Recorded Restrictions It is well-settled Arizona law that municipal zoning approval cannot override binding private deed restrictions. In *Continental Oil Co. v. Fennemore*, 38 Ariz. 277 (1931), the Arizona Supreme Court held that zoning ordinances do not abrogate restrictive covenants running with the land.

- The Applicant is contractually prohibited from operating a bar (see Section III below).
- Even if the City grants this CUP, the Applicant cannot legally act upon it without inviting immediate injunctive relief from the Association.
- It is bad public policy for the City to issue an entitlement that is legally unenforceable the moment it is signed. Doing so forces the Association and neighbors to burden the court system to enforce rights that are already clearly established in the public record.

Approving a discretionary permit for a use that is impossible to implement due to superior private property restrictions creates a "zombie CUP." It creates confusion in the marketplace, distress for neighboring owners, and potential liability for the property owner who might mistakenly believe City approval grants them the right to violate their contract.

B. Violation of General Plan Goals for Neighborhood Stability The Scottsdale General Plan emphasizes stability and compatibility. Private covenants/CC&Rs are the primary mechanism by which property owners ensure stability and rely on the character of their development. By approving the use that shatters these covenants, the City actively undermines the stability of the Villages at Pinnacle Peak and erodes the reliance interests of the existing owners.

III. THE PROPOSED "BAR" and "GAME ROOM" USES ARE EXPRESSLY PROHIBITED BY THE RECORDED CC&Rs

A. "Bar" Use is Explicitly Banned (Exhibit B of CC&Rs) The Applicant is requesting a CUP for a "Bar" use. However, Exhibit B (Prohibited Uses) of the recorded CC&Rs contains a list of uses that are strictly forbidden on this property. Item #33 of Exhibit B specifically prohibits: "(33) a cocktail lounge, bar or tavern except as may be incidental to the operation of a restaurant;" The Applicant's proposal is not for a restaurant; it is for a standalone event venue/bar. Therefore, the proposed use is a direct violation of the property's governing documents. Characterizing the bar as part of an "event center" does not alter the legal analysis. Alcohol-centric bar service remains a prohibited use regardless of whether access is limited to "private events." Furthermore, "general assembly" is prohibited under Item #1 and "nightclub(s)" under item #34.

B. Other Uses Listed on the Application are Explicitly Banned (Exhibit B of CC&Rs) The first page of SR Architecture's planned area that was submitted for approval as part of Applicant's package designates an area for 174 occupants as a "Game Room". However, Exhibit B's prohibited uses also include item #8 "pool room, game room..." and item #15 "shows" of any nature.

C. Violation of Refuse The CUP application states the applicant "*shall create a written exterior refuse control plan for approval by the City.*" However, Article IV, Section 4.5 of the CCRs dictates that "*No garbage... shall be placed or kept on the Condominium except in covered containers of a type, size and style that are approved by the Association.*" The Applicant has promised screening and concessions to the City that they have no authority to implement without prior Association approval, which they have not obtained.

IV. THE PROPOSAL RELIES ON "GHOST PARKING" AND VIOLATES PROPERTY RIGHTS

The Applicant's parking analysis is critically flawed. It relies on
(1) commandeering common parking spaces the Applicant does not own; and
(2) miscalculating the parking needs of the surrounding center.

A. The Applicant Does Not Own the Rights to 53 Spaces According to the Applicant's narrative, the Bar use requires a minimum of 53 parking spaces. However, Article II, Section 2.6 of the CC&Rs establishes that the Applicant's unit (Building 5) holds only a 10.96% ownership interest in the Common Elements.

- Per the Applicant, the center has approximately 195 total spaces.
- A 10.96% interest entitles the Applicant to use approximately 22 spaces.
- The Applicant intends to utilize at least 53 spaces, which is more than double their deeded entitlement. However, at no time has the Applicant worked with the Association to obtain additional parking from the other condominium owners who will be burdened with the increased use of their common elements with no increased compensation from the Applicant. In fact, while the Applicant is one of the smaller property owners, it is requesting to become the largest user of the common area elements at no additional cost simply by circumventing the Association. By approving this CUP, the City would be sanctioning the Applicant's seizure of 31 parking spaces that legally belong to the other property owners.

B. The Proposed Parking is a Direct Violation of Section 9.103 The Planning Staff Report suggests the center has a surplus of parking. This is factually incorrect because it allows the Applicant to apply a generic retail calculation (1 per 300 sq. ft.) to a center that is dominated by high-intensity uses.

- **Existing High-Intensity Tenants:** The center houses *Pinnacle Grill* and *Darcy's Ristorante* (approx. 10,908 SF) and a *Fitness Center* (approx. 7,513 SF). These uses account for over 46.5% of the occupancy in the Center and require significantly higher parking ratios under City Code § 9.103 (1:120 SF for restaurants; 1:150 SF for fitness) compared to general retail (1:30 SF)
- **Parking Deficit:** When the actual code requirements for these existing tenants are added to the Applicant's proposed Bar requirement (1 per 80 sq. ft.), **the center's actual demand exceeds 250 spaces, however the entire center only has 195 spaces**
- **Applicant is Proposing 60% High-Intensity Use** – If approved, the complex would consist of +/- 60% restaurant, fitness center and bar use with less than 200 total parking stalls.
- **Logic Shows That The Proposed Use of Parking will Require Closer To 100 Parking Stalls** - The applicant is requesting a bar with a total capacity of 247 occupants. Assuming the bar only has 15 employees with an average carload of 3 passengers, an additional 82 parking spaces would be used for patrons so required actual onsite parking would be over 97 parking spaces.
- **Spillover Parking** With only +/-200 existing spaces and two (2) existing restaurants, the approval of this CUP will create an immediate parking crisis, forcing patrons to park in unauthorized areas or overflow into the adjacent residential streets. It must be emphasized: There is NO overflow parking available at the location.

Simply put, the CUP will crowd out the limited existing retail and restaurant in this area by eliminating viable parking options. This use would also create unacceptable levels of noise in an area surrounded by a residential complex, and an assisted care facility. It will create safety and traffic concerns, as there is no parking on Jomax and no street lighting. At night, it is dangerous for clients to use off site parking due to lack of lighting since it is a "dark sky" community.

Under Section 1.401 of the Scottsdale Zoning Ordinance, the Applicant bears the burden of demonstrating that the adverse effects listed in the ordinance will not materialize. To wit:

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 Councils consideration shall include, but not be limited to the following factors:*

1. *Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.*
2. *Impact on surrounding areas resulting from an unusual volume or character of traffic.*

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

None of these criteria are met by the Applicant. The CUP will harm the surrounding area greatly. This use—allowing for a bar with up to 245 people at any one time—is not compatible with the other uses in the area.

While the Association supports reasonable business development, we cannot support a proposal that poses a threat to the other businesses in the area. This is clearly why this use is not allowed.

Conclusion

We urge that the City respect the property rights of the existing business owners and residents by upholding the established parking standards. We respectfully request that you deny this application to place a high-intensity bar in the center of our neighborhood retail complex, directly adjacent to a quiet residential community.

If you have questions, we would be glad to discuss this matter in person.

--

Howard Lein

Owner

10458 E. Jomax

Scottsdale, AZ 85262

Direct: 602-622-2226

Howardlein@gmail.com

Douglas DaCosta
Original Developer – The Villages at Pinnacle Peak
9070 E. Gary Road
Scottsdale, AZ 85260
dougdacosta1@gmail.com

October 20, 2025

City of Scottsdale Planning Department
Attn: Chris Zimmer, Planner
7447 E. Indian School Rd, Suite 105
Scottsdale, AZ 85251

Re: Formal Objection to Conditional Use Permit Application (7-UP-2025)
Project: Alpio's at Troon Event Center – Bar CUP
Location: 10452 E. Jomax Road, Scottsdale, AZ 85262

Dear Mr. Zimmer and Members of the Planning Commission,

As the original developer of *The Villages at Pinnacle Peak*, I am submitting this letter to formally object to the above-referenced Conditional Use Permit request seeking to establish a bar use at 10452 E. Jomax Road.

When the Villages at Pinnacle Peak was originally entitled, parking capacity and intensity of use were carefully analyzed and coordinated with the City's Planning and Zoning Department prior to approval and construction. Each building's occupancy, parking allocation, and permitted use were explicitly tied to these findings, ensuring compatibility with surrounding residential and commercial properties.

The recorded Covenants, Conditions and Restrictions (CC&Rs) for the development were intentionally drafted to prohibit specific high-intensity or incompatible uses, including:

- Bars, taverns, or lounges where alcohol is the principal item of sale;
- Nightclubs, dance halls, or similar entertainment venues;
- Any use creating excessive noise or vehicular congestion inconsistent with a professional and retail environment; and
- **Any business or operation conducted only on a part-time, seasonal, interim, or special-event basis—whether open to the public or held for private gatherings—intended to avoid the continuous, permanent business occupancy required under the CC&Rs.;**

These restrictions were not arbitrary—they were crafted with deliberate intent to protect the community character, preserve property values, and maintain a balanced commercial environment consistent with the City's zoning approvals and the developer's original intent.

The proposed bar use under Case 7-UP-2025 would:

1. Exceed the parking and occupancy thresholds contemplated in the project's original design;

2. Directly conflict with the CC&Rs; prohibiting bar, nightclub, and temporary or intermittent event-based operations; and
3. Undermine the intended mix of professional and neighborhood-serving businesses, introducing after-hours traffic, noise, and safety issues detrimental to existing tenants and adjacent residential properties.

For these reasons, I respectfully request that the Planning Department and Planning Commission deny the Conditional Use Permit for Case 7-UP-2025. The proposed use is incompatible with the approved development plan, the binding CC&Rs, and the community character that this project was designed to uphold.

Thank you for your consideration. Please include this letter as part of the official public record for Case 7-UP-2025. I would also appreciate confirmation of receipt and notification of all future hearings related to this matter.

Sincerely,

Douglas DaCosta
Original Developer, The Villages at Pinnacle Peak
(602) 430-3788

EXHIBIT "B"
Prohibited Uses

In no event may a Unit be used for: (1) an auditorium or other similar place of general assembly; (2) an indoor flea market; (3) a secondhand store, thrift store, swap shop, liquidation outlet or used clothing store, including any business that regularly sells merchandise referred to as "odd lot", "cancellation", "second", "factory reject", "sample", "floor model", "floor demonstrator", "obsolescent", "distressed", "salvage" or "damaged"; (4) a massage parlor; (5) a cemetery/crematorium; (6) a so-called "head shop" or facility for the sale, rental, distribution or display of drug paraphernalia such as roach clips, bongs, water pipes, coke spoons, cigarette wrapping papers, pipes and/or syringes; (7) a facility for the sale, rental, display or distribution of pornographic, lewd, sexually explicit or so-called adult material; (8) an off-track betting parlor, bowling alley, billiard parlor, pool room, game room, amusement arcade or gaming hall; (9) an automobile body shop, truck stop, junk yard or motor vehicle dismantling operation; (10) a recycling facility; (11) a stock yard; (12) a traveling carnival, circus or fair; (13) a coin operated laundry or dry cleaner; (14) the sale, rental or storage of motor vehicles; (15) shows; (16) booths for the sale of fireworks; (17) churches, temples or other houses of religious worship, including a charity dining hall; (18) any establishment conducting games of chance; (18) a pawn shop; (20) a bingo hall; (21) a rehabilitation center for physical, mental or substance abuse rehabilitation or treatment; (22) a funeral home or funeral parlor; (23) a business which creates strong, unusual or offensive odors, fumes, dusts or vapors, is a public nuisance, emits noise or sounds which are objectionable due to intermittence, beat, frequency, shrillness or loudness, or creates a hazardous condition; (24) the dumping or disposing of garbage or refuse; (25) offices, except as may be incidental to a retail operation; (26) any residential, production, manufacturing, industrial or storage use of any kind or nature except for storage and/or assembly of products incidental to the Permitted Use of the Premises; (27) check cashing services; (28) the conduct of any auction, loss of lease, fire, bankruptcy or going out of business; (29) a school, including the operation of a preschool or day care center; (30) a theatre; (31) a "tattoo parlor" or "piercing parlor," so called; (32) the outdoor housing of animals; (33) a cocktail lounge, bar or tavern except as may be incidental to the operation of a restaurant; (34) nightclub, (35) environmental remediation facility, (36) exterminating service, (37) butane distribution, (38) exterminating and fumigating warehouse, (39) bulk storage of gasoline or fuel oil tanks, (40) bulk storage of paint and varnish, (41) petroleum products packaging and storage, (42) adult theater or so-called "gentlemen's club" featuring nude, topless or scantily clad men or women, (43) day labor hiring hall, (44) commercial loading of small arms or manufacture of ammunition, (45) rock quarrying, sand and gravel or other mineral extraction, (46) transit terminal (except to the extent required by governmental authorities having jurisdiction), (47) propane sales except as incidental to other retail sales or service, (48) drive-in movie theater, (49) concrete or cement products manufacturing, (50) plating or polishing shop, (51) plating works or electric plating, (52) foster home or group foster home, (53) farm devoted to hatching, raising, breeding and marketing of chickens, turkeys or other fowl, rabbits, fur-bearing animals or fish, (54) feeder lot for horses, cattle, goats or sheep, (55) dairy farm, (56) bail bond company, (57) body and fender shop (58) cannery, slaughter house or meat processing or packaging plant, (59) cesspool service, (60) flour or grain elevator, (61) motor vehicle fuel distribution facility, (62) outdoor hay and straw storage, (63) repair and rewinding of transformers or generators, (64) outdoor paving materials storage, (65) welding shop, (66) shelter or dormitory intended to provide temporary shelter, (67) residential uses, (68) the operation of an "order fulfillment center" or for the purchase, sale or distribution, whether in person, by catalog, by telephone or by computer, of goods or merchandise, (69) any business which operates on a part-time basis for only a portion of the week or month, (70) omitted, (71) any use prohibited by the Master Declarations, the Declarations and/or the ordinances of the City of Scottsdale, and (72) any governmental use. Notwithstanding the foregoing, the operation of arcade games or pool tables which are incidental to the operation of a restaurant shall not be prohibited under (8) above.

Howard Lein
10458 E Jomax Road
Scottsdale, AZ 85252
602-622-2226
Howardlien@gmail.com

Date: 7/26/2025

Planning & Development Services
City of Scottsdale
7447 E Indian School Rd, Suite 105
Scottsdale, AZ 85251

Reference Project Reference #: 166-PA-2025

Project Address: ALPIO'S AT TROON 10452 E JOMAX RD SCOTTSDALE AZ 85262

RE: Objection to Conditional Use Permit – The Villages at Pinnacle Peak

Dear Members of the Planning Commission,

We, the undersigned property owners representing five of the six ownership interests in The Villages at Pinnacle Peak, respectfully submit this formal objection to the proposed Conditional Use Permit (CUP) application under consideration by the City of Scottsdale for a use that would introduce live entertainment and high occupancy into our center.

1. Violation of Recorded CC&Rs

The recorded Covenants, Conditions & Restrictions (CC&Rs) governing The Villages at Pinnacle Peak explicitly prohibit any use involving live music, bars, or nightclubs. The proposed use clearly violates these restrictions and undermines the legally binding framework under which all owners agreed to operate. Scottsdale has long respected private covenants as integral to community stability, and approval of this CUP would be in direct conflict with those protections.

2. Unanimity Lacking – 5 of 6 Owners Oppose

This objection is supported by five of the six total ownership interests in the property. A significant supermajority of owners are united in opposition to the proposed use due to its incompatibility with the existing character and operational balance of the center. To disregard this overwhelming owner opposition would set a dangerous precedent that undermines private property rights and local control.

3. Occupancy Limit Exceeded – Safety Risk

The CUP materials indicate a proposed occupant load of 185 persons in a building that was originally designed and approved for a maximum of 50 occupants. This represents a 270% overage relative to the designed capacity. Such a discrepancy raises serious concerns related to life safety, fire code compliance, ingress/egress adequacy, and structural limits. Approval without full code reassessment would expose the City and other property owners to undue risk.

4. Severe Parking Deficiency – Harm to Existing Tenants

The existing shared parking facilities at The Villages are already strained by the legitimate operations of restaurants, a health club, and retail tenants. The introduction of a high-density entertainment use will displace existing customers, discourage access, and threaten the viability of long-standing businesses who rely on adequate parking to operate. This contradicts Scottsdale's planning objectives to support viable commercial uses with appropriate infrastructure.

Conclusion

We urge the Planning Commission to deny the requested CUP as it:

- Violates enforceable CC&Rs,
- Lacks support from a majority of ownership,
- Dramatically exceeds safe occupancy limits,
- Creates material parking and operational conflicts for the center.

We appreciate your attention to this matter and respectfully request the City uphold the integrity of the zoning process and the rights of property owners.

Sincerely,
Howard Lein
On Behalf of the Undersigned Owners

[Attach ownership signatures if submitting formally]

Larry Bonnell
13639 Freeman Ave.
Lawndale, CA 90260
Cell: 310-594-6496
Email: Larry57ford@yahoo.com

DL 34 LLC, Manager
Owner of 10434 E. Jomax Road
Scottsdale, AZ 85262

DL 46, LLC, Manager
Owner of 10446 E. Jomax Road
Scottsdale, AZ 85262

February 4, 2026

Mr. Chris Zimmer
Planning and Development Services
City of Scottsdale
7447 E. Indian School Road, Suite 105
Scottsdale, AZ 85251

Reference Project: #166-PA-2025, 7-UP-2025
Project address: Alpio's at Troon, 10432 E. Jomax Road, Scottsdale, AZ 85262

Dear Mr. Zimmer:

As owner of buildings located at 10434 E. Jomax Road and 10446 E. Jomax Road, I object to the CUP being requested for the following reasons:

1. It has come to my attention that the applicant, Terri Virga Triebwasser, indicated to you that the use of building 10434 E. Jomax was being changed from a "restaurant" use to "retail". That would lessen the parking requirements for the building and help the applicant claim more parking allocations for the applicant location. There has been no effort of my part to change the use of the building to a retail location.
2. I am a Vice President of the POA, Villages at Pinnacle Peak, POA. As required by the CC&R's, the Board of Directors of the association have never voted to approve the application to change the use of the applicants building by CUP to a bar license. The board minutes are quite clear and available if requested. One of the questions your group always asks is: has the POA board approved the application? Apparently, Ms. Virga Triebwasser verbally indicated that "all of the owners in the complex have approved the application". In fact, none of the owners in the complex, other than the owner of the applicants building, are in favor of the CUP application as will be given to you in exhibits. Five of six building owners are adamantly opposed to the CUP proposed.
3. The recorded Covenants, Conditions and Restrictions (CC&R's) governing the Villages at Pinnacle Peak explicitly prohibit any use involving live music, bars, or nightclubs. The proposed use clearly violates these restrictions and undermines the legally binding framework under which all owners agreed to operate. Scottsdale has long respected private covenants as integral to community stability and approval of this CUP would be in direct conflict with those protections. Again, had Ms. Virga Triebwasser bothered to present her plan and application to the POA board for approval, it most certainly would have been rejected due to the CC&R's. Changing the CC&R's to allow the CUP would have no support from 5 of the 6 building owners at this point.
4. The occupancy limit is being exceeded. The CUP materials indicate the occupancy load of the applicants building has been changed from 53 individuals to 185 people occupying the first floor and an additional 46 people occupying the second floor of the

impacts parking, safety, and fire code adequacy.

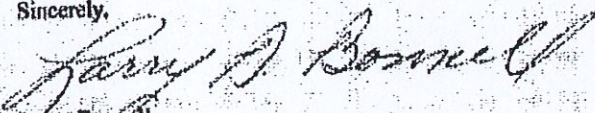
5. There is an additional parking deficiency with no solution available. The existing shared parking facilities at The Villages are already strained by legitimate operations of restaurants, a health club, and retail tenants. The introduction of a high density bar and entertainment CC&R violator will displace existing customers, discourage access and threaten the viability of long-standing businesses who rely on adequate parking to operate. Please be aware: once the parking lot at the Villages is filled, there is no alternative for the clients/guests to park off site. No overflow parking is provided.

Conclusion:

- I urge the Planning Commission to deny the CUP as it:**
 - Violates enforceable CC&R's**
 - Lacks the support from a majority of ownership**
 - Dramatically exceeds safe occupancy limits**
 - Creates material parking and operational conflicts for the center**

I appreciate your attention to the matter and ask that the City uphold the integrity of the zoning process and rights of property owners.

Sincerely,



Larry Bonnell

PETITION to the City Council and the Planning and Zoning Commission:

We request that the **City of Scottsdale** reject the application for a **Conditional Use Permit (7-UP-2025)** that would allow Alpio's at Troon, 10452 E. Jomax Road, to allow a bar, including the ability to have live music.

The retail and office center where Alpio's is located already has limited parking in the immediate area. Hence it relies on the delicate mixes of uses that are currently there, as reflected in the CC & Rs.

This use would violate the CC & Rs. Most importantly, the use would 1) crowd out the limited existing retail in this area by eliminating viable parking options, 2) would create unacceptable levels of noise in an area surrounded by residences, and 3) would create safety and traffic concerns, as there is no parking on Jomax and no street lighting, and other restrictions on lighting to preserve "Dark Skies."

DATE	SIGNATURE	PRINT NAME	ADDRESS & PHONE NUMBER
1/17		Ted Malone	28819 N. 139th Pl 460 469 6063
1/17		Keith Brodtkorb	10876 E HEDGECOCK PL SCOTTSDALE AZ 85268 480 236 8193
1/17		Jenn Sosnowski	7136 35 E Monument Dr SCOTTSDALE AZ 85262
1-17		Steve Fitzel	8401 S KACHINK DR Tempe AZ
1/17		Emanuel Rhodes	10400 W Mitten Way 623 986 7059
1-17		LARRY R. GIFFON	11242 N. 62ND PL. SCOTTSDALE AZ
1-17		Carissa Cichacki	17212 N SCOTTSDALE rd #1020 4142025325
1-17		Eric Keny	3359 E. Kelton Ln. PHX. 85032
1-17		Allen Glass	11151 E. De La O, Scottsdale AZ 85255
1-17		David Conroy	4631 E Farfel Dr Phoenix AZ 85028
1-23		Susan Sica	6031 E Snakehouse Trl SCOTTSDALE AZ 85262
1/23/26		Joe Lantini	10458 E. JOMAX RD #105 480 585 5003
1/23/26		Michael Moynahan	10458 E. Jomax Rd #105 480-585-5003

PETITION to the City Council and the Planning and Zoning Commission:

We request that the City of Scottsdale reject the application for a Conditional Use Permit (7-UP-2025) that would allow Alpio's at Troon, 10452 E. Jomax Road, to allow a bar, including the ability to have live music.

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DATE	SIGNATURE	PRINT NAME	ADDRESS & PHONE NUMBER
1/24		Crystal Branch	2735 Jennifer Ave Apt 2004 520-612-3820 ✓
1/24		Clandine W. Nis	28000 N. North Valley Pkwy Phoenix AZ 85085 808-268-3952
1/24		Heidi Mow	17965 E. Andromeda Rd Rio Verde AZ 85263
1/24		Betsy Clifton	14242 N 62nd Pl Scottsdale 85254
1/24		Jodi Jeffries	12470 N. Bluth St 85260 425-749-6
1/24		Kayla Baroit	7176 N Via De Amigos 85258 264-9867
1/24		Alyssa Wewetzer	14145 N 92nd St Scottsdale AZ 85260 480-900-8040
1/24		Kimberly Fritz	1983 N. 33rd Avenue Phoenix, AZ 85027 602-361-907
1/24		JERI LEE	6045 E Morning Vista Ln Cave Creek AZ 85331 949-533-3508
1/24		Heather Hodon	2865 S Quiet Canyon Columbus AZ 86326 (304) 549-0461
1/24		Kervin Clark	4210 W Siesta Ln Glendale AZ 85305
1/24		Holly Schaefer	93209 W Rancho W. Williams AZ 85384 480-313-167
1/24		Chris Schaefer	93209 W Rancho Laredo Dr Williams, AZ 480-290-151

23219

PETITION to the City Council and the Planning and Zoning Commission:

We request that the City of Scottsdale reject the application for a Conditional Use Permit (7-UP-2025) that would allow Alpio's at Troon, 10452 E. Jomax Road, to allow a bar, including the ability to have live music.

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DATE	SIGNATURE	PRINT NAME	ADDRESS & PHONE NUMBER
1/31/26	<i>[Signature]</i>	Cheryl Krause	10335 E Running Deer Tr 602-1014-3985
1/31/26	<i>[Signature]</i>	Rebecca Bianco	9573 E Southwind Ln 719-314-9041
1/31/26	<i>[Signature]</i>	Sheryl Blitt	10499 E Quartz Rock Rd Scottsdale, AZ 85255
1/31/26	<i>[Signature]</i>	Melissa Gold	25499 N 104th Way Scottsdale AZ 85255
1/31/26	<i>[Signature]</i>	Amy Friedman	10477 E Quartz Rock Rd 402-510-5564 85255
1/31/26	<i>[Signature]</i>	SUSAN FISHER	26415 N 115th Way 85255
1/31/26	<i>[Signature]</i>	Elisa Esses	10010 E Happy Valley 85255
1/31/26	<i>[Signature]</i>	Lori Schroeder	11230 E Whispering Ridge Way 85255
1/31/26	<i>[Signature]</i>	Jean Valerio	27405 N. 96th Way Scottsdale (916) 205-8730
1/31/26	<i>[Signature]</i>	Rhonda Fellows	25889 N 105th Pl, Scottsdale
1-31-26	<i>[Signature]</i>	Joan SAFTCHICK	17865 E SLIDE RD RIO VERDE AZ 85263
1/31/26	<i>[Signature]</i>	ELLYN KATE	078074 N. 96 85262
1/31	<i>[Signature]</i>	Joanne Desien	9368 E Adobe Drive Scottsdale, 85255

ALL SIGNATURES BELOW LIVE @
 ACOYA TROON 10455 E PINNACLE PEAK PKWY
 APT #S INCLUDED 85255

PETITION to the City Council and the Planning and Zoning Commission:

We request that the City of Scottsdale reject the application for a Conditional Use Permit (7-UP-2025) that would allow Alpio's at Troon, 10452 E. Jomax Road, to allow a bar, including the ability to have live music.

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DATE	SIGNATURE	PRINT NAME	ADDRESS & PHONE NUMBER
1/31/26	<i>[Signature]</i>	SHARON BARTICK	10455 E PINNACLE PEAK PKWY 1341 480-585-6508
1/31/26	<i>[Signature]</i>	DARLIZ	
1-31-26	<i>[Signature]</i>	Martie Weber	1355
1-31-26	<i>[Signature]</i>	E. Bailey	1343
1-31-26	<i>[Signature]</i>	Sandra Stone	1349
1/30/26	<i>[Signature]</i>	Joseph Thomas	1344
12-31-26	<i>[Signature]</i>	Yvonne Cole	1338
12-31-26	<i>[Signature]</i>	Judy Keltz	1354
1-31-26	<i>[Signature]</i>	Lynn Ballinger	1353
1/31/26	<i>[Signature]</i>	Marsha Rose	10455 E Pinnacle Peak Pkwy, Scottsdale, AZ
1-31-26	<i>[Signature]</i>	R. Montano	10455 PINNACLE PEAK RD.
1-31-26	<i>[Signature]</i>	Joyce Hoff	ACOYA TROON
1-31-26	<i>[Signature]</i>	DOROTHY CHAPMAN	

[Signature] - (M)

1383

ALL SIGNATURES BELOW LIVE @
 ACOYA TROON, 10455 E PINNACLE PKWY 85215
 APT #S INCLUDED

**PETITION to the City Council and the Planning and
 Zoning Commission:**

We request that the City of Scottsdale reject the application for a Conditional Use Permit (7-UP-2025) that would allow Alpio's at Troon, 10452 E. Jomax Road, to allow a bar, including the ability to have live music.

The retail and office center where Alpio's is located already has limited parking in the immediate area. Hence it relies on the delicate mixes of uses that are currently there, as reflected in the CC & Rs.

This use would violate the CC & Rs. Most importantly, the use would 1) crowd out the limited existing retail in this area by eliminating viable parking options, 2) would create unacceptable levels of noise in an area surrounded by residences, and 3) would create safety and traffic concerns, as there is no parking on Jomax and no street lighting, and other restrictions on lighting to preserve "Dark Skies."

DATE	SIGNATURE	PRINT NAME	ADDRESS & PHONE NUMBER	
1/31/25	Debra Dalo	Debra Dalo	480 273-2346	
1/31/26	Wilma Evers	Wilma Evers	480 313-2189	1217
1/31/26	A Russell Evers	A Russell Evers		1217
1/31/26	L. Sutter	L. Sutter		1253
1/31/26	Y. Sutter	Y. Sutter		1253
1/31/26	Roznik	Roznik		
1/30/26	Tyrrell	Tyrrell		
1/31/26	Paul Anders	Paul Anders	11051 E Buckhorn Dr 85262 480 205 6791	
1/31/26	Lori Shipp	Lori Shipp	11051 E Buckhorn Dr 85262	480 205 0885
1/31/26	Doris Shipp	Doris Shipp	480 205 6885	
1/31/26	Ginny Doyle	Ginny Doyle		1353
1/31/26	Mary Ann Brandon	Mary Ann Brandon	610-551-8070	1006
1/31/26	Honey Levin	Honey Levin	480-661-9628	1127

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DATE	SIGNATURE	PRINT NAME	ADDRESS & PHONE NUMBER
2/6/26	<i>[Signature]</i>	ALICE COLSON	SCOTTSDALE 85205 11722 E. WHISKEYNG LN NB
2/6/26	<i>[Signature]</i>	S.M. DEVANEY	7501 E Thompson Peak Blvd 1257 E DE Scottsdale 85255
2/6/26	<i>[Signature]</i>	Sandra Arrico	11553 E. LA JUNG R. Rd. Scottsdale, AZ. 85255
2/6/26	<i>[Signature]</i>	Karlisle Sullivan	26903 N Boulder Ln Scottsdale, AZ
2/6/26	<i>[Signature]</i>	PAULINKILLIP	10437 E. HORNET AVE SCOTTSDALE, AZ 85262
2/6/26	<i>[Signature]</i>	SHERIDAN	32531 N SCOTTSDALE RD, STE 1050
2/6/26	<i>[Signature]</i>	Lisa Tyler	27238 N 109th Ave
2/7/26	<i>[Signature]</i>	Joanne Darty	10702 E Herbyway Pl. 85262
2/7/26	<i>[Signature]</i>	Donna McAlister	27341 N 102nd St 85262
2/7/26	<i>[Signature]</i>	LINDA CHRISTIE	2955 N. PALM DR
2/7/26	<i>[Signature]</i>	Shawn O'Gorman	25150 N WINDYBROOK DR
2/7/26	<i>[Signature]</i>	Debra Vandagriff	28917 N Agua Vista Dr #43 Scottsdale AZ 85255
2/7/26	<i>[Signature]</i>	Susan Broderick	9758 E Granite Peak

85262

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DATE	SIGNATURE	PRINT NAME	ADDRESS & PHONE NUMBER
2-3-26	<i>Kathryn Gabriel</i>	K Gabriel	17763 E Silver Sage Lane
2-3-26	<i>A Gibson</i>	A Gibson	28222 N. CROOK CT
2-3-26	<i>K Turner</i>	K TURNER	11453 E BLANCHE DR
2/3/26	<i>Karen Holloway</i>	KAREN HOLLOWAY	28692 N 108TH WAY
2/4/26	<i>Kat Trull</i>	KAT TRULL	10822 E Troon North Dr
2/4/26	<i>Kate Hillenburg</i>	Kate Hillenburg	10718 E Desert Willow Drive
2/4/26	<i>Tracy A. Hanks</i>	Tracy A. Hanks	26719 N. 156th St
2/4/26	<i>K. S. Jones</i>	K. S. Jones	32124 N 164th St
2/4/26	<i>L. Kopsalis</i>	L. Kopsalis	17679 E. Woolsey Way <i>1210 0604</i>
2/4/26	<i>Cindy Roszel</i>	Cindy Roszel	10040 E Happy Valley Rd.
2/4/26	<i>Rick Blankenship</i>	Rick Blankenship	11660 E Cavendale Dr
2/4/26	<i>Joyce Blankenship</i>	Joyce Blankenship	11660 E Cavendale Dr
2/5/26	<i>Lisa Harmon</i>	Lisa Harmon	15536 E Meringville Ln Scottsdale

PETITION to the City Council and the Planning and Zoning Commission:

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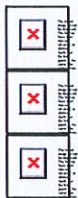
DATE	SIGNATURE	PRINT NAME	ADDRESS & PHONE NUMBER
1-25-26		Bob M...	11752 E. JOMAX 602-377-8572
1/25/26		Brian Walsh	11767 E Quail Track Drive Scottsdale AZ 85262
1/25/26		STEVEN JOTHASA	11088 E. RUMMINS DEER RD. SCOTTSDALE AZ 85262
1/25/26		RICHARD COOLEY	10452 E. JOMAX RD SCOTTSDALE 201-208-4630
1/25/26		Mohamed Deghlawi	23222 N Church rd Scottsdale AZ 85255 480 604-3840
1/25/26		Roger Rokersen	2374 Jomax 85255
1-25-26		Tessa P. Henshaw	14619 N. OLYMPIC WAY, AVON HILLS, AZ 602-377-2269
1-25-26		Debra Connel	1731 W. Big Oak St Phoenix AZ 85085 480-734-1865

Lane, Benjamin

From: TERRI VIRGA TRIEBWASSER <terri_arz07@icloud.com>
Sent: Sunday, February 22, 2026 4:40 PM
To: City Council
Cc: Borowsky, Lisa; Zimmer, Christopher; Curtis, Tim; Duane Smith
Subject: CUP 7-UP-2025 HEARING URGENT

⚠ External Email: Please use caution if opening links or attachments!

Please see the attached letters from Alpio's at Troon Owner, Duane Smith and his Attorney Mike Abel. We are anticipating a favorable consideration for February 24 Council hearing and I will be presenting as applicant and manager for Alpio at Troon event center information and any questions that may be needed to confirm our intentions of operation. If there might be a possibility to have a zoom meeting or council meeting before the hearing date, I will be available tomorrow as I am out of town at the moment, but back in Arizona in the afternoon, Monday February 23.
Sincerely , Terri Virga Triebwasser 916-412-2352



Thank you,
Terri
Alpio's at Troon
Sidewinder Management
Event Coordinator
916-412-2352
Terri_arz07@icloud.com
<https://poplme.co/hash/hjC67ul6/1/s>

Lane, Benjamin

From: notifications@cognitofrms.com on behalf of City of Scottsdale
<notifications@cognitofrms.com>
Sent: Sunday, February 22, 2026 7:21 PM
To: Lane, Benjamin
Subject: City Council Public Written Comment Form - Steven P DeMarzio

⚠ External Email: Please use caution if opening links or attachments!

City of Scottsdale

Web Scottsdale City Council Meeting Written Comment Form

[Open Form](#)

Entry Details

Agenda Item

MEETING DATE 2/24/2026

WHICH AGENDA ITEM WOULD YOU LIKE TO COMMENT ON? 03. Alpio's at Troon Event Center Bar Conditional Use Permit (7-UP-2025)

Name

FULL NAME Steven P DeMarzio

Contact Information

PHONE (661) 965-6082

EMAIL brutus350@verizon.net

ADDRESS 4744 E Quail Brush Rd

CITY

Cave Creek

Comment

COMMENT

Dear Mayor Borowsky and members of the Scottsdale City Council,

I am writing on behalf of Alpio's at Troon Event Center. I strongly endorse 7-UP-2025.

Alpio's at Troon is a special events venue and caters events which includes several non-profit organizations, the most notable being Society of St, Vincent de Paul (SVDP). These events are always well-attended.

Being a special events venue means it's not open every day of the week. On the other hand, Pinnacle Grille is open every day of the week, has an outdoor patio areas, hosts daily Happy Hours, and has a liquor license.

I have attended numerous Cars and Coffee @ Alpio's over the years. The event is primarily a morning affair and the attendees are considerate of property of the Villages at Pinnacle Peak. All the attendees clean up after themselves. I have heard mixed reviews of the Farmers' Market cleaning up after their event is over.

As far as noise and NAOS complaints, Pinnacle Grille (with a liquor license and an outdoor patio) is closer to the Reserve at Pinnacle Peak Townhomes than Alpio's. In fact, Alpio's at Troon Event Center is not backed up against any residences and is blocked to the west by another office building.

This venue is a treasure in this community. I encourage City Council members to visit this venue and see how much of Alpio's persona is in this site. It has been a labor of love. Alpio Barbara and Terri Virga-Triebwasser are a pleasure to deal with and are gracious hosts.

So, I encourage the City Council to approve 7-UP-2025.

Thank you in advance for your time,

Steve DeMarzio

Lane, Benjamin

From: Alpio Barbara <alpio.barbara@gmail.com>
Sent: Monday, February 23, 2026 9:16 AM
To: City Council
Cc: Duane Smith
Subject: Alpios additionally conditional use
Attachments: Council Action Report - 02-24-2026 - Item#03.pdf

⚠ External Email: Please use caution if opening links or attachments!

Good morning, Mayor and council members. I would like to address the attached petition that was circulated at the farmers market on Jomax and Alma school regarding the conditional use permit at Alpio's event center. I've contacted 6 to 8 of the Signatories that I recognized, and they were told that the petition was for the farmers market. Nothing to do with the conditional permit use so it's under false pretense that these people have sign this petition. 90% if not more live blocks away from the center and more than 750 ft radius which the planning approved in a 5-1 vote

They were also told that ALPIO'S event were center was gonna open a Texas style steakroadhouse with live entertainment, which is the furthest from the truth. the facility only holds 100 patrons and it's used mainly for community gatherings fundraisers as such. The lies that have been spread by Howard Lien , Lori Cordova, who is a proprietor of the flea/farmers market is hurtful to all those that are concerned a conditional used permit should be allowed for Alpio's event center so we can continue to help those in need as we have raised close to \$900,000 benefiting Phoenix, Children's Hospital, St. Vincent de Paul amongst other charities in the community

Thank you for reading this and appreciate a yes vote

Alpio Barbara

Alpio Barbara
Alpio.barbara@gmailcom
Alpiosattroon.com
650.995.4653 Cell

Alpios@Troon Event Center
Alpiosattroon.com

Lane, Benjamin

From: Smith, Duane <DSmith@truenorthcompanies.com>
Sent: Monday, February 23, 2026 11:08 AM
To: Alpio Barbara; City Council; TERRI VIRGA TRIEBWASSER
Subject: Re: Alpios additionally conditional use
Attachments: IMG_0504.jpeg; IMG_0505.jpeg

⚠ External Email: Please use caution if opening links or attachments!

Good Morning Mayor and Council,

This is Duane Smith, I purchased Alpio's unique venue in December of 2024. I had previously attended a number of charitable events there and was thoroughly impressed with the venue and the difference that it was making in the community. When I learned it was for sale, my goal was to continue the long-standing tradition that Alpio had developed. To make sure we were in compliance with all of the regulatory requirements, I met with several of your zoning representatives to review our current designation. Because we serve alcohol on a very limited basis, the recommendation was to apply for a bar classification. As you are aware, we have no plans to open a nightclub or full bar. Alcohol is only served as an incidental accommodation when requested by someone that wants to enjoy the facility. Furthermore, a full bar is not allowed within the CC&Rs of the community, which I agree with. I have attached a letter from attorney Mike Abel that speaks to the restrictions within the CC&Rs.

We only hold two to four events a month. Cars and Coffee is held Sunday from 7:00 to 10:00 when the restaurant is closed. The majority of the other events are held in the afternoon or evening and are over by 8:00 with a few ending no later than 10:00. We have no intention of changing anything going forward. When I asked the HOA members Monday of last week when was the last parking or safety issue, they said there were none after we agreed to move Cars and Coffee to Sunday.

It's disheartening that namely one individual within the complex has chosen to attack our ongoing ability to provide this unique venue to the community. I have bent over backwards to be a good neighbor and accommodate the other owners. Even though Cars and Coffee was held on Saturday's, years before Farmers Market, we agreed to move to Sunday to help with traffic congestion. We also complied with several other incidental requests. When I was recently made aware of the campaign that was being orchestrated against the zoning modification I met with Howard Lien to attempt to resolve any conflict he had. We actually called his attorney together. I agreed to limit the occupancy to 120 and provide that the venue would also be subject to the same series 12 liquor requirements. After agreeing to this compromise, he has since communicated that he will not support it.

My wife and I fell in love with the Scottsdale community years ago and finally purchased our home in the 100 Hills community four years ago. Although we are seasonal, we take pride in helping shape the culture of the communities we live in. I'm truly sorry you have been brought into this nonsense and hope you will support our efforts to continue to provide this unique venue experience for the community.

Unfortunately, I have a business conflict in Chicago tomorrow and will not be able to attend but would welcome a call if you have any questions. My cell phone is 319-431-6104.

Sincerely,

Duane Smith



Duane Smith, CIC
Executive Chairman | Executive Leadership
p: 319-364-5193
DSmith@truenorthcompanies.com
We invite you to *leave a review*.

TrueNorth Companies
CA Lic: 0D75414
500 1st St SE
Cedar Rapids, IA 52401

truenorthcompanies.com
Protect Today, *Maximize Tomorrow*.



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From: Alpio Barbara <alpio.barbara@gmail.com>
Sent: Monday, February 23, 2026 9:22 AM
To: citycouncil@scottsdaleaz.gov <citycouncil@scottsdaleaz.gov>
Cc: Smith, Duane <dsmith@truenorthcompanies.com>
Subject: Alpios additionally conditional use

Good morning, Mayor and council members. I would like to address the attached petition that was circulated at the farmers market on Jomax and Alma school regarding the conditional use permit at Alpio's event center. I've contacted 6 to 8 of the Signatories that I recognized, and they were told that the petition was for the farmers market. Nothing to do with the conditional permit use so it's under false pretense that these people have sign this petition. 90% if not more live blocks away from the center and more than 750 ft radius which the planning approved in a 5-1 vote

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Thank you for reading this and appreciate a yes vote
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Alpio.barbara@gmailcom
Alpiosattroon.com
650.995.4653 Cell

Alpios@Troon Event Center
Alpiosattroon.com

THE ABEL LAW GROUP, PLLC

MIKE A. ABEL
ATTORNEY AT LAW*
1734 E. Boston St. Ste. 103
Gilbert, AZ 85295

PHONE: (480)-478-4515
FAX: (480)-383-6438
mike@abellawgroup.com

*LL.M. International Taxation
Admitted in Arizona, Texas,
Ohio and South Carolina

City Council
City of Scottsdale
3939 N Drinkwater Blvd
Scottsdale, AZ 85251

February 13, 2026

Re: Case No. 7-UP-2025 – Alpio’s at Troon Event Center Bar Conditional Use Permit
Rebuttal to Objections Submitted by Howard Lein

To Whom it May Concern:

I represent Duane Smith, owner of Alpio’s at Troon Event Center, in connection with the above referenced Conditional Use Permit application. This letter is submitted to rebut the objections raised in the July 30, 2025 letter from Howard Lein on behalf of several other Unit owners, and to respectfully request that those objections be given no weight in the City Council’s decision.

The objections lack both factual and legal merit and should have no bearing on the issuance of the CUP for the following reasons:

1. Mr. Lein asserts that the proposal fails to meet the standards of the Scottsdale Zoning Ordinance regarding public health, safety, welfare, traffic impacts, compatibility, and Section 1.403 conditions. This is factually incorrect.

The City Planning staff conducted a detailed review and concluded that all criteria are satisfied. The staff report explicitly finds the use will not be materially detrimental to the public health, safety, or welfare, is compatible with surrounding commercial uses, and meets every applicable condition in Section 1.403. For these reasons the Planning and Development staff has formally recommended approval of the CUP.



2. The objection letter claims the CUP violates the governing CC&Rs. Although any CC&R violations should not have any bearing on the Counsel’s decisions as they are not a party to them, this claim is not accurate. The only arguably relevant provision in the CC&Rs are found in Exhibit “B”, paragraph 33, which prohibits a Unit from operating as a “cocktail lounge, bar or tavern” except as may be incidental to the operation of a restaurant.

Alpio’s at Troon is an event center that provides alcohol service only upon request as an optional component of pre-booked private events. This is clearly incidental to the primary event and catering use. Moreover, CC&Rs Section 4.15 expressly requires compliance with all applicable City ordinances and zoning approvals, a requirement that is being fulfilled through the CUP process.

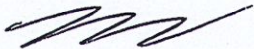
3. Traffic, parking, safety, and operational impacts are addressed claims of unusual traffic, overburdened infrastructure, or life-safety threats are directly refuted by the Planning Commission staff report, which confirms:

- Parking supply (201 spaces) exceeds demand (168 spaces required).
- Events are “reservation only” and scheduled to avoid peak traffic periods.
- All potential concerns are mitigated through a City approved management and security plan, indoor only operations, and compliance with noise, refuse, and fire/life safety regulations.

3. The fact several unit owners allegedly oppose the permit it is irrelevant. The CC&Rs do not require unanimous consent for lawful uses within an individual Unit and all land use and zoning decisions rest with the City, not private association members.

The objections submitted by Mr. Lein are either factually unsupported or legally irrelevant to the City’s CUP decision. The Planning Commission has already performed the required analysis and recommends approval. We therefore respectfully request that the City Council accept the Planning Commission’s recommendation and approve the Conditional Use Permit.

Sincerely,



Mike A. Abel
Attorney at Law

From: Robin Farrell <T48971640@hotmail.com>
Sent: Saturday, February 14, 2026 4:15 PM
To: Borowsky, Lisa; jdubauakas@scottsdaleaz.gov; Graham, Barry; akwasma@scottsdaleaz.gov; klittlefield@scottsdale.gov; McAllen, Maryann; Whitehead, Solange; Zimmer, Christopher
Subject: Opposition to Case 7-UP-2025 – Alpio’s at Troon Bar Conditional Use Permit

⚠ External Email: Please use caution if opening links or attachments!

Dear Mayor Borowsky, Members of the Scottsdale City Council and Senior Scottsdale Planner,

I am writing as a concerned Scottsdale resident to express my strong opposition to Case 7-UP-2025, the request for a Bar Conditional Use Permit at Alpio’s at Troon, located at 10452 E. Jomax Road.

After reviewing the Planning Commission report and the applicant’s materials, it is clear that this proposal does not meet the Conditional Use Permit criteria required for approval. The impacts to nearby homes, the environmentally sensitive setting, and the already strained parking and traffic conditions make this use inappropriate for this location.

1. The proposed bar use is incompatible with the Environmentally Sensitive Lands Overlay (C-2 ESL).

This site is within the Environmentally Sensitive Lands Overlay, which is intended to protect natural desert character and limit high-intensity commercial activity. A late-night bar with alcohol service is fundamentally inconsistent with the purpose of the ESL designation and the surrounding NAOS tracts.

2. Noise impacts will be unavoidable and disruptive to nearby homes.

Although the staff report states that activities are “conducted indoors,” the property includes an outdoor patio, and the applicant’s operations involve amplified sound and event-based gatherings. Under state liquor laws, alcohol service can extend until 2 AM, which will inevitably disturb nearby residents.

The CUP criteria require that noise be mitigated and not exceed ambient levels. This standard cannot realistically be met for a bar/event center within 500 feet of residential neighborhoods. I live in the adjacent neighborhood and know the noise levels of the restaurant with an outside patio. While not welcome, it usually quiets down by 9 P.M.

3. Parking is already insufficient — and the applicant’s own documents confirm it. The applicant’s parking analysis shows:

- Required parking for the bar/event center: 53 spaces
- Total required for the center: 211 spaces
- Total provided: 188 spaces

This is a deficit of 23 spaces, even before considering special events or overlapping uses.

During the farmers market, the center already experiences illegal parking, overflow into surrounding areas, and congestion. Adding a bar use will worsen an already unsafe and inadequate parking situation.

4. Traffic and congestion will increase in an area already under strain.

The Planning Commission report acknowledges that the site is located within 500 feet of residential uses. Residents already experience congestion during events and market days. A bar use will increase nighttime traffic, ride-share activity, and late-night vehicle noise.

5. The proposal does not satisfy the CUP criteria required for approval.

To approve a Conditional Use Permit, the Council must find that:

- The use will not be detrimental to public health, safety, or welfare.
- The use is reasonably compatible with surrounding areas.
- The use will not adversely impact nearby residential districts.
- Adequate parking and traffic capacity exist.
- Noise and light impacts are fully mitigated.

Based on the evidence, these findings cannot be made.

6. The community does not support this use.

Residents have already submitted concerns, and more opposition is growing as neighbors learn about the proposal. This area values its quiet character, dark skies, and environmental sensitivity. A bar use is simply not appropriate here.

My request, for the reasons above, I respectfully urge the City Council to deny the Conditional Use Permit for Case 7-UP-2025.

Thank you for your time and for your commitment to protecting Scottsdale's neighborhoods and environmentally sensitive areas.

Sincerely,

Robin Farrell
Scottsdale Resident

From: Linda De Bella <linda.debella@icloud.com>
Sent: Monday, February 16, 2026 9:05 AM
To: Zimmer, Christopher
Subject: Please Deny Case 7-UP-2025 – Alpio’s at Troon Bar CUP

⚠ External Email: Please use caution if opening links or attachments!

Dear Mayor Borowsky and Members of the City Council,

I am a full-time Scottsdale resident writing to strongly oppose Case 7-UP-2025, the request for a Bar Conditional Use Permit at Alpio’s at Troon.

This location is not appropriate for a bar use. The site is within the Environmentally Sensitive Lands Overlay and borders NAOS, where quiet, low-intensity uses are essential. A bar with late-night alcohol service will create noise and activity that will disturb nearby homes and wildlife.

Parking is already over capacity in this center, and during the farmers market we regularly see illegal parking and congestion. The applicant’s own documents show a deficit of required parking spaces. Adding a bar will worsen these unsafe conditions.

The Conditional Use Permit criteria require that the use not harm public welfare, not adversely impact nearby residences, and not exceed parking or traffic capacity. Based on the evidence, these findings cannot be made.

For these reasons, I respectfully ask you to deny the Conditional Use Permit for 7-UP-2025.

Thank you for your consideration.

Sincerely,

Linda De Bella
10434 E Monterra Way
Scottsdale 85262
312-259-6161

From: Mary Bilali <mary.bilali@gmail.com>
Sent: Monday, February 16, 2026 10:04 AM
To: Zimmer, Christopher; klittlefield@scottsdale.gov;
akwasma@scottsdaleaz.gov; Graham, Barry;
jdubauakas@scottsdaleaz.gov; Borowsky, Lisa; McAllen, Maryann;
Whitehead, Solange
Subject: Case 7-UP-2025

⚠ External Email: Please use caution if opening links or attachments!

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Parking is already over capacity in this center, and during the farmers market we regularly see illegal parking and congestion. The applicant's own documents show a deficit of required parking spaces. Adding a bar will worsen these unsafe conditions.

The Conditional Use Permit criteria require that the use not harm public welfare, not adversely impact nearby residences, and not exceed parking or traffic capacity. Based on the evidence, these findings cannot be made.

For these reasons, I respectfully ask you to deny the Conditional Use Permit for 7-UP-2025.

Thank you for your consideration.

Sincerely,

Mary Bilali

Scottsdale Resident

Zimmer, Christopher

From: nancyb@gunder.us
Sent: Monday, February 16, 2026 1:08 PM
To: Borowsky, Lisa; jdubauakas@scottsdaleaz.gov; Graham, Barry; akwasmak@scottsdaleaz.gov; Littlefield, Kathy; McAllen, Maryann; Whitehead, Solange; Zimmer, Christopher
Subject: Please Deny Case 7-UP-22025 - Alpio's at Troon Bar CUP

⚠ External Email: Please use caution if opening links or attachments!

Dear Mayor Borowsky and Members of the Scottsdale City Council,

As a Scottsdale resident and homeowner at the Reserve at Pinnacle Peak Patio since 2018, I am writing to strongly oppose Case 7-UP-2025, the request for a Bar Conditional Use Permit at Alpio's at Troon, located at 10452 E. Jomax Road.

As a concerned citizen, we read the planning commission report and applicant's proposal and have concluded that it does not meet the Conditional Use Permit Criteria required to approve it. Nearby homes (residences within 500 feet), the environmentally sensitive setting (C-2 ESL), and the already insufficient parking and traffic conditions make this use inappropriate for this location.

1. The proposed bar use does not conform with the site's Environmentally Sensitive Lands Overlay (C-2 ES) which is intended to protect the natural desert character of the site and limit high-intensity commercial activity. Opening a late-night bar with alcohol service at this site is inconsistent with the purpose of the ESL designation and the nearby Natural Areas Open Space (NOAS) tracts.
2. The noise impact will be unavoidable and disruptive to nearby homes. Although the staff report states that activities will be "conducted indoors", the property includes an outdoor patio, and the applicant's operations include amplified sound and event-based gatherings. Under state liquor laws, alcohol service can extend until 2 A.M., which will surely disturb nearby residents. The CUP criteria require that noise be mitigated and not exceed ambient levels. This standard cannot realistically be met for a bar/event center within 500 feet of residential neighborhoods. I own a home directly adjacent to the center and am familiar with the noise levels of a nearby restaurant with an outside patio. Sound and voices carry from the outdoor patio but fortunately things tend to quiet down by 9 P.M.
3. Parking is already insufficient as noted in the applicants own documents. The applicant's parking analysis shows that the bar/event center will require 53 parking spaces. The mall requires 211 spaces and a total of 188 are provided resulting in a deficit of 23 spaces even before considering special events and overlapping uses. During a regular Saturday Farmer's market, the center already experiences illegal parking, overflow parking into the surrounding areas, and significant congestion. Adding a bar/event venue will worsen an already unsafe and inadequate parking situation.
4. Traffic and congestion will increase in an area already under strain. The Planning Commission report acknowledges that the site is located within 500 feet of residential uses. Residents already experience congestion during events and farmer's market days. A nearby senior living center and Pinnacle Peak Park also add to the demand for parking in the area
5. In order to approve a Conditional Use Permit, the Council must find that:
 - . The use will not be detrimental to public health, safety, and welfare;
 - . The use is reasonably compatible with the surrounding areas;
 - . The use will not adversely impact nearby residential districts;
 - . Adequate parking and traffic capacity exist; and,
 - . Noise and light impacts are fully mitigated.

6. Based on the evidence provided above, approval of a Conditional Use Permit should NOT be made for this site. The local community does not support this use. Residents have already submitted concerns, and more opposition is growing as neighbors are learning about the proposal. The residents in this area value the neighborhood's quiet character, dark skies, and environmental sensitivity, Opening a bar/event venue is not an appropriate use for this site.

Therefore, I am asking you to vote to deny the Conditional Use Permit for Case 7-UP-2025. Thank you for taking the time to read about my concerns and for your ongoing commitment to protecting Scottsdale's neighborhoods and environmentally sensitive areas.

Sincerely,

Nancy Gunder
Resident, The Reserve at Pinnacle Peak Patio Scottsdale, Arizona 85262

Zimmer, Christopher

From: nancyb@gunder.us
Sent: Monday, February 16, 2026 1:18 PM
To: Borowsky, Lisa; jdubauakas@scottsdaleaz.gov; Graham, Barry; akwasmak@scottsdaleaz.gov; Littlefield, Kathy; McAllen, Maryann; Whitehead, Solange; Zimmer, Christopher
Subject: Re: Please Deny Case 7-UP-22025 - Alpio's at Troon Bar CUP

⚠ External Email: Please use caution if opening links or attachments!

> On Feb 16, 2026, at 1:08 PM, nancyb@gunder.us wrote:

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> Dear Mayor Borowsky and Members of the Scottsdale City Council,

>

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>

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>

> 3. Parking is already insufficient as noted in the applicants own documents. The applicant's parking analysis shows that the bar/event center will require 53 parking spaces. The mall requires 211 spaces and a total of 188 are provided resulting in a deficit of 23 spaces even before considering special events and overlapping uses. During a regular Saturday Farmer's market, the center already experiences illegal parking, overflow parking into the surrounding areas, and significant congestion. Adding a bar/event venue will worsen an already unsafe and inadequate parking situation.

>

> 4. Traffic and congestion will increase in an area already under strain. The Planning Commission report acknowledges that the site is located within 500 feet of residential uses. Residents already experience congestion during events and farmer's market days. A nearby senior living center and Pinnacle Peak Park also add to the demand for parking in the area

>

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- > . The use is reasonably compatible with the surrounding areas;
- > . The use will not adversely impact nearby residential districts;
- > . Adequate parking and traffic capacity exist; and,
- > . Noise and light impacts are fully mitigated.

>

> 6. Based on the evidence provided above, approval of a Conditional Use Permit should NOT be made for this site. The local community does not support this use. Residents have already submitted concerns, and more opposition is growing as neighbors are learning about the proposal. The residents in this area value the neighborhood's quiet character, dark skies, and environmental sensitivity, Opening a bar/event venue is not an appropriate use for this site.

>

> Therefore, I am asking you to vote to deny the Conditional Use Permit for Case 7-UP-2025. Thank you for taking the time to read about my concerns and for your ongoing commitment to protecting Scottsdale's neighborhoods and environmentally sensitive areas.

>

> Sincerely,

>

> Nancy Gunder
> Resident, The Reserve at Pinnacle Peak Patio Scottsdale, Arizona 85262

Zimmer, Christopher

From: Greg Noe <noegreg8@gmail.com>
Sent: Monday, February 16, 2026 7:42 PM
To: Zimmer, Christopher
Subject: Alpio's Bar Request Case 7-UP-2025 Please Deny

⚠ External Email: Please use caution if opening links or attachments!

Dear Mister Zimmer,

I am the HOA president of the Reserve at Pinnacle Peak Patio homes and writing to strongly oppose Case 7-UP-2025, the request for a Bar Conditional Use Permit at Alpio's at Troon. The Reserve at Pinnacle Peak community and my home lie directly adjacent to the Villages at Pinnacle Peak commercial complex which includes Alpio's.

This location is not appropriate for a bar use. The site is within the Environmentally Sensitive Lands Overlay and borders NAOS, where quiet, low-intensity uses are essential. A bar with late-night alcohol service will create noise and activity that will disturb nearby homes and wildlife. It will also increase "Dark Sky" violations in the area.

Parking is already far over capacity in this center, and during the farmers market we regularly see illegal parking and congestion. The applicant's own documents show a deficit of required parking spaces. Adding a bar will worsen these unsafe conditions.

The Conditional Use Permit criteria require that the use not harm public welfare, not adversely impact nearby residences, and not exceed parking or traffic capacity. Based on the evidence, these findings cannot be made.

For these reasons, I respectfully ask you to deny the Conditional Use Permit for 7-UP-2025. We are seeking legal counsel to help navigate this potential serious issue.

Thank you,
Greg Noe
26770 N 104th Way
Scottsdale AZ 85262
602-725-9522

Zimmer, Christopher

From: Rob Schmiedeler <robschmied@gmail.com>
Sent: Tuesday, February 17, 2026 1:04 PM
To: Borowsky, Lisa; jdubauakas@scottsdaleaz.gov; Graham, Barry; akwasma@scottsdaleaz.gov; klittlefield@scottsdale.gov; McAllen, Maryann; Whitehead, Solange; Zimmer, Christopher
Subject: Please Deny Case 7-UP-2025 – Alpio's at Troon Bar CUP

External Email: Please use caution if opening links or attachments!

Dear Mayor Borowsky and Members of the City Council,

I am a homeowner living in the Reserve at Pinnacle Peak and writing to strongly oppose Case 7-UP-2025, the request for a Bar Conditional Use Permit at Alpio's at Troon. The Reserve at Pinnacle Peak community and my home lie directly adjacent to the Villages at Pinnacle Peak commercial complex which includes Alpio's. Within The Reserve, my lot is one of the closest to the proposed bar -THE PROPOSED BAR IS LESS THAN 100 YARDS FROM MY PATIO. I purchased here in 2018 and have enjoyed the tranquility of the Troon area, with quiet nights, peaceful sunsets, and limited noise and light pollution. I didn't buy here expecting to be next to a bar. Troon is not Old Town!

This location is not appropriate for a bar use. The site is within the Environmentally Sensitive Lands Overlay and borders NAOS, where quiet, low-intensity uses are essential. A bar with late-night alcohol service will create noise and activity that will disturb nearby homes and wildlife.

Parking is already over capacity in this center, and during the farmers market we regularly see illegal parking and congestion. The applicant's own documents show a deficit of required parking spaces. Adding a bar will worsen these unsafe conditions.

The Conditional Use Permit criteria require that the use not harm public welfare, not adversely impact nearby residences, and not exceed parking or traffic capacity. Based on the evidence, these findings cannot be made.

For these reasons, I respectfully ask you to deny the Conditional Use Permit for 7-UP-2025.

Thank you for your consideration.

Robert Schmiedeler
26771 N 104th Way
303 579 4218

Zimmer, Christopher

From: Tony Glaves <tony@bntventures.com>
Sent: Tuesday, February 17, 2026 1:13 PM
To: Borowsky, Lisa; McAllen, Maryann; Graham, Barry; akwasma@scottsdaleaz.gov; jdubauakas@scottsdaleaz.gov; Whitehead, Solange; Zimmer, Christopher
Subject: CASE 7-UP-2025

Dear Mayor Borowsky and Members of the City Council,

I am a homeowner living in the Reserve at Pinnacle Peak and writing to strongly oppose Case 7-UP-2025, the request for a Bar Conditional Use Permit at Alpio's at Troon. The Reserve at Pinnacle Peak community and my home lie directly adjacent to the Villages at Pinnacle Peak commercial complex which includes Alpio's. It's a pitching wedge from my house.

This location is simply not appropriate for a bar use. The site is within the Environmentally Sensitive Lands Overlay and borders NAOS, where quiet, low-intensity uses are essential. A bar with late-night alcohol service will create noise and activity that will disturb nearby homes and wildlife.

Parking is already over capacity in this center, and during the farmers market we regularly see illegal parking and congestion. The applicant's own documents show a deficit of required parking spaces. Adding a bar will worsen these conditions.

The Conditional Use Permit criteria require that the use not harm public welfare, not adversely impact nearby residences, and not exceed parking or traffic capacity. Based on the evidence, these findings cannot be made.

For these reasons, I respectfully ask you to deny the Conditional Use Permit for 7-UP-2025.

Tony Glaves
26698 N 104th Way
Scottsdale, AZ 85262
tony@bntventures.com
650-799-1329

Zimmer, Christopher

From: David Durfee <ddurfee@ellsworthcobb.com>
Sent: Tuesday, February 17, 2026 2:13 PM
To: Borowsky, Lisa; jdubauakas@scottsdaleaz.gov; Graham, Barry; akwasma@scottsdaleaz.gov; klittlefield@scottsdale.gov; McAllen, Maryann; Whitehead, Solange; Zimmer, Christopher
Subject: Case 7-UP-2025 – Alpio’s at Troon Bar CUP

⚠ External Email: Please use caution if opening links or attachments!

Mayor Borowsky and Members of the Scottsdale City Council:

Please reject Case 7-UP-2025, the request for a Bar Conditional Use Permit at Alpio’s at Troon.

I live in a home in the peaceful Reserve at Pinnacle Peak, next door to the Villages at Pinnacle Peak center which includes Alpio's. My understanding is that prerequisites for issuance of a Conditional Use Permit include assurances that the use shall not harm public welfare, shall not adversely impact nearby residences, and shall not result in parking or traffic that exceeds capacity. These assurances surely do not exist here.

The Alpio’s location is absolutely not appropriate for a bar use. The site is within the Environmentally Sensitive Lands Overlay and borders NAOS, where quiet, low-intensity uses are essential. A bar with late-night alcohol service will surely create excessive noise, lights, traffic and activity that will disturb nearby residents and even wildlife.

Parking is already over capacity in this center. The applicant’s own documents show a deficit of required parking spaces. During the weekly farmers market held in this locale, we already see illegal parking and congestion. Adding a bar will only worsen these unsafe conditions.

Please deny the Conditional Use Permit for 7-UP-2025. Thank you.

David Durfee
26700 N. 104th Pl.
Scottsdale, AZ 85262
602-538-8525

David Durfee, attorney
Ellsworth Cobb PLC
1850 N. Central Ave., S. 1100
Phoenix, AZ 85004



(602) 538 8525 (direct/mobile)
ddurfee@ellsworthcobb.com

Zimmer, Christopher

From: sadler602@gmail.com
Sent: Tuesday, February 17, 2026 4:46 PM
To: Borowsky, Lisa; jdubauakas@scottsdaleaz.gov; Graham, Barry; akwasma@scottsdaleaz.gov; klittlefield@scottsdale.gov; McAllen, Maryann; Whitehead, Solange; Zimmer, Christopher
Subject: Please Deny Case 7 UP 2025 – Alpio's at Troon Bar CUP

⚠ External Email: Please use caution if opening links or attachments!

Subject: Please Deny Case 7-UP-2025 – Alpio's at Troon Bar CUP

Dear Mayor Borowsky and Members of the City Council,

I am a homeowner living in the Reserve at Pinnacle Peak and writing to strongly oppose Case 7-UP-2025, the request for a Bar Conditional Use Permit at Alpio's at Troon. The Reserve at Pinnacle Peak community and my home lie directly adjacent to the Villages at Pinnacle Peak commercial complex which includes Alpio's.

This location is not appropriate for a bar use. The site is within the Environmentally Sensitive Lands Overlay and borders NAOS, where quiet, low-intensity uses are essential. A bar with late-night alcohol service will create noise and activity that will disturb nearby homes and wildlife.

Parking is already over capacity in this center, and during the farmers market we regularly see illegal parking and congestion. The applicant's own documents show a deficit of required parking spaces. Adding a bar will worsen these unsafe conditions.

The Conditional Use Permit criteria require that the use not harm public welfare, not adversely impact nearby residences, and not exceed parking or traffic capacity. Based on the evidence, these findings cannot be made.

For these reasons, **I respectfully ask you to deny the Conditional Use Permit for 7-UP-2025.**

Thank you for your consideration.

Sherri & Steven Adler
10430 East Summit Peak Way
Scottsdale, AZ 85262

Comments received after
2/19/2026

Zimmer, Christopher

From: Howard Lein <howardlein@gmail.com>
Sent: Friday, February 20, 2026 8:23 AM
To: Zimmer, Christopher; Curtis, Tim
Subject: 24 of 155,669 Project #166-PA-2025 - URGENT - TO BE DISCUSSED THIS COMING TUESDAY AT THE CITY COUNCIL MEETING
Attachments: Villages cover letter to City Council.pdf; Villages DaCosta letter to City Council.pdf; Villages CC&Rs addendum.pdf; Villages 7-26-26 letter from HL to P and Z.pdf; Villages Larry Bonnell letter to Zimmer.pdf; Villages signed petitions.pdf

External Email: Please use caution if opening links or attachments!

Hello Chris and Tim,

This cover letter and supporting information has been provided to all City Council Members. It is my goal to speak with either one of you or both prior to Tuesday's City Council session. I would like to further explain our position and am willing to answer any and all questions from either of you.

Chris,

As you will see I have mentioned you below in regard to the parking calculations. Happy to discuss that further if you wish.

Let me know if you would like to meet or discuss this further. You can email or call me at 602- 622-2226.

Best,

Howard Lein

President

Villages at Pinnacle Peak HOA

Mayor Borowsky, Vice Mayor Kwasman and all Scottsdale City Council Members,

I am writing you directly to provide you some important information regarding a project that will be coming before the city council this coming Tuesday. There are many reasons why this should not have ever gotten to this point with the City Council. Attached are a number of documents and support as to why this project should not be approved by the Council. I have provided below a quick summary of the major issues that I think you need to be aware of when considering this project:

1. Five of the six building owners representing a super majority vehemently object to this project.
2. It was never even properly presented for approval to the POA and thus never approved by the POA.
3. **The complex's CCRs do not allow for a variety of things, including a bar/tavern that are proposed in this application.** By disregarding the CCR's and ignoring the private deed restrictions, approval of this project would instantly result in lawsuits being filed to stop it.
4. The applicants provided false information to Chris Zimmer in planning. As such, the parking calculations for the application were done incorrectly and Chris has subsequently admitted that. The applicants told him that one of the buildings was being changed from a restaurant to retail, which is completely false and documented as such by the owner of that building in one of the attachments. **The applicants have requested an increase of over two and a half times the number of parking spaces (from 22 to 55) they are entitled to,** based on the current complex allocation.
5. The applicants have **requested the building capacity to be increased from 55 to 245 people, a 345% increase** for their proposed event center. That number makes absolutely no sense based on the size of the building and parking that would be required for that many people.
6. In addition to the actual building owners, all of tenants in the complex, other than the applicants, are opposed to the proposal.
7. Many of the neighbors and surrounding businesses also object to this proposal.
8. Note that the applicants have been operating an Event Center for over 5 years without a City issued permit for the activity. They operated a Cars and Coffee event for at least 5 years without the required City issued permits or insurance. Police, Fire and Code Enforcement have issued tickets and fines for the illegal activities. Now, the applicant is putting a band aid on the activity and claiming the other owners in the complex are at fault for enforcing their CC&R rights.

For these reasons and others further discussed in the attached documents, we respectfully ask the City Council to reject this proposal and allow the complex to operate within its own CCR's. I would be happy to discuss any of this with you. Please feel free to reach out to me at 602-622-2226. Thank you in advance for your time and attention on this matter.

Best,

Howard Lein

President

Villages at Pinnacle Peak HOA

While the Association supports reasonable business development, we cannot support a proposal that poses a threat to the other businesses in the area. This is clearly why this use is not allowed.

Conclusion

We urge that the City respect the property rights of the existing business owners and residents by upholding the established parking standards. We respectfully request that you deny this application to place a high-intensity bar in the center of our neighborhood retail complex, directly adjacent to a quiet residential community.

If you have questions, we would be glad to discuss this matter in person.

--

Howard Lein

Owner

10458 E. Jomax

Scottsdale, AZ 85262

Direct: 602-622-2226

Howardlein@gmail.com

- **Existing High-Intensity Tenants:** The center houses *Pinnacle Grill* and *Darcy's Ristorante* (approx. 10,908 SF) and a *Fitness Center* (approx. 7,513 SF). These uses account for over 46.5% of the occupancy in the Center and require significantly higher parking ratios under City Code § 9.103 (1:120 SF for restaurants; 1:150 SF for fitness) compared to general retail (1:30 SF)
- **Parking Deficit:** When the actual code requirements for these existing tenants are added to the Applicant's proposed Bar requirement (1 per 80 sq. ft.), the center's actual demand exceeds 250 spaces, however the entire center only has 195 spaces
- **Applicant is Proposing 60% High-Intensity Use** – If approved, the complex would consist of +/- 60% restaurant, fitness center and bar use with less than 200 total parking stalls.
- **Logic Shows That The Proposed Use of Parking will Require Closer To 100 Parking Stalls** - The applicant is requesting a bar with a total capacity of 247 occupants. Assuming the bar only has 15 employees with an average carload of 3 passengers, an additional 82 parking spaces would be used for patrons so required actual onsite parking would be over 97 parking spaces.
- **Spillover Parking** With only +/-200 existing spaces and two (2) existing restaurants, the approval of this CUP will create an immediate parking crisis, forcing patrons to park in unauthorized areas or overflow into the adjacent residential streets. It must be emphasized: There is NO overflow parking available at the location.

Simply put, the CUP will crowd out the limited existing retail and restaurant in this area by eliminating viable parking options. This use would also create unacceptable levels of noise in an area surrounded by a residential complex, and an assisted care facility. It will create safety and traffic concerns, as there is no parking on Jomax and no street lighting. At night, it is dangerous for clients to use off site parking due to lack of lighting since it is a "dark sky" community.

Under Section 1.401 of the Scottsdale Zoning Ordinance, the Applicant bears the burden of demonstrating that the adverse effects listed in the ordinance will not materialize. To wit:

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 Councils consideration shall include, but not be limited to the following factors:*

1. *Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.*
2. *Impact on surrounding areas resulting from an unusual volume or character of traffic.*

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

None of these criteria are met by the Applicant. The CUP will harm the surrounding area greatly. This use—allowing for a bar with up to 245 people at any one time—is not compatible with the other uses in the area.

A. "Bar" Use is Explicitly Banned (Exhibit B of CC&Rs) The Applicant is requesting a CUP for a "Bar" use. However, Exhibit B (Prohibited Uses) of the recorded CC&Rs contains a list of uses that are strictly forbidden on this property. Item #33 of Exhibit B specifically prohibits: "(33) a cocktail lounge, bar or tavern except as may be incidental to the operation of a restaurant;" The Applicant's proposal is not for a restaurant; it is for a standalone event venue/bar. Therefore, the proposed use is a direct violation of the property's governing documents. Characterizing the bar as part of an "event center" does not alter the legal analysis. Alcohol-centric bar service remains a prohibited use regardless of whether access is limited to "private events." Furthermore, "general assembly" is prohibited under Item #1 and "nightclub(s)" under item #34.

B. Other Uses Listed on the Application are Explicitly Banned (Exhibit B of CC&Rs) The first page of SR Architecture's planned area that was submitted for approval as part of Applicant's package designates an area for 174 occupants as a "Game Room". However, Exhibit B's prohibited uses also include item #8 "pool room, game room..." and item #15 "shows" of any nature.

C. Violation of Refuse The CUP application states the applicant "*shall create a written exterior refuse control plan for approval by the City.*" However, Article IV, Section 4.5 of the CCRs dictates that "*No garbage... shall be placed or kept on the Condominium except in covered containers of a type, size and style that are approved by the Association.*" The Applicant has promised screening and concessions to the City that they have no authority to implement without prior Association approval, which they have not obtained.

IV. THE PROPOSAL RELIES ON "GHOST PARKING" AND VIOLATES PROPERTY RIGHTS

The Applicant's parking analysis is critically flawed. It relies on
(1) commandeering common parking spaces the Applicant does not own; and
(2) miscalculating the parking needs of the surrounding center.

A. The Applicant Does Not Own the Rights to 53 Spaces According to the Applicant's narrative, the Bar use requires a minimum of 53 parking spaces. However, Article II, Section 2.6 of the CC&Rs establishes that the Applicant's unit (Building 5) holds only a 10.96% ownership interest in the Common Elements.

- Per the Applicant, the center has approximately 195 total spaces.
- A 10.96% interest entitles the Applicant to use approximately 22 spaces.
- The Applicant intends to utilize at least 53 spaces, which is more than double their deeded entitlement. However, at no time has the Applicant worked with the Association to obtain additional parking from the other condominium owners who will be burdened with the increased use of their common elements with no increased compensation from the Applicant. In fact, while the Applicant is one of the smaller property owners, it is requesting to become the largest user of the common area elements at no additional cost simply by circumventing the Association. By approving this CUP, the City would be sanctioning the Applicant's seizure of 31 parking spaces that legally belong to the other property owners.

B. The Proposed Parking is a Direct Violation of Section 9.103 The Planning Staff Report suggests the center has a surplus of parking. This is factually incorrect because it allows the Applicant to apply a generic retail calculation (1 per 300 sq. ft.) to a center that is dominated by high-intensity uses.

II. APPROVAL OF A USE PROHIBITED BY DEED RESTRICTIONS IS CONTRARY TO ARIZONA LAW AND SOUND PUBLIC POLICY

While City Staff often advise that the City "does not enforce private covenants," the City Council, in exercising its legislative discretion for a Conditional Use Permit (CUP), must consider the validity and viability of the proposal. Approving a CUP for a use that is contractually banned is a futility that wastes municipal resources and harms the community.

Use of this space as a bar and as a place for hire for large assemblies of people violate the Deed Restrictions. This is a matter of private contract, but given how bereft the CUP Application is of any details, the residents and the City are basically being told to "trust" the Applicant. How can anyone trust people who cavalierly ignore their contractual obligations?

In addition, the CUP application states the applicant "shall create a written exterior refuse control plan for approval by the City. However Article IV, Section 4.5 of the CC&Rs dictates that "No Garbage" shall be placed or kept on the Condominium except in covered containers or a type, size and style that are approved by the Association." The Applicant has promised screening and concessions to the City that they have no authority to implement without prior Association approval, which they have not obtained. **Additional refuse containers and their enclosures would take at least 2 to 3 parking spaces, which are already in very short supply.**

A. Zoning Does Not Override Recorded Restrictions It is well-settled Arizona law that municipal zoning approval cannot override binding private deed restrictions. In *Continental Oil Co. v. Fennemore*, 38 Ariz. 277 (1931), the Arizona Supreme Court held that zoning ordinances do not abrogate restrictive covenants running with the land.

- The Applicant is contractually prohibited from operating a bar (see Section III below).
- Even if the City grants this CUP, the Applicant cannot legally act upon it without inviting immediate injunctive relief from the Association.
- It is bad public policy for the City to issue an entitlement that is legally unenforceable the moment it is signed. Doing so forces the Association and neighbors to burden the court system to enforce rights that are already clearly established in the public record.

Approving a discretionary permit for a use that is impossible to implement due to superior private property restrictions creates a "zombie CUP." It creates confusion in the marketplace, distress for neighboring owners, and potential liability for the property owner who might mistakenly believe City approval grants them the right to violate their contract.

B. Violation of General Plan Goals for Neighborhood Stability The Scottsdale General Plan emphasizes stability and compatibility. Private covenants/CC&Rs are the primary mechanism by which property owners ensure stability and rely on the character of their development. By approving the use that shatters these covenants, the City actively undermines the stability of the Villages at Pinnacle Peak and erodes the reliance interests of the existing owners.

III. THE PROPOSED "BAR" and "GAME ROOM" USES ARE EXPRESSLY PROHIBITED BY THE RECORDED CC&Rs

City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251

2/11/2026

Hand delivered

RE: OPPOSITION to Case No. 7-UP-2025 (Alpio's at Troon Event Center – Bar CUP) Location:
10452 E. Jomax Road, Scottsdale, AZ

Dear Mayor Borowsky and Members of the City Council:

This letter is submitted on behalf of the Villages at Pinnacle Peak Property Owners Association (the "Association") and the individual property owners subject to the recorded Covenants, Conditions and Restrictions ("CC&Rs") governing the subject property, recorded at Instrument No. 2005-06086890, Maricopa County Recorder.

The Association and affected owners formally and vigorously oppose approval of the above-referenced Conditional Use Permit ("CUP"). The CUP would allow the Applicant to operate a bar with 245 people on site at any one time. We respectfully request that the City Council remove this item from its agenda and if it is not able to do so, DENY this application.

I. THE APPLICANT FAILED TO OBTAIN APPROVAL FROM THE ASSOCIATION AND LACKS AUTHORITY TO PROCEED

Before approaching the City of Scottsdale, the Applicant had a contractual obligation to present this change of use and operational plan to the Association for review and approval. They failed to do so.

The Applicant is asking the City to bless a plan that the governing body of the property has not approved and is in direct violation of the long-standing CC&R's. To proceed with the proposed use, the Applicant requires Association approval for several items including but not limited to:

1. Change of Use: An exception to the prohibited uses clause (Bar/Tavern) in the CC&Rs.
2. Parking Reallocation: An amendment to the common area allocations to utilize 53 parking spaces when they are only deeded rights to approximately 22 spaces.
3. Refuse/Trash: Approval for new exterior refuse control plans as required by CCR Article IV, Section 4.5.
4. Prohibition in increased intensity and traffic impacts: Article V, Section 5.4 (Use Intensity and Compatibility) prohibits uses that materially increase traffic, parking demand, or activity intensity beyond what was contemplated for the development. The Applicant's own parking analysis, while incorrect, confirms a substantial increase in required parking.

The Association has not granted these approvals. By bringing this application to the City first, the Applicant is attempting to circumvent the private governance of the property. The City should not be a participant in this circumvention.

Douglas DaCosta
Original Developer -- The Villages at Pinnacle Peak
9070 E. Gary Road
Scottsdale, AZ 85260
dougdacosta1@gmail.com

October 20, 2025

City of Scottsdale Planning Department
Attn: Chris Zimmer, Planner
7447 E. Indian School Rd, Suite 105
Scottsdale, AZ 85251

Re: Formal Objection to Conditional Use Permit Application (7-UP-2025)
Project: Alpio's at Troon Event Center – Bar CUP
Location: 10452 E. Jomax Road, Scottsdale, AZ 85262

Dear Mr. Zimmer and Members of the Planning Commission,

As the original developer of *The Villages at Pinnacle Peak*, I am submitting this letter to formally object to the above-referenced Conditional Use Permit request seeking to establish a bar use at 10452 E. Jomax Road.

When the Villages at Pinnacle Peak was originally entitled, parking capacity and intensity of use were carefully analyzed and coordinated with the City's Planning and Zoning Department prior to approval and construction. Each building's occupancy, parking allocation, and permitted use were explicitly tied to these findings, ensuring compatibility with surrounding residential and commercial properties.

The recorded Covenants, Conditions and Restrictions (CC&Rs;) for the development were intentionally drafted to prohibit specific high-intensity or incompatible uses, including:

- Bars, taverns, or lounges where alcohol is the principal item of sale;
- Nightclubs, dance halls, or similar entertainment venues;
- Any use creating excessive noise or vehicular congestion inconsistent with a professional and retail environment; and
- **Any business or operation conducted only on a part-time, seasonal, interim, or special-event basis—whether open to the public or held for private gatherings—intended to avoid the continuous, permanent business occupancy required under the CC&Rs.;**

These restrictions were not arbitrary—they were crafted with deliberate intent to protect the community character, preserve property values, and maintain a balanced commercial environment consistent with the City's zoning approvals and the developer's original intent.

The proposed bar use under Case 7-UP-2025 would:

1. Exceed the parking and occupancy thresholds contemplated in the project's original design;

2. Directly conflict with the CC&Rs; prohibiting bar, nightclub, and temporary or intermittent event-based operations; and
3. Undermine the intended mix of professional and neighborhood-serving businesses, introducing after-hours traffic, noise, and safety issues detrimental to existing tenants and adjacent residential properties.

For these reasons, I respectfully request that the Planning Department and Planning Commission deny the Conditional Use Permit for Case 7-UP-2025. The proposed use is incompatible with the approved development plan, the binding CC&Rs, and the community character that this project was designed to uphold.

Thank you for your consideration. Please include this letter as part of the official public record for Case 7-UP-2025. I would also appreciate confirmation of receipt and notification of all future hearings related to this matter.

Sincerely,

Douglas DaCosta
Original Developer, The Villages at Pinnacle Peak
(602) 430-3788

EXHIBIT "B"
Prohibited Uses

In no event may a Unit be used for: (1) an auditorium or other similar place of general assembly; (2) an indoor flea market; (3) a secondhand store, thrift store, swap shop, liquidation outlet or used clothing store, including any business that regularly sells merchandise referred to as "odd lot", "cancellation", "second", "factory reject", "sample", "floor model", "floor demonstrator", "obsolescent", "distressed", "salvage" or "damaged"; (4) a massage parlor; (5) a cemetery/crematorium; (6) a so-called "head shop" or facility for the sale, rental, distribution or display of drug paraphernalia such as roach clips, bongos, water pipes, coke spoons, cigarette wrapping papers, pipes and/or syringes; (7) a facility for the sale, rental, display or distribution of pornographic, lewd, sexually explicit or so-called adult material; (8) an off-track betting parlor, bowling alley, billiard parlor, pool room, game room, amusement arcade or gaming hall; (9) an automobile body shop, truck stop, junk yard or motor vehicle dismantling operation; (10) a recycling facility; (11) a stock yard; (12) a traveling carnival, circus or fair; (13) a coin operated laundry or dry cleaner; (14) the sale, rental or storage of motor vehicles; (15) shows; (16) booths for the sale of fireworks; (17) churches, temples or other houses of religious worship, including a charity dining hall; (18) any establishment conducting games of chance; (19) a pawn shop; (20) a bingo hall; (21) a rehabilitation center for physical, mental or substance abuse rehabilitation or treatment; (22) a funeral home or funeral parlor; (23) a business which creates strong, unusual or offensive odors, fumes, dusts or vapors, is a public nuisance, emits noise or sounds which are objectionable due to intermittence, beat, frequency, shrillness or loudness, or creates a hazardous condition; (24) the dumping or disposing of garbage or refuse; (25) offices, except as may be incidental to a retail operation; (26) any residential, production, manufacturing, industrial or storage use of any kind or nature except for storage and/or assembly of products incidental to the Permitted Use of the Premises; (27) check cashing services; (28) the conduct of any auction, loss of lease, fire, bankruptcy or going out of ^{Unofficial Document} business; (29) a school, including the operation of a preschool or day care center; (30) a theatre; (31) a "tattoo parlor" or "piercing parlor," so called; (32) the outdoor housing of animals; (33) a cocktail lounge, bar or tavern except as may be incidental to the operation of a restaurant; (34) nightclub, (35) environmental remediation facility, (36) exterminating service, (37) butane distribution, (38) exterminating and fumigating warehouse, (39) bulk storage of gasoline or fuel oil tanks, (40) bulk storage of paint and varnish, (41) petroleum products packaging and storage, (42) adult theater or so-called "gentlemen's club" featuring nude, topless or scantily clad men or women, (43) day labor hiring hall, (44) commercial loading of small arms or manufacture of ammunition, (45) rock quarrying, sand and gravel or other mineral extraction, (46) transit terminal (except to the extent required by governmental authorities having jurisdiction), (47) propane sales except as incidental to other retail sales or service, (48) drive-in movie theater, (49) concrete or cement products manufacturing, (50) plating or polishing shop, (51) plating works or electric plating, (52) foster home or group foster home, (53) farm devoted to hatching, raising, breeding and marketing of chickens, turkeys or other fowl, rabbits, fur-bearing animals or fish, (54) feeder lot for horses, cattle, goats or sheep, (55) dairy farm, (56) bail bond company, (57) body and fender shop (58) cannery, slaughter house or meat processing or packaging plant, (59) cesspool service, (60) flour or grain elevator, (61) motor vehicle fuel distribution facility, (62) outdoor hay and straw storage, (63) repair and rewinding of transformers or generators, (64) outdoor paving materials storage, (65) welding shop, (66) shelter or dormitory intended to provide temporary shelter, (67) residential uses, (68) the operation of an "order fulfillment center" or for the purchase, sale or distribution, whether in person, by catalog, by telephone or by computer, of goods or merchandise, (69) any business which operates on a part-time basis for only a portion of the week or month, (70) omitted, (71) any use prohibited by the Master Declarations, the Declarations and/or the ordinances of the City of Scottsdale, and (72) any governmental use. Notwithstanding the foregoing, the operation of arcade games or pool tables which are incidental to the operation of a restaurant shall not be prohibited under (8) above.

Howard Lein
10458 E Jomax Road
Scottsdale, AZ 85252
602-622-2226
Howardlien@gmail.com

Date: 7/26/2025

Planning & Development Services
City of Scottsdale
7447 E Indian School Rd, Suite 105
Scottsdale, AZ 85251

Reference Project Reference #: 166-PA-2025

Project Address: ALPIO'S AT TROON 10452 E JOMAX RD SCOTTSDALE AZ 85262

RE: Objection to Conditional Use Permit – The Villages at Pinnacle Peak

Dear Members of the Planning Commission,

We, the undersigned property owners representing five of the six ownership interests in The Villages at Pinnacle Peak, respectfully submit this formal objection to the proposed Conditional Use Permit (CUP) application under consideration by the City of Scottsdale for a use that would introduce live entertainment and high occupancy into our center.

1. Violation of Recorded CC&Rs

The recorded Covenants, Conditions & Restrictions (CC&Rs) governing The Villages at Pinnacle Peak explicitly prohibit any use involving live music, bars, or nightclubs. The proposed use clearly violates these restrictions and undermines the legally binding framework under which all owners agreed to operate. Scottsdale has long respected private covenants as integral to community stability, and approval of this CUP would be in direct conflict with those protections.

2. Unanimity Lacking – 5 of 6 Owners Oppose

This objection is supported by five of the six total ownership interests in the property. A significant supermajority of owners are united in opposition to the proposed use due to its incompatibility with the existing character and operational balance of the center. To disregard this overwhelming owner opposition would set a dangerous precedent that undermines private property rights and local control.

3. Occupancy Limit Exceeded – Safety Risk

The CUP materials indicate a proposed occupant load of 185 persons in a building that was originally designed and approved for a maximum of 50 occupants. This represents a 270% overage relative to the designed capacity. Such a discrepancy raises serious concerns related to life safety, fire code compliance, ingress/egress adequacy, and structural limits. Approval without full code reassessment would expose the City and other property owners to undue risk.

4. Severe Parking Deficiency – Harm to Existing Tenants

The existing shared parking facilities at The Villages are already strained by the legitimate operations of restaurants, a health club, and retail tenants. The introduction of a high-density entertainment use will displace existing customers, discourage access, and threaten the viability of long-standing businesses who rely on adequate parking to operate. This contradicts Scottsdale's planning objectives to support viable commercial uses with appropriate infrastructure.

Conclusion

We urge the Planning Commission to deny the requested CUP as it:

- Violates enforceable CC&Rs,
- Lacks support from a majority of ownership,
- Dramatically exceeds safe occupancy limits,
- Creates material parking and operational conflicts for the center.

We appreciate your attention to this matter and respectfully request the City uphold the integrity of the zoning process and the rights of property owners.

Sincerely,

Howard Lein

On Behalf of the Undersigned Owners

[Attach ownership signatures if submitting formally]

Larry Bonnell
15639 Freeman Ave.
Lawndale, CA 90260
Cell: 310 594-6496
Email: Larry57ford@yahoo.com

DL 34 LLC, Manager
Owner of 10434 E. Jomax Road
Scottsdale, AZ 85262

DL 46, LLC, Manager
Owner of 10446 E. Jomax Road
Scottsdale, AZ 85262

February 4, 2026

Mr. Chris Zimmer
Planning and Development Services
City of Scottsdale
7447 E. Indian School Road, Suite 105
Scottsdale, AZ 85251

Reference Project: #166-PA-2025, 7-UP-2025
Project address: Alpio's at Troon, 10432 E. Jomax Road, Scottsdale, AZ 85262

Dear Mr. Zimmer:

As owner of buildings located at 10434 E. Jomax Road and 10446 E. Jomax Road, I object to the CUP being requested for the following reasons:

1. It has come to my attention that the applicant, Terri Virga Triebwasser, indicated to you that the use of building 10434 E. Jomax was being changed from a "restaurant" use to "retail". That would lessen the parking requirements for the building and help the applicant claim more parking allocations for the applicant location. There has been no effort of my part to change the use of the building to a retail location.
2. I am a Vice President of the POA, Villages at Pinnacle Peak, POA. As required by the CC&R's, the Board of Directors of the association have never voted to approve the application to change the use of the applicants building by CUP to a bar license. The board minutes are quite clear and available if requested. One of the questions your group always asks is: has the POA board approved the application? Apparently, Ms. Virga Triebwasser verbally indicated that "all of the owners in the complex have approved the application". In fact, none of the owners in the complex, other than the owner of the applicants building, are in favor of the CUP application as will be given to you in exhibits. Five of six building owners are adamantly opposed to the CUP proposed.
3. The recorded Covenants, Conditions and Restrictions (CC&R's) governing the Villages at Pinnacle Peak explicitly prohibit any use involving live music, bars, or nightclubs. The proposed use clearly violates these restrictions and undermines the legally binding framework under which all owners agreed to operate. Scottsdale has long respected private covenants as integral to community stability and approval of this CUP would be in direct conflict with those protections. Again, had Ms. Virga Triebwasser bothered to present her plan and application to the POA board for approval, it most certainly would have been rejected due to the CC&R's. Changing the CC&R's to allow the CUP would have no support from 5 of the 6 building owners at this point.
4. The occupancy limit is being exceeded. The CUP materials indicate the occupancy load of the applicants building has been changed from 53 individuals to 185 people occupying the first floor and an additional 46 people occupying the second floor of the

impacts parking, safety, and fire code adequacy.

5. There is an additional parking deficiency with no solution available. The existing shared parking facilities at The Villages are already strained by legitimate operations of restaurants, a health club, and retail tenants. The introduction of a high density bar and entertainment CC&R violator will displace existing customers, discourage access and threaten the viability of long-standing businesses who rely on adequate parking to operate. Please be aware: once the parking lot at the Villages is filled, there is no alternative for the clients/guests to park off site. No overflow parking is provided.

Conclusion:

- I urge the Planning Commission to deny the CUP as it:
 - Violates enforceable CC&R's
 - Lacks the support from a majority of ownership
 - Dramatically exceeds safe occupancy limits
 - Creates material parking and operational conflicts for the center

I appreciate your attention to the matter and ask that the City uphold the integrity of the zoning process and rights of property owners.

Sincerely,

Larry Bonnell
 Larry Bonnell

PETITION to the City Council and the Planning and Zoning Commission:

We request that the City of Scottsdale reject the application for a Conditional Use Permit (7-UP-2025) that would allow Alpio's at Troon, 10452 E. Jomax Road, to allow a bar, including the ability to have live music.

The retail and office center where Alpio's is located already has limited parking in the immediate area. Hence it relies on the delicate mixes of uses that are currently there, as reflected in the CC & Rs.

This use would violate the CC & Rs. Most importantly, the use would 1) crowd out the limited existing retail in this area by eliminating viable parking options, 2) would create unacceptable levels of noise in an area surrounded by residences, and 3) would create safety and traffic concerns, as there is no parking on Jomax and no street lighting, and other restrictions on lighting to preserve "Dark Skies."

DATE	SIGNATURE	PRINT NAME	ADDRESS & PHONE NUMBER
1/17		TED MALONE	28819 N. 139th Pl 480 487 6063
1/17		KEITH BRODTKORB	10876 E HELOCHESS PL SCOTTSDALE AZ 85262
1/17		JENNA SOSNOWSKI	13635 E Monument Dr SCOTTSDALE AZ 85262
1-17		STEVE FITCH	8401 S KULLINK DR TEMPE AZ
1/17		EMANUEL RHODES	10900 W MORTEN WLD 602 986 7059
1-17		LAREN R. GIFFORD	14242 N. 62ND PL. SCOTTSDALE
1-17		CARISSA CICHACKI	17212 N SCOTTSDALE RD #1020 4142025325
1-17		ERIC KERY	3359 E. Kellon Ln. PHX. 85032
1-17		ALLEN ADAMS	11151 E. De La O, Scottsdale AZ 85253
1-17		DAVID CONWAY	4631 E FANFOL DR PHOENIX AZ 85028
1-23		SUSAN SIDA	6021 8602 E Smokehouse Trl SCOTTSDALE AZ 85262
1/23/26		JAY LANKIAN	10458 E. JOMAX RD PHOENIX 480 485-5003
1/23/26		Michael Moynahan	10458 E. Jomax Rd #105 480-585-5003

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DATE	SIGNATURE	PRINT NAME	ADDRESS & PHONE NUMBER
1/24		Crystal Branch	2735 JENIFER AVE APT 2004 520-612-3830 ✓
1/24		Staudine W. Hiss	2800 N. North Valley Pkwy Phoenix AZ 85085 808-268-3952
1/24		Heidi Mauer	17965 E. Camelback Rd Phoenix AZ 85263
1/24		Betsy Clifton	14242 N 62nd Pl Scottsdale 85254
1/24		Jodi Jeffries	12470 N. Ruth St 85260 425-749-6425
1/24		Kayla Baroit	7176 N Via De Amigos 85258 264-9867
1/24		Alyssa Wewetzer	14145 N 92nd St Scottsdale AZ 85260 480-900-0040
1/24		Kimberly Fritze	1983 N. 33rd Avenue Phoenix, AZ 85027 602-361-9077
1/24		Jerilee	6045 E Morning Vista Ln Cave Creek, AZ 85331 949-533-3508
1/24		Heather Hodak	2665 S Quince Canyon Cottonwood AZ 86326 (304) 549-0461
1/24		Kervin Clark	4210 W Siesta Ln Glendale AZ 85305
1/24		Holly Scheller	93209 W Rancho W. Williams 85248 480-313-1674
1/24		Chris Schetler	8800 W Rancho Laredo Dr Williamson, AZ 480-290-1523

23219

PETITION to the City Council and the Planning and Zoning Commission:

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DATE	SIGNATURE	PRINT NAME	ADDRESS & PHONE NUMBER
1/31/26		CHERYL KRAUSE	10335 E RUNNING DEER TR 602-604-3985
1/31/26		Rebecca BIANCO	9573 E Southwind Ln 719-314-9041
1/31/26		Shayl Birk	10449 E Quartz Rock Rd Scottsdale, AZ 85255
1/31/26		Melissa Gold	25499 N 104th way Scottsdale AZ 85255
1/31/26		Amy Friedman	10477 E Quartz Rock Rd 402-510-5564 85255
1/31/26		SUSAN FISHER	26415 N 115th way 85255
1/31/26		Elisa Esser	10010 E Happy Valley ST 85288
1/31/26		Lori Schroeder	11230 E Whispering Ridge Way 85255
1/31/26		Jean Valerio	27405 N. 96th way Scottsdale (970) 205-8780
1/31/26		Rhonda Fellows	25889 N 105th Pl, Scottsdale
1-31-26		Joan SATCHICK	17865 E SLIDE RD RIO VERDE AZ 85263
1/31/26		Elynn Kafe	078074 N. 96 85262
1/31		Joanne Desier	9366 E Adibe Drive Scottsdale, 85255

ALL SIGNATURES BELOW LINE @
 ACOYA TROON 10455 E PINNACLE PEAK PKWY
 APT #S INCLUDED 85255

PETITION to the City Council and the Planning and Zoning Commission:

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DATE	SIGNATURE	PRINT NAME	ADDRESS & PHONE NUMBER
1/31/26	[Signature]	SHARON BARTICK	10455 E PINNACLE PEAK PKWY 1341 480-585-6308
1/31/26	[Signature]	DARLIZ	
1-31-26	[Signature]	Martie Weber	1355
1-31-26	[Signature]	E. Bailey	1343
1-30-26	[Signature]	Sandra Strano	1389
1/30/26	[Signature]	Joseph Thompson	1344
12-31-26	[Signature]	Yvonne Cole	1338
12-31-26	[Signature]	Judy Keltz	1364
1-31-26	[Signature]	Lynn Ballinger	1353
1/31/26	[Signature]	Marsha Rose	10455 E Pinnacle Peak Pkwy, Scottsdale, AZ
1-31-26	[Signature]	R. MONTAGNINO	10455 PINNACLE PEAK RD.
1-31-26	[Signature]	Joyce Hoff	ACOYA TROON
1-31-26	[Signature]	POETRY CHARAN	

Christie Karschepobster - (M)

1383

ALL SIGNATURES BELOW WIVE @
 ACOYA TROON. 10455 E PINNACLE PKWY 85215
 APT #S INCLUDED

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DATE	SIGNATURE	PRINT NAME	ADDRESS & PHONE NUMBER	
1/31/25	Debra Mad...	Debra Mad...	480 273-2346	
1/31/26	Wilma Evers	Wilma Evers	480 313-2189	1217
1/31/26	A Russell E...	A Russell E...		1217
1/31/24	Y. Sutter	Y. Sutter		1253
1/31/24	Y. Sutter	Y. Sutter		1253
1/31/24	Roznik	Roznik		
1/30/20	Tyrell	Tyrell		
1/31/26	Paul Anders	Paul Anders	11051 E Buckhorn Dr 85262 480 205 6791	
1/31/26	Lori Shipp	Lori Shipp	11051 E Buckhorn Dr 85262	480 205 6885
1/31/26	Doris Shipp	Doris Shipp	480 205 6885	6885
1/31/26	Ginny Doyle	Ginny Doyle		1353
1/31/26	Mary Ann Gordon	Mary Ann Gordon	610-551-8070	1006
1/31/26	Honey Lavin	Honey Lavin	480-661-9628	1127

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DATE	SIGNATURE	PRINT NAME	ADDRESS & PHONE NUMBER
2/6/26	<i>[Signature]</i>	AUG COLEMAN	11722 E. WHISPERRING WIND ^{SCOTTSDALE 85208}
2/6/26	<i>[Signature]</i>	S.M. DEVALEY	7501 E Thompson Peak Blvd 7051 E DE ^{SCOTTSDALE 85255}
2/6/26	<i>[Signature]</i>	Sandra Arrico	11553 E. LA JOMA RD. SCOTTSDALE, AZ 85255
2/6/26	<i>[Signature]</i>	Karlisle Sullivan	26903 N Boulder Ln scottsdale, AZ 85262
2/6/26	<i>[Signature]</i>	PAULINKILLIP	10437 E. HORNEBOWL DR. 85262
2/6/26	<i>[Signature]</i>	STEPHEN	32531 N SCOTTSDALE RD, STE 104520
2/6/26	<i>[Signature]</i>	Lisa Tyler	27238 N 109th Ave
2/7/26	<i>[Signature]</i>	Joanne Doherty	10702 E Herkham Pl. 85262
2/7/26	<i>[Signature]</i>	Donna McAlister	27341 N 102nd ST 85262
2/7/26	<i>[Signature]</i>	LINDA CHRISTIE	2755 N. LAUREL DR.
2/7/26	<i>[Signature]</i>	Shawn O'Gorman	25150 N Windy Walk Dr #43
2/7/26	<i>[Signature]</i>	Debra Vandag	28917 N Agua Verde Dr SCOTTSDALE AZ 85255
2/7/26	<i>[Signature]</i>	Susan Broderick	9758 E Granite Peak

85262

PETITION to the City Council and the Planning and Zoning Commission:

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DATE	SIGNATURE	PRINT NAME	ADDRESS & PHONE NUMBER
2-3-26	<i>Kathryn Gabriel</i>	K Gabriel	17763 E Silver Sage Lane
2-3-26	<i>A Ginson</i>	A Ginson	28222 N. CROOK CT
2-3-26	<i>K Turner</i>	K TURNER	11453 E BLANCHE DR
2/3/26	<i>Karen Holloway</i>	KAREN HOLLOWAY	28672 N 108th WAY
2/4/26	<i>Kat Trull</i>	KAT TRULL	10822 E. Troon North Dr
2/4/26	<i>Kate Hillmeyer</i>	Kate Hillmeyer	10714 E. Desert Willow Drive
2/4/26	<i>Tracy A. Hanks</i>	Tracy A. Hanks	26719 N. 156th St
2/4/26	<i>K. S. Jones</i>	K. S. JONES	32124 N 164th St
2/4/26	<i>L. Copsalis</i>	L Copsalis	17679 E. Woolsey Way <i>Provo</i>
2/4/26	<i>Cindy Raszel</i>	Cindy Raszel	10040 E Happy Valley Rd.
2/4/26	<i>Pat Blankenship</i>	Pat Blankenship	11660 E Cavendale Dr
2/4/26	<i>Joyce Blankenship</i>	Joyce Blankenship	11660 E Cavendale Dr
2/5/26	<i>Lea Hammen</i>	Lea Hammen	15536 E Morningside Ln Scottsdale

Zimmer, Christopher

From: Dina Weber <dina.email15@gmail.com>
Sent: Sunday, February 22, 2026 4:28 PM
To: Whitehead, Solange; Zimmer, Christopher; akwasma@scottsdaleaz.gov
Subject: Fwd: Please deny Case 7-UP-2025 - Alpio's at Troon Bar CUP

⚠ External Email: Please use caution if opening links or attachments!

Dear Mayor Borowsky and Members of the City Council,

I am a homeowner living in Troon Fairways and writing to strongly oppose Case 7-UP-2025, the request for Bar Conditional Use Permit at Alpio's at Troon. Troon Fairways community and my home lies near the Villages at Pinnacle Peak commercial complex which includes Alpio's.

This location is not appropriate for a bar use. This site is within the Environmentally Sensitive Lands Overlay and borders NAOS, where quiet, low intensity uses are essential. A bar with late-night alcohol service will create noise, light pollution, traffic and activity that will disturb nearby homes and wildlife.

The Conditional Use Permit criteria require that the use not harm public welfare, not adversely impact nearby residences, and not exceed parking or traffic capacity. Based on the evidence, these findings cannot be made.

I have videos from my patio on 2/14/2026 that show the harm this does and will continue to cause for our residents and community.

For these reasons, I respectfully ask that you deny the Conditional Use Permit for 7-UP-2025.

Thank You for your consideration

Dina Weber
26402 N 104th Way
Scottsdale, AZ 85255
602-870-4003

Zimmer, Christopher

From: Dan P <danjpostal@gmail.com>
Sent: Monday, February 23, 2026 2:50 PM
To: Czimmer@scottsdale.gov; Zimmer, Christopher; Curtis, Tim
Subject: Re: 10452 E Jomax

⚠ External Email: Please use caution if opening links or attachments!

Chris – I haven't been able to reach you and wanted to see if you have five minutes to confirm the code section you're using for the parking calculations.

From our last call, you indicated it was the subsection for mixed-use commercial centers under 20,000 SF. However, there are two issues with that :

1. The complex does not meet the requirement that "land uses (with parking requirements of one space per 250 square feet or fewer) shall occupy at least 60 percent of the gross floor area."
2. The project is not under 20,000 SF.

I have been trying to run the numbers various ways including with parking incentives and can not get anywhere near the required parking unless the Applicant subdivides their space and reduces the event center and bar to under 2,000 SF and backfills the remaining space with a low density use.

Please let me know a convenient time to connect as this would be better over the phone to clear up any issues. Thanks.

On Fri, Feb 20, 2026 at 4:13 PM Dan P <danjpostal@gmail.com> wrote:

Chris - In case it helps, here is the listing for the restaurant that is there today that you mentioned they were assuming as general retail space and reducing parking calcs.

On Fri, Feb 20, 2026 at 4:11 PM Dan P <danjpostal@gmail.com> wrote:

Chris - Thanks for the call last week regarding the above referenced bar request on Jomax (7-UP-2025 per the sign). As I mentioned, some friends asked me to help review this and upon a quick look, it appeared that there were errors in the Applicant's package and analysis that the City has relied on to get to this point.

Here is the parking analysis that I mentioned. It appears that there are quite a few issues in the Applicant's short parking calculation, which doesn't seem to appear to tie to the City code:

A full copy is in the attached .pdf and the narrative is below. Long story short, we can not get even close to the required parking. Of course this does not address the other issues we discussed - mainly that the CCR's forbid this use and to my understanding, the Association has opposed the change in use. Please let me know if you have time to discuss Monday as I would prefer to discuss prior to the Council meeting and answer questions instead of taking the Council's time. Thanks and have a great weekend.

Parking Compliance Analysis

Villages at Pinnacle Park – City of Scottsdale

Pursuant to City of Scottsdale Zoning Ordinance, Appendix B, Article IX, Table 9.103.A (Schedule of Parking Requirements)

1. Original Parking Appears Consistent with Code

The original Villages at Pinnacle Park development consisted of approximately 38,450 square feet, consistent with Maricopa County Assessor records and the Applicant's original submittal (see page 10 of the application).

Under the uses in place at that time, the required parking pursuant to Table 9.103.A was 206 spaces. The original approved site plans reflected 204–206 spaces, which was substantially compliant with the City's minimum parking requirement.

At original buildout, the project was effectively in conformance with the City's Schedule of Parking Requirements.

2. Increase in Gross Floor Area Without Corresponding Parking

Since original approval, the total gross floor area of the complex has increased **with the largest increase being the Applicant expansion of its condominium**. The Applicant's condominium expanded from approximately 4,200 SF to over 4,900 SF through construction of a mezzanine. Building 10434 E Jomax expanded by approximately 462 SF, also via mezzanine addition.

Under Table 9.103.A, parking requirements are calculated based on gross floor area, which includes mezzanine space. These additions increased the required parking demand.

No additional parking was constructed to offset this increase in floor area. As a result, the property is presently deficient relative to the minimum parking required under the Scottsdale Zoning Ordinance.

3. The Applicant Has Removed 10 Available Parking Spaces from the Complex

The Applicant asserts that 204 spaces remain available, relying on a 2003 site plan. However, current conditions differ materially from the original approval:

- Eight (8) spaces on the north side of the building have been removed and converted to loading.
- An unpermitted storage container occupies an additional two (2) spaces.

Based on current aerial imagery included in the attached Exhibit A, the actual available parking appears to be approximately 194 spaces, not 204.

Even before considering the Applicant's proposed use changes, the center is already operating below the minimum required parking. The site is currently short by approximately 17 spaces under existing square footage and use allocations.

4. Proposed Use Intensification Dramatically Increases Parking Demand

The Applicant proposes that over 62% of the complex will be occupied by high-demand uses (bar, restaurant, and fitness center). Under Table 9.103.A, these uses require significantly higher parking ratios than office or general retail. Parking must be calculated based on each unit's approved and designated use, not an assumed lower-intensity classification.

When properly calculated under the Schedule of Parking Requirements:

- **Total required parking equals approximately 268 spaces.**
- **Available parking is fewer than 200 spaces.**
- **The deficiency therefore exceeds 70 spaces.**

5. Errors in Applicant's Parking Calculations

A. The Applicant applies a blanket ratio of 1 space per 300 SF to all non-Applicant space (see page 10 of their submittal). This is not permitted under Table 9.103.A, as the total project exceeds 20,000 SF and must be parked according to each specific use classification. A general retail ratio cannot be applied to restaurant, bar, or fitness uses. This materially understates required parking.

B. The restaurant located at 10434 E. Jomax is currently marketed as a "turn-key" restaurant, having been built and operated as a higher-end establishment with substantial tenant investment. However, for purposes of the Applicant's parking calculation, they have assumed the space will revert to general retail.

This assumption is speculative and inconsistent with the existing built condition and marketing of the property.

Parking must be calculated based on the current approved use, and the highest intensity reasonably anticipated use when that use is already constructed and marketed accordingly. To allow the Applicant to under-park the center based on a hypothetical future downgrade in use would create a situation where:

- The Applicant obtains parking approval at a reduced requirement;
- The current restaurant at 10434 E. Jomax reopens as a restaurant; and
- The new tenant must return to the City despite no available parking remaining.

This would effectively shift the burden of noncompliance onto future occupants and the City.

C. The Applicant relies on Assessor square footage of approximately 4,220 SF when calculating its required parking. However, while the Applicant acknowledges a mezzanine on page 3 of their submittal the mezzanine square footage is not included in their parking calculation.

- Under Table 9.103.A, parking is based on gross floor area, which includes mezzanines.
- When properly calculated, the Applicant's space requires approximately 62 spaces, not 53 as claimed.
- This omission alone creates a significant undercount.

6. The Applicant's Request is a Direct Violation of Its Own CCR's

The Applicant Does Not Own the Rights to over 60 Spaces. According to the Applicant's narrative, the Bar use requires a minimum of 53 parking spaces; however as shown above, when the Applicant's actual square footage is used and its mezzanine is not ignored the required parking required is 62 spaces.

However, Article II, Section 2.6 of the CCRs establishes that the Applicant's unit (Building 5) holds only a 10.96% ownership interest in the Common Elements.

- Per the Applicant, the center has approximately 199 total spaces (*It actually has 194 due to the Applicant's removal of parking stalls*)
- A 10.96% interest entitles the Applicant to use approximately 22 spaces (*Arguably, this should be reduced by the stalls it removed for its loading zone*).
- The Applicant intends to utilize at least 62 spaces, which is **nearly triple their deeded entitlement**.

However, at no time has the Applicant worked with the Association to obtain additional parking from the other condominium owners who will be burdened with the increased use of their common elements with no increased compensation from the Applicant. **In fact, while the Applicant is one of the smaller property owners, it is requesting to become the largest user of the common area elements at no additional cost simply by circumventing the Association.** Furthermore, it is essentially requesting that the City reassign the parking spaces entitled to 10434 E. Jomax for its existing restaurant.

Conclusion

When parking is calculated in accordance with the City of Scottsdale Zoning Ordinance, Table 9.103.A, the property is materially deficient today and would become substantially more deficient under the proposed plan.

Lane, Benjamin

From: Bonnie Gordon <bonniepgordon@gmail.com>
Sent: Tuesday, February 24, 2026 6:40 AM
To: City Council
Cc: Rick Gordon
Subject: Alpios at Troon

⚠ External Email: Please use caution if opening links or attachments!

Dear Council-

My husband and I live in Pinnacle Views 2 in Troon North. We are against this project. We love the farmers market and support it regularly. The parking issue would not allow them to have spaces with this new project. Please do not pass this.

Thank you, have a great day!

Bonnie Gordon
Richard Gordon
11155 E. Monument Drive
Scottsdale 85262

Lane, Benjamin

From: Stephanie Staples <bowmangraphics@aol.com>
Sent: Tuesday, February 24, 2026 6:41 AM
To: City Council
Subject: Alpios at Troon

⚠ External Email: Please use caution if opening links or attachments!

Mayor, Vice Mayor and the entire City Council,

It's troubling to hear about a proposed permit for 250-person events in a complex that has only 195 parking spaces shared among multiple businesses. We value the Farmers Market and are concerned about how overlapping events could affect parking, traffic, and the overall experience. I am in full support of the Farmers Market and the surrounding businesses that rely on consistent access, parking, and a family-friendly environment. A conditional bar permit tied to large events in a complex with limited parking raises real concerns about congestion, noise, and overall impact on the existing tenants and the market's operations.

The market has built a reputation as a welcoming daytime destination that supports local growers, makers, and small businesses. I always recommend the farmers markets to guests who visit. Introducing large events and alcohol service at that scale feels at odds with what has made this location work so well for so many.

I value thoughtful development, but in this case I believe protecting the stability of the current businesses and the Farmers Market should take priority. I support the building owners and tenants who are asking the City Council to carefully consider the long-term impact and to deny the permit as proposed.

Thank you for your consideration,

Stephanie Staples
216-319-6226

Lane, Benjamin

From: Jackie <JackieGDH@aol.com>
Sent: Tuesday, February 24, 2026 8:23 AM
To: City Council
Subject: Alpios at Troon

⚠ External Email: Please use caution if opening links or attachments!

I strongly oppose the attempt to permit event gatherings of up to 250 people who would congregate up until the late hours of 2:00 am. Aside from the fact there is limited parking in that area already, you also need to look at the number of traffic accidents that have occurred when leaving and entering the area at Jomax and Alma School roads. It's been an extremely dangerous spot. Thank you.

Jacquelyn Hoff
Troon North Resident

Lane, Benjamin

From: Bobbie Levy <sunnyaz2@cox.net>
Sent: Tuesday, February 24, 2026 8:42 AM
To: City Council
Subject: Oppose Alpios at Troon

⚠ External Email: Please use caution if opening links or attachments!

I am a local resident opposing the Alpios at Troon. This is a family friendly quiet neighborhood, and we do not need a business that will interfere with our way of life. Aside from the fact that there is limited parking in this area, the neighboring stores and surrounding homes would be greatly affected. We do not want or need this type of business in our neighborhood. Please do not let it happen.

Thank you

Bobbie Levy

11526 E. Christmas Cholla Dr

Scottsdale, AZ 85255

480-563-8505

Lane, Benjamin

From: MarySue <mssolley@gmail.com>
Sent: Tuesday, February 24, 2026 8:50 AM
To: City Council
Subject: Alpios at Tryon

⚠ External Email: Please use caution if opening links or attachments!

I am a local resident opposing this facility. This is a family friendly quiet neighborhood, and we do not need a business that will interfere with our way of life. Aside from the fact that there is limited parking in this area, the neighboring stores and surrounding homes would be greatly affected. We do not want or need this type of business in our neighborhood.

Thank you

Mary-Sue Solley

11532 E Quartz Rock Rd

Lane, Benjamin

From: PATRICIA CRONIN <pjcronin@cox.net>
Sent: Tuesday, February 24, 2026 10:07 AM
To: City Council
Subject: Alpios at Troon

⚠ External Email: Please use caution if opening links or attachments!

I urge the city council to not approve this action.

Thank you
Pat Cronin

Sent from my iPad

Lane, Benjamin

From: Lisa Roux <lroux@azshootersworld.com>
Sent: Tuesday, February 24, 2026 8:23 AM
To: City Council
Subject: Opposition to Conditional Use Permit – Alpio's at Troon

External Email: Please use caution if opening links or attachments!

Dear Mayor and Members of the Scottsdale City Council,

I am writing as a concerned citizen and business supporter in the area regarding the proposed conditional use permit for Alpio's at Troon.

After reviewing the available information, I am concerned about the scale and operating parameters being proposed. The permit would allow events of up to 250 attendees, with operating hours from 6:00 a.m. until 2:00 a.m., in a complex that has approximately 195 total parking spaces shared among six buildings and their tenants.

From a practical standpoint, this capacity exceeds the available infrastructure. If attendance approaches the permitted maximum, parking overflow, congestion, and disruption to neighboring businesses and customers seem inevitable. Adequate parking, safe traffic flow, and predictable access are foundational to maintaining a functional commercial environment.

Additionally, extended late-night hours raise legitimate concerns about noise, security, and the overall character of the area. Introducing high-capacity events that run until 2:00 a.m. represents a significant increase in intensity of use for what appears to be a shared commercial complex.

As someone who values well-managed commercial development, I believe this proposal introduces disproportionate risk relative to its benefit.

I support thoughtful growth and understand that businesses evolve. However, when a proposal has the potential to materially affect existing businesses, property values, and surrounding residents, it warrants careful scrutiny. It is my understanding that multiple property owners and tenants within the complex have expressed opposition to this project.

For these reasons, I respectfully ask that you reconsider approval of the conditional use permit for Alpio's at Troon in its current form and prioritize protecting the stability, safety, and economic health of the existing community.

Thank you for your time and service.

Sincerely,

Lisa Roux

Lane, Benjamin

From: QUENTIN AUGSPURGER <naugspurger@cox.net>
Sent: Tuesday, February 24, 2026 11:41 AM
To: City Council
Subject: Alpios project

External Email: Please use caution if opening links or attachments!

To the COS Council

I oppose the approval of the ALPIOS project and I am offering the following opinions. I have been a resident of the Troon Village for 30 years and have seen the 'mission creep' of development, all of this while the tributary roads and parking become overloaded.

The non-aligned intersection of Alma School Parkway and Jomax Rd is a disaster. the alignment probably goes back to wagon days. Driving on Jomax and dodging traffic on Alma School Parkway whether you are traveling east or west always feels like a life or death journey. This intersection does not meet the AASHTO design standards (that were adopted years ago by the COS) yet compliance has never been a requirement. If that intersection were to be designed from scratch it would not have the unsafe alignment that it always has had. Although the COS is waiting for the last developer to try to get a project through and then require them to pay for the improvement of the intersection, that is always seems to be in the future.

To evaluate and proceed with this ALPIOS project does not require a traffic/parking study to understand the new use situation. You just need to drive in there during a normal busy time and try to park. The existing development for the proposed use by the ALPIOS project will strain an already tight parking availability past its brink and it should not be approved.

IN SUMMARY

- 1) The intersection at Jomax and Alma School is already unsafe and to continue to overload it with future patrons of ALPIOS, many of whom may be unfamiliar with the local traffic and likely may have had a drink or two before they leave the premises would not be good judgement by the COS Council.
- 2) The parking capacity is already tight with present usage and does not deserve further overload. For the COS Council to approve the ALPIOS application would not be good judgement by the COS Council

Respectfully submitted

Quent Augspurger PE