



Application

Narrative

Cash Transmittal

Development Standards

5895 N. Granite Reef Road

Minor General Plan Amendment and Rezone

Project Narrative

Non-Major General Plan Amendment to the 2001 General Plan Land Use  
Element from Mixed-Use Neighborhoods to Commercial

And

Rezoning from Regional Shopping Center (C-S) zoning

To

Neighborhood Commercial (C-1)

Case 940-PA-2019

First Submittal: March 17, 2020

## Development Team

*Attorney:*

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## TABLE OF CONTENTS

I.	Request .....	4
II.	Background/History .....	4
III.	Surrounding Context .....	4
IV.	2001 General Plan .....	5
V.	South Scottsdale Character Area Plan .....	10
VI.	Zoning.....	12
VII.	Site Plan.....	13
VIII.	Economic Impact.....	13
IX.	Circulation/Traffic .....	14
X.	Neighborhood Outreach.....	14
XI.	Summary & Conclusion.....	14

## Request

We represent Candace and Donald Matteson Rev. Tr. ("Owners") and their property located at 5895 Granite Reef Rd. Scottsdale, AZ 85250 and APN of 173-75-004C ("Property"). To preface the forthcoming information, we find it important to note that we also represent the potential buyers, Chad Klock and Robin Schaffers ("Buyers"). The Buyers are requesting to purchase the Property to utilize the existing building for a health & Fitness studio that concentrates on gymnastics training. The current C-S (Regional Shopping Center) does not allow for this typical commercial use.

At the time of the pre-application meeting and at the initial neighborhood open house, the Owner and Buyer were seeking to change the zoning from C-S to C-2 (Central Business District). After notifying more than 400 neighbors and interested parties, conducting a neighborhood meeting, and reviewing email correspondence to City staff with opinions on our initial request, the Owner and Buyer concluded there was neighborhood and stakeholder support for C-1 (Neighborhood Commercial). Therefore, we have decided to move forward with a C-1 rezoning request. This change is intended to respond directly to the input we received at the neighborhood open house and through electronic correspondence regarding our request. This change is consistent with the existing C-1 zoning at three of the corners of the intersection of McDonald Drive and Granite Reef Rd. and respond positively to the comments we heard from the surrounding community.

## Background/History

The Property, approximately 40,000 square feet with a street address of 5895 Granite Reef Rd. and APN of 173-75-004C, was initially designed for a bank. The Property and building were converted to a costume rental store in the 1990's. The costume store is currently operating at the site and will be closing upon purchase of the Property by the Buyers.

## Surrounding Context

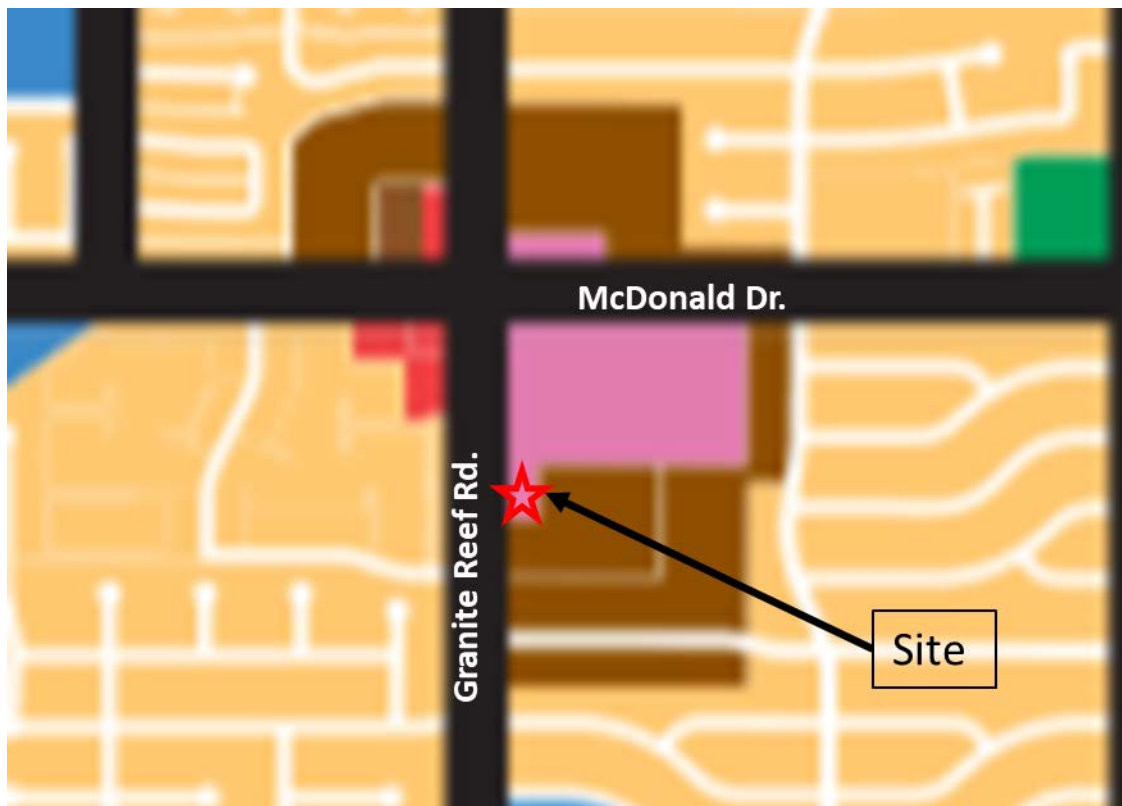
The Property is located south of the intersection of McDonald Drive and Granite Reef Road on the east side of the street. The under an acre parcel is just south of the larger commercial shopping center with the Basha's supermarket and Walgreens store. The zoning at this intersection of commercial uses is one parcel zoned C-S (the coffee shop at the southeast corner), several parcels zoned C-1 and the large Basha's center zoned C-3. Some S-R (Service Residential) and C-O (Commercial Office) make up the remainder of commercial parcels at this intersection.

The majority of the non-commercial zoning adjacent to and surrounding the Property is zoned R-4 (Townhouse Residential) and R-5 (Multiple-Family) districts. These districts provide for several types of rental and for sale multi-family residential uses. A majority of the surrounding residential uses are owned by the residents and not rental units. Single family residential (R1-7) neighborhoods are further south of the Property towards the Mohave middle school campus.

### 2001 General Plan

As it relates to the General Plan, ***the request is for a non-major General Plan amendment to the City of Scottsdale General Plan 2001 to change the land use designation from Mixed-Use Neighborhoods to Commercial on +/- 1 acre. The Property is located in the Southern Scottsdale Character Area Plan.*** The 2001 General Plan designates the Property with the Mixed-Use land use designation (purple color). The Mixed-Use designation encompasses the Property along with the larger Basha's commercial center. Although the current properties with Mixed-Use land use designations are mainly commercial uses, the General Plan potentially viewed these properties for future mixed-use for combined residential and commercial redevelopment. The proposed land plan intends to rezone the existing commercial property to another commercial zoning district. This commercial to commercial proposal necessitates the minor amendment to the general plan to match some of the other smaller commercial (red designations) at the intersection of McDonald Dr. and Granite Reef Road

### 2001 General Plan Land Use Map



The proposed land plan for the Property is consistent with the Property's long standing commercial usage and is rather small to propose any type of mixed-use.

The requested GPA is a non-major amendment based on the criteria established in the 2001 General Plan, which are:

- 1) Change in Land Use Category. Response: The Property is currently designated within the General Plan as a Mixed-Use Neighborhoods. Our request simply designates the Property as Commercial, which is consistent with the long standing zoning and use on the site.
- 2) Area of Change Criteria. Response: The change to the Property is less than an acre of the overall larger Mixed-Use property to the north.
- 3) Character Area Criteria: The site is too small to affect the overall character area criteria from a land use or any other policy or factor of the character area plan.
- 4) Water/Wastewater Infrastructure Criteria: There are no changes proposed to the site that would impact water/wastewater infrastructure. Any interior remodel would require permitting and any adequacy of on-site infrastructure needs.

#### Six Guiding Principles

The following principles from the CityShape 2020 Comprehensive Report are relevant to the proposed request.

- Preserve Meaningful Open Space
- Enhance Neighborhoods
- Seek Sustainability
- Support Economic Vitality
- Value Scottsdale's Unique Lifestyle & Character
- Advance Transportation

*Response: The request meets each of the guiding principles set forth by the City. With regards to preserving meaningful open space, the Property currently is not over-developed and is a single story building with setbacks to the street and adjacent multi-family residential uses. The redevelopment plan intends to preserve a majority of the existing site plan. There are no changes to the existing setbacks, buffers and screening of the Property. The overall plan intends to provide a new, neighborhood friendly health & fitness type use to the neighborhood. By providing for zoning that is consistent with long standing commercial use of the Property, the overall plan is to continue to use the Property for commercial purposes. The existing and proposed commercial uses align with Scottsdale's economic vitality value. A health & fitness use that concentrates on youth and adult gymnastics training promotes the City's unique and healthy lifestyle and character. The redevelopment plan allows for the preservation of the existing building and site plan in order for no impacts to the surrounding neighborhood. Finally, the redevelopment plan intends to utilize the same access points to minimize traffic impacts on the adjacent roadway system.*

#### General Plan Regional Context Goals & Policies:

The City's General Plan Land Use Element designates the Property with Employment, Mixed-Use Neighborhoods and Regional Use District designations. The requested non-

major amendment and rezoning will implement all three of these land use designations. The following statements that respond to the General Plan goals and policies.

- Recognize Scottsdale's role as a major regional economic and cultural center, featuring business, tourism, and cultural activities.
- Strengthen the identity of Scottsdale by encouraging land uses that contribute to the character of the community and sustain a viable economic base.
- Encourage land uses that preserve a high quality of life and define Scottsdale's sense of place within the region.

*Response: The goal of the rezoning case and non-major amendment to the General Plan is to upgrade the use to a health & fitness use for the surrounding south Scottsdale neighborhoods. The rental shop has a very limited commercial or service benefit to the residents of the neighborhood and South Scottsdale. The change in zoning is relatively minor to allow the proposed use. The proposed health & fitness use will provide a service to surrounding neighbors, children, students and families of the community.*

Citywide Land Use Policies:

- Encourage the transition of land uses from more intense regional and citywide activity areas to less intense activity areas within local neighborhoods.
- Ensure that neighborhood edges transition to one another by considering appropriate land uses, development patterns, character elements and access to various mobility networks.
- Encourage the location of more intense mixed-use centers and regional employment cores along regional networks while incorporating appropriate transitions to adjoining land uses.
- Locate employment uses where impacts on residential neighborhoods are limited and access is available at citywide and regional levels.
- Guide growth to locations contiguous to existing development to provide city services in a cost effective and efficient manner.
- Encourage transitions between different land uses and intensities through the use of gradual land use changes, particularly where natural or manmade buffers are not available.

*Response: The main goal of the proposal is to allow the new Buyer to transform the single use (costume rental) to a health & fitness use that neighbors and families within South Scottsdale can use. The proposed zoning creates a neighborhood commercial use and zoning category that replaces an outdated and ill-designated acre property from the regional shopping center zoning district. The re-use of the building and site will remain and fit into the character of the neighborhood. The proposal does not impact surrounding residential streets. The proposal has no impacts to city services and is a cost effective and efficient re-use of the Property.*

- Maintain a balance of land uses that support a high quality of life, a diverse mixture of housing and leisure opportunities and the economic base needed to secure resources to support the community.
- Allow for a diversity of residential uses and supporting services that provide for the needs of the community.

- Support jobs/housing balance by integrating housing, employment, and supporting infrastructure in mixed-use centers located at appropriate locations.
- Maintain a citywide balance of land uses that support changes in community vision/dynamics (established by future community visioning processes) over time.

*Response: The overall request supports the surrounding neighborhoods and residential area with a health & fitness use option not currently located on this site. The Property continues to provide an economic base to the City and neighborhood. The health & fitness use provides a diversity of health & fitness uses that emphasizes gymnastics training that supports the needs of the community. The minor amendment has no effect on the balance of land uses and provides for an updated commercial use for South Scottsdale.*

- Develop land use patterns that are compatible with and support a variety of mobility opportunities/ choices and service provisions.
- Integrate the pattern of land uses and mobility systems in ways that allow for shorter and fewer automobile trips and greater choices for mobility.
- Encourage non-motorized (pedestrian and bicycle) access/circulation within and to mixed-use centers to reduce reliance on the automobile.
- Provide a balance of live, work, and play land uses and development intensities that enable convenient non-automotive trips (pedestrian and cycling and transit) where environmentally and physically feasible.
- Ensure Scottsdale's transportation choices respond to the land use patterns and local neighborhood lifestyles.
- Encourage that land uses with the highest intensity be located in areas conducive to alternative modes of transportation.

*Response: The proposal has minimal to no effect on any of the above policies with regards to mobility. The minor change in use preserves the existing layout of the Property. The design of the parking area and two (2) driveways off of Granite Reef provides for adequate access to and from the site without affecting the flow of traffic on Granite Reef. The land use patterns and local neighborhood lifestyles will not be impacted by a change in the commercial use that provides a beneficial and healthy living alternative use.*

- Promote land use patterns that conserve resources, such as land, clean air, water, and energy, and serve all people, within the community.
- Encourage a variety of compatible mixed-use land uses throughout the city in appropriate locations allowing people to live, work, play and shop in the same general area.
- Concentrate future development in "growth areas" and other centers of activity, thereby discouraging sprawl, conserving energy, and promoting community identity.
- Integrate land use and transportation policies to promote a decrease in vehicle miles traveled to reduce air pollution and resource consumption, increase interaction among citizens and provide a stronger sense of community.
- Protect and revitalize established areas/neighborhoods by promoting new development and the adaptive reuse of existing community resources that re-energize an area.

*Response: The proposed zoning case intends to create a use that will serve all the people within the community. Health & fitness uses are creating healthy communities. The Buyer*

*will run the health & fitness use provide a 'play' alternative to this area of South Scottsdale. The plan protects the neighborhood by re-using the building and site and intends to revitalize an established area with a new use while preserving the long-standing site design and building. The proposed redevelopment plan is not sprawl, will re-energize and protect the area's neighborhood.*

#### Local Land Use Relationships:

- Sensitively integrate land uses into the surrounding physical and natural environments, the neighborhood setting, and the neighborhood itself.
- Incorporate appropriate land use transitions to help integrate into surrounding neighborhoods.
- Focus intense land uses along major transportation networks (such as the Pima Freeway and major arterial streets) and in urban centers (such as Old Town and the Airpark). Less intense land uses should be located within more environmentally sensitive lands.
- Sensitively integrate neighborhood services, schools, parks, and other civic amenities into the local physical and natural environments by establishing reasonable buffers and preserving the integrity of the natural terrain and open space networks.

*Response: The proposal intends to satisfy several goals and policies of the General Plan. By allowing the re-use of the long-standing building and site layout, the Property will remain as is and continue to sensitively buffer the surrounding multi-family neighborhood to the east, west and south. The proposed development plan provides for an appropriate land use transition from the larger commercial center to the north and the adjacent neighborhoods.*

- Encourage land uses that create a sense of community among those who work, live, and play within local neighborhoods.
- Promote public land uses, such as parks, schools and other civic uses that act as the nucleus of neighborhoods and promote community interaction.
- Develop and reinforce links (i.e. trails, paths, open space, transit, and streets) within and between residential, retail, employment, recreational and other public land uses.
- Promote development patterns and standards that are consistent with the surrounding uses and reinforce an area's character.

*Response: The proposed redevelopment will provide a new health & fitness use option to the neighborhood. The re-use of the Property's building and site layout will create a seamless transition in uses. Pedestrian connections to transit and bike lanes are maintained with this use.*

- Provide a broad variety of land uses that create a high level of synergy within mixed-use neighborhoods.
- Incorporate a diverse range of residential and non-residential uses and densities within mixed-use neighborhoods.
- Promote residential uses that support the scale and function of retail, commercial and employment uses within these neighborhoods, including the use of mixed-use structures (retail or office on lower level and residential uses on upper levels).
- Encourage redevelopment that invigorates an area while also respecting the character of adjacent neighborhoods.

*Response: This Property is rezoning to provide for a new health & fitness use. The minor zoning district change necessitates the minor general plan amendment change. The proposed use, the surrounding neighborhood commercial, office and residential uses allows for the right mix of uses for this South Scottsdale neighborhood. Although, not a proposed mixed-use, this small, less than acre property will continue to invigorate the area with a healthy lifestyle land use that will also respect the character of the existing neighborhood.*

### South Scottsdale Character Area Plan

#### Goals and Policies

The City of Scottsdale adopted the Southern Scottsdale Character Area Plan on October 26, 2010. The area encompasses approximately 14 square miles of the southernmost portion of the city, south of Indian Bend Road. At the time of adoption, this area contained approximately 30% of Scottsdale's population. Furthermore, most of the housing stock and commercial facilities in this area are 30 or more years old, which made it important to preserve and protect these neighborhoods while still moving towards tomorrow.

The public outreach for the South Scottsdale character plan identified five community priorities:

1. Develop a strong economic core with community gathering places
2. Focus on local mobility and walkability
3. Maintain and enhance existing neighborhoods and identity
4. Balance growth
5. Promote well designed architecture and sustainability

*Response: The redevelopment of the Property continue to provide this neighborhood with commercial services and uses that strengthens the economic core of the McDonald Drive and Granite Reef Road area. This intersection provides goods and services that support the neighborhood and provides for restaurants, supermarkets, coffee shops, vehicle services and other health and fitness uses. This intersection and its multitude of uses creates a neighborhood gathering place for the immediate area. The proposal does not inhibit any local mobility or walkability. The re-use of the building will maintain the existing neighborhoods identity. Because no significant change is requested, the proposal is a balanced approach to re-using the existing site with the same architecture.*

*The following are some Southern Scottsdale Area Plan policies that could be applicable to this extremely small property within south Scottsdale.*

Policy LU 2.2 – Opportunity Corridors consist of moderate intensity development and exist only within General Plan designated Activity Areas. These corridors will contain:

- A mixture of land use classifications including mixed-use neighborhood;
- A number of medium to low scale vertical and horizontal mixed-use developments;
- Additional residential density to complement Activity Area land uses.

Policy LU 5.4.3 – The McDonald Activity Area (located at the intersection of McDonald and Granite Reef Roads) should consist of professional and medical offices, markets/ groceries,

locally owned and/or corporate restaurants, fueling stations, and additional multi-family housing.

The redevelopment of the Property to provide health & fitness use adds to the goods and services of this activity area. The list of uses are suggestive and are more likely to occur in the larger Basha's commercial center. The Property is less than an acre. It falls along the fringe of the Opportunity Corridor along McDonald Drive at the intersection of Granite Reef Rd. See map below. With no changes to the site plan and minimal changes to the land uses afforded under the new zoning, the minor general plan amendment does not rise to overall policies of the South Scottsdale character area plan. The immediate area and three (3) of the four (4) corners of the intersection of McDonald Drive and Granite Reef Road has parcels zoned C-1. This proposal is in character with the zoning in the center of the Opportunity Corridor designation.

The map below on the Southern Scottsdale Character Area Plan ("SSCAP") Land use Plan designates the Property within the McDonald Activity Area. According to the SSCAP and Policy LU 5.4.3, the McDonald Activity Area should consist of professional and medical offices, markets, groceries, locally owned and/or corporate restaurants, fueling stations, and additional multi-family.

The proposed C-1 zoning district is consistent in size and scope as the other C-1 properties in the immediate area. The identification of the Property as a Mixed-Use neighborhood does not comport with the Property's size and configuration. The Property's orientation is more to provide a convenient commercial use or service to the neighborhood, while the Basha's center and other commercial properties along McDonald Drive, a minor arterial roadway, and provide for more intense commercial uses. With no change to the site plan, building and access, the proposal does not warrant policy analysis or justification as only a few additional commercial uses are allowed above and beyond the current zoning.



Furthermore, the proposed C-1 zoning request allows for dwellings as an allowed use, while the current C-S zoning district does not. Therefore, the request is actually more in keeping with the existing Mixed-Use neighborhoods and Opportunity Corridor designation. Because the requested zoning district is more of commercial district versus

*a mixed-use zoning district, the changing of the color on the land use map necessitates the minor general plan amendment.*

## **Zoning**

The Property Owner is seeking to rezone the Property from C-S, a regional shopping center zoning district, to C-1, a neighborhood commercial zoning district. The purpose is to operate a health and fitness studio. The Buyers intend to remodel the interior of the existing building located on the Property. The exterior of the building will not be significantly impacted. The purpose of the request is to create an inclusive and welcoming health and fitness studio specializing in gymnastics and provide a healthy lifestyle service to the surrounding community.

### **C-1 Zoning**

The proposed C-1 zoning district is the least intensive zoning category of the 'C-1, C-2 and C-3' zoning districts. The current zoning on the Property is called Regional Shopping Center. Obviously, the Property size would prohibit an 'actual' regional shopping center type development. Furthermore, access to the Property is limited to two (2) driveways off of Granite Reef Road, which is a minor collector roadway. The purpose of the rezoning is to update the zoning to a neighborhood commercial zoning category to allow for the proposed health & fitness use. The C-1 zoning district use list would add the following uses as permitted uses, above and beyond the existing allowed C-S uses:

- Courier and messenger
- Dwelling
- Educational service, other than elementary and secondary school
- Health & fitness studio
- Internalized community storage
- Multimedia production without a communication tower, and
- Residential health care facility

The C-1 zoning also allows two (2) additional uses with the approval of a conditional use permit:

- A community building and recreational facility, not publically owned, and
- Public utility building, structures and appurtenances thereto for the public service uses

By changing to C-1, the following twelve (12) currently allowed C-S uses will no longer be allowed:

- Bar
- Big Box
- Bowling alley
- Game center (conditional use)
- Medical and diagnostics laboratory
- Restaurant, including drive-through restaurant and including drive-in restaurant (conditional use)
- Theater

- Vehicle leasing, rental or sales with indoor vehicle display and storage located in an enclosed building
- Vehicle leasing, rental or sales with outdoor vehicle display and storage located more than 150 feet from a residential district shown
- Vehicle leasing, rental or sales with outdoor vehicle display and storage located 150 feet or less from a residential district (conditional use)
- Vehicle repair, located more than 150 feet from a residential district
- Vehicle repair, located 150 feet or less from a residential district (conditional use)

The removal of the bar, bowling alley, game center, theater, drive-in restaurant and some of the vehicle leasing and vehicle repair uses from the Property will definitely ensure that property provides the proper transitional commercial uses to the surrounding residential uses. We believe the rezoning provides a familiar zoning district to the neighborhood as the majority of uses at three (3) of the corners of the McDonald Drive and Granite Reef Road intersection are zoned C-1. The C-1 district also provides for a complimentary and transitional zoning district from the more intense C-3 zoning of the Basha's center.

#### Site Plan

The site plan will not incur any major changes. However, minor interior modifications to allow for the health & fitness use may necessary. The Property Owners will not be expanding the existing building and will not be building additional parking spaces. The necessary construction will be minor and unobtrusive in nature. Moreover, the health and fitness studio's uses will occur solely in the existing building and customers will park in the Property's existing parking spaces. The two (2) driveways onto Granite Reef Road will also not be altered.

#### Economic Impact

The economic impact will be positive. The existing costume shop conducts an unpredictable amount of business throughout the year. The unpredictability of the costume shop results in numerous "slow periods" throughout the year which result in a blighted appearance.

Conversely, the Property Owners and Buyers envision the health and fitness studio attracting a stable customer base. The health and fitness studio will specialize in gymnastics and offer after school workouts for children. Parents will have to drive their children to the after school workouts and as a result, are more likely to frequent the neighboring commercial establishments while waiting for their child to finish their workout. Therefore, the restaurants, coffee shops, and shopping centers surrounding the Property are more likely to experience a positive economic impact if the health and fitness studio use moves forward.

Furthermore, the new Buyers intend to run the proposed health and fitness studio for the foreseeable future. As a result, the positive economic impact will not only be felt in the short term but has the possibility to be long term in nature.

## Circulation/Traffic

The Property Owner will ensure any traffic caused by the health and fitness studio does not negatively impact the surrounding neighbors or Granite Reef Rd. Further, the possibility of increased traffic to the Property is minimal because of the relatively small square footage of the building and limited parking area. The rezoning allows for a few additional land uses and removes several allowed uses from the C-S zoning district. Therefore, the minor zoning change does not impact traffic or change the character of traffic to the Property. Moreover, the Property contains two ingress and egress points that will not be changed after the rezoning occurs.

## Neighborhood Outreach

A neighborhood open house was held at Mohave Middle School on February 24, 2020. Prior to the neighborhood open house, notice was sent to property owners within 750 feet and homeowners associations within one mile of the Property. In total, more than 400 property owners and interested parties were notified of the open house. Only five neighbors attended the hour and a half open house. These neighbors expressed their uneasiness with the proposed C-2 zoning and the number of additional land uses allowed. Neighbors also expressed a desire to see a schedule of the workouts offered by the health and fitness studio. Attendees recommended utilizing the C-1 zoning district for the proposal. Please see the comment cards and emails requesting the use of C-1 over C-2.

As a result of the community input, the Property Owners decided to forgo their C-2 rezoning request and seek C-1 zoning. The Property Owners believe this change better reflects the neighbor's vision for their neighborhood while also allowing the Property to be used as a health and fitness studio.

## Summary & Conclusion

The request to rezone the Property from C-S to C-1 will not negatively impact the surrounding area. The Buyers are in the health and fitness industry and will be developing and operating a health and fitness studio. As stated above, no major site plan amendment is required, the rezoning is consistent with other C-1 parcels in the area. The use may change the character of traffic but will not increase in traffic as a result of the rezoning. Potential negative type uses allowed in the existing C-S zoning will be removed from the Property as a result of the rezoning. The proposal and change of use will be minimal in nature, and the health and fitness studio will have a positive economic impact on the community. In short, the proposed rezoning and health and fitness studio presents an opportunity for further economic development and viable service use to the neighborhood while not threatening to change the current scale of the building and site design.

# Development Application



## Development Application Type:

Please check the appropriate box of the Type(s) of Application(s) you are requesting

Zoning	Development Review	Land Divisions
<input checked="" type="checkbox"/> Rezoning (ZN)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Subdivision (PP)
<input type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Subdivision (Minor) (MD)
<input type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Wash Modification (WM)	<input type="checkbox"/> Land Assemblage
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Historic Property (HP)	<b>Other</b>
<input type="checkbox"/> Development Agreement (DA)	<b>Wireless Communication Facilities</b>	<input type="checkbox"/> Annexation/De-annexation (AN)
<b>Exceptions to the Zoning Ordinance</b>	<input type="checkbox"/> Small Wireless Facilities (SW)	<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Minor Amendment (MN)	<input type="checkbox"/> Type 2 WCF DR Review Minor (SA)	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Hardship Exemption (HE)	<b>Signs</b>	<input type="checkbox"/> Abandonment (AB)
<input type="checkbox"/> Variance/Accommodation/Appeal (BA)	<input type="checkbox"/> Master Sign Program (MS)	<b>Other Application Type Not Listed</b>
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Community Sign District (MS)	<input type="checkbox"/> Other: _____

**Project Name:** 5895 N Granite Reef - Gymnastic Use

**Property's Address:** 5895 N Granite Reef Road

**Property's Current Zoning District Designation:** C-S

The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.

**Owner:** Candace Matteson

**Agent/Applicant:** Kurt Jones

**Company:**

**Company:** Tiffany & Bosco, P.A.

**Address:** 4167 N Marshall Way, Scottsdale, AZ 85251

**Address:** 2525 E. Camelback Road, Seventh Floor

**Phone:** 480-294-6003

**Fax:**

**Phone:** (602) 452-2729

**Fax:**

**E-mail:** dlm5920@cox.net

**E-mail:** Kajones@tblaw.com

**Designer:** n/a

**Engineer:** n/a

**Company:**

**Company:**

**Address:**

**Address:**

**Phone:**

**Fax:**

**Phone:**

**Fax:**

**E-mail:**

**E-mail:**

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).

- This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications<sup>1</sup> will be reviewed in a format similar to the Enhanced Application Review methodology.



**Enhanced Application Review:**

I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.



**Standard Application Review:**

I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

DocuSigned by:

Candace Matteson

CB66F2A20F3A495...

Owner Signature

Kurt Jones

Agent/Applicant Signature

**Official Use Only**

**Submittal Date:**

**Development Application No.:**

## Planning and Development Services

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 • www.ScottsdaleAZ.gov

Development Application

Page 1 of 3

Revision Date: 5/10/2018

4-ZN-2020

03/19/20

# Request To Submit Concurrent Development Applications

## Acknowledgment and Agreement



The City of Scottsdale recognizes that a property owner may desire to submit concurrent development applications for separate purposes where one or more of the development applications are related to another development application. City Staff may agree to process concurrently where one or more the development applications related to the approval of another development application upon receipt of a complete form signed by the property owner.

Development Application Types		
Please check the appropriate box of the types of applications that you are requesting to submit concurrently		
Zoning	Development Review	Signs
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Master Sign Program (MS)
<input checked="" type="checkbox"/> Rezoning (ZN)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Community Sign District (MS)
<input type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Wash Modification (WM)	Other
<input type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Historic Property (HP)	<input type="checkbox"/> Annexation/De-annexation (AN)
Exemptions to the Zoning Ordinance	Land Divisions (PP)	<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Hardship Exemption (HE)	<input type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input type="checkbox"/> Abandonment (AB)
<input type="checkbox"/> Variance (BA)	<input type="checkbox"/> Perimeter Exceptions	Other Application Type Not Listed
<input type="checkbox"/> Minor Amendment (MA)	<input type="checkbox"/> Plat Correction/Revision	<input type="checkbox"/>

Owner: Candace Matteson

Company: \_\_\_\_\_

Address: 4167 N Marshall Way, Scottsdale, AZ 85251

Phone: 602-388-2906

Fax: \_\_\_\_\_

E-mail: d1m5920@cox.net

As the property owner, by providing my signature below, I acknowledge and agree: 1) that the concurrent development applications are processed at the property owner's risk; 2) to hold the City harmless of all cost, expense, claims, or other liability arising in connection with the concurrent development applications; 3) to the City of Scottsdale's Substantive Policy Statement pertaining to Concurrent Applications; 4) to placing a development application on hold in order to continue processing a concurrent development application that is related to an another development application; and 5) that upon completion of the City review(s) of the development applications, one or more of the development application(s) may not be approved.

Property owner (Print Name): Candace Matteson

Title: Owner

DocuSigned by:  
Candace Matteson  
CB68F2A20F3A495...

Date: 3/3/2020

Signature

<b>Official Use Only:</b>	Submittal Date: _____
Request: <input type="checkbox"/> Approved or <input type="checkbox"/> Denied	
Staff Name (Print): _____	
Staff Signature: _____	Date: _____

### Planning and Development Services

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 • [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov)

Request to Submit Concurrent Development Applications

Page 1 of 1

Revision Date: 02/02/2015

4-ZN-2020  
03/19/20

# Affidavit of Authorization to Act for Property Owner



1. This affidavit concerns the following parcel of land:

- a. Street Address: 5895 N Granite Reef Road, Scottsdale, AZ 85250
- b. County Tax Assessor's Parcel Number: 173-75-004C
- c. General Location: Southeast of the Southeast corner of McDonald and Granite Reef
- d. Parcel Size: 40,000 square feet
- e. Legal Description: \_\_\_\_\_

(If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

- 2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.
- 3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest, and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.
- 4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.
- 5. I will immediately deliver to the Director of the City of Scottsdale Planning & Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.
- 6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.
- 7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land, and may expose me and the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)

Candace Matteson

Date

03/03, 2020

DocuSigned by:

Signature  
Candace Matteson

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## Planning and Development Services

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# Appeals of Dedication, Exactions or Zoning Regulations



## Rights of Property Owner

In addition to the other rights granted to you by the U.S. and Arizona Constitution, federal and state law and city ordinances or regulations, you are hereby notified of your right to appeal the following City actions relating to your property:

- 1) Any dedication of exaction which is required of you by an administrative agency or official of the city as a condition of granting approval of your request to use, improve or develop your real property. This appeal right does not apply to a dedication or exaction required as part of a city legislative act (for example a zoning ordinance) when an administrative agency or official has no discretion to determine the dedication or exaction.
- 2) The adoption or amendment of a zoning regulation that creates a taking of property in violations of Arizona and federal court decision.

## Appeal Procedure

The appeal must be in writing and specify the City action appealed and the date final action was taken, and must be filed with or mailed to the hearing officer designated by the city within 30 days after the final action is taken

- No fee will be charged for filing
- The city Attorney's Office will review the appeal for compliance with the above requirements, and will notify you if your appeal does not comply
- Eligible appeals will be forwarded to the hearing officer, and a hearing will be scheduled within 30 days of receipt by the hearing officer of your request. Ten days notice will be given to you of the date, time and place of the hearing unless you indicate that less notice is acceptable to you.
- The City will submit a takings impact report to the hearing officer.
- In an appeal from a dedication or exaction, the City will bear the burden of proving that the dedication or exaction to be imposed on your property bears an essential nexus between the requirement and a legitimate governmental interest and that the proposed dedication or exaction is roughly proportional to the impact of the use, improvement or development you proposed.
- In an appeal from the adoption or amendment of a zoning regulation, the City will bear the burden of proving that any dedication of exaction requirement in the zoning regulation is roughly proportional to the impact of the proposed use, improvement, or development, and that the zoning regulation does not create a taking of property in violation of Arizona and federal court cases.
- The hearing officer must render his decision within five working days after the appeal is heard.
- The hearing officer can modify or delete a dedication or exaction or, in the case of an appeal from a zoning regulation, transmit a recommendation to the City Council.
- If you are dissatisfied with the decision of the hearing officer, you may file a complaint for a trial nevo with the Superior Court within 30 days of the hearing officer's decision.

For questions, you may contact:

City's Attorney's Office  
3939 Drinkwater Blvd.  
Scottsdale, AZ 85251  
480-312-2405

Address your appeal to:

Hearing Officer, C/O City Clerk  
3939 Drinkwater Blvd  
Scottsdale, AZ 85251

Please be aware that City Staff cannot give you legal advice. You may wish, but are not required, to hire an attorney to represent you in an appeal.

## Planning and Development Services

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**Owner Certification  
Acknowledging Receipt  
Of  
Notice Of Right To Appeal  
Exactions And Dedications**

I hereby certify that I am the owner of property located at:

5895 N Granite Reef Road, Scottsdale, AZ 85250

(address where development approval, building permits, or city required improvements and dedications are being required)

and hereby certify that I have received a notice that explains my right to appeal all exactions and/or dedications required by the City of Scottsdale as part of my property development on the parcel listed in the above address.

DocuSigned by:

*Candace Matteson*

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Signature of Property Owner

3/3/2020

Date

# Request for Site Visits and/or Inspections Development Application (Case Submittals)



This request concerns all property identified in the development application.

Pre-application No: 940 -PA- 2019

Project Name: 5895 N Granite Reef - Gymnastic Use

Project Address: 5895 N Granite Reef Road, Scottsdale, AZ 85250

## STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the development application.

## STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the development application in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Candace Matteson

Property owner/Property owner's agent: \_\_\_\_\_  
Print Name

DocuSigned by:  
Candace Matteson  
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Signature

### City Use Only:

Submittal Date: \_\_\_\_\_ Case number: \_\_\_\_\_

### Planning and Development Services

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**5895 N. Granite Reef Road  
Minor GPA & Rezoning  
Citizen Review Plan & Report  
March 11, 2020**

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The following is an initial citizen review plan and report (“Report”) for the proposed minor general plan amendment and rezoning proposed for the property located at 5895 N. Granite Reef Road (“Property”).

As part of the Citizen outreach we will comply with the City’s requirements as follows:

The City requires the Plan to include:

1. Where and when the open house will be held
2. How and when the public will be notified

We notified over four hundred (400+) property owners and stakeholders of our open house we held on February 24, 2020 at Mohave Middle School, and of the 400+ people notified, we had five (5) meeting attendees. At the meeting, we discussed the proposed change of use from costume store to health & fitness studio and the required minor GPA and rezoning process to fulfill that goal. We also provided a copy of the allowed use list comparing the existing C-S zoning and the proposed C-2 zoning district and the C-1 zoning. As for the notification procedure, we sent letters first class mail to all of the property owners within 750 feet of the Property and to those listed on the City’s notification list.

We also posted the site with a large white notification sign facing Granite Reef Road with information on the request, the date, time and location of the open house and our contact information. **On March 12, 2020, we updated the sign to change the request from C-S to C-1.** Refer to **Tab 1** for a photo and affidavit of the site posting and updated site posting. Refer to **Tab 2** for a copy of the letter that was mailed on 2/11/2020 to all property owners within 750 feet of the Property and those listed on the City’s notification list. Refer to **Tab 3** for the list of property owners within 750 feet of the property and the City’s notification list.

Sign-in sheets and comment cards were also provided at the open house meeting. The attendees that filled out cards are attached to this report, please refer to **Tab 4**. We also received some emails from City staff that were sent by nearby property owners and stakeholders. There have been no phone calls to our office since we sent out the notices. If contacted, we will attempt to explain this simple request over the phone. If follow-up meetings are required, we will meet with those parties interested.

We will provide an update to this Report as the case is filed with the City and more input is received.