

**Correspondence Between
Staff and Applicant
Approval Letter**



June 14, 2017

John Berry
Berry Riddell, LLC
6750 E Camelback Rd Ste 100
Scottsdale, AZ 85251

Re: 25-ZN-2016 & 2-AB-2017
118th & Jomax

Dear John Berry,

This is to advise you that the case referenced above was approved at the June 13, 2017 City Council meeting.

The Ordinance No. 4307 , Contract # 2017-071-COS, Resolution No. 10797 for the Development Agreement for 25-ZN-2016 and Resolution No. 10796 for 2-AB-2017 may be obtained from the City Clerk's office or city website @ <https://eservices.scottsdaleaz.gov/eServices/ClerkDocs/Default.aspx>.

Please remove the red hearing sign as soon as possible. If you have any questions, please contact me at 480-312-2953.

Sincerely,

Keith Niederer
Senior Planner



October 6, 2016

Jorge Garré, P.E., M.ASCE
ARGUS CONSULTING, P.C.
10115 E. Bell Road
Suite 107 - # 104
Scottsdale, Arizona 85260

RE: Public Utility and Right of Way Easement Release Concurrence

Dear Mr. Garré

Per your request for Arizona Public Service Company's (APS) concurrence to release that portion of the Public Utility and Right of Way Easement, described in your request dated October 4, 2016, the following information is provided.

I have researched our records and found that the subject property is situated within the APS service territory.

These records show that there are no existing facilities within said Public Utility and Right of Way Easement except within the northerly 30 feet of Lot 12 and that part of Lot 13 covered by the Utility Easement recorded at Instrument No. 2013-0626844, Maricopa County recorder's Office, Maricopa County, Arizona.

This letter shall advise that APS does consent to the release of said Public Utility and Right of Way Easement described in your request, except for the northerly 30 feet within Lot No. 12. Please revise the property description of the partial release for Lot 12 to exclude this 30 foot portion. No part of the Utility Easement recorded at Instrument No. 2013-0626844 M.C.R. shall be abandoned.

Should you have further questions concerning this matter, please contact me at (602) 371-7295 or david.schlief@aps.com.

Sincerely,

A handwritten signature in black ink that reads "David Schlief". The signature is written in a cursive, flowing style.

David Schlief R.L.S. SR/WA
Land Agent II
Land Services Department
Arizona Public Service Company



Water Resources

9379 E. San Salvador
Scottsdale, AZ 85258

PHONE 480-312-5685
FAX 480-312-5615
www.ScottsdaleAZ.gov

October 5, 2016

Jorge Garré, P.E., M.ASCE
ARGUS CONSULTING, P.C.
10115 E. Bell Road
Suite 107 - #104
Scottsdale, Arizona 85260

Re: 118th and Jomax Roads Abandonment, Scottsdale, AZ

Jorge,

Scottsdale's Water Resources Department does not see any conflicts with the requested releases of the easements and rights-of-ways indicated on the submitted exhibits.

If you require further information, you may reach our department at 480-312-5685.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald Dolan".

Ronald Dolan, Water Resources Engineer
Water Resources Department



October 10, 2016

Jorge Garré, P.E., M.ASCE
ARGUS CONSULTING, P.C.
10115 E. Bell Road
Suite 107 - #104
Scottsdale, Arizona 85260

RE; Abandonment Request for N 118th St. & E Jomax Rd. NEC

Mr. Garré,

I have reviewed the abandonment request for N 118th St. & E Jomax Rd. NEC, in Scottsdale, AZ. Based upon the supplied drawings/exhibits that you've submitted, it has been determined that COX has no facilities within the PUE and therefore we approve your request to abandon.

Please note that although Cox Communications approves this abandonment we do so with the understanding that we will not assume any construction, relocation and/or repairs costs associated or in result of this abandonment.

If I can be of further assistance, please contact me using the contact information below.

Kenny Hensman

Kenny Hensman

COX Communications
Permitting Group
Right of Way Agent II
kenny.hensman@cox.com



SOUTHWEST GAS CORPORATION

November 21, 2016

Jorge Garre
Argus Consulting, P.C.
10115 E. Bell Road, Suite 107 - #104
Scottsdale, AZ 85260

SUBJECT: Public Utility Easement Abandonment
REQ 4573 – 118th Street & Jomax Road

Dear Mr. Garre,

After reviewing the plans for the above-referenced project, it has been determined that there are **no apparent conflicts** between the Southwest Gas system and your proposed abandonment of the public utility easement. Southwest Gas would like to recommend abandonment of the public utility easement located at the above-referenced location.

Thank you for your cooperation on this project. Please contact me if you have any questions or require additional information.

Sincerely,

Kathleen Sholly
Analyst I, Right-of-Way/Engineering Services
(602)484-5459

CenturyLink
Network Real Estate
5025 N. Black Canyon Hwy
Phoenix, AZ 85015



Approved

11/4/2016

Jorge Garré, P.E., M.ASCE
ARGUS CONSULTING, P.C.
10115 E. Bell Road
Suite 107 - #104
Scottsdale, Arizona 85260

SUBJECT: Release of 20' and two 55' roadway and utility easements as shown on plat 194-26 Lots 12 & 13.

**Project Name: 118th & Jomax
APN: 216-79-005 & 216-78-002**

Re: Request for vacation of the 20' and two 55' roadway and utilities easements as shown on the plat of Goldie Brown Pinnacle Peak Ranch Unit 2 as described in more detail in the application, lying within the Southeast of Section 34 and Southwest of Section 35, Township 5 North, Range 5 East, Gila and Salt River Meridian.

To Whom It May Concern:

QWEST CORPORATION d/b/a CENTURYLINK QC has reviewed the request for the subject vacation and has determined that it has no objections with respect to the areas proposed for vacation. There are no CenturyLink facilities in the area.

In the event the plat for the new development, 118th and Jomax, does not record, this vacation is voided.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

This vacation response is submitted with the stipulation that if CenturyLink facilities are found within the vacated area as described, the Applicant will relocate the facilities at Applicant's expense and within guidelines set by CenturyLink and all regulating entities. All relocations will be done under the supervision of a CenturyLink Inspector.

Sincerely yours,

Karen Caime
Right of Way Agent
Qwest Corporation d/b/a CENTURYLINK QC

APN: 216-79-005 & 216-78-002 #:P781806
Paradise Valley WCE: Lance Holje



P.O. Box 52025
Phoenix, AZ 85072-2025
(602) 236-5900
www.srpnet.com

October 5, 2016

Mr. Jorge Garre
ARGUS Consulting
10115 E. Bell Road
Suite 107-#104
Scottsdale, AZ 85260

RE: 118th Street & Jomax Abandonments

Dear Mr. Garre:

Salt River Project has no objection to the abandonment of the roadway and Public Utility Easements as shown in your email of October 5, 2016 for Lot 13 and Lot 12 of Goldie Brown Pinnacle Peak Ranch Unit 2. This is in an Arizona Public Service serving area.

If you have any questions or need further information, please feel free to contact me on 602-236-3126.

Sincerely,

A handwritten signature in cursive script that reads "Sherry Wagner". The signature is written in black ink and is positioned above the typed name.

Sherry Wagner
Senior Right of Way Technician
PAB348



March 3, 2017

Michele Hammond
Michele Hammond / John Berry
6750 E. Camelback, Suite 100
Scottsdale, AZ 85251

RE: 2-AB-2017 & 25-ZN-2016
118th & Jomax

Dear Mrs. Hammond,

The Planning & Development Services Division has completed the review of the above referenced development application submitted on 2/10/2017. The following **2nd Review Comments** represent the review performed by our team, and is intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application.

Zoning Application Issues

The following code and ordinance related issues have been identified in the second review of this application, and shall be addressed in the resubmittal of the revised application material. Addressing these items is critical to scheduling the application for public hearing, and may affect the City Staff's recommendation. Please address the following:

Zoning Map Amendment:

1. Proposed lots 50 and 51 were planned to remain R1-190 ESL, and were not part of this zoning map amendment application. Because these proposed lots were not able meet the .21 dwelling units per acre base intensity requirement of Table 6.1081.A of the Zoning Ordinance, these parcels are now part of the Zoning Map Amendment application being rezoned from R1-190 ESL to R1-130 ESL. With the next submittal, please submit a revised Project Narrative, and associated plans that have changed as a result of the moving of lots lines, as outlined in Attachment A.

Significant Policy Related Issues

The following policy related issues have been identified in the first review of this application. While these issues may not be critical to scheduling the application for public hearing, they may affect the City Staff's recommendation pertaining to the application and should be addressed with the resubmittal of the revised application material. Please address the following:

Abandonment:

2-AB-2017
2/10/2017

2. With the next submittal, please submit a revised Abandonment Project Narrative with clarification on the considerations for the abandonment. The narrative doesn't discuss the figure listed in the appraisal, and it is not clear if that figure is going towards the cost to construct 118th Street north to Dynamite. Please provide more information about the appraisal and the general cost to construct 118th Street.
3. The appraisal is only applying 20% of fee value/square feet for valuing the roadway easements. Typically, when the City purchases an easement for street right-of-way, it is typically 90% to 95% of the fee value. With the next submittal, please provide more information on why 20% of the fee value is appropriate compensation in this case.

Development Agreement:

4. As of the drafting of this letter, City staff has not received the draft Development Agreement outlining the terms to construct 118th Street north to Dynamite. The zoning map amendment (25-ZN-2016), Abandonment (2-AB-2017) and the Development Agreement will all need to be on the same City Council agenda. Scheduling cases 25-ZN-2016 and 2-AB-2017 for Planning Commission is pending until the Development Agreement is submitted and the deal points of the Development Agreement are agreeable to both City staff and the developer. The proposed zoning site plan is dependent on the reliability of the Abandonment/Development Agreement

Technical Corrections

The following technical ordinance or policy related corrections have been identified in the first review of the project. While these items are not as critical to scheduling the case for public hearing, they will likely affect a decision on the final plans submittal (construction and improvement documents) and should be addressed as soon as possible. Correcting these items before the hearing may also help clarify questions regarding these plans. Please address the following:

Abandonment Legal Descriptions and Exhibits:

5. With the next submittal, please submit revised legal descriptions and exhibits addressing the corrections by Land Survey and GIS, which are attached to this letter.

Please resubmit the revised application requirements and additional/supplemental information identified in Attachment A, Resubmittal Checklist, and a written summary response addressing the comments/corrections identified above as soon as possible for further review. The City will then review the revisions to determine if the application is to be scheduled for a hearing date, or if additional modifications, corrections, or additional/supplemental information is necessary.

PLEASE CALL 480-312-7000 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A SCHEDULED MEETING. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS. RESUBMITTAL MATERIAL THAT IS DROPPED OFF MAY NOT BE ACCEPTED AND RETURNED TO THE APPLICANT.

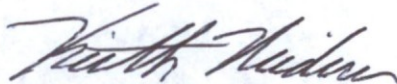
In an effort to get this Zoning District Map Amendment & Abandonment request to a Development Review Board / Planning Commission hearing, please submit the revised material identified in Attachment A as soon as possible.

The Planning & Development Services Division has had this application in review for 41 Staff Review Days since the application was determined to have the minimal information to be reviewed.

These **Review Comments** are valid for a period of 180 days from the date on this letter. The Zoning Administrator may consider an application withdrawn if a revised submittal has not been received within 180 days of the date of this letter (Section 1.305. of the Zoning Ordinance).

If you have any questions, or need further assistance please contact me at 480-312-2953 or at kniederer@ScottsdaleAZ.gov.

Sincerely,



Keith Niederer
Senior Planner

cc: Red Bird Vistas LLC
P.O. Box 44127
Phoenix, AZ 85064

Lettiville Park Partners LLC
10801 E. Happy Valley Road Lot 87
Scottsdale, AZ85255

ATTACHMENT A
Resubmittal Checklist

Case Number: **2-AB-2017 & 25-ZN-2016**

Please provide the following documents, in the quantities indicated, with the resubmittal (all plans larger than 8 ½ x11 shall be folded):

- 2 copies: COVER LETTER – Respond to all the issues identified in the first review comment letter.
- 2 copies: Revised Narrative for Project for Rezoning and Abandonment
- 2 copies: Latest version of Traffic Analysis

Context Aerial with the proposed Site Plan superimposed

Color 1 24" x 36" 1 11" x 17" 1 8 ½" x 11"

Site Plan:

1 24" x 36" 1 11" x 17" 1 8 ½" x 11"

NAOS Plan:

1 24" x 36" 1 11" x 17" 1 8 ½" x 11"

Circulation Plan: (reflecting trail change)

1 24" x 36" 1 11" x 17" 1 8 ½" x 11"

Setback Exhibit

Color 1 24" x 36" 1 11" x 17" 1 8 ½" x 11"

Boulder Exhibit

Color 1 24" x 36" 1 11" x 17" 1 8 ½" x 11"

Other Supplemental Materials:

- Revised Legal Descriptions and Graphic for areas to be abandoned. _____
- Revised Abandonment Narrative _____
- Draft Development Agreement regarding the construction of 118th Street.
- Updated Citizen Involvement Report to reflect change in zoning application. _____



Planning and Development Services Division

7447 East Indian School Road
Scottsdale, Arizona 85251

Date: 2-10-17
Contact Name: Michele Hammond
Firm Name: Berry & Riddell
Address: 6750 E Camelback STE. 100
City, State, Zip: SCOTTSDALE, AZ 85251

RE: Application Accepted for Review.

504 - PA - 2016

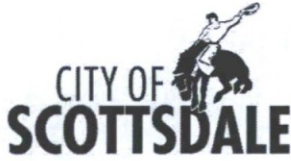
Dear MS. Hammond :

It has been determined that your Development Application for 118th + Jomax has been accepted for review.

Upon completion of the Staff's review of the application material, I will inform you in writing or electronically either: 1) the steps necessary to submit additional information or corrections; 2) the date that your Development Application will be scheduled for a public hearing or, 3) City Staff will issue a written or electronic determination pertaining to this application. If you have any questions, or need further assistance please contact me.

Sincerely,

Name: Keith Niederer
Title: Sr. Planner
Phone Number: (480) 312 - 2953
Email Address: Kniederer @ScottsdaleAZ.gov



Planning and Development Services Division

7447 East Indian School Road
Scottsdale, Arizona 85251

Date: _____
Contact Name: _____
Firm Name: _____
Address: _____
City, State, Zip: _____

RE: Minimal Submittal Comments

_____ - PA - _____

Dear _____ :

It has been determined that your Development Application for _____
Does not contain the minimal information, and has not been accepted for review.

Please refer to the application checklist and the Minimal Information to be Accepted for Review Checklist, and the Plan & Report Requirements pertaining to the minimal information necessary to be accepted for review.

PLEASE CALL 480-312-7000 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A SCHEDULED MEETING. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS. RESUBMITTAL MATERIAL THAT IS DROPPED OFF MAY NOT BE ACCEPTED AND RETURNED TO THE APPLICANT.

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Sincerely,

Name: _____
Title: _____
Phone Number: (480) 312 - _____
Email Address: _____@ScottsdaleAZ.gov



Planning and Development Services Division

7447 East Indian School Road
Scottsdale, Arizona 85251

Date: _____
Contact Name: _____
Firm Name: _____
Address: _____
City, State, Zip: _____

RE: Minimal Submittal Comments

_____ - PA - _____

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Sincerely,

Name: _____
Title: _____
Phone Number: (480) 312 - _____
Email Address: _____@ScottsdaleAZ.gov