

PLANNING COMMISSION REPORT



Meeting Date: October 19, 2016
General Plan Element: *Land Use*
General Plan Goal: *Coordinate Planning to Balance Infrastructure*

ACTION

Social Tap Outdoor Dining Patio 1-AB-2016

Request to consider the following:

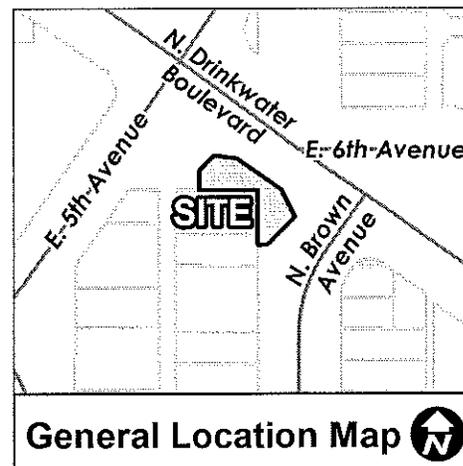
1. A recommendation to City Council regarding a request by owner to abandon +/- 5,800-square feet of Drinkwater Boulevard and Brown Avenue right-of-way, located along the boundary of 4310 N. Brown Avenue (Parcel Number 173-51-061), with Central Business, Downtown Overlay, Parking District (C-2/P-3 DO) and Parking District, Vehicle Parking, Downtown Overlay (P-2/DO) zoning designation.

Goal/Purpose of Request

This request is to abandon +/- 5,800-square feet of existing public right-of-way that is currently occupied by an outdoor patio area and patio cover. An existing license agreement with the City has allowed the patio and associated improvements to occupy the space for several years. The existing license agreement would be terminated if this request is approved. An easement for an existing gas line that runs under the existing patio will be reserved, and compensation based on the appraised value of the property will be provided.

Key Items for Consideration

- Access not impacted by this proposed abandonment
- Conformance with the Transportation Master Plan and Local Area Infrastructure Plan
- No public input received regarding the proposed abandonment
- Applicant offering \$123,362 as compensation for abandonment
- If approved, existing license agreement (\$33,595.89 annually) will be terminated



OWNER

Rivera Family Restaurant, LLC
619-227-1542

APPLICANT CONTACT

Mike Marden
602-319-5282

LOCATION

4310 N Brown Av

BACKGROUND

General Plan

The Downtown Plan Land Use Element designates the property as Downtown Multiple-Use Type 2, which supports a variety of commercial, retail and service uses including restaurants and bars.

Zoning

The adjacent property is zoned Highway Commercial District, Parking District, Downtown Overlay (C-3/P-3 DO) and Parking District, Vehicle Parking, Downtown Overlay (P-2 DO).

Context

The subject right-of-way was dedicated in 1990 as part of the N. Drinkwater Blvd. couplet. The property adjacent to the subject right-of-way is located at the intersection of N. Brown Avenue and N. Drinkwater Blvd. and has been occupied by a bar use for several years. Other uses in the area include a regional office center, other bar uses, restaurants and personal services. Please refer to context graphics attached.

License Agreement

Currently, the applicant is operating an outdoor patio for a bar use in the area affected by this abandonment request under an existing license agreement with the City (2010-051-COS). Per the terms of that agreement, the applicant is required to pay \$2,832.99 per month (\$10.89 per square foot), which equates to \$33,595.89 annually. Based on an Appraisal Report provided by the applicant's appraiser, the value of the property after encumbrances is \$123,362.00 or \$21.25 per square foot; which is what the applicant is offering the City in exchange for the +/-5,800 square feet of public right-of-way.

Related Policies, References:

- 2008 Transportation Master Plan
- License Agreement 2010-051-COS for patio encroachment into right-of-way

IMPACT ANALYSIS

Traffic/Trails

Access to the existing restaurant/bar is provided by a driveway connection to the alley along the west side of the building. The applicant has three parking spaces on their site with access off the alley. All other access to the site is via sidewalks from adjacent streets. This is a remnant area of right-of-way that became obsolete after completion of the Drinkwater Blvd. couplet; as such, the proposed abandonment does not conflict with existing or future access to the site, or to property in the vicinity of the abandonment area. There are no existing or proposed trails affected by the proposed abandonment.

Emergency/Municipal Services and Utilities

All existing emergency and municipal access will be provided to the properties surrounding the abandonment area and maintained through existing dedicated public right-of-way along N. Drinkwater Blvd., N. Brown Avenue and E. 5th Avenue. No impacts are anticipated.

Public Utilities

All public utilities have been notified of the applicant's request. With the exception of Southwest Gas, the utility companies have indicated that there are no conflicts and that they support the proposed abandonment. A public utility easement will be reserved as part of the abandonment for the existing underground gas line.

Community Involvement

Property owners within 750 feet of the site have been notified of the applicant's request and the site is posted with the required signage.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Planning Commission make a recommendation to City Council for approval to abandon the +/- 5,800-square foot right-of-way, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

1. The property owner shall reserve a public utility easement over the existing underground gas line.
2. The property owner shall pay to the city \$123,362.00 as compensation for abandonment of the right-of-way.

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

Greg Bloemberg
Senior Planner
480-312-4306
E-mail: gbloemberg@ScottsdaleAZ.gov

APPROVED BY



Greg Bloemberg, Report Author

10-7-16

Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

10/11/16

Date



Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

10/11/16

Date

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
3. Detail Aerial
4. Legals & Graphics of Abandonment Area
5. City Notification Map

Abandonment Application Narrative
Scottsdale Social Tap

Reason for Request:

Applicant requests City to abandon that portion of the Paradise Paseo and Brown Avenue Street Right of Way (see location information below) as shown on the Plat of Winfield Scott Plaza Unit Two, Lot 60, so that Applicant can purchase area for use as a patio for outdoor dining.

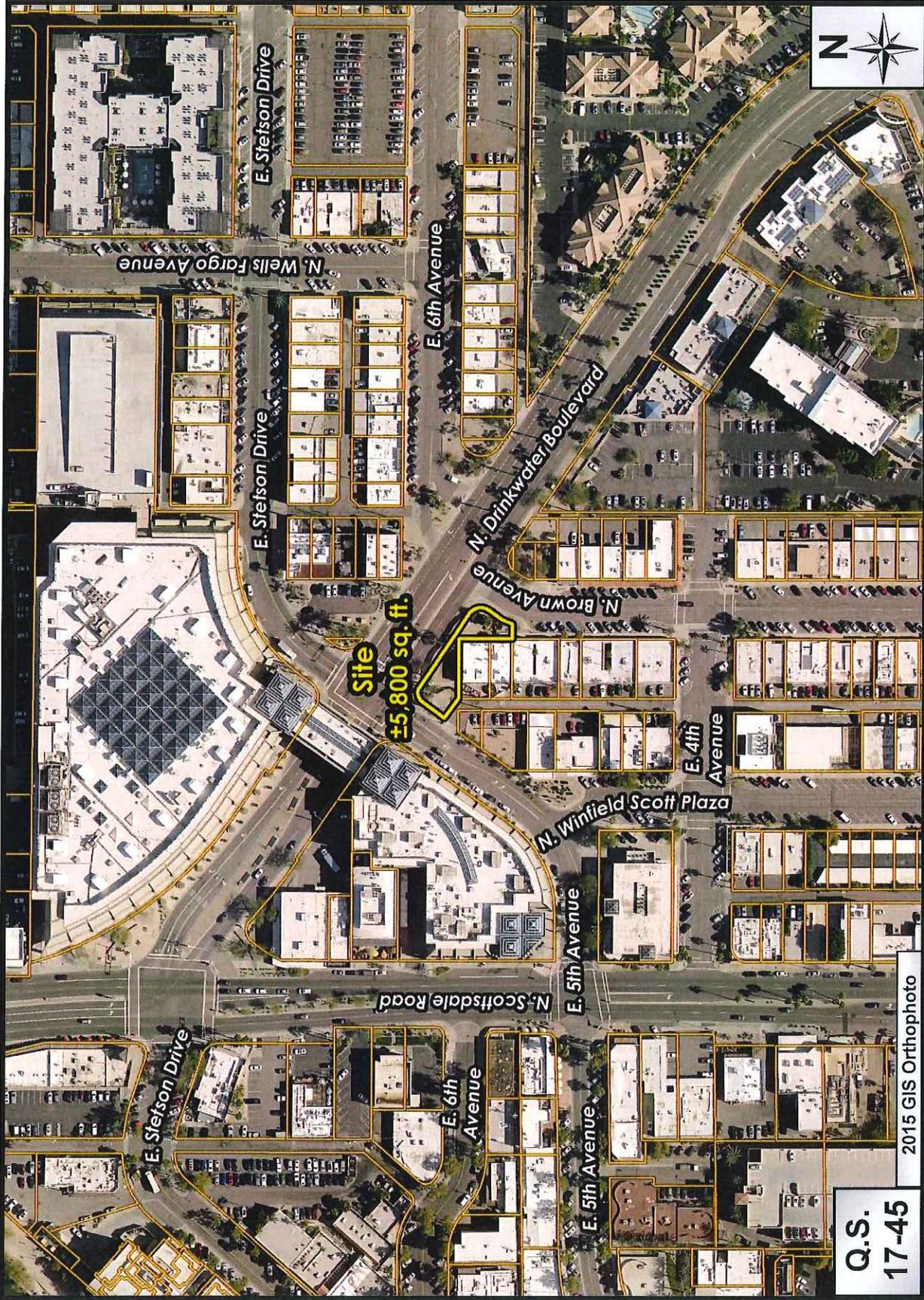
Containing 5800.5421 Square Feet or 0.1332 acres of land (more or less)

Address: 4310-4312 North Brown, Scottsdale

APN: 173-51-060 and 173-51-061

Consideration for Abandonment:

Applicant will pay City of Scottsdale appraised fair market value (estimated at \$123,262) (\$85.00/s.f. x 0.25 x 5,800.542 s.f.)

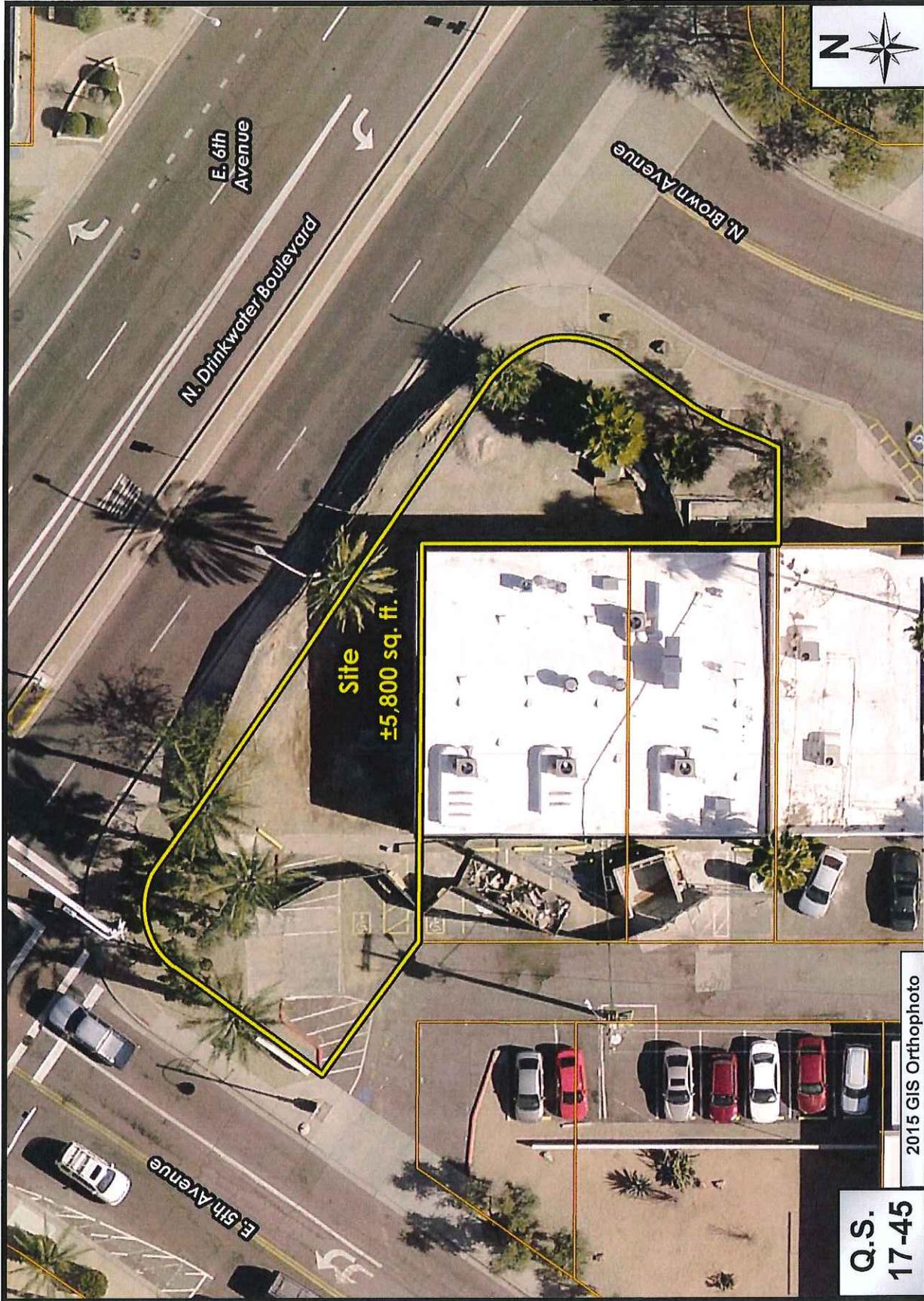


1-AB-2016

Social Tap Outdoor Dining Patio

Q.S.
17-45

2015 GIS Orthophoto



1-AB-2016

**Site
±5,800 sq. ft.**

2015 GIS Orthophoto

**Q.S.
17-45**

Social Tap Outdoor Dining Patio

LEGAL DESCRIPTION
FOR
RIGHT OF WAY ABANDONMENT

PARCEL ONE

THAT PORTION OF THE PARADISE PASEO AND BROWN AVENUE STREET RIGHT OF WAYS AS DEPICTED ON THE PLAT OF WINFIELD SCOTT PLAZA UNIT TWO RECORDED IN BOOK 67 OF MAPS, PAGE 41, RECORDS OF MARICOPA COUNTY, ARIZONA, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID WINFIELD SCOTT PLAZA UNIT TWO FROM WHICH THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 2 NORTH, RANGE 4 EAST BEARS SOUTH 00°05'56" WEST 1084.18 FEET;

THENCE SOUTH 89°35'26" EAST UPON THE SOUTH LINE OF SAID WINFIELD SCOTT PLAZA UNIT TWO 527.71 FEET TO THE INTERSECTION OF 5TH AVENUE AND BROWN AVENUE;

THENCE NORTH 00°07'19" EAST UPON THE CENTERLINE OF BROWN AVENUE 260.02 FEET;

THENCE NORTH 89°52'41" WEST 19.58 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 89°35'38" WEST 20.42 FEET TO THE SOUTHEAST CORNER OF LOT 61 OF WINFIELD SCOTT PLAZA UNIT TWO, ALSO BEING ON THE EAST EDGE OF AN EXISTING BUILDING;

THENCE NORTH 00°07'19" EAST UPON THE EAST EDGE OF SAID BUILDING 20.42 FEET TO THE NORTHEAST CORNER OF LOT 60 OF WINFIELD SCOTT PLAZA UNIT TWO;

THENCE NORTH 89°35'09" WEST UPON THE NORTH EDGE OF SAID BUILDING 79.96 FEET TO THE NORTHWEST CORNER OF LOT 60 OF WINFIELD SCOTT PLAZA UNIT TWO;

THENCE NORTH 55°08'49" WEST 33.49 TO A POINT BEING 33.00 FEET PERPENDICULAR TO AND EASTERLY OF THE CENTERLINE OF EAST 5TH AVE/STETSON DRIVE AS RECORDED IN BOOK 1249, PAGE 29, M.C.R.;

THENCE NORTH 34°51'11" EAST 25.54 TO THE CENTERLINE OF PARADISE PASEO AS SHOWN ON THE PLAT OF WINFIELD SCOTT PLAZA UNIT TWO RECORDED IN BOOK 67 OF MAPS, PAGE 41;

THENCE NORTH 89°35'09" EAST UPON SAID CENTERLINE 50.24 TO A POINT 50.00 FEET PERPENDICULAR AND SOUTHERLY FROM THE CENTERLINE OF DRINKWATER BOULEVARD AS RECORDED IN INSTRUMENT NO. 1989-003720 OF WHICH SAID RIGHT OF WAY IS 96.00 WIDE, 48.00 ON BOTH SIDES OF SAID CENTERLINE;

THENCE SOUTH 55°08'49" EAST AND PARELLEL TO THE CENTERLINE OF DRINKWATER BOULEVARD 91.93 FEET TO A POINT OF CURVE HAVING A RADIUS OF 20.00 FEET WHICH BEARS SOUTH 34°51'11" WEST;

THENCE SOUTHEASTERLY, UPON A TANGENT CURVE THROUGH A CENTRAL ANGLE OF 89°51'32", AN ARC OF 31.37 FEET, WITH A TANGENT OF 19.95 FEET, THE CHORD OF WHICH BEARS SOUTH 10°13'03" EAST A DISTANCE OF 28.25 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 175.00 FEET WHICH BEARS SOUTH 55°17'17" EAST AND BEING 33.00 PARELLEL AND CONCENTRIC TO THE CENTERLINE OF BROWN STREET AS SHOWN ON CITY OF SCOTTSDALE PLANS, PROJECT NUMBER 33 DR 90, SHEET 8 OF 30, INDEX NO. 20760 & SHEET 13 30, INDEX NO. 20765;

THENCE SOUTHWESTERLY, UPON A TANGENT CURVE THROUGH A CENTRAL ANGLE OF 12°00'31", AN ARC OF 36.68 FEET, WITH A TANGENT OF 18.41 FEET, THE CHORD OF WHICH BEARS SOUTH 28°42'27" WEST A DISTANCE OF 36.61 FEET TO THE POINT OF BEGINNING.

CONTAINING: 5643.5582 SQUARE FEET OR 0.1296 ACRES OF LAND, MORE OR LESS.



Stone E. Wahl
Expires: 09/30/2018

LEGAL DESCRIPTION
FOR
RIGHT OF WAY ABANDONMENT

PARCEL TWO

THAT PORTION OF THE PARADISE PASEO STREET RIGHT OF WAY AS DEPICTED ON THE PLAT OF WINFIELD SCOTT PLAZA UNIT THREE RECORDED IN BOOK 70 OF MAPS, PAGE 49, RECORDS OF MARICOPA COUNTY, ARIZONA, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF WINFIELD SCOTT PLAZA UNIT TWO RECORDED IN BOOK 67 OF MAPS, PAGE 41, RECORDS OF MARICOPA COUNTY, FROM WHICH THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 2 NORTH, RANGE 4 EAST BEARS SOUTH 00°05'56" WEST 1084.18 FEET;

THENCE SOUTH 89°35'26" EAST UPON THE SOUTH LINE OF SAID WINFIELD SCOTT PLAZA UNIT TWO 527.71 FEET TO THE INTERSECTION OF 5TH AVENUE AND BROWN AVENUE;

THENCE NORTH 00°07'19" EAST UPON THE CENTERLINE OF BROWN AVENUE 371.92 FEET TO THE INTERSECTION OF PARADISE PASEO AND BROWN AVENUE, SAID POINT BEING ON THE SOUTH LINE OF THE PLAT OF WINFIELD SCOTT PLAZA UNIT THREE RECORDED IN BOOK 70 OF MAPS, PAGE 49, RECORDS OF MARICOPA COUNTY;

THENCE NORTH 89°35'09" WEST UPON SAID SOUTH LINE AND ALSO BEING THE CENTERLINE ALIGNMENT OF PARADISE PASEO 82.69 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUEING ON SAID SOUTH LINE NORTH 89°35'09" WEST 50.24 FEET TO A POINT BEING 33.00 FEET PERPENDICULAR TO AND EASTERLY OF THE CENTERLINE OF EAST 5TH AVE/STETSON DRIVE AS RECORDED IN BOOK 1249, PAGE 29, M.C.R.;

THENCE NORTH 34°51'11" EAST AND PARELLEL TO THE CENTERLINE OF EAST 5TH AVE/STETSON DRIVE 8.41 FEET TO A POINT OF CURVE HAVING A RADIUS OF 20.00 FEET WHICH BEARS SOUTH 55°08'49" EAST;

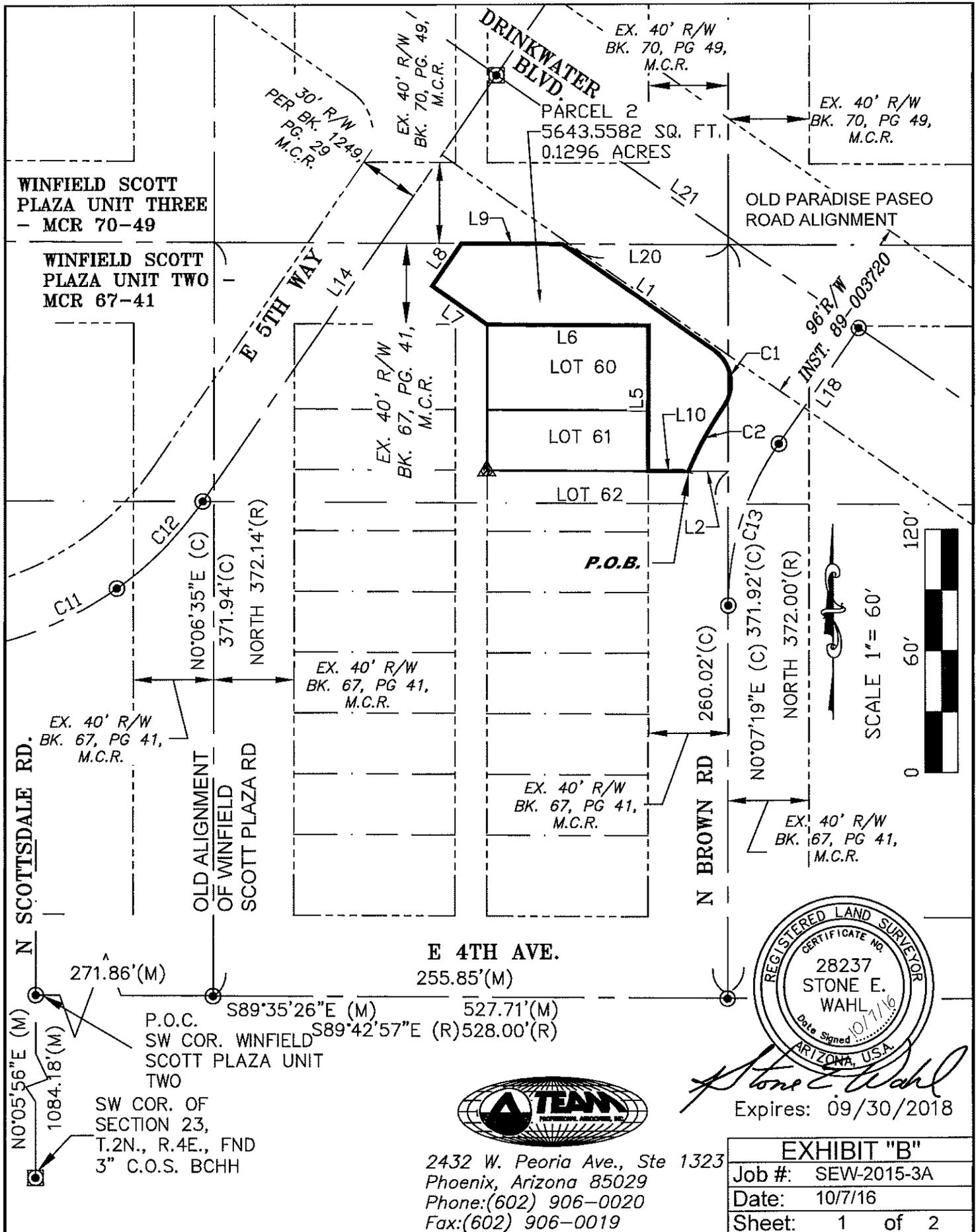
THENCE NORTHEASTERLY, UPON A TANGENT CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC OF 31.42 FEET, WITH A TANGENT OF 20.00 FEET, THE CHORD OF WHICH BEARS NORTH 79°51'11" EAST A DISTANCE OF 28.28 FEET TO A POINT 50.00 FEET PERPENDICULAR TO AND SOUTHERLY FROM THE CENTERLINE OF DRINKWATER BOULEVARD AS RECORDED IN INSTRUMENT NO. 1989-003720 OF

WHICH SAID RIGHT OF WAY IS 96.00 WIDE, 48.00 ON BOTH SIDES OF SAID CENTERLINE;

THENCE SOUTH 55°08'49" EAST AND PARELLEL TO THE CENTERLINE OF DRINKWATER BOULEVARD 21.43 FEET TO A POINT ON THE **POINT OF BEGINNING**;

CONTAINING: 502.7588 SQUARE FEET OR 0.0115 ACRES OF LAND, MORE OR LESS.





WINFIELD SCOTT
PLAZA UNIT THREE
- MCR 70-49

WINFIELD SCOTT
PLAZA UNIT TWO
MCR 67-41

PARCEL 2
5643.5582 SQ. FT.
0.1296 ACRES

OLD PARADISE PASEO
ROAD ALIGNMENT

P.O.B.



Stone E. Wahl
Expires: 09/30/2018



2432 W. Peoria Ave., Ste 1323
Phoenix, Arizona 85029
Phone: (602) 906-0020
Fax: (602) 906-0019

EXHIBIT "B"	
Job #:	SEW-2015-3A
Date:	10/7/16
Sheet:	1 of 2



Line Table		
LINE	DIRECTION	LENGTH
L18	S34° 51' 52"W	69.49'
L2	S89° 52' 41"E	19.58'
L10	N89° 35' 38"W	20.42'
L5	N0° 07' 19"E	72.00'
L6	N89° 35' 09"W	79.96'
L7	N55° 08' 49"W	33.49'
L8	N34° 51' 11"E	25.54'
L9	S89° 35' 09"E	50.24'
L1	S55° 08' 49"E	91.93'
L14	N34° 51' 11"E	256.03'
L21	S55° 08' 49"E	219.38'
L20	N89° 35' 09"W	82.69'

<i>SYMBOL LEGEND</i>	
	BRASS CAP FLUSH
	BRASS CAP IN HANDHOLE
	FOUND PK NAIL TAGGED LS21081

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD DIR	CHORD DISTANCE
C13	86.10'	142.00'	34°44'33"	44.42'	S17°29'36"W	84.79'
C1	31.37'	20.00'	89°51'32"	19.95'	S10°13'03"E	28.25'
C2	36.68'	175.00'	12°00'31"	18.41'	S28°42'27"W	36.61'
C12	50.84'	175.00'	16°38'39"	25.60'	N43°10'31"E	50.66'
C11	88.56'	175.00'	28°59'45"	45.25'	N65°59'43"E	87.62'



Expires: 09/30/2018



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Line Table		
LINE	DIRECTION	LENGTH
L18	S34° 51' 52"W	69.49'
L14	N34° 51' 11"E	256.03'
L10	N89° 35' 09"W	50.24'
L11	N34° 51' 11"E	8.41'
L13	S55° 08' 49"E	21.43'
L20	N89° 35' 09"W	82.69'

SYMBOL LEGEND	
	BRASS CAP FLUSH
	BRASS CAP IN HANDHOLE
	FOUND PK NAIL TAGGED LS21081

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD DIR	CHORD DISTANCE
C13	86.10'	142.00'	34°44'33"	44.42'	S17°29'36"W	84.79'
C12	50.84'	175.00'	16°38'39"	25.60'	N43°10'31"E	50.66'
C11	88.56'	175.00'	28°59'45"	45.25'	N65°59'43"E	87.62'
C10	31.42'	20.00'	90°00'00"	20.00'	N79°51'11"E	28.28'



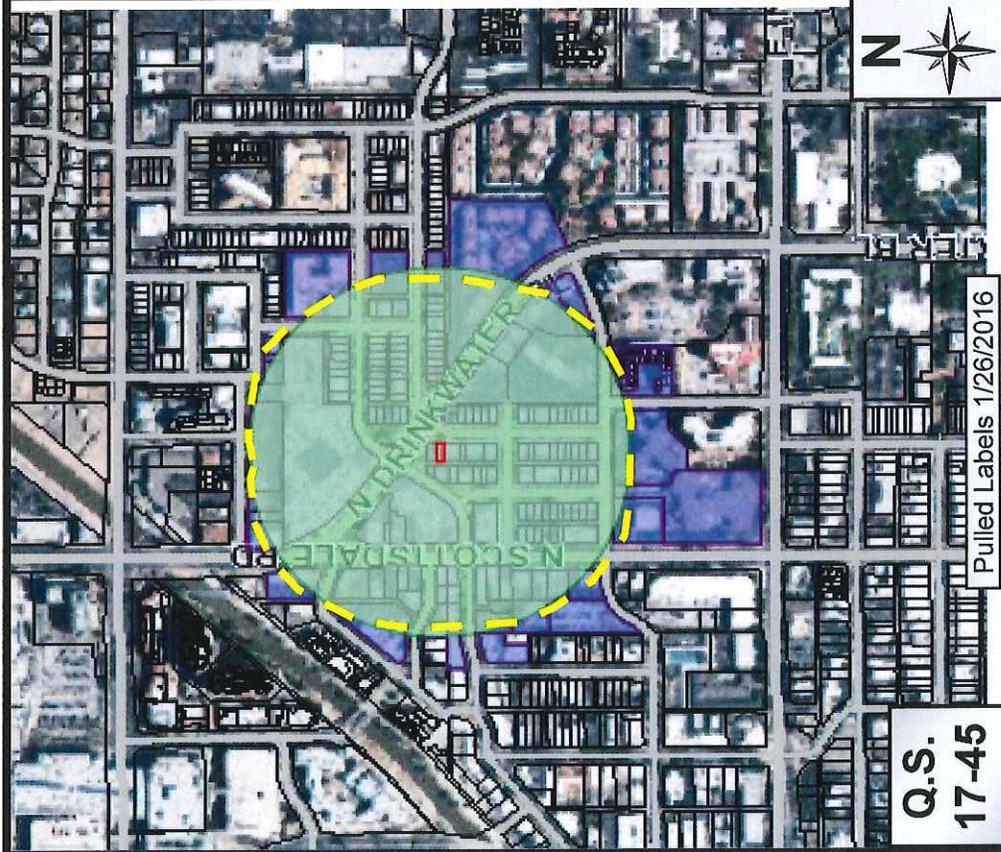
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City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750-feet

134 Postcards

Additional Notifications:

- Interested Parties List
- Adjacent HOA's
- P&Z E-Newsletter
- Facebook
- Twitter
- City Website-Projects in the hearing process

**Q.S.
17-45**

Pulled Labels 1/26/2016

Social Tap Outdoor Dining Patio

1-AB-2016