

**Correspondence Between
Staff and Applicant**

Mr. William J Patterson
Cypress Group LLC
16420 N 92nd Street
Suite 206
Scottsdale, AZ 85260

RE: 12-GP-2013/21-ZN-2004#2, Graythorn Condominiums

Mr. Patterson,

Upon receiving your letter dated August 29, 2014 requesting an appeal of the major General Plan amendment determination made with regard to your General Plan amendment request as part of Case 12-GP-2013, the following is my determination regarding such appeal.

It is recognized that at the current proposed density of 6.6 dwelling units per acre, your proposed development request would constitute a General Plan land use category of Suburban Neighborhoods. The Suburban Neighborhoods land use designation in the 2001 General Plan includes densities ranging from "usually more than one house per acre, but less than eight houses per acre". This General Plan land use category is intended to accommodate medium to small-lot single family neighborhoods similar to the one you are proposing.

Per the major amendment Criteria #1 land use table (Change in Land Use Category), typically a change from the existing General Plan land use category of Office (Category E) to Suburban Neighborhoods (Category B) would constitute a major amendment, hence the email determination you received from City of Scottsdale Planner, Adam Yaron. However, the City of Scottsdale General Plan 2001 includes the following provision: "If a project applicant wishes to appeal the designation of a General Plan major amendment, the Chief Planning Officer, or the position equivalent, will evaluate the appeal and make a major amendment determination".

It is recognized that the current General Plan land use designation of Office and the companion zoning entitlements were approved in 2004 (Cases 3-GP-2004/21-ZN-2004). To date, no office use has been developed on the subject property in the past ten years under these entitlements. It is also recognized that prior to the major amendment approval to Office in 2004, the subject property was previously designated as Suburban Neighborhoods under the 2001 General Plan. As part of the 2001 General Plan adoption process, this Suburban Neighborhoods designation was City Council approved, and voter ratified by the community.

Consequently, since your current request constitutes a reversal back to the previously designated General Plan land use of Suburban Neighborhoods originally approved under the 2001 General Plan, I have determined that your General Plan amendment request from Office to Suburban Neighborhoods in this particular case will be processed and considered as a non-major General Plan amendment per my status as Planning and Development Director, which is the position equivalent of Chief Planning Officer.

Sincerely,



Randy Grant

Yaron, Adam

From: Yaron, Adam
Sent: Friday, August 29, 2014 9:12 AM
To: Bill (bill@cypinv.com)
Cc: Niederer, Keith; Perreault, Erin
Subject: 12-GP-2013 / 21-ZN-2004#2 - Major General Plan Amendment Determination

Mr. Patterson,

In response to the second submittal of 12-GP-2013 / 21-ZN-2004#2, and based on the 1st review comment letter dated 1/27/2014 – as proposed with the Graythorn development, the proposed density of 6.6 du/acre aligns with the definition of the Suburban Neighborhoods land use designation and not Urban Neighborhoods. Consequently, pursuant to Criteria #1 – Change in Land Use Category, a change from Office to Suburban Neighborhoods land use designation determined by the 2001 General Plan, is a major General Plan amendment. Accordingly, please submit for application for a major General Plan amendment.

The 2001 General Plan provides an opportunity to appeal to the designation of a General Plan major amendment. This consideration in an appeal is provided by the Chief Planning Officer, or the position equivalent, (Randy Grant, Planning and Development Services Director) who will evaluate the appeal and make a major amendment determination should you decide to do so.

Please contact me with any questions or concerns.

ADAM YARON | PLANNER

CITY OF SCOTTSDALE
Planning and Development Services
Long Range Planning Services
7447E Indian School Rd STE. 105 | Scottsdale, Arizona
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The
CYPRESS
Group

Cypress Properties, LLC
Cypress Investments, LLC
Cypress Developments, LLC

August 25, 2014

Mr. Randy Grant
Planning and Development Services Director
City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, Az 85251

Re: 12-GP-2013 / Zn-2004#2 / Graythorn Condominiums

Mr. Grant,

We are grateful for the recent suggestions for the improvement of our proposed site plan for the Graythorn condominium project. We have incorporated these revisions into our site plan and are confident that our recent re-submittal of drawings and calculations will be fully compliant with the City's ordinances and design philosophy ambitions.

Our decades-old history of development in Scottsdale and the region is one of high quality design and construction. We wish to continue this tradition with Graythorn. As you know, this subject site is very small, and is further reduced in effective size by several factors which come to bear upon it. The first is the very significant reduction of the gross site area (22%) for the half street widening of McDowell Mountain Ranch Rd.

The second is the existence of a small wash which traverses the site in a north/south direction claiming a further 8% of the net site area. Finally, we have undertaken to leave untouched, as much of the Old Verde Canal, which crosses the site, as possible. We have successfully managed to minimally encroach upon the berm at the rear of only three units and in an area where the berm had already been breached at the time of construction of the neighboring development. This untouched NAOS "canal" area represents more than another 9% reduction in area.

The cumulative net effect of these elements is a huge 39% reduction in the gross site area and the corresponding challenge to create an efficient and balanced site plan within the remaining area. With your help, we have done this. We have been diligent in our adherence to the goals and objectives of the City's General Plan criteria for the "Urban Neighborhood" category and have succeeded in all areas with the possible exception of density. We have been able to only create 30 (*three fewer than previously*) condominium lots or a density of 6.6 du./ac.

It is our hope that you will be able to identify the attributes of this handsome, yet compact project and extend to us the latitude to move forward at this density.

Yours truly,



Wm. J. Patterson
Cypress Group



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Cypress Properties, LLC
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August 29, 2014

Mr. Randy Grant
Planning and Development Services Director
City of Scottsdale
3939 N. Drinkwater Blvd.
Scottsdale, Az 85251

Re: 12-GP-2013 / 21-Zn-2004#2 / Graythorn Condominiums

Mr. Grant,

We have received, today, an email from Adam Yaron of the Long Range Planning service within the City's Planning and Development Services Department. Adam's message is that he has reviewed our recent submittal for modification of the Land Use designation of the subject site, from "Office" to "Urban Neighborhoods" and determines that the proposed residential density of 6.6 du/ac. falls within the "Suburban Neighborhoods" designation, thereby requiring a Major General Plan amendment.

We respectfully suggest that there exists possible basis for extending some limited latitude to the matter of density on this very small site and request your consideration of granting the advancement of our non-major amendment application at the newly redesigned density of 6.6 du/ac.

In my Aug. 25/14 letter to you on this subject, I summarized the effect of the combined factors which come to bear upon the useable area of this compact site. Notably, our successful efforts to retain the Old Verde Canal lands, results in a density reduction from 7.1 du/ac. to the current 6.6 du/ac. Our success at preserving the Canal and the resultant creation of a very generous buffer with our neighbors works in direct conflict with the satisfaction of the higher density suggested in the General Plan. In this regard, we seem to be working against ourselves by trying to provide the best and most responsive site planning possible. Compounding this effect, is the additional buffering area we have set aside to provide the sought after "Desert Scenic Roadway" allowance along McDowell Mountain Ranch Rd. and 98th St. further diminishing useable site area.

In Oct. 2004, case 3-GP-2004 changed the General Plan Land Use designation of this subject site from Suburban Neighborhoods to Office in order to accommodate a rezoning from Single

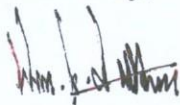
Family Residential to Service Residential. This in turn was effected by passage of case 21-ZN-2004. The offices contemplated by this application never materialized, (likely due to location).

Our current request to change the Land Use designation from "Office" to "Urban Neighborhoods" aligns perfectly with the ambitions of the General Plan which seeks a mix of dwelling types and densities for a variety of neighborhoods. Further, our request to reduce the intensity of the Land Use designation addresses the goal of gradual transition of uses between designated uses. While doing this, we have been able to provide very generous separation from our only adjacent neighbors, who are along our northern boundary. Incidentally, these neighbors have indicated general preference to our proposed residential use than the once suggested office use.

In view of the uniquely disproportionate spatial constraints to which this site is subject, it is very safe to say that the net visual and effective density falls easily within the General Plan's "usual" range and is otherwise responsive to all other goals and objectives of the General Plan.

We would be grateful for your acknowledgement that this clean little project is responsive to the spirit of the Land Use prescription of "usual" density despite being at the low end of the range by strict calculation which skews the effective density of this site.

Yours truly,

A handwritten signature in black ink, appearing to read 'Wm. J. Patterson', with a red mark at the end of the signature.

Wm.J.Patterson
Cypress Group LLC

cc: Keith Niederer, Adam Yaron