

**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: 152-PA-2015

9-AB-2017

Lawrence Abandonment

PLANNING COMMISSION REPORT



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

ACTION

Lawrence Abandonment 9-AB-2017

Request to consider the following:

1. A recommendation to City Council regarding a request by owner to abandon +/- 630-square feet of right-of-way located along the southern boundary of E. Indian School Road, for the property located at 4013 N. 86th Street with Single-family Residential District (R1-7) zoning.

Goal/Purpose of Request

This request is to abandon a portion of the south ten (10) feet of the existing sixty-five (65) foot half-street located along E. Indian School Road consistent with the fifty-five (55) foot half-street width to the east of the subject property.

Key Items for Consideration

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

OWNER / APPLICANT CONTACT

James Lawrence
480-949-9597

LOCATION

4013 N 86th St



BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Suburban Neighborhoods. This category includes medium to small-lot single-family neighborhoods or subdivisions. Densities in Suburban Neighborhoods are usually more than one house per acre, but less than eight houses per acre. This category also includes some townhouses and can also be used for small lot single-family homes, such as patio homes.

Zoning

The site is zoned Single-family Residential (R1-7) district. The (R1-7) zoning district allows for single-family dwellings and uses incidental or accessory there to.

The surrounding property is zoned Single-family Residential (R1-7) district to the east, south, and west; and zoned Townhouse Residential (R-4) district across E. Indian School Road to the north.

Context

The subject 630 sq.ft. of right-of-way was dedicated in 1965 as a portion of the south sixty-five (65) foot half-street for E. Indian School Road. The subject property is located at the southeast corner of E. Indian School Road and N. 86th Street. This property was originally Lot 2039 of the Park Scottsdale 15 subdivision. Lot 2039 was expanded in 2004 with the acquisition of a former well site located between the original parcel and E. Indian School Road. The previous property combination excluded the currently proposed abandonment area. The proposed abandonment would be consistent with the fifty-five (55) foot half-street width of the right-of-way along the east proton of the subject site and eastward along E. Indian School Road to N. Pima Road.

APPLICANTS PROPOSAL

Development Information

The proposed abandonment includes a 630 sq.ft. area of the south 10 feet of the 65 foot wide south half-street right-of-way for E. Indian School Road. This area is located beyond the Indian School Road street improvements and would realign the currently offset portion of the northern boundary of the property located at 4013 N. 86th Street with that of the other properties to its east, along the south side of E. Indian School Road.

IMPACT ANALYSIS

Land Use

There is no proposed change to the land use. The subject property will continue to function as a single-family residence with or without the proposed abandonment.

Traffic/Trails

Access to the subject property is currently served from, and will continue to be served from, N. 86th Street. The existing street and sidewalk infrastructure is located within the remaining portion of the

E. Indian School Road right-of-way and will be unaffected by the proposed abandonment.

Emergency/Municipal Services and Utilities

All existing emergency and municipal access will be provided to the properties surrounding the abandonment area and maintained through existing dedicated public right-of-way along N. 86th Street. No impacts are anticipated.

Public Utilities

The public utility providers have been notified of the applicant's request. The utility companies have indicated no conflicts with the proposed abandonment. The existing functioning City water and sewer lines are located outside of the area to be abandoned.

Community Involvement

Property owners within 750 feet of the subject properties were notified of this application. As of the writing of this report, staff has not received any objections to this application.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Planning Commission make a recommendation to City Council for approval to abandon the +/- 630-square foot portion of right-of-way located along the southern boundary of E. Indian School Road, for the property located at 4013 N. 86th Street, finding that the proposal is consistent with and conforms to the adopted General Plan. , subject to the following:

1. 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

Jeff Barnes

Senior Planner

480-312-2376


E-mail: jbarnes@ScottsdaleAZ.gov

APPROVED BY




Jeff Barnes, Report Author

11/14/2017
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. Close-Up Aerial
3. Applicant's Narrative
4. Legal Description and Graphic Abandonment Area
5. City Notification Map



Lawrence Abandonment

Attachment #1

9-AB-2017



Lawrence Abandonment

Attachment #2

9-AB-2017

PROJECT NARRATIVE

This request is over a decade old in the making.

Location: Southeast corner of Indian School and N. 86th St.

History: Formerly City of Scottsdale underground pump station.

Address: Lot assemblage—original residence, 4013 N 86th St. and pump station lot as 4019 N. 86th St.

Pump station equipment removed, well head capped with cement deep underground.

I already owned the only adjoining property (east and south). Thus, I got first chance to buy the pump station property which I did.

I thought I bought the entire corner but was told at closing there was a small legal description error. I could use the space in question but not put anything permanent on that part. I would have to inquire to correct the legal description.

Shortly after all this, the remaining Nazi Naval staff prisoner of war camp cabins (located on Scottsdale Road) became available. I arranged to obtain one standard size cabin and one large (officer's) cabin.

I was ignorant to the entire process and requirements including bringing both up to full city construction codes (sprinkler systems, etc). Everyone at the city was amazingly helpful through the entire process and the move for both was approved and accomplished including all upgrades.. The cost for me was staggering.

During all this, I initiated the process to learn about and correct the legal description error that the city was aware of but had not been corrected for many decades because the effort had no added value or return for the city.

EXHIBIT A

Legal Description Right-of-Way Abandonment

An abandonment of the south 10 feet of a portion of an easement and right-of-way located north of Lot 2039 of the Property Assemblage recorded as MCR 708-40, described as follows:

Starting at the Point of Beginning; which is 30 feet east of the west line, and 65 feet south of the north line, of the east 1/2 of the northeast 1/4 of Section 25 T2N R4E;

Then East 68.03 feet;

Then North 10.00 feet;

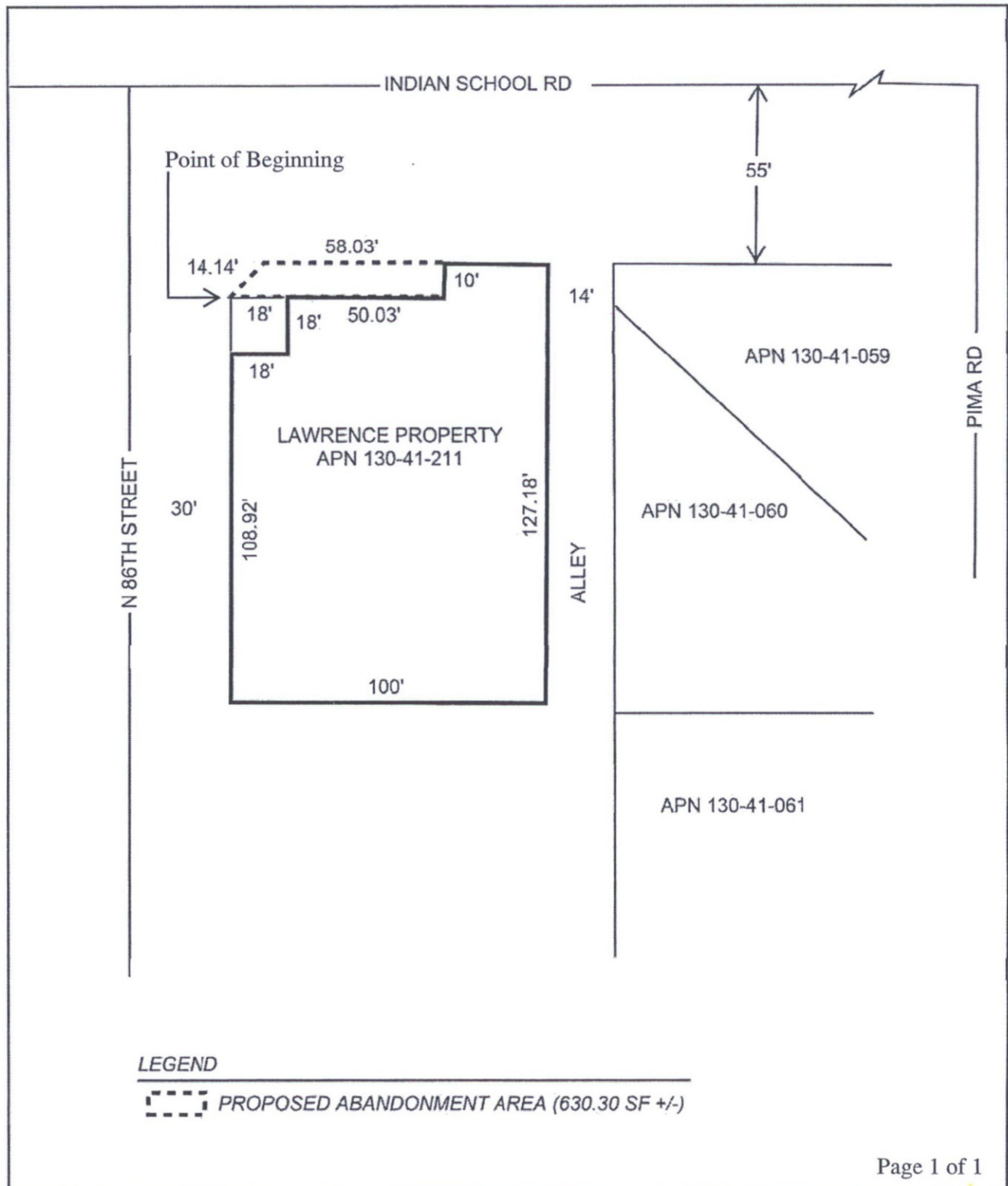
Then West 58.03 feet;

Then Southwest 14.14 feet back to the Point of Beginning.

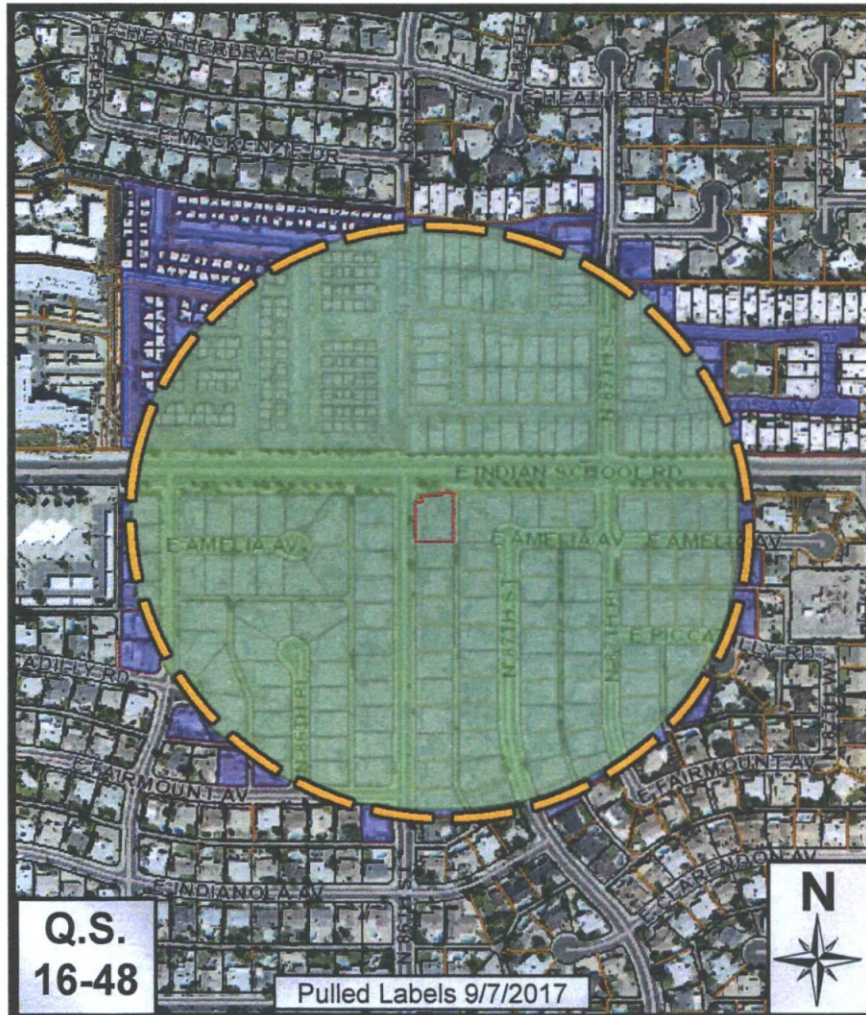
Resolution No.

ATTACHMENT 4

EXHIBIT B



City Notifications – Mailing List Selection Map



Map Legend:

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

Additional Notifications:

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

4013 N 86th St Abandonment

9-AB-2017

CITY COUNCIL REPORT



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

ACTION

Lawrence Abandonment 9-AB-2017

Request to consider the following:

Adopt Resolution No. 10977 approving the abandonment of +/- 630-square feet of right-of-way located along the southern boundary of E. Indian School Road, for the property located at 4013 N. 86th Street with Single-family Residential District (R1-7) zoning.

Goal/Purpose of Request

This request is to abandon a portion of the south ten (10) feet of the existing sixty-five (65) foot half-street located along E. Indian School Road consistent with the fifty-five (55) foot half-street width to the east of the subject property.

Key Items for Consideration

- Access not impacted by this proposed abandonment
- Conformance with the Transportation Master Plan and Local Area Infrastructure Plan
- No public input received regarding the proposed abandonment
- Planning Commission heard this case on December 13, 2017 with a 6-0 vote

OWNER / APPLICANT CONTACT

James Lawrence
480-949-9597

LOCATION

4013 N 86th St



BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Suburban Neighborhoods. This category includes medium to small-lot single-family neighborhoods or subdivisions. Densities in Suburban Neighborhoods are usually more than one house per acre, but less than eight houses per acre. This category also includes some townhouses and can also be used for small lot single-family homes, such as patio homes.

Zoning

The site is zoned Single-family Residential (R1-7) district. The (R1-7) zoning district allows for single-family dwellings and uses incidental or accessory there to.

The surrounding property is zoned Single-family Residential (R1-7) district to the east, south, and west; and zoned Townhouse Residential (R-4) district across E. Indian School Road to the north.

Context

The subject 630 sq.ft. of right-of-way was dedicated in 1965 as a portion of the south sixty-five (65) foot half-street for E. Indian School Road. The subject property is located at the southeast corner of E. Indian School Road and N. 86th Street. This property was originally Lot 2039 of the Park Scottsdale 15 subdivision. Lot 2039 was expanded in 2004 with the acquisition of a former well site located between the original parcel and E. Indian School Road. The previous property combination excluded the currently proposed abandonment area. The proposed abandonment would be consistent with the fifty-five (55) foot half-street width of the right-of-way along the east proton of the subject site and eastward along E. Indian School Road to N. Pima Road.

APPLICANTS PROPOSAL

Development Information

The proposed abandonment includes a 630 sq.ft. area of the south 10 feet of the 65 foot wide south half-street right-of-way for E. Indian School Road. This area is located beyond the Indian School Road street improvements and would realign the currently offset portion of the northern boundary of the property located at 4013 N. 86th Street with that of the other properties to its east, along the south side of E. Indian School Road.

The applicant/owner is offering \$315.15 as compensation for the abandonment area, consistent with other single-family residential district abandonments.

IMPACT ANALYSIS

Land Use

There is no proposed change to the land use. The subject property will continue to function as a single-family residence with or without the proposed abandonment.

Traffic/Trails

Access to the subject property is currently served from, and will continue to be served from, N. 86th Street. The existing street and sidewalk infrastructure is located within the remaining portion of the E. Indian School Road right-of-way and will be unaffected by the proposed abandonment.

Emergency/Municipal Services and Utilities

All existing emergency and municipal access will be provided to the properties surrounding the abandonment area and maintained through existing dedicated public right-of-way along N. 86th Street. No impacts are anticipated.

Public Utilities

The public utility providers have been notified of the applicant's request. The utility companies have indicated no conflicts with the proposed abandonment. The existing functioning City water and sewer lines are located outside of the area to be abandoned.

Community Involvement

Property owners within 750 feet of the subject properties were notified of this application. As of the writing of this report, staff has not received any objections to this application.

OTHER BOARDS & COMMISSIONS

Staff Recommendation to Planning Commission:

Staff recommended that the Planning Commission make a recommendation to City Council for approval to abandon the +/- 630-square foot portion of right-of-way located along the southern boundary of E. Indian School Road, for the property located at 4013 N. 86th Street, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

1. The property owner shall pay to the City \$315.15 as compensation to the City for the abandonment of right-of-way.

Planning Commission:

Planning Commission heard this case on December 13, 2017 and recommended approval with a 6-0 vote.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

Adopt Resolution No. 10977 approving the abandonment of +/- 630-square feet of right-of-way located along the southern boundary of E. Indian School Road, for the property located at 4013 N. 86th Street with Single-family Residential District (R1-7) zoning.

RESPONSIBLE DEPARTMENT

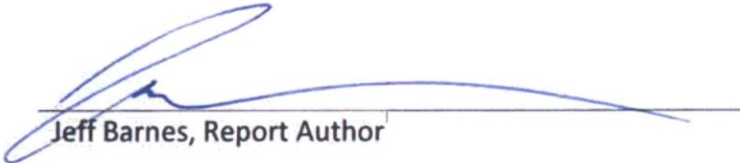
Planning and Development Services

Current Planning Services

STAFF CONTACT

Jeff Barnes
Senior Planner
480-312-2376
E-mail: jbarnes@ScottsdaleAZ.gov

APPROVED BY


Jeff Barnes, Report Author

12/26/17
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. Close-Up Aerial
3. Resolution No. 10977
4. Applicant's Narrative
5. City Notification Map
6. December 13, 2017 Planning Commission meeting minutes



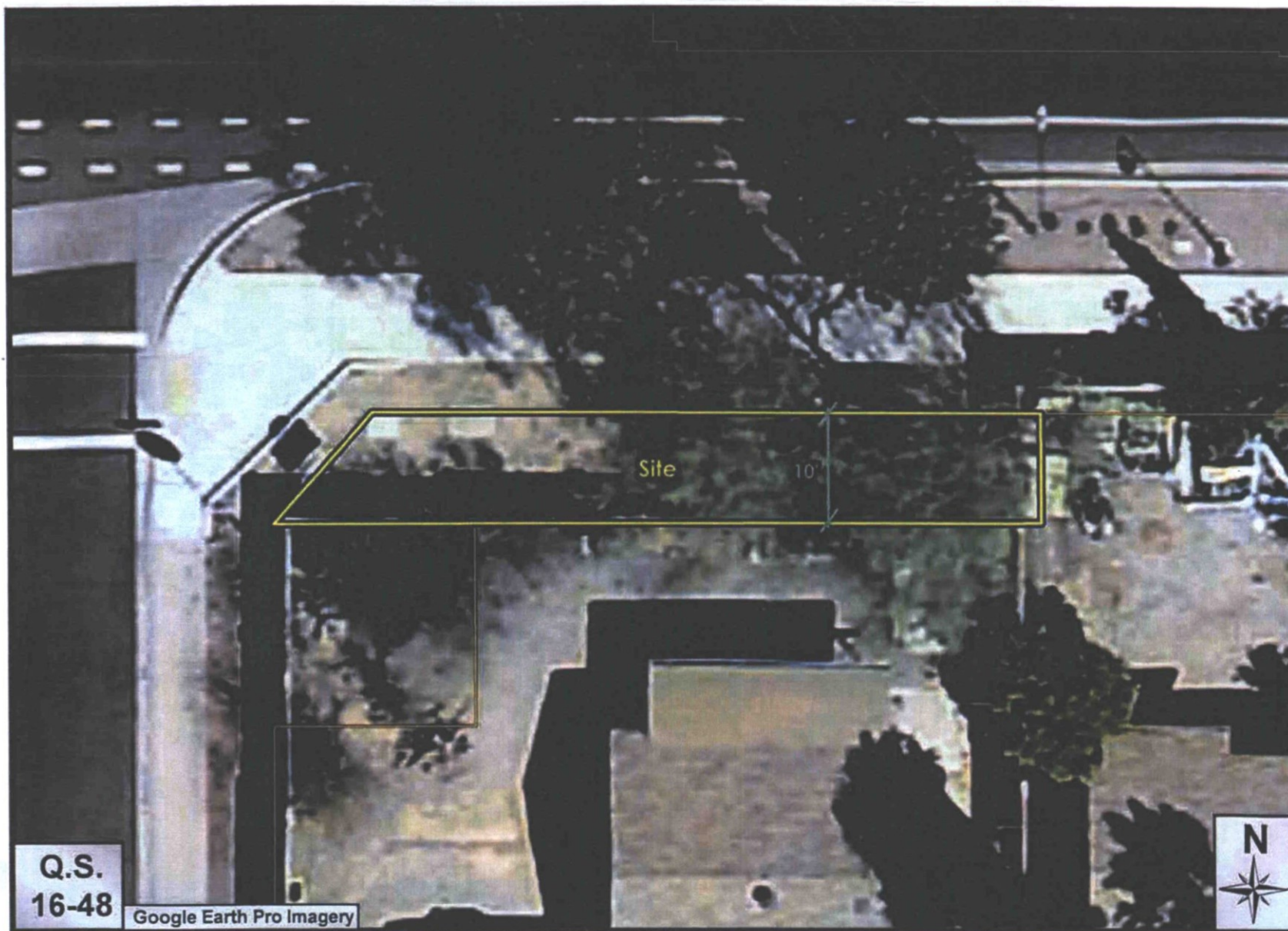
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16-48

Google Earth Pro Imagery

Lawrence Abandonment

Attachment #1

9-AB-2017



Lawrence Abandonment

Attachment #2

9-AB-2017

RESOLUTION NO. 10977

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ABANDONING, SUBJECT TO CONDITIONS, CERTAIN INTERESTS IN A PORTION OF A PUBLIC ROADWAY ALONG THE SOUTH SIDE OF INDIAN SCHOOL ROAD LOCATED EAST OF NORTH 86TH STREET.

(9-AB-2017)
(Lawrence)

WHEREAS:

A. A.R.S. Sec. 28-7201, et seq., provides 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 a street easement and right-of-way, (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.

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 applicant shall pay to City the amount of \$315.15.

3.2 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 _____, 2018.

CITY OF SCOTTSDALE, an Arizona municipal corporation

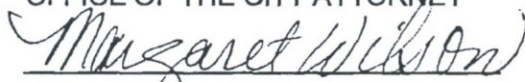
W. J. "Jim" Lane, Mayor

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

EXHIBIT A

Legal Description
Right-of-Way Abandonment

An abandonment of the south 10 feet of a portion of an easement and right-of-way located north of Lot 2039 of the Property Assemblage recorded as MCR 708-40, described as follows:

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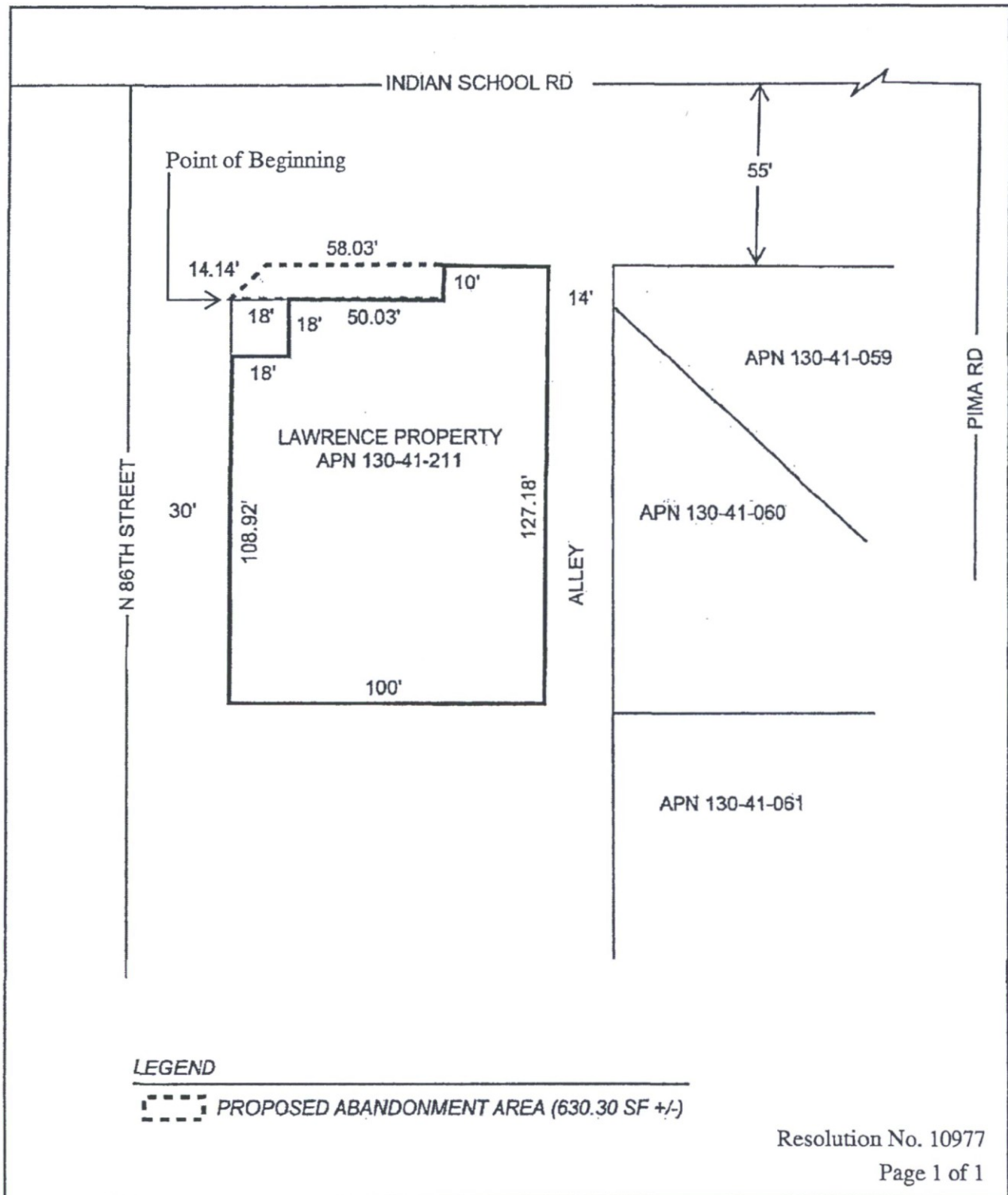
Then West 58.03 feet;

Then Southwest 14.14 feet back to the Point of Beginning.

Resolution No.10977

Page 1 of 1

EXHIBIT B



PROJECT NARRATIVE

This request is over a decade old in the making.

Location: Southeast corner of Indian School and N. 86th St.

History: Formerly City of Scottsdale underground pump station.

Address: Lot assemblage—original residence, 4013 N 86th St. and pump station lot as 4019 N. 86th St.

Pump station equipment removed, well head capped with cement deep underground.

I already owned the only adjoining property (east and south). Thus, I got first chance to buy the pump station property which I did.

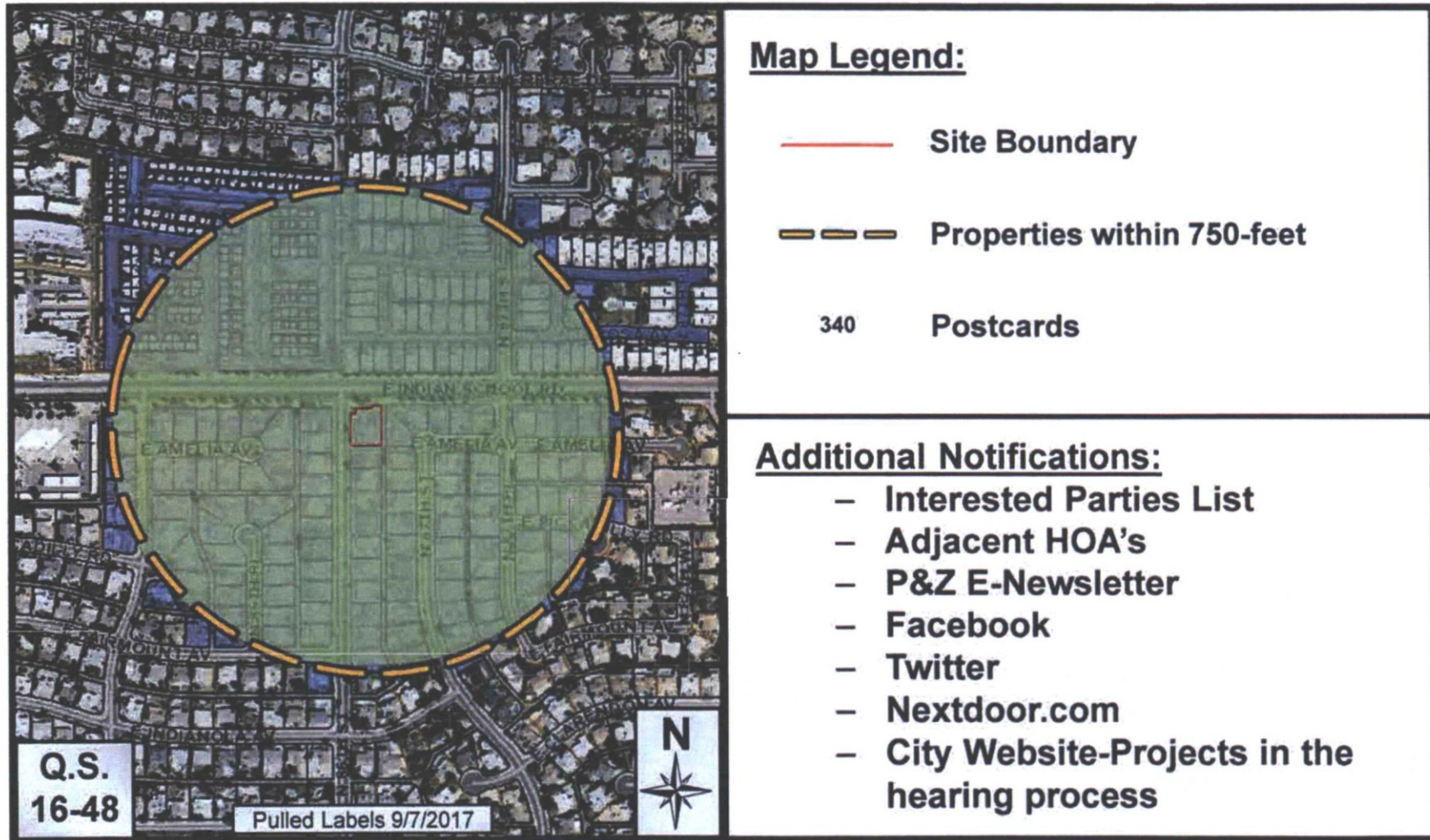
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Shortly after all this, the remaining Nazi Naval staff prisoner of war camp cabins (located on Scottsdale Road) became available. I arranged to obtain one standard size cabin and one large (officer's) cabin.

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During all this, I initiated the process to learn about and correct the legal description error that the city was aware of but had not been corrected for many decades because the effort had no added value or return for the city.

City Notifications – Mailing List Selection Map



4013 N 86th St Abandonment

9-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 Fakih, 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.

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