



Application

Narrative

Cash Transmittal

Development Standards

Celebrity Equine Center

Second Submittal – August 10, 2020

Case Number: 4-UP-2020

9588 N. 120th Street

Project Narrative



Prepared by:

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Scottsdale, Arizona 85251

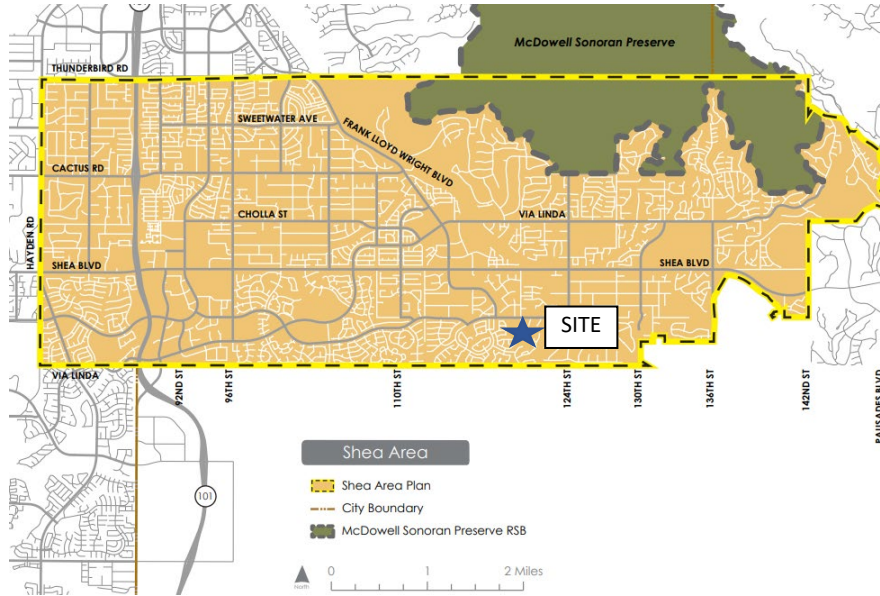
480-385-2753

Site Plan and Context Aerial



Request

The Flynn family owns an approximate 5.0+/- gross acre vacant lot located at 9588 N 120th Street (the "Site"), which is within the Shea/East Shea Character Area and shown in the graphic below. The Site is adjacent to the Flynn residence, and they are invested in developing the property as a



premier boarding, training and rehabilitation facility for horses. The Flynn family is requesting a Ranch Conditional Use Permit ("CUP") in the R1-43 zoning district for the purpose of developing an equestrian facility on the lot in a manner that is consistent with the overall character of the neighborhood.

Surrounding Context

Adopted in June 1993, the Shea Area Plan aims to preserve the character of the Shea Boulevard area by maintaining existing neighborhoods, ensuring new developments are compatible with the surrounding context and protecting environmental features unique to the area. As shown in the graphic below, the proposed development is appropriate for the area with single-family residential zoned R1-43 to the north and northeast, R1-7 to the south and west and OS to the east and southeast. The Site is ideally situated for a Ranch CUP as it is located between two properties that operate equestrian facilities – Stonegate Equestrian Park and Grandon's



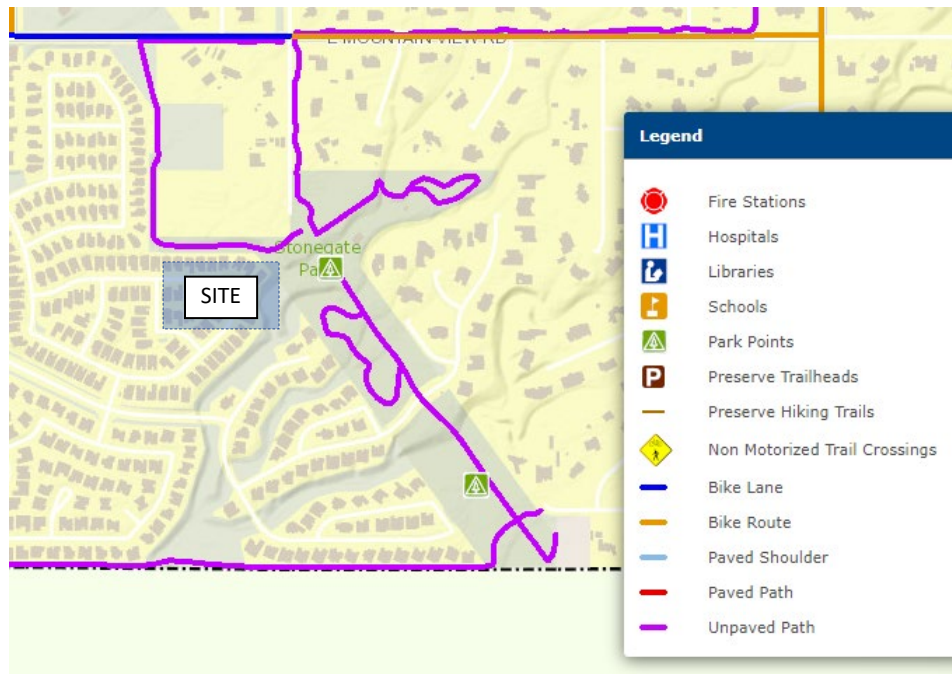
Equestrian Center – also shown in the graphic. Stonegate Equestrian Park is owned and maintained by the City of Scottsdale, and it sits on 23-acres and has such amenities as two equestrian arenas, a round pen arena and a drop-in ramada. Grandon’s Equestrian Center, which, like the Site, is zoned R1-43, operates as a ranch as a grandfathered use. Given that equestrian uses already exist on properties adjacent to the Site, the proposed Ranch is not only compatible but also complementary to the surrounding area and therefore respects the goals of the Shea Area Plan.

2001 General Plan

The Site is designated Rural Neighborhoods on the City of Scottsdale’s General Plan, which is described as including “areas of relatively large lot single-family neighborhoods,” with equestrian existing in flatter areas, “as many lots are large enough for horses and several existing developments permit horse corrals.” In the area south of the C.A.P. Canal, these neighborhoods are described as often taking on “a rural, equestrian character when compared to surrounding areas that have smaller, suburban lots.” As described above, Stonegate Equestrian Park and Grandon’s Equestrian Center are located adjacent to the Site and are a perfect example of the equestrian flare that is represented within Rural Neighborhoods.

The City’s General Plan also recognizes the significance of open space and recreational opportunities coupled with a growing need for community mobility. At the Local/Neighborhood Systems level of the Community Mobility Element, the General Plan indicates that neighborhoods are unique with distinct mobility needs that ultimately reflect the character of the area. As described above, the Site is in an area with rural equestrian flavor, which suggests that equestrian links are important for community mobility within the area. In fact, the General Plan acknowledges that “more singular land uses, such as low-density equestrian areas may place

more emphasis on local trail systems to maintain connectivity.” Local trail systems and parks are a vital component to Scottsdale’s open space and recreation system, with trails functioning “as transportation and recreation links,” and providing “hikers, walkers, joggers, equestrians, and



mountain bikers opportunities to improve health and fitness, spend time with family and friends, enjoy the natural environment, and escape the stresses of everyday life.” As shown in the graphic, the Site is in close proximity to trail systems, ideal for equestrian use. With Stonegate Equestrian Park adjacent to the Site, the proposed development reflects the General Plan’s goals of encouraging the use of parks and trails.

Overall, the City’s General Plan encourages projects that are responsive to the unique character in each area of the City and the use of revitalization efforts to provide for the long-term stability of Scottsdale’s mature residential neighbors. The Ranch proposal implements both of these goals. It also furthers the goals of preserving and enhancing the area’s unique sense of being an equestrian neighborhood and of encouraging context appropriate to new development in an established equestrian area within the community.

Ranch Conditional Use Permit Proposal and Ranch Operations

The proposed Ranch site plan has been designed with sensitivity to the context of the area and to the adjacent neighbors relative to setbacks, open space and building placement.

The Ranch will house the Ranch Manager who will serve as a 24-hour caretaker for the Site, and the Manager’s contact information will be available to immediate neighbors in the event they have any concerns. There will be one double-loaded barn and one shed row on the Site which will be broken up with walkways in between. The shed row and barn will have a combined maximum capacity of 36 stalls, which will include the Flynn’s personal horses, with tack rooms, storage, office and laundry. Stalls will be 12x12 in size and some will be 12x16 with attached runs that will be strategically placed to mitigate against any perceived impact on the immediate neighbors to the west.

Great care has been taken in establishing a plan to control dust, flies and odor. All stalls will be regularly cleaned, and manure will be disposed of every 2 to 3 days. The manure retention will be kept in an enclosed dumpster at the south end of the Site and will be screened by a block wall. The location of the manure retention was carefully considered and is appropriately located with regard to neighbors and the City’s required setbacks. In addition to ensuring that the barn is kept clean, fly control and prevention will be achieved through Fly Predators, organic pesticide distributed through a spray system, and the manure will also be treated with organic fly prevention products. The Fly Predators will be distributed adjacent to the manure retention dumpster and in the outside pastures to eat any fly eggs before they hatch, dramatically reducing the population of flies. See attached “Addendum” for the detailed fly control program.

The eastern portion of the Site will contain one large arena. Great care will be taken to ensure that the arena does not generate dust. The arena will be constructed with irrigation sprinklers to suppress dust. The paths between the barn, shed row and the arena will be maintained to ensure that there is no dust.

All lighting will meet City requirements. The arena will have lights equipped with an automatic timer that is only in use when people are riding. Lighting at night will be similar to what is used at Stonegate Park with a 10pm turn-off time. See Lighting Site Plan and Manufacturer Cut Sheets for more details.

The proposed Ranch will operate as a private facility with private training, and no public events or shows will be permitted. Hours of operation will mimic those of Stonegate Park – from 6am to 8pm or 9pm, depending on the time of year. Delivery and removal vehicles will only be permitted on the Site between 6am and 5pm.

Ample parking will be provided onsite for vehicles and horse trailers. Fire access will be provided around the perimeter of the Site as indicated on the site plan.

The conceptual landscape plan shows extensive re-landscaping along all street frontages and along the east property line to provide privacy to the Ranch and to buffer and minimize any impacts on neighbors. The landscape palette includes a mix of native species and arid adept species that are all low water use. Irrigation proposed for the Site will consist of a low volume drop irrigation system that is fully automated.

Architectural Theme

The applicable Scottsdale Sensitive Design Principles have guided site and building design. A traditional ranch/horse farm theme has been selected for the architectural design of the facilities enhancing the equestrian design character of the area. In developing the vacant lot, the Flynn family is committed to developing a high-quality equestrian Site that will be viewed as an asset in the neighborhood. Notably, their current private residence and ancillary horse facilities are kept in pristine condition. The traditional architectural theme will be expressed with a contemporary flavor and detailing, with materials and colors to blend with the desert environment. The landscaping will include primarily desert vegetation with low water use shade trees and shading elements responsive to desert conditions. In addition to desert sensitive landscaping, an attractive, two-tone CMU split-faced block wall with desert tones will be provided. A combination of block and open steel rail fence will be used in carefully considered locations to maintain views of the natural desert landscape. The traditional “horse farm” architecture of the Celebrity Equine Center will be accentuated with sophisticated contemporary detailing creating a quality Ranch facility.

Conditional Use Permit Criteria

As required pursuant to Zoning Ordinance Section 1.401, the Ranch CUP as described above will not be materially detrimental to the public health, safety or welfare because there will be no damage or nuisance arising from noise, smoke, odor, dust, vibration or elimination and no unusual volume of character of traffic introduced into the neighborhood. As described above, the applicant is committed to taking great care to ensure that the arena does not generate dust.

The proposed conditional use is compatible with the equestrian use in the surrounding area, and all specific conditions for a Ranch CUP in Section 1.403.O are being satisfied. The CUP is for a Ranch under the Ordinance and thus the proposed use is not a commercial stable and will not be open to the general public.

O. Ranch

1. *The minimum property shall be five (5) acres gross.*

The CUP site is 5 gross acres.

2. *Structures or facilities used for the stabling, storing, showing or training of animals and for temporary manure storage shall be set back a minimum of fifty (50) feet from any single-family residential property other than those zoned Single-family Residential R1-190 and Single-family Residential R1-130. Dwelling units, accessory structures incidental to dwelling units, and irrigated pasturage may occur within the fifty-foot setback area subject to the setback requirements of the applicable zoning district.*

The fifty (50) foot setback from single-family residential property is maintained.

3. *The front yard shall be that of the applicable zoning district or forty (40) feet, whichever is greater.*

The R1-43 district requires a forty (40) foot setback. The front yard along 120th Street will be maintained with no structures. Only steel rail corral fencing will be placed in the front yard setback with open space areas including an arena and turn out.

4. *There shall be no shows or other activities which would generate more traffic than is normal to a residential area unless the proposed site has direct access from a major street as set forth in the Transportation Master Plan and the Design Standards & Policies Manual. Permission for such shows may be obtained from City Council. Notification shall be provided in a letter that explains the nature and duration of the activity, accommodations for spectators, traffic impacts and additional parking for vehicles. This letter shall be submitted to the City Clerk at least one (1) month prior to the date of the show or activity.*

No such activities are proposed.

5. *All pasture and animal storage shall be enclosed with fences or walls of a minimum of four (4) feet six (6) inches in height. The design of these enclosures shall be shown on drawings submitted with the use permit application.*

The required fencing is provided.

- 6. The property shall provide a specific plan which includes the physical containment and location for manure storage and/or a disposal program which minimizes odor and fly impacts on adjacent parcels. The spreading and tilling of the manure into the soil of paddock, pasture, or arena areas may be considered manure disposal.*

A specific plan is provided. Manure containment is placed along the south side of the site, fifty (50) feet north of the property line and adjacent R1-7 district.

- 7. The property owner shall provide a specific program for fly control in barn and stable areas which minimizes the attraction to and successful breeding of flies.*

A specific plan is provided.

- 8. All laws applicable to the public health must be complied with for the entire period of operation of the ranch.*

Acknowledged.

- 9. All activity and pasture areas shall be grassed, sprinklered, or treated with regularly tilled high organic soil mix for dust suppression.*

No pasture areas are proposed with this facility.

- 10. Upon revocation of the use permit or abandonment of the ranch operation any accessory residential structure shall be removed.*

Acknowledged.

Conclusion

The proposed CUP meets all Ordinance criteria and will allow residential and equestrian uses in a manner that upholds the General Plan and neighborhood character and will be operated in a manner that is compatible with the neighborhood. The Ranch and equestrian facilities will complement the equestrian character of the area and is consistent with the goals set forth in the Shea Area Plan. The Ranch CUP therefore merits approval.

Addendum

Celebrity Equine Center – Fly Control Program:

The stable areas and barns will conform to a fly control program. In addition to the use of Fly Predators, an automated fly control system will be installed in the barn and a manual fly control system will be used on the manure storage area. If the manual system proves inefficient, an automated fly control system will be installed. The operator will operate the pen's fly control system at least twice a day or at a frequency to adequately control flies.

The stable areas and barn will apply the following fly control program: an automatic insect control system with scientifically designed nozzles will be installed and placed overhead throughout the barn, connected by nylon tubing. The system will include an accurate timer that operates the system by opening all nozzles simultaneously and fills the barn with a fine mist of Environmental Protection Agency ("EPA") approved insecticide for a set amount of time on a set schedule. This will provide a uniform and consistent means of controlling insects including adult insects, prohibits reinfestation and provides extended out of barn protection through its repellent action. The insecticide will be EPA registered, will not cause irritation to animals or humans, are made of natural, biodegradable pyrethrin, are water-based so there is no oily build-up, and will kill mature insects as well as prevent laying of their eggs. Additionally, manure piles will be removed every 2-3 days. The fly control systems will kill and repel the following: stable flies, horse flies, deer flies, face flies, house flies, horn flies, bott flies, mosquitoes, fleas, ticks, spiders, gnats and stink bugs.

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 or 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 violation 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 or 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

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ www.ScottsdaleAZ.gov

**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:

9588 N 120th Street Scottsdale AZ 85259

(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.

Kevin Flynn

Signature of Property Owner

03/08/2020

Date

Affidavit of Authority to Act as the Property Owner



1. This affidavit concerns the following parcel of land:

- a. Street Address: 9588 N 120th ST
- b. County Tax Assessor's Parcel Number: _____
- c. General Location: 120th ST SOUTH of Mountain View
- d. Parcel Size: 5 acres
- e. Legal Description: R 143

(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)	Date	Signature
<u>KEVIN FLYNN</u>	<u>4/29</u> , 20 <u>19</u>	<u>[Signature]</u>
_____	_____, 20__	_____
_____	_____, 20__	_____
_____	_____, 20__	_____

Planning and Development Services

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

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 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 checked="" 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)	Other
<input type="checkbox"/> Development Agreement (DA)	Wireless Communication Facilities	<input type="checkbox"/> Annexation/De-annexation (AN)
Exceptions to the Zoning Ordinance	<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)	Signs	<input type="checkbox"/> Abandonment (AB)
<input type="checkbox"/> Variance/Accommodation/Appeal (BA)	<input type="checkbox"/> Master Sign Program (MS)	Other Application Type Not Listed
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Community Sign District (MS)	<input type="checkbox"/> Other: _____

Project Name: Flynn Family Farm

Property's Address: 9588 N. 120th Street

Property's Current Zoning District Designation: R1.43 APN: 217-33-038A

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: <u>Kevin Flynn</u>	Agent/Applicant: <u>Wendy Riddell / Michele Hammond</u>
Company: <u>Flynn Family Farm</u>	Company: <u>Berry Riddell LLC</u>
Address: <u>9634 N. 120th St AZ 85259</u>	Address: <u>6750 E. Camelback #100 St, AZ 85251</u>
Phone: <u>602-696-2063</u> Fax: _____	Phone: <u>400-385-2727</u> Fax: <u>-</u>
E-mail: <u>Kevin@flynnfamilyfarm.com</u>	E-mail: <u>mheberryriddell.com</u>
Designer: <u>Ned Sawyer</u>	Engineer: <u>Court Fetter</u>
Company: <u>Sawyer architecture</u>	Company: <u>Fetter Engineering</u>
Address: <u>13430 N. Sct Rd #104 Sct</u>	Address: <u>5345 E. McLellan Rd #100 Mesa</u>
Phone: <u>602-791-4315</u> Fax: <u>85254</u>	Phone: <u>480-220-5379</u> Fax: <u>AZ 85205</u>
E-mail: <u>Ned@sawyerarch.com</u>	E-mail: <u>CourtFetter@msn.com</u>

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 applications¹ 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.

see letter of authorization
Owner Signature

Michele Hammond
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-UP-2020

06/02/20



Current Planning Services
Long Range Planning Services

NOTICE OF INSPECTION RIGHTS
A.R.S. § 9-833

You have the right to:

- Have the City staff member present a photo ID.
- Have the City staff member state the purpose for the planning inspection and legal authority to conduct it.
- Know the amount of inspection fees if applicable.
- An on-site representative may accompany the City staff member during the inspection except during confidential interviews and may:
 - Receive copies of any documents taken during the inspection.
 - Receive a split of any samples taken during the inspection.
 - Receive copies of any analysis of the samples taken when available.
- Be informed if statements are being recorded.
- Be given notice that any statements may be used in an inspection report.
- Be presented with a copy of your inspection rights.
- Be notified of the due process rights pertaining to an appeal

You are hereby notified and informed of the following:

- The inspection is conducted pursuant to the authority of A.R.S § 9-462.05. and/or Scottsdale Revised Code, Appendix B, Article I. Section 1.203.
- Any statements made by anyone interviewed during this inspection may be included in the inspection report.
- Information on appeal rights related to this inspection is found under Scottsdale Revised Code, Appendix B, Article I. Section 1.801.
- There is no inspection fee associated with this inspection.

I acknowledge I have been informed of my inspection rights. If I decline to sign this form, the inspector(s) may still proceed with the inspection.

If I have any questions, I may contact the City staff member, _____
at the following number _____.

Signature: *Kevin Flynn* Date: 4/29/19

Printed Name: KEVIN FLYNN

Check box if signature refused

Copy of Bill of Rights left at: _____

Request for Site Visits and/or Inspections

Development Application (Case Submittals)



This request concerns all property identified in the development application.

Pre-application No: 188-PA-2017

Project Name: Flynn South - House

Project Address: 9588 N 120th ST, Scottsdale AZ 85259

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.

Property owner/Property owner's agent: KEVIN FLYNN
Print Name

[Handwritten Signature]
Signature

City Use Only:	
Submittal Date: _____	Case number: _____
Planning and Development Services 7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088	