



**Community + Economic Development Division
City of Scottsdale**

7447 East Indian School Road
Scottsdale, Arizona 85251

VIA E-MAIL

Paul E. Gilbert
Beus Gilbert PLLC
4800 N Scottsdale Road
Suite 6000
Scottsdale, Arizona 85251

RE: The Outpost at Pima/Dynamite (Case No. 5-GP-2011)

Dear Paul:

Thank you for your written correspondence regarding the recently filed major General Plan amendment application for the The Outpost at Pima and Dynamite (Case No. 5-GP-2011). Your correspondence dated May 10, 2011, included a written request for the city to incorporate the proposed major General Plan amendment as filed under Case No. 5-GP-2011 into the city's current application for a major General Plan amendment (Case No. 3-GP-2011) to update the community's city-wide General Plan (2011 General Plan update).

In response to your request, the city respectfully declines to incorporate the land use changes requested for the Pima and Dynamite property as part of the 2011 General Plan update for the following reasons:

- The 2011 General Plan update began in January 2009 and has included an on-going public process since that time culminating in a draft 2011 General Plan document being released to the public for review in November 2010.
- During this time frame, city staff committed to updating land use changes at the General Plan level based on direction received from the Scottsdale City Council. That direction specifically was to focus on completing the public outreach in each of the Council-identified Character Areas (Downtown, Greater Airpark, Southern Scottsdale and the Shea Area) in order to ascertain community direction with regard to proposed land use changes that would be proposed for incorporation into the 2011 General Plan update. Such outreach has been completed and land use changes have been made for the Downtown (2009), Greater Airpark (2010) and Southern Scottsdale (2010) Character Areas based upon this Council direction and subsequent adoption approvals. Land use changes for the Shea Corridor will be presented to the Council this fall in Case 1-GP-2011.
- Due to current workload, city staff has decided to retain the majority of the current General Plan designated land uses for the two northern Character Areas (McDowell Vistas and Tonto Foothills) until such direct public outreach can also be completed for these areas. Targeted outreach for the areas will not occur until after the 2011 General Plan is adopted and ratified (Spring 2012).

- So as to keep the proposed land use changes directly tied to public outreach efforts, the city organization has applied for a stand-alone Shea Character Area major General Plan amendment case (Case No. 1-GP-2011) so that the community can comment on such proposed land use changes for the Shea area directly and separately from the 2011 General Plan update.
- Consequently, city staff recommends that The Outpost at Pima and Dynamite also retain its current major General Plan application as an independent application (similar to the Shea Character Area approach) so that the major General Plan amendment request can be deliberated based upon its own merits and direct public outreach and not in conjunction with the city-wide General Plan update.
- Finally, retaining an independent major General Plan amendment application for The Outpost at Pima and Dynamite will allow the property owner/applicant to amend the 2001 General Plan. Such an amendment will be heard by the Scottsdale City Council in October 2011, and if approved, the approval will be a permanent amendment to the Scottsdale General Plan. On the other hand, if The Outpost request were to be incorporated into the 2011 General Plan update case, the proposed land use amendment would not be a permanent amendment to the General Plan until the 2011 General Plan were to be ratified by the voters of Scottsdale in Spring 2012. If a ratification vote on the 2011 General Plan fails, the General Plan amendment would be invalidated and a subsequent/duplicate application for the same request would need to be made during the 2012 major amendment process.

Therefore, based upon all of the reasons stated above, city staff will not incorporating the proposal into the citywide General Plan and suggests that The Outpost at Pima and Dynamite retain its major General Plan amendment case and proceed forward through the 2011 major amendment process. Staff is prepared to schedule the City Council hearing for all cases in a manner in which the private application amendments and the Shea Character Area amendments are heard and decided upon first. If City Council approves the private and Shea proposed amendments, then such amendments would be made to the 2001 General Plan as well as be incorporated into the 2011 General Plan via Council resolution that same evening. Such a resolution would thus ensure that the most up to date 2011 land use plan is adopted by the Scottsdale City Council in October and placed on the Spring 2012 ballot for voter ratification.

If you have questions or would like additional clarification regarding this correspondence, please do not hesitate to contact me.

Respectfully,



Connie Padian

Connie Padian, PNT Administrator
Community + Economic Development Division
City of Scottsdale

cc: David Richert, Scottsdale City Manager
Paul T. Katsenes, Executive Director, Community + Economic Development Division
Tim Curtis, Current Planning Director
Erin Perreault, Long Range Planning Manager