

**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: 01/24/2018

City Council Hearing: 03/06/2018

Case History: 2-PA-2010

3-AB-2010#2

Optima Sonoran Village

CITY COUNCIL REPORT



Meeting Date: March 6, 2018
 General Plan Element: *Land Use*
 General Plan Goal: *Coordinate Planning to Balance Infrastructure*

ACTION

Optima Sonoran Village 3-AB-2010#2

Request to consider the following:

Adopt Resolution No. 11024 approving the abandonment of the ten (10) foot right-of-way easement located along the south property line of the property located at 6801 E. Camelback Road with Downtown Regional Commercial Office – Type 2, Planned Block Development Overlay, Downtown Overlay (D/RCO-2 PBD DO) zoning.

Goal/Purpose of Request

The property owner is seeking a reapproval of the abandonment of a portion of a former alley along the far southern area of the subject site. The original approval for the abandonment occurred on July 6, 2010 but expired before the property owner fulfilled the requirements of the abandonment resolution.

Key Items for Consideration

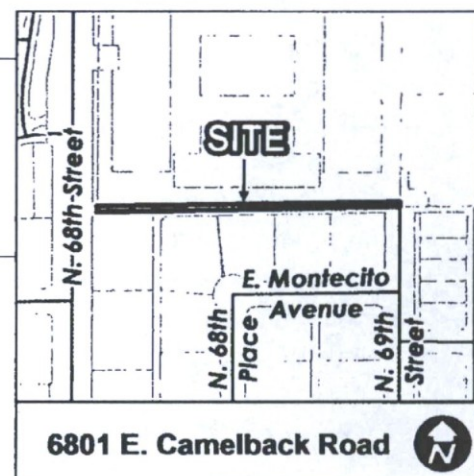
- Utility access retained for the alley through the reservation and dedication of public utility easements across the area of the abandonment
- Access not impacted by this proposed abandonment
- No public input received regarding the proposed abandonment
- Planning Commission heard this case on January 24, 2018 with a 7-0 vote.

OWNER

Optima Sonoran Village
480-874-9900

APPLICANT CONTACT

John Berry
Berry Riddell, LLC
480-385-2727



LOCATION

6801 E. Camelback Road

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 have a focus on human scale development.

Character Area Plan

The Downtown Character Area Plan designates the property as Downtown Regional Type 2 on the Downtown Future Land Use map. This land use designation includes urban neighborhoods with primary land uses consisting of regional/community serving commercial uses, as well as large-scale housing developments.

Zoning

As a result of case 1-ZN-2010, the site is zoned Downtown Regional Commercial Office Type 2, Planned Block Development, Downtown Overlay (D/RCO-2 PBD DO). The Regional Commercial Office subdistrict of the Downtown zoning district allows for large-scale development of office and commercial uses, including regional shopping centers and residential in mixed-use developments.

Context

The subject property is located approximately six hundred feet south of the southeast corner of E. Camelback Road and N. 68th Street. Please refer to the context graphics.

History

The subject area was originally dedicated in 1965 as an alley as part of several roadway dedications surrounding the property at the southeast corner of E. Camelback Road and N. 68th Street. The subject dedication tied into an existing alley dedication to the south for the Whitwood Unit Two subdivision. As the area developed, including the former Orchidtree apartment site, the alley's primary function was to serve as a drive aisle for the aforementioned Orchidtree development. Optima purchased the site and has redeveloped the site into a multi-family residential development.

Because the drive aisle was no longer a part of the redevelopment plan for the site, the owner sought, and received approval for, abandonment of a portion of that alley from City Council on July 6, 2010. The 2010 approval of the partial alley abandonment had several requirements that needed to be fulfilled by the property owner prior to recordation of the abandonment. Those requirements included the dedication of a new public utility easement (PUE), the dedication of a private access easement, and the burying of existing overhead powerlines that existed within the abandon alley. The owner originally had one year to complete the requirements of the abandonment approval. That one-year requirement was extended by another year in 2011. However, the owner did not complete the requirements within the time allotted and the abandonment approval expired. The owner is now seeking reapproval of the original abandonment having not fulfilled the requirements.

Related Policies, References:

3-AB-2010 – prior alley abandonment case; approved July 6, 2010

Resolution No. 8379 – original resolution for abandonment of right-of-way easement for alley

Resolution No. 8712 – resolution for time extension of original abandonment resolution

IMPACT ANALYSIS

Traffic/Trails

There is currently no vehicular access to the southern portion of the subject site and refuse collection for the adjacent single-family residences occurs along the streets fronting those homes. Access to existing utilities within the former alley is retained through dedicated easements. The nearest trail to the subject site located adjacent to the southeast side of the Arizona Canal. There are currently no proposed bicycle improvements along the former alley that the property owner is requesting to abandon. The requested abandonment does not affect implementation of the Trail System Master Plan or Bicycle Element of the Transportation Master Plan.

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. No impacts are anticipated.

Public Utilities

The public utilities were notified of the applicant's request at the initial application in 2010. The utility companies indicated that there are no conflicts with the proposed abandonment and support the abandonment. A public utility easement was dedicated over the area of the abandonment as part of the requirements for approval of the abandonment.

Community Involvement

The site was posted notifying interested parties of the request and the city sent postcards to property owners surrounding the site in notice of the request. City staff received one phone call and one email with general inquiries regarding the reapproval request.

Community Impact

The proposed abandonment does not restrict or remove access to any properties along the area of the abandonment and provisions for public utilities are provided with the dedicated utility easements. On a broader scale, the proposed abandonment prevents future access from roadways on either side of the abandonment area to the back side of existing residences, enhancing privacy and safety.

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 ten (10) foot right-of-way easement located along the south property line of the property located at 6801 E. Camelback, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

1. The property owner dedicate a public utility easement (PUE) over the entire abandonment area.
2. The property owner dedicate to the adjacent property owner at the southeast corner of the site a private access easement covering the east fifty-five (55) feet of the abandonment area.
3. The property owner complete construction to bury all existing above ground electrical and other utility lines and wires in the east-west portion of the former alley.

Planning Commission:

Planning Commission heard this case on January 24, 2018 with a 7-0 vote.

STAFF RECOMMENDATION

Recommended Approach:

Adopt Resolution No. 11024 approving the abandonment of the ten (10) foot right-of-way easement located along the south property line of the property located at 6801 E. Camelback Road with Downtown Regional Commercial Office – Type 2, Planned Block Development Overlay, Downtown Overlay (D/RCO-2 PBD DO) zoning.

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

2.6.2018

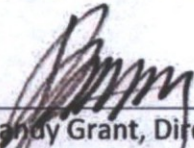
Date



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

2/6/2018

Date



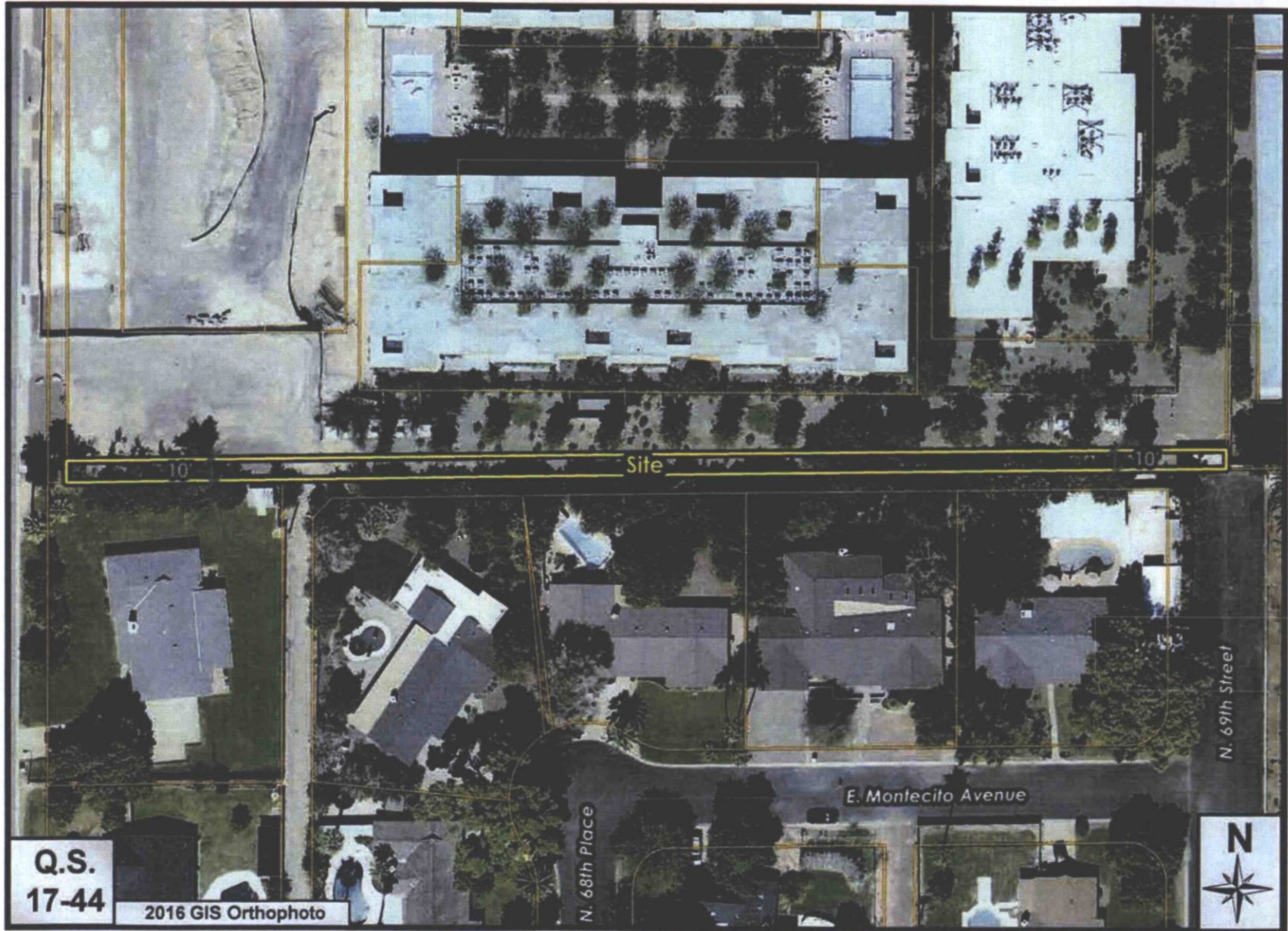
Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

2/6/18

Date

ATTACHMENTS

1. Dimensioned Context Aerial
2. Resolution No. 11024
3. Applicant's Narrative
4. Neighborhood Involvement / Citizen Input
5. City Notification Map
6. January 24, 2018 Planning Commission meeting minutes



Optima Sonoran Village

3-AB-2010#2

RESOLUTION NO. 11024

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 AN ALLEY EAST OF
68TH STREET SOUTH OF CAMELBACK ROAD

(3-AB-2010 #2)

(Alley east of 68th Street)

(related to resolutions 8379 and 8712)

A. On July 6, 2010, the city council of the City of Scottsdale ("City") adopted Resolution No. 8379 (the "Original Resolution") relating to abandonment of certain right-of-way described in the Original Resolution.

B. Paragraph 3 of the Original Resolution provided that the Original Resolution would be void unless certain conditions (collectively the "Conditions") occurred within one year after the date of the Original Resolution.

C. The Conditions were not timely satisfied and the Original Resolution is void. Further, on June 7, 2011 the Council adopted Resolution No. 8712 to extend the Original Resolution, and the conditions in Resolution 8712 were not satisfied, and the Resolution is therefore void.

D. City desires to adopt this new resolution to abandon all or part of the right-of-way described in the Original Resolution.

E. This resolution replaces Resolution 8379.

F. A.R.S. Sec. 28-7201, et seq., and A.R.S. §9-500.24 provide that a city may dispose of a public roadway or portion thereof that is no longer necessary for public use.

G. After notice to the public, the City of Scottsdale ("City") planning commission and City Council have held hearings on the proposed abandonment of a certain portion of the street right-of-way and other interests (collectively the "Abandonment Right-of-way").

H. The Abandonment Right-of-way is described on **Exhibit "A"** and **Exhibit "B"** attached hereto.

I. The Abandonment Right-of-way falls within, serves or affects three (3) parcels as follows:

1. The parcel (the "North Parcel") comprising approximately 9.86 acres at the southeast corner of Camelback Road and 68th Street as described on **Exhibit "C"** (the "Map") and **Exhibit "D"** attached hereto.

16245101v3

2. The parcel (the "South Parcel") comprising approximately 0.33 acres at the northwest corner of Montecito Avenue and 69th Street as shown on the Map and as described on **Exhibit "E"** attached hereto.

3. The parcel (the "Whitwood Alley Parcel") comprising approximately 0.34 acres located between the North Parcel and the South Parcel as shown on the Map and as described on **Exhibit "F"** attached hereto.

J. 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.

K. 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.

L. 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 by the city council of the City of Scottsdale, Arizona, as follows:

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.

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 A perpetual vehicular and pedestrian access easement (the "South Parcel Easement") as follows:

2.2.1 The easement shall be upon, over, under and across the east fifty-five feet (55') of the Abandonment Right-of-way.

2.2.2 The purpose of the easement is for all forms of motorized and non-motorized transportation and related uses to and from the South Parcel and 69th Street and for construction, operation, use, maintenance, repair, modification and replacement from time to time of improvements related thereto.

2.3 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 process or requirements may require to be dedicated to City.

2.4 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:

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

2.4.2 Any N.A.O.S. or other open space or similar easement or covenant.

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

2.5 An easement for all existing utilities, if any.

2.6 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 North Parcel (and all lenders, tenants, and other interest holders in such parcels) shall convey to City using City specified forms a public utility easement over the entire Abandonment Right-of-Way.

3.2 The owners of the North Parcel (and all lenders, tenants and other interest holders) and the owners of the South Parcel shall execute and record in favor of the South Parcel a private driveway easement covering the east fifty-five (55) feet of the Abandonment Right-of-way. In the alternative, such persons may rededicate to City using City specified forms the South Parcel Easement.

3.3 The owners of the North Parcel at their expense shall complete construction to bury all existing above ground electrical and other lines and wires in the east-west portion of the Whitwood Alley Parcel, including without limitation those serving buildings to the south of the Whitwood Alley Parcel. Such work shall include removal of poles and any necessary updating of electrical panels or other service connections or appurtenances. The fact that such work is required by this paragraph shall have no effect on whether the cost to complete the work qualifies under the provisions of the Special Public Improvements bonus as outlined in City's zoning ordinance. If a property owner refuses to allow work on an adjoining private parcel and no easement or similar right to perform such work exists, then the undergrounding work shall still occur, but the work shall exclude any specific work that cannot be performed without going upon such adjoining private parcel, and the bare minimum of overhead utilities as are necessary

to serve such private parcel may installed upon the Whitwood Alley Parcel to serve only the private parcel. (For example, if a homeowner refuses access to a home currently served by overhead electrical service, all overhead electrical service on the Whitworth Alley Parcel shall nevertheless be removed, but a pole may be placed on the Whitworth Alley Parcel at the point where the overhead electrical service enters the home's lot to support the electrical wires going onto the lot, and the home shall be provided with service from wires going up the pole from the new underground electrical wires to the overhead wires serving the home.)

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 foregoing Conditions are not all satisfied prior to the second (2nd) annual anniversary of this resolution, or if this resolution is not recorded prior to the end of that period, then the city clerk shall mark this resolution to indicate that this resolution is void.

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

CITY OF SCOTTSDALE, an Arizona municipal corporation

ATTEST:

W. J. "Jim" Lane, Mayor

Carolyn Jagger, City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

Margaret Wilson

Bruce Washburn, City Attorney

By: Margaret Wilson, Senior Assistant City Attorney

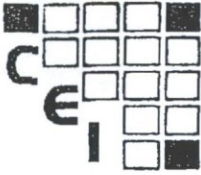
CERTIFICATE

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



Clouse Engineering, Inc.

ENGINEERS • SURVEYORS

1642 E. Orangewood Ave. • Phoenix, Arizona 85020 • TEL (602) 395-9300 • FAX (602) 395-9310

April 09, 2010
Job No. 030102

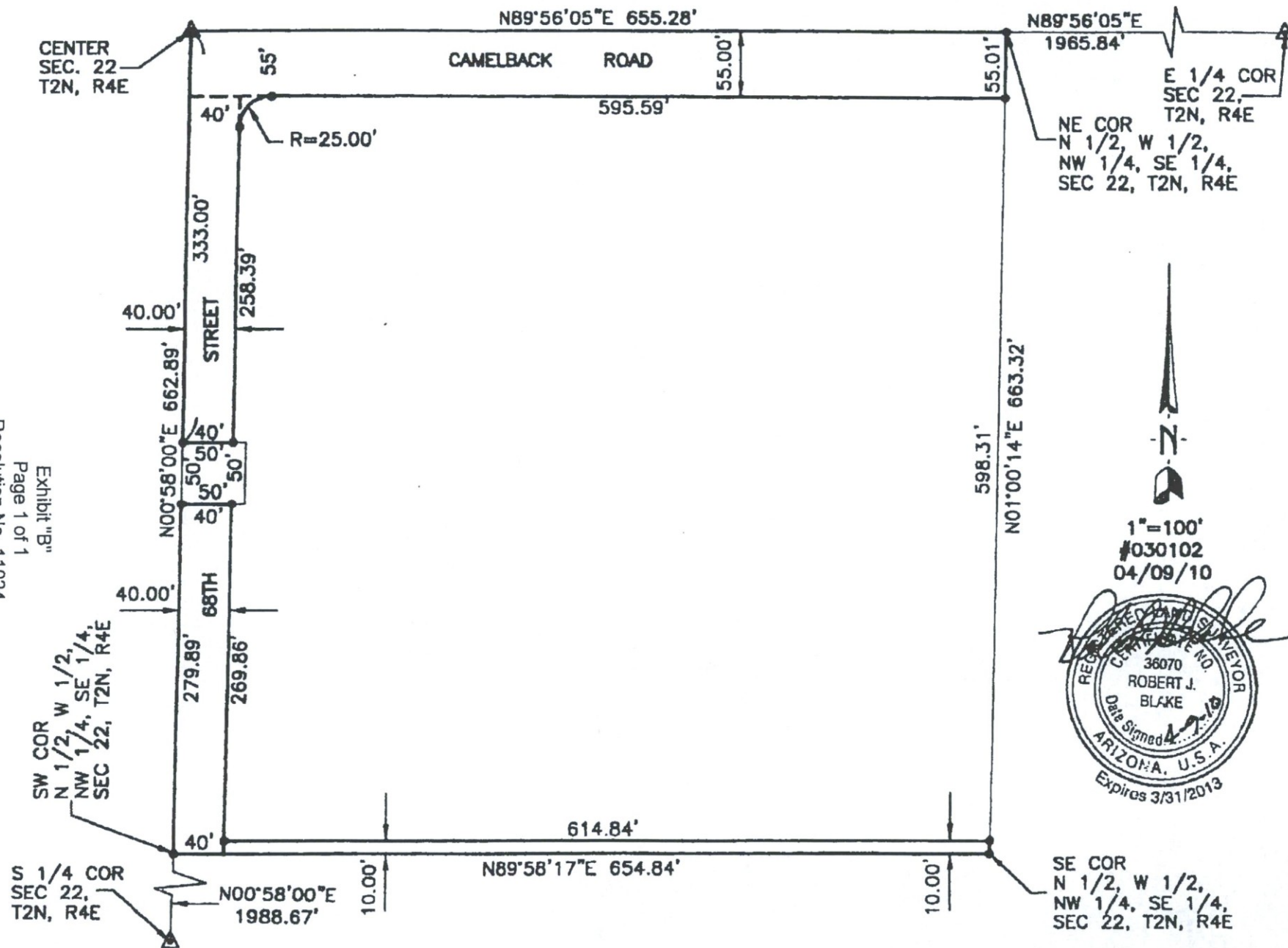
Legal Description For A Portion of Alley

The South 10.00 feet of the North half of the West half of the Northwest quarter of the Southeast quarter of Section 22, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

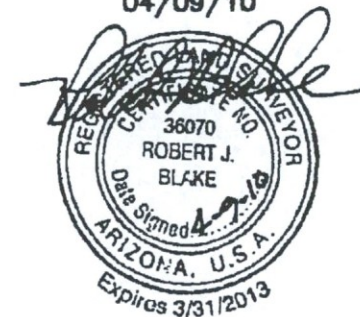
Except the West 40.00 feet thereof.

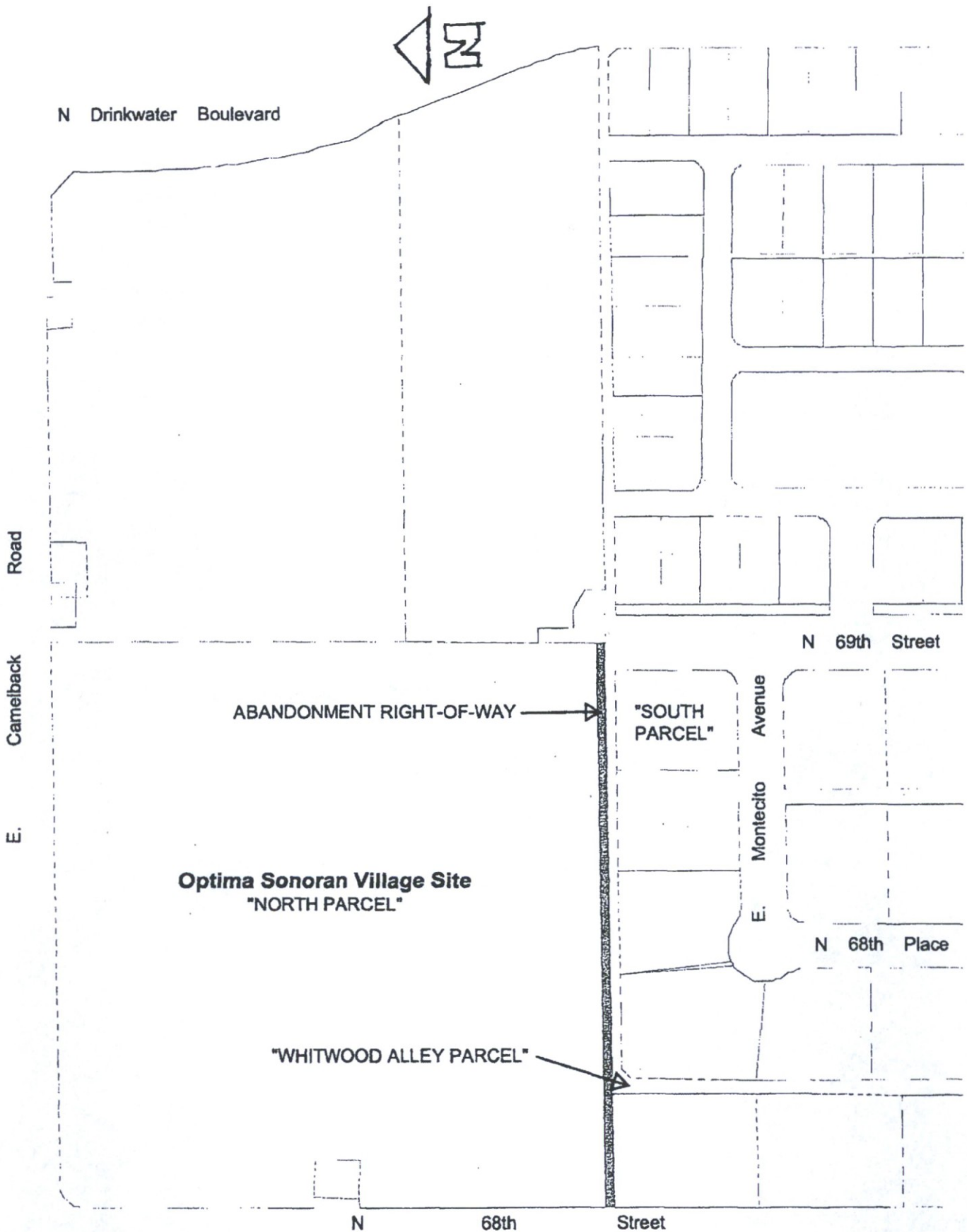
Note: The above described parcels contain 6,362 square feet or 0.1461 acres more or less.





1"=100'
#030102
04/09/10





Legal Description for "North Parcel"

The North half of the West half of the Northwest quarter of the Southeast quarter of Section 22, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT that part described as follows:

BEGINNING at a point 333 feet South of the Northwest corner of the West half of the Northwest quarter of the Southeast quarter of said Section 22;

THENCE East 90 feet;

THENCE South 50 feet;

THENCE West 90 feet;

THENCE North 50 feet to the POINT OF BEGINNING.

Legal Description for "South Parcel"

Lot 32 of WHITWOOD UNIT TWO, a subdivision of the Southwest quarter of the Northwest quarter of the Southeast quarter of Section 22, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona as recorded in Book 72, Page 12 of Maps on record in the office of the Maricopa County Recorder, Maricopa County, Arizona.

Legal Description for "Whitwood Alley Parcel"

The alley way adjoining lots 25 through 36 of the WHITWOOD UNIT TWO subdivision plat recorded in Book 72, Page 12 of Maps, Maricopa County Records, and being situated within the Southeast Quarter of Section 22, Township 2 North, Range 4 East, Gila & Salt River Base and Meridian, City of Scottsdale, County of Maricopa, State of Arizona.



Project Narrative

This document will be uploaded to a Case Fact Sheet on the City's web site.

Date: 11-30-2017

Project No.: _____

PA# _____

Coordinator: Brad Carr

Case No.: 3-AB-2010

Project Name: Optima Sonoran Village

Project Location: 6801 E. Camelback Road, Scottsdale, Arizona

Property Details:

☐ Single-Family Residential ☒ Multi-Family Residential ☐ Commercial ☐ Industrial

Current Zoning: S-R

Proposed Zoning: D/RCO-2 PBD DO

Number of Buildings: 5

Parcel Size: 9.8 +/- gross acres

Gross Floor Area/Total Units: n/a

Floor Area Ratio/Density: n/a

Parking Required: n/a

Parking Provided: n/a

Setbacks: N - n/a

S - n/a

E - n/a

W - n/a

Description of Request:

Abandonment of the 10' alley (north half) located along the southern edge of the subject property.

Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

CP-NARRATIVE

3-AB-2010#2

11/30/2017

ATTACHMENT 3

Carr, Brad

From: wdearbaugh@cox.net [mailto:wdearbaugh@cox.net]

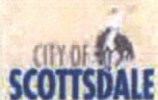
Sent: Monday, December 18, 2017 9:33 AM

To: Castro, Lorraine <Lcastro@scottsdaleaz.gov>

Subject: Optima Sonoran Village - Right of way change



My property is adjacent to Optima on the South side. I am not sure why they want to abandon the right of way. My utility services are located in that area and if I need to do work on my fence I would need access on the other side to do repairs. Since my utilities are located there I assume that they would still be allowed to do repairs as well. So just trying to understand the logic and assume it would be fine but want to understand the reasoning. Wes Dearbaugh 480-515-5566 -- sent by Wes Dearbaugh (case# 3-AB-2010#2)



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ATTACHMENT 4

City Notifications – Mailing List Selection Map

ATTACHMENT #5



Map Legend:

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

Additional Notifications:

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

Optima Sonoran Village

3-AB-2010#2



**SCOTTSDALE PLANNING COMMISSION
CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

WEDNESDAY, JANUARY 24, 2018

***DRAFT SUMMARIZED MEETING MINUTES ***

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

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

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"

ATTACHMENT 6

MINUTES REVIEW AND APPROVAL

1. Approval of the January 10, 2018 Regular Meeting Minutes including Study Session.
COMMISSIONER KUSH MOVED TO APPROVE THE JANUARY 10, 2018 REGULAR MEETING MINUTES, INCLUDING STUDY SESSION, SECONDED BY COMMISSIONER SMITH, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

EXPEDITED AGENDA

2. 3-AB-2010#2 (Optima Sonoran Village)
Request by owner for re-approval to abandon the ten (10) foot right-of-way easement located along the south property line of the property located at 6801 E. Camelback Road with Downtown Regional Commercial Office – Type 2, Planned Block Development Overlay, Downtown Overlay (D/RCO-2 PBD DO) zoning. Staff contact person is Brad Carr, AICP, 480-312-7713. Applicant contact person is John Berry, 480-385-2727.
Item No. 2: Recommended City Council to approve case 3-AB-2010#2 by a vote of 6-0; Motion by Commissioner Kush, per the staff recommended stipulations, based upon the finding that the Abandonment is consistent with and conforms with the adopted General Plan, 2nd by Commissioner Serena, Commissioner Smith recused himself.
3. 7-TA-2017 (Planned Shared Development (PSD) Condos (La Via))
Request by applicant for approval of a text amendment to the City of Scottsdale Zoning Ordinance (Sec. 6.1400), amending the Planned Shared Development (PSD) District related to condominiums and/or timeshares in the PSD. Staff contact person is Bryan Cluff, 480-312-2258. Applicant contact person is John Berry, (480) 385-2727.
Item No. 3: Recommended City Council to approve case 7-TA-2017 by a vote of 5-0; Motion by Commissioner Kush, after determining that the proposed Text Amendment is consistent and conforms with the adopted General Plan, 2nd by Commissioner Bollinger, Vice Chair Fakhri and Commissioner Smith recused themselves.

Adjournment – Motion to adjourn at 5:09 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"



REQ I S ' O SPEA

2

Request to Speak cards must be submitted to City Staff **BEFORE** public testimony begins.
Public testimony is limited to three (3) minutes per speaker.
Additional time MAY be granted to speakers representing two or more persons.
Cards for designated speakers and the person(s) they represent must be submitted together.

NAME (print) RICK ROBERTSON MEETING DATE 1/24/18
NAME OF GROUP/ORGANIZATION (if applicable) WHITWOOD OWNERS ASSOCIATION
ADDRESS 4321 N 68th PLACE SCOTTSDALE ZIP 85251
HOME PHONE 480 941 0028 WORK PHONE 602 363 4243
E-MAIL ADDRESS (optional) RROBERTSON@LEEARIZONA.COM

☒ I WISH TO SPEAK ON AGENDA ITEM # 2 ☐ I WISH TO DONATE MY TIME TO _____

☐ I WISH TO SPEAK DURING "PUBLIC COMMENT" * CONCERNING _____

*Citizens may complete one Request to Speak "Public Comment" card per meeting and submit it to City Staff. "Public Comment" time is reserved for citizen comments regarding non-agendized items. The Board and Commission may hear "Public Comment" testimony, but is prohibited by state law from discussing items which are not listed on the agenda.

This card constitutes a public record under Arizona law.



WRITTEN COMMENTS

2

This card is used to submit written comments to the Board or Commission.
Written comment cards may be submitted to the Staff at any time. Cards submitted after public testimony has begun will be provided to the Board or Commission at the conclusion of the testimony for that item.

NAME (print) PAT FRENCH MEETING DATE 1/24/18
NAME OF GROUP/ORGANIZATION (if applicable) Village of Indian HOA
ADDRESS 4334 N. 70th ST ZIP 85251
HOME PHONE 480 941-4426 WORK PHONE _____
E-MAIL ADDRESS (optional) _____

AGENDA ITEM # 3-A 2010 #2 ☐ SUPPORT ☒ OPPOSE

COMMENTS (additional space is provided on the back)
What use is this easement for? (By Optima)
How far is this easement extending
Is it going to be road?

This card constitutes a public record under Arizona law.

Optima DCH Development, Inc.

7157 East Rancho Vista Drive Suite 109
Scottsdale, AZ 85251

(480) 874-9900



March 5, 2018

Re: Optima Sonoran Village

Dear Neighbors,

Thank you again for meeting with us to express your concerns as we begin construction on the final phase at Optima Sonoran Village. We appreciate the neighbors coming together as a unified group with one voice, as such the proposal continues to be dependent on the group's consent. Below we list our responses to your suggestions and hope that they will address your issues sufficiently. With your support of City of Scottsdale Case 3-AB-2010#2, Optima DCH Development, Inc. (hereinafter "Optima") commits to the following items below:

1. Optima will remove the dog run from its current location adjacent to the Montecito homes on the south side of the Optima Sonoran Village buildings. The dog park will be relocated to an internal area of the Optima Sonoran Village complex not impacting the aforementioned homes. This will be completed before June 30, 2018.
2. Following the relocation of the dog park, resident and dog access to the alley south of the Optima buildings and parking garages will be prohibited with no planned uses. Access will only be allowed for normal maintenance and upkeep of this area.
3. Our current tenant lease agreement provides that "Lessees may not leave an animal on a balcony, porch, or patio unattended at any time." When the management company becomes aware of a lease violation, the management company will take enforcement action under the terms of the lease. If you notice a violation please contact our management company directly at 480-990-7400.
4. Optima plans to initially spend up to \$20,000.00 to install new trees in order to augment the visual buffer between the southern elevation of Optima Sonoran and the Whitwood neighborhood, and a complete visual screen to protect the privacy of the alley-contiguous properties. Optima also agrees to annually monitor the progress and efficacy of these measures in cooperation with the Whitwood contiguous property owners to pursue efforts to remedy any visual screen deficiencies that the Whitwood contiguous residents identify.

The \$20,000.00 is for initial purchase and installation of trees. Maintenance of trees and ultimate result (see rendering given residents in 2012, attached and labeled Exhibit A) are not included in the capped amount of \$20,000.00. Sissoo trees, for purposes of this agreement, are not considered evergreen trees. The new trees will be 24-inch to 48-inch box evergreen with 2-4 inch caliper trunks, dense canopies, and of a reasonably fast-growing variety. It is understood that the trees depicted in Exhibit A are mature trees and that the Optima will maximize growth by providing adequate water and maintenance, but cannot achieve mature trees for some time.

5. If the property owners adjacent to the alley unanimously agree to proceed Optima will facilitate the abandonment of the south half of the 20-foot alley adjacent to their north property lines. If necessary, Optima will pay the City of Scottsdale for that property on behalf of the homeowners. The homeowners adjacent to the alley must notify Optima by April 30, 2018 in writing if they have unanimously agreed to abandon the south ten feet of the alley.
6. Optima agrees that for a period of five (5) years from the date of this letter Optima will replace any tree that dies that substantially blocks the view of Optima Sonoran Village from any adjacent property on Montecito Ave.

7. Optima agrees to pledge \$10,000 for a capital project to be determined by the neighborhood by 2020. This payment will satisfy the obligation set forth in item #5 of the letter dated April 24, 2012.
8. This agreement includes the obligations contained in the April 24, 2012 letter from David Hovey Jr. to the neighbors and the obligations of both shall be binding on Optima. The April 24, 2012 letter is attached to this letter as Exhibit B and with the exception of items #5, #8, and #9 all other items from this list have been satisfied.
9. Optima will submit this agreement along with all attachments to City staff and the City Council to be included as part of the minutes of the City Council hearing on March 6, 2018.

We hope that we have earned your support and appreciate your time and effort and our continued relationship.

Sincerely,

David Hovey Jr. AIA

The following neighbors are included in the above agreement:

Printed Name	Address
Matt Gossett	6829 E Montecito Ave. Scottsdale, AZ 85251
Margaret Gossett	6829 E Montecito Ave. Scottsdale, AZ 85251
Blen Shipp	6840 E Montecito Ave. Scottsdale, AZ 85251
Nan McLoone	6832 E Montecito Ave. Scottsdale, AZ 85251
Michael Roston	6824 E Montecito Ave. Scottsdale, AZ 85251
Ruth Ko, Koventures LLC	6824 E Montecito Ave. Scottsdale, AZ 85251
Doug Christensen	4330 N 68 th Place Scottsdale, AZ 85251
Paula Christensen	4330 N 68 th Place Scottsdale, AZ 85251
Wesley Dearbaugh	6814 E Montecito Ave. Scottsdale, AZ 85251
Patricia Dearbaugh	6814 E Montecito Ave. Scottsdale, AZ 85251

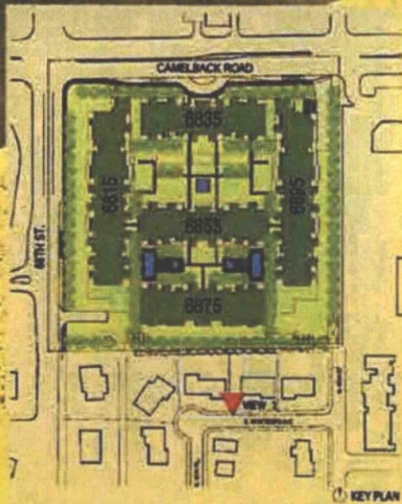


Rendered Dalbergia Sissoo Trees

BLDG 6835

BLDG 6875

BLDG 6895

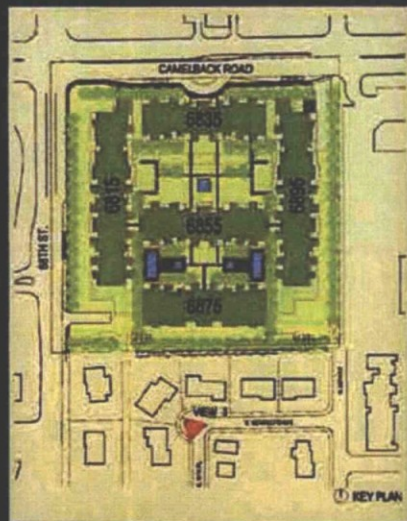


Dalbergia Sissoo Trees are rendered at approx. 40'-0" high. All trees will be planted during the construction of the first building and will be planted between 20'-0" to 30'-0" high. Sissoo trees have a fast growth rate and are documented to reach mature heights of 45'-0" to 60'-0" with spreads between 30'-0" to 40'-0".
* Information obtained from the US Forest Service.

Note: Site line drawing was prepared to simulate views upon completion of the project. Actual views may vary.

VIEW 2 (DRIVEWAY)

DATED: 04.12.12



Dalbergia Sissoo Trees are rendered at approx. 40'-0" high. All trees will be planted during the construction of the first building and will be planted between 20'-0" to 30'-0" high. Sissoo trees have a fast growth rate and are documented to reach mature heights of 45'-0" to 60'-0" with spreads between 30'-0" to 40'-0".

* Information obtained from the US Forest Service.

Note: Site line drawing was prepared to simulate views upon completion of the project. Actual views may vary.

VIEW 3 (E. MONTECITO AVE.)

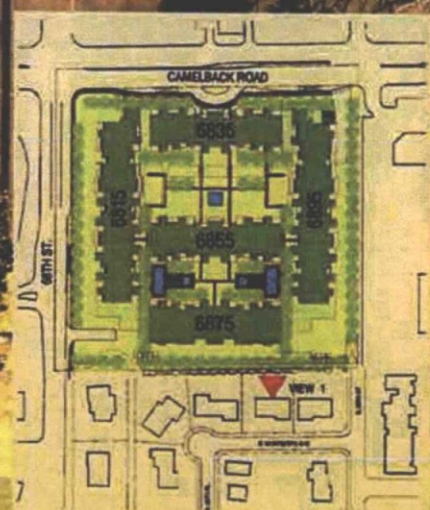
DATED: 04.12.12

Rendered Dalbergia Sissoo Trees

BLDG 6895

BLDG 6855

BLDG 6875



Dalbergia Sissoo Trees are rendered at approx. 40'-0" high. All trees will be planted during the construction of the first building and will be planted between 20'-0" to 30'-0" high. Sissoo trees have a fast growth rate and are documented to reach mature heights of 45'-0" to 60'-0" with spreads between 30'-0" to 40'-0".

* Information obtained from the US Forest Service.

Note: Site line drawing was prepared to simulate views upon completion of the project. Actual views may vary.

VIEW 1 (BACKYARD)

DATED: 04.12.12



Tuesday, April 24, 2012

Re: Optima Sonoran Village

Dear Neighbors,

It has been our pleasure meeting with you all. You have made valuable suggestions on how we can make this an even better project and mitigate the perceived impacts it may have. We listened carefully and have incorporated as many of your suggestions as possible. We appreciate the neighbors coming together as a unified group with one voice, as such the proposal continues to be dependent on the group's consent. Below we list our responses to your suggestions and hope that they will address your issues sufficiently. With your support of Zoning Cases 1-ZN-2010 #2, 1-II-2012 and DRB Case 88-DR-2010 #2, Optima will:

- 1) Amend the language of zoning stipulation #10, Permanent Barrier Provision, of Case Number 1-ZN-2010#2 to further clarify that there shall be no pedestrian access allowed from the Whitwood neighborhood to Optima Sonoran Village.
- 2) Not apply for any additional density or height (other than the current zoning request) to the Optima Sonoran Village site in the future.
- 3) Provide parking in accordance with the City of Scottsdale Non-downtown Parking Ordinance and thereby increase the number of parking spaces provided.
- 4) Agree to restrict traffic exiting the ramp on 68th Street from Optima Sonoran Village to a right hand turn only. There will be a physical barrier installed on the ramp for the right hand turn only out of the parking garage.
- 5) Contribute \$10,000 towards the installation of a decorative entrance into the Whitwood neighborhood at 68th Street and Exeter.
- 6) In addition to the grade level and green roof landscaping, plant the following:
 - Dalbergia Sissoo trees 30 feet on center along the south side of the development that are approximately 35 feet tall at the time of planting.
 - Trees that will grow to at least 20 feet tall on the rooftops of the buildings in the development in the following quantities:
 - i. A minimum of 4 trees on the fourth floor green roofs of Buildings 6895 and 6815
 - ii. A minimum of 8 trees on the third floor green roof of Building 6875
 - iii. A minimum of 10 trees on the fourth floor green roof of Building 6875
 - iv. A minimum of 9 trees on the green roof of Building 6855
- 7) Pay for the cost to install trees (24" box) in the yards of neighbors within 300 feet of the south property line to mitigate perceived view impacts. Neighbors within the 300 feet of the south property line will have up to one year after construction is completed to request that trees be planted in their yards.
- 8) With the consent of all neighbors adjacent to the south property line of the development pay for the abandonment process with the City of Scottsdale of the 10 foot alley adjacent to the south property line of Optima Sonoran Village. If desired by the neighbors, Optima will also submit the application and manage the abandonment process.
- 9) Reimburse the cost to install each neighbor's garden wall along the south property line if and when each neighbor relocates their garden wall. The design of the garden wall will be mutually agreed upon by Optima and the neighbors directly adjacent to the south property line of the development. Optima will maintain the oleander hedge for each neighbor until such time that the garden wall is relocated.
- 10) Restrict all sanitation services to use the ramp entrance off of Camelback Road.
- 11) Not install any garage ventilation equipment on the south face of the parking garage in future phases.
- 12) Bury the overhead electrical lines on the south side of the property and the north-south alley up to the second existing pole and pay for the connection of the electrical lines to the following neighbor's houses including trenching, conduit, backfill, wiring, and connection:
 - Shipp, Bosserman, Watts, Henrich, Christensen, and Ward

We hope that we have earned your support and appreciate all of your time and effort.

Sincerely,

David Hovey Jr. AIA

I support the approval of Zoning Cases 1-ZN-2010 #2, 1-II-2012 and DRB Case 88-DR-2010 #2 based on the attached letter from Optima dated April 24, 2012.

[illegible]

CITY COUNCIL REPORT



Meeting Date: February 20, 2018
 General Plan Element: *Land Use*
 General Plan Goal: *Coordinate Planning to Balance Infrastructure*

ACTION

Optima Sonoran Village
3-AB-2010#2

Request to consider the following:

Adopt Resolution No. 11024 approving the abandonment of the ten (10) foot right-of-way easement located along the south property line of the property located at 6801 E. Camelback Road with Downtown Regional Commercial Office – Type 2, Planned Block Development Overlay, Downtown Overlay (D/RCO-2 PBD DO) zoning.

Goal/Purpose of Request

The property owner is seeking a reapproval of the abandonment of a portion of a former alley along the far southern area of the subject site. The original approval for the abandonment occurred on July 6, 2010 but expired before the property owner fulfilled the requirements of the abandonment resolution.

Key Items for Consideration

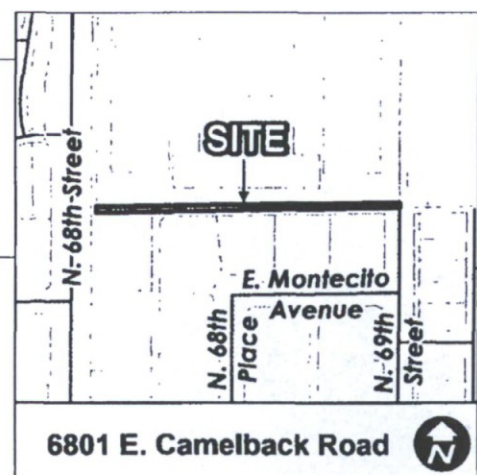
- Utility access retained for the alley through the reservation and dedication of public utility easements across the area of the abandonment
- Access not impacted by this proposed abandonment
- No public input received regarding the proposed abandonment
- Planning Commission heard this case on January 24, 2018 with a 7-0 vote.

OWNER

Optima Sonoran Village
 480-874-9900

APPLICANT CONTACT

John Berry
 Berry Riddell, LLC
 480-385-2727



LOCATION

6801 E. Camelback Road

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 have a focus on human scale development.

Character Area Plan

The Downtown Character Area Plan designates the property as Downtown Regional Type 2 on the Downtown Future Land Use map. This land use designation includes urban neighborhoods with primary land uses consisting of regional/community serving commercial uses, as well as large-scale housing developments.

Zoning

As a result of case 1-ZN-2010, the site is zoned Downtown Regional Commercial Office Type 2, Planned Block Development, Downtown Overlay (D/RCO-2 PBD DO). The Regional Commercial Office subdistrict of the Downtown zoning district allows for large-scale development of office and commercial uses, including regional shopping centers and residential in mixed-use developments.

Context

The subject property is located approximately six hundred feet south of the southeast corner of E. Camelback Road and N. 68th Street. Please refer to the context graphics.

History

The subject area was originally dedicated in 1965 as an alley as part of several roadway dedications surrounding the property at the southeast corner of E. Camelback Road and N. 68th Street. The subject dedication tied into an existing alley dedication to the south for the Whitwood Unit Two subdivision. As the area developed, including the former Orchidtree apartment site, the alley's primary function was to serve as a drive aisle for the aforementioned Orchidtree development. Optima purchased the site and has redeveloped the site into a multi-family residential development.

Because the drive aisle was no longer a part of the redevelopment plan for the site, the owner sought, and received approval for, abandonment of a portion of that alley from City Council on July 6, 2010. The 2010 approval of the partial alley abandonment had several requirements that needed to be fulfilled by the property owner prior to recordation of the abandonment. Those requirements included the dedication of a new public utility easement (PUE), the dedication of a private access easement, and the burying of existing overhead powerlines that existed within the abandon alley. The owner originally had one year to complete the requirements of the abandonment approval. That one-year requirement was extended by another year in 2011. However, the owner did not complete the requirements within the time allotted and the abandonment approval expired. The owner is now seeking reapproval of the original abandonment having not fulfilled the requirements.

Related Policies, References:

3-AB-2010 – prior alley abandonment case; approved July 6, 2010

Resolution No. 8379 – original resolution for abandonment of right-of-way easement for alley

Resolution No. 8712 – resolution for time extension of original abandonment resolution

IMPACT ANALYSIS

Traffic/Trails

There is currently no vehicular access to the southern portion of the subject site and refuse collection for the adjacent single-family residences occurs along the streets fronting those homes. Access to existing utilities within the former alley is retained through dedicated easements. The nearest trail to the subject site located adjacent to the southeast side of the Arizona Canal. There are currently no proposed bicycle improvements along the former alley that the property owner is requesting to abandon. The requested abandonment does not affect implementation of the Trail System Master Plan or Bicycle Element of the Transportation Master Plan.

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. No impacts are anticipated.

Public Utilities

The public utilities were notified of the applicant's request at the initial application in 2010. The utility companies indicated that there are no conflicts with the proposed abandonment and support the abandonment. A public utility easement was dedicated over the area of the abandonment as part of the requirements for approval of the abandonment.

Community Involvement

The site was posted notifying interested parties of the request and the city sent postcards to property owners surrounding the site in notice of the request. City staff received one phone call and one email with general inquiries regarding the reapproval request.

Community Impact

The proposed abandonment does not restrict or remove access to any properties along the area of the abandonment and provisions for public utilities are provided with the dedicated utility easements. On a broader scale, the proposed abandonment prevents future access from roadways on either side of the abandonment area to the back side of existing residences, enhancing privacy and safety.

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 ten (10) foot right-of-way easement located along the south property line of the property located at 6801 E. Camelback, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

1. The property owner dedicate a public utility easement (PUE) over the entire abandonment area.
2. The property owner dedicate to the adjacent property owner at the southeast corner of the site a private access easement covering the east fifty-five (55) feet of the abandonment area.
3. The property owner complete construction to bury all existing above ground electrical and other utility lines and wires in the east-west portion of the former alley.

Planning Commission:

Planning Commission heard this case on January 24, 2018 with a 7-0 vote.

STAFF RECOMMENDATION

Recommended Approach:

Adopt Resolution No. 11024 approving the abandonment of the ten (10) foot right-of-way easement located along the south property line of the property located at 6801 E. Camelback Road with Downtown Regional Commercial Office – Type 2, Planned Block Development Overlay, Downtown Overlay (D/RCO-2 PBD DO) zoning.

RESPONSIBLE DEPARTMENT

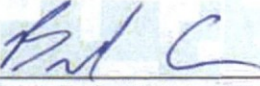
Planning and Development Services

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

2.6.2018

Date



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

2/6/2018

Date



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

2/6/18

Date

ATTACHMENTS

1. Dimensioned Context Aerial
2. Resolution No. 11024
3. Applicant's Narrative
4. Neighborhood Involvement / Citizen Input
5. City Notification Map
6. January 24, 2018 Planning Commission meeting minutes



Optima Sonoran Village

3-AB-2010#2

RESOLUTION NO. 11024

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 AN ALLEY EAST OF
68TH STREET SOUTH OF CAMELBACK ROAD

(3-AB-2010 #2)

(Alley east of 68th Street)

(related to resolutions 8379 and 8712)

A. On July 6, 2010, the city council of the City of Scottsdale ("City") adopted Resolution No. 8379 (the "Original Resolution") relating to abandonment of certain right-of-way described in the Original Resolution.

B. Paragraph 3 of the Original Resolution provided that the Original Resolution would be void unless certain conditions (collectively the "Conditions") occurred within one year after the date of the Original Resolution.

C. The Conditions were not timely satisfied and the Original Resolution is void. Further, on June 7, 2011 the Council adopted Resolution No. 8712 to extend the Original Resolution, and the conditions in Resolution 8712 were not satisfied, and the Resolution is therefore void.

D. City desires to adopt this new resolution to abandon all or part of the right-of-way described in the Original Resolution.

E. This resolution replaces Resolution 8379.

F. A.R.S. Sec. 28-7201, et seq., and A.R.S. §9-500.24 provide that a city may dispose of a public roadway or portion thereof that is no longer necessary for public use.

G. After notice to the public, the City of Scottsdale ("City") planning commission and City Council have held hearings on the proposed abandonment of a certain portion of the street right-of-way and other interests (collectively the "Abandonment Right-of-way").

H. The Abandonment Right-of-way is described on **Exhibit "A"** and **Exhibit "B"** attached hereto.

I. The Abandonment Right-of-way falls within, serves or affects three (3) parcels as follows:

1. The parcel (the "North Parcel") comprising approximately 9.86 acres at the southeast corner of Camelback Road and 68th Street as described on **Exhibit "C"** (the "Map") and **Exhibit "D"** attached hereto.

16245101v3

2. The parcel (the "South Parcel") comprising approximately 0.33 acres at the northwest corner of Montecito Avenue and 69th Street as shown on the Map and as described on **Exhibit "E"** attached hereto.

3. The parcel (the "Whitwood Alley Parcel") comprising approximately 0.34 acres located between the North Parcel and the South Parcel as shown on the Map and as described on **Exhibit "F"** attached hereto.

J. 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.

K. 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.

L. 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 by the city council of the City of Scottsdale, Arizona, as follows:

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.

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 A perpetual vehicular and pedestrian access easement (the "South Parcel Easement") as follows:

2.2.1 The easement shall be upon, over, under and across the east fifty-five feet (55') of the Abandonment Right-of-way.

2.2.2 The purpose of the easement is for all forms of motorized and non-motorized transportation and related uses to and from the South Parcel and 69th Street and for construction, operation, use, maintenance, repair, modification and replacement from time to time of improvements related thereto.

2.3 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 process or requirements may require to be dedicated to City.

2.4 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:

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

2.4.2 Any N.A.O.S. or other open space or similar easement or covenant.

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

2.5 An easement for all existing utilities, if any.

2.6 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 North Parcel (and all lenders, tenants, and other interest holders in such parcels) shall convey to City using City specified forms a public utility easement over the entire Abandonment Right-of-Way.

3.2 The owners of the North Parcel (and all lenders, tenants and other interest holders) and the owners of the South Parcel shall execute and record in favor of the South Parcel a private driveway easement covering the east fifty-five (55) feet of the Abandonment Right-of-way. In the alternative, such persons may rededicate to City using City specified forms the South Parcel Easement.

3.3 The owners of the North Parcel at their expense shall complete construction to bury all existing above ground electrical and other lines and wires in the east-west portion of the Whitwood Alley Parcel, including without limitation those serving buildings to the south of the Whitwood Alley Parcel. Such work shall include removal of poles and any necessary updating of electrical panels or other service connections or appurtenances. The fact that such work is required by this paragraph shall have no effect on whether the cost to complete the work qualifies under the provisions of the Special Public Improvements bonus as outlined in City's zoning ordinance. If a property owner refuses to allow work on an adjoining private parcel and no easement or similar right to perform such work exists, then the undergrounding work shall still occur, but the work shall exclude any specific work that cannot be performed without going upon such adjoining private parcel, and the bare minimum of overhead utilities as are necessary

to serve such private parcel may installed upon the Whitwood Alley Parcel to serve only the private parcel. (For example, if a homeowner refuses access to a home currently served by overhead electrical service, all overhead electrical service on the Whitworth Alley Parcel shall nevertheless be removed, but a pole may be placed on the Whitworth Alley Parcel at the point where the overhead electrical service enters the home's lot to support the electrical wires going onto the lot, and the home shall be provided with service from wires going up the pole from the new underground electrical wires to the overhead wires serving the home.)

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 foregoing Conditions are not all satisfied prior to the second (2nd) annual anniversary of this resolution, or if this resolution is not recorded prior to the end of that period, then the city clerk shall mark this resolution to indicate that this resolution is void.

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

CITY OF SCOTTSDALE, an Arizona municipal corporation

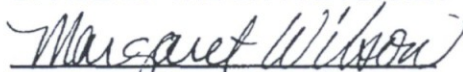
ATTEST:

W. J. "Jim" Lane, Mayor

Carolyn Jagger, City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY



Bruce Washburn, City Attorney

By: Margaret Wilson, Senior Assistant City Attorney

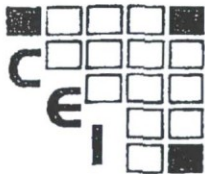
CERTIFICATE

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



Clouse Engineering, Inc.

ENGINEERS • SURVEYORS

1642 E. Orangewood Ave. • Phoenix, Arizona 85020 • TEL (602) 395-9300 • FAX (602) 395-9310

April 09, 2010
Job No. 030102

Legal Description For A Portion of Alley

The South 10.00 feet of the North half of the West half of the Northwest quarter of the Southeast quarter of Section 22, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Except the West 40.00 feet thereof.

Note: The above described parcels contain 6,362 square feet or 0.1461 acres more or less.



CENTER
SEC. 22
T2N, R4E

N89°56'05"E 655.28'

CAMELBACK ROAD

N89°56'05"E
1965.84'

E 1/4 COR
SEC 22,
T2N, R4E

NE COR
N 1/2, W 1/2,
NW 1/4, SE 1/4,
SEC 22, T2N, R4E

55'
40'
R=25.00'

333.00'
40.00'
STREET
N00°58'00"E 662.89'

40.00'
68TH
279.89'
269.86'

SW COR
N 1/2, W 1/2,
NW 1/4, SE 1/4,
SEC 22, T2N, R4E

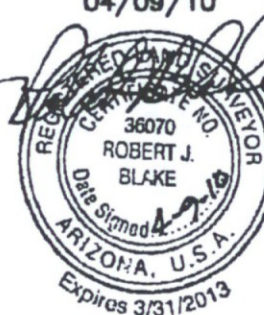
S 1/4 COR
SEC 22,
T2N, R4E

N00°58'00"E
1988.67'

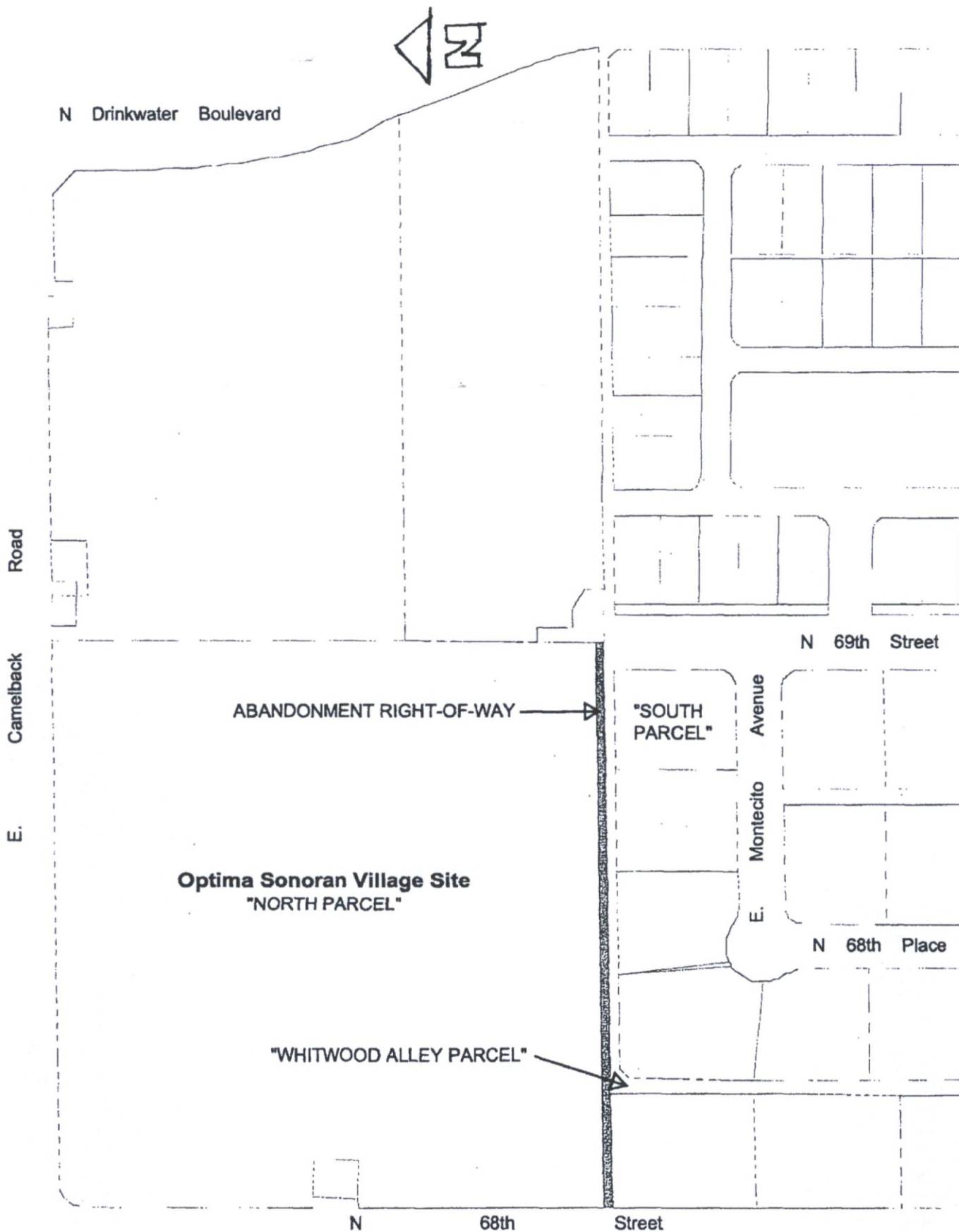
N89°58'17"E 654.84'

598.31'
N01°00'14"E 663.32'

1"=100'
#030102
04/09/10



SE COR
N 1/2, W 1/2,
NW 1/4, SE 1/4,
SEC 22, T2N, R4E



Legal Description for "North Parcel"

The North half of the West half of the Northwest quarter of the Southeast quarter of Section 22, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT that part described as follows:

BEGINNING at a point 333 feet South of the Northwest corner of the West half of the Northwest quarter of the Southeast quarter of said Section 22;

THENCE East 90 feet;

THENCE South 50 feet;

THENCE West 90 feet;

THENCE North 50 feet to the POINT OF BEGINNING.

Legal Description for "South Parcel"

Lot 32 of WHITWOOD UNIT TWO, a subdivision of the Southwest quarter of the Northwest quarter of the Southeast quarter of Section 22, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona as recorded in Book 72, Page 12 of Maps on record in the office of the Maricopa County Recorder, Maricopa County, Arizona.

Legal Description for "Whitwood Alley Parcel"

The alley way adjoining lots 25 through 36 of the WHITWOOD UNIT TWO subdivision plat recorded in Book 72, Page 12 of Maps, Maricopa County Records, and being situated within the Southeast Quarter of Section 22, Township 2 North, Range 4 East, Gila & Salt River Base and Meridian, City of Scottsdale, County of Maricopa, State of Arizona.



Project Narrative

This document will be uploaded to a Case Fact Sheet on the City's web site.

Date: 11.30.2017

Project No.:

PA:

Coordinator: Brad Carr

Case No. 3-AB-2010

Project Name: Optima Sonoran Village

Project Location: 6801 E. Camelback Road, Scottsdale, Arizona

Property Details:

☐ Single-Family Residential ☒ Multi-Family Residential ☐ Commercial ☐ Industrial

Current Zoning: S-R Proposed Zoning: D/RCO-2 PBD DO

Number of Buildings: 5 Parcel Size: 9.8 +/- gross acres

Gross Floor Area/Total Units: n/a Floor Area Ratio/Density: n/a

Parking Required: n/a Parking Provided: n/a

Setbacks: N - n/a S - n/a E - n/a W - n/a

Description of Request:

Abandonment of the 10' alley (north half) located along the southern edge of the subject property.

Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

CP-NARRATIVE

3-AB-2010#2

11/30/2017

ATTACHMENT 3

Carr, Brad

From: wdearbaugh@cox.net [mailto:wdearbaugh@cox.net]

Sent: Monday, December 18, 2017 9:33 AM

To: Castro, Lorraine <Lcastro@scottsdaleaz.gov>

Subject: Optima Sonoran Village - Right of way change



My property is adjacent to Optima on the South side. I am not sure why they want to abandon the right of way. My utility services are located in that area and if I need to do work on my fence I would need access on the other side to do repairs. Since my utilities are located there I assume that they would still be allowed to do repairs as well. So just trying to understand the logic and assume it would be fine but want to understand the reasoning. Wes Dearbaugh 480-515-5566 -- sent by Wes Dearbaugh (case# 3-AB-2010#2)



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City Notifications – Mailing List Selection Map

ATTACHMENT #5



Map Legend:

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

Additional Notifications:

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

Optima Sonoran Village

3-AB-2010#2



**SCOTTSDALE PLANNING COMMISSION
CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

WEDNESDAY, JANUARY 24, 2018

***DRAFT SUMMARIZED MEETING MINUTES ***

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

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

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"

ATTACHMENT 6

MINUTES REVIEW AND APPROVAL

1. Approval of the January 10, 2018 Regular Meeting Minutes including Study Session.
COMMISSIONER KUSH MOVED TO APPROVE THE JANUARY 10, 2018 REGULAR MEETING MINUTES, INCLUDING STUDY SESSION, SECONDED BY COMMISSIONER SMITH, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

EXPEDITED AGENDA

2. 3-AB-2010#2 (Optima Sonoran Village)
Request by owner for re-approval to abandon the ten (10) foot right-of-way easement located along the south property line of the property located at 6801 E. Camelback Road with Downtown Regional Commercial Office – Type 2, Planned Block Development Overlay, Downtown Overlay (D/RCO-2 PBD DO) zoning. Staff contact person is Brad Carr, AICP, 480-312-7713. Applicant contact person is John Berry, 480-385-2727.
Item No. 2: Recommended City Council to approve case 3-AB-2010#2 by a vote of 6-0; Motion by Commissioner Kush, per the staff recommended stipulations, based upon the finding that the Abandonment is consistent with and conforms with the adopted General Plan, 2nd by Commissioner Serena, Commissioner Smith recused himself.
3. 7-TA-2017 (Planned Shared Development (PSD) Condos (La Via))
Request by applicant for approval of a text amendment to the City of Scottsdale Zoning Ordinance (Sec. 6.1400), amending the Planned Shared Development (PSD) District related to condominiums and/or timeshares in the PSD. Staff contact person is Bryan Cluff, 480-312-2258. Applicant contact person is John Berry, (480) 385-2727.
Item No. 3: Recommended City Council to approve case 7-TA-2017 by a vote of 5-0; Motion by Commissioner Kush, after determining that the proposed Text Amendment is consistent and conforms with the adopted General Plan, 2nd by Commissioner Bollinger, Vice Chair Fakih and Commissioner Smith recused themselves.

Adjournment – Motion to adjourn at 5:09 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"

REQ IES "O SPEAK



Request to Speak cards must be submitted to City Staff **BEFORE** public testimony begins.
Public testimony is limited to three (3) minutes per speaker.
Additional time MAY be granted to speakers representing two or more persons.
Cards for designated speakers and the person(s) they represent must be submitted together.

2

NAME (print) RICK ROBERTSON MEETING DATE 1/24/18
NAME OF GROUP/ORGANIZATION (if applicable) WHITWOOD OWNERS ASSOCIATION
ADDRESS 4321 N 68th PLACE SCOTTSDALE ZIP 85251
HOME PHONE 480 941 0028 WORK PHONE 602 363 4243
E-MAIL ADDRESS (optional) RROBERTSON@LEEARIZONA.COM
☒ I WISH TO SPEAK ON AGENDA ITEM # 2 ☐ I WISH TO DONATE MY TIME TO _____
☐ I WISH TO SPEAK DURING "PUBLIC COMMENT"* CONCERNING _____

*Citizens may complete one Request to Speak "Public Comment" card per meeting and submit it to City Staff. "Public Comment" time is reserved for citizen comments regarding non-agendized items. The Board and Commission may hear "Public Comment" testimony, but is prohibited by state law from discussing items which are not listed on the agenda.

This card constitutes a public record under Arizona law.

WRITTEN COMMENTS



This card is used to submit written comments to the Board or Commission.
Written comment cards may be submitted to the Staff at any time. Cards submitted after public testimony has begun will be provided to the Board or Commission at the conclusion of the testimony for that item.

2

NAME (print) PAT FRENCH MEETING DATE 1/24/18
NAME OF GROUP/ORGANIZATION (if applicable) Village of Deer HOA
ADDRESS 4334 N. 70th ST ZIP 85251
HOME PHONE 480 941-4426 WORK PHONE _____
E-MAIL ADDRESS (optional) _____
AGENDA ITEM # 3-A 2010 #2 ☐ SUPPORT ☒ OPPOSE

COMMENTS (additional space is provided on the back)
What use is this easement for? (By Optima)
How far is this easement extending
Is it going to be road?

This card constitutes a public record under Arizona law.

PLANNING COMMISSION REPORT



Meeting Date: January 24, 2018
General Plan Element: *Land Use*
General Plan Goal: *Coordinate Planning to Balance Infrastructure*

ACTION

**Optima Sonoran Village
3-AB-2010#2**

Request to consider the following:

1. A recommendation to City Council regarding a request by owner to abandon the ten (10) foot right-of-way easement located along the south property line of the property located at 6801 E. Camelback Road with Downtown Regional Commercial Office – Type 2, Planned Block Development Overlay, Downtown Overlay (D/RCO-2 PBD DO) zoning.

Goal/Purpose of Request

The property owner is seeking a reapproval of the abandonment of a portion of a former alley along the far southern area of the subject site. The original approval for the abandonment occurred on July 6, 2010 but expired before the property owner fulfilled the requirements of the abandonment resolution.

Key Items for Consideration

- Utility access retained for the alley through the reservation and dedication of public utility easements across the area of the abandonment
- Access not impacted by this proposed abandonment
- No public input received regarding the proposed abandonment

OWNER

Optima Sonoran Village
480-874-9900

APPLICANT CONTACT

John Berry
Berry Riddell, LLC
480-385-2727

Action Taken _____



LOCATION

6801 E. Camelback Road

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 have a focus on human scale development.

Character Area Plan

The Downtown Character Area Plan designates the property as Downtown Regional Type 2 on the Downtown Future Land Use map. This land use designation includes urban neighborhoods with primary land uses consisting of regional/community serving commercial uses, as well as large-scale housing developments.

Zoning

As a result of case 1-ZN-2010, the site is zoned Downtown Regional Commercial Office Type 2, Planned Block Development, Downtown Overlay (D/RCO-2 PBD DO). The Regional Commercial Office subdistrict of the Downtown zoning district allows for large-scale development of office and commercial uses, including regional shopping centers and residential in mixed-use developments.

Context

The subject property is located approximately six hundred feet south of the southeast corner of E. Camelback Road and N. 68th Street. Please refer to the context graphics.

History

The subject area was originally dedicated in 1965 as an alley as part of several roadway dedications surrounding the property at the southeast corner of E. Camelback Road and N. 68th Street. The subject dedication tied into an existing alley dedication to the south for the Whitwood Unit Two subdivision. As the area developed, including the former Orchidtree apartment site, the alley's primary function was to serve as a drive aisle for the aforementioned Orchidtree development. Optima purchased the site and has redeveloped the site into a multi-family residential development.

Because the drive aisle was no longer a part of the redevelopment plan for the site, the owner sought, and received approval for, abandonment of a portion of that alley from City Council on July 6, 2010. The 2010 approval of the partial alley abandonment had several requirements that needed to be fulfilled by the property owner prior to recordation of the abandonment. Those requirements included the dedication of a new public utility easement (PUE), the dedication of a private access easement, and the burying of existing overhead powerlines that existed within the abandon alley. The owner originally had one year to complete the requirements of the abandonment approval. That one-year requirement was extended by another year in 2011. However, the owner did not complete the requirements within the time allotted and the abandonment approval expired.

Related Policies, References:

3-AB-2010 – prior alley abandonment case; approved July 6, 2010

Resolution No. 8379 – original resolution for abandonment of right-of-way easement for alley

Resolution No. 8712 – resolution for time extension of original abandonment resolution

IMPACT ANALYSIS

Traffic/Trails

There is currently no vehicular access to the southern portion of the subject site and refuse collection for the adjacent single-family residences occurs along the streets fronting those homes. Access to existing utilities within the former alley is retained through dedicated easements. The nearest trail to the subject site located adjacent to the southeast side of the Arizona Canal. There are currently no proposed bicycle improvements along the former alley that the property owner is requesting to abandon. The requested abandonment does not affect implementation of the Trail System Master Plan or Bicycle Element of the Transportation Master Plan.

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. No impacts are anticipated.

Public Utilities

The public utilities were notified of the applicant's request at the initial application in 2010. The utility companies indicated that there are no conflicts with the proposed abandonment and support the abandonment. A public utility easement was dedicated over the area of the abandonment as part of the requirements for approval of the abandonment.

Community Involvement

The site was posted notifying interested parties of the request and the city sent postcards to property owners surrounding the site in notice of the request. City staff received one phone call and one email with general inquiries regarding the reapproval request.

Community Impact

The proposed abandonment does not restrict or remove access to any properties along the area of the abandonment and provisions for public utilities are provided with the dedicated utility easements. On a broader scale, the proposed abandonment prevents future access from roadways on either side of the abandonment area to the back side of existing residences, enhancing privacy and safety. The three stipulations of the original approval have been satisfied by the property owner. Those stipulations have been carried over for this reapproval for clarity.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Planning Commission make a recommendation to City Council for approval to abandon the ten (10) foot right-of-way easement located along the south property line of the property located at 6801 E. Camelback, finding that the proposal is consistent with and

conforms to the adopted General Plan, subject to the following:

1. The property owner dedicate a public utility easement (PUE) over the entire abandonment area.
2. The property owner dedicate to the adjacent property owner at the southeast corner of the site a private access easement covering the east fifty-five (55) feet of the abandonment area.
3. The property owner complete construction to bury all existing above ground electrical and other utility lines and wires in the east-west portion of the former alley.

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

1-10-2018

Date

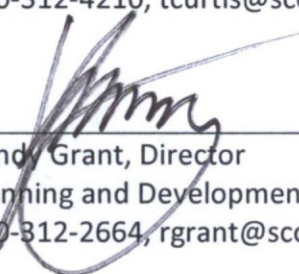


Tim Curtis, AICP, Current Planning Director

480-312-4210, tcurtis@scottsdaleaz.gov

1/18/2018

Date



Randy Grant, Director

Planning and Development Services

480-312-2664, rgrant@scottsdaleaz.gov

1/18/18

Date

ATTACHMENTS

1. Applicant's Narrative
2. Dimensioned Context Aerial
3. Legal Description and Graphic Abandonment Area
4. Neighborhood Involvement / Citizen Input
5. City Notification Map



Project Narrative

This document will be uploaded to a Case Fact Sheet on the City's web site.

Date: 11.30.2017

Coordinator: Brad Carr

Project Name: Optima Sonoran Village

Project No.: PA

Case No.: 3-AB-2010

Project Location: 6801 E. Camelback Road, Scottsdale, Arizona

Property Details:

☐ Single-Family Residential ☒ Multi-Family Residential ☐ Commercial ☐ Industrial

Current Zoning: S-R Proposed Zoning: D/RCO-2 PBD DO

Number of Buildings: 5 Parcel Size: 9.8 +/- gross acres

Gross Floor Area/Total Units: n/a Floor Area Ratio/Density: n/a

Parking Required: n/a Parking Provided: n/a

Setbacks: N - n/a S - n/a E - n/a W - n/a

Description of Request:

Abandonment of the 10' alley (north half) located along the southern edge of the subject property.

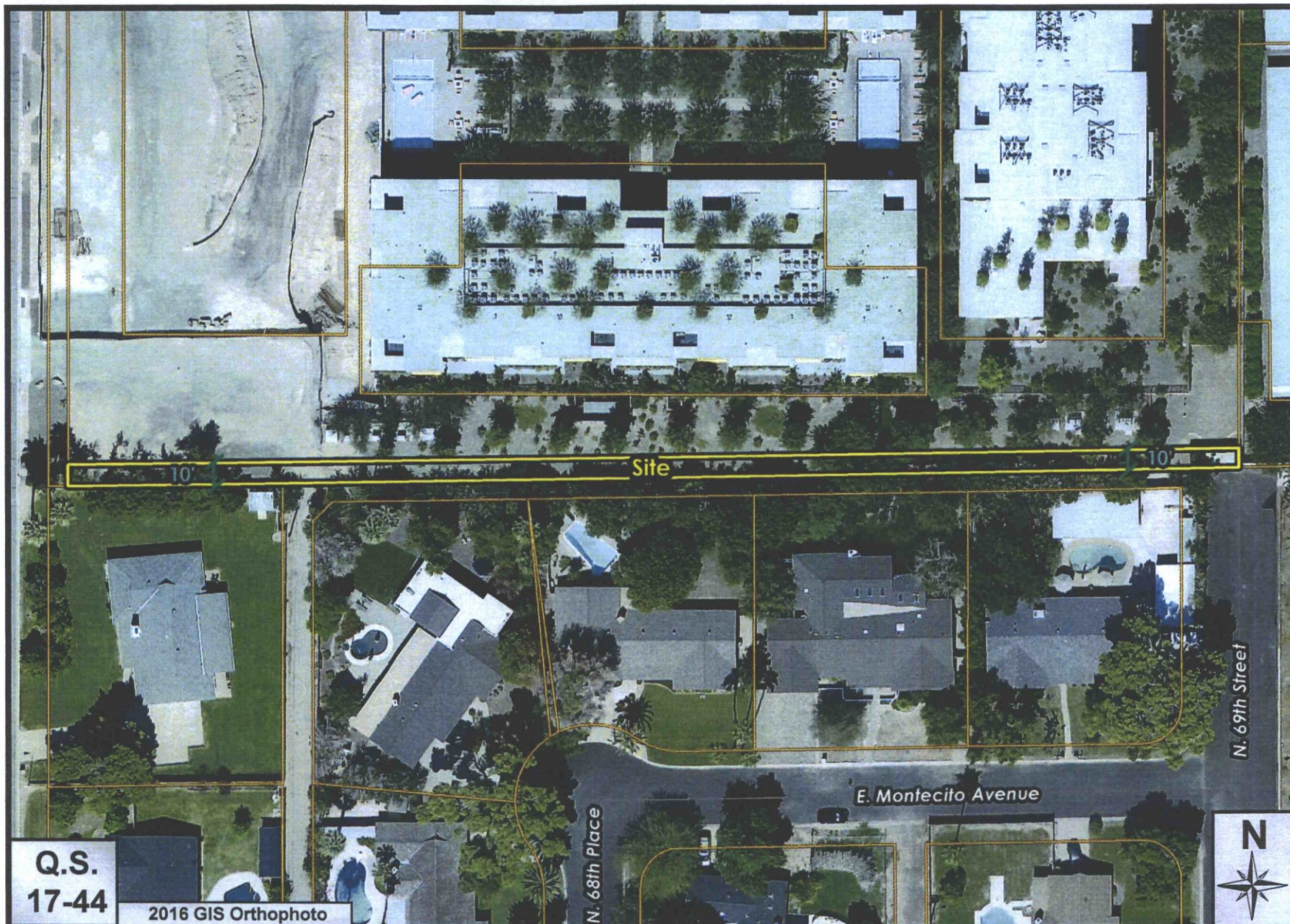
Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

CP-NARRATIVE

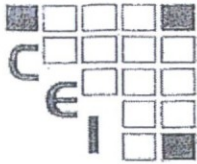
3-AB-2010#2

11/30/2017



Optima Sonoran Village

3-AB-2010#2



Clouse Engineering, Inc.

ENGINEERS ■ SURVEYORS

1642 E. Orangewood Ave. • Phoenix, Arizona 85020 • TEL (602) 395-9300 • FAX (602) 395-9310

April 09, 2010
Job No. 030102

Legal Description For A Portion of Alley

The South 10.00 feet of the North half of the West half of the Northwest quarter of the Southeast quarter of Section 22, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Except the West 40.00 feet thereof.

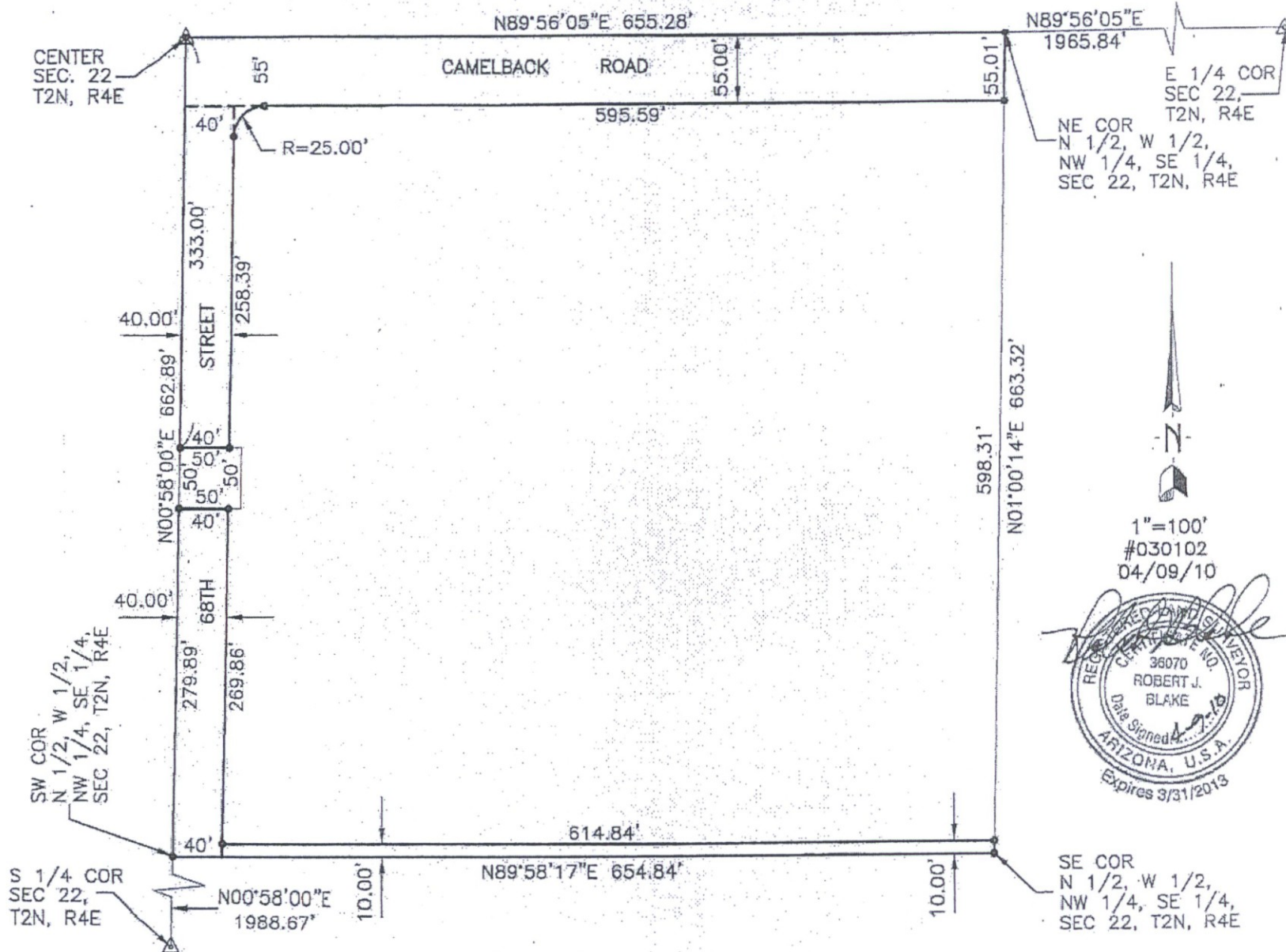
Note: The above described parcels contain 6,362 square feet or 0.1461 acres more or less.



3-AB-2010#2
11/30/2017

ATTACHMENT 3

3-AB-2010#2
11/30/2017



From: wdearbaugh@cox.net [mailto:wdearbaugh@cox.net]

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ATTACHMENT #5



Map Legend:

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- — — Properties within 750-feet
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Optima Sonoran Village

3-AB-2010#2