

REQUEST

The request is for a Text Amendment to the Code of Ordinances, Appendix B - Basic Zoning Ordinance, Article V. - District Regulations Sec. 5.3004. Use regulations. Specifically, to allow health and fitness studios as a permitted land use within the Downtown Core (DC) sub-district and noted as such in Table 5.3004.D., Land Uses for Each Sub-district of the Downtown District. No other text changes are proposed.

If our proposed text amendment is not granted, we ask that a conditional use permit or administrative exception be granted for our use as a fitness studio under 3,000 square feet at 7045 E 3rd Avenue.

BACKGROUND

5th & Marshall, LLC is the owner of 7045 E 3rd Avenue and has designated me, Whitney Goodwin, as the Agent/Applicant for this Text Amendment. My business partner, Jeanine Yonushonis, and I are potential tenants at 7045 E 3rd Ave and wish to open a boutique fitness studio focusing on functional movement exercise and women's health. The building is zoned as D/RS-1 DO, which places it in the Downtown/Downtown Core ("D/DC") sub-district. D/DC does not currently include health and fitness studios as a permitted use. Our Text Amendment proposal is to amend Table 5.3004.D., Land Uses for Each Sub-district of the Downtown District to include "health and fitness studio" as a permitted use in the Downtown Core sub-district.

We have discussed our proposed use with the property owner as well as the owner of the existing personal care services in the building, and we believe the addition of health and fitness will promote an engaging resident and visitor experience and enhance an active streetscape while maintaining the character of the Downtown Core sub-district. The nature of fitness, health and wellness aligns with the goals and intention of the Downtown Core Development Plan by:

- Adding to the diverse collection of vibrant mixed-use pedestrian-oriented storefronts
- Providing a unique experience for patrons that activates the streetscape

- Enhancing the health and economic vitality of Old Town Scottsdale
- Supporting a high-quality urban development pattern
- Blending with the existing character of the revitalized buildings
- Promoting reinvestment in Downtown through emerging health and fitness concepts, studios and patrons complementary to the surrounding retail and personal care businesses

BUSINESS OPERATIONS

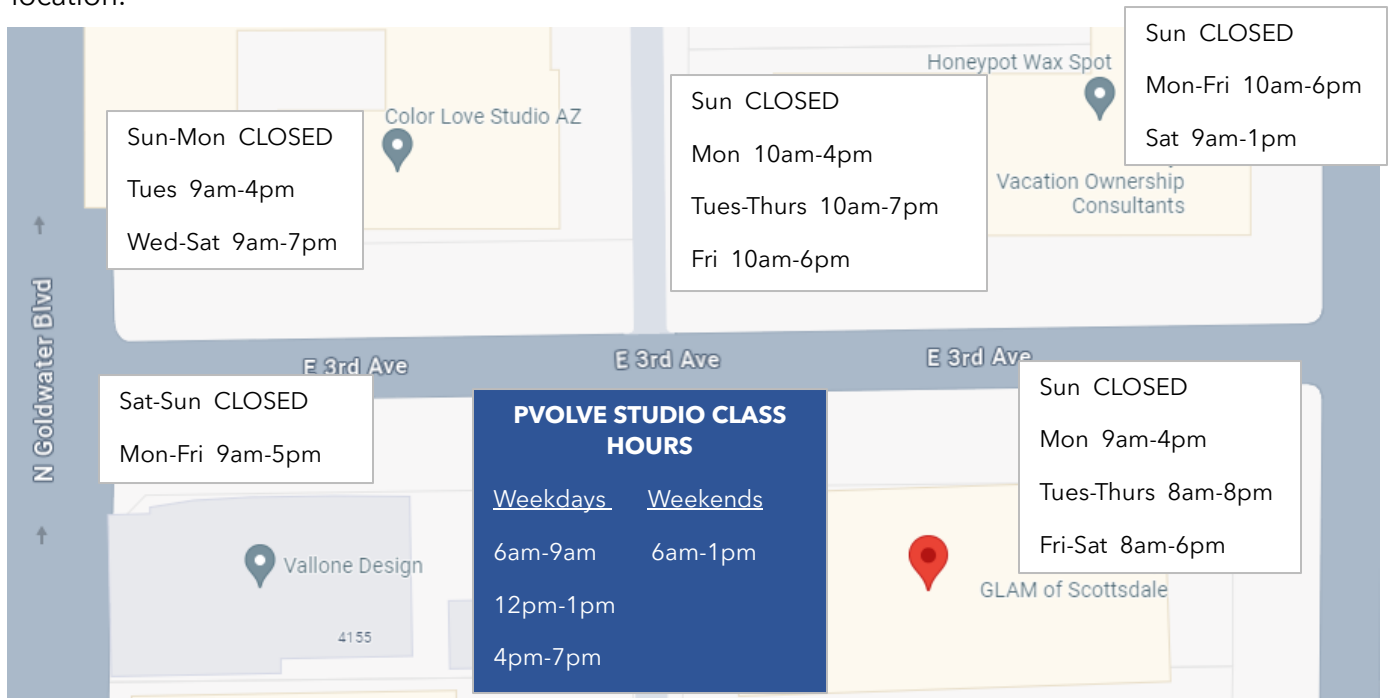
Our fitness studio, PVOLVE, would offer group classes and private sessions as well as retail sales of fitness equipment and apparel. The PVOVLE method combines specialized, patented equipment with intense low-impact movements. The magic is functional fitness, which works with the body's biomechanics and mimics everyday movement. The method uses all ranges of motion and incorporates core-engaging balance and full-body strengthening to keep the body active and less prone to injury. Our patented equipment, part of our retail component, was developed with PVOLVE's Clinical Advisory Board and tested in clinical studies. Our trainers demonstrate and educate class participants on the benefits of our equipment and the purpose behind each movement.

Group classes would be offered daily, primarily in the early morning and early evening hours; weekday morning classes from 6:00 AM to 9:00 AM and evening classes from 4:00 PM to 7:00 PM. Midday classes will also be offered on weekdays from 12:00 PM to 1:00 PM. Weekend classes would also begin at 6:00 AM but conclude at 1:00 PM. While we will be open for business in between classes for private training and retail sales, we expect minimal traffic and patrons. We will have two to three employees present during all business hours.

The building occupancy at 7045 E 3rd Avenue is 1 person for every 50 square feet (Commercial B Occupancy). Our proposed studio space is 2,550 gross square feet with a maximum occupancy of 51 persons. However, we expect less than half of that occupancy during our peak hours as our group classes will only allow for a maximum of 21 participants and 1 instructor per class. The reception and retail area will have 1-2 employees at any given time, which brings our expected maximum occupancy to 24 persons (47% of the allowed occupancy).

We understand the Downtown Core area can become congested at certain times of the day, and we will encourage our patrons to use alternate means of transportation such as biking, walking or the Downtown Trolley. We’ve provided additional detail on alternative means of transportation in the Parking Requirements supporting documentation included with our application package.

In addition to our parking analysis, parking demand survey, walkability and alternative transportation analysis included with our application package, we have also researched the surrounding businesses hours of operation to determine peaks traffic hours surrounding our location:



As we share the on-site parking with the existing personal care business, we wanted to make sure the business hours in common were manageable with parking. We determined that our class hours overlap with the existing business’ hours for 5 hours a day, Tuesday through Saturday and 1 hour on Monday. There is no overlap on Sunday with the shared building business as well as the neighboring businesses as they are closed all day.

A daily breakdown of common class and neighboring business hours is included below:

Mon 1 HR (one hour midday/noon)

Tues-Thurs 5 HRS (one hour in morning, one hour at noon, three hours in evening)

Fri-Sat 4 HRS (three hours in morning, one hour in afternoon)

Sun 0 HR (surrounding businesses closed all day)

The Parking Demand Survey included in the application package reflects an average of 10 available on-street parking spaces during the time periods of peak activity noted above. The survey also noted an average of 13 on-site spaces available during peak times as well.

Based on our observations and expected occupancy in the studio, we believe there is more than sufficient parking on-site and on-street in the immediate vicinity.

DRAFT TEXT AMENDMENT

Sec. 5.3004. Use regulations.

- A. Changes to properties after December 31, 2012 shall comply with the regulations of the sub-districts shown in Table 5.3004.A.

Table 5.3004.A, Sub-districts after December 31, 2012	
Sub-district before December 31, 2012	Sub-district after December 31, 2012
Retail Specialty (RS)	Downtown Core (D/DC)
Office/Commercial (OC)	Downtown Multiple Use (D/DMU)
Office/Residential (OR)	Downtown Multiple Use (D/DMU)
Regional Commercial Office (RCO)	Downtown Regional Use (D/DRU)
Residential/Hotel (RH)	Downtown Multiple Use (D/DMU)
Medical (M)	Downtown Medical (D/DM)
Civic Center (CC)	Downtown Civic Center (D/DCC)
Residential High Density (RHD)	Downtown Multiple Use (DMU)

- B. Drive-through and drive-in services are not permitted in the Downtown Area.
- C. Temporary buildings, structures and mobile vendors are only allowed on a property as accessory to construction work on the property, and shall be promptly removed upon completion of construction work or the Zoning Administrator's request.
- D. The land uses for each of the sub-districts are shown in Table 5.3004.D.

Table 5.3004.D., Land Uses for Each Sub-district of the Downtown District					
<ul style="list-style-type: none"> • P—is a permitted use. • P(#)—is a permitted use with limitations described in the notes (P(#)) following Table 5.3004.D. • CU—is a use subject to a Conditional Use Permit. 					
Land use	Downtown Core (DC) Sub- districts	Downtown Civic Center (DCC) Sub-district	Downtown Medical (DM) Sub-district	Downtown Multiple Use (DMU) Sub-district	Downtown Regional Use (DRU) Sub-district
Adult use				CU	CU
After hours establishment				CU	CU
Ambulance service			P		
Bar	CU	CU		CU	CU
Big box					P
Civic and social organization		P		P	P

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Cultural institution	P	P	P	P	P
Day care center			P	P	
Dwelling unit	P(1)	P	P	P	P
Educational service— elementary and secondary school					CU
Educational service— other than elementary and secondary school	P		P	P	P
Financial institution	P		P	P	P
Funeral home and funeral service				CU	CU
Game center and/or pool hall				CU	CU
Health and fitness studio	P		P	P	P
Helipad			P		CU
Hospital			P	P	P
Live entertainment	CU	CU		CU	CU
Medical diagnostic laboratory			P	P	P
Multimedia production				CU	CU
Municipal use	P	P	P	P	P
Office	P	P	P	P	P
Personal care service	P	P	P	P	P
Pet care service				P(3)	P(3)
Place of worship	P			P	P
Public utility buildings, structures or appurtenances thereto for public service uses			CU	CU	CU
Residential health care facility (minimal and specialized)			P	CU	P
Restaurant	P	P	P	P	P
Retail	P	P	P	P	P
Theater	P(2)	P(2)		P(2)	P(2)
Travel accommodation		P	P	P	P
Vehicle leasing, rental, and sales				CU	CU

Veterinary service			P(3)	P(3)	P(3)
Wireless communication facility		P (4)	P (4)	P (4)	P (4)
Work/live	P	P	P	P	P

Limitations on uses:

1. A dwelling unit shall not occupy more than thirty-five (35) percent of the first floor area.
2. A theater with live entertainment is subject to a Conditional Use Permit.
3. All facilities are within a soundproof building. However, outdoor activities are permitted if:
 - a. An employee or pet owner shall accompany an animal at all times when the animal is outside the building.
 - b. The property owner/operator maintains all outdoor areas in a clean and sanitary condition, including immediate and proper disposal of animal waste.
 - c. The outdoor areas are set back at least one hundred (100) feet from any lot line abutting a residential district, or the residential portion of a Planned Community P-C, or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., measured from the property boundary to the zoning district line all within the City limits.
 - d. There is no outdoor kennel boarding.
4. Refer to Article VII.

(Ord. No. 3987, § 1(Res. No. 8948, § 1(Exh. A, § 18), 11-14-12; Ord. No. 4099, § 1(Res. No. 9439, Exh. A, §§ 4, 5), 6-18-13; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, § 114), 5-6-14; Ord. No. 4355, § 1(Res. No. 11190, § 2, Exh. A), 7-2-18)

Editor's note(s)—See editor's note for § 5.3003.