

**SCOTTSDALE CITY COUNCIL
REGULAR MEETING MINUTES
MONDAY, DECEMBER 4, 2023**



**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

CALL TO ORDER

Mayor David D. Ortega called to order a Regular Meeting of the Scottsdale City Council at 5:00 P.M. on Monday, December 4, 2023 in the City Hall Kiva Forum.

ROLL CALL

Present: Mayor David D. Ortega; Vice Mayor Solange Whitehead; and Councilmembers Tammy Caputi, Tom Durham, Barry Graham, Betty Janik, and Kathy Littlefield

Also Present: City Manager Jim Thompson, City Attorney Sherry Scott, City Treasurer Sonia Andrews, Acting City Auditor Lai Cluff, and City Clerk Ben Lane

PLEDGE OF ALLEGIANCE – Vice Mayor Whitehead

MAYOR'S REPORT

Mayor Ortega called attention to the ongoing wars in foreign countries as they fight to protect their democracy and freedom and asked for a moment of silent reflection for these war-torn countries.

Mayor Ortega announced current holiday events at McCormick Stillman Railroad Park as well as Scottsdazzle in Old Town Scottsdale.

Mayor Ortega congratulated Saguaro High School's football team for winning its 14th state championship title and the Sabercat Robotics team for their recent accomplishments in trial competition.

CITY MANAGER'S REPORT

- **Fast Five Video Update**
Note: The Council may make comments or ask questions to the presenter(s); however, no Council action will be taken.

City Manager Jim Thompson introduced a "Fast Five" video produced by the City's Communications Office which provided updates on several City events and offerings.

NOTE: MINUTES OF CITY COUNCIL MEETINGS AND WORK STUDY SESSIONS ARE PREPARED IN ACCORDANCE WITH THE PROVISIONS OF ARIZONA REVISED STATUTES. THESE MINUTES ARE INTENDED TO BE AN ACCURATE REFLECTION OF ACTION TAKEN AND DIRECTION GIVEN BY THE CITY COUNCIL AND ARE NOT VERBATIM TRANSCRIPTS. DIGITAL RECORDINGS AND CLOSED CAPTION TRANSCRIPTS OF SCOTTSDALE CITY COUNCIL MEETINGS ARE AVAILABLE ONLINE AND ARE ON FILE IN THE CITY CLERK'S OFFICE.

PUBLIC COMMENT

- Alexia Jones discussed concerns related to disability awareness and public safety and requested the City's assistance with these issues.
- Preston Bates asked for one-on-one meetings with the Mayor and Councilmembers to discuss his business project.

MINUTES

Request: Approve the following Council meeting minutes from October 2023:

- a. **Special Meeting Minutes of October 24, 2023**
- b. **Regular Meeting and Work Study Session Minutes of October 24, 2023**

MOTION AND VOTE - MINUTES

Councilwoman Janik made a motion to approve the Special Meeting Minutes of October 24, 2023 and the Regular Meeting and Work Study Session Minutes of October 24, 2023. Vice Mayor Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

CONSENT AGENDA

1. ATL Wings Liquor License (75-LL-2023)

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

Location: 3554 N. Goldwater Boulevard, Suite D

Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

2. Malee's on Main Liquor License (76-LL-2023)

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

Location: 7131 E. Main Street

Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

3. 40 Love Liquor License (77-LL-2023)

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

Location: 7117 E. 6th Avenue

Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

(Moved to Regular Agenda, see page 5)

4. Jones Liquor License (78-LL-2023)

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

Location: 7318 E. Stetson Drive

Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

5. Food-N-Things Liquor License (79-LL-2023)

Request: Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 9 (liquor store) State liquor license for a new location and owner.

Location: 8233 E. Via Paseo Del Norte

Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

6. Indian King Liquor License (80-LL-2023)

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

Location: 8140 N. Hayden Road, Suite H-115

Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

7. Harvest of Scottsdale Conditional Use Permit (10-UP-2015#4)

Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 12878** approving an amendment to an existing conditional use permit (10-UP-2015#3) for a marijuana dispensary, eliminating the five-year timing stipulation, with Industrial Park (I-1) zoning.

Location: 15190 N. Hayden Road

Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov

(Moved to Regular Agenda, see page 5)

8. DC Ranch Corporate Center – Lot 4 Conditional Use Permit (4-UP-2023)

Request: Find that the conditional use permit criteria have been met and adopt **Resolution No. 12988** approving a conditional use permit for vehicle storage on a ±1.49-acre site with Industrial Park, Planned Community District (I-1 PCD) zoning.

Location: 9256 E. Verde Grove View

Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov

9. Core Center Amendment (19-ZN-2013#3 and 1-DA-2023)

Requests:

1. Adopt **Ordinance No. 4618** approving a zoning district map amendment amending the stipulations and development plan of Case No. 19-ZN-2013#2, including approval of Bonus Development Standards for Floor Area Ratio (FAR) in exchange for Special Public Improvements (in lieu of contributions) and a modified site plan that includes retail, restaurant, and a financial institution with an associated drive-through on a ±6.2-acre site with Planned Airpark Core Development – Airpark Mixed Use (PCP-AMU) zoning.

2. Adopt **Resolution No. 12985** declaring the document titled “Core Center Amendment 19-ZN-2013#3 Development Plan” to be a public record.

3. Adopt **Resolution No. 12986** authorizing Development Agreement No. 2023-192-COS with Core Center of Scottsdale, LLC.

Location: 15301 N. Hayden Road

Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov

Senior Planner Katie Posler gave a PowerPoint presentation (attached) on the proposed Core Center Amendment.

10. Planned Airpark Core Development (PCP) Bank Drive-Through Text Amendment – Core Center Text Amendment (3-TA-2023)

Request: Adopt **Ordinance No. 4619** to amend the City of Scottsdale Zoning Ordinance (Ordinance No. 455), Article V, Section 5.4006 (Planned Airpark Core Development, PCP – Use Regulations) to allow drive-through services associated with financial institutions (banks) as a permitted use in the Planned Airpark Core Development – Airpark Mixed Use (PCP-AMU) subdistrict with use limitations.

Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov

Councilwoman Janik withdrew her request for a staff presentation on this item as her questions were answered during the staff presentation for Item 9 [Core Center Amendment (19-ZN-2013#3 and 1-DA-2023)].

11. Former Fire Station No. 601 Revocable License Agreement Extension

Request: Adopt **Resolution No. 12962** authorizing Agreement No. 2018-024-COS-A1 with Maricopa Ambulance, LLC, to house ambulances and their crews in former Fire Station No. 601.

Location: 2857 N. Miller Road

Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov

12. Gravity Sewer – Tournament Players Club (TPC) Golf Course to North Pumpback Station Project Preconstruction Phase Contract

Request: Adopt **Resolution No. 12982** authorizing Construction Manager at Risk Contract No. 2023-201-COS with Achen Gardner Construction, LLC, in an amount not to exceed \$4,708,619.09, to provide phase one construction phase services for the Gravity Sewer – TPC Golf Course to the North Pumpback Station Project.

Location: South of Bell Road and on the West Side of Pima Road

Staff Contact(s): Dan Worth, Public Works Director, 480-312-5555, daworth@scottsdaleaz.gov

13. Request for Exemption from Posting Security for Outstanding Workers' Compensation Claims

Request: Adopt **Resolution No. 12998** authorizing the execution of a letter to the Industrial Commission of Arizona requesting an exemption to the requirement to post security for outstanding workers' compensation claims.

Staff Contact(s): George Woods, Risk Management Director, 480-312-7040, gwoods@scottsdaleaz.gov

14. 2024 Primary and General Elections

Request: Adopt **Resolution No. 12953** calling the City of Scottsdale's Primary Election for Tuesday, August 6, 2024, and the City's General Election, if necessary, for Tuesday, November 5, 2024, for the purpose of electing a Mayor and three Councilmembers.

Staff Contact(s): Ben Lane, City Clerk, 480-312-2411, blane@scottsdaleaz.gov

MOTION AND VOTE – CONSENT AGENDA

Councilwoman Janik requested additional information on Item 9 [Core Center Amendment (19-ZN-2013#3 and 1-DA-2023)] and Item 10 [Planned Airpark Core Development (PCP) Bank Drive-Through Text Amendment – Core Center Text Amendment (3-TA-2023)].

There was no public comment on the Consent Agenda items.

Councilwoman Janik made a motion to approve Consent Agenda Items 1 through 14, except Item 3 [40 Love Liquor License (77-LL-2023)] and Item 7 [Harvest of Scottsdale Conditional Use Permit (10-UP-2015#4)], which were moved to the Regular Agenda. Vice Mayor Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

REGULAR AGENDA

3. 40 Love Liquor License (77-LL-2023)

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

Location: 7117 E. 6th Avenue

Staff Contact(s): Tim Curtis, Current Planning Director, 480-312-4210, tcurtis@scottsdaleaz.gov

Current Planning Director Tim Curtis and Police Detective Christian Bailey gave a PowerPoint presentation (attached) on the proposed 40 Love Liquor License application.

Managing Partner Sean Mulholland and Applicant Representative Andrea Dahlman Lewkowitz gave a presentation on the proposed 40 Love Liquor License application.

There was no public comment on this item.

MOTION NO. 1 – ITEM 3

Councilwoman Caputi made a motion to recommend disapproval of this item. The motion died for lack of a second.

MOTION NO. 2 AND VOTE – ITEM 3

Councilmember Durham made a motion to continue this item to the December 6, 2023 City Council meeting to allow time for an amended liquor license application to be submitted to the City. Mayor Ortega seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

7. Harvest of Scottsdale Conditional Use Permit (10-UP-2015#4)

Request: Find that the conditional use permit criteria have been met and adopt

Resolution No. 12878 approving an amendment to an existing conditional use permit (10-UP-2015#3) for a marijuana dispensary, eliminating the five-year timing stipulation, with Industrial Park (I-1) zoning.

Location: 15190 N. Hayden Road

Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov

Planning and Development Area Manager Bryan Cluff gave a PowerPoint presentation (attached) on the proposed Harvest of Scottsdale Conditional Use Permit.

There was no public comment on this item.

MOTION AND VOTE – ITEM 7

Mayor Ortega made a motion to adopt Resolution No. 12878 approving an amendment to an existing conditional use permit (10-UP-2015#3) for a marijuana dispensary, eliminating the five-year timing stipulation, with Industrial Park (I-1) zoning. Councilmember Durham seconded the motion, which carried 4/3, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi and Durham voting in the affirmative and Councilmembers Graham, Janik, and Littlefield dissenting.

15. Swags Rezoning (2-ZN-2023)

Requests:

1. Adopt **Ordinance No. 4610** approving a zoning district map amendment from Central Business Parking Downtown Overlay (C-2/P-3 DO) to Downtown/Downtown Multiple Use Type-3 Parking Downtown Overlay (D/DMU-3 P-3 DO) with amended development standards for a new three-story restaurant on a ±0.29 gross acre site.
2. Adopt **Resolution No. 12938** declaring the document titled “*Swags Amended Development Standards*” to be a public record.

Location: 7323 E. Shoeman Lane

Presenter(s): Bryan Cluff, Planning and Development Area Manager

Staff Contact(s): Erin Perreault, Planning, Economic Development, and Tourism Executive Director, 480-312-7093, eperreault@scottsdaleaz.gov

Planning and Development Area Manager Bryan Cluff gave a PowerPoint presentation (attached) on the proposed Swags Rezoning.

Applicant representative Court Rich, with the Rose Law Group, gave a PowerPoint presentation (attached) on the proposed Swags Rezoning.

Mayor Ortega opened public comment on this item.

- Tim LaSota, with the Law Office of Timothy A. LaSota, spoke on behalf of his clients and their willingness to drop the legal protest if their stipulations are included in the rezoning request.
- Applicant Aaron Wagner discussed his background and the stipulations related to the rezoning request.
- Scottsdale resident Brian Banks spoke in support of the Swags Rezoning.

Mayor Ortega closed public comment on this item.

MOTION NO. 1 AND VOTE – ITEM 15

Councilwoman Caputi made a motion to recess into Executive Session to obtain legal advice on this matter. Vice Mayor Whitehead seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

The City Council recessed into Executive Session at 6:35 P.M.

The City Council reconvened the Regular Meeting at 7:04 P.M.

MOTION NO. 2 AND VOTE – ITEM 15

Councilwoman Caputi made a motion to continue this item to the January 9, 2024 City Council Meeting. Vice Mayor Whitehead seconded the motion, which carried 5/2, with Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Janik, and Littlefield voting in the affirmative and Mayor Ortega and Councilmember Graham dissenting.

PUBLIC COMMENT

No public comments were received.

CITIZEN PETITIONS

16. Receipt of Citizen Petitions

Request: Accept and acknowledge receipt of citizen petitions. Any member of the Council may make a motion, to be voted on by the Council, to: (1) Direct the City Manager to agendize the petition for further discussion; (2) direct the City Manager to investigate the matter and prepare a written response to the Council, with a copy to the petitioner; or (3) take no action.

Staff Contact(s): Ben Lane, City Clerk, 480-312-2411, blane@scottsdaleaz.gov

No citizen petitions were received.

MOTION AND VOTE – ADJOURNMENT

Councilmember Graham made a motion to adjourn the Regular Meeting. Councilwoman Janik seconded the motion, which carried 7/0, with Mayor Ortega; Vice Mayor Whitehead; and Councilmembers Caputi, Durham, Graham, Janik, and Littlefield voting in the affirmative.

ADJOURNMENT

Mayor Ortega adjourned the Regular Meeting at 7:14 P.M.

SUBMITTED BY:



Ben Lane, City Clerk

Officially approved by the City Council on January 9, 2024

CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona, held on the 4th day of December 2023.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 9th day of January 2024.



Ben Lane, City Clerk

40 Love (262758)

77-LL-2023

City Council
December 4, 2023

Coordinator: Tim Curtis

1



Location

7117 E 6th Ave.

77-LL-2023

2

Action Requested

Forwarding a favorable recommendation to the Az. Dept. of Liquor for a Series 6 (bar) liquor license for an existing restaurant/bar located at 7117 E 6th Av. with a new owner.

- Council only provides a *recommendation* to the state regarding liquor licenses; the Az Dept of Liquor is the final approval authority.
- Property has a Conditional Use Permit (CUP) for a Bar with associated stipulations that runs with the land.
- New owner intends to operate in conformance with the existing Bar CUP stipulations.
- Council is not being asked to take action on a Conditional Use Permit (CUP).
- Planning and Police Depts determined that there was no reason to recommend denial of the request; no violations.

3



Location

77-LL-2023

4

40 Love (262758)

77-LL-2023

**City Council
December 4, 2023**

Coordinator: Tim Curtis

Harvest of Scottsdale

10-UP-2015#4

**City Council
December 4, 2023**

Coordinator: Bryan Cluff

1

Request

- Adopt Resolution No. 12878 for an amendment to an existing conditional use permit (10-UP-2015#3) for a marijuana dispensary, eliminating the 5-year timing stipulation for a site located at 15190 N Hayden Road with Industrial Park (I-1) zoning.

2



Context Aerial

10-UP-2015#4

3



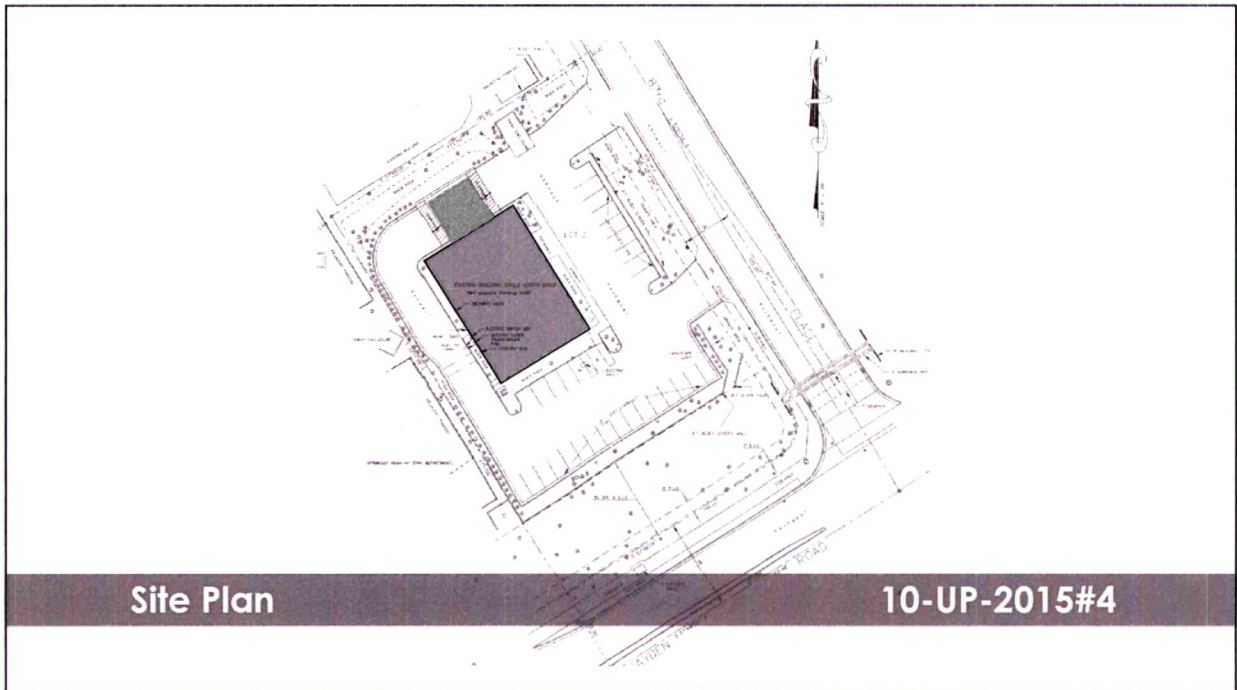
Detail Aerial

10-UP-2015#4

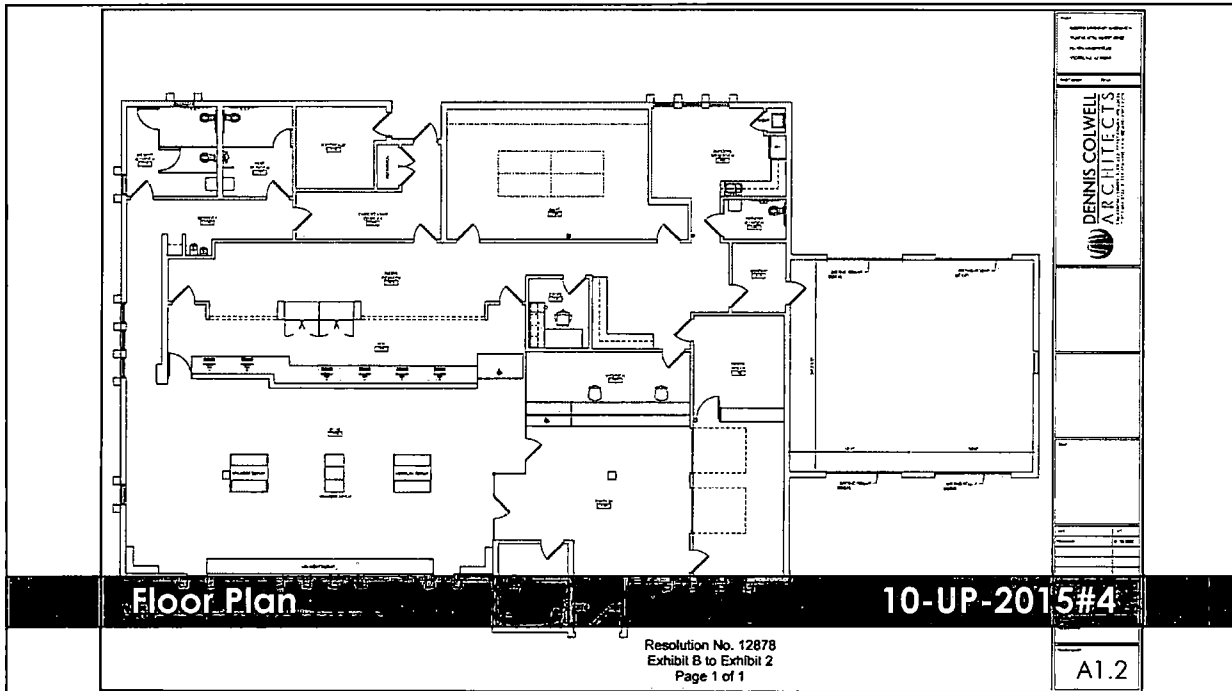
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5



6



7

Considerations

- CUP Criteria
 - Compatibility
 - Protected uses
 - Separation requirements
- No complaints regarding use or operations
- Recent approvals

8

Outreach

- Open House Meetings for 2-TA-2022:
November 16, 2022
November 17, 2022
- No public comment has been received

9

Planning Commission

- Planning Commission heard this case on 7/12/2023 and recommended approval of the elimination of the renewal timeframe with a vote of 4-2.

10

Request

- Adopt Resolution No. 12878 for an amendment to an existing conditional use permit (10-UP-2015#3) for a marijuana dispensary, eliminating the 5-year timing stipulation for a site located at 15190 N Hayden Road with Industrial Park (I-1) zoning.

11

Harvest of Scottsdale

10-UP-2015#4

**City Council
December 4, 2023**

Coordinator: Bryan Cluff

12

Core Center Amendment

19-ZN-2013#3

City Council
12/4/23

Coordinator: Katie Posler

1



2



3



4



Streetview

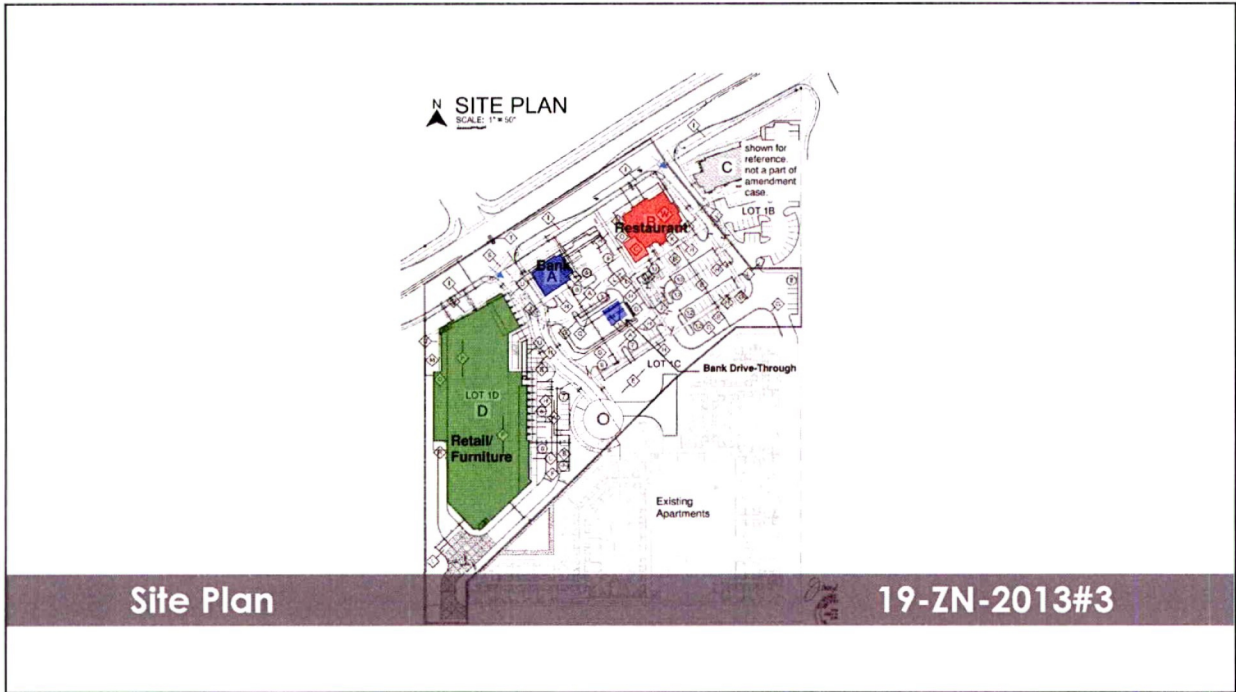
19-ZN-2013#3

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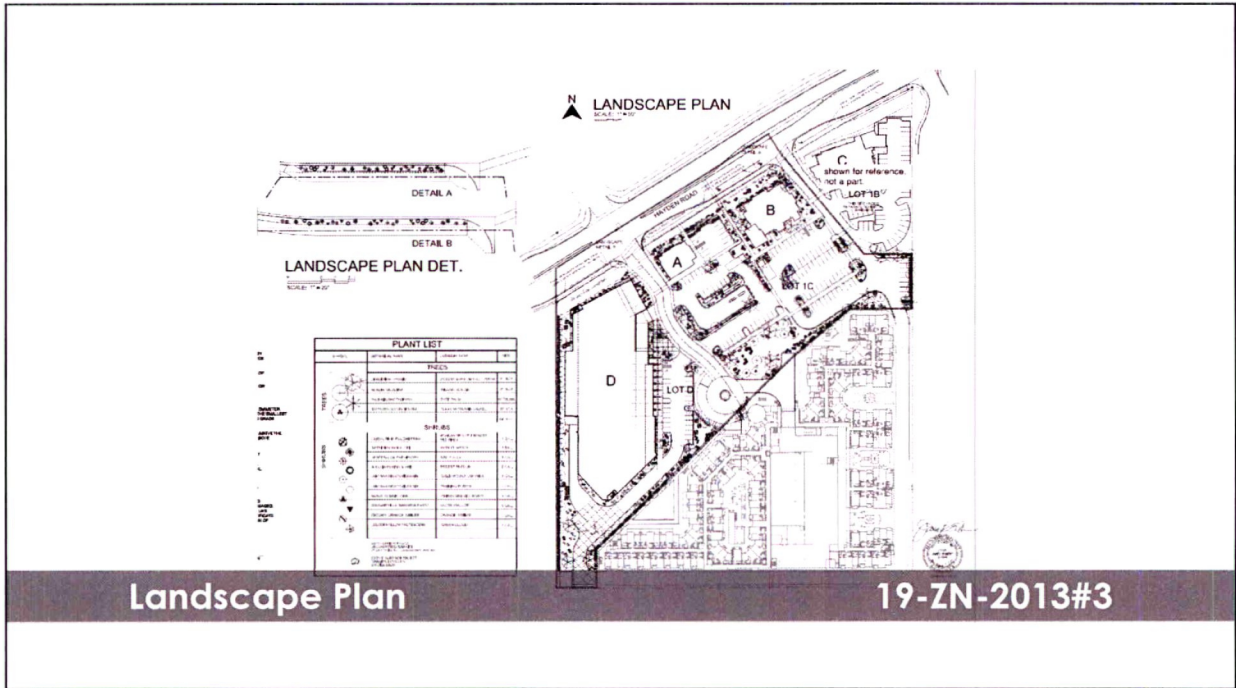
Request

1. Adopt Ordinance No. 4618 for a zoning district map amendment, amending the stipulations and Development Plan of case 19-ZN-2013#2, including approval of Bonus Development Standards for floor area ratio (FAR) in exchange for Special Public Improvements (in lieu contributions) and a modified site plan that includes retail, restaurant, and a financial institution with an associated drive-through, on a +/- 6.2-acre site with Planned Airpark Core Development - Airpark Mixed Use (PCP-AMU) zoning located at 15301 N. Hayden Road.
2. Adopt Resolution No. 12985 declaring "Core Center Amendment 19-ZN-2013#3 Development Plan" as a public record.
3. Adopt Resolution No. 12986 authorizing Development Agreement No. 2023-192-COS.

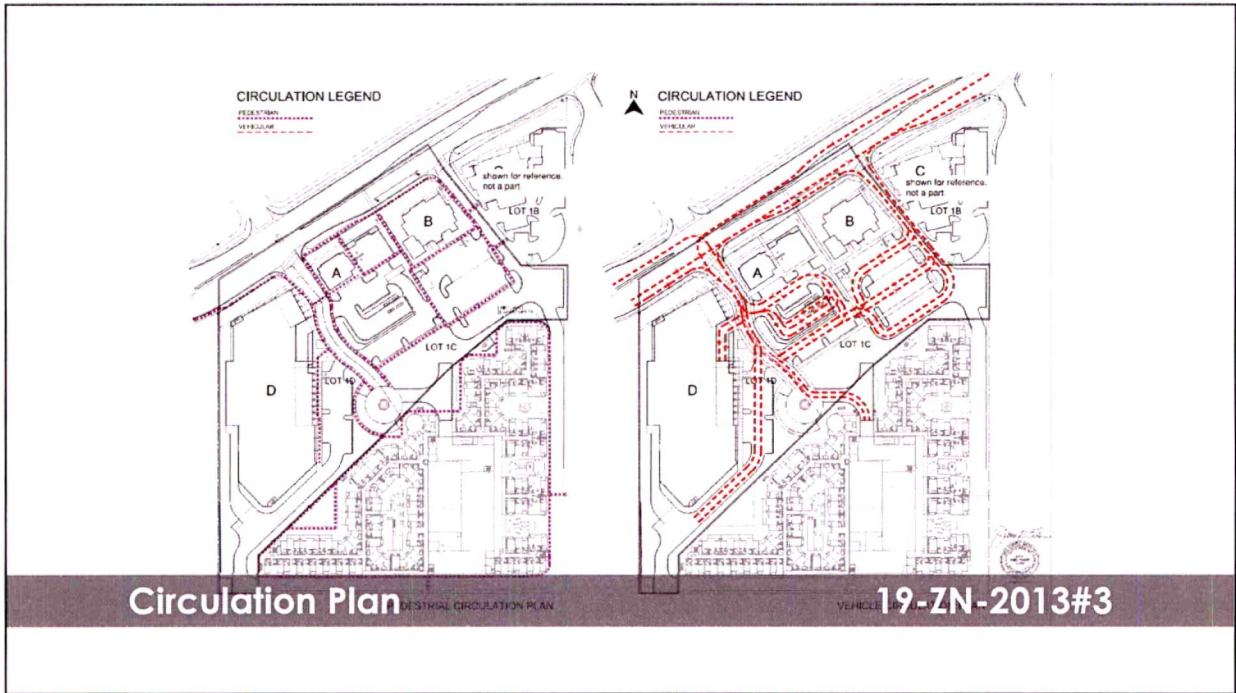
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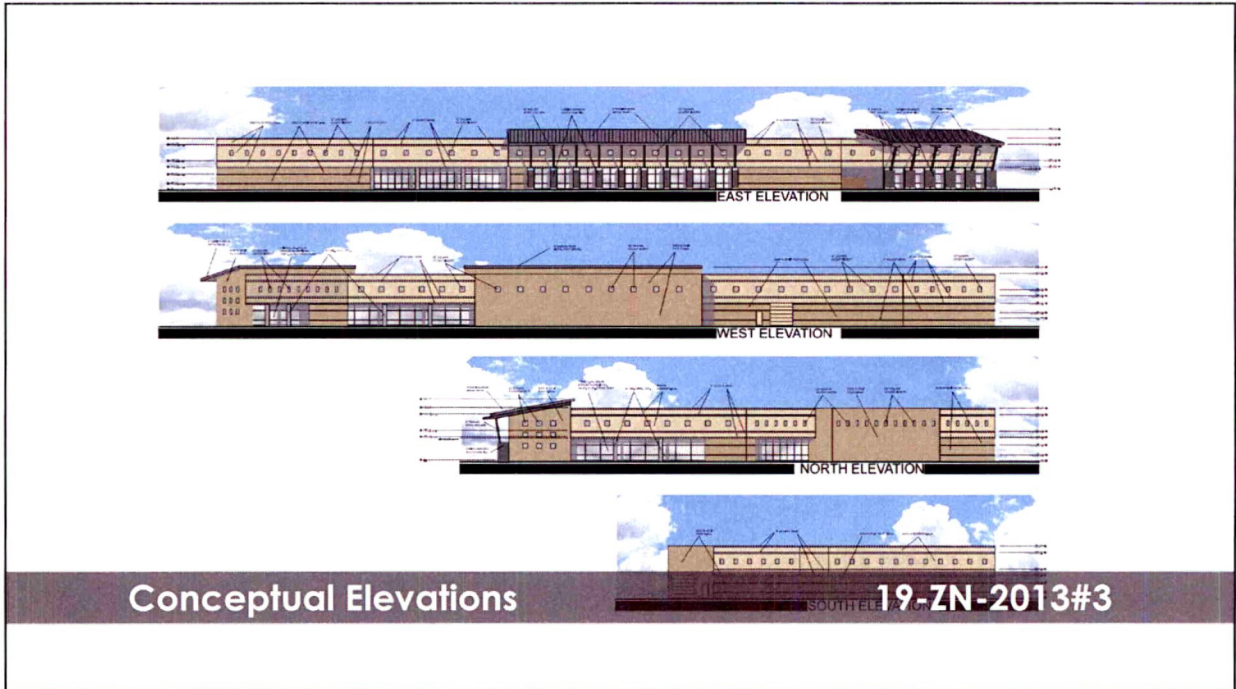
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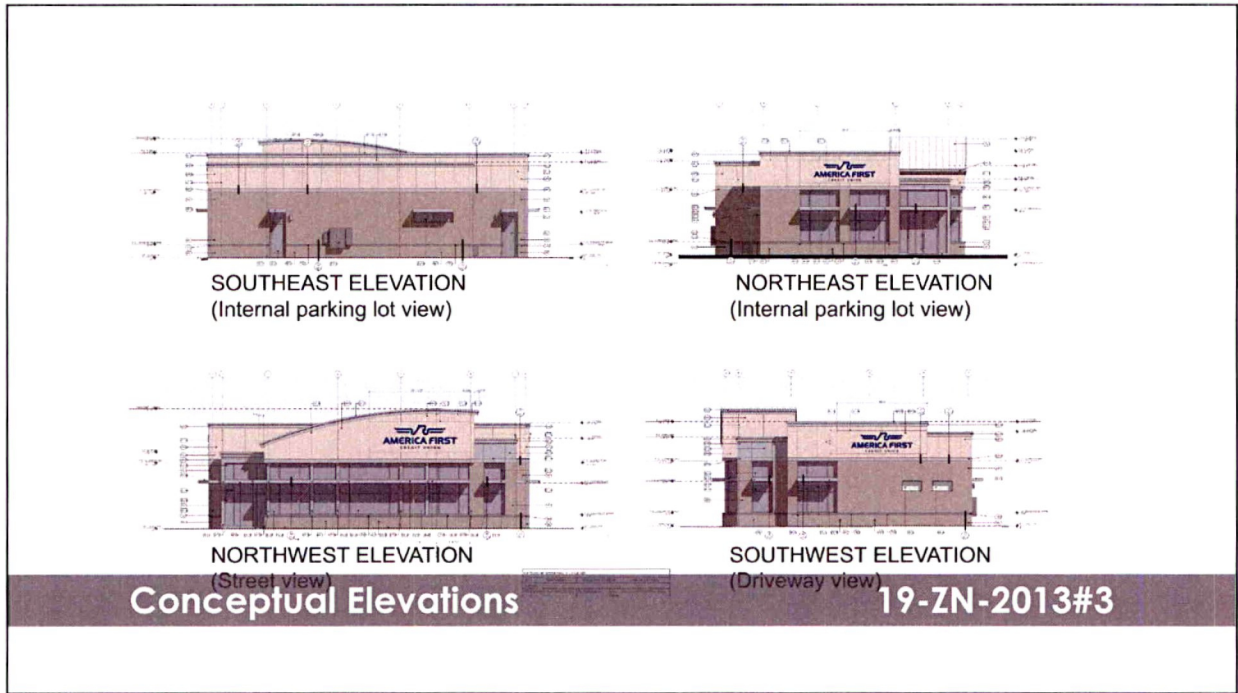
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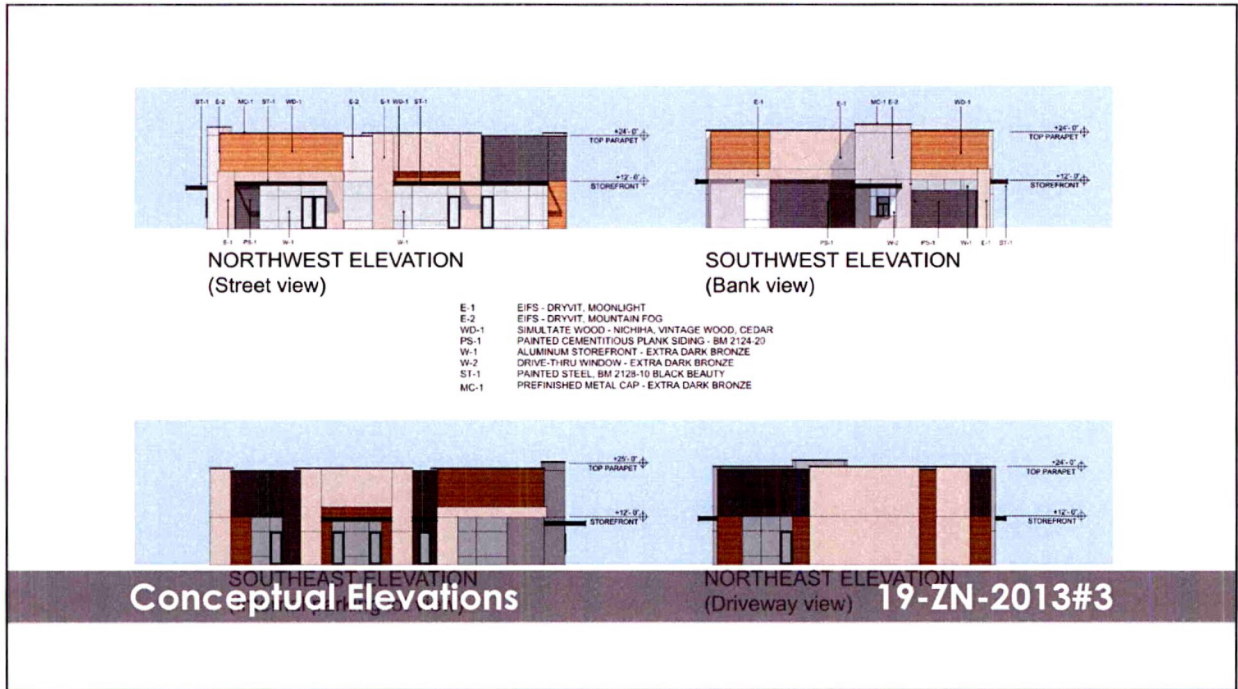
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12



13

Key Items

- Proposed amendment replaces the existing approved 192,635 square foot, three-story office, retail, and restaurant development under case 19-ZN-2013#2
- Proposed project is still requesting Bonus Development Standards for floor area ratio (FAR) but they are significantly reduced from the 2019 plan (from +/- 123,135 square feet to +/- 3,434 square feet)
- There is a related text amendment case, 3-TA-2023, to allow drive-throughs associated with financial institutions (banks) in the PCP-AMU zoning district
- Proposed mix of uses on one large site (including existing residential on southern portion of site) is generally encouraged by Greater Airpark Character Area Plan and Planned Airpark Core Development (PCP) zoning district
- Traffic signal is still required and stipulated at N. Hayden Road and N. 84th Street intersection
- Sidewalk upgrades along North Hayden Road
- Reinvestment of an underutilized Airpark property
- Smaller pedestrian plaza/amenity space than previous Development Plan approval
- Less cohesive master plan feel than previous Development Plan approval
- No public comment received
- Planning Commission heard this case on October 25, 2023 and recommended approval with a vote of 6-0

14

Swags

2-ZN-2023

**City Council
December 4, 2023**

Coordinator: Bryan Cluff

1

Request

- Adopt Ordinance No. 4610 approving a zoning district map amendment from C-2/P-3 DO to D/DMU-3 P-3 DO with amended development standards, for a new 3-story restaurant on a +/- 0.29 gross acre site located at 7323 E. Shoeman Lane.

2



Context Aerial

2-ZN-2023

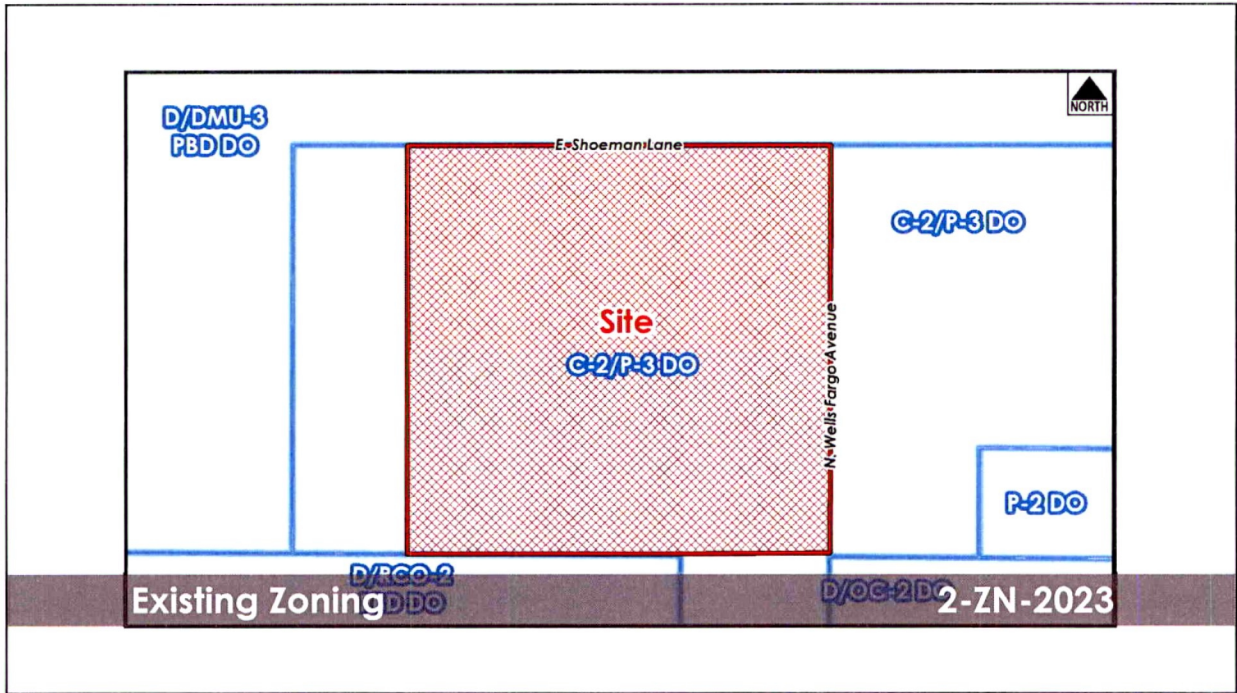
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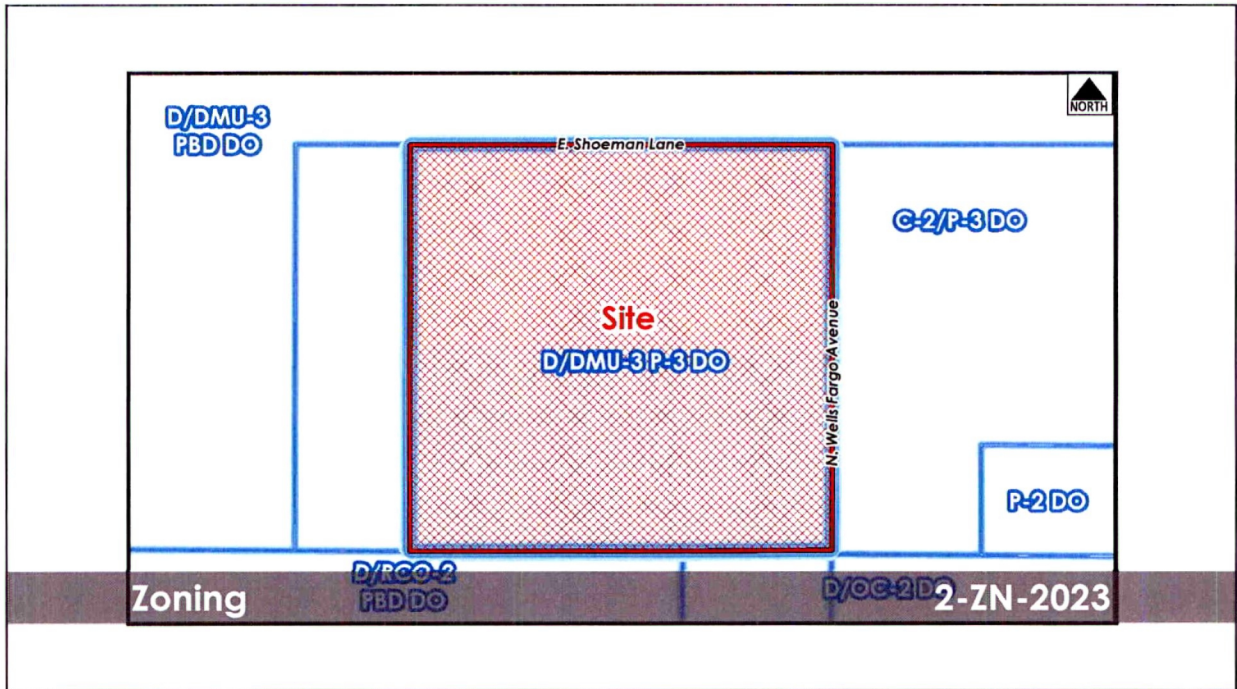
Detail Aerial

2-ZN-2023

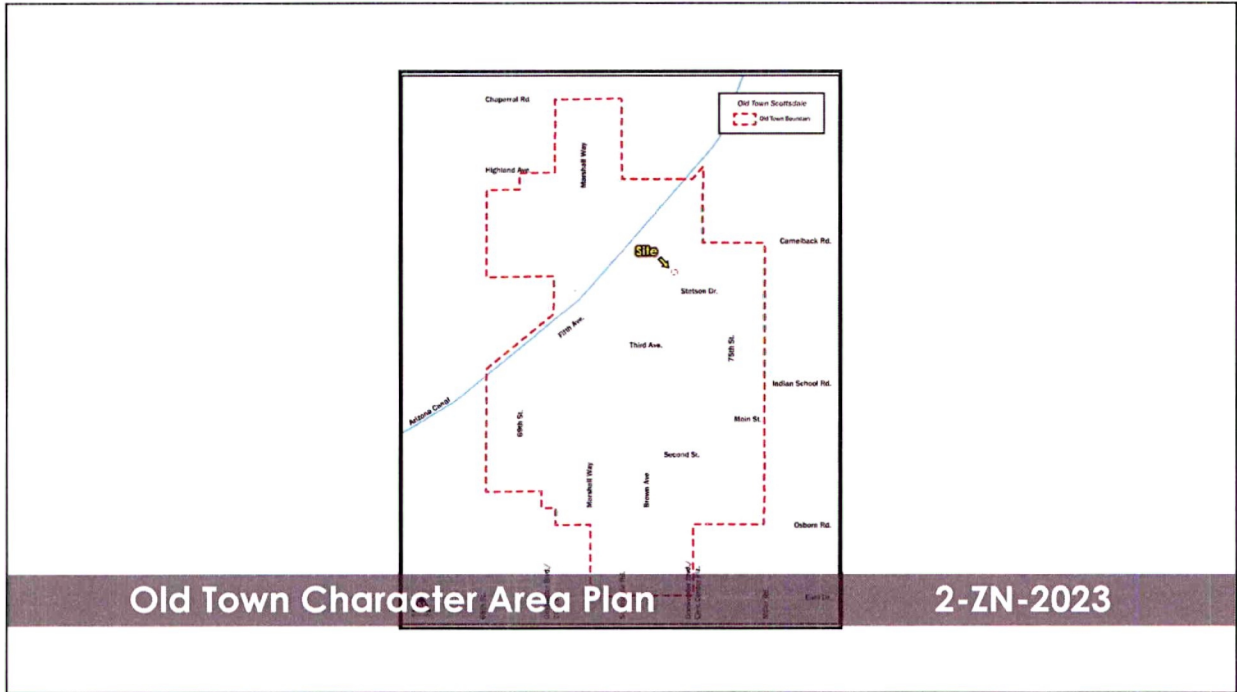
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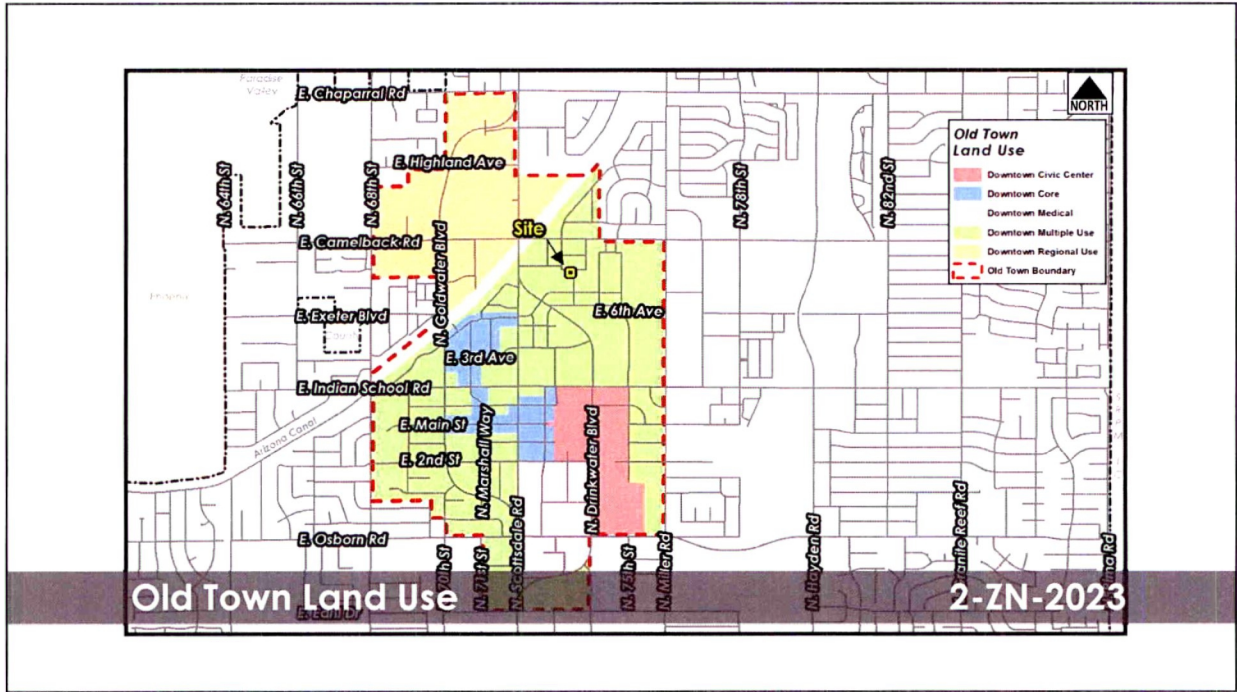
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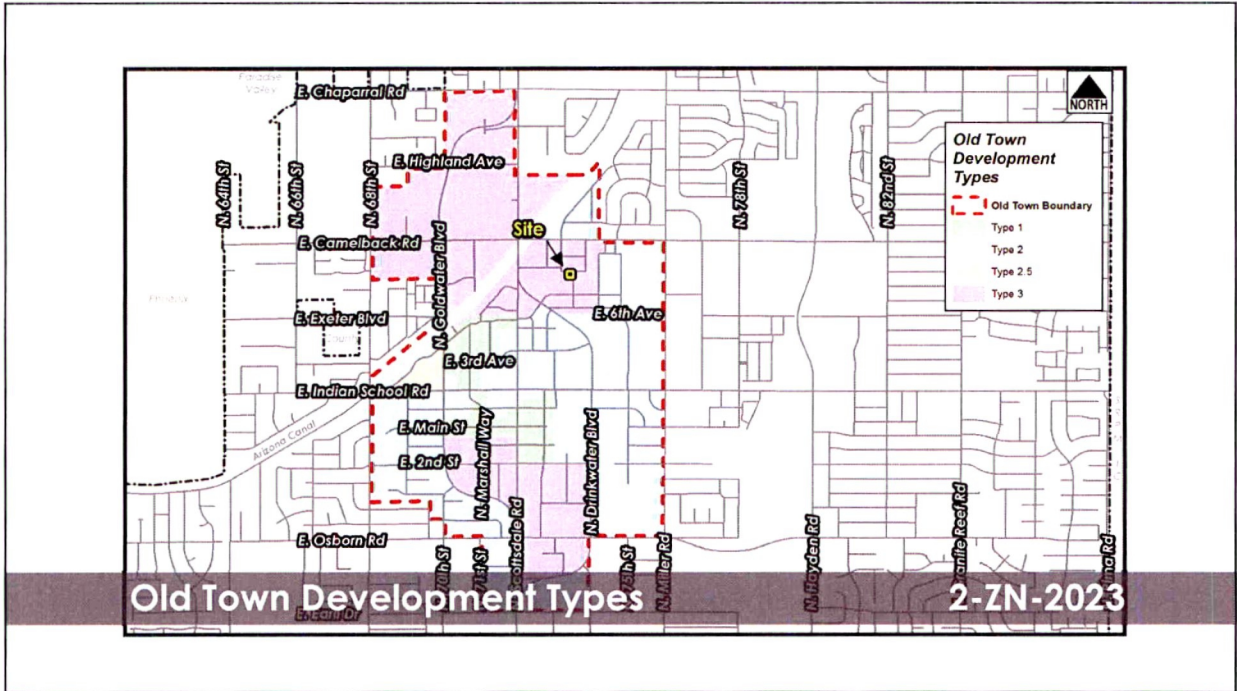
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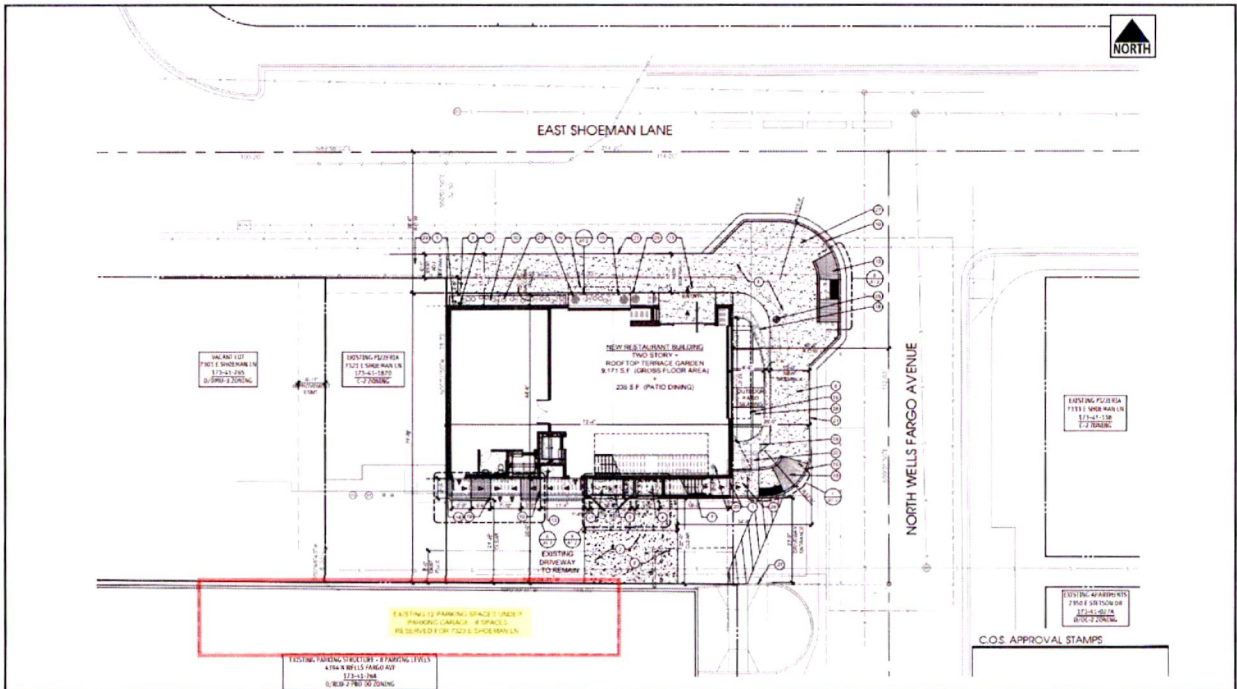
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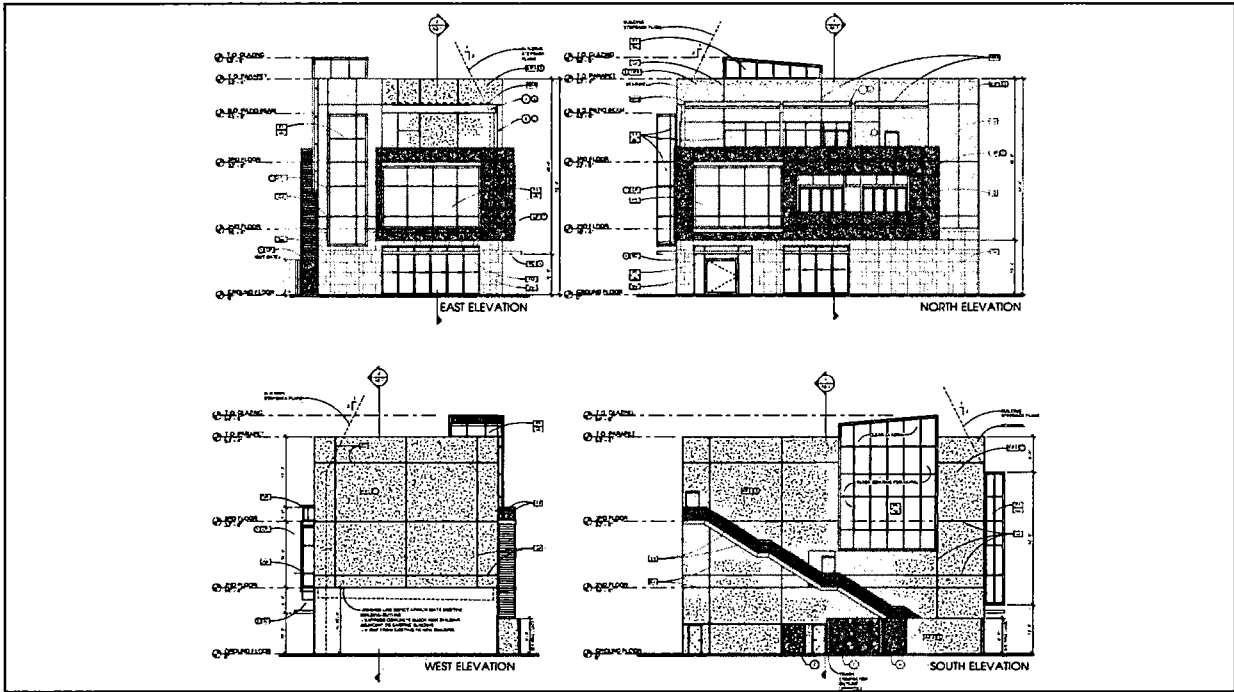
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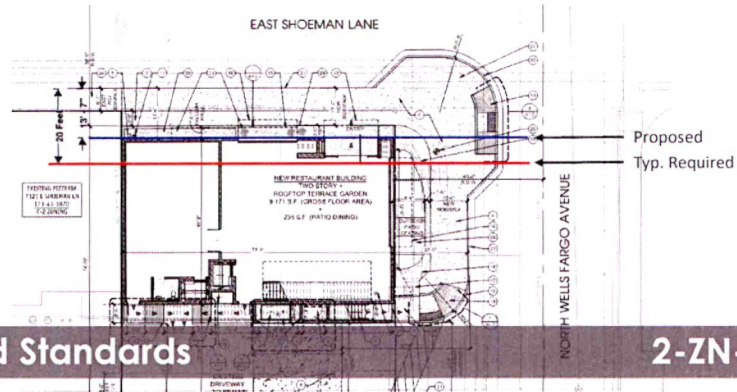
Project Information

• Building Area:	9,171 SF (3-stories)
• Building Height:	58'- 6" (84' allowed)
• Parking Required:	30.52 spaces
• Parking Provided:	8 - on-site
	18.5 - P-3 Credits
	4.02 - In-lieu
	14 - Private agreement
Total:	44.52

12

Building Setback / Location

- Table 5.3006.C.
- 5.3006.F.



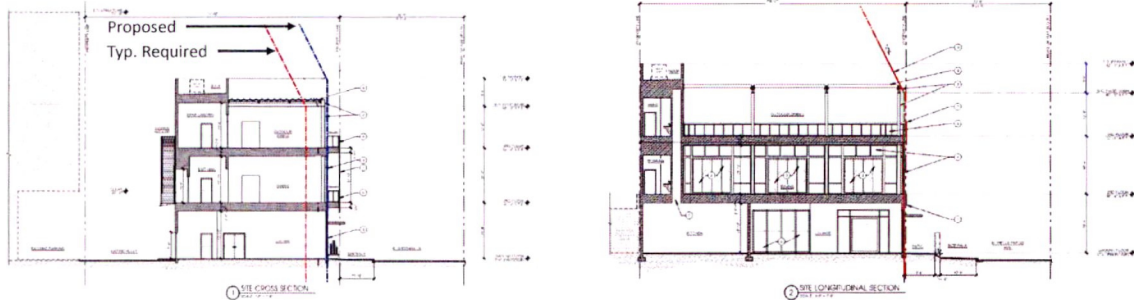
Amended Standards

2-ZN-2023

13

Building Stepback

- 5.3006.F.



Amended Standards

2-ZN-2023

14

Public Comment

- Received 1 comment opposition
 - Noise concerns & parking concerns
- Received 2 comments support
- Petition in support
- Legal Protest in opposition

15

Action Requested

- Adopt Ordinance No. 4610 approving a zoning district map amendment from C-2/P-3 DO to D/DMU-3 P-3 DO with amended development standards, for a new 3-story restaurant on a +/- 0.29 gross acre site located at 7323 E. Shoeman Lane.

16

Swags

2-ZN-2023

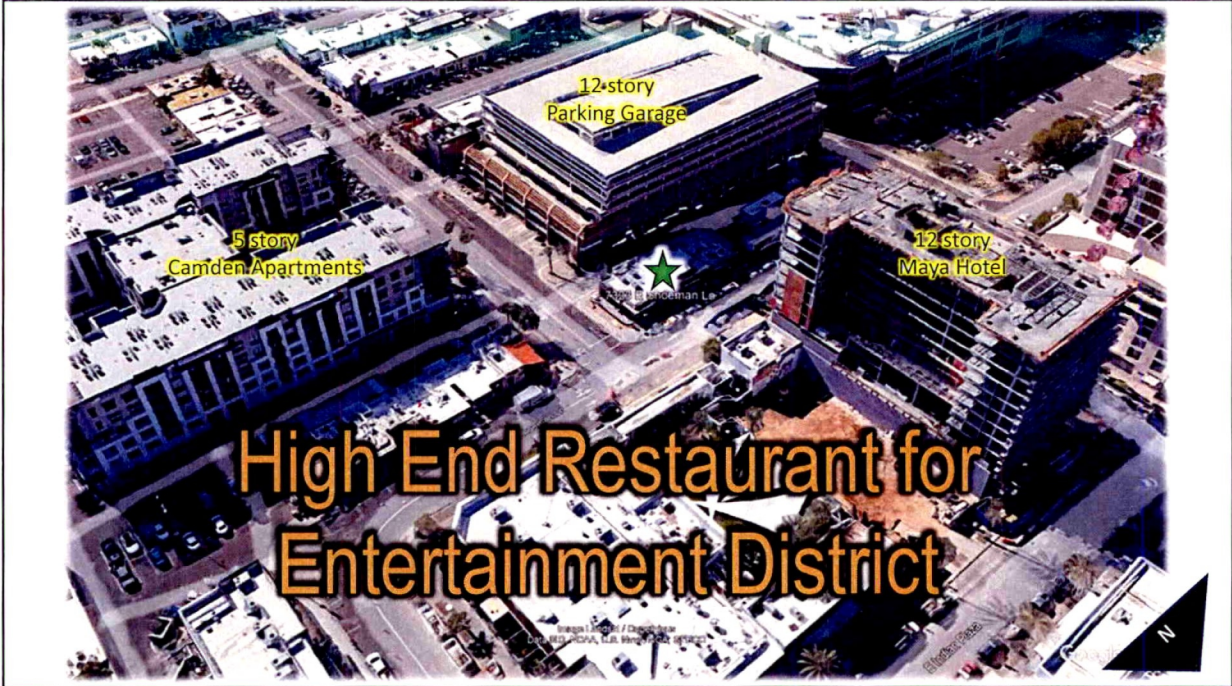
**City Council
December 4, 2023**

Coordinator: Bryan Cluff

Item 15 Applicant



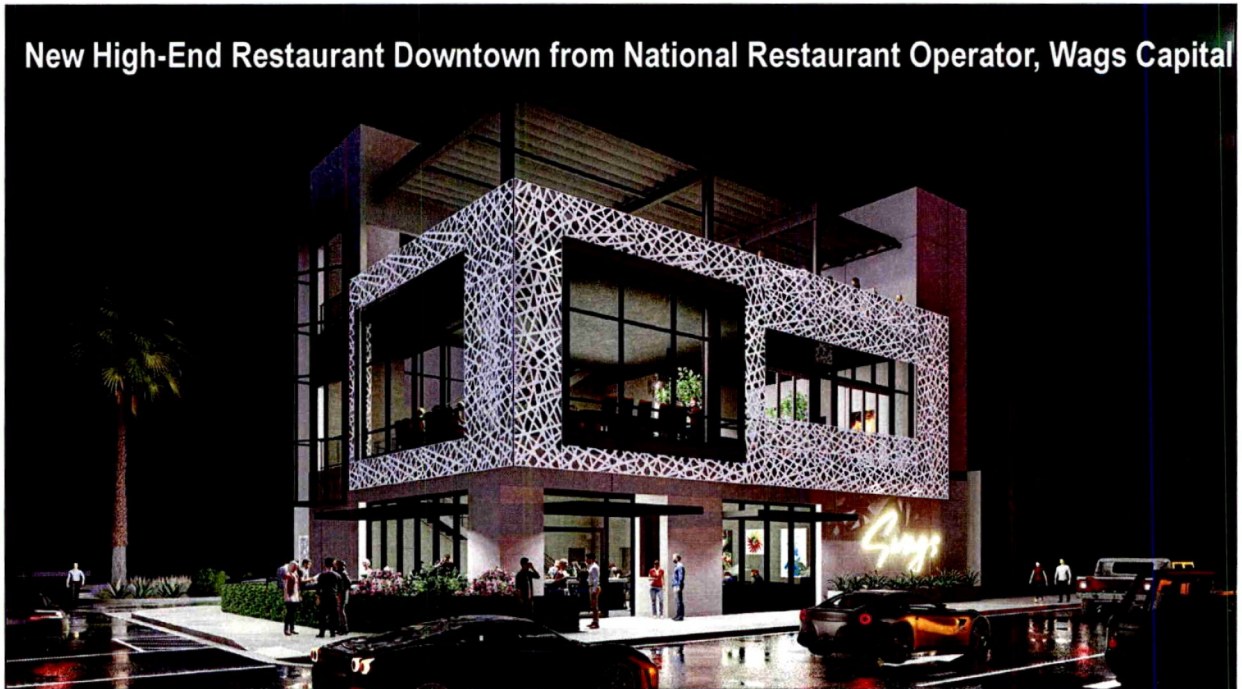
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4

9/13/23 Planning Commission Hearing:

"I'll be short, I support this project if it's a great restaurant...if it's a restaurant we are in full support... my concern is it will struggle and become a party and nobody wants that kind of noise south of the District."

- Boyce O'Brien, Stockdale

5



SWAGS

TO SHARE

CHIPS & CAVIAR hand-cut french fries, cheddar cheese, sour cream, and caviar	18.00	1/2 DOZEN OYSTERS prepared with your choice of sauce, served on the half shell	30.00
A5 WAGYU PASTRAMI cured wagyu beef, cheddar cheese, and pickles	40.00	HAMACHI SASHIMI top quality hamachi, served with soy sauce and wasabi	35.00
GRILLED BONE MARROW diced french fries, cheddar cheese, and aioli	50.00	TRUFFLE CORN char-grilled corn, truffle oil, and parmesan	22.00
LOBSTER MAC & CHEESE lobster, cheddar cheese, and cream sauce	45.00	CRISPY TACOS crispy pork, cheddar cheese, and sour cream, served on a corn tortilla	32.00

TO DEVOUR

SLIDER TRIO three sliders with your choice of toppings, served on a bun with pickles and onions	30.00	HALF CHICKEN hand-cut chicken, served with your choice of sauce	48.00
BRANZINO pan-seared branzino, served with your choice of sauce, served with potatoes and vegetables	62.00	SHORT RIB PASTA braised short ribs, served with pasta, sauce, and vegetables	60.00
LOBSTER SUSHI ROLL served with soy sauce and wasabi	30.00	MILK BRAISED PORK braised pork, served with milk, sauce, and vegetables	52.00
SHRIMP WAGYU SUSHI ROLL served with soy sauce and wasabi	35.00	A5 WAGYU served with your choice of sauce, served with potatoes and vegetables	198.00

SWAGS Social Eatery is a RESTAURANT

- ✓ Ownership group does not operate bars nationwide
- ✓ Series 12 – Restaurant Liquor License
- ✓ Bar requires CUP
- ✓ Agreeing to aggressive noise reduction stipulations



6

Stipulation 8 - NOISE

8. 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 with the use and the character of the area during hours of operation, as determined by the Zoning Administrator, or designee. Noise levels from this establishment **shall not exceed 68 decibels** when measured from the east side of N. Wells Fargo Avenue, and/or the north side of E. Shoeman Lane.

***68 decibels is the noise of a normal conversation**

7

Stipulation 9 – EXTERNAL SPEAKERS

9. EXTERNAL SPEAKERS. Any external speakers shall be mounted and oriented so they face downward and toward the interior of the establishment.

8

Worked with Neighbor on Additional Stipulations:

+ No Series 6 Liquor License shall be sought for the Property.

+ The Property will have no subwoofers on the outdoor rooftop and there will be no DJs, live bands, or live entertainment of any kind.

9

Stipulations like these are legal and common

February 28, 2023 – Approved a case with stipulations permitting a site zoned I-1 to do I-1 and I-G uses for Desert Cove Internalized Self Storage. Also required a site zoned I-1 to comply with I-G zone development standards

Stipulations for the Zoning Application:
Desert Cove Internalized Self Storage
Case Number: 188-ZN-198482

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

SEE ORDINANCE

1. **GOVERNANCE:** The original stipulations of Case 188-ZN-1984 (Ordinance No. 18111) shall be modified for this site as reflected below (in **BOLD** and **boldface**):

- a. Development shall be in accordance with the site plan submitted as part of the application. **INCLUDED AS EXHIBIT A TO EXHIBIT 2.**
- b. Building height shall be limited to 18 feet for non-street building and 22 feet for two-story building. **BUILDING HEIGHT SHALL BE EXCLUSIVE OF OVERHANG FOR ROOFTOP APPEARANCES AS PROVIDED FOR IN ARTICLE VI OF THE ZONING ORDINANCE.**
- c. Submittal of 30 feet of air-to-air non-ventilating ribs at 40-foot intervals shall be required for Desert Cove Drive shall be made within 6 months of the date of City Council approval.
- d. A 2-foot N.E. fire hydrant sign access easements shall be provided using Permit No. 2. Access to Permit No. 2 shall be provided.

2. The use of the property shall be limited to uses allowed in the **I-G AND I-1** zone.

3. In addition to complying with I-1 development standards, the project shall conform to I-G development standards with the exception of building height, FAR, and massing standards.

4. The Development Review Board shall give particular attention to the heritage treatment of the drainage channel along the north property line.

5. **COMFORMANCE TO CONCEPTUAL SITE PLAN:** Development shall substantially conform with the conceptual site plan submitted by EMI, internal as Exhibit A to Exhibit 2 or Ordinance No. 18111, except that the existing 30-foot wide setback along the site frontage may be increased to a total of 40 feet with a 10-foot setback on the site plan. Any proposed significant change to the conceptual site plan, as determined by the Planning Administrator, shall be subject to additional action and/or hearings before the Planning Commission and City Council.

6. **SETBACKS AND BUFFERING:** Development shall conform with the additional setback and buffering stipulations as listed below:

- a. **REAR BUILDING SETBACK:** Minimum 100 feet adjacent to R1 zoned properties.
- b. **LANDSCAPE BUFFER:** Minimum 100 feet adjacent to R1 zoned properties.

7. **REUSE:** This is a construction document submitted, the property owner shall submit plans to construct setbacks and setbacks in a combination with some typical site plan, or as otherwise approved by City Staff within 90 days of approval.

The use of the property shall be limited to uses allowed in I-G and I-1 zone.

In addition to complying with I-1 development standards, the project shall conform to I-G development standards with the exception of building height, FAR, and massing standards

10

Stipulations like these are legal and common.

September 13, 2022 - Set out the specific ratio of specialized care beds vs minimal care beds and set a minimum percentage of specialized care beds requirement for The Osborn Residential Health Care Facility

Case 1-ZN-201492

Agreement, including requirements for timing of completion of special public improvement and/or equivalent payments. Proposed special public improvements are subject to the approval of the Zoning Administrator. Should the Development Agreement not become effective, or if the Developer does not comply with the terms of the Development Agreement, the bonus building height as set forth in the Development Plan shall become null and void. Any change to the Development Agreement shall be subject to City Council approval.

6. **MAXIMUM DWELLING UNITS - DENSITY.** Maximum density for a residential healthcare facility on the site shall be 115 specialized care beds and 132 minimal care units. The ratio of specialized care beds to minimal care units may be adjusted, however, the percentage of specialized care beds shall not be less than 35% of the total. Any increase in total beds or units shall be subject to Planning Commission and City Council approval as an amendment to this zoning case.
7. **MAXIMUM BUILDING HEIGHT/BONUS BUILDING HEIGHT.** No building on the site shall exceed 74 feet in height inclusive of rooftop appearances (the 74 feet of height includes 8 feet of bonus building height), measured as provided in the applicable section of the Zoning Ordinance. Any increase in the bonus building height shall be subject to additional action and public hearings before the Planning Commission and City Council and modification of the associated Development Agreement.
8. **STREETLIGHTS.** The owner shall replace the eastern most two (2) streetlights on E. Osborn Road with the current applicable standard as part of the new development. The final site plan and civil improvement plans for the project shall indicate the new location for the pole/fixture and specify the information above.
9. **INTERNATIONAL GREEN CONSTRUCTION CODE (IGCC).** Final construction plans shall demonstrate compliance with the IGCC.
10. **PROTECTION OF ARCHAEOLOGICAL RESOURCES.** Any development on the property is subject to the requirements of Scottsdale Revised Code, Chapter 46, Article VI, Protection of Archaeological Resources, Sections 46-134. Discoveries of archaeological resources during construction.

DEDICATIONS

11. **RIGHT-OF-WAY DEDICATIONS.** Prior to issuance of any permit for the development project, the property owner shall make fee-simple right-of-way dedications to the City of Scottsdale in accordance with zoning site plans.
12. **PUBLIC NON-MOTORIZED ACCESS EASEMENT.** Prior to issuance of any permit for the development

Maximum density for residential healthcare facility on the site shall be 115 specialized care beds and 132 minimal care units...

Stipulations like these are legal and common.

November 15, 2022 - High Street Residential required special water conservation measures and use of highly specialized technology and compliance with green building code not in place in COS

Case 4-ZN-2022

REPORTS AND STUDIES

16. **DRAINAGE REPORT.** With the Development Review Board submittal, the property owner shall submit a Drainage report in accordance with the Design Standards and Policies Manual for the development project.

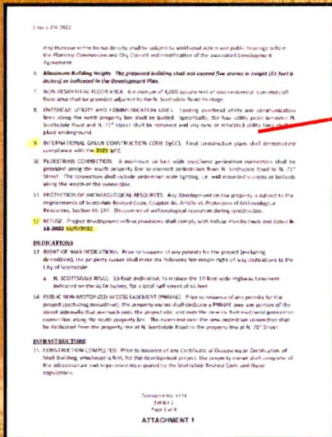
SUSTAINABILITY

17. **GREEN BUILDING.** FINAL CONSTRUCTION PLANS SHALL DEMONSTRATE COMPLIANCE WITH THE INTERNATIONAL GREEN CONSTRUCTION CODE.
18. **WATER CONSERVATION.** DEVELOPER SHALL PROVIDE WATER CONSERVATION MEASURES TO REDUCE WATER USAGE ON SITE. WATER CONSERVATION MEASURES SHALL INCLUDE BUT NOT BE LIMITED TO SUB-METERING FOR WATER USE FOR EACH RESIDENTIAL AND/OR LIVE WORK UNIT; APPLICATION OF "WATER-SMART" TECHNOLOGY AND INFORMATION SYSTEMS FOR SUB-METERED UNITS THAT PROVIDE FOR LEAK DETECTION AND WATER CONSUMPTION DATA; SHARING OF ANALYTICS FROM WATER-SMART APPLICATIONS WITH THE CITY OF SCOTTSDALE; NO REAL GRASS, DRIP IRRIGATION WITH WATER-SMART CONTROLLER SYSTEMS, LOW-FLOW FIXTURES, AND XERISCAPE LANDSCAPING. THE DEVELOPER MAY INCLUDE RAINWATER HARVESTING AS A CONSERVATION MEASURE, SUBJECT TO APPROVAL BY THE EXECUTIVE DIRECTOR OF SCOTTSDALE WATER OR DESIGNEE.

Developer shall provide water conservation measures to reduce water usage on site. Water conservation measures shall include but not limited to...

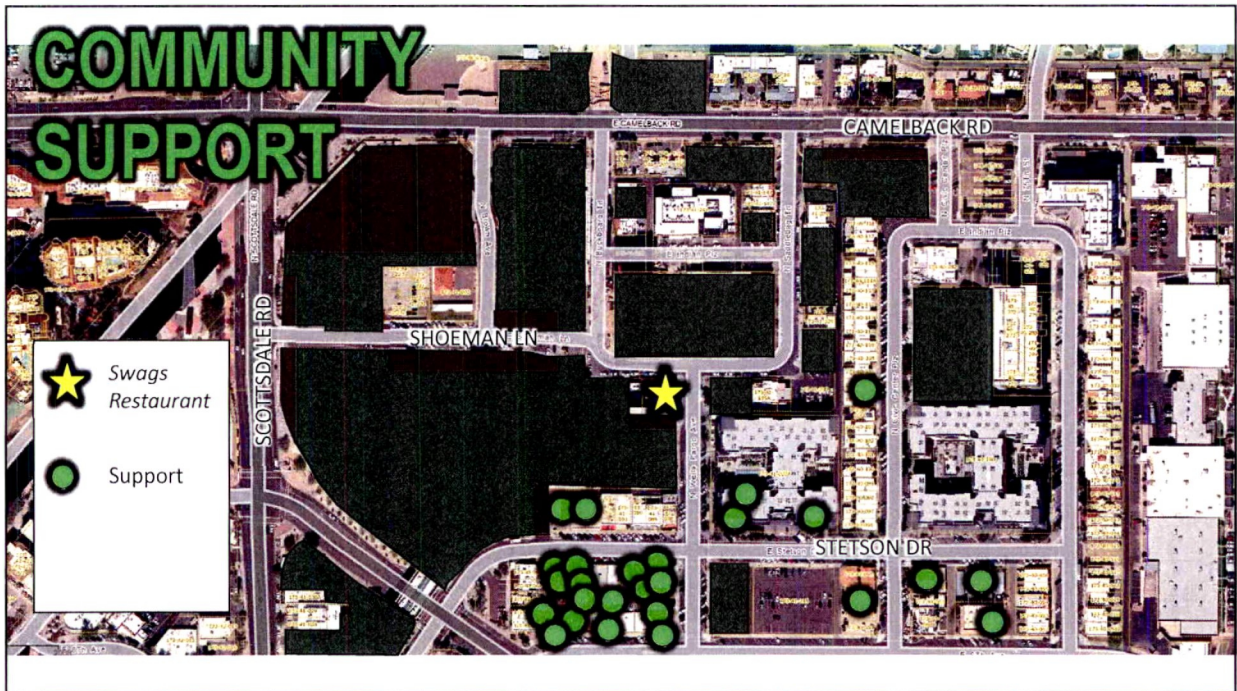
Stipulations like these are legal and common.

December 7, 2022 – Stipulation requires certain mandatory square footage of non-residential/commercial uses for Scottsdale 3200 North Rezoning

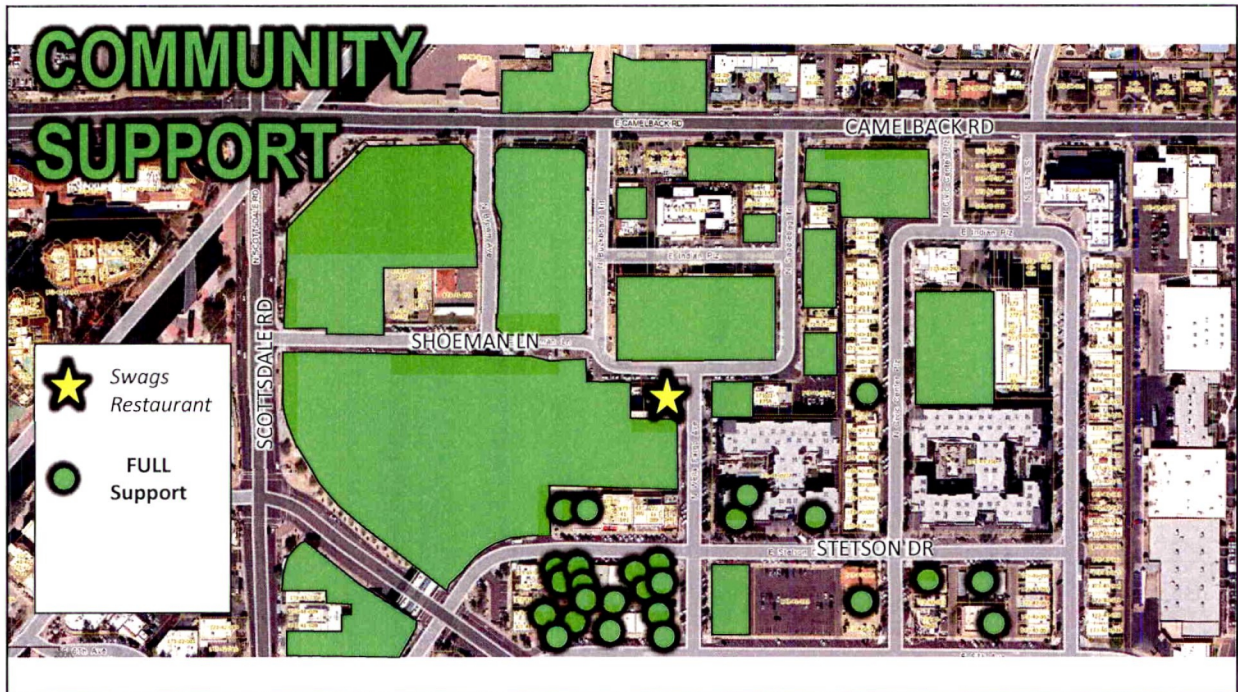


A minimum of 4,000 sf of non-residential (commercial) floor area shall be provided adjacent to the N. Scottsdale Rd frontage

13



14



15

SWAGS REQUIRED AND PROVIDED PARKING

Required:

30.52 Spaces

On-site:

8 Spaces

P-3 Credits:

18.49 Spaces

In-lieu Paid:

4 Spaces

Exclusive Physical Spaces within 530 ft:

14 Spaces

Exclusive Valet Spaces within 530 ft:

9 Spaces

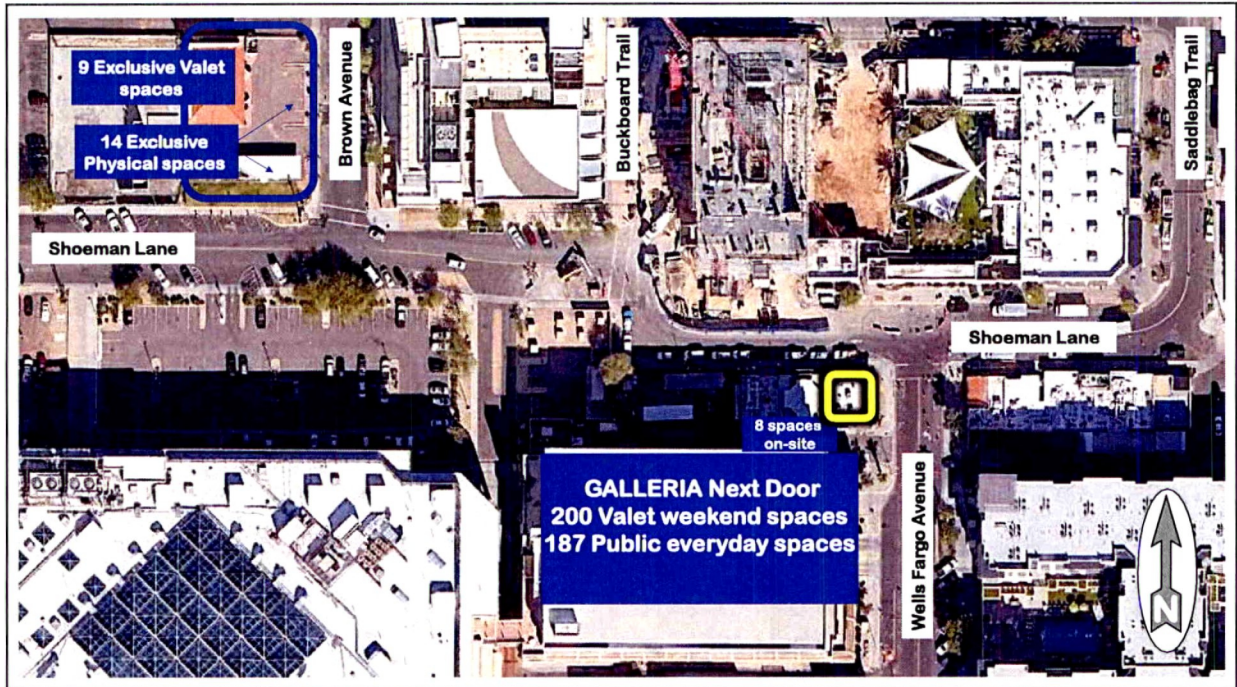
Total Provided Exceeds Code: 53.49 Spaces

GALLERIA Next Door:

187 Public spaces spaces

200 Valet weekend spaces

16

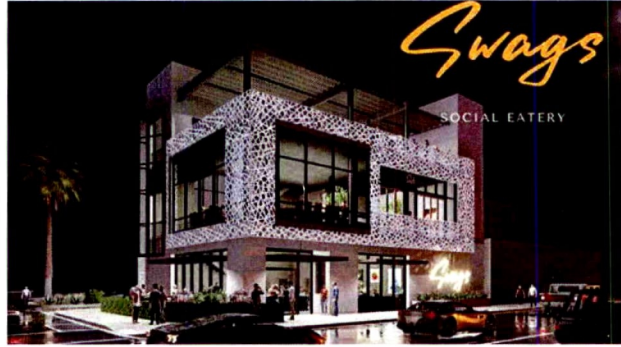


17



18

High-End Restaurant for Scottsdale's Entertainment District



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