



# Project Narrative

This document will be uploaded to a Case Fact Sheet on the City's web site.

Date: \_\_\_\_\_

Project No.: \_\_\_\_\_ - PA - \_\_\_\_\_

Coordinator: \_\_\_\_\_

Case No.: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

Project Name: \_\_\_\_\_

Project Location:

Scottsdale Quarter - 15279 N. Scottsdale Road

Property Details:

☐ Single-Family Residential

☐ Multi-Family Residential



Commercial

☐ Industrial

Current Zoning: PRC

Proposed Zoning: \_\_\_\_\_

Number of Buildings: 13

Parcel Size: 28.61 Acres

Gross Floor Area/Total Units: 1,246,149.70 SF

Floor Area Ratio/Density: \_\_\_\_\_

Parking Required: 2,987 spaces

Parking Provided: 3,200

Setbacks: N - 31' S - 25'

E - 35' W - 36'

Description of Request:

See attached

Planning and Development Services Department

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

# SCOTTSDALE QUARTER

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## 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 Saturday) 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 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 noise within the shopping center. The nearest residential properties are approximately 773 (its feet not square feet) SF from the shopping center.



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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. (Night clubs) 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.

TENANTS

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.

Quad Events that would increase the standard shopping center occupancy level by (8,000) people would be required to obtain a special event permit. (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.) OK

Any tenant event that would increase their current store occupancy level would be required to obtain their own special event permit.

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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. The tenant shall be required to meet both City and State requirements when extending their licensed premises.

→ AND/OR LIVE ENTERTAINMENT

### 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. 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; it would not be linked to any entertainment 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 and therefore will not be a detriment to adjacent properties or businesses in the adjacent area.

***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 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.



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***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 (security 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 security officer, Security Manager and General Manager or Operations Director. We adhere to any state required training.

Tenant's security will be responsible for checking identification at liquor establishments. Tenant's will also be responsible to regulate live entertainment to include keeping the volume at a level, which complies with the city noise ordinance and that which will not negatively affect 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 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

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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.***

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.



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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



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***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 73<sup>rd</sup> 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.



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***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.