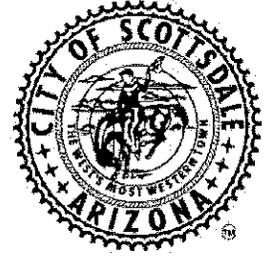


PLANNING COMMISSION REPORT



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

ACTION

Perlstein Abandonment 9-AB-2016

Request to consider the following:

1. A recommendation to City Council regarding a request by owner to abandon 25-foot Roadway Easement along the northern boundary of a property located at 8845 E. Sierra Pinta Drive (Parcel Number 217-12-019), with Single-family Residential, Environmentally Sensitive Lands (R1-35 ESL) zoning.

Key Items for Consideration

- Access to the property is not impacted or changed by the proposed abandonment
- The proposed abandonment conforms with the Transportation Master Plan- which does not require any further right-of-way dedications along E. Sierra Pinta Dr.
- Six of twelve lots along E. Sierra Pinta Dr. have abandoned the same Roadway Easement
- All Utility Companies were notified of the request, and a Public Utility Easement will be reserved
- Public input and questions were received, but with no issue on the proposed abandonment area

OWNER

Edward Perlstein
480-682-3916

APPLICANT CONTACT

Ashley Porter
480-682-3916

LOCATION

8845 E Sierra Pinta Drive



BACKGROUND & EXISTING CONDITIONS

Scottsdale General Plan 2001 and Character Area Plan

The General Plan Land Use Element currently designates the property as Rural Neighborhoods as a part of the Future Character Area Plan. These categories include relatively low-density and larger lot development, including horse privilege neighborhoods and areas with sensitive and unique natural environments.

Zoning

The site is zoned Single-family Residential, Environmentally Sensitive Lands (R1-35 ESL).

The subject property, Lot 10, was created in 1958 through the Pima Acres Final Plat in Maricopa County. The City of Scottsdale annexed the property in 1963 under Ordinance No. 169 and the City of Scottsdale R1-35 zoning was applied. The Environmentally Sensitive Lands Overlay took effect in 1991.

Context and Adjacent Uses

The subject property is located near the southeast corner N. Pima Road and E. Sierra Pinta Drive. The site is generally surrounded by suburban single-family developments and condominium complexes (see context graphics).

The subject 25-foot Roadway Easement was dedicated along the northern boundary of the property in 1958 by the Pima Acres Final Plat. Currently, it is mostly unimproved besides driveway entrances to the residence.

Related Policies, References:

2008 Scottsdale Transportation Master Plan
21-AB-2004 (Lots 2, 4, 8, & 9)
33-AB-2000 (Lots 3 & 5)

APPLICANTS PROPOSAL

This request is to abandon the existing 25-foot Roadway Easement located along E. Sierra Pinta Drive consistent with the City's roadway requirement for Local Residential Street Classifications.

The proposed abandonment would bring the existing residence into conformance with the front yard setback and previously dedicated Natural Area Open Space Easement.

IMPACT ANALYSIS

Traffic/Trails

Access to the subject property is provided along E. Sierra Pinta Drive, which is classified as a Local Residential Street by the Transportation Master Plan. The minimum required street width for Local Residential Streets is a total of forty (40) feet. A forty (40) foot fee simple right-of-way dedication was completed in 1958 through the final plat for the Pima Acres subdivision.

The Pima Acres Final Plat also dedicated an additional 25-foot Roadway Easement along the northern lots abutting E. Sierra Pinta Drive (see attachment #4). It has been determined that the Roadway Easement is not needed as the existing right-of-way dedicated along E. Sierra Pinta Drive fulfills the requirements. Six other properties along E. Sierra Pinta Drive have been approved to abandon the same easement.

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 E. Sierra Pinta Drive. No impacts are anticipated.

Public Utilities

The public utilities have been notified of the applicant’s request. Arizona Public Service and Southwest Gas have requested a reservation of a Public Utility Easement over the abandonment area. Century Link has requested a private easement dedication by the applicant.

Natural Area Open Space

Upon single family development in 2004, the required Natural Area Open Space Easement (NAOS) was dedicated on the property. A portion of the NAOS was dedicated along the street frontage. With the proposed abandonment of the Roadway Easement, there will no longer be conflicts between the two easement rights.

Community Involvement

The applicant notified all property owners within 750 feet of the proposed abandonment. The site was also posted notifying interested parties of the request and the city sent postcards to property owners surrounding the site in notice of the request. City staff has received questions regarding the effect of the abandonment case and future construction on the parcel.

Community Impact

The proposed abandonment does not restrict access to adjacent properties and helps to eliminate excess roadway. The applicant will provide \$3,500 as compensation to the City of Scottsdale.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Planning Commission make a recommendation to City Council for approval to abandon the 25-foot Roadway Easement along the northern boundary of a property located at 8845 E. Sierra Pinta Drive (Parcel Number 217-12-019), with Single-family Residential, Environmentally Sensitive Lands (R1-35 ESL) zoning, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

1. The property owner reserves a Public Utility Easement over the abandonment area to the satisfaction of APS and Southwest Gas. Graphic exhibit to be updated accordingly.
2. The property owner pays \$3,500 to the City as compensation for the abandonment of right-of-way.

RESPONSIBLE DEPARTMENTS

Planning and Development Services
Current Planning Services & Transportation Department

STAFF CONTACT

Katie Posler
Associate Assistant
480-312-2703
E-mail: kposler@ScottsdaleAZ.gov

APPROVED BY



Katie Posler, Associate Planner, Report Author

10/6/16

Date



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

10/6/2016

Date



Kandy 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. Pima Acres Final Plat
5. Legal Description and Graphic Abandonment Area
6. City Notification Map

8845 East Sierra Pinta Drive Abandonment

Project Narrative

548-PA-16

Prepared for:

Edward Perlstein

Prepared by:

Ashley Porter, Planning Assistant
Berry Riddell, LLC
6750 East Camelback Road, Suite 100
Scottsdale, Arizona 85251

9-AB-2016

08/01/16

ATTACHMENT #1

I. Abandonment Request

The request is for abandonment of a roadway easement dedicated with the Pima Acres plat is 1958 that falls along the property located at 8845 East Sierra Pinta Drive (the "Property"). The request is to abandon 25 feet of roadway easement on East Sierra Pinta Drive along the northern boundary of the subject lot. It has long been determined by City Staff that the roadway easement is not needed and that the 40 foot existing half street is adequate right-of-way for Sierra Pinta Drive. This abandonment request is similar to other requests that have been approved along Sierra Pinta (2005/203304 and 2001/243336). The house on the subject property, as with other homes along Sierra Pinta, is currently constructed at the required front setback of 40 feet measured from the 40 foot right-of-way line, not the 25 foot roadway easement line. As such, the home is legal non-conforming and any future improvements that impact the front yard (i.e. future garage structure) require the abandonment of the roadway easement. APS has requested that a 25 foot public utility easement (PUE) be retained as in a similar abandonment case to the east (2005/203304).



II. Consideration for Abandonment

The City's policy for right-of-way compensation is 50 cents per square foot for fee title right-of-way abandonments. Therefore, the written offer of compensation for the $(280 \times 25) = 7,000$ s.f. is \$3,500 to be paid to the City of Scottsdale. The Property owner will provide direct compensation to the City of Scottsdale for the land area to be abandoned.

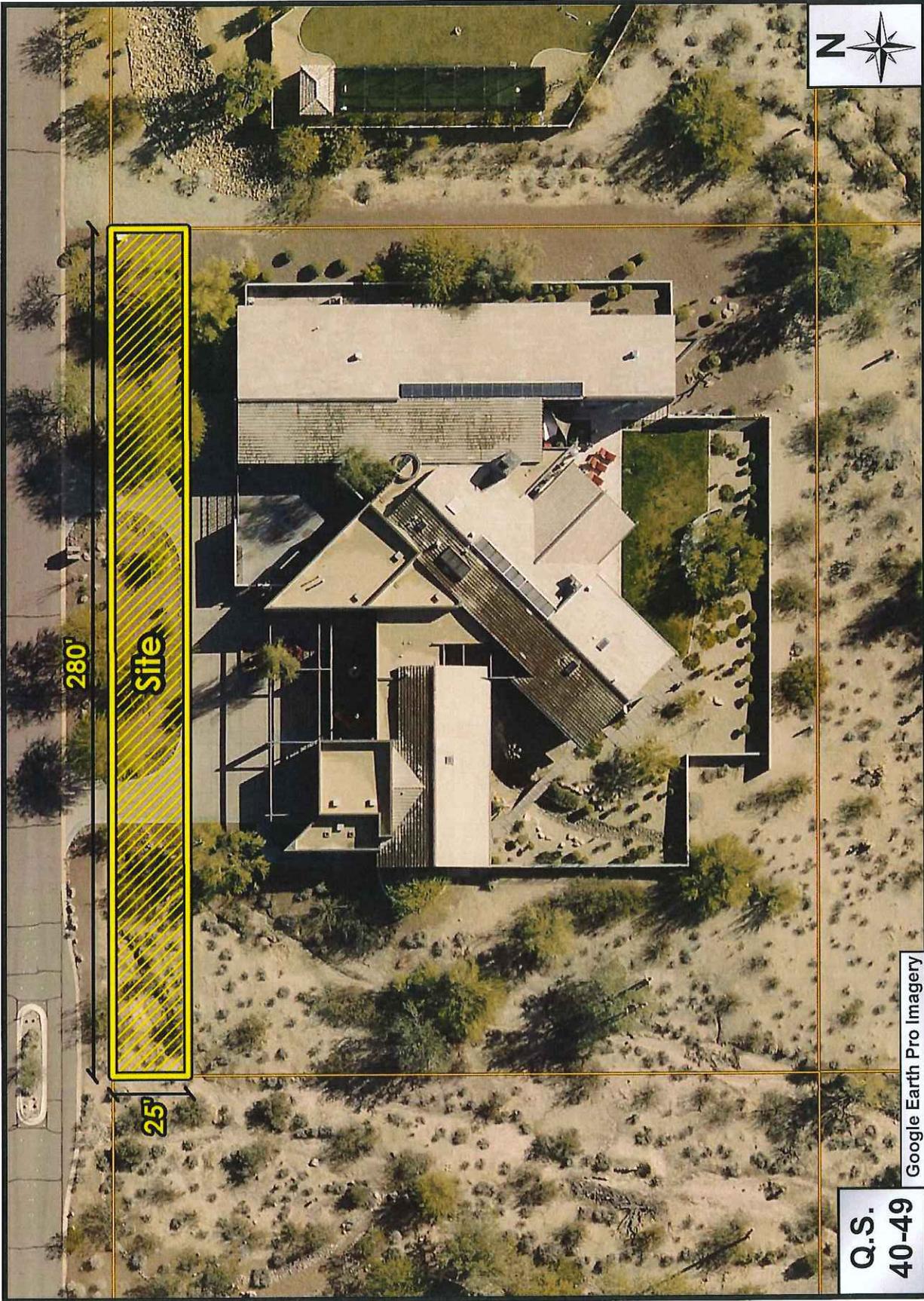


Google Earth Pro Imagery

**Q.S.
40-49**

9-AB-2016

Perlstein Abandonment



9-AB-2016

280'

Site

25'

Google Earth Pro Imagery

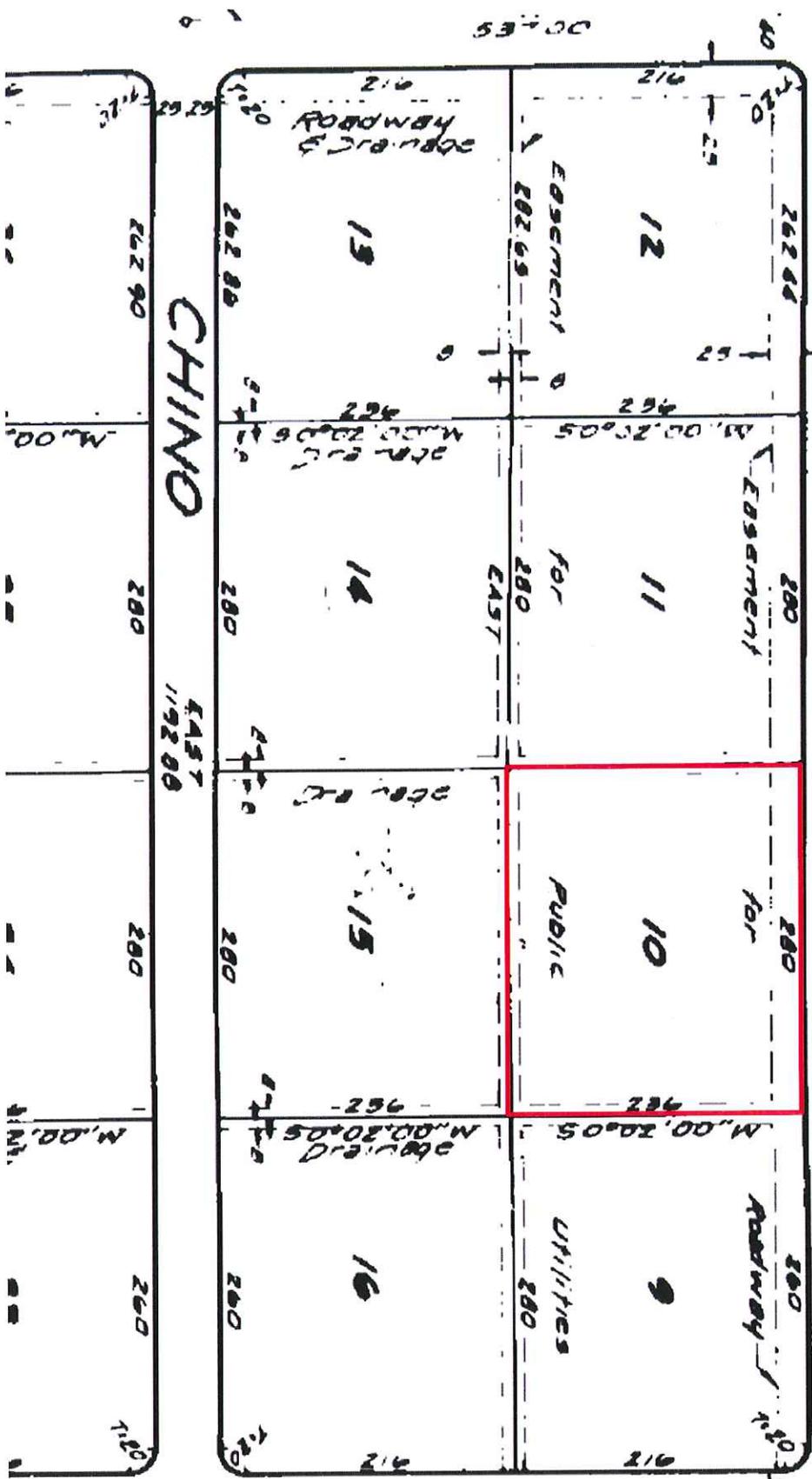
**Q.S.
40-49**

Perlstein Abandonment

NW COR. THIS SUBDIVISION &
 NW COR. SECTION 30, T.4N.,
 R.5E., SET 1/2" IRON PIPE

SIERRA PINITA

U N S U B D I V



537.00

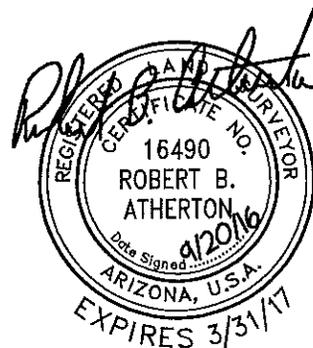
CHINO

50°32'00" W
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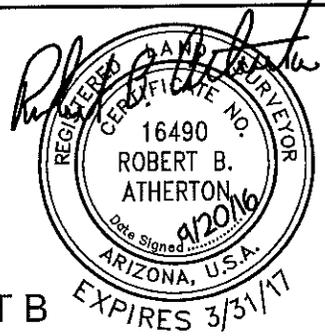
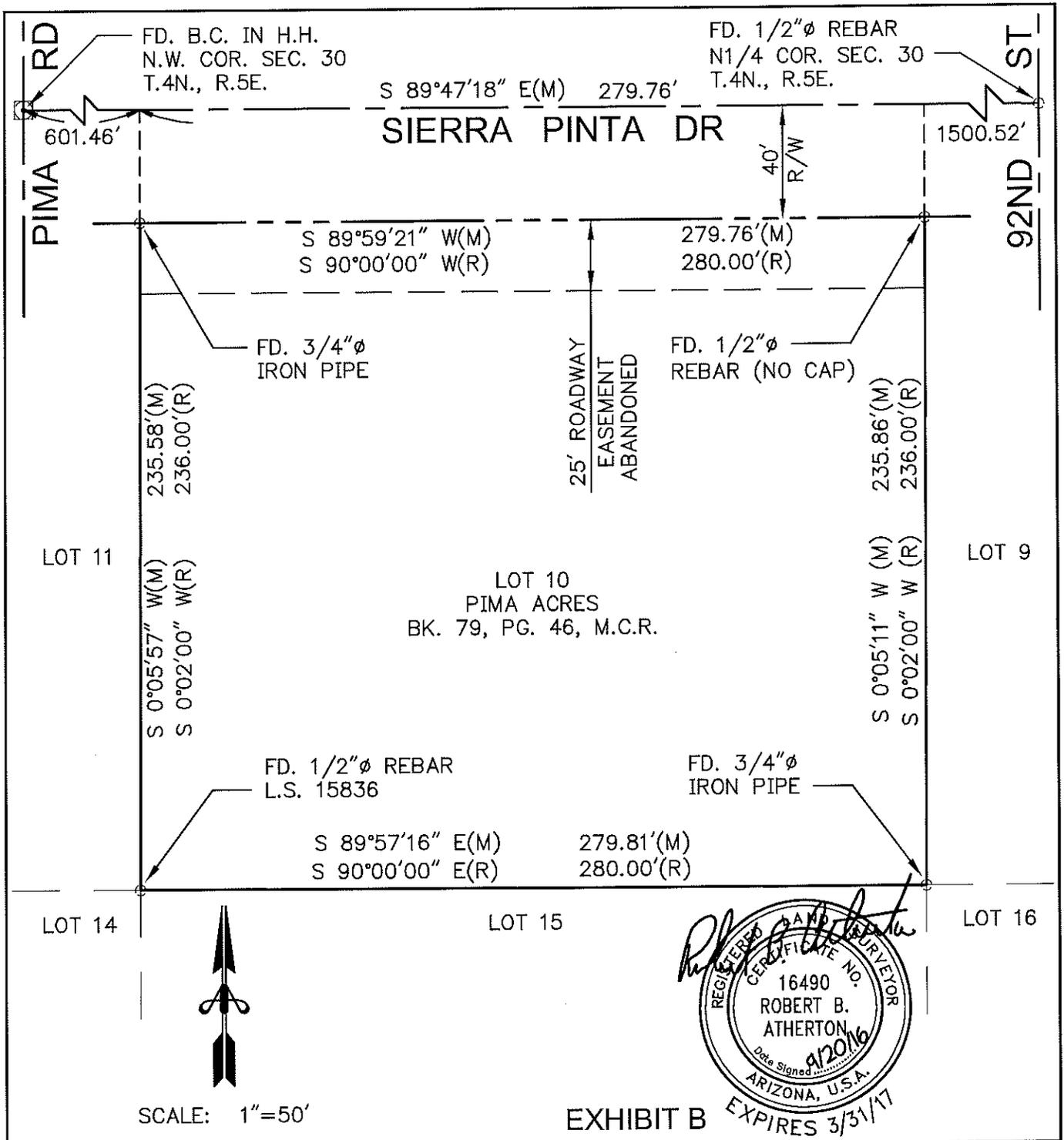
**EXHIBIT A
LEGAL DESCRIPTION
25' WIDE ROADWAY EASEMENT
ABANDONMENT**

A STRIP OF LAND 25 FEET IN WIDTH LOCATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 25 FEET OF LOT 10, PIMA ACRES, A SUBDIVISION RECORDED IN BOOK 79, PAGE 46, MARICOPA COUNTY RECORDER.

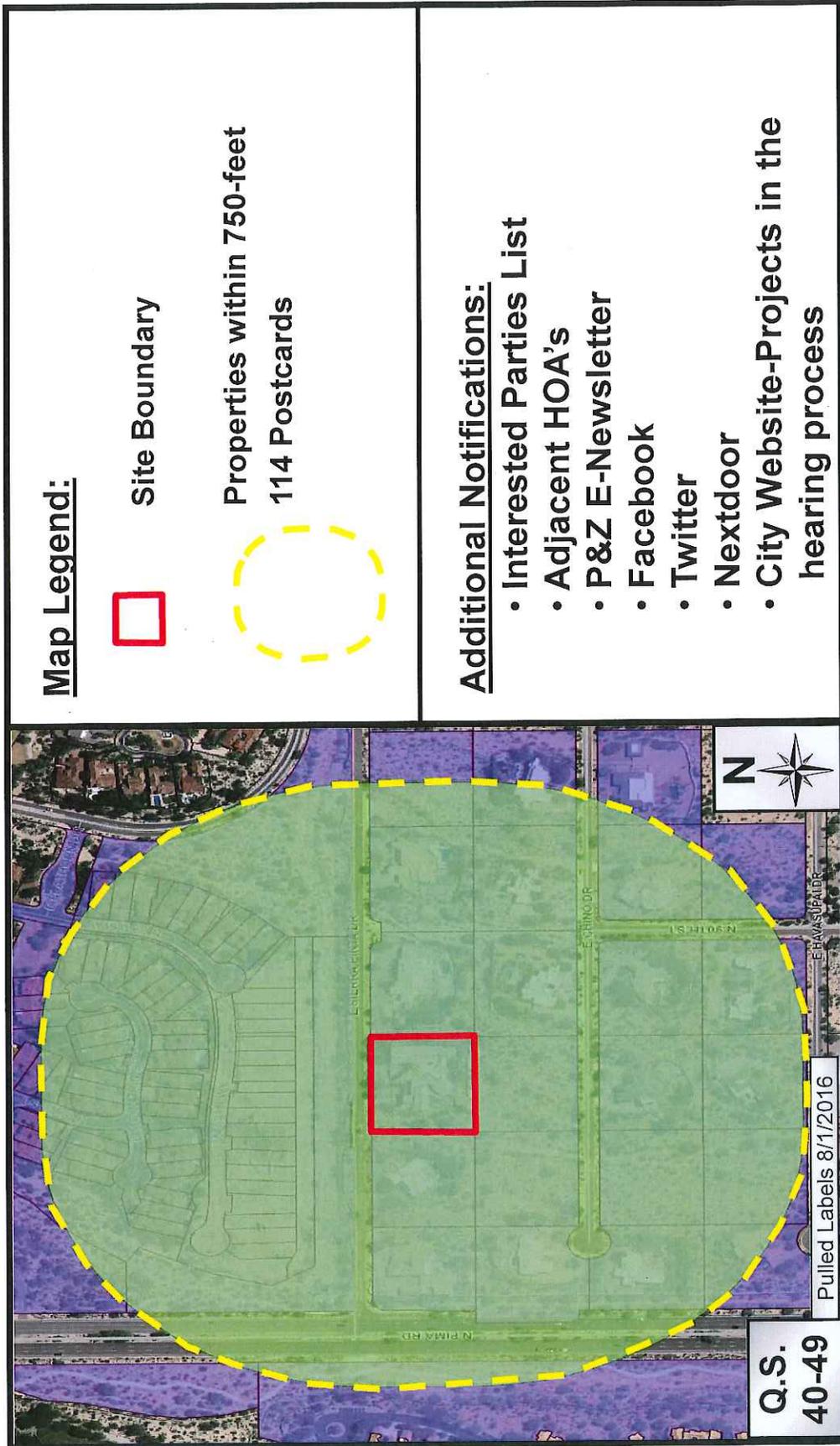


 ATHERTON ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS 1203 E. MEADOWBROOK AVE., PHOENIX, AZ 85014-4028 (602) 279-7331 * FAX (602) 230-1908	25 FOOT ROADWAY EASEMENT ABANDONMENT	DESIGNED BY: RBA
	DR. EDWARD PERLSTEIN 8845 SIERRA PINTA DRIVE SCOTTSDALE, ARIZONA 85255	SCALE: N/A DATE: 9-20-16 JOB NO. 02-15 SHEET No. EX1 SHEET <u>1</u> OF <u>2</u>



 ATHERTON ENGINEERING, INC. CIVIL ENGINEERS AND LAND SURVEYORS 1203 E. MEADOWBROOK AVE., PHOENIX, AZ 85014-4028 (602) 279-7331 * FAX (602) 230-1908	25 FOOT ROADWAY EASEMENT ABANDONMENT	DESIGNED BY: RBA
	DR. EDWARD PERLSTEIN 8845 SIERRA PINTA DRIVE SCOTTSDALE, ARIZONA 85255	SCALE: 1"=50' DATE: 9-20-16 JOB NO. 02-15 SHEET No.
		EX1 SHEET <u>2</u> OF <u>2</u>

City Notifications – Mailing List Selection Map



9-AB-2016

ATTACHMENT #

Perlstein Abandonment