

**Marked Agendas
Approved Minutes
Approved Reports**

**Official signed Ordinances/Resolutions
and approved Minutes can found at:**

<https://eservices.scottsdaleaz.gov/cityclerk/DocumentSearch>

Planning Commission Hearing: 12/13/2017

City Council Hearing: 01/23/2018

Case History: 391-PA-2016

8-AB-2017

Wilshire Place Abandonment

CITY COUNCIL REPORT



Meeting Date: January 23, 2018
 General Plan Element: *Land Use*
 General Plan Goal: *Coordinate Planning to Balance Infrastructure*

ACTION

Wilshire Place Abandonment 8-AB-2017

Request to consider the following:

Adopt Resolution No. 11004 approving the abandonment of +/- 471 square feet of E. Wilshire Drive right-of-way, and +/- 518 square feet of alley right-of-way located along the northwestern and western boundaries, respectively, of parcel 129-05-010D, with Medium Density Residential (R-3) zoning, located at 7121 E. Wilshire Drive.

Goal/Purpose of Request

The applicant is seeking the proposed abandonment to resolve excess right-of-way adjacent to the subject parcel in conjunction with the redevelopment of the site for a multi-family residential project.

Key Items for Consideration

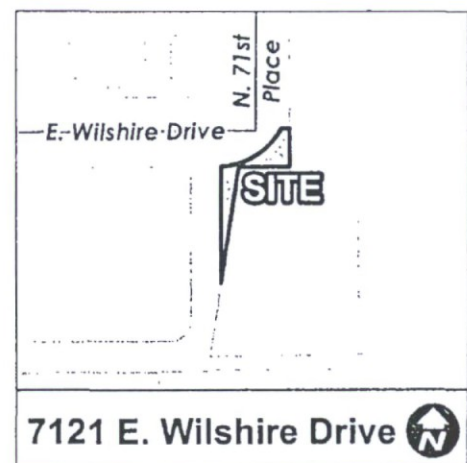
- Access not impacted by this proposed abandonment
- Conformance with the Transportation Master Plan
- No public input received regarding the proposed abandonment
- Planning Commission heard this case on December 13, 2017 with a 7-0 vote

OWNER

7121 E Wilshire, LLC
 602-481-9282

APPLICANT CONTACT

Edmir Dzudza
 E-Project, LLC
 602-481-9282



LOCATION

Adjacent to 7121 E. Wilshire Drive

BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Mixed-Use Neighborhoods. Mixed-use neighborhoods are located in areas with strong access to multiple modes of transportation and major regional access and services, and have a focus on human scale development.

Southern Scottsdale Character Area Plan

The Southern Scottsdale Character Area Plan follows all land use designations as outlined in the General Plan. As noted above, the property is designated as Mixed-Use Neighborhoods by the General Plan.

Zoning

The site is zoned Medium Density Residential (R-3). The (R-3) zoning district is intended to fulfill the need for medium density residential development and will generally serve as an integral part of the neighborhood, allowing for a variety of housing types.

Context

The subject right-of-way along E. Wilshire Drive was dedicated in 1956. The alley right-of-way at the northwestern portion of the site was dedicated in 1958. The subject property is located at the southeast corner of the intersection of E. Wilshire Drive and N. 71st Place. Surrounding uses include multi-family residential, single-family residential and commercial/retail uses. Please refer to context graphics attached.

Related Policies, References:

2008 Scottsdale Transportation Master Plan

MCR Docket 1923, Page 332-333

MCR Docket 2561, Page 578

11-DR-2017 – associated Development Review Board application for subject site

IMPACT ANALYSIS

Traffic/Trails

The proposed abandonment area along E. Wilshire Drive will more closely follow the existing improvements at the southeast corner of the intersection of E. Wilshire Drive and N. 71st Place. The applicant is proposing access to the proposed development via the adjacent alley. The property owner will be dedicating approximately 221 square feet additional right-of-way near the southern portion of the alley to provide a consistent alley width and full access to the site and other properties west of the site that utilize the alley. The proposed abandonments are not anticipated to impact traffic in the area. There are no designated trails in this area.

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. Wilshire Drive and the adjacent alley. 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 abandonment and support the abandonment.

Open Space

The proposed abandonment does not affect open space in the area. All required open space for the associated development project will be provided on site.

Community Involvement

The site was posted notifying interested parties of the abandonment request and the city sent postcards to property owners surrounding the site in notice of the request. Although city staff has received inquiries regarding the related Development Review Board application for the site, city staff did not receive any inquiries specifically related to the applicant's abandonment request.

Community Impact

The proposed abandonments do not restrict or remove access to any properties along E. Wilshire Drive or the adjacent alley and provisions for public utilities are provided within the existing right-of-way in the area. The proposed abandonment will remove excess right-of-way maintenance responsibility from the city and provide consistency in right-of-way width along the adjacent alley.

OTHER BOARDS & COMMISSIONS

Staff Recommendation to Planning Commission:

Staff recommended that the Planning Commission make a recommendation to City Council for approval of a request by owner to abandon +/- 471 square feet of E. Wilshire Drive right-of-way, and +/- 518 square feet of alley right-of-way located along the northwestern and western boundaries, respectively, of parcel 129-05-010D, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

1. The property owner dedicates approximately 221 square feet of right-of-way for an alley along the southwestern portion of the parcel.
2. The property owner shall pay to the City an amount to be determined as compensation to the City for the abandonment of right-of-way. The amount has since been determined to be \$10,160.64.

Planning Commission:

Planning Commission heard this case on December 13, 2017 and recommended approval with a 7-0 vote.

RECOMMENDATION

Recommended Approach:

Adopt Resolution No. 11004 approving the abandonment of +/- 471 square feet of E. Wilshire Drive right-of-way, and +/- 518 square feet of alley right-of-way located along the northwestern and western boundaries, respectively, of parcel 129-05-010D, with Medium Density Residential (R-3) zoning, located at 7121 E. Wilshire Drive.

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

Brad Carr, AICP, LEED-AP
Principal Planner

480-312-7713
E-mail: bcarr@ScottsdaleAZ.gov

APPROVED BY


Brad Carr, AICP, Report Author

12.22.2017
Date


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

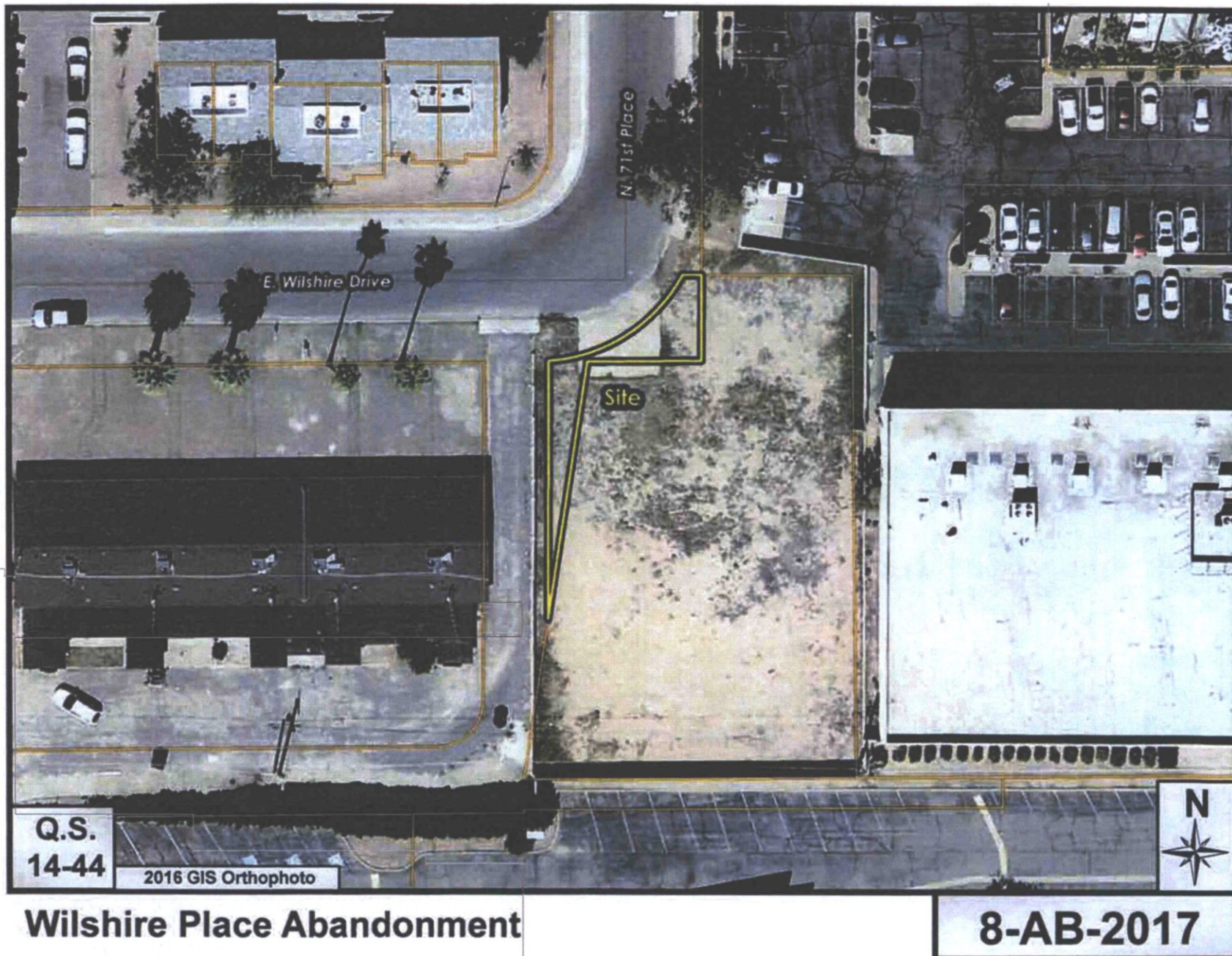
1/8/2018
Date

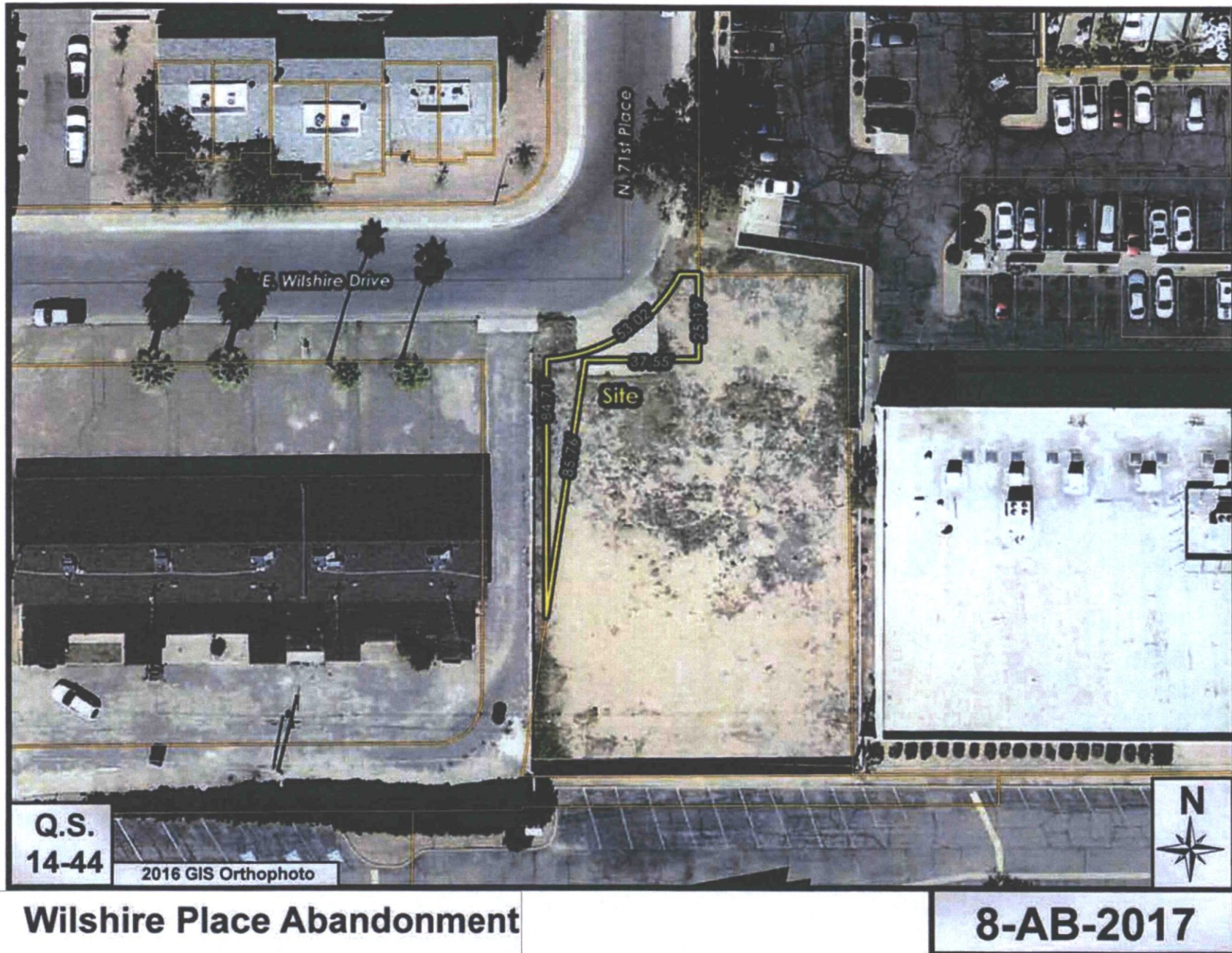

Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

1/8/18
Date

ATTACHMENTS

1. Context Aerial
2. Dimensioned Aerial
3. Resolution No. 11004
4. Applicant's Narrative
5. City Notification Map
6. December 13, 2017 Planning Commission meeting minutes





RESOLUTION NO. 11004

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ABANDONING, SUBJECT TO CONDITIONS, CERTAIN INTERESTS IN PORTIONS OF PUBLIC ROADWAY ALONG AN ALLEY LOCATED SOUTH OF EAST WILSHIRE DRIVE, AND A PORTION OF WILSHIRE DRIVE LOCATED AT THE SOUTHEAST CORNER OF N. 71ST PLACE AND EAST WILSHIRE DRIVE.

(8 - AB - 2017)
(7121 E. WILSHIRE DRIVE, ARIZONA LLC)

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. Scottsdale Revised Code 2-221 and other applicable laws provide that the City may dispose of other real property interests.

C. After notice to the public, the City of Scottsdale ("City ") Planning Commission and City Council have held hearings on the proposed abandonment of certain interests in street right of way totaling approximately 989 square feet (collectively, the "Abandonment Right-of-way").

D. The Abandonment Right of Way is all of the following real property ownership and real property interests held by the City on the date of this resolution:

1. The rights-of-way, public utility and roadway easements described on **Exhibit "A"** and **Exhibit "B"** attached hereto.

2. The property served by the abandonment is depicted on **Exhibit "C"** 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 Specified Reservations. 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 or dedicated to City, or may describe as being owned by City.

2.2 Other Reserved Interests. Any of the following in favor of City that may already have been imposed on the Abandonment Right-of-way prior to this resolution, if any:

2.2.1 Any V.N.A.E. or other vehicular non-access easement or covenant.

2.2.2 Any open space or similar easement or covenant.

2.2.3 Any scenic corridor, setback or similar easement or covenant.

2.3 Existing Utilities. An easement for all existing utilities, if any. Such easement shall automatically expire if and when such utilities are completely and permanently removed.

2.4 Statutory Reservations. 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 Payment. The property owner shall pay to City the amount of \$10,160.64.

3.2 Right-of-Way Dedication. The property owner shall dedicate approximately 222 square feet of right-of-way for an alley along the southwestern portion of the served property, as depicted on **Exhibit "D"** and **Exhibit "E"** attached hereto.

3.3 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. The city attorney shall have authority in his sole and absolute discretion to approve or decline to approve requested minor changes in the attached document forms.

5. Exhibits. 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 resolution text controls.

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

CITY OF SCOTTSDALE, an Arizona municipal corporation

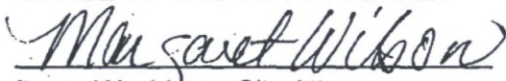
W. J. "Jim" Lane, Mayor

ATTEST:

By: _____
Carolyn Jagger, City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY


Bruce Washburn, City Attorney

By: Margaret Wilson, Senior 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

Table of Exhibits

<u>Exhibit</u>	<u>Paragraph</u>	<u>Description</u>
A	D	Legal description of street right-of-way to be abandoned
B	D	Scaled and dimensioned drawing to accompany legal description of street right-of-way to be abandoned
C	D	Depiction of parcel served by the abandonment
D	3.2	Legal description of alley right-of-way to be dedicated
E	3.2	Scaled and dimensioned drawing to accompany legal description of alley right-of-way to be dedicated

**EXHIBIT A
LEGAL DESCRIPTION
RIGHT-OF-WAY ABANDONMENT
PARCEL 1**

ABANDONMENT OF A PORTION OF THE RIGHT OF WAY DESCRIBED IN DOCUMENT DOCKET 2561, PAGE 578 RECORDED IN THE OFFICE OF THE COUNTY RECORDER, IN THE CITY OF SCOTTSDALE, COUNTY OF MARICOPA, STATE OF ARIZONA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED IN DOCUMENT NUMBER 2016-0813217 RECORDED IN SAID OFFICE OF THE COUNTY RECORDER;

THENCE NORTH 08°19'31" EAST 56.07 FEET ALONG THE WEST LINE OF SAID PROPERTY TO THE POINT OF BEGINNING FOR PARCEL 1;

THENCE NORTH 00°07'19" EAST 84.71 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF WILSHIRE DRIVE AS DESCRIBED BY DOCUMENT DOCKET 1923, PAGE 332;

THENCE NORTH 89°17'58" EAST 12.24 FEET ALONG SAID SOUTH RIGHT OF WAY LINE TO A POINT ON THE SAID WEST LINE OF SAID PROPERTY;

THENCE SOUTH 08°19'31" WEST 85.76 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

CONTAINING 518 SQUARE FEET, MORE OR LESS.



EXHIBIT "A"
RIGHT-OF-WAY ABANDONMENT

HUSTEAD ENGINEERING
Consulting Civil Services
568 W. MOON VALLEY DR. PHOENIX, AZ 85023
(602) 989-6666

**EXHIBIT A
LEGAL DESCRIPTION
RIGHT-OF-WAY ABANDONMENT
PARCEL 2**

ABANDONMENT OF A PORTION OF THE RIGHT OF WAY DESCRIBED IN DOCUMENT DOCKET 1923, PAGE 332 RECORDED IN THE OFFICE OF THE COUNTY RECORDER, IN THE CITY OF SCOTTSDALE, COUNTY OF MARICOPA, STATE OF ARIZONA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN DOCUMENT NUMBER 2016-0813217 RECORDED IN SAID OFFICE OF THE COUNTY RECORDER;

THENCE SOUTH 89°28'14" WEST 51.02 FEET ALONG THE NORTH LINE OF SAID PROPERTY TO A POINT ON THE EAST RIGHT OF WAY LINE OF 71ST PLACE;

THENCE SOUTH 00°01'24" EAST 25.19 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF WILSHIRE DRIVE;

THENCE SOUTH 89°17'58" WEST 37.55 FEET ALONG SAID SOUTH RIGHT OF WAY LINE;

THENCE CONTINUING ALONG SOUTH 89°17'58" WEST 12.24 FEET TO THE BEGINNING OF NON-TANGENT CURVATURE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 50.00 FEET AND TO WHICH A RADIAL LINE BEARS SOUTH 00°12'54" EAST;

THENCE ALONG SAID CURVE TO THE LEFT 53.02 FEET THROUGH A CENTRAL ANGLE OF 60°45'46";

THENCE ALONG A NON-TANGENT LINE NORTH 89°28'14" EAST 6.26 FEET TO THE POINT OF BEGINNING.

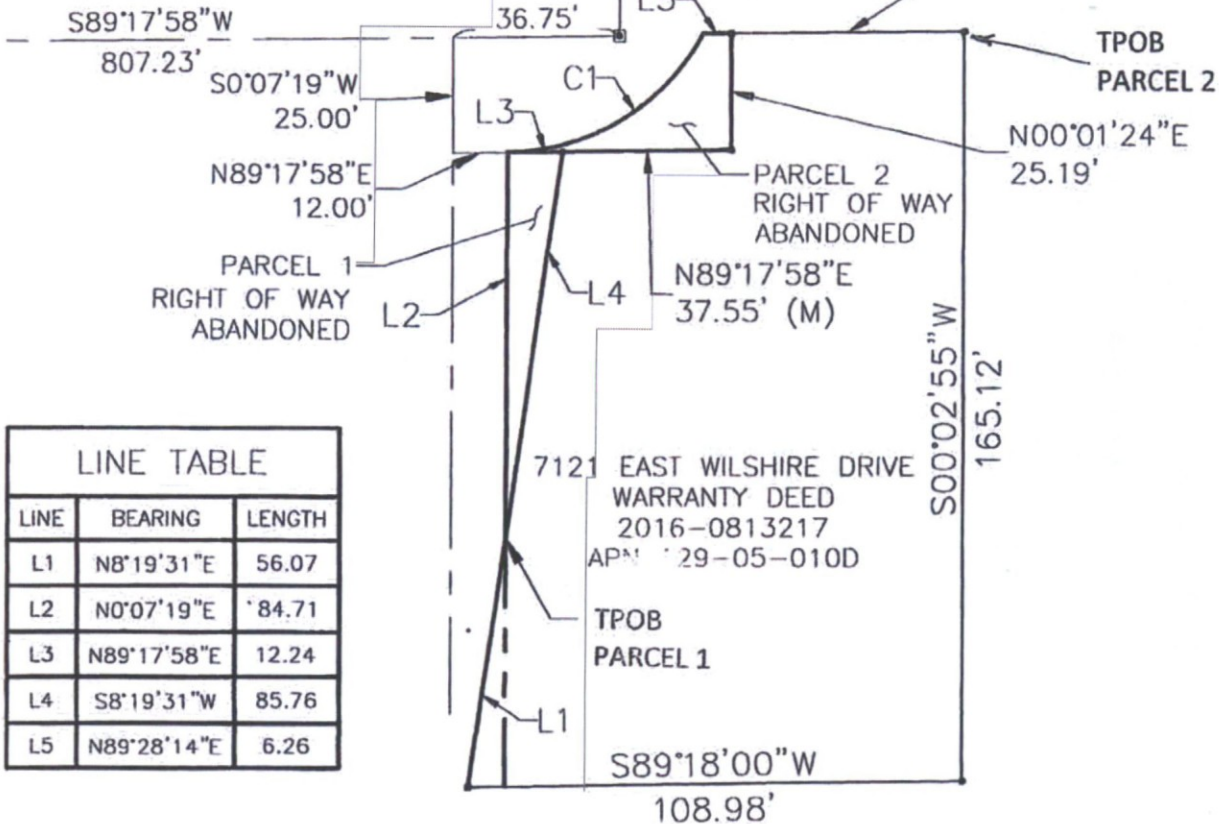
CONTAINING 471 SQUARE FEET, MORE OR LESS.



- ALL VALUES ARE CALCULATED
UNLESS NOTED OTHERWISE

WILSHIRE DRIVE

71ST PLACE



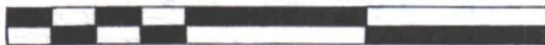
LINE TABLE

LINE	BEARING	LENGTH
L1	N8°19'31"E	56.07
L2	N0°07'19"E	84.71
L3	N89°17'58"E	12.24
L4	S8°19'31"W	85.76
L5	N89°28'14"E	6.26

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT
C1	53.02'	50.00'	50°45'46"	29.31'

0' 40' 80' 120'



SCALE IN FEET
SCALE: 1" = 40'



EXHIBIT "B"
RIGHT-OF-WAY ABANDONMENT

HUSTEAD ENGINEERING
Consulting Civil Services
568 W. MOON VALLEY DR. PHOENIX, AZ 85023
(602) 989-6666



EXHIBIT D
LEGAL DESCRIPTION
RIGHT-OF-WAY DEDICATION

A PORTION OF THE PROPERTY DESCRIBED IN DOCUMENT NUMBER 2016-0813217 RECORDED IN THE OFFICE OF THE COUNTY RECORDER, IN THE CITY OF SCOTTSDALE, COUNTY OF MARICOPA, STATE OF ARIZONA DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PROPERTY;

THENCE NORTH 08°19'31" EAST 56.07 FEET ALONG THE WEST LINE OF SAID PROPERTY;

THENCE SOUTH 00°07'19" WEST 55.38 FEET TO A POINT ON THE SOUTH LINE OF SAID PROPERTY;

THENCE SOUTH 89°18'00" WEST 8.00 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

CONTAINING 222 SQUARE FEET, MORE OR LESS.

- ALL VALUES ARE CALCULATED
UNLESS NOTED OTHERWISE



WILSHIRE DRIVE

71ST PLACE

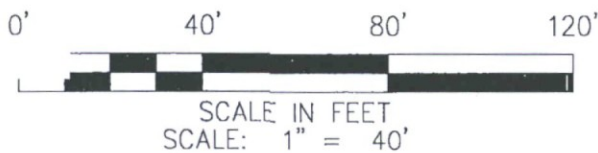
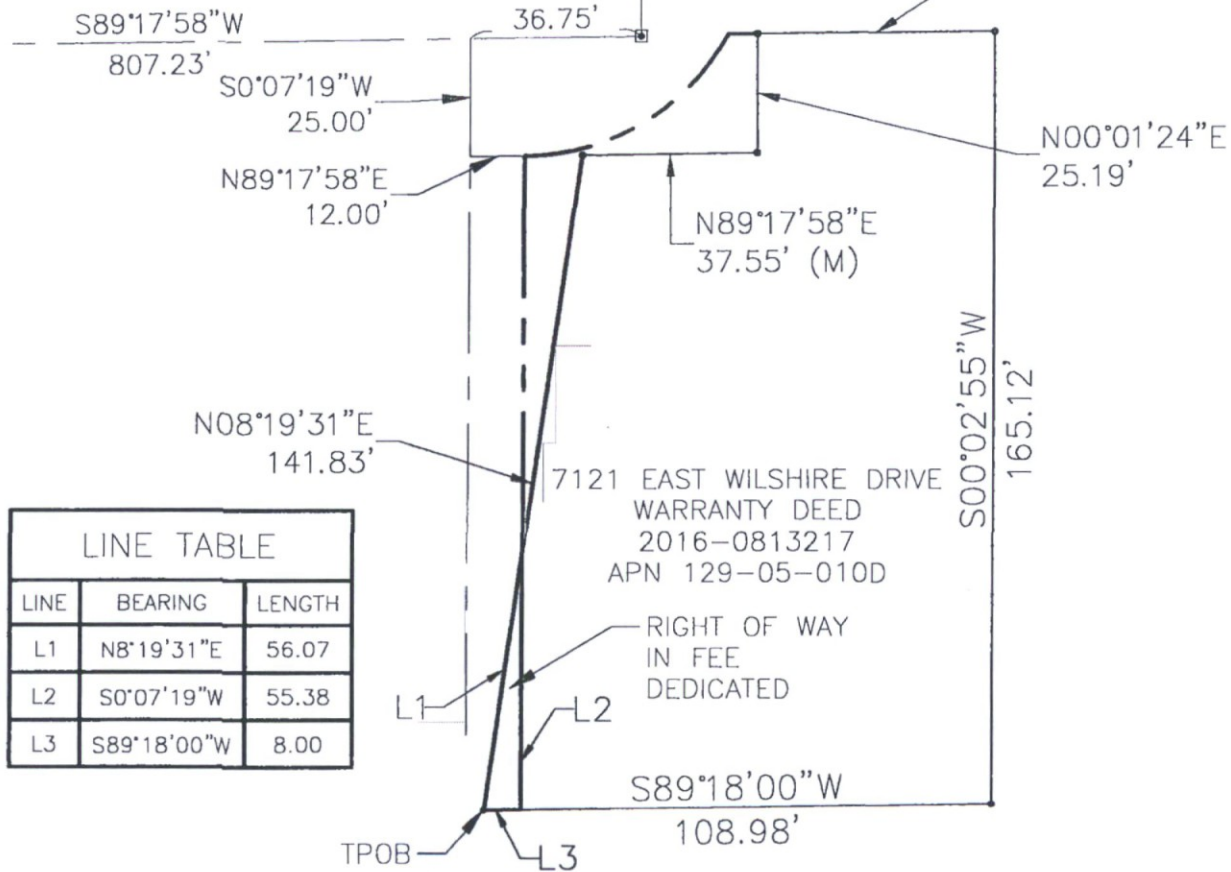


EXHIBIT "E" RIGHT-OF-WAY DEDICATION

HUSTEAD ENGINEERING
Consulting Civil Services
568 W. MOON VALLEY DR. PHOENIX, AZ 85023
(602) 989-6666



Project Narrative

E Project, LLC

Architecture - Planning

DATE: JULY 18, 2017

917 W. Kathleen Rd, Phoenix, AZ 85023
Phone 602.481.9282 Fax 480.359.4407
E-mail: edmir@e-projectinternational.com

RE: Case No. 391-PA-2016

Description of Request:

Alley and Right-of-Way Abandonment and Alley Dedication

The project located at the 7121 E Wilshire consists of a 0.4 acre site. The proposed development consists of new multi-family development with 5 townhome units.

West property line is not perpendicular to Wilshire Drive and existing alley has less than 24 feet of clear width. Public Works department approved method of solid waste collection on this project as a two large common bins to be located at West side of our west property line.

In order to accommodate that waste collection system we have to create 24 feet wide alley, and that would require ROW dedication on South side and also alley abandonment on North side. We are also applying for ROW abandonment at SEC of Wilshire at the curve. Proposed ROW line will follow Wilshire Drive curvature.

Consideration.

Property was purchase last year for \$200,000.00

Purchase price psf = \$200,000 / 15,116sf = \$13.23 psf

Existing Lot Net Area: 15,116 SF

Proposed Lot Net Area after all abandonments and dedications: 15,884 sf

Total Area of Abandonment: 989 sf

Total Area of Dedication: 221 sf

Overall Abandonment and Dedication: 768 sf

Consideration: 768 sf x \$13.23 psf = \$ 10,160.64

If you have questions regarding this meeting, please contact our office:

A handwritten signature in dark ink, appearing to read 'Edmir Dzudza', written over a horizontal line.

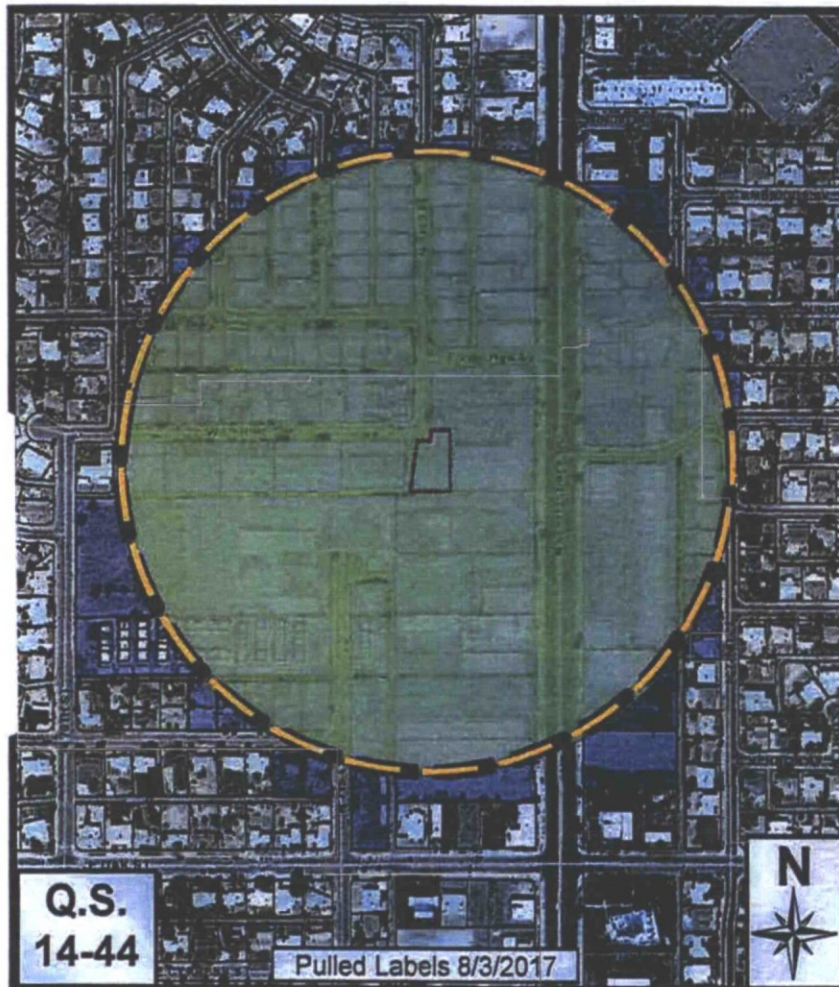
Edmir Dzudza, AIA
For 7121 E Wilshire, LLC
Phone : 602-481-9282
Fax : 480-359-4407
E-mail : edmir@e-projectinternational.com

cc: City of Scottsdale Current Planning Department

ATTACHMENT 4

City Notifications – Mailing List Selection Map

ATTACHMENT 5



Map Legend:

- Site Boundary
- - - Properties within 750-feet
- 189 Postcards

Additional Notifications:

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

Wilshire Place Abandonment

8-AB-2017



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

WEDNESDAY, DECEMBER 13, 2017

***DRAFT SUMMARIZED MEETING MINUTES ***

PRESENT: Paul Alessio, Chair
Larry S. Kush, Commissioner
Prescott Smith, Commissioner
Kelsey Young, Commissioner
Kevin Bollinger, Commissioner
Christian Serena, Commissioner

ABSENT: Ali Fakhri, Vice Chair

STAFF: Tim Curtis
Joe Padilla
Kroy Ekblaw
Brad Carr
Jesus Murillo
Jeff Barnes
Lorraine Castro
Alex Acevedo

CALL TO ORDER

Chair Alessio called the regular session of the Scottsdale Planning Commission to order at 5:00 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 page on ScottsdaleAZ.gov, search "Planning Commission"

MINUTES REVIEW AND APPROVAL

1. Approval of the November 8, 2017 Regular Meeting Minutes including Study Session.
COMMISSIONER KUSH MOVED TO APPROVE THE NOVEMBER 8, 2017 REGULAR MEETING MINUTES, INCLUDING STUDY SESSION, SECONDED BY COMMISSIONER SERENA, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).

EXPEDITED AGENDA

2. Approval of the Planning Commission 2018 Calendar.
3. 5-AB-2017 (Rosewood 17)
Request by owner to abandon the northern fifteen-foot (15-ft) portion of right-of-way located along the north side of E. Hawknest Road, adjacent to parcel 216-34-013C, with Single-family Residential, Environmentally Sensitive Lands (R1-35 ESL) zoning located at 8604 E. Hawknest Road. Staff contact person is Jesus Murillo, 480-312-7849. Applicant contact person is Mike Delmarter, (602) 906-1374.
4. 8-AB-2017 (Wilshire Place Abandonment)
Request by owner to abandon +/- 989-square feet of E. Wilshire Drive right-of-way located along the northwestern boundary of parcel 129-05-010D, with Medium Density Residential (R-3) zoning located at 7121 E. Wilshire Drive. Staff contact person is Brad Carr, AICP, 480-312-7713. Applicant contact person is Edmir Dzudza, 602-481-9282.
5. 9-AB-2017 (Lawrence Abandonment)
Request by owner to abandon +/- 630-square feet of right-of-way located along the southern boundary of E. Indian School Road, with Single-family Residential District (R1-7) zoning located at 4013 N. 86th Street. Staff contact person is Jeff Barnes, 480-312-2376. Applicant contact person is James Lawrence, 480-949-9597.
6. 10-AB-2017 (Lewis Abandonment)
Request by owner to abandon portions of a 33-foot GLO easement along the east and south boundaries of parcel 217-32-017G, with Single-family Residential Environmentally Sensitive Lands (R1-43 ESL) zoning located at 12424 E. Cochise Drive. Staff contact person is Jeff Barnes, 480-312-2376. Applicant contact person is Reece Ubben, 623-703-0399.
7. 11-UP-2017 (Fraesfield Mountain Trailhead MUMSP)
Request by City of Scottsdale for approval of a Municipal Use Master Site Plan for the improvement of a trailhead (located within the McDowell Sonoran Preserve) with Single-family Residential, Environmentally Sensitive Lands (R1-70/ESL and R1-190/ESL) zoning, located at 13400 E. Rio Verde Drive (northwest corner of E. Rio Verde Dr. and N. 136th St.). Staff contact person is Jesus Murillo, 480-312-7849. Applicant contact person is Scott Mars, 480-312-2619.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

8. 12-UP-2017 (Granite Mountain Trailhead)

Request by City of Scottsdale for approval of a Municipal Use Master Site Plan for the improvement of a trailhead (located within the McDowell Sonoran Preserve) with Single-family Residential, Environmentally Sensitive Lands (R1-190/ESL) zoning, located at 31402 N 136th Street (northwest corner of E. Lone Mountain Road and N. 136th Street). Staff contact person is Jesus Murillo, 480-312-7849. Applicant contact person is Scott Mars, 480-312-2619.

Item No's 2, 3, 4, 5, 6, 7 & 8: Move to approve the 2018 Planning Commission Calendar and make a recommendation to City Council for approval of cases 5-AB-2017, 8-AB-2017, 9-AB-2017, 10-AB-2017, 11-UP-2017 and 12-UP-2017, by a vote of 6-0; Motion by Commissioner Kush, per the staff recommended stipulations, based upon the finding that the Abandonments and the Municipal Use Master Site Plan criteria have been met and are consistent and conform with the adopted General Plan, 2nd by Commissioner Young.

9. 11-UP-2016 (The Outpost)

Request by owner for a Conditional Use Permit (CUP) for a gas station use on +/- 2.25-acres of an +/- 8.61-acre site, with Planned Neighborhood Center, Environmentally Sensitive Lands Foothills Overlay (PNC/ESL/FO) zoning, located at 8738 E Dynamite Blvd. Staff contact person is Jesus Murillo, 480-312-7849. Applicant contact person is Andrew J. Armstrong, 480-429-3060.

Item No 9: Recommended City Council approve case 11-UP-2016, by a vote of 5-0; Motion by Commissioner Kush, per the staff recommended stipulations, based upon the finding that the Conditional Use Permit criteria have been met, 2nd by Commissioner Bollinger with Commissioner Smith recused himself.

Request to speak card: Brian Caliendo

Adjournment – Motion to adjourn at 5:12 p.m.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"

PLANNING COMMISSION REPORT



Meeting Date: December 13, 2017
General Plan Element: *Land Use*
General Plan Goal: *Coordinate Planning to Balance Infrastructure*

ACTION

Wilshire Place Abandonment 8-AB-2017

Request to consider the following:

1. A recommendation to City Council regarding a request by owner to abandon +/- 471 square feet of E. Wilshire Drive right-of-way, and +/- 518 square feet of alley right-of-way located along the northwestern and western boundaries, respectively, of parcel 129-05-010D, with Medium Density Residential (R-3) zoning, located at 7121 E. Wilshire Drive.

Goal/Purpose of Request

The applicant is seeking the proposed abandonment to resolve excess right-of-way adjacent to the subject parcel in conjunction with the redevelopment of the site for a multi-family residential project.

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

7121 E Wilshire, LLC
602-481-9282

APPLICANT CONTACT

Edmir Dzudza
E-Project, LLC
602-481-9282



LOCATION

Adjacent to 7121 E. Wilshire Drive

BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Mixed-Use Neighborhoods. Mixed-use neighborhoods are located in areas with strong access to multiple modes of transportation and major regional access and services, and have a focus on human scale development.

Southern Scottsdale Character Area Plan

The Southern Scottsdale Character Area Plan follows all land use designations as outlined in the General Plan. As noted above, the property is designated as Mixed-Use Neighborhoods by the General Plan.

Zoning

The site is zoned Medium Density Residential (R-3). The (R-3) zoning district is intended to fulfill the need for medium density residential development and will generally serve as an integral part of the neighborhood, allowing for a variety of housing types.

Context

The subject right-of-way along E. Wilshire Drive was dedicated in 1956. The alley right-of-way at the northwestern portion of the site was dedicated in 1958. The subject property is located at the southeast corner of the intersection of E. Wilshire Drive and N. 71st Place. Surrounding uses include multi-family residential, single-family residential and commercial/retail uses. Please refer to context graphics attached.

Related Policies, References:

2008 Scottsdale Transportation Master Plan

MCR Docket 1923, Page 332-333

MCR Docket 2561, Page 578

11-DR-2017 – associated Development Review Board application for subject site

IMPACT ANALYSIS

Traffic/Trails

The proposed abandonment area along E. Wilshire Drive will more closely follow the existing improvements at the southeast corner of the intersection of E. Wilshire Drive and N. 71st Place. The applicant is proposing access to the proposed development via the adjacent alley. The property owner will be dedicating approximately 221 square feet additional right-of-way near the southern portion of the alley to provide a consistent alley width and full access to the site and other properties west of the site that utilize the alley. The proposed abandonments are not anticipated to impact traffic in the area. There are no designated trails in this area.

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. Wilshire Drive and the adjacent alley. 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 abandonment and support the abandonment.

Open Space

The proposed abandonment does not affect open space in the area. All required open space for the associated development project will be provided on site.

Community Involvement

The site was posted notifying interested parties of the abandonment request and the city sent postcards to property owners surrounding the site in notice of the request. Although city staff has received inquiries regarding the related Development Review Board application for the site, city staff did not receive any inquiries specifically related to the applicant's abandonment request.

Community Impact

The proposed abandonments do not restrict or remove access to any properties along E. Wilshire Drive or the adjacent alley and provisions for public utilities are provided within the existing right-of-way in the area. The proposed abandonment will remove excess right-of-way maintenance responsibility from the city and provide consistency in right-of-way width along the adjacent alley.

STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Planning Commission make a recommendation to City Council for approval of a request by owner to abandon +/- 471 square feet of E. Wilshire Drive right-of-way, and +/- 518 square feet of alley right-of-way located along the northwestern and western boundaries, respectively, of parcel 129-05-010D, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

1. The property owner dedicates approximately 221 square feet of right-of-way for an alley along the southwestern portion of the parcel.
2. The property owner shall pay to the City an amount to be determined as compensation to the City for the abandonment of right-of-way.

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

Brad Carr, AICP, LEED-AP
Principal Planner

480-312-7713
E-mail: bcarr@ScottsdaleAZ.gov

APPROVED BY



Brad Carr, AICP, Report Author

11.29.2017

Date



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

12/4/2017

Date



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

12/4/17

Date

ATTACHMENTS

1. Context Aerial
2. Dimensioned Aerial
3. Applicant's Narrative
4. Legal Description and Graphic Abandonment Area
5. Abandonment and Dedication Graphic
6. City Notification Map



Wilshire Place Abandonment

8-AB-2017



Wilshire Place Abandonment

8-AB-2017



E Project, LLC

Architecture - Planning

DATE: JULY 18, 2017

917 W. Kathleen Rd, Phoenix, AZ 85023
Phone 602.481.9282 Fax 480.359.4407
E-mail: edmir@e-projectinternational.com

RE: Case No. 391-PA-2016

Description of Request:

Alley and Right-of-Way Abandonment and Alley Dedication

The project located at the 7121 E Wilshire consists of a 0.4 acre site. The proposed development consists of new multi-family development with 5 townhome units.

West property line is not perpendicular to Wilshire Drive and existing alley has less than 24 feet of clear width. Public Works department approved method of solid waste collection on this project as a two large common bins to be located at West side of our west property line.

In order to accommodate that waste collection system we have to create 24 feet wide alley, and that would require ROW dedication on South side and also alley abandonment on North side. We are also applying for ROW abandonment at SEC of Wilshire at the curve. Proposed ROW line will follow Wilshire Drive curvature.

Consideration.

Property was purchase last year for \$200,000.00

Purchase price psf = \$200,000 / 15,116sf = \$13.23 psf

Existing Lot Net Area: 15,116 SF

Proposed Lot Net Area after all abandonments and dedications: 15,884 sf

Total Area of Abandonment: 989 sf

Total Area of Dedication: 221 sf

Overall Abandonment and Dedication: 768 sf

Consideration: 768 sf x \$13.23 psf = **\$ 10,160.64**

If you have questions regarding this meeting, please contact our office:

Edmir Dzudza, AIA
For 7121 E Wilshire, LLC
Phone : 602-481-9282
Fax : 480-359-4407
E-mail : edmir@e-projectinternational.com

cc: City of Scottsdale Current Planning Department

ATTACHMENT 3

**EXHIBIT A
LEGAL DESCRIPTION
RIGHT-OF-WAY ABANDONMENT
PARCEL 1**

ABANDONMENT OF A PORTION OF THE RIGHT OF WAY DESCRIBED IN DOCUMENT DOCKET 2561, PAGE 578 RECORDED IN THE OFFICE OF THE COUNTY RECORDER, IN THE CITY OF SCOTTSDALE, COUNTY OF MARICOPA, STATE OF ARIZONA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED IN DOCUMENT NUMBER 2016-0813217 RECORDED IN SAID OFFICE OF THE COUNTY RECORDER;

THENCE NORTH 08°19'31" EAST 56.07 FEET ALONG THE WEST LINE OF SAID PROPERTY TO THE POINT OF BEGINNING FOR PARCEL 1;

THENCE NORTH 00°07'19" EAST 84.71 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF WILSHIRE DRIVE AS DESCRIBED BY DOCUMENT DOCKET 1923, PAGE 332;

THENCE NORTH 89°17'58" EAST 12.24 FEET ALONG SAID SOUTH RIGHT OF WAY LINE TO A POINT ON THE SAID WEST LINE OF SAID PROPERTY;

THENCE SOUTH 08°19'31" WEST 85.76 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

CONTAINING 518 SQUARE FEET, MORE OR LESS.



EXHIBIT "A"
RIGHT-OF-WAY ABANDONMENT

HUSTEAD ENGINEERING
Consulting Civil Services
568 W. MOON VALLEY DR. PHOENIX, AZ 85023
(602) 989-6666

**EXHIBIT A
LEGAL DESCRIPTION
RIGHT-OF-WAY ABANDONMENT
PARCEL 2**

ABANDONMENT OF A PORTION OF THE RIGHT OF WAY DESCRIBED IN DOCUMENT DOCKET 1923, PAGE 332 RECORDED IN THE OFFICE OF THE COUNTY RECORDER, IN THE CITY OF SCOTTSDALE, COUNTY OF MARICOPA, STATE OF ARIZONA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN DOCUMENT NUMBER 2016-0813217 RECORDED IN SAID OFFICE OF THE COUNTY RECORDER;

THENCE SOUTH 89°28'14" WEST 51.02 FEET ALONG THE NORTH LINE OF SAID PROPERTY TO A POINT ON THE EAST RIGHT OF WAY LINE OF 71ST PLACE;

THENCE SOUTH 00°01'24" EAST 25.19 FEET ALONG SAID RIGHT OF WAY LINE TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF WILSHIRE DRIVE;

THENCE SOUTH 89°17'58" WEST 37.55 FEET ALONG SAID SOUTH RIGHT OF WAY LINE;

THENCE CONTINUING ALONG SOUTH 89°17'58" WEST 12.24 FEET TO THE BEGINNING OF NON-TANGENT CURVATURE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 50.00 FEET AND TO WHICH A RADIAL LINE BEARS SOUTH 00°12'54" EAST;

THENCE ALONG SAID CURVE TO THE LEFT 53.02 FEET THROUGH A CENTRAL ANGLE OF 60°45'46";

THENCE ALONG A NON-TANGENT LINE NORTH 89°28'14" EAST 6.26 FEET TO THE POINT OF BEGINNING.

CONTAINING 471 SQUARE FEET, MORE OR LESS.



EXHIBIT "A"
RIGHT-OF-WAY ABANDONMENT

HUSTEAD ENGINEERING
Consulting Civil Services
568 W. MOON VALLEY DR. PHOENIX, AZ 85023
(602) 989-6666

- ALL VALUES ARE CALCULATED
UNLESS NOTED OTHERWISE

WILSHIRE DRIVE

71ST PLACE

LINE TABLE		
LINE	BEARING	LENGTH
L1	N8°19'31"E	56.07
L2	N0°07'19"E	84.71
L3	N89°17'58"E	12.24
L4	S8°19'31"W	85.76
L5	N89°28'14"E	6.26

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	TANGENT
C1	53.02'	50.00'	50°45'46"	29.31'



SCALE IN FEET
SCALE: 1" = 40'

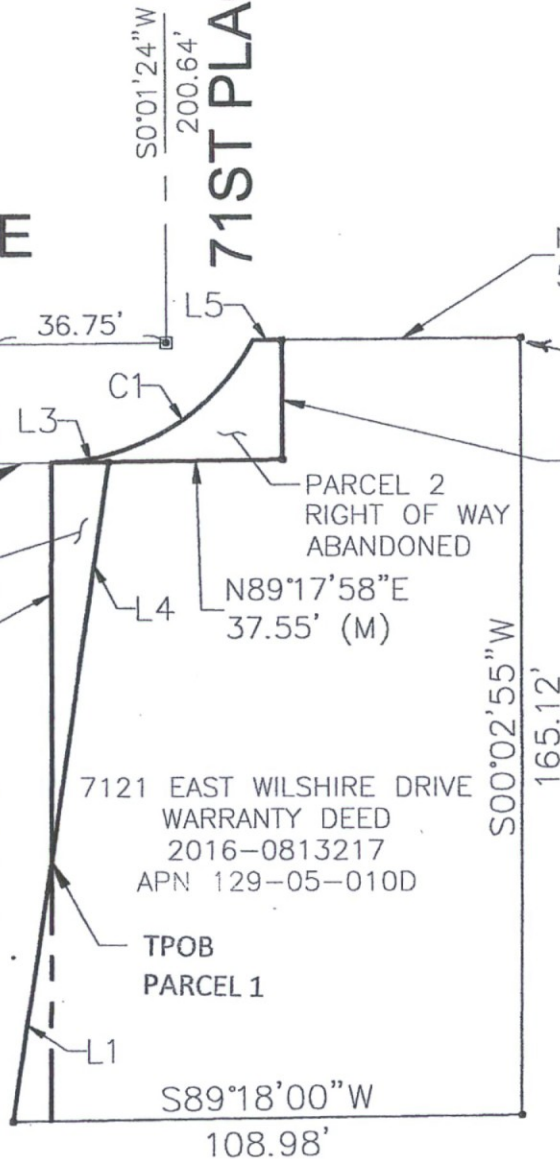


EXHIBIT "B"

RIGHT-OF-WAY ABANDONMENT

HUSTEAD ENGINEERING
 Consulting Civil Services
 568 W. MOON VALLEY DR. PHOENIX, AZ 85023
 (602) 989-6666

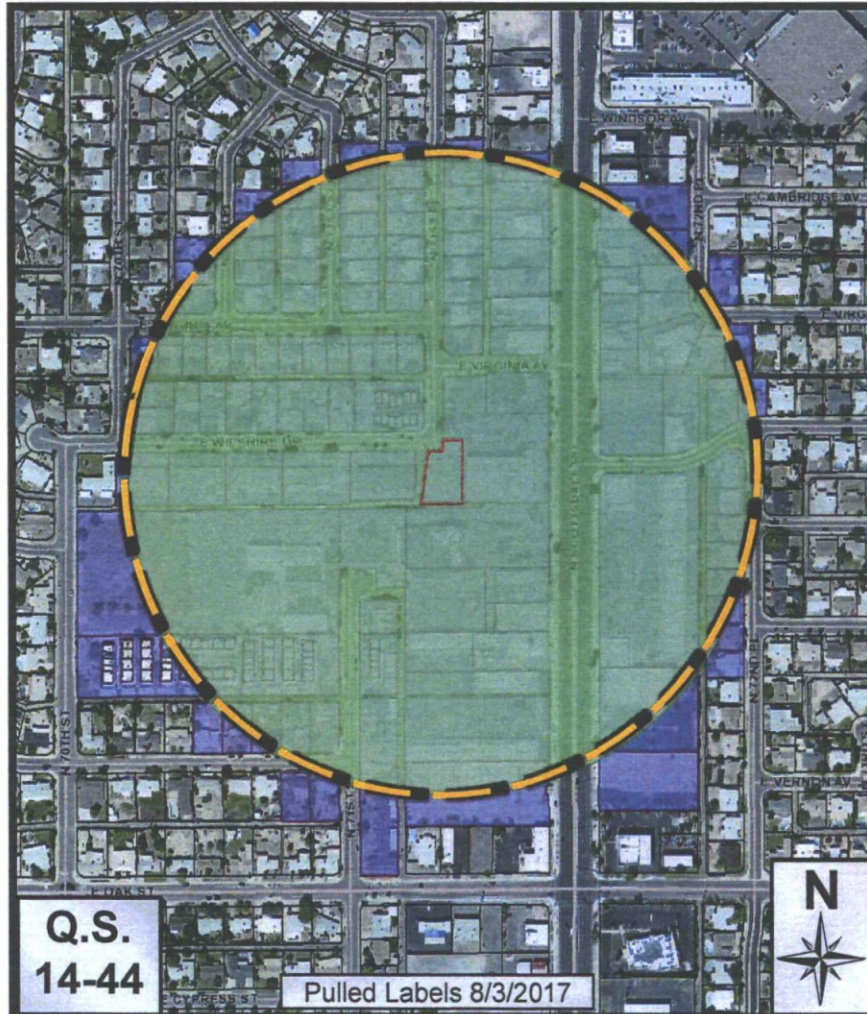


Wilshire Place Abandonment

8-AB-2017

City Notifications – Mailing List Selection Map

ATTACHMENT #6



Map Legend:

- Site Boundary
- - - Properties within 750-feet
- 189 Postcards

Additional Notifications:

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

Wilshire Place Abandonment

8-AB-2017