

SCOTTSDALE

CITY COUNCIL MEETING



AMENDED NOTICE AND AGENDA

(SPECIAL MEETING/EXECUTIVE SESSION ADDED; ITEM 25 CONTINUED; ITEM 28 AMENDED; CONSENT AGENDA ITEMS 29A AND 29B ADDED; MAYOR AND COUNCIL ITEMS 34 AND 35 ADDED)

COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Tony Nelssen

Tuesday, August 29, 2006

***3:30 P.M.

CITY COUNCIL SPECIAL MEETING

MARKED AGENDA

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **3:34 PM**

Roll Call – **ALL PRESENT**

1. REQUEST FOR EXECUTIVE SESSION TO:

- A. Discuss and consult with its attorneys for legal advice; discuss and consult with its attorneys in order to consider the City's position and instruct its attorneys regarding contemplated litigation and possible settlement discussions to avoid litigation; and discuss and consult with the City Attorney, the City Manager, and their designated representatives to consider the City's position and instruct its representatives with respect to negotiations for the acquisition of real estate; all of these purposes with respect to real property located adjacent to the City's north Scottsdale water treatment plant. Contact Deborah Robberson, City Attorney, (480) 312-2405, drobberson@scottsdaleaz.gov ; Bruce Washburn, Assistant City Attorney, (480) 312-2405, bwashburn@scottsdaleaz.gov .

2. MOTION TO RECESS INTO EXECUTIVE SESSION TO:

- A. Discuss and consult with its attorneys for legal advice; discuss and consult with its attorneys in order to consider the City's position and instruct its attorneys regarding contemplated litigation and possible settlement discussions to avoid litigation; and discuss and consult with the City Attorney, the City Manager, and their designated representatives to consider the City's position and instruct its representatives with respect to negotiations for the acquisition of real estate; all of these purposes with respect to real property located adjacent to the City's north Scottsdale water treatment plant. A.R.S. §§ 38-431.03(A)(3), (4) & (7).

Adjourn to Executive Session – **4:08 PM**

5:00 P.M.

CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:11 PM**

Roll Call – **ALL PRESENT**

Pledge of Allegiance – **RYAN LAGANA AND ADRIANA CARLOS, EXPLORER PROGRAM**

Invocation – **NONE**

Presentations/Information Updates

Approval of Minutes **- OK – 7/0**

SPECIAL MEETINGS
August 8, 2006

REGULAR MEETINGS

WORK STUDY SESSIONS

EXECUTIVE SESSIONS
June 20, 2006

Public Comment – **ERIC BOROWSKY SPOKE IN OPPOSITION TO PROPOSITION 401 AND INVITED RESIDENTS TO VIEW THE TELEVISED DEBATE AND VISIT THE NO ON 401 WEBSITE; JOHN NICHOLS CITED COMMUNITY STANDARDS, QUALITY OF LIFE AND PUBLIC SAFETY CONCERNS IN SUPPORT OF PROPOSITION 401; JUDITH REISMAN SPOKE IN SUPPORT OF PROPOSITION 401 AND REQUESTED BUSINESS OWNERSHIP RECORDS OF THE BUSINESSES INVOLVED BE AVAILABLE FOR PUBLIC INSPECTION.**

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "Public Comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

CONSENT AGENDA **ITEMS 1-29B**

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Comment Card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. **Ruth's Chris Steakhouse Permanent Extension of Premises** – **OK – C**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for an existing restaurant.
Location: 7001 N. Scottsdale Road
Reference: 25-EX-2005
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

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2. **Albertson's No. 955 (Liquor Store) Liquor License – OK – C**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 9 (liquor store) liquor license for an existing grocery store.
Location: 2785 N. Scottsdale Road
Reference: 50-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
3. **Albertson's Express No. 955 (Beer and Wine Store) Liquor License – OK – C**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license for an existing convenience store.
Location: 2865 N. Scottsdale Road
Reference: 51-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
4. **Albertson's No. 969 (Liquor Store) Liquor License – OK – C**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 9 (liquor store) liquor license for an existing grocery store.
Location: 15660 N. Frank Lloyd Wright Boulevard
Reference: 54-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
5. **Albertson's No. 966 (Liquor Store) Liquor License – OK – C**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 9 (liquor store) liquor license for an existing grocery store.
Location: 6965 N. Hayden Road
Reference: 55-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
6. **Albertson's No. 983 (Liquor Store) Liquor License – OK – C**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 9 (liquor store) liquor license for an existing grocery store.
Location: 11475 E. Via Linda
Reference: 56-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

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7. **Albertson's No. 979 (Liquor Store) Liquor License – OK – C**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 9 (liquor store) liquor license for an existing grocery store.
Location: 34442 N. Scottsdale Road
Reference: 57-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
8. **e4 (Bar) Liquor License – OK – C**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a new series 6 (bar) liquor license for an existing location that is currently operating with a series 12 (restaurant) liquor license.
Location: 4282 N. Drinkwater Boulevard
Reference: 58-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
9. **Indian Paradise (Restaurant) Liquor License – OK – C**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location.
Location: 15111 N. Hayden Road, Suite 180
Reference: 59-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
10. **Mardi Gras Bar & Grill (Bar) Liquor License – OK – C**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) liquor license for an existing location.
Location: 8040 E. McDowell Road
Reference: 60-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
11. **Hiro-Sushi (Restaurant) Liquor License – OK – C**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location.
Location: 9393 N. 90th Street, Suite 116
Reference: 61-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

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- 12. [Grocery Station \(Beer and Wine Store\) Liquor License – OK – C](#)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license for an existing location.
Location: 10810 E. Via Linda
Reference: 62-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
- 13. [CVS Pharmacy No. 9328 \(Liquor Store\) Liquor License – OK – C](#)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 9 (liquor store) liquor license for an existing location.
Location: 7901 E. Thomas Road
Reference: 63-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
- 14. [CVS Pharmacy No. 9264 \(Liquor Store\) Liquor License – OK – C](#)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 9 (liquor store) liquor license for an existing location.
Location: 23215 N. Pima Road
Reference: 64-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
- 15. [CVS Pharmacy No. 9210 \(Liquor Store\) Liquor License – OK – C](#)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and control for a person transfer of a series 9 (liquor store) liquor license for an existing location.
Location: 10653 N. Scottsdale Road
Reference: 65-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
- 16. [CVS Pharmacy No. 9252 \(Liquor Store\) Liquor License – OK – C](#)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 9 (liquor store) liquor license for an existing location.
Location: 14672 N. Frank Lloyd Wright Boulevard
Reference: 66-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

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- 17. [Arco AM/PM \(Beer and Wine Store\) Liquor License – OK – C](#)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license for an existing location.
Location: 10809 N. Frank Lloyd Wright Boulevard
Reference: 67-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
- 18. [CVS Pharmacy No. 9338 \(Liquor Store\) Liquor License – OK – C](#)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 9 (liquor store) liquor license for an existing location.
Location: 10781 N. Frank Lloyd Wright Boulevard
Reference: 68-LL-2006
Staff Contact(s):): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
- 19. [CVS Pharmacy No. 9244 \(Liquor Store\) Liquor License – OK – C](#)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 9 (liquor store) liquor license for an existing location.
Location: 4380 N. Miller Road
Reference: 69-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
- 20. [Cat Eye Lounge \(Bar\) Liquor License – OK – C](#)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) liquor license for an existing location.
Location: 2017 N. Scottsdale Road
Reference: 70-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
- 21. [AZ Wine Outlet \(Beer and Wine Store\) Liquor License – OK – C](#)**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license for a new location.
Location: 15001 N. Hayden Road, Suite 109
Reference: 71-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

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22. **Sabuddy (Restaurant) Liquor License – OK – C**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location.
Location: 6949 E. Shea Boulevard, Suites 10A and 10B
Reference: 72-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
23. **Rumbi Island Grill (Restaurant) Liquor License – OK – C**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location.
Location: 7325 E. Frank Lloyd Wright Boulevard, Suite 104
Reference: 73-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
24. **104th Street and Bell Final Plat – OK – C**
Request: Final plat approval Phase 2 Plat B consisting of 48 lots on approximately 19.25± acres located within a Master Planned Community near Thompson Peak Parkway and Bell Road.
Location: E. Bell Road and 104th Street
Related Policies, References:
- 9-PP-2004#2B
 - Rezoning of the property (24-Z-1991)
 - Infrastructure and Environmental Design Master Plans (1-MP-2004)
 - Development Agreement (DA No. 2004-026-COS), amended
 - Preliminary Plat Approval (9-PP-2004)
 - Phase 1A Final Plat Approval (9-PP-2004#1A)
 - Phase 1B Final Plat Approval (9-PP-2004#1B)
 - Phase 1C Final Plat Approval (9-PP-2004#1C)
 - Phase 2A Final Plat Approval (9-PP-2004#2A)
- Staff Contact(s):** Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

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***25. [Kim Courtney's Swim School \(Item No. 25 continued to September 26, 2006\) – MOTION TO CONTINUE – OK – 7/0](#)

26. [Scott Toyota Use Permit – OK – C](#)

Requests:

1. Approve a conditional use permit for modifications to existing automobile dealership (new and used sales) on a 5.2± acre parcel located at 6850 E. McDowell Road with Highway Commercial District (C-3) zoning.
2. Adopt Resolution No. 6934 affirming the conditional use permit and findings that the conditional use permit criteria have been met.

Location: 6850 E. McDowell Road

Related Policies, References:

- 9-UP-2006
- 53-UP-1984, existing conditional use permit for automobile sales and repair
- 152-SA-2005, enclosure of ground floor of existing parking garage
- 99-DR-1995#1-2, McDowell Road Streetscape Guidelines
- 64-DR-1987#1-3, Scott Toyota Development

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

27. [Mayo Foundation Development Agreement Amendment – OK – C](#)

Requests:

1. Amend Development Agreement No. 960134 dated July 15, 1996 between the City of Scottsdale and the Mayo Foundation for Medical Education and Research. The amendment would reduce the size of the parcel subject to the development agreement (located at 11600 N. 84th Street north of Cholla on the west side of 84th Street).
2. Approve Resolution No. 6957 authorizing the Mayor to execute the Amended Development Agreement.

Related Policies, References: Development Agreement No. 960134

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

***28. [Downtown Plan Update and Scottsdale Town Hall Event – OK – C](#)

Request: Approve Resolution No. 6989 authorizing the Mayor to execute a sole source professional services contract with the Arizona Town Hall organization in the amount of \$30,000 for the purposes of facilitating a Scottsdale Town Hall event associated with Planning and Development Services work effort to update the Downtown Plan. Funds for this contract are available in CIP project account D0701, Downtown Plan Update and Special Project Implementation Study.

Staff Contact(s): John C. Little, Downtown Group Executive Director, 480-312-2539, jlittle@scottsdaleaz.gov; Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov

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29. Settlement of Cox Communications v. City of Scottsdale, et al. – MOTION TO APPROVE – OK – 7/0

Request: Approve Resolution No. 6986 authorizing the Mayor to enter into Contract No. 2006-146-COS between the City of Scottsdale and Cox Communications to resolve a lawsuit entitled *Cox Communications v. City of Scottsdale, et al.*, Cause No. CV2005-050137, currently pending in the Maricopa County Superior Court.

Related Policies, References: Resolution No. 6495; IGA No. 2004-091-COS

Staff Contact(s): Deborah W. Robberson, City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov; Sherry Scott, Assistant City Attorney, 480-312-7816, sscott@scottsdaleaz.gov

*****29A. Acquisition of Property for Central Arizona Project Water Treatment Plant – OK – C**

Request: Adopt Resolution No. 6974 authorizing acquisition of land required for construction of regulatory compliance improvements and future expansion of the City's existing Central Arizona Project Water Treatment Plant.

Related Policies, References:

- Council approved the Water Resources Master Plan on October 15, 2001.
- Council approved Engineering Services Contract No. 2001-167-COS for conceptual site plan of Central Arizona Project Water Treatment Plant (CAP WTP) expansion on November 26, 2001.
- Council approved Engineering Services Contract No. 2003-110-COS with Malcolm Pirnie, Inc. for the design of regulatory compliance improvements at the CAP WTP on July 1, 2003.
- Council approved Construction Bid Award 04PB052 to Archer Western Contractors for construction of regulatory compliance improvements at the Central Arizona Project Water Treatment Plant on June 28, 2005.
- Council approved Resolution 6800 on December 12, 2005 authorizing the City Manager or her designee to bid on three state land parcels at public auction.
- Scottsdale City Charter Section 3(A) describes City rights to acquire property.

Staff Contact(s): Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov

*****29B. Intergovernmental Agreement to Accept Federal Aviation Grant – OK – C**

Request: Adopt Resolution No. 6993 authorizing Intergovernmental Agreement No. 2006-151-COS with the Federal Aviation Administration to accept a grant for the design and construction of several airport related projects.

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. **You will be given at least three minutes to speak per item. Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

30. Public Hearing on Appeal of Development Review Board Decision on 4020 Building – MOTION TO APPROVE WITH ADDITIONAL STIPULATIONS TO MATCH THE BRICK TO CHASE BANK, LEGACY GALLERY OR GRIMALDI’S AND PROVIDING A CONTINUOUS SHADED WALKWAY ALONG THE EAST AND SOUTH SIDES OF BUILDING – OK – 7/0

Request: Consider the Development Review Board’s July 20, 2006 decision regarding case number 110-DR-2005, which approved the site plan and elevations for the 4020 Building. Per City Code, the Council’s formal review of the decision must occur no less than 15 days and no more than 40 days following their initiation.

Reference: 110-DR-2005, Scottsdale City Code, Section 1.907(b)(c)

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

31. McCormick Ranch Condos – MOTION TO APPROVE, SUBJECT TO STIPULATION THAT SIX, TWO-STORY UNITS BE LOCATED AT PASEO DEL NORTE FRONTAGE

AMENDED MOTION TO APPROVE, SUBJECT TO STIPULATION THAT DEVELOPMENT REVIEW BOARD EVALUATE POSSIBILITY OF LOCATING TWO-STORY BUILDINGS WHERE THEY WILL CREATE A BUFFER FOR THE VISUAL IMPACT OF THE THREE-STORY BUILDINGS – OK – 5/1 (TN, RL-ABSTAIN)

Requests:

1. Approve a non-major General Plan Amendment from “Office” to “Urban Neighborhoods” on a 2.79± acre parcel located at 8301 E. Via Paseo del Norte.
2. Rezone from Commercial Office, Planned Community District (C-O PCD) to Multiple Family District, Planned Community District (R-5 PCD) on a 2.79± acre parcel located at 8301 E. Via Paseo del Norte.
3. Adopt Resolution No. 6963 affirming the General Plan Amendment.
4. Adopt Ordinance No. 3689 affirming the rezoning.

Location: 8301 E. Via Paseo Del Norte

Related Policies, References: 14-GP-2005; 22-ZN-2005; and Case 3-ZN-2005 and Case 3-UP-2005, amended standards for the adjacent Paseo Village Center and approved a Conditional User Permit for a health studio.

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

REGULAR AGENDA

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32. **Loco Patron Conditional Use Permit** – MOTION TO APPROVE INCLUDING APPLICANT CONDITIONS 1 - 7, FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET, AND REQUESTING STAFF PREPARE A DEVELOPMENT AGREEMENT FOR THE STIPULATION OF CHANGE OF OWNERSHIP – FAILED – 3/4 (MM, BD, JL, RM)

MOTION TO APPROVE, INCLUDING APPLICANT CONDITIONS 1-7, FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET – OK – 6/1 (RM)

Requests:

1. Approve a conditional use permit for a bar in an existing building on a 10,735± square foot parcel located at 4228 N. Scottsdale Road with Central Business District, Downtown Overlay Zoning.
2. The Applicant is also requesting the ability to lease 14 parking stalls through the in-lieu parking program. Lease of in-lieu parking requires City Council approval.
3. Adopt Resolution No. 6966 affirming the conditional use permit and findings that the conditional use permit criteria have been met.
4. Adopt Resolution No. 6969 authorizing the participation in the in-lieu parking program.

Location: 4228 N. Scottsdale Road

Related Policies, References: 8-UP-2006, General Plan, Downtown Plan

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

33. **Loco Patron (Bar) Liquor License** – MOTION TO APPROVE – OK – 6/1 (RM)

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 6 (bar) liquor license for an existing location.

Location: 4228 N. Scottsdale Road

Reference: 75-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

MAYOR AND COUNCIL Items 34 and 35

Mayor and Council Item

- ***34. **Requests from Councilmember Drake for discussion of and scheduling of work study sessions, including public comment, to discuss: a) Village Planning and Village Planning Committees for Scottsdale; and b) Discussion of Downtown Master Plan and staff presentation on the upcoming Downtown Master Plan Update.** – MOTION TO SCHEDULE WORK STUDY SESSION TO DISCUSS VILLAGE PLANNING, VILLAGE PLANNING COMMITTEES, AND THE DOWNTOWN MASTER PLAN.

AMENDED MOTION TO SCHEDULE TWO WORK STUDY SESSIONS, ONE TO DISCUSS VILLAGE PLANNING AND VILLAGE PLANNING COMMITTEES, AND THE OTHER TO DISCUSS THE DOWNTOWN MASTER PLAN – OK – 7/0

- ***35. [Request from Councilmember Nelssen to consider whether to initiate a formal City Council appeal of the Development Review Board's August 24, 2006 decision, which approved case #88-DR-2005#3 for Phase III of the SkySong Project, located at the southeast corner of McDowell and Scottsdale roads.](#) –

COUNCIL DECLINED TO INITIATE FORMAL CITY COUNCIL APPEAL

Related Policies, References: City Charter Article II, Section 13; City Code Section 1.907 regarding Appeals of Development Review Board Decisions

Staff Contact(s): Ed Gawf, Assistant City Manager, egawf@scottsdaleaz.gov

Public Comment – NONE

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "Public Comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

City Manager's Report – NONE

Adjournment – 9:06 PM