

**Marked Agendas
Approved Minutes
Approved Reports**

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Resolution No. 10285 (9-AB-2015)

Planning Commission Hearing 12/09/2015

City Council Hearing 1/11/2016

9-AB-2015

Minnezona and 73rd Abandonment

Approved Minutes can be found at:
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Resolution No. 10285 (9-AB-2015)

Planning Commission Hearing 12/09/2015

City Council Hearing 1/11/2016

9-AB-2015

Minnezona and 73rd Abandonment

PLANNING COMMISSION REPORT



Meeting Date: December 9, 2015
General Plan Element: *Land Use*
General Plan Goal: *Coordinate Planning to Balance Infrastructure*

ACTION

Minnezona and 73rd Abandonment 9-AB-2015

Request to consider the following:

1. A recommendation to City Council regarding a request by owner to abandon approximately 176 square feet of right-of-way along N. 73rd Street and approximately 86 square feet of right-of-way at the intersection of E. Minnezona Avenue and N. 73rd Street, both adjacent to a parcel located at 7301 E. Minnezona Avenue with Multiple-family Residential, Downtown Overlay (R-5 DO) zoning.

Key Items for Consideration

- Access not impacted by this proposed abandonment
- Conformance with the Transportation Master Plan
- No public input received regarding the proposed abandonment

OWNER

Old Town Townhomes, LLC

APPLICANT CONTACT

Ed Gorman
Modus Development, LLC
602-421-2221

LOCATION

Adjacent to 7301 E. Minnezona Avenue



BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Mixed-Use Neighborhoods. This category includes areas with strong access to multiple modes of transportation and major regional access and services, and has a focus on human scale development.

Downtown Character Area Plan

The Downtown Character Area Plan Future Land Use map designates this site as Downtown Multiple Use – Type 2. The Downtown Multiple Use – Type 2 designation encourages a mix of uses and activities through the development of mutually supportive land uses.

Zoning

The site is zoned Multiple-family Residential, Downtown Overlay (R-5 DO). The R-5 DO zoning district provides for development of multiple-family residential within the Downtown and allows a high density of population with a proportional increase in amenities as the density rises.

History, Context

One portion of the abandonment request, the subject right-of-way at the southeast corner of E. Minnezona Avenue and N. 73rd Street, was dedicated as part of the subdivision plat for Daryl Estates Unit Two (MCR Book 61 Page 48). Through the process of a prior abandonment adjacent to the site (8-AB-2007), a portion of N. 73rd Street was abandoned adjacent to the site. This abandonment left a small, triangle-shaped piece of remnant right-of-way at the southeast corner of E. Minnezona Avenue and N. 73rd Street. The proposed abandonment of this 86 square foot area will clean-up this non-usable portion of right-of-way and incorporate the area into the adjacent multi-family residential project.

During the process of construction of the new multi-family residential development on the adjacent parcel, it was discovered that a portion of the building encroached upon city-owned right-of-way (retained in the form of a public street and utility easement in Resolution No. 7671; 8-AB-2007) along N. 73rd Street. The second portion of the abandonment request is to abandon a 176 square foot portion of that public street and utility easement so that it may be incorporated into the adjacent multi-family residential development to resolve the conflict.

The subject property is located at the southeast corner of E. Minnezona Avenue and N. 73rd Street. The site is surrounded by a mix of uses including office, multi-family residential and hotel uses. Please refer to context graphics attached.

Related Policies, References

2008 Scottsdale Transportation Master Plan

Downtown Character Area Plan

8-AB-2007 – abandonment of 73rd Street adjacent to site (Resolution No. 7671)

103-DR-2010 – companion development review case for the adjacent site

APPLICANTS PROPOSAL

Goal/Purpose of Request

This request is to abandon approximately 176 square feet of right-of-way along N. 73rd Street and approximately 86 square feet of right-of-way at the intersection of E. Minnezona Avenue and N. 73rd Street, both adjacent to a parcel located at 7301 E. Minnezona, consistent with city's Transportation Master Plan. The proposed abandonments will clean-up excess right-of-way at the intersection of Minnezona and 73rd Street and resolve a conflict between the newly-constructed townhomes on the adjacent site and the western property line of that development.

IMPACT ANALYSIS

Traffic/Trails

Access to the new adjacent multi-family development is provided by an existing alley located south of the development and by E. Minnezona Avenue on the northern side of the development. The abandonment of a portion of the public street and utility easement directly west of the multi-family development does not conflict with existing or future access to the site or to property in the vicinity of the proposed abandonment. There are no existing or proposed trails affected by the abandonment areas.

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. Minnezona Avenue and N. 73rd Street. No impacts are anticipated.

Public utilities

The public utilities have been notified of the applicant's request. The utility companies have indicated that there are no conflicts with the proposed abandonments and support the abandonments. Public utility easements will be retained over the area of the abandonments.

Community Involvement

The applicant noticed all property owners within 750 feet of the proposed abandonments and held an open house regarding the proposed abandonments on October 21, 2015. 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. The applicant indicated favorable response regarding the proposed abandonments and city staff did not receive any citizen input regarding the request.

Community Impact

The proposed abandonments do not restrict or remove access to any properties along E. Minnezona Avenue or N. 73rd Street and provisions for public utilities will be provided. The proposed abandonments clean-up excess right-of-way adjacent to the site and eliminate conflicts with buildings constructed near the western property line of the new multi-family development.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Planning Commission make a recommendation to City Council for approval to abandon approximately 176 square feet of right-of-way along N. 73rd Street and approximately 86 square feet of right-of-way at the intersection of E. Minnezona Avenue and N. 73rd Street, both adjacent to a parcel located at 7301 E. Minnezona Avenue, finding that the proposal is consistent and conforms with the adopted General Plan, subject to the following:

1. The property owner dedicate public utility easements covering the area of the proposed abandonments.
2. The property owner record a formal plat for the new multi-family development that includes the areas of abandonment and the new multi-family development.
3. The property owner pay to the city the combined total amount of \$1,343.03 as compensation to the city for the abandonment right-of-way.

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

Brad Carr, AICP, LEED-AP

Senior Planner

480-312-7713

E-mail: bcarr@ScottsdaleAZ.gov

APPROVED BY



Brad Carr, AICP, LEED-AP, Report Author

12.1.2015


Date



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

12/3/2015

Date

 FOR

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

12/3/2015

Date

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
3. Detail Aerial
4. Dimensioned Aerial
5. Legal Descriptions and Graphics for Abandonment Areas
6. City Notification Map

APPLICATION NARRATIVE

Reason for Request

In 2010, the City of Scottsdale (the "**City**") abandoned its ownership of that portion of 73rd Street (the "**73rd Street Abandonment Parcel**") lying north of Camelback Road and south of Minnezona Avenue, pursuant to Abandonment Resolution No. 7671 recorded on January 26, 2010, at Recording No. 2010-074413, records of Maricopa County, Arizona, and re-recorded on February 19, 2010, at Recording No. 2010-0108517, records of Maricopa County, Arizona (the "**Resolution**"). The 73rd Street Abandonment Parcel consisted of numerous street and alley right of way parcels, each of which was separately identified and described in the Resolution.

The Resolution and other related documents were executed and recorded in connection with the expected development of the property lying immediately west of the 73rd Street Abandonment Parcel (the "**Scottsdale Canal Property**"). The development of the Scottsdale Canal Property contemplated the relocation of that portion of 73rd Street to another location within the Scottsdale Canal Property (the "**Relocated 73rd Street**"). In order to preserve the use of the existing 73rd Street Abandonment Parcel until such time as the Relocated 73rd Street was constructed by the owner of the Scottsdale Canal Property, the City reserved a public street and utility easement over certain of the tracts comprising the 73rd Street Abandonment Parcel (the "**Street Easement**"). The Street Easement will expire when the conditions specified in the Resolution are satisfied, including the construction and acceptance by the City of the Relocated 73rd Street. As of this date, the development of the Scottsdale Canal Property has not yet commenced, and as a result, the 73rd Street Abandonment Parcel remains subject to the Street Easement.

Old Town Townhomes, LLC, an Arizona limited liability company ("**Applicant**") is the owner of the parcel (the "**MZ Property**") lying immediately east of the 73rd Street Abandonment Parcel. Applicant has constructed a townhome-style residential condominium complex (the "**Improvements**") consisting of eight (8) condominium units on the MZ Property. Some of the Improvements were constructed within the portion of the 73rd Street Abandonment Parcel described in the Resolution as the "**North Buckboard Parcel**", and, as a result thereof, are an encroachment on the North Buckboard Parcel (the "**Encroachment Parcel**").

All necessary and required building permits for the Improvements were issued to Applicant by the City. At the time of issuance of the building permits, both Applicant and the City believed that Applicant was the owner of the North Buckboard Parcel. Subsequent to completion of construction of the Improvements, the City and Applicant became aware that title to the North Buckboard Parcel may not, in fact, have vested in Applicant as a result of the Resolution. In addition, the owner of the Scottsdale Canal Property asserted

ownership rights to the North Buckboard Parcel. In order to resolve any dispute as to ownership of the North Buckboard Parcel, Applicant acquired any and all rights of the owner of the Scottsdale Canal Property to the North Buckboard Parcel, subject to the Street Easement reserved by the City in the Resolution.

As a result of the foregoing, Ownership of the North Buckboard Parcel is no longer in dispute and Applicant is the owner of the North Buckboard Parcel. Since certain of the Improvements were constructed within the North Buckboard Parcel, however, such Improvements are considered encroachments in violation of the Street Easement. Consequently, Applicant may not be able to obtain its final certificate of occupancy for the Improvements and sell the condominium units constructed on the MZ Property until such time as the City abandons the Encroachment Parcel from the Street Easement. If the abandonment is not obtained, the Improvements will remain unsuitable for occupancy and the MZ Property will remain vacant, neither of which is in the best interests of the City and Applicant. Further, failure to grant the abandonment will penalize Applicant for a problem resulting from an inadvertent misunderstanding on the part of both the City and Applicant. Lastly, if never occupied, sooner or later the MZ Property will become an eyesore to the community.

In addition, to seeking abandonment of the Encroachment Parcel, at the suggestion of City staff Applicant is also seeking the abandonment of a small triangular parcel of real property adjacent to the MZ Property but currently owned by the City (the "**Corner Parcel**"). It is logical that ownership of the Corner Parcel be vested in Applicant because of its proximity to the MZ Property and the fact that it is of a size (only 85.9 square feet) and configuration of no use to the City. In fact, it is Applicant's understanding that the City intended to abandon the Corner Parcel with the 73rd Street Abandonment Parcel and that the description of the Corner Parcel was inadvertently omitted from the description of the 73rd Street Abandonment Parcel set forth in the Resolution. It is logical for ownership of the Corner Parcel to be transferred to Applicant as Applicant is the only landowner with property abutting the Corner Parcel.

Applicant acquired all rights of the Scottsdale Canal Property owner to the North Buckboard Parcel and is seeking the foregoing described abandonments in order to solve the encroachment issues resulting from the construction of the Improvements within the North Buckboard Parcel due to the inadvertent misunderstanding on the part of both the City and Applicant as to the ownership of the North Buckboard Parcel at the time of issuance of the building permit for the Improvements, and in order to finalize its condominium plat for the MZ Property and obtain a certificate of occupancy for the Improvements. In consideration of the City granting Applicant's request with respect to the abandonment of the Encroachment Parcel from the Street Easement Applicant is willing to take on the burden of ownership of the Corner Parcel, a parcel otherwise useless to the City. In light of the foregoing, Applicant urges the City to

consider and grant the requested abandonments of the Encroachment Parcel from the Street Easement, and the Corner Parcel.

Consideration for Abandonment

As more fully set forth above, Applicant is seeking abandonment by the City of its rights to the Encroachment Parcel and the Corner Parcel, respectively.

The Encroachment Parcel is a parcel now owned by Applicant, but subject to the Street Easement reserved by the City in connection with the 2010 abandonment (the "**2010 Abandonment**") by the City of the 73rd Street Abandonment Parcel, which is a portion of 73rd Street lying north of Camelback Road. The Encroachment Parcel consists of 175.9 square feet. No street improvements lie within the Encroachment Parcel. Applicant has landscaped the Encroachment Parcel and is seeking abandonment by the City of the Street Easement reserved by the City over the Encroachment Parcel.

The Corner Parcel is a triangular parcel now owned by the City that is adjacent to Applicant's residential development project. The Corner Parcel was inadvertently not abandoned by the City in connection with the 2010 Abandonment and is of no use to the City. The Triangle Parcel consists of 85.9 square foot. The City has requested that Applicant obtain ownership of the Triangle Parcel in connection with the processing of Applicant's plat for the MZ Property as a "cleanup" matter. Accordingly, Applicant is seeking abandonment by the City of the City's fee ownership of the Corner Parcel.

The City requires compensation for relinquishing ownership rights to any right of way so as not to violate the "gift clause" of the City Charter or the Arizona Constitution, which prohibits the conveyance of any City property to a private individual without receiving adequate compensation.

The City's abandonment application package does not set forth a formula for determining what constitutes adequate compensation for the abandonment by the City of right of way or other property. Based on the research and information obtained by Applicant, Applicant has determined that adequate compensation in the case of residential property is typically \$0.20 to \$0.50 per square foot. Although Applicant paid a price of \$72.00 per square foot for the MZ Parcel in 2013, more recently, the development parcel lying immediately west of 73rd Street last sold for a price of \$51.26 per square foot. In addition, where a parcel is subject to restrictions as in the case of the Encroachment Parcel, or not useable as in the case of the Corner Parcel, governmental agencies such as the Maricopa County Assessor's Office would typically value such a parcel at only a percentage of its per square foot value (e.g. the Maricopa County Assessor values right of way at 10% of market value).

The Encroachment Parcel and the Corner Parcel together contain 261.8 square feet. In light of the foregoing information, the fact that neither parcel has any value to the City, that the abandonment of the Encroachment Parcel is only an abandonment of an easement right, and that the abandonment of the Corner Parcel is being requested as an accommodation to the City, Applicant believes that the City would be adequately compensated for both parcels at the rate of 10% of the \$51.26 per square foot value paid by the party acquiring the adjacent parcel for purposes of development, or \$5.13 per square foot. Accordingly, Applicant proposes \$1,343.03 ($\5.13×261.8 square feet) as compensation for the abandonment by the City of the City's rights to both parcels.



Q.S.
18-45

2014 GIS Orthophoto

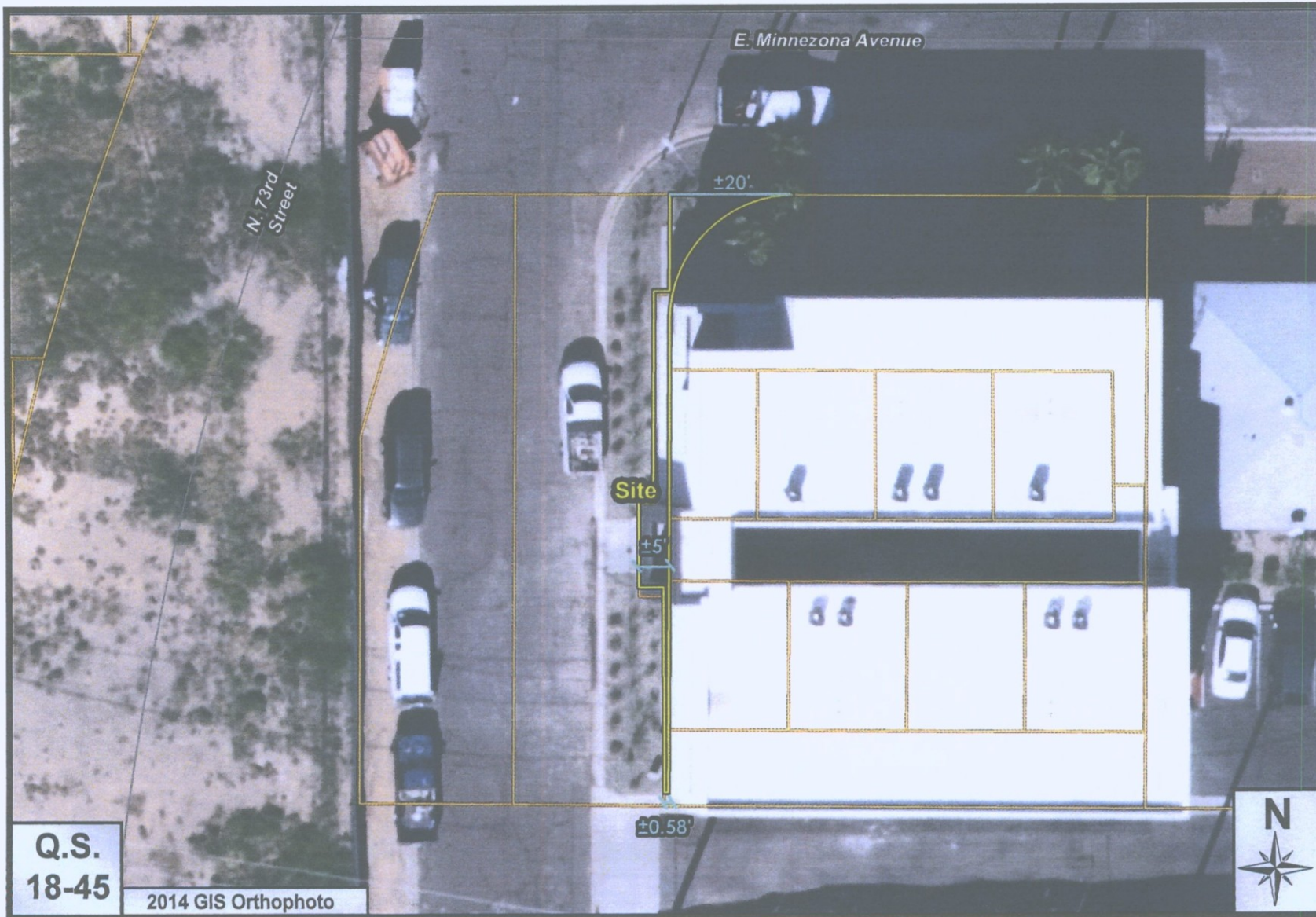
Minnezona and 73rd Abandonment

9-AB-2015



Minnezona and 73rd Abandonment

9-AB-2015



Minnezona and 73rd Abandonment

9-AB-2015

Exhibit A
Legal Description
Minnezona Avenue Parcel
Right of Way
Abandonment

A portion of Minnezona Avenue as shown on the final plat of Daryl Estates Unit Two recorded in Book 61, Page 48, Maricopa County Records (M.C.R.), lying within the northwest quarter of Section 23, Township 2 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the northeast corner of Lot 35 as shown on said final plat;

Thence along the northerly line of said Lot 35, North 89 degrees 32 minutes 04 seconds West, a distance of 56.83 feet, to the beginning of a curve having a radius of 19.96 feet, concave southeasterly and the **Point of Beginning**;

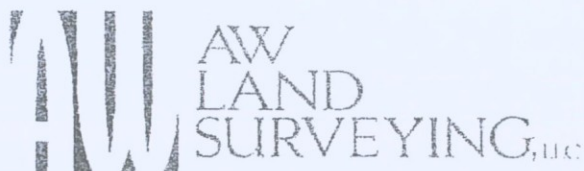
Thence leaving said northerly line, southwesterly along said curve, an arc distance of 31.39 feet, through a central angle of 90 degrees 07 minutes 00 seconds, to the west line of said Lot 35;

Thence leaving said west line, North 00 degrees 20 minutes 56 seconds East, a distance of 20.00 feet;

Thence South 89 degrees 32 minutes 04 seconds East, a distance of 20.00 feet, to the **Point of Beginning**.

Containing 85.9 Square Feet or 0.0019 Acres more or less.
Subject to easements, restrictions and rights of way of record.

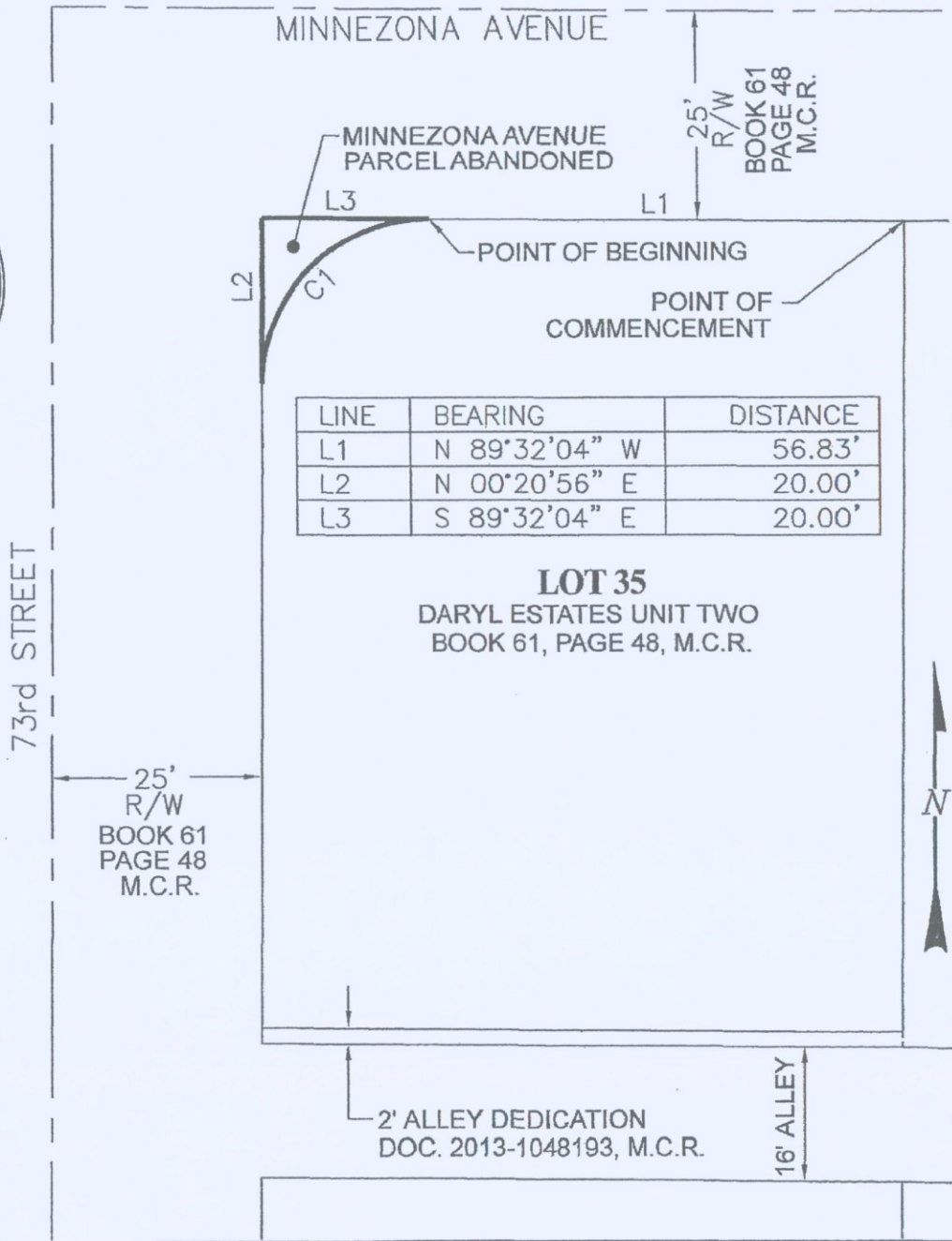
August 12, 2015
AWLS #14-012



P.O. Box 2170, Chandler, AZ 85244
Daniel D. Armijo, RLS (480) 244-7630
Brian D. Warren, LSIT (480) 243-4287



**EXHIBIT B
MINNEZONA AVENUE PARCEL
RIGHT OF WAY
ABANDONMENT**



AW LAND SURVEYING, LLC

P.O. BOX 2170, CHANDLER, AZ 85244
(480) 244-7630 (480) 243-4287

DRAWN BY: DDA CHECKED BY: DDA DATE: 08/12/15 JOB NO.: 14-012 SHEET NO. **2 OF 2**

Exhibit A
Legal Description
73rd Street Parcel
Right of Way Abandonment

A portion of 73rd Street as shown on the final plat of Daryl Estates Unit Two recorded in Book 61, Page 48, Maricopa County Records (M.C.R.), lying within the northwest quarter of Section 23, Township 2 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at a point 2 feet north of the southwest corner of Lot 35 as shown on said final plat, said point also being the northerly line of that certain 2 foot alley dedication recorded in Document No. 2013-1048193, M.C.R.;

Thence along said easterly line of said 73rd Street, North 00 degrees 20 minutes 56 seconds East, a distance of 0.07 feet, to the **Point of Beginning**;

Thence leaving said easterly line, North 89 degrees 35 minutes 38 seconds West, a distance of 0.67 feet;

Thence North 00 degrees 24 minutes 22 seconds East, a distance of 33.50 feet;

Thence North 89 degrees 35 minutes 38 seconds West, a distance of 4.17 feet;

Thence North 00 degrees 24 minutes 22 seconds East, a distance of 15.00 feet;

Thence South 89 degrees 35 minutes 38 seconds East, a distance of 2.33 feet;

Thence North 00 degrees 24 minutes 22 seconds East, a distance of 33.50 feet;

Thence South 89 degrees 35 minutes 38 seconds East, a distance of 2.43 feet, to said easterly line;

Thence South 00 degrees 20 minutes 56 seconds West, a distance of 82.00 feet, to the **Point of Beginning**.

Containing 175.9 Square Feet or 0.0040 Acres more or less.
Subject to easements, restrictions and rights of way of record.

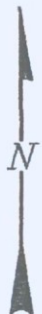
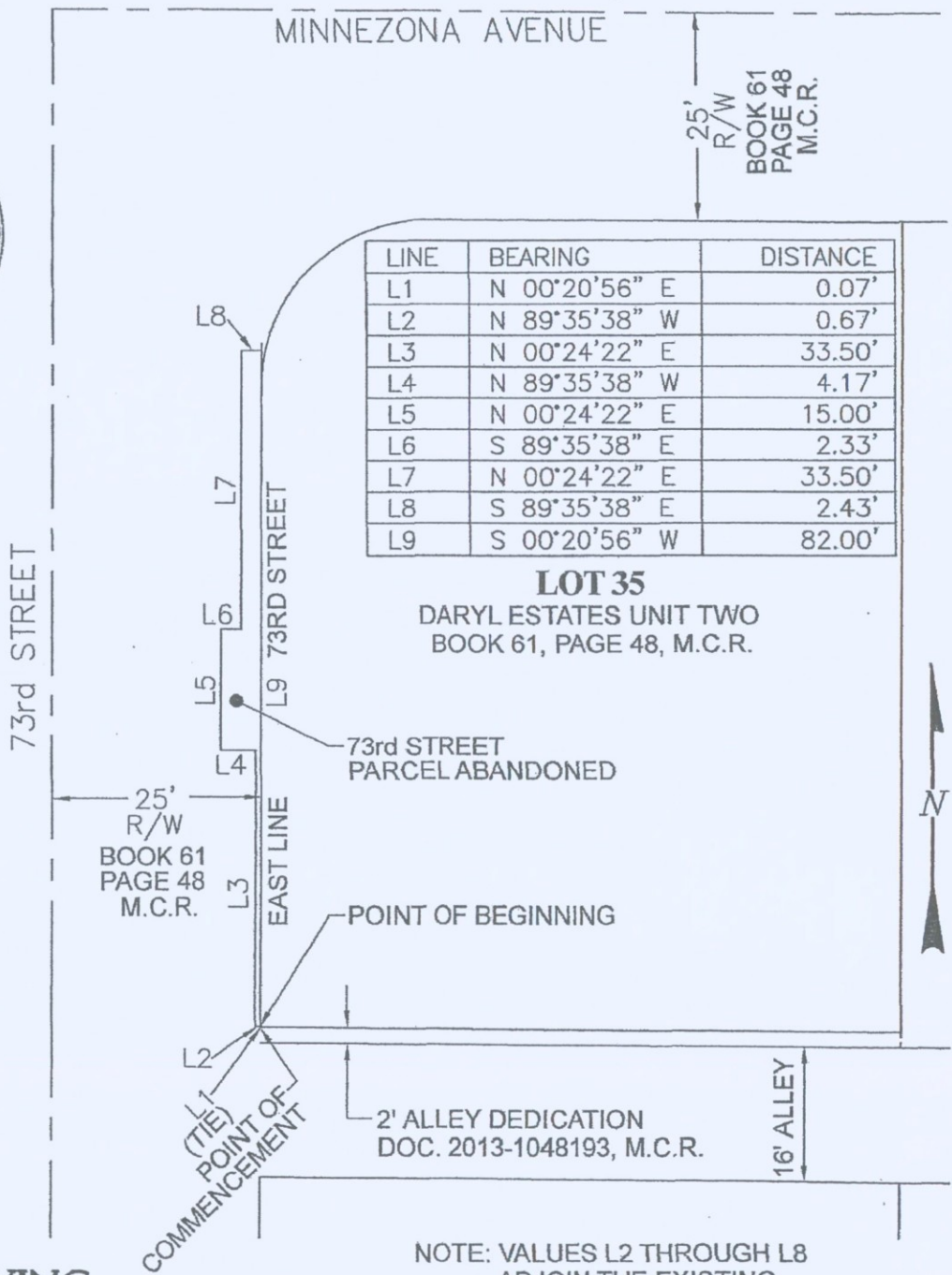
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**AW
LAND
SURVEYING, LLC**

P.O. Box 2170, Chandler, AZ 85244
Daniel D. Armijo, RLS (480) 244-7630
Brian D. Warren, LSIT (480) 243-4287



**EXHIBIT B
73RD STREET PARCEL
RIGHT OF WAY
ABANDONMENT**

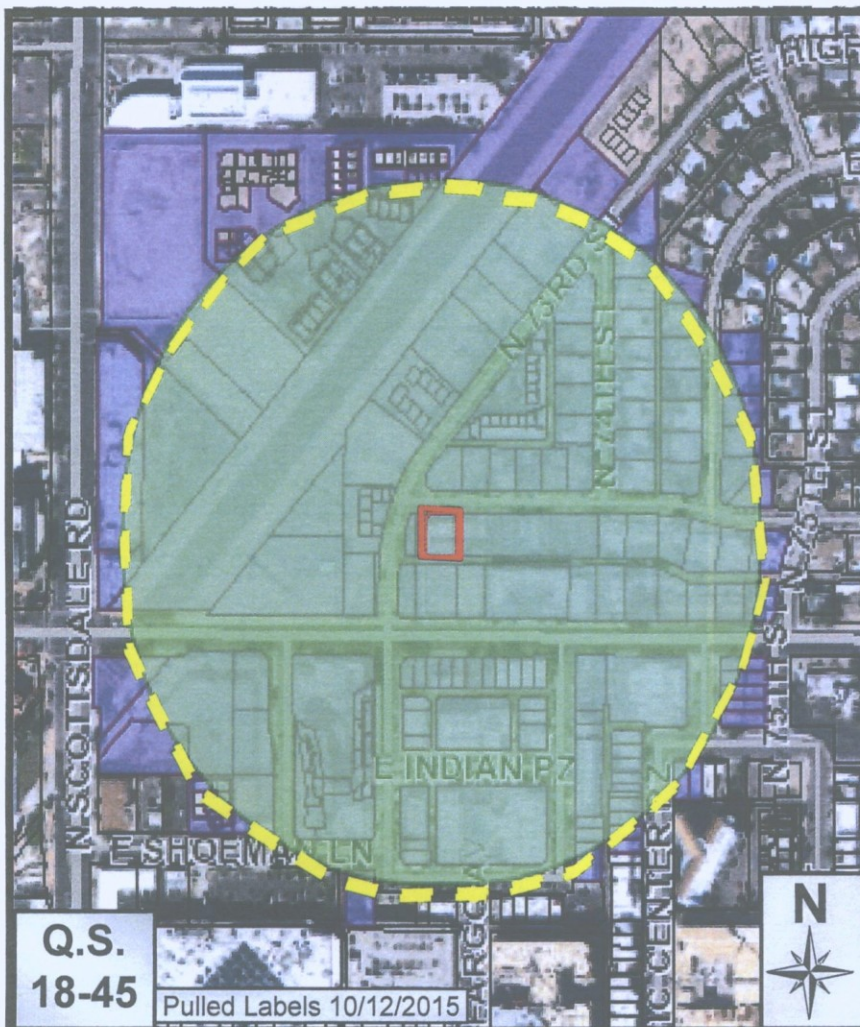


NOTE: VALUES L2 THROUGH L8
ADJOIN THE EXISTING
BUILDING FACE

AW LAND SURVEYING, LLC
P.O. BOX 2170, CHANDLER, AZ 85244
(480) 244-7630 (480) 243-4287

City Notifications – Mailing List Selection Map

ATTACHMENT #6



Q.S.
18-45

Pulled Labels 10/12/2015

Map Legend:



Site Boundary



Properties within 750-foot
Postcards HUP – 169
Postcards PC - 169

Additional Notifications:

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

9-AB-2015

Minnezone and 73rd Abandonment

CITY COUNCIL REPORT



Meeting Date: January 11, 2016
 General Plan Element: *Land Use*
 General Plan Goal: *Coordinate Planning to Balance Infrastructure*

ACTION

Minnezona and 73rd Abandonment 9-AB-2015

Request to consider the following:

1. Adopt Resolution No. 10285 to abandon approximately 176 square feet of right-of-way along N. 73rd Street and approximately 86 square feet of right-of-way at the intersection of E. Minnezona Avenue and N. 73rd Street, both adjacent to a parcel located at 7301 E. Minnezona Avenue with Multiple-family Residential, Downtown Overlay (R-5 DO) zoning.

Key Items for Consideration

- Access not impacted by this proposed abandonment
- Conformance with the Transportation Master Plan
- No public input received regarding the proposed abandonment
- Planning Commission heard this case on December 9, 2015 and recommended approval with 7-0 vote.

OWNER

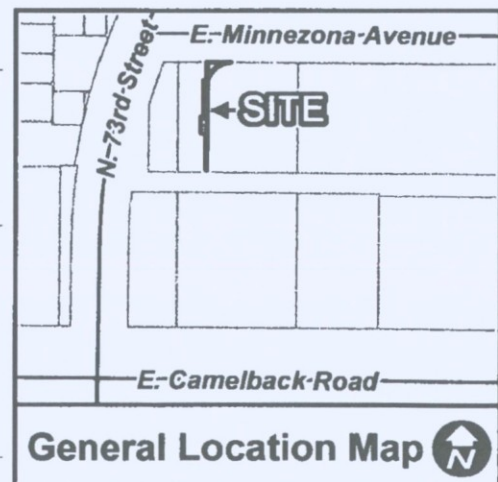
Old Town Townhomes, LLC

APPLICANT CONTACT

Ed Gorman
 Modus Development, LLC
 602-421-2221

LOCATION

Adjacent to 7301 E. Minnezona Avenue



BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Mixed-Use Neighborhoods. This category includes areas with strong access to multiple modes of transportation and major regional access and services, and has a focus on human scale development.

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The Downtown Character Area Plan Future Land Use map designates this site as Downtown Multiple Use – Type 2. The Downtown Multiple Use – Type 2 designation encourages a mix of uses and activities through the development of mutually supportive land uses.

Zoning

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History, Context

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Related Policies, References

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APPLICANTS PROPOSAL

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IMPACT ANALYSIS

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OTHER BOARDS & COMMISSIONS

Planning Commission

Planning Commission heard this case on December 9, 2015 and recommended approval with a 7-0 vote.

Staff's Recommendation to Planning Commission

Staff recommended that the Planning Commission make a recommendation to City Council for approval to abandon approximately 176 square feet of right-of-way along N. 73rd Street and approximately 86 square feet of right-of-way at the intersection of E. Minnezona Avenue and N. 73rd Street, both adjacent to a parcel located at 7301 E. Minnezona Avenue, finding that the proposal is consistent and conforms with the adopted General Plan, subject to the following:

1. The property owner dedicate public utility easements covering the area of the proposed abandonments.
2. The property owner record a formal plat for the new multi-family development that includes the areas of abandonment and the new multi-family development.
3. The property owner pay to the city the combined total amount of \$1,343.03 as compensation to the city for the abandonment right-of-way.

RECOMMENDATION

Recommended Approach:

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RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

Brad Carr, AICP, LEED-AP

Senior Planner

480-312-7713

E-mail: bcarr@ScottsdaleAZ.gov

APPROVED BY



Brad Carr, AICP, LEED-AP, Report Author

12-20-2015

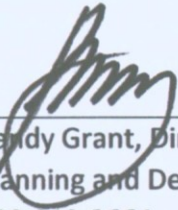
Date



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

12/22/2015

Date



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

12/23/15

Date

ATTACHMENTS

1. Resolution No. 10285
 - Exhibit A: Legal Description of 73rd Street Parcel
 - Exhibit B: Legal Graphic of 73rd Street Parcel
 - Exhibit C: Legal Description of Minnezona Avenue Parcel
 - Exhibit D: Legal Graphic of Minnezona Avenue Parcel
 - Exhibit E: Legal Description of East Parcel
 - Exhibit F: Legal Graphic of East Parcel
 - Exhibit G: Plat of Abandonment Area and East Parcel
2. Applicant's Narrative
3. Context Aerial
4. Detail Aerial
5. Dimensioned Aerial
6. City Notification Map
7. December 9, 2015 Planning Commission minutes

RESOLUTION NO. 10285

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ABANDONING, SUBJECT TO CONDITIONS AND RESERVATIONS, CERTAIN INTERESTS IN A PORTION OF THE PUBLIC RIGHT-OF-WAY FOR 73RD STREET BETWEEN CAMELBACK ROAD AND MINNEZONA AVENUE

(73RD Street)

WHEREAS:

A. A.R.S. Sec. 28-7201, et seq., provide that a city may dispose of a public roadway or portion thereof that is no longer necessary for public use.

B. After notice to the public, the City of Scottsdale ("City") City's planning commission and City Council have held hearings on the proposed abandonment of a certain interests that City holds on the date this resolution is adopted in a portion of the street right-of-way and other interests (collectively the "Abandonment Right-of-way").

C. The Abandonment Right-of-way is the following described real property ownership and real property interests as held by City on the date of this resolution:

1. Street right-of-way comprising the parcel (the "73rd Street Parcel") as described on **Exhibit "A"** and **Exhibit "B"** attached hereto.

2. Street right-of-way comprising the parcel (the "Minnezona Avenue Parcel") as described on **Exhibit "C"** and **Exhibit "D"** attached hereto.

3. The rights and interests that City holds under the Covenant to Provide Public Plazas dated January 28, 2010 and recorded January 28, 2010 at document No. 2010-0074416 of the public records of Maricopa County, Arizona to object to construction of buildings upon the 73rd Street Parcel.

4. The rights and interests that City holds under the Covenant to maintain Landscaping and Improvement dated January 28, 2010 and recorded January 28, 2010 at document No. 2010-0074417 of the public records of Maricopa County, Arizona to object to construction of buildings upon the 73rd Street Parcel.

D. The Abandonment Right-of-way falls within, serves, affects or is near the parcel (the "East Parcel") comprising approximately 0.17 acres at the east side of the Abandonment Right-of-way as described on **Exhibit "E"** and **Exhibit "F"** attached hereto.

E. City's city council finds that, subject to the conditions, requirements, reservations and limitations of this resolution, the Abandonment Right-of-way is no longer necessary for public use.

F. City's city council has considered the City expenditure, if any, authorized by this resolution and the direct consideration that City will receive and finds that there is a clearly identified public purpose for City's expenditure, if any, and that City will receive direct consideration substantially equal to its expenditure.

G. City's city council finds that consideration and other public benefit commensurate with the value of the interests in the Abandonment Right-of-way being abandoned, giving due consideration to its degree of fragmentation and marketability, will be provided to City by the owners of the abutting property.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Abandonment. Subject to the reservations and conditions below, City's interests comprising the Abandonment Right-of-way are hereby abandoned.

2. Reservations. City reserves to itself and excludes from this abandonment all of the following cumulative, perpetual interests:

2.1 A perpetual public utility easement as follows:

2.1.1 The easement shall be upon, over, under and across the entire Abandonment Right-of-way, excluding the space occupied by the building that is located within the Abandonment Right-of-way on the date of this resolution.

2.1.2 The purpose of the easement is for electricity, water, wastewater, storm water, drainage, telecommunications, and all other manner of utilities, and for construction, operation, use, maintenance, repair, modification and replacement from time to time of improvements related thereto.

2.2 Any and all interests in the Abandonment Right-of-way that this resolution or any related application, zoning case, plat, lot split, use permit, or other land use regulatory or other process or requirements may require to be reserved to City or dedicated to City or may describe as being owned by City.

2.3 An easement for all existing utilities, if any.

2.4 Such rights and interests, if any, as are required to be reserved by A.R.S. Sec. 28-7210 and A.R.S. Sec. 28-7215.

3. Effective Date. This resolution shall not be recorded or become effective until all of the following conditions (the "Conditions") are satisfied in accordance with all applicable laws, regulations and policies and at no expense to City:

3.1 The owners of the East Parcel (and all lenders, tenants, and other interest holders in such parcels) shall convey to City using City specified forms each of the real estate interests specifically described in this resolution as having been reserved in favor of City. For example, if this resolution reserves to City a water line easement over a portion of the Abandonment Right-of-way, then this paragraph requires such persons to rededicate such water line easement. If such interest was originally dedicated in a manner that a portion of such interest falls within such parcels but outside the boundaries of the Abandonment Right-of-way, then the new dedication required by this paragraph shall also include such additional portion of the interest.

3.2 The owners of the East Parcel (and all lenders, tenants, and other interest holders in such parcels) shall obtain City approval for and record a formal plat (the "Plat") covering such parcel and the Abandonment Right-of-way, and shall dedicate to City such rights-of-way and other real property interests in connection therewith as City may require, and shall create such private easements and other interests as City may require. The Plat shall be substantially as shown on **Exhibit "G"**. The Plat shall bear these words:

"In addition to all other dedications made by this plat, this plat includes dedication and rededication, as applicable, of all interests described in City Council abandonment resolution No. 10285. This plat includes parcels upon which the City of Scottsdale currently holds existing right-of-way or other real property interests. No deeds, liens or other conveyances of any property covered by this plat shall occur until the resolution is recorded abandoning such interests as are described in said resolution."

The last two sentences of such required words may be omitted if the plat is recorded on the same day as this abandonment resolution.

3.3 The owners of the East Parcel shall pay to City the combined total amount of One Thousand Three Hundred Forty Three and 03/100 Dollars (\$1,343.03) as compensation to City for the Abandonment Right-of-way, in addition to any application fees or other amounts related to this resolution and in addition to any other amounts payable to City.

3.4 The zoning administrator executes the certificate at the bottom of this resolution indicating that the Conditions have been satisfied.

4. Administration of Conditions. If the Conditions are not all satisfied prior to the second annual anniversary of this resolution, or if this resolution is not recorded prior to that deadline, then the city clerk shall mark this resolution to indicate that this resolution is void.

5. Exhibit. The text of the body of this resolution controls any conflict with its exhibits as to the rights or interests created, reserved or otherwise affected by this resolution. For example, if the text of the body of this resolution indicates that City is reserving a particular type of easement, but the exhibit text or labels indicate a different type of real estate interest, then the text controls.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this _____ day of _____, 20_____.

CITY OF SCOTTSDALE, an Arizona municipal corporation

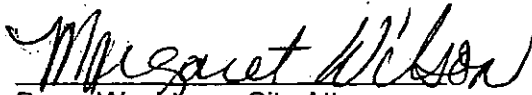
W. J. "Jim" Lane, Mayor

ATTEST:

By: _____
Carolyn Jagger, City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY



Bruce Washburn, City Attorney

By: Margaret Wilson, Assistant City Attorney

CERTIFICATE

I am the zoning administrator of the City of Scottsdale. I certify that I have confirmed that the conditions stated in paragraph 3 of the abandonment resolution above have been fulfilled and the resolution is ready to be recorded and become effective.

DATED this _____ day of _____, 20_____.

signature

name printed

Exhibit A
Legal Description
73rd Street Parcel
Right of Way Abandonment

A portion of 73rd Street as shown on the final plat of Daryl Estates Unit Two recorded in Book 61, Page 48, Maricopa County Records (M.C.R.), lying within the northwest quarter of Section 23, Township 2 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at a point 2 feet north of the southwest corner of Lot 35 as shown on said final plat, said point also being the northerly line of that certain 2 foot alley dedication recorded in Document No. 2013-1048193, M.C.R.;

Thence along said easterly line of said 73rd Street, North 00 degrees 20 minutes 56 seconds East, a distance of 0.07 feet, to the **Point of Beginning**;

Thence leaving said easterly line, North 89 degrees 35 minutes 38 seconds West, a distance of 0.67 feet;

Thence North 00 degrees 24 minutes 22 seconds East, a distance of 33.50 feet;

Thence North 89 degrees 35 minutes 38 seconds West, a distance of 4.17 feet;

Thence North 00 degrees 24 minutes 22 seconds East, a distance of 15.00 feet;

Thence South 89 degrees 35 minutes 38 seconds East, a distance of 2.33 feet;

Thence North 00 degrees 24 minutes 22 seconds East, a distance of 33.50 feet;

Thence South 89 degrees 35 minutes 38 seconds East, a distance of 2.43 feet, to said easterly line;

Thence South 00 degrees 20 minutes 56 seconds West, a distance of 82.00 feet, to the **Point of Beginning**.

Containing 175.9 Square Feet or 0.0040 Acres more or less.
Subject to easements, restrictions and rights of way of record.

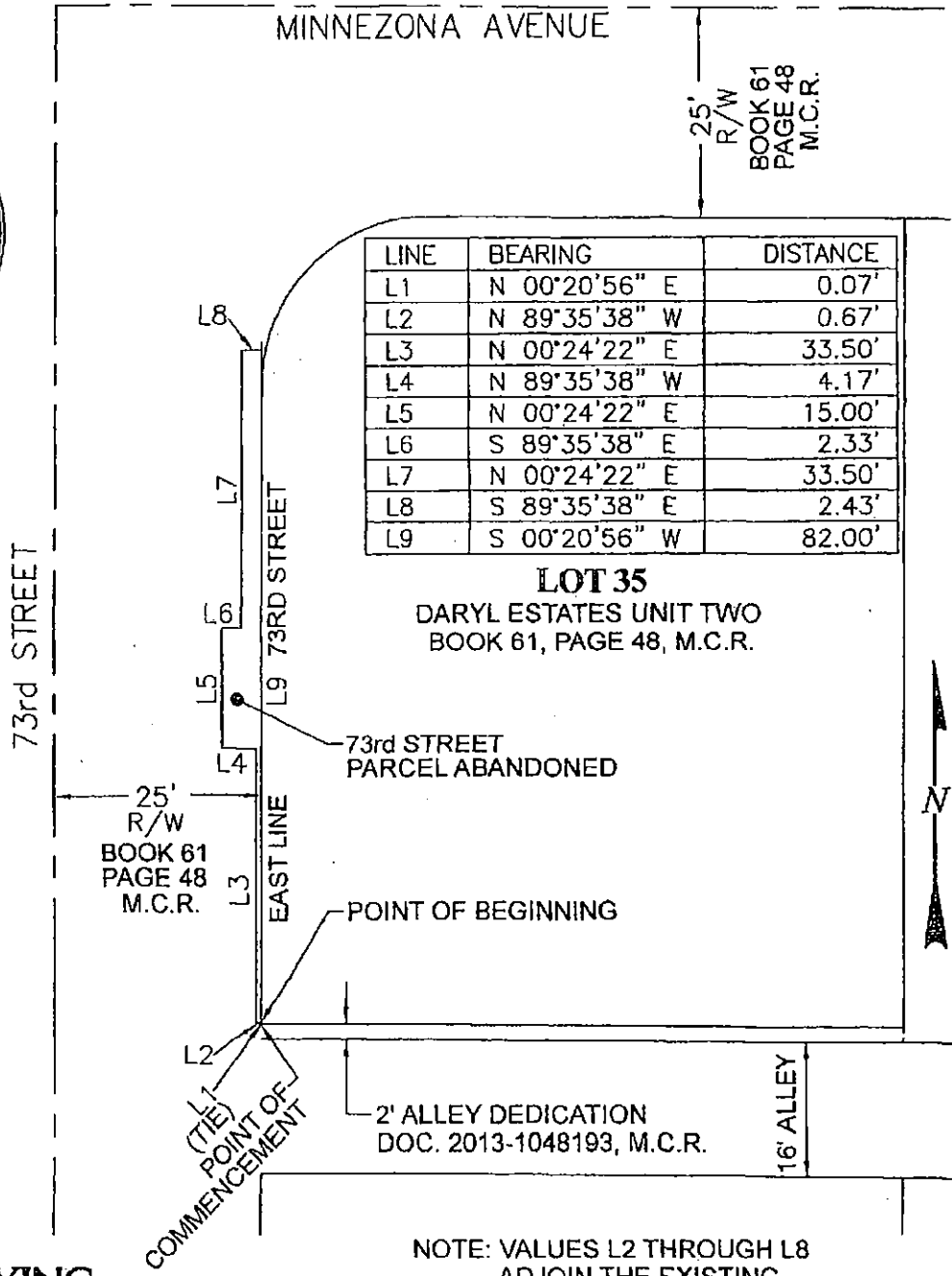
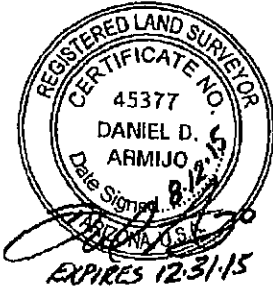
August 12, 2015
AWLS #14-012



P.O. Box 2170, Chandler, AZ 85244
Daniel D. Armijo, RLS (480) 244-7630
Brian D. Warren, LSIT (480) 243-4287



**EXHIBIT B
73RD STREET PARCEL
RIGHT OF WAY
ABANDONMENT**



AW LAND SURVEYING, LLC
P.O. BOX 2170, CHANDLER, AZ 85244
(480) 244-7630 (480) 243-4287

NOTE: VALUES L2 THROUGH L8
ADJOIN THE EXISTING
BUILDING FACE

DRAWN BY: DDA	CHECKED BY: DDA	DATE: 08/12/15	JOB NO.: 14-012	SHEET NO. 2 OF 2
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Exhibit A
Legal Description
Minnezona Avenue Parcel
Right of Way
Abandonment

A portion of Minnezona Avenue as shown on the final plat of Daryl Estates Unit Two recorded in Book 61, Page 48, Maricopa County Records (M.C.R.), lying within the northwest quarter of Section 23, Township 2 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the northeast corner of Lot 35 as shown on said final plat;
Thence along the northerly line of said Lot 35, North 89 degrees 32 minutes 04 seconds West, a distance of 56.83 feet, to the beginning of a curve having a radius of 19.96 feet, concave southeasterly and the **Point of Beginning**;
Thence leaving said northerly line, southwesterly along said curve, an arc distance of 31.39 feet, through a central angle of 90 degrees 07 minutes 00 seconds, to the west line of said Lot 35;
Thence leaving said west line, North 00 degrees 20 minutes 56 seconds East, a distance of 20.00 feet;
Thence South 89 degrees 32 minutes 04 seconds East, a distance of 20.00 feet, to the **Point of Beginning**.

Containing 85.9 Square Feet or 0.0019 Acres more or less.
Subject to easements, restrictions and rights of way of record.

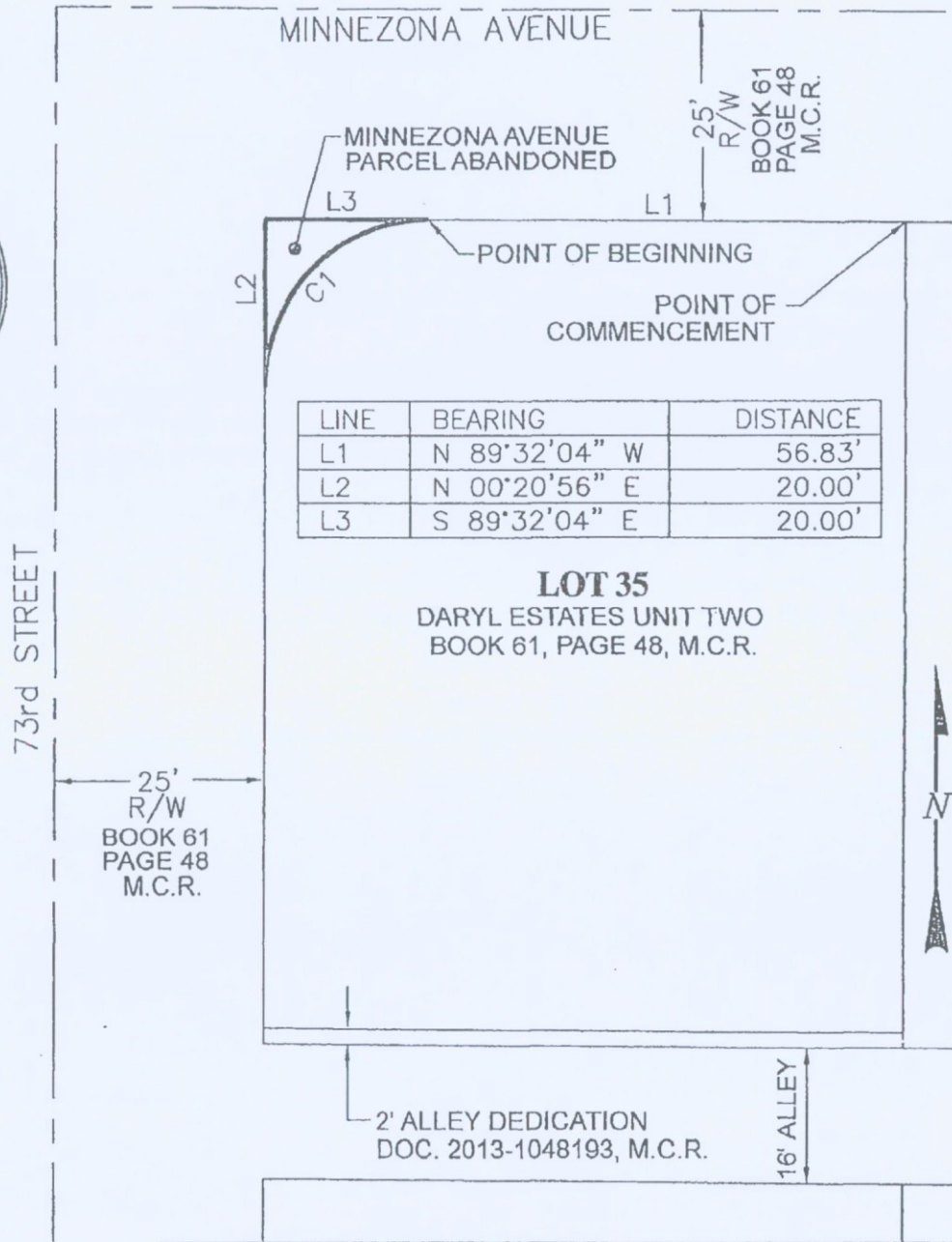
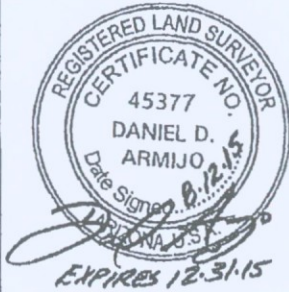
August 12, 2015
AWLS #14-012



P.O. Box 2170, Chandler, AZ 85244
Daniel D. Armijo, RLS (480) 244-7630
Brian D. Warren, LSIT (480) 243-4287



**EXHIBIT B
MINNEZONA AVENUE PARCEL
RIGHT OF WAY
ABANDONMENT**



LINE	BEARING	DISTANCE
L1	N 89°32'04" W	56.83'
L2	N 00°20'56" E	20.00'
L3	S 89°32'04" E	20.00'

LOT 35
DARYL ESTATES UNIT TWO
BOOK 61, PAGE 48, M.C.R.

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE
C1	19.96'	31.39'	90°07'00"



P.O. BOX 2170, CHANDLER, AZ 85244
(480) 244-7630 (480) 243-4287

DRAWN BY: DDA	CHECKED BY: DDA	DATE: 08/12/15	JOB NO.: 14-012	SHEET NO. 2 OF 2
------------------	--------------------	----------------	-----------------	-------------------------

Parent Parcel Description

Lot 35 as shown on the final plat of Daryl Estates Unit Two recorded in Book 61, Page 48, Maricopa County Records (M.C.R.), lying within the northwest quarter of Section 23, Township 2 North, Range 4 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Except the south 2 feet per Alley Dedication recorded in Document. No. 2013-1048193, Maricopa County Records.

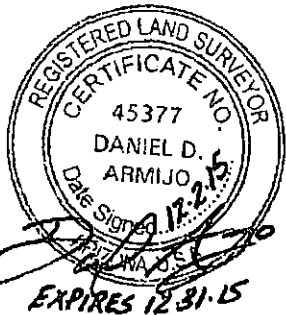
Containing 7,443.5 Square Feet or 0.171 Acres more or less.
Subject to easements, restrictions and rights of way of record.

December 2, 2015
AWLS #14-012



P.O. Box 2170, Chandler, AZ 85244
Daniel D. Armijo, RLS (480) 244-7630
Brian D. Warren, LSIT (480) 243-4287





MINNEZONA AVENUE

25'
R/W
BOOK 61
PAGE 48
M.C.R.

C1 S 89°32'04" E 56.83'

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE
C1	19.96'	31.39'	90°07'00"

73rd STREET

25'
R/W
BOOK 61
PAGE 48
M.C.R.

25'
R/W
BOOK 61
PAGE 48
M.C.R.

S 00°20'56" W
77.93'

LOT 35
DARYL ESTATES UNIT TWO
BOOK 61, PAGE 48, M.C.R.

98.00'
N 00°20'56" E

S 89°32'04" E 76.83'

2' ALLEY DEDICATION
DOC. 2013-1048193, M.C.R.

16' ALLEY

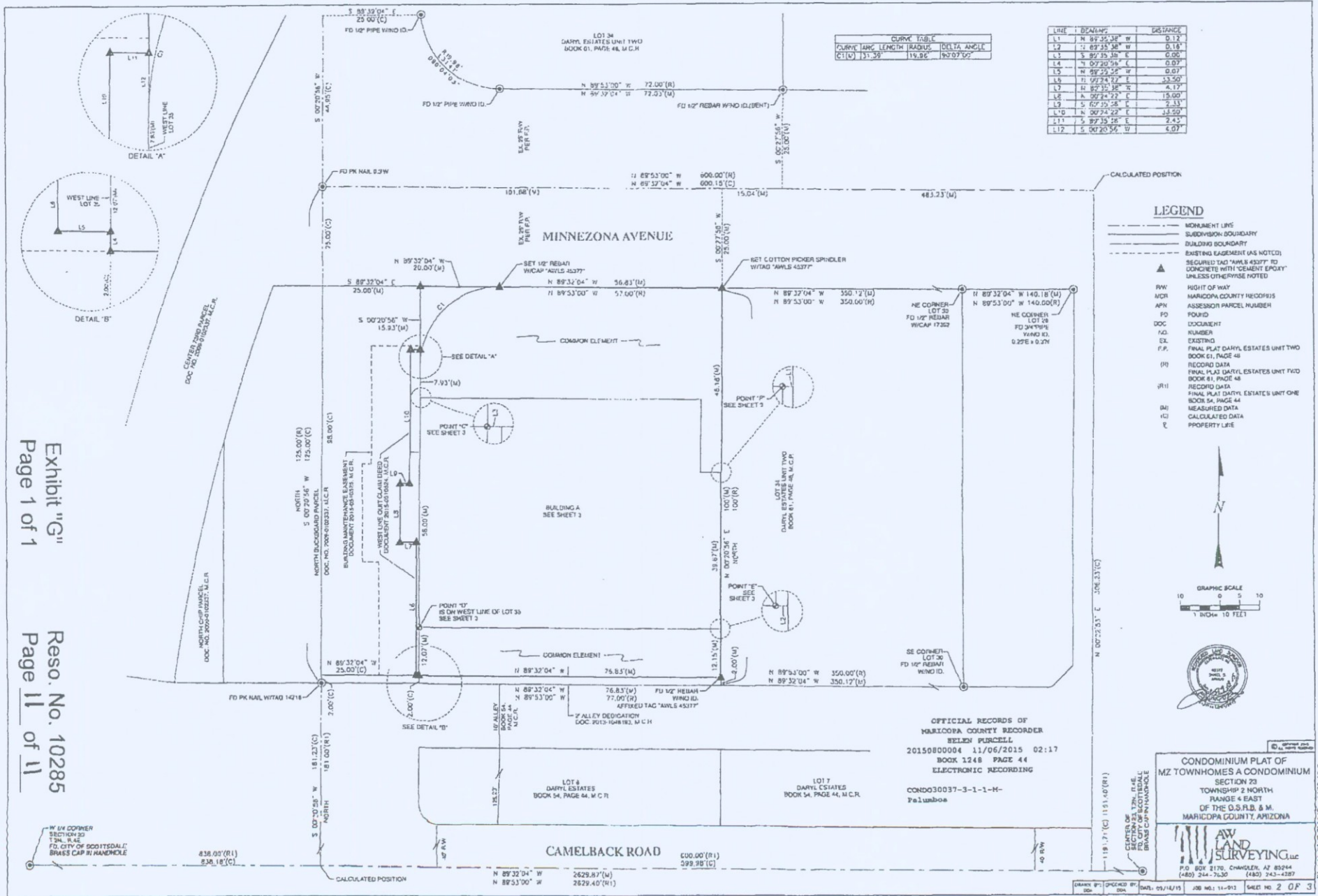


P.O. BOX 2170, CHANDLER, AZ 85244
(480) 244-7630 (480) 243-4287

NOTE: VALUES L8 THROUGH L14
ADJOIN THE EXISTING
BUILDING FACE



DRAWN BY: DDA CHECKED BY: DDA DATE: 12/02/15 JOB NO.: 14-012 SHEET NO. 2 OF 2



CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE
CT1 (U)	31.39'	14.86'	190.0752°

LINE	BEARING	DISTANCE
L1	N 89°35'38" W	0.12'
L2	N 89°35'38" W	0.18'
L3	S 89°35'38" E	0.00'
L4	N 09°20'58" E	0.07'
L5	N 89°25'25" E	0.07'
L6	N 09°24'22" E	52.50'
L7	S 89°35'38" E	4.12'
L8	S 09°24'22" E	15.00'
L9	S 67°35'28" E	2.33'
L10	N 09°24'22" E	23.50'
L11	N 89°35'38" E	2.52'
L12	S 09°20'58" W	4.07'

LEGEND

- MONUMENT LINE
- SUBDIVISION BOUNDARY
- BUILDING BOUNDARY
- EXISTING EASEMENT (AS NOTICED)
- SECURED TAG "AWLS 4537T" TO CONCRETE WITH "EMENT EPOXY" UNLESS OTHERWISE NOTED
- ▲ RIGHT OF WAY
- ▲ M/C# MARICOPA COUNTY RECORDS
- ▲ AP#N ASSASSIN PARCEL NUMBER
- ▲ FOUND
- ▲ DOCUMENT
- ▲ DOC NUMBER
- ▲ EX. EXISTING
- ▲ P.P. FINAL PLAT DARYL ESTATES UNIT TWO BOOK 61, PAGE 48
- ▲ (R) RECORD DATA
- ▲ (R) FINAL PLAT DARYL ESTATES UNIT TWO BOOK 61, PAGE 48
- ▲ (R) RECORD DATA
- ▲ (R) FINAL PLAT DARYL ESTATES UNIT ONE BOOK 54, PAGE 44
- ▲ (R) RECORD DATA
- ▲ (M) MEASURED DATA
- ▲ (C) CALCULATED DATA
- ▲ PROPERTY LINE



OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
20150800004 11/06/2015 02:17
BOOK 1248 PAGE 44
ELECTRONIC RECORDING
CONDO30037-3-1-1-N-
Palumbo

CONDOMINIUM PLAT OF
MZ TOWNHOMES A CONDOMINIUM
SECTION 23
TOWNSHIP 2 NORTH
RANGE 4 EAST
OF THE D.S.R.B. & M.
MARICOPA COUNTY, ARIZONA

AW LAND SURVEYING, LLC
P.O. BOX 2170, CHANDLER, AZ 85244
(480) 244-7630 (480) 243-4287

APPLICATION NARRATIVE

Reason for Request

In 2010, the City of Scottsdale (the "**City**") abandoned its ownership of that portion of 73rd Street (the "**73rd Street Abandonment Parcel**") lying north of Camelback Road and south of Minnezona Avenue, pursuant to Abandonment Resolution No. 7671 recorded on January 26, 2010, at Recording No. 2010-074413, records of Maricopa County, Arizona, and re-recorded on February 19, 2010, at Recording No. 2010-0108517, records of Maricopa County, Arizona (the "**Resolution**"). The 73rd Street Abandonment Parcel consisted of numerous street and alley right of way parcels, each of which was separately identified and described in the Resolution.

The Resolution and other related documents were executed and recorded in connection with the expected development of the property lying immediately west of the 73rd Street Abandonment Parcel (the "**Scottsdale Canal Property**"). The development of the Scottsdale Canal Property contemplated the relocation of that portion of 73rd Street to another location within the Scottsdale Canal Property (the "**Relocated 73rd Street**"). In order to preserve the use of the existing 73rd Street Abandonment Parcel until such time as the Relocated 73rd Street was constructed by the owner of the Scottsdale Canal Property, the City reserved a public street and utility easement over certain of the tracts comprising the 73rd Street Abandonment Parcel (the "**Street Easement**"). The Street Easement will expire when the conditions specified in the Resolution are satisfied, including the construction and acceptance by the City of the Relocated 73rd Street. As of this date, the development of the Scottsdale Canal Property has not yet commenced, and as a result, the 73rd Street Abandonment Parcel remains subject to the Street Easement.

Old Town Townhomes, LLC, an Arizona limited liability company ("**Applicant**") is the owner of the parcel (the "**MZ Property**") lying immediately east of the 73rd Street Abandonment Parcel. Applicant has constructed a townhome-style residential condominium complex (the "**Improvements**") consisting of eight (8) condominium units on the MZ Property. Some of the Improvements were constructed within the portion of the 73rd Street Abandonment Parcel described in the Resolution as the "**North Buckboard Parcel**", and, as a result thereof, are an encroachment on the North Buckboard Parcel (the "**Encroachment Parcel**").

All necessary and required building permits for the Improvements were issued to Applicant by the City. At the time of issuance of the building permits, both Applicant and the City believed that Applicant was the owner of the North Buckboard Parcel. Subsequent to completion of construction of the Improvements, the City and Applicant became aware that title to the North Buckboard Parcel may not, in fact, have vested in Applicant as a result of the Resolution. In addition, the owner of the Scottsdale Canal Property asserted

ownership rights to the North Buckboard Parcel. In order to resolve any dispute as to ownership of the North Buckboard Parcel, Applicant acquired any and all rights of the owner of the Scottsdale Canal Property to the North Buckboard Parcel, subject to the Street Easement reserved by the City in the Resolution.

As a result of the foregoing, Ownership of the North Buckboard Parcel is no longer in dispute and Applicant is the owner of the North Buckboard Parcel. Since certain of the Improvements were constructed within the North Buckboard Parcel, however, such Improvements are considered encroachments in violation of the Street Easement. Consequently, Applicant may not be able to obtain its final certificate of occupancy for the Improvements and sell the condominium units constructed on the MZ Property until such time as the City abandons the Encroachment Parcel from the Street Easement. If the abandonment is not obtained, the Improvements will remain unsuitable for occupancy and the MZ Property will remain vacant, neither of which is in the best interests of the City and Applicant. Further, failure to grant the abandonment will penalize Applicant for a problem resulting from an inadvertent misunderstanding on the part of both the City and Applicant. Lastly, if never occupied, sooner or later the MZ Property will become an eyesore to the community.

In addition, to seeking abandonment of the Encroachment Parcel, at the suggestion of City staff Applicant is also seeking the abandonment of a small triangular parcel of real property adjacent to the MZ Property but currently owned by the City (the "**Corner Parcel**"). It is logical that ownership of the Corner Parcel be vested in Applicant because of its proximity to the MZ Property and the fact that it is of a size (only 85.9 square feet) and configuration of no use to the City. In fact, it is Applicant's understanding that the City intended to abandon the Corner Parcel with the 73rd Street Abandonment Parcel and that the description of the Corner Parcel was inadvertently omitted from the description of the 73rd Street Abandonment Parcel set forth in the Resolution. It is logical for ownership of the Corner Parcel to be transferred to Applicant as Applicant is the only landowner with property abutting the Corner Parcel.

Applicant acquired all rights of the Scottsdale Canal Property owner to the North Buckboard Parcel and is seeking the foregoing described abandonments in order to solve the encroachment issues resulting from the construction of the Improvements within the North Buckboard Parcel due to the inadvertent misunderstanding on the part of both the City and Applicant as to the ownership of the North Buckboard Parcel at the time of issuance of the building permit for the Improvements, and in order to finalize its condominium plat for the MZ Property and obtain a certificate of occupancy for the Improvements. In consideration of the City granting Applicant's request with respect to the abandonment of the Encroachment Parcel from the Street Easement Applicant is willing to take on the burden of ownership of the Corner Parcel, a parcel otherwise useless to the City. In light of the foregoing, Applicant urges the City to

consider and grant the requested abandonments of the Encroachment Parcel from the Street Easement, and the Corner Parcel.

Consideration for Abandonment

As more fully set forth above, Applicant is seeking abandonment by the City of its rights to the Encroachment Parcel and the Corner Parcel, respectively.

The Encroachment Parcel is a parcel now owned by Applicant, but subject to the Street Easement reserved by the City in connection with the 2010 abandonment (the "**2010 Abandonment**") by the City of the 73rd Street Abandonment Parcel, which is a portion of 73rd Street lying north of Camelback Road. The Encroachment Parcel consists of 175.9 square feet. No street improvements lie within the Encroachment Parcel. Applicant has landscaped the Encroachment Parcel and is seeking abandonment by the City of the Street Easement reserved by the City over the Encroachment Parcel.

The Corner Parcel is a triangular parcel now owned by the City that is adjacent to Applicant's residential development project. The Corner Parcel was inadvertently not abandoned by the City in connection with the 2010 Abandonment and is of no use to the City. The Triangle Parcel consists of 85.9 square foot. The City has requested that Applicant obtain ownership of the Triangle Parcel in connection with the processing of Applicant's plat for the MZ Property as a "cleanup" matter. Accordingly, Applicant is seeking abandonment by the City of the City's fee ownership of the Corner Parcel.

The City requires compensation for relinquishing ownership rights to any right of way so as not to violate the "gift clause" of the City Charter or the Arizona Constitution, which prohibits the conveyance of any City property to a private individual without receiving adequate compensation.

The City's abandonment application package does not set forth a formula for determining what constitutes adequate compensation for the abandonment by the City of right of way or other property. Based on the research and information obtained by Applicant, Applicant has determined that adequate compensation in the case of residential property is typically \$0.20 to \$0.50 per square foot. Although Applicant paid a price of \$72.00 per square foot for the MZ Parcel in 2013, more recently, the development parcel lying immediately west of 73rd Street last sold for a price of \$51.26 per square foot. In addition, where a parcel is subject to restrictions as in the case of the Encroachment Parcel, or not useable as in the case of the Corner Parcel, governmental agencies such as the Maricopa County Assessor's Office would typically value such a parcel at only a percentage of its per square foot value (e.g. the Maricopa County Assessor values right of way at 10% of market value).

The Encroachment Parcel and the Corner Parcel together contain 261.8 square feet. In light of the foregoing information, the fact that neither parcel has any value to the City, that the abandonment of the Encroachment Parcel is only an abandonment of an easement right, and that the abandonment of the Corner Parcel is being requested as an accommodation to the City, Applicant believes that the City would be adequately compensated for both parcels at the rate of 10% of the \$51.26 per square foot value paid by the party acquiring the adjacent parcel for purposes of development, or \$5.13 per square foot. Accordingly, Applicant proposes \$1,343.03 ($\5.13×261.8 square feet) as compensation for the abandonment by the City of the City's rights to both parcels.



Q.S.
18-45

2014 GIS Orthophoto

Minnezona and 73rd Abandonment

9-AB-2015



Minnesota and 73rd Abandonment

9-AB-2015



Q.S.
18-45

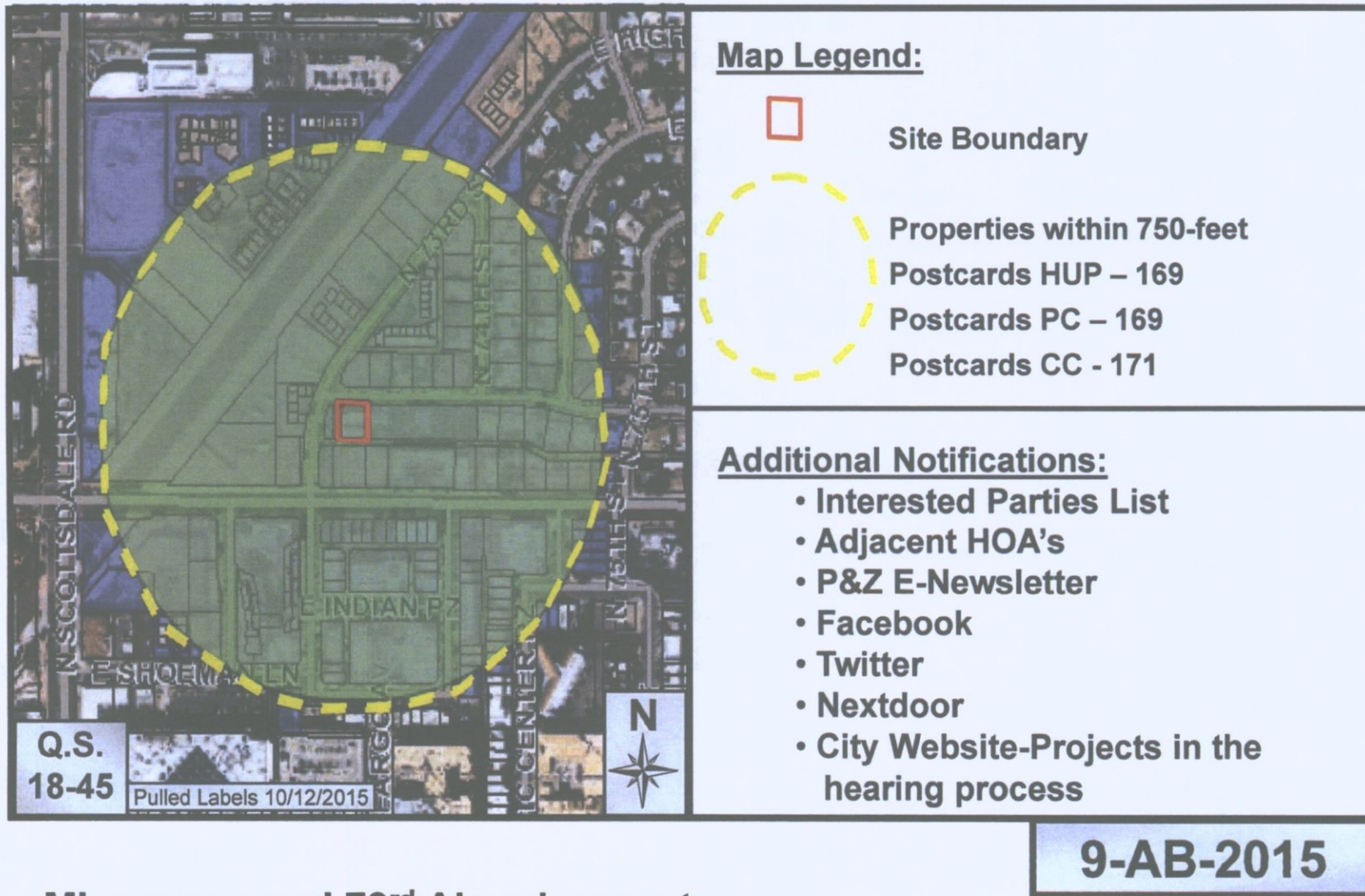
2014 GIS Orthophoto

Minnesota and 73rd Abandonment

9-AB-2015

City Notifications – Mailing List Selection Map

ATTACHMENT #6



Minnezona and 73rd Abandonment



**SCOTTSDALE PLANNING COMMISSION
COMMUNITY DESIGN STUDIO
7506 E. INDIAN SCHOOL ROAD
SCOTTSDALE, ARIZONA**

WEDNESDAY, DECEMBER 9, 2015

DRAFT SUMMARIZED MEETING MINUTES

PRESENT: Michael Edwards, Chair
Matthew Cody, Vice Chair
David Brantner, Commissioner
Paul Alessio, Commissioner
Larry S. Kush, Commissioner
Michael J. Minnaugh, Commissioner
Ali Fakh, Commissioner

STAFF: Tim Curtis
Joe Padilla
Doris McClay
Jesus Murillo
Brad Carr

CALL TO ORDER

Chair Edwards called the regular session of the Scottsdale Planning Commission to order at 5:01 p.m.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission website at:
www.scottsdaleaz.gov/boards/PC.asp

MINUTES REVIEW AND APPROVAL

1. Approval of November 18, 2015 Regular Meeting Minutes including the Study Session.

COMMISSIONER ALESSIO MOVED TO APPROVE THE NOVEMBER 18, 2015 REGULAR MEETING MINUTES INCLUDING THE STUDY SESSION, SECONDED BY COMMISSIONER KUSH THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

EXPEDITED AGENDA

2. Approval of the Planning Commission 2016 Calendar.
3. 11-AB-2014 (Reata Ranch Guest Ranch)
Request by owner to abandon various roadway easements and right-of-way (E. Rio Verde Dr., N. 132nd and N. 136th St.) adjacent to the proposed Reata Ranch Guest Ranch located on the south side of Rio Verde Drive between 128th and 136th Street with Resort/Townhouse Residential, Environmentally Sensitive Lands (R-4R ESL) zoning. Staff contact person is Doris McClay, 480-312-4214. Applicant contact person is Dave Gulino, 480-946-5020.
Item No. 3; Recommended City Council approve case 11-AB-2014, by a vote of 6-0; Motion by Commissioner Brantner, per the staff recommended stipulations, after determining that the proposed abandonment is consistent and conforms with the adopted General Plan, 2nd by Commissioner Minnaugh, Commissioner Fakih recused himself.
4. 9-AB-2015 (Minnezona and 73rd Abandonment)
Request by owner to abandon approximately 176 square feet of right-of-way along N. 73rd Street and approximately 86 square feet of right-of-way at the intersection of E. Minnezona Avenue and N. 73rd Street, both adjacent to a parcel located at 7301 E. Minnezona Avenue with Multiple-family Residential, Downtown Overlay (R-5 DO) zoning. Staff contact person is Brad Carr, AICP, 480-312-7713. Applicant contact person is Ed Gorman, 602-421-2221.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission website at:
www.scottsdaleaz.gov/boards/PC.asp

5. 1-AB-2015 (Scottsdale National Golf Club)

Request by owner to abandon various roadway easements and right-of-way, including portions of N. 116th Street (between E. Dixileta Drive and E. Dynamite Blvd./E. Rio Verde Drive), N. 118th Street (between E. Dynamite Blvd./E. Rio Verde Drive and E. Dixileta Drive), N. 117th Street (between E. Via Dona Road and E. Morning Vista Drive); and the abandonment of portions of E. Dale Lane, E. Via Dona Road, and E. Morning Vista Road (between N. 116th Street and N. 118th Street). This case is in conjunction with the proposed golf course expansion located north of E. Dynamite Blvd./E. Rio Verde Drive between N. 116th Street and N. 128th Street, with Single Family and Resort/Townhouse Residential, Environmentally Sensitive Lands District (R1-190, R1-130, R-4R/ESL) zoning. Staff contact person is Jesus Murillo, 480-312-7849. Applicant contact person is Steve Gabbay, 480-398-2525.

6. 13-ZN-2015 (8404 E. Pinnacle Peak)

Request by owner for a Zoning District Map Amendment to amend the Single-family Residential, Planned Residential District (R1-70, PRD) zoning with amended development standards, and amend the Development Plan for the Pinnacle Paradise development, for a portion of the original Pinnacle Paradise Tract "A" only, to allow for a new Single-family lot on a 0.62+/-acre site located at 8404 E. Pinnacle Peak Road. Staff contact person is Jesus Murillo, 480-312-7849. Applicant contact person is John Berry, 480-385-2727.

Item Nos. 2, 4, 5 and 6; Move to approve the 2016 Planning Commission Calendar and recommended City Council approve cases 9-AB-2015, 1-AB-2015 and 13-ZN-2015, by a vote of 7-0; Motion by Commissioner Brantner, per the staff recommended stipulations, after determining that the proposed abandonments, zoning district map amendment, development plan and amended development standards are consistent and conform with the adopted General Plan, 2nd by Vice Chair Cody.

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 5:51 p.m.

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