

PLANNING COMMISSION REPORT



Meeting Date: December 8, 2010
General Plan Element: *Land Use*
General Plan Goal: *Create a sense of community through land uses*

ACTION

**Live Entertainment @ Scottsdale Quarter
37-UP-2010**

Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met and recommend that City Council approve the request by applicant for a Conditional Use Permit for live entertainment on a \pm 28 acre site located at 15301, 15279, 15169, 15015, 15323, 15257, 15191, 15147, 15389, 15345, 15235, 15125, 15059, and 15037 N. Scottsdale Road with Planned Regional Center (PRC) zoning.

Related Policies, References:

- 5-GP-2005, 14-ZN-2005, 10-DR-2007, 10-DR-2007#2, 10-DR-2007#3, 1-PE-2009, 15-UP-2008#2, 16-UP-2008#2, 32-UP-2010, 33-UP-2010, 36-UP-2010

OWNER

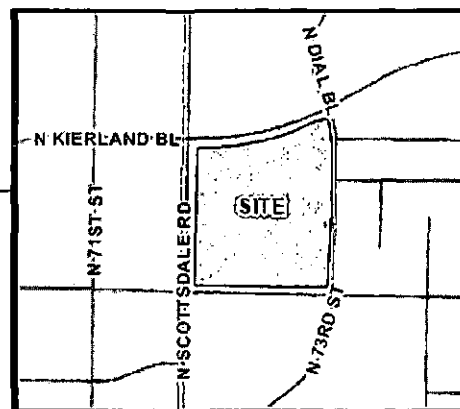
Kierland Crossing LLC
614-887-5624

APPLICANT CONTACT

Margo Conley
Glimcher Development Corp.
614-887-5691

LOCATION

15301, 15279, 15169, 15015, 15323, 15257, 15191, 15147, 15389, 15345, 15235, 15125, 15059, and 15037 N. Scottsdale Road



Action Taken _____

BACKGROUND

Zoning

This 28.6 acre site is zoned Planned Regional Center (PRC). The PRC zoning district allows a broad range of general merchandise and service uses, office, cultural and entertainment uses, and residential.

Context

Located on N. Scottsdale Road bounded by E. Butherus Road to the south, N. 73rd Street to the east and E. Greenway-Hayden Loop to the north, this site is near the western edge of the Scottsdale Airpark. Kierland Commons shopping center is to the immediate west, across N. Scottsdale Road from this site. Phases I & II of the project have been completed and are open for business and Phase III is currently vacant with commercial and residential uses planned.

Adjacent Uses and Zoning

- North Commercial uses; Zoned Highway Commercial District (C-3).
- South Commercial office, Vacant land; Zoned Industrial Park District (I-1).
- East Commercial office, Aviation uses; Zoned Industrial Park District (I-1).
- West City of Phoenix mixed use development (Kierland Commons) zoned commercial.

Key Items for Consideration

- The Conditional Use Permit criteria for Live Entertainment must be met.
- The nearest existing residential use is located more than 750 feet to the west (Kierland Commons).
- Future residential uses are planned within Phase III of Scottsdale Quarter.
- The Planning Department has not received any opposition on the Conditional Use Permit request as of the date of this report.

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant is requesting approval of a Conditional Use Permit for Live Entertainment that will allow Live Entertainment in all the commercial tenant spaces within Scottsdale Quarter and in the quad area, which is an outdoor courtyard centrally located on the site. Scottsdale Quarter is a mixed-use commercial center that will ultimately have more than 1.2 million square feet of floor area containing services, retail, restaurant, bar, nightclub, entertainment, hotel, and residential. Glimcher, who is the owner/operator of Scottsdale Quarter, is requesting the Use Permit to accommodate the future requests of their tenants who may want to have Live Entertainment as an accessory to their use.

The primary objective of the application is to provide Scottsdale Quarter tenants with the option to provide small entertainment opportunities such as pianists, guitarists, violinists, and may also include recorded music, bands, DJ's, marketing events, charity events, and other performances. The Scottsdale Quarter quad area is a large open courtyard that may be used for many of these complimentary events/performances. The quad is centrally located within the project and is surrounded by multiple 65 foot tall buildings that provide a substantial buffer between the quad and the perimeter of the site. Except for in the quad area, all Live Entertainment on the site will be contained within an enclosed building.

Any large events that may require additional parking, additional restrooms, or fencing and/or barricades will require separate Special Event Permits.

Development Information

- Existing Use: Mixed-Use Commercial Center
- Proposed Use: Mixed-Use Commercial Center with Live Entertainment
- Parcel Size: ± 28 acres
- Building Height Allowed: 60 Feet
- Building Height Existing: 60 Feet
- Parking Required: 2,987 spaces
- Parking Provided: 3,200 spaces
- Open Space Required: 204,911 square feet
- Open Space Provided: 248,065 square feet
- Floor Area: Commercial: 819,644 square feet
Residential: 409,822 square feet
Total: 1,229,466 square feet

IMPACT ANALYSIS

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.
 - **Scottsdale Quarter is a mixed-use development surrounded by commercial, industrial, and aviation uses. With the exception of the quad area, which is centrally located in the site, all Live Entertainment will be within an enclosed building. It is not anticipated that the Live Entertainment use will cause damage or nuisance from noise, smoke, odor, dust, vibration, or illumination.**
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - **In 2005, in association with the zoning entitlements for Scottsdale Quarter, a Traffic Impact Mitigation Analysis (TIMA) was prepared to analyze the traffic impacts of the overall development. The TIMA concluded that the proposed mix of uses within Scottsdale Quarter will not adversely impact the street system adjacent to the site. The current mix of uses is consistent with those contemplated in the TIMA. The Live Entertainment use will be accessory to these existing/proposed uses, and it is not anticipated that it will negatively impact surrounding areas from unusual volume or character of traffic. Any large events will require a separate special event permit in accordance with the attached stipulations.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
- **The proposed Live Entertainment uses are compatible with the uses proposed within Scottsdale Quarter and the surrounding uses which include office, retail, restaurants, restaurants with bars, and industrial.**
- C. The additional conditions in Section 1.403 have been satisfied:
The proposal meets the provisions for Ranches as identified in Zoning Ordinance Section 1.403, including:
- 1.403.J *Live Entertainment*
1. The site plan shall demonstrate that:
 - a. Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts.
 - **Scottsdale Quarter is not located adjacent to any residential districts and all parking is located on-site within parking structures and on-street parking (internal). The proposed residential uses within Phase III of the project will be physically separated from the parking areas by the internal streets and other commercial buildings.**
 - b. All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.

- All patron entrances will be well lit and clearly visible to patrons from the surrounding streets and sidewalks.
2. The applicant has provided written evidence that all sound resulting from business activities will be contained within the building, except where external speakers are permitted.
 - With the exception of the quad area, all Live Entertainment will be within the enclosed buildings. Individual tenant spaces are not permitted to have external speakers associated with Live Entertainment. External speakers will periodically be used for events in the quad area; however, the quad is centrally located within the project surrounded by multiple 65 foot tall buildings, parking, landscaping, and walls. The quad is also located more than 230 feet from any perimeter property lines of the project.
 3. The applicant has provided a written public safety plan which the city police and fire departments have approved as complying with the written guidelines of the Planning and Development Department.
 - A Security, Maintenance and Operations Plan has been submitted and approved by the Police Department. The shopping center has active security on site, and individual tenants who choose to have Live Entertainment will be required to submit their own Security, Maintenance and Operations Plan for approval by the Police and Planning and Development Departments.
 4. The applicant has provided a written lighting plan which addresses exterior lighting on and surrounding the property, in accordance with section 7.600 of the zoning ordinance and with the public safety plan guidelines.
 - The approved lighting for the Scottsdale Quarter project meets the provisions of this ordinance. No new lighting has been proposed with this application.
 5. The applicant shall provide a written exterior refuse control plan which must be approved by the Planning and Development Department staff as complying with the written guidelines of the department, prior to the issuance of a business license. The review will be conducted as provided in Section 1.305.
 - Provisions for refuse control are included with the Security, Maintenance and Operations Plan and have been stipulated with this case.
 6. The applicant has provided a floor plan which identifies the areas for the primary use and for ancillary functions, which include but are not limited to patron dancing areas and/or stages for performances.
 - The applicant has provided a site plan identifying the location of all the tenant spaces that will be permitted Live Entertainment, and also identifies the location of Live Entertainment in the quad. The site plan has been attached to this report as Exhibit A to Attachment 1.

7. If access to the establishment is from a street other than one classified by the General Plan as minor collector or greater, or classified by the downtown General Plan as local street or greater, the applicant has provided a traffic analysis which complies with transportation planning department written guidelines. The plan shall demonstrate to the satisfaction of the transportation department that the level of service on all streets accessed by the use shall meet the standard set by the city.
 - **There are several points of access to the site which are all classified as minor collector or greater.**
8. If the Zoning Administrator determines that a study is necessary, the applicant shall provide a parking study which complies with the written guidelines of the Planning and Development Department.
 - **Parking is provided in conformance with the Zoning Ordinance Requirements. The approved parking study for the Scottsdale Quarter project is on file under case 1-PE-2009.**
9. The applicant has provided any additional information required by city staff in order to evaluate the impacts of the proposed use upon the area.
 - **All information requested by Planning, Police, and Fire has been provided.**
10. The following operational standards must be met by the use throughout its operation:
 - a. All external doors shall be closed but not locked during business hours.
 - **With the exception of Live Entertainment in the quad, all external doors will be closed but not locked during business hours.**
 - b. No external speakers will be permitted on the premises of a use permitted under this section, which is located within five hundred (500) feet of a residential district.
 - **No external speakers associated with Live Entertainment are permitted for the tenant spaces. External speakers will be utilized in the quad periodically. Scottsdale Quarter is not within 500 feet of a residential district.**
 - c. The applicant/operator shall comply with all plans approved as provided herein.
 - **The applicant/operator will comply with all approved plans. The approved plans have been stipulated with this case.**

Traffic

The site is bounded by three arterial streets (N. Scottsdale Road, E. Greenway-Hayden Loop and E. Butherus Road) and a minor collector street (Dial Boulevard/N. 73rd Street). A traffic impact analysis was performed for Scottsdale Quarter during the rezoning and General Plan amendment of the site (14-ZN-2005, 5-GP-2005). This study concluded that there is sufficient capacity for the proposed mix of uses on the site, which included restaurant, bar, retail, office, hotel and residential. The Live

Entertainment use will be mainly accessory to these existing/proposed uses and any traffic generated by is not anticipated to create any significant adverse impacts. Any large events will require a separate special event permit in accordance with the attached stipulations.

Parking

Scottsdale Quarter is a Mixed-Use Commercial Center parked at a rate of 1 space per 300 square feet of gross floor area. At full build out, the project will have 646,319 square feet of mixed use commercial floor area, up to 184 hotel rooms, and up to 282 residential dwelling units. The commercial parking requirement for the site is 2,239 spaces. The proposed hotel and residential units will have their own dedicated parking exclusive of the commercial parking. There are 2,452 shared parking spaces available for the mix of commercial uses on the site, which is 213 spaces more than what is required by the zoning ordinance.

Glimcher has also conducted a shared parking analysis to insure there is adequate parking for the proposed mix of uses in the project. This analysis demonstrates that the peak hours of operation for the uses coordinate in a way that will provide the parking needed by each use at their individual peak/off-peak hours of operation. Glimcher will continue to use this shared parking model to manage the uses on the site. Any Live Entertainment events that are expected to require more parking than what is provided on-site will require a Special Event Permit.

Water/Sewer

The water and sewer improvements necessary to serve the site are existing. This proposal is not anticipated to generate any additional impacts.

Public Safety

There are no reported public service concerns with these types of uses in this area. The Live Entertainment uses are required to submit a Security, Maintenance and Operations Plan, which has been reviewed and approved by the Police Department. Station #9 of the City of Scottsdale Fire Department is the nearest fire station to the site. The station is located at the northeast corner of E. Raintree Drive and N. 78th Way.

Community Involvement

Property owners within a 750-foot radius of the subject site were notified and the site was posted. Staff has not received any comments from the public regarding this application.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

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

RESPONSIBLE DEPARTMENT(S)

Planning, Neighborhood and Transportation
Current Planning Services

STAFF CONTACTS (S)

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

APPROVED BY



Bryan Cluff, Report Author

11/30/10

Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

11/30/2010

Date



Connie Padian, Administrator
Planning, Neighborhood and Transportation
480-312-2664, cpadian@scottsdaleaz.gov

12/2/10

Date

ATTACHMENTS

1. Stipulations
Exhibit A to Attachment 1 Site Plan
2. Additional Information
3. Applicant's Narrative
4. Context Aerial
- 4A. Aerial Close-Up
5. General Plan Map
6. Zoning Map
7. Citizen Involvement
8. City Notification Map

Conditional Use Permit - Live Entertainment

Stipulations:

Live Entertainment @ Scottsdale Quarter for

Case Number: 37-UP-2010

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

GOVERNANCE

1. **APPLICABILITY.** All existing Use Permit approvals and stipulations for Scottsdale Quarter, 15-UP-2008#2, 16-UP-2008#2, 32-UP-2010, 33-UP-2010, and 36-UP-2010, shall remain in effect. This case shall not supersede any previous Use Permit approvals.

OPERATIONS

2. **CONFORMANCE TO THE CONCEPTUAL SITE PLAN.** All Live Entertainment shall be restricted to the locations shown on the conceptual Entertainment Areas Lease Plan submitted by Glimcher, with the city staff date of 11/15/2010, attached as Exhibit A to Attachment 1. Any proposed significant change to the Live Entertainment locations as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. **NO BAR USE.** This Conditional Use Permit is for live entertainment only, and no bar use is approved as part of this request.
4. **HOURS OF LIVE ENTERTAINMENT.** The hours of the live entertainment shall be limited to:

	Start	To	End
Sunday	10:00 a.m.	To	2:30 a.m.
Monday	10:00 a.m.	To	2:30 a.m.
Tuesday	10:00 a.m.	To	2:30 a.m.
Wednesday	10:00 a.m.	To	2:30 a.m.
Thursday	10:00 a.m.	To	2:30 a.m.
Friday	10:00 a.m.	To	2:30 a.m.
Saturday	10:00 a.m.	To	2:30 a.m.

5. **SECURITY, MAINTENANCE, AND OPERATIONS PLAN.** The live entertainment 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, Neighborhoods, and Transportation Division. 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, Neighborhoods, and Transportation Division. At least ten (10) days before any operational change of the live entertainment, 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

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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, Neighborhoods, and Transportation Division.

- a) Any tenant that has Live Entertainment more than ten (10) days per year shall complete their own Security, Maintenance, and Operations Plan and submit it to the City of Scottsdale Planning, Neighborhoods, and Transportation Division and Police Department for review and approval. These plans shall be managed in accordance with stipulation #4 above.
 - b) If a tenant has Live Entertainment and there is not a tenant specific Security, Maintenance, and Operations Plan on file, the plan approved with this case shall be the default Security, Maintenance, and Operations Plan.
- 6. NOISE. Noise generated from Live Entertainment, 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.
 - 7. EXTERNAL SPEAKERS. With the exception of the quad area as identified on the conceptual site plan, external speakers are not permitted in association with Live Entertainment.
 - 8. EXTERNAL DOORS. With the exception of the quad area as identified on the conceptual site plan, all external doors shall be closed but not locked during Live Entertainment hours.

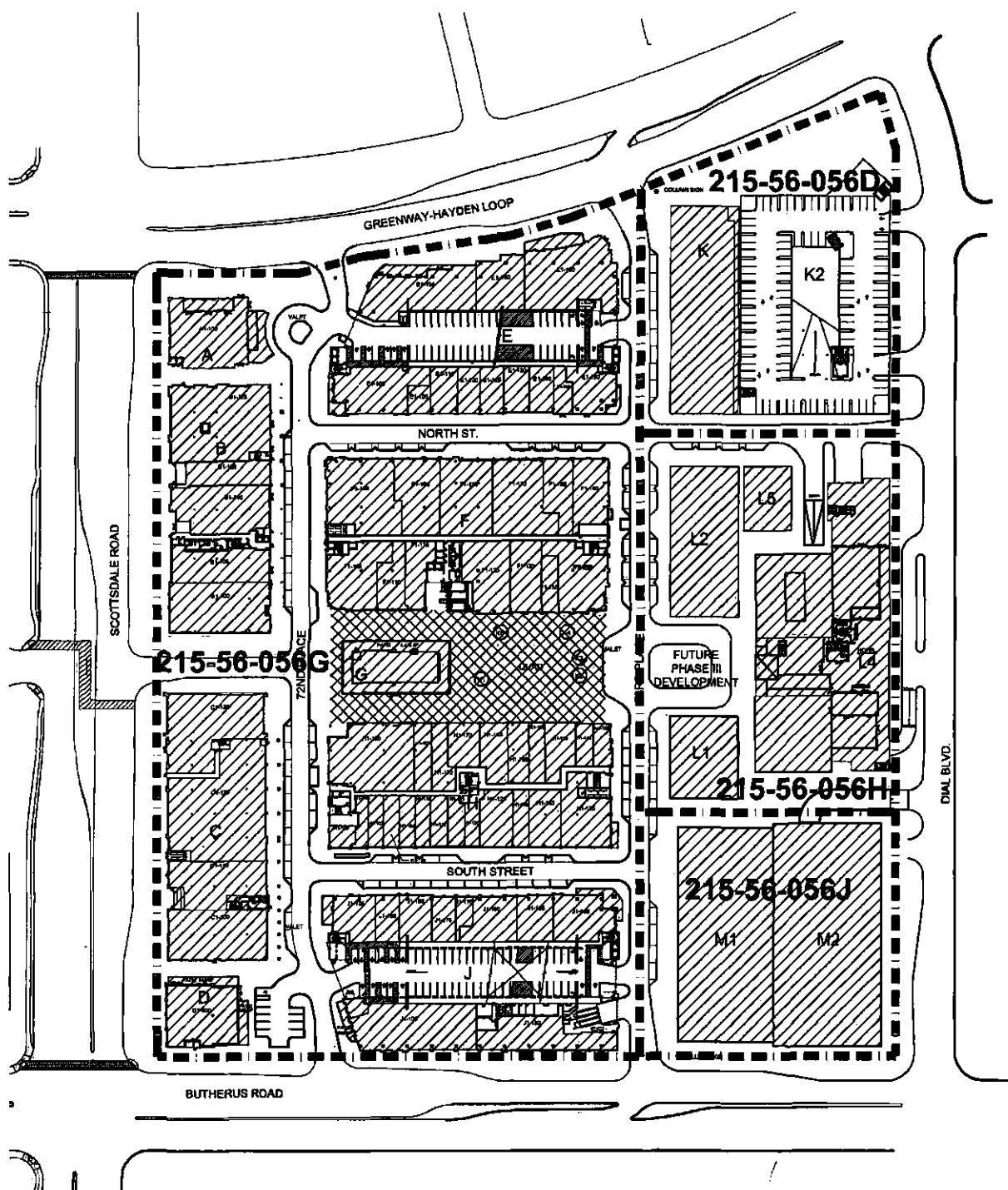
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SPECIAL EVENTS

- 9. PARKING. Any event that requires off-site parking shall be considered a Special Event and shall require a Special Event Permit. Off-site parking shall be any parking that is not located in the Scottsdale Quarter parking garages or located on the Scottsdale Quarter internal private streets.
- 10. ACCESS. Any event that requires fencing or blocking of pedestrian or vehicular access and/or egress in and out of the quad area or streets (public or private) shall be considered a Special Event and shall require a Special Event Permit.
- 11. RESTROOMS. Any event that requires additional public restrooms (port-a-potties) than what is available on site shall be considered a Special Event and shall require a Special Event Permit.

ADMINISTRATIVE PROCESS

- 12. 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.
 - 13. 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.
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01 GROUND LEVEL LEASE PLAN

Scale: NTS

REF:

-  LIVE ENTERTAINMENT AREA
-  QUAD LIVE ENTERTAINMENT AREA

GLIMCHER

GLIMCHER PROPERTIES LIMITED PARTNERSHIP
180 East Broad Street, 21st Floor
Columbus, OH 43215
Phone: 614.621.9000 Fax: 614.621.9321

**SCOTTSDALE QUARTER
ENTERTAINMENT AREAS
GROUND LEVEL LEASE PLAN**

SCOTTSDALE, ARIZONA

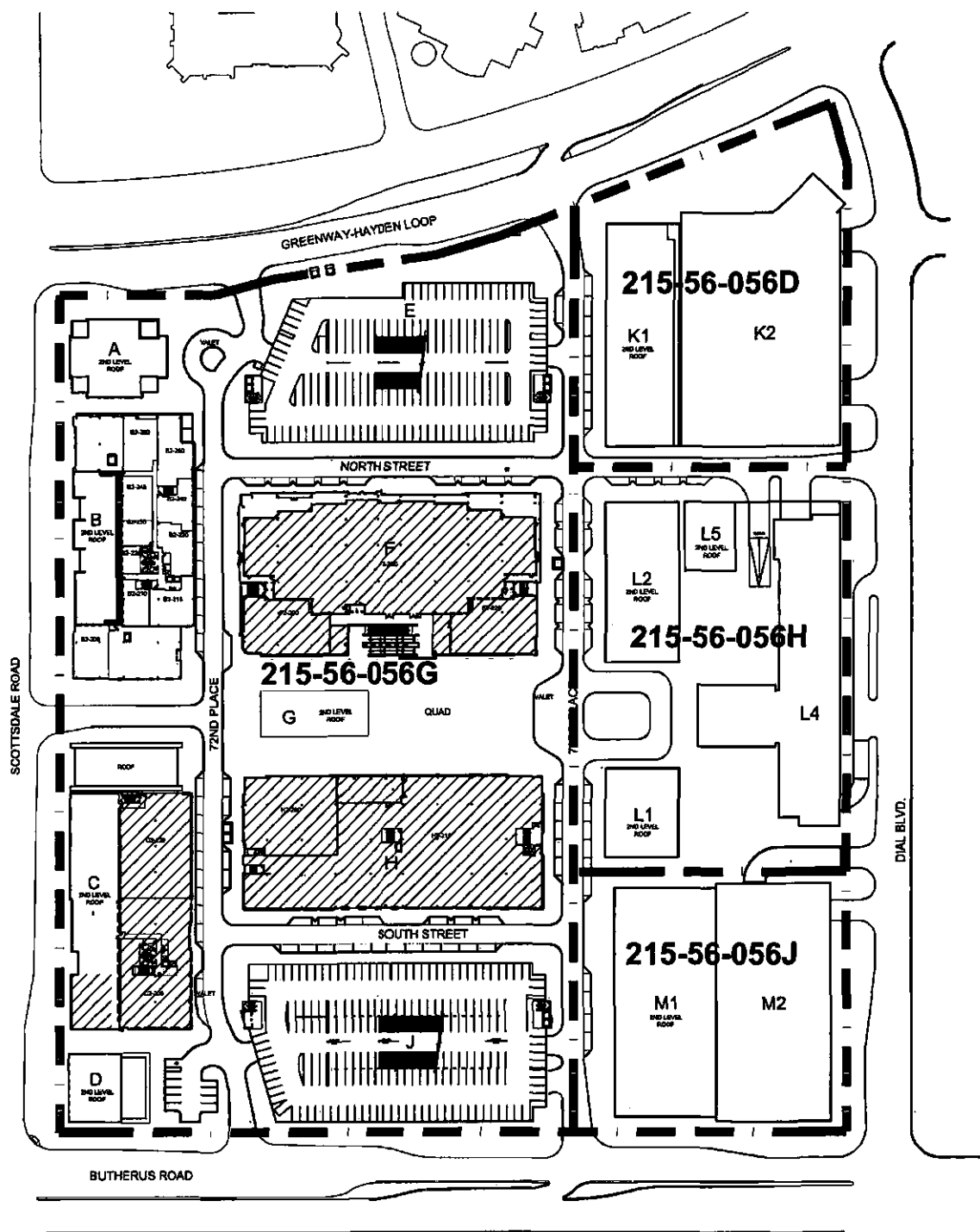
DATE:

11.29.10

PROJECT NO.:

36415/00

EXHIBIT A TO ATTACHMENT 1: SITE PLAN



NORTH

01 SECOND LEVEL LEASE PLAN
Scale: NTS REF:

 LIVE ENTERTAINMENT AREA
 QUAD LIVE ENTERTAINMENT AREA

GLIMCHER GLIMCHER PROPERTIES LIMITED PARTNERSHIP 180 East Broad Street, 21st Floor Columbus, OH 43215 Phone: 614.621.9000 Fax: 614.621.9321	SCOTTSDALE QUARTER ENTERTAINMENT AREAS SECOND LEVEL LEASE PLAN SCOTTSDALE, ARIZONA DATE: 11.29.10 PROJECT NO.: 36415/00	
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EXHIBIT A TO ATTACHMENT 1: SITE PLAN

Additional Information for:
Live Entertainment @ Scottsdale Quarter
Case: 37-UP-2010

PLANNING/DEVELOPMENT

1. ALCOHOL. Any event that will be serving alcohol outside of an existing licensed area shall obtain the necessary City and State approvals and permits/licenses for each event.
2. VENDORS. If an event will have vendors selling any type of product, a list of the proposed vendors shall be submitted to the City's Tax and Licensing Department to verify that all required licenses are in place.
3. Any tents and/or generators shall obtain all required permits and approvals.

SCOTTSDALE QUARTER

Conditional Use Permit for Live Entertainment

Project Narrative

For its Project Narrative, in accordance with the requirements of the City of Scottsdale Use Permit Application, SDQ Fee, LLC dba SCOTTSDALE QUARTER for parcel number 215-56-056G to include the following addresses: 15301, 15279, 15169, 15015, 15323, 15257, 15191, 15213, 15147, 15037 N. Scottsdale Rd., Scottsdale, Arizona 85254; SDQ 3Fee, LLC dba SCOTTSDALE QUARTER parcel number 215-56-056D to include the following addresses 15389, 15345, N. Scottsdale Rd. Scottsdale, Arizona 85254; SDQ 3Fee, LLC dba SCOTTSDALE QUARTER parcel number 215-56-056H to include the following addresses 15235, 15125 N. Scottsdale Rd. Scottsdale, Arizona; SDQ 3Fee, LLC dba SCOTTSDALE QUARTER parcel number 215-56-056J to include the following addresses 15059, N. Scottsdale Rd. Scottsdale, Arizona 85254, Kierland Crossing, LLC dba SCOTTSDALE QUARTER respectfully requests that the City approve this application for a Use Permit to allow Live Entertainment. Scottsdale Quarter hours of operation are Monday through Sunday from 10:00 am until 9:00 pm for retail uses and 11 am to 2:30 AM for theater, restaurant and bar uses.

Background

Scottsdale Quarter is requesting a Live Entertainment use for the shopping center for the purpose to provide Live Entertainment to our shopping center guests. The Live Entertainment would include but not limited to: recorded music, bands, music provided by disc jockeys, music soloists, tenant activity and marketing events, charity events, performances and any other amplified events. The Live Entertainment would be allowed in the tenant store areas and/or located in the Scottsdale Quarter Quad Area, as indicated on the site plan. It should be noted that the Quad Area incorporates 38,000 square feet and the fountain itself encompasses 1,200 number of square feet. This Live Entertainment would not create a nuisance for any surrounding property owners and will not negatively impact the flow of egress or ingress traffic to the area.

The property is located North of Butherus, South of Greenway Hayden Parkway and East of Scottsdale Road. The shopping center (also known as Scottsdale Quarter) has numerous retailers within the center most of which are closed during the evening hours. Consequently, the addition of live entertainment within the shopping complex will not have a negative impact on the majority of businesses within the shopping center. In addition to the surrounded retail shops, there is landscaping and block walls which will buffer any noise within the shopping center. The nearest residential properties are approximately 773 SF from the shopping center.

SCOTTSDALE QUARTER

The live entertainment area would encompass Phase I, II, III commercial spaces. If the Scottsdale Quarter site plan is modified due to any major development changes, the applicant shall resubmit a site plan amendment for staff review.

Proposal

SCOTTSDALE QUARTER'S proposed concept is a Mixed Use. The shopping center is well lit and has ample access to the parking garages for safety of the patrons visiting the center.

The primary objective for the live entertainment application is to provide Scottsdale Quarter tenant's with the option to provide small entertainment opportunities including but not limited to piano soloist, guitarist and violinist within various venues in the shopping center and may include vocalist during Holiday seasons to attract winter visitors as well as local residents to the shopping center. These types of venues typically result in revenue obviously for tenants but also for cities such as Scottsdale. Outdoor holiday events may be held at the "Quad" during special events (see diagram). If alcohol is served, the non-profit will be required to obtain all required licenses from both City and State and shall be responsible for any infractions in the law. Tenants who desire to have live entertainment shall contain the entertainment inside the building and it will not have any external speakers. The doors to the businesses shall be closed during hours of operation, but not locked. Businesses will be conducted within the guidelines of all City, State, and County laws. Observance of this practice shall maintain a buffer of ambient noise levels on the property in compliance with the new City of Scottsdale noise ordinance.

Scottsdale Quarter intends to be open Monday through Sunday from 9:00 AM to 2:30 AM. Each tenant at Scottsdale Quarter will be required to comply with all city and state laws to obtain the correct liquor license and bar use permits to sell liquor at their establishment. The sole purpose of this proposal is to facilitate and streamline live entertainment events at the center both for tenants of Scottsdale Quarter as well as other organizations who desire to hold events at the shopping center. The issuance of such a permit will be a "win - win" situation for the City of Scottsdale, the tenants at Scottsdale Quarter and the public. All will benefit. In addition, the issuance of an entertainment permit for the entire shopping center will likely free up numerous man hours the staff at the City of Scottsdale Planning and Zoning spends on projects ensuring compliance with city code.

The purpose for this live entertainment permit is for shopping center events, not for the purposes of "rock concert" which would involve increased crowd and police patrol.

Any tenant event that would increase their current store occupancy level shall be required to obtain a separate special event permit to satisfy the requirements of the City of Scottsdale.

SCOTTSDALE QUARTER

Applicant acknowledges that the applicant's Permit does not absolve their commercial tenants of their individual responsibility to apply for a Special Event Permit for those areas outside their establishment when they intend to extend their premises for service of alcoholic beverage sales and/or Live Entertainment. The tenant shall be required to meet both City and State requirements when extending their licensed premises for such purposes.

Conditional Use Permit Criteria

The issuance of a conditional use permit for live entertainment on the property listed will not create a nuisance or damage from noise, smoke, odor, vibration or illumination. The listed parcel is surrounded by industrial and commercial properties. Therefore, the implementation of live entertainment will not affect the stability of the surrounding properties. Furthermore, the flow of traffic within the properties described will not be negatively impacted by increased traffic. The nature of doing business itself may generate additional traffic. However, implementing live entertainment of the type proposed would not be linked to any increased traffic on the property.

Scottsdale Quarter consists of mixed commercial uses including but not limited to clothing stores, restaurants, bars, computer stores and other retail shops. The characteristics of a conditional use permit to allow live entertainment is compatible with the types of retail businesses within the shopping center as well as surrounding businesses. Therefore, the approval of a conditional live entertainment permit will not be a detriment to adjacent properties or businesses in the adjacent area. Additionally, due to the security staff on site, the approval of a live entertainment use permit will not increase the need for Scottsdale Police Department to respond to the property (refer to security plan).

1. The site plan shall demonstrate that:

a. Buffering by a wall and/or landscaping will be provided in a manner which physically separates and restricts access from the establishment and its required parking area to residential districts.

There are no immediate residential homes adjacent to SCOTTSDALE QUARTER. It is surrounded by industrial and commercial development which provides a buffer to the north, south, east and west. The nearest residential property line is approximately 773 feet to the west.

b. All patron entrances will be well lit and clearly visible to patrons from the parking lot or a public street.

All interior and exterior lighting previously approved by the City of Scottsdale shall remain unchanged from the City of Scottsdale approvals. The overall parking lot lighting and building entrance lighting were approved with the overall Shopping Center

SCOTTSDALE QUARTER

Development. SCOTTSDALE QUARTER has adequate and safe lighting to illuminate entrances and exits for the safety of their patrons and employees without negatively impacting surrounding residential properties.

2. The applicant has provided written evidence that all sound resulting from business activities will be contained within the building, except where external speakers are permitted.

The proposal is to allow live entertainment within the confines of the building within Scottsdale Quarter and the Quad area. Our objective is to present and maintain peace and tranquility with neighboring retailers and it will not have a negative impact on residents. In addition to tenants keeping their entrance/exits closed when live entertainment occurs, there are numerous buildings, parking lots, drive-ways, landscaping and block walls surrounding Scottsdale Quarter affording additional buffering of any sound from establishments within Scottsdale Quarter. No external speakers would be utilized by tenants. External speakers would periodically be utilized in Quad Area during special events. However, this area is in the center of the shopping plaza and is unlikely that any noise would impact any other tenants or residents.

3. The applicant has provided a written public safety plan which the city police and fire departments have approved as complying with the written guidelines of the Planning and Development Department.

The applicant provides a complete public safety plan as part of the submittal. In addition to the required documentation requested by the City of Scottsdale, SCOTTSDALE QUARTER has implemented an internal security plan to protect the safety and welfare of its customers and their staff should an unforeseen incident occur.

a. Security

Please reference page 8 in the Scottsdale Quarter Owner's Manual, All new hires officers receive 16 hour site specific and 24 hour on -the job- training within the first 30 days of employment. All training is documented through a 30-day training checklist and signed by the officer, Security Manager and General Manager or Operations Director. We adhere to any state required training.

Tenant's security will be responsible for checking ID's for liquor establishments. Tenant's will also be responsible to regulate live entertainment keeping the volume at a responsible level not effecting residential developments.

If there is a special event at the quad Scottsdale will hire off-duty police to regulate the events when a liquor license is acquired.

b. Patron Conduct – Zero Tolerance Policy

The mall, including its parking lot, is private property. In order to maximize the enjoyment, convenience, and safety of our guests, the mall set a code of conduct set forth

SCOTTSDALE QUARTER

for the purpose of protecting the center's legitimate business interest. Any violation of the code interferes with the commercial nature and function of the center. As a visitor on this property, you are prohibited from engaging in any of the following activities while on this property. Please see the attached code of conduct.

Any tenant or organization that violates the city noise ordinance will be solely responsible for any city or county fees and or penalties.

c. Acts Immediately Reportable to Scottsdale Police Department

Scottsdale Quarter provides 24/7 coverage security contact. Scottsdale Quarter has a dispatch room and a roamer. The dispatch room encompasses a comprehensive camera system, phones and radio system. Any incident requiring any emergency by police fire or medical are called on immediately.

d. Patron Control and Ejection

All patrons involved in violent behavior, disorderly or disruptive behavior, or fighting shall be ejected from the property. The ejection shall be by a means and timing that prevents the behavior from reoccurring in any parking area utilized by facility patrons. Scottsdale Quarter charges anyone with trespassing who is not consistent with our Code of Conduct. With violators that do not comply we do act as the complaining party then the police are called.

e. Crime Prevention

Scottsdale Quarter has passed the inspections by the Scottsdale Police and Fire Departments. Scottsdale Quarter provides a security and code of conduct policies.

Owner currently meets with Scottsdale Police Department Quarterly to review the safety guidelines of the Shopping Center and will continue to maintain a working relationship with the Scottsdale Police Department and other city officials.

f. Provide written documentation of Emergency Contact

Scottsdale Quarter requires each tenant to provide emergency contact information. This emergency contact information is kept in our dispatch room which is available 24/7. Scottsdale Quarter dispatch phone number is 480-270-8120.

Scottsdale Police Department communicates with Scottsdale Quarter Security if there is ever an emergency or compliance issue. Contact telephone numbers have been provided to the Police Department.

4. The applicant has provided a written lighting plan which addresses exterior lighting on and surrounding the property, in accordance with section 7.600 of the zoning ordinance and with the public safety plan guidelines.

SCOTTSDALE QUARTER

The applicant, owner, and property owner of Scottsdale Quarter at Scottsdale are all in compliance with the lighting requirements set forth within the approved DRB case. The lights along the adjacent public streets are all in place and provide for a safe environment in and around the shopping center. The shopping center meets all lighting requirements of Section 7.600 of the City's zoning ordinance. The parking areas in and around are well lit for the safety of their customers entering and leaving the establishment (entrance/exit on north end of building).

5. The applicant shall provide a written exterior refuse control plan which must be approved by the Planning and Development Department staff as complying with the written guidelines of the department, prior to the issuance of a business license. The review will be conducted as provided in Section 1.305.

This submittal includes a written refuse control plan. The live entertainment use will not significantly increase refuse amount beyond what will otherwise be generated by Scottsdale Quarter. The refuse of any individual tenant is currently handled by the closest dumpster. Dumpsters have been positioned to provide all tenants with a safe route to remove refuse without impacting their own patrons, the patrons of other tenants within the center, surrounding property owners, or the general public.

WASTE MANAGEMENT PROCEDURES

The mall will be providing carts for transporting waste from the tenant spaces at a assigned collection point. The waste removal is part of each tenants leases and each tenant agrees to comply with the Shopping Center refuse procedures.

AT NO TIME can any type of waste be placed in any corridor, hallway or left unattended. These areas will be continually monitored for compliance with the guidelines of the program. Waste found unattended in any of the previously mentioned areas, will be traced back to its originator, and any associated cost, as applicable, will be charged back to the responsible tenant. Waste left unattended in any corridor, hallway or service court is also a direct violation of the Fire Department's codes with respect to our center's use and can result in the assessment of fines.

All waste when removed from the tenant's location, must be taken directly to the collection point. Collection points are arranged with the Landlord and tenant prior to tenants' opening.

Live entertainment that will be located in the quad will have areas of refuse and/or additional trash containers to address any supplementary needs.

6. The applicant has provided a floor plan which identifies the areas for the primary use and for ancillary functions, which include but are not limited to patron dancing areas and/or stages for performances.

N/A

SCOTTSDALE QUARTER

7. If access to the establishment is from a street other than one classified by the General Plan as minor collector or greater, or classified by the downtown General Plan as local street or greater, the applicant has provided a traffic analysis which complies with transportation planning department written guidelines. The plan shall demonstrate to the satisfaction of the transportation department that the level of service on all streets accessed by the use shall meet the standard set by the city.

Access to Scottsdale Quarter from the public roadway network is currently provided by way of three arterial street entrances (one on Scottsdale Road, and two on Greenway-Hayden Loop Road), and two collector street entrances (both on Butherus Drive). With the introduction of Phase 3, two additional points of access will be provided, both on 73rd Street (also a collector street), resulting in ingress and egress opportunities along all four edges of the development site. A Traffic Impact and Mitigation Analysis (TIMA), addressing the potential traffic impacts of full development of the Scottsdale Quarter mixed use commercial center, was prepared by a City of Scottsdale selected TIMA consultant, and approved by the City of Scottsdale, back in 2005, as part of the original rezoning process that resulted in Scottsdale Quarter's current land use entitlements. The City-approved TIMA contemplated a mix of commercial retail, restaurant, bar and nightclub, hotel, and residential uses consistent with the mix of existing and prospective future tenants that will ultimately occupy the development. The TIMA indicated that "Overall, the...development will not adversely impact the street system adjacent to the site" and that, subject to a list of recommended level of service improvements being implemented, levels of service acceptable to the City can continue to be achieved at all adjacent street intersection through full build out of the development. As development of Scottsdale Quarter has proceeded, the TIMA-recommended roadway improvements have been constructed. Allowing live entertainment internal to the Scottsdale Quarter development, as described in this application, should have negligible impact on traffic operations adjacent to the property and should have absolutely no impact on traffic conditions in any residential neighborhood, as there are no residential neighborhoods within a half mile of the development site. Additionally, the live entertainment will not cause the need to close or otherwise impact the internal street circulation system without a separate temporary use permit approval.

To keep Scottsdale Quarter traffic impacts to a minimum, right turn deceleration lanes have been constructed at all external access points, westbound left turn lane storage has been increased along Butherus Drive at its approach to Scottsdale Road, and access restricting controls are in place at all arterial access points. Additionally, the provision of entry and exit points on all four sides of the development, in combination with the existence of signal controlled intersections at all four corners of the development, maximizes the opportunity for even distribution of traffic among the available access points, and should help avoid over-concentration of Scottsdale Quarter traffic near any single access point, even immediately before and after the occasional special event caused by approval of this use permit.

SCOTTSDALE QUARTER

8.If the Zoning Administrator determines that a study is necessary the applicant shall provide a parking study which complies with the written guidelines of the Planning and Development Department.

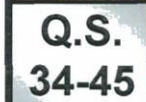
Scottsdale Quarter currently provides over 2200 on-site parking spaces and, upon completion of Phase 3, will provide a total of 3200 parking spaces. The vast majority of these spaces are provided in multi-level parking garages. The parking garages can only be directly accessed from private streets located internal to the development. Approximately 50 existing on-street spaces, and an additional 50 future on-street spaces, will provide the balance of the on-street parking supply. A comprehensive shared parking study was prepared for Scottsdale Quarter by the applicant's traffic engineering consultant, and was approved by the City of Scottsdale in 2007. The approved parking study established the basis upon which the parking needs of Scottsdale Quarter were originally determined, that basis being a shared parking model that recognized the shared parking opportunities inherent to a mixed use development having tenants with complementary parking demand peaking characteristics. Though the parking requirements for Scottsdale Quarter are currently dictated by a much simpler blanket parking ratio of 1 space per 300 square feet of building area (exclusive of requirements for residential and hotel use components), established for mixed use commercial through the recent update of the City's parking ordinance, the shared parking model is still being used by Scottsdale Quarter to make sure that the on-site parking supply can meet the needs of the evolving tenant mix. Scottsdale Quarter is currently providing considerably more parking than the ordinance requires and the proposed parking supply should cover the needs of the currently proposed and approved tenant mix and any occasional additional parking demand that might be generated by the live entertainment for which this application requests approval.

9. The applicant has provided any additional information required by city staff in order to evaluate the impacts of the proposed use upon the area.

10. The following operational standards must be met by the use throughout its operation:

c. The applicant/operator shall comply with all plans approved as provided herein.

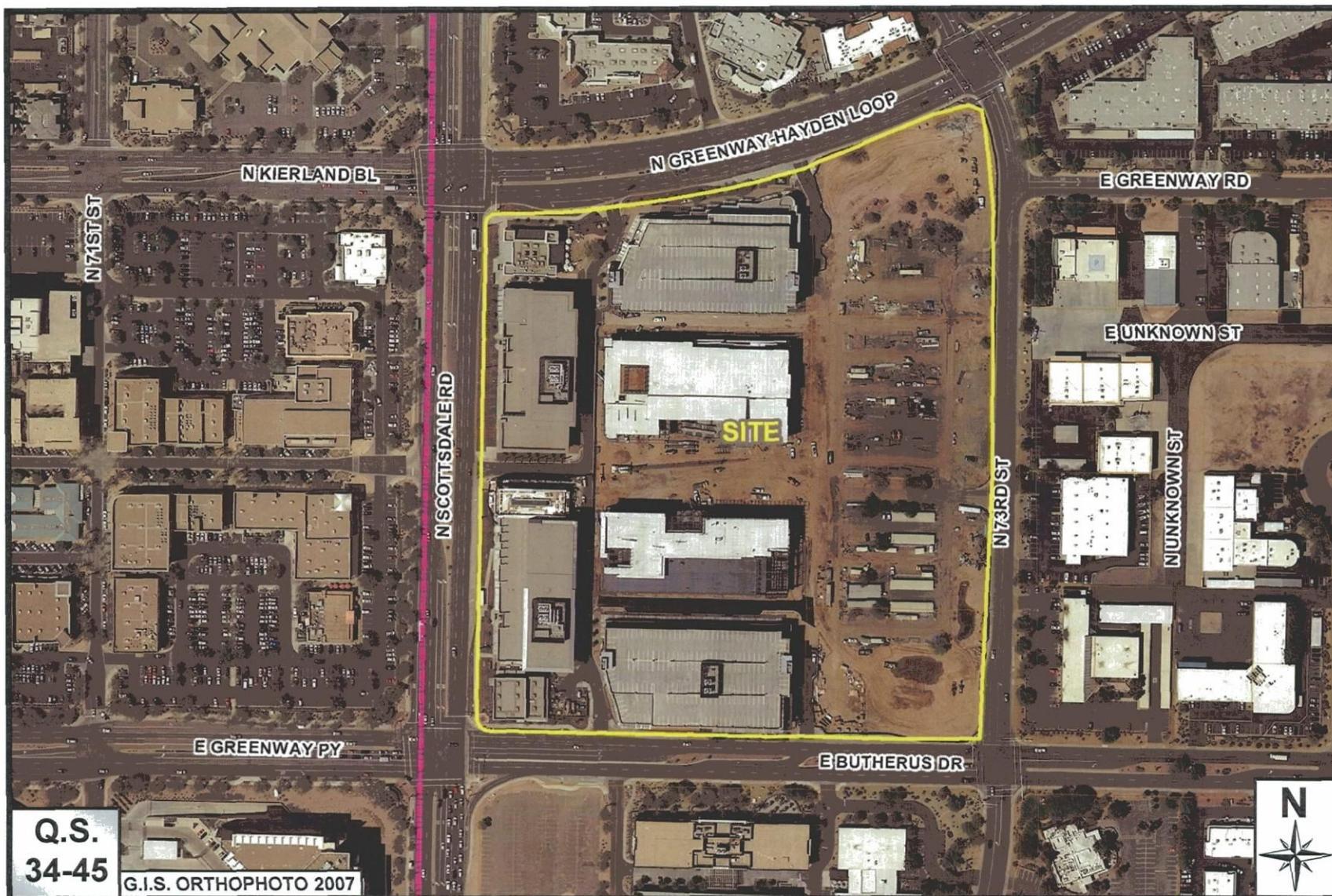
The applicant/operator fully intends to comply with all of the submittal documents for the live entertainment and additional stipulations related to the proposal as the City of Scottsdale deems necessary.



37-UP-2010

Mini.Bar.Bershop @ Scottsdale Quarter

ATTACHMENT #4



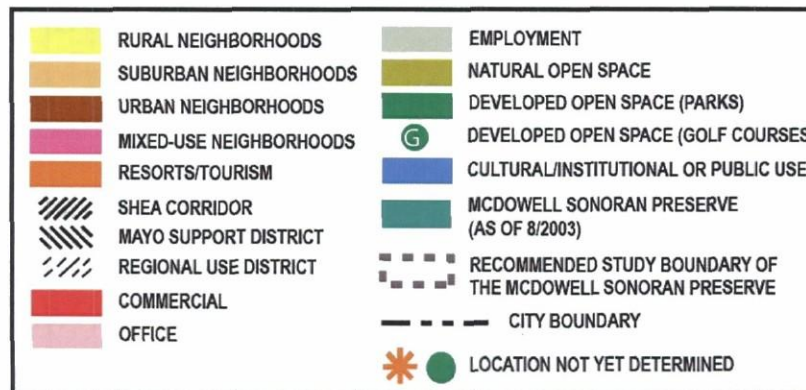
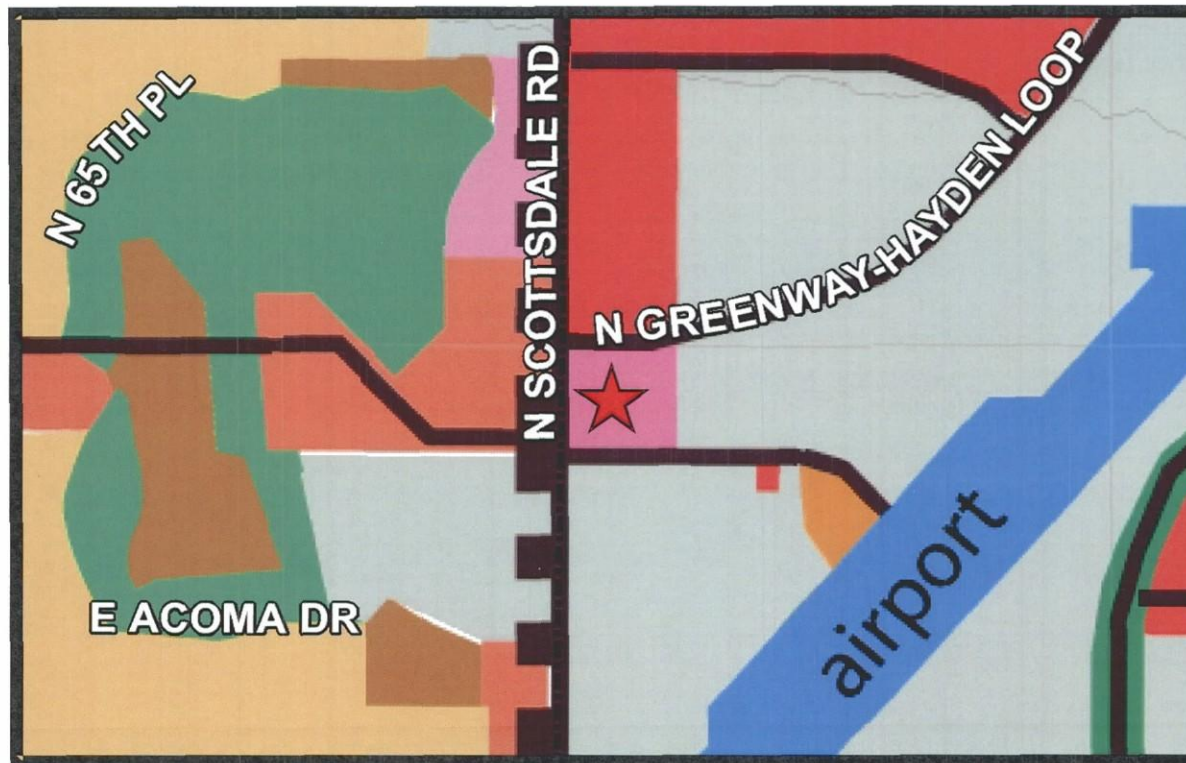
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37-UP-2010

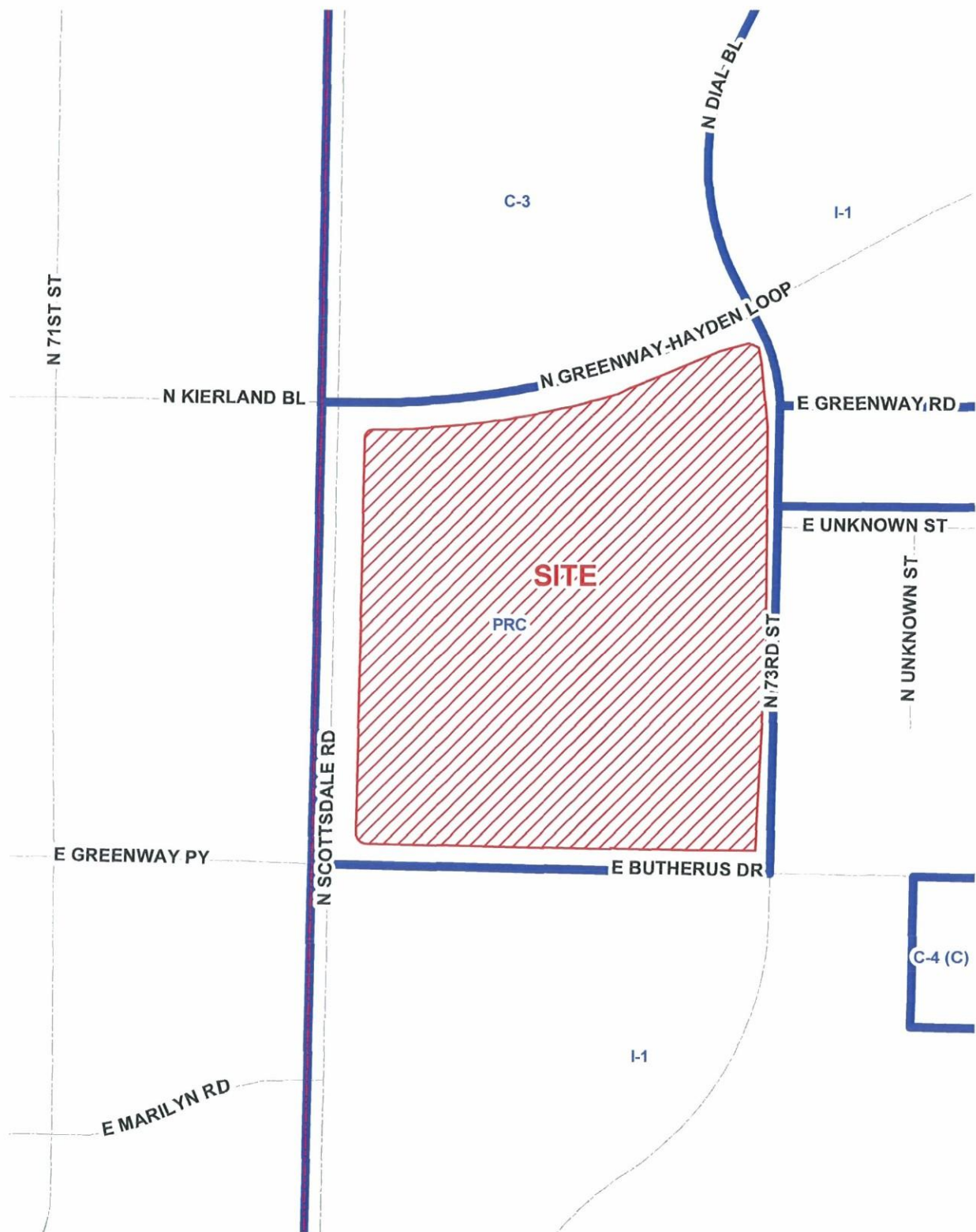
Mini.Bar.Bershop @ Scottsdale Quarter

ATTACHMENT #4A



37-UP-2010

ATTACHMENT #5



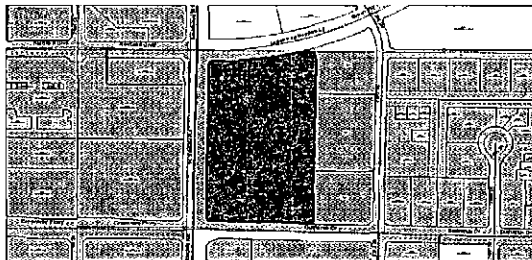
37-UP-2010

ATTACHMENT #6



This is notification of a request by applicant for a Conditional Use Permit for live entertainment on a +/- 15 acre site located at 15301, 15279, 15169, 15015, 15323, 15257, 15191, 15147, 15389, 15345, 15235, 15125, 15059, and 15037 N. Scottsdale Road with Planned Regional Center (PRC) zoning. The Planning Commission hearing date is tentatively scheduled for December 8, 2010 at 5:00 pm at City Hall 3939 N. Drinkwater Blvd. Scottsdale, Arizona.

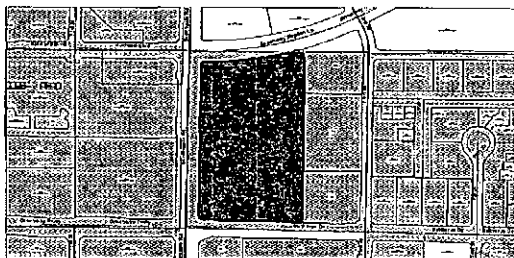
- Case number: 37-UP-2010
- Applicant: Margo Conley Contact #: 614-887-5691 or 614-887-5691
- Staff Contact: Bryan Cluff Contact # 480-312-2258



ATTACHMENT #7

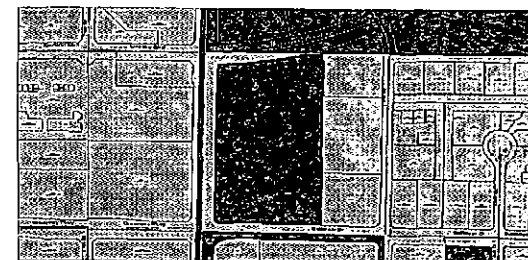
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- Case number: 37-UP-2010
- Applicant: Margo Conley Contact #: 614-887-5691 or 614-887-5691
- Staff Contact: Bryan Cluff Contact # 480-312-2258



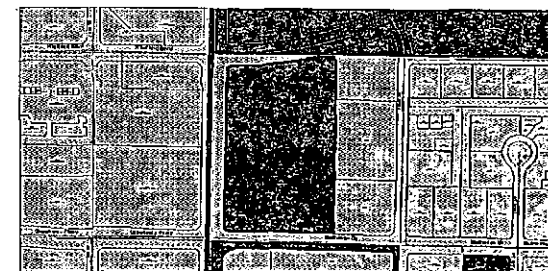
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- Case number: 37-UP-2010
- Applicant: Margo Conley Contact #: 614-887-5691 or 614-887-5691
- Staff Contact: Bryan Cluff Contact # 480-312-2258



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KIERLAND RESIDENTIAL/RETAIL I LLC
PO BOX 4900
SCOTTSDALE, AZ 852614900 USA
Parcel: 215-42-594

SCOTTSDALE COMMERCE CENTER LLC
PO BOX 1679
MERCER ISLAND, WA 98040 USA
Parcel: 215-44-001-K

SKY PEAK L L C
14901 N SCOTTSDALE RD #201
SCOTTSDALE, AZ 85254 USA
Parcel: 215-56-053

LYON RUSSELL A JR/ROSALYN B TR
7305 E GREENWAY RD
SCOTTSDALE, AZ 85260 USA
Parcel: 215-56-257

LYON RUSSELL A JR/ROSALYN B TR
7305 E GREENWAY RD
SCOTTSDALE, AZ 85260 USA
Parcel: 215-56-073-A

NAUTILUS INSURANCE CO
7233 E BUTHERUS DR
SCOTTSDALE, AZ 85260 USA
Parcel: 215-56-404

○
KIERLAND CROSSING RESIDENTIAL III LLC
8328 E HARTFORD DR
SCOTTSDALE, AZ 85255 USA
Parcel: 215-56-056-J

OKEEFFE PAUL/DIANA TR
4212 CRESTA AVE
SANTA BARBARA, CA 93110 USA
Parcel: 215-42-006-B

OAKWOOD III LLC/FONDAVENTA UNO LLC
8320 E HARTFORD DR STE 101
SCOTTSDALE, AZ 85255 USA
Parcel: 215-56-024-B

COURTHOUSE COMMERCIAL LLC
7332 E BUTHERUS DR
SCOTTSDALE, AZ 85260 USA
Parcel: 215-56-052

SCOTTSDALE CITY OF
3939 N DRINKWATER BLVD
SCOTTSDALE, AZ 852514468 USA
Parcel: 215-56-001-H

○
BARCELONA RESTAURANT III LEASE
15509 N SCOTTSDALE RD
SCOTTSDALE, AZ 85254 USA

Parcel: 215-44-001-X

MORTONS OF CHICAGO/SCOTTSDALE INC
350 W HUBBARD STE 610
CHICAGO, IL 60610 USA
Parcel: 215-42-027

DUNLOGIN GROUP LLC
248 N THIRD ST 833
OAKLAND, CA 94607 USA
Parcel: 215-44-066

LYON RUSSELL A JR/ROSALYN B TR
7305 E GREENWAY RD
SCOTTSDALE, AZ 85260 USA
Parcel: 215-56-256

PAR DEVELOPMENT L L C
15020 N 74TH ST STE A 2ND FL
SCOTTSDALE, AZ 85260 USA
Parcel: 215-56-058

SDQ FEE LLC
180 E BROAD ST 21ST FLOOR
COLUMBUS, OH 43215 USA
Parcel: 215-44-069

NAUTILUS INSURANCE CO
7233 E BUTHERUS DR
SCOTTSDALE, AZ 85260 USA
Parcel: 215-56-403

FRANZ CREEK PROPERTIES LLC
7707 E ACOMA DR STE 101
SCOTTSDALE, AZ 85260 USA
Parcel: 215-56-001-L

SCOTTSDALE KIRLAND IV LLC
14648 NORTH SCOTTSDALE RD.
SCOTTSDALE, AZ 85254 USA
Parcel: 215-58-016

KIERLAND CROSSING RESIDENTIAL II LLC
8328 E HARTFORD DR
SCOTTSDALE, AZ 85255 USA
Parcel: 215-56-056-H

LYON RUSSELL A JR/ROSALYN B TR
7305 E GREENWAY RD
SCOTTSDALE, AZ 85260 USA
Parcel: 215-56-259

THOMSON PROPERTY TAX SERVICES
400 W 15TH ST STE 700
AUSTIN, TX 787011648 USA
Parcel: 215-42-370

THOMSON PROPERTY TAX SERVICES

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400 W 15TH ST STE 700
AUSTIN, TX 787011648 USA
Parcel: 215-42-369

SKY PEAK L L C
14901 N SCOTTSDALE RD #201
SCOTTSDALE, AZ 85254 USA
Parcel: 215-56-054

KIERLAND CROSSING RESIDENTIAL LLC
8328 E HARTFORD DR
SCOTTSDALE, AZ 85255 USA
Parcel: 215-56-056-D

S B C INC
2100 COLLEGE DR STE 100
LAKE HAVASU CITY, AZ 86403 USA
Parcel: 215-56-071

LUCAS GREGORY L/DAWN M
1865 E LELAND CIR
MESA, AZ 85203 USA
Parcel: 215-56-075-A

THOMSON PROPERTY TAX SERVICES
400 W 15TH ST STE 700
AUSTIN, TX 787011648 USA
Parcel: 215-42-368

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THOMSON PROPERTY TAX SERVICES
400 W 15TH ST STE 700
AUSTIN, TX 787011648 USA
Parcel: 215-42-367

IME SCOTTSDALE 73 LLC
PO BOX 639
MEDINA, WA 98039 USA
Parcel: 215-56-057-A

LYON RUSSELL A JR/ROSALYN B TR
7305 E GREENWAY RD
SCOTTSDALE, AZ 85260 USA
Parcel: 215-56-258

OX II LLC
7317 E GREENWAY RD
SCOTTSDALE, AZ 85260 USA
Parcel: 215-56-074-A

C & H ARIZONA-STUCKEY LLC
43 PANORAMIC WAY
WALNUT CREEK, CA 94595 USA
Parcel: 215-42-006-A

SDQ FEE LLC
180 E BROAD ST 21ST FLOOR
COLUMBUS, OH 43215 USA
○

City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750-feet

Additional Notifications:

- ***Interested Parties List***
- ***Adjacent HOA's***

**Live Entertainment @
Scottsdale Quarter**

37-UP-2010

ATTACHMENT #8