

**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: 02/14/2018

City Council Hearing: 03/20/2018

Case History: 188-PA-2017

**7-AB-2017**

**Flynn Abandonment**

# PLANNING COMMISSION REPORT



Meeting Date: February 14, 2018  
General Plan Element: *Land Use*  
General Plan Goal: *Coordinate Planning to Balance Infrastructure*

## ACTION

### Flynn Abandonment 7-AB-2017

#### Request to consider the following:

1. A recommendation to City Council regarding a request by owner to abandon portions of the thirty-three (33) foot wide General Land Office Patent Easement (GLOPE) surrounding the southern parcel (APN 217-33-038) and portions of the thirty-three (33) foot wide GLOPE and portions of the fifty-five (55) foot wide Right-of-Way on the northern parcel (APN 217-33-015A), with Single-family Residential District (R1-43) zoning located at 9634 N. 120th Street.

#### Goal/Purpose of Request

The proposed abandonments will resolve existing encroachment issues on the north parcel (217-33-015A) and allow for additional future development area on the south parcel (217-33-038).

#### Key Items for Consideration

- Access not impacted by this proposed abandonment
- Conformance with the Transportation Master Plan

## OWNER

Kevin Flynn  
602-696-2063

## APPLICANT CONTACT

Wendy Riddell  
480-682-3916

## LOCATION

9634 N. 120<sup>th</sup> Street  
(North Lot: APN 217-33-015A)  
(South Lot: APN 217-33-038)



Action Taken \_\_\_\_\_



## BACKGROUND

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### General Plan

The General Plan Land Use Element designates the properties as Rural Neighborhoods. This category includes areas of relatively large lot single-family neighborhoods. Densities in Rural Neighborhoods are usually one house per one acre (or more) of land. Clustering is encouraged to preserve desert vegetation, washes, and natural features. Some of these areas were developed with one-acre lots under Maricopa County standards prior to annexation by Scottsdale. Equestrian uses and privileges may exist in the flatter areas as many lots are large enough for horses and several existing developments permit horse corrals.

The APS/SRP powerline corridor crossing through these parcels is identified on the General Plan Land Use Map as Cultural/Institutional or Public Use. This category includes uses such as public and private utilities.

### Zoning

The site is zoned Single-family Residential district (R1-43). The (R1-43) zoning district allows for single-family dwellings and uses incidental or accessory there to.

### Adjacent Uses and Zoning

- North: Single-family residential (un-subdivided); zoned Single-family Residential district (R1-43).
- South: Stonegate Parcel 10 subdivision; zoned Single-family Residential/Planned Community Development district (R1-7 PCD).  
Stonegate Equestrian Park; zoned Open Space/Planned Community Development district (O-S PCD).
- East: Paradise Heights subdivision; zoned Single-family Residential district (R1-43).  
Stonegate Equestrian Park; zoned Open Space/Planned Community Development district (O-S PCD).
- West: Stonegate Parcel 5 subdivision; zoned Single-family Residential/Planned Community Development district (R1-7 PCD).

### Context

The subject properties are located south of E. Mountain View Road, along the west side of N. 120<sup>th</sup> Street. These are the last two residential lots before the entrance to Stonegate Equestrian Park, which is located at the termination of N. 120<sup>th</sup> Street. These parcels are also partially located under the APS/SRP powerline corridor that runs diagonally through the area.

The subject 33-foot General Land Office Patent Easements (GLO) located along the northern, eastern and southern boundaries of the north Flynn parcel (APN 217-33-015A) were dedicated in July of 1954, through patent serial numbers 1145620. The subject 33-foot General Land Office Patent Easements (GLO) located along the northern, western, eastern and southern boundaries of the south Flynn parcel (APN 217-33-038) were dedicated in April of 1954, through patent serial number 1144057. The subject GLO roadway easements were reserved on the original patent deed to assure legal access. Currently the GLO easements on the north parcel are encroached upon by



existing fence/walls and accessory structures.

The N. 120<sup>th</sup> Street right-of-way in front of the north Flynn parcel was originally dedicated as a 110-foot wide, as two 55-foot halves, in 1974. The current pavement width for this segment of N. 120<sup>th</sup> Street is 20 feet wide, from E. Mountain View Road south to the cul-de-sac entrance to the park. Currently the right-of-way easement on the north parcel is encroached upon by existing fence/walls and structures.

The GLO easements within the Stonegate community, to the west and south of the subject properties, were previously abandoned by the City Council in 2011.

### **General Land Office Patent Easements (general information)**

- Within the City of Scottsdale there are General Land Office (GLO) lots or parcels of various sizes created by the Federal Small Tract Act. This act was passed in 1938 and repealed in 1976.
- Most GLO lots were patented with 33 foot (or sometimes 50 foot) roadway and public utility easements typically “as near as practicable to the exterior boundaries.”
- The city has viewed these patent roadway and utility easements as assured access at least until a local circulation plan is established.
- As GLO lots come in for development (i.e., lot splits, subdivisions or requesting building permits) staff requires city right-of-way dedications per city circulation plans. The city’s transportation plan establishes a street system to replace the grid pattern created by the GLO easements.
- Any patent easements in excess of the current requirements to the circulation plans (including trails), roadway standards, and not required to insure access to any other lot, may be requested to be abandoned.
- On 1981, City Ordinance 1386 was adopted delegating the authority for the release of GLO easements to the Engineering Services Director.
- On March 2, 1999, the City Council repealed Ordinance 1386 and adopted Ordinance 3219 which requires the abandonment of the GLO patent roadway easements to go through the same public hearing process currently used for all rights-of-way, alleys, and roadway easements. The City Attorney’s office has concluded that this process for consideration of GLO roadway abandonment satisfies legal requirements.
- On August 12, 2005, Arizona Revised Statute section 9-500.4 became effective. This section gives the local municipality the right to abandon GLO patent easements, and concurs with the city’s position on abandonment of GLO patent easements.

### **Related Policies, References:**

2008 Scottsdale Transportation Master Plan

2001 Scottsdale General Plan

## **IMPACT ANALYSIS**

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### **Land Use**

There is currently no proposed change to the land use. The subject properties will continue to function as single-family residential lots with or without the proposed abandonment.



### **Traffic/Trails**

Access to these properties is currently provided by N. 120<sup>th</sup> Street and will be unchanged by this abandonment application. As support for the abandonment of the GLO areas and the portion of the existing right-of-way easement, the owner will dedicate the remaining 25-feet of N. 120<sup>th</sup> Street as in-fee Public Right-of-Way to the City of Scottsdale, along the frontage of both parcels.

There are existing equestrian easements, over the adjacent Stonegate parcels to the west and south of the Flynn parcels, which will continue to provide trail connection from E. Mountain View Road to Stonegate Equestrian Park and the powerline corridor. The City's Transportation staff has worked with the applicant to identify and confirm this connection. The applicant will be working with staff to make some initial improvements to provide a functional connection that is located outside of the proposed GLO abandonment areas.

The City's Transportation staff has identified that the existing parcel (APN 217-33-015B), located immediately west of the north Flynn parcel, is still able to be served by its GLO easements and those on the properties to the north (APN 217-33-014A and 217-33-014B) for future utility connections or access needs and that this application for abandonment on the Flynn properties is not severing an existing access point to that property.

### **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. 120<sup>th</sup> Street. No impacts are anticipated.

### **Public Utilities**

The public utilities have been notified of the applicant's request. The utility companies have indicated that there are no conflicts with the proposed abandonment and support the abandonment.

### **Community Involvement**

Property owners within 750 feet of the subject properties were notified of this application. Staff received written concerns regarding the potential impact to the existing trail system connection to Stonegate Park and the surrounding neighborhood as well as potential impacts to future access to the parcel located to the immediate west of the northern Flynn parcel.

There are existing adjacent equestrian easements which will continue to provide trail connections from E. Mountain View Road to Stonegate Equestrian Park. Adjacent residential properties will not be left without vehicular or utility access resulting from this abandonment.

## **OPTIONS & STAFF RECOMMENDATION**

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### **Recommended Approach:**

Staff recommends that the Planning Commission make a recommendation to City Council for approval to abandon portions of the thirty-three (33) foot wide General Land Office Patent Easement (GLOPE) surrounding the southern parcel (APN 217-33-038) and portions of the thirty-three (33) foot wide GLOPE and portions of the fifty-five (55) foot wide Right-of-Way on the

northern parcel (APN 217-33-015A), finding that the proposal is consistent with and conforms to the adopted General Plan and Transportation Master Plan, subject to the following:

1. The property owner dedicates the remaining 25-feet of N. 120<sup>th</sup> Street as in-fee Public Right-of-Way to the City of Scottsdale, along the frontage of both parcels.
2. The property owner pays to the city an amount to be determined as compensation for the abandonment of right-of-way.

## **RESPONSIBLE DEPARTMENT**

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**Planning and Development Services**

Current Planning Services

## **STAFF CONTACT**

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Jeff Barnes

Senior Planner

480-312-2376


E-mail: [jbarnes@ScottsdaleAZ.gov](mailto:jbarnes@ScottsdaleAZ.gov)



**APPROVED BY**

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\_\_\_\_\_  
Jeff Barnes, Report Author

  
\_\_\_\_\_  
Date

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

  
\_\_\_\_\_  
Date

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

  
\_\_\_\_\_  
Date

## ATTACHMENTS

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1. Context Aerial
2. Detail Aerial
3. Applicant's Narrative
4. Legal Description and Graphic: Abandonment Area
5. Legal Description and Graphic: Right-of-Way Dedication
6. Neighborhood Involvement / Citizen Input
7. City Notification Map





Context Aerial

ATTACHMENT 1

7-AB-2017





Detailed Aerial

ATTACHMENT 2

7-AB-2017



# FLYNN FAMILY FARM

## Request for Abandonment of GLOPE and ROW Project Narrative

October 30, 2017

Prepared for:

Kevin Flynn  
9634 North 120<sup>th</sup> Street  
Scottsdale, Arizona 85259

Prepared by:

Berry Riddell LLC  
Wendy Riddell, Esq.  
Ashley Porter, Planning Assistant  
6750 East Camelback Road, #100  
Scottsdale, Arizona 85251

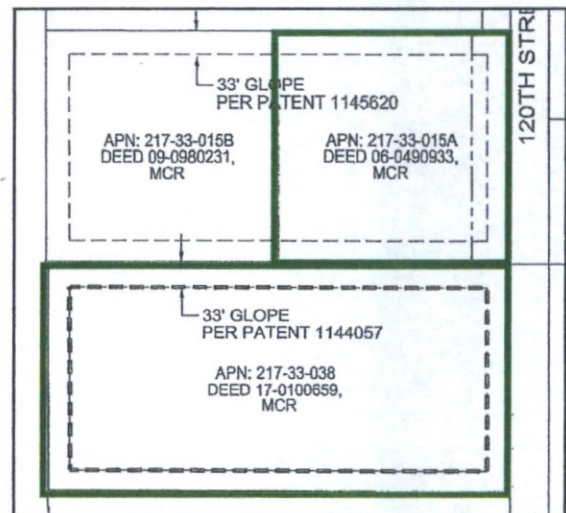
## PROPERTY INFORMATION

The site, 9634 N 120<sup>th</sup> Street, consists of two contiguous parcels located south of the southwest corner of E Mountain View Rd and N 120<sup>th</sup> St (the "Site"), shown below. The Site is currently zoned Single-family Residential (R1-43) and consists of a home and several acres of vacant land.



Surrounding each parcel are two GLOPEs, as shown in the graphic to the right. As part of this application, this property owner is requesting to abandonment the existing GLOPEs and 25 feet of right of way along 120<sup>th</sup> Street adjacent to APN 217-33-015A. The GLOPEs create a property hardship to the current owner, who would like to secure the Site with fencing and begin development of the southern parcel.

The City's policy for GLOPE compensation is 20 cents per square foot for fee title GLOPE abandonments. The City's policy for ROW compensation is 50 cents per square foot for fee title ROW abandonments. In the staff comment letter dated August 31<sup>st</sup>, it was noted that the GLO abandonment area should be reflective of a \$2.02 per square foot valuation because the property is not in use as a residential property. As the property is contiguous to a residential property and is considered one land unit, the applicant respectfully disagrees with this assumption. Discussions regarding the variation on appraisal amounts is still under negotiation with City Staff. Once a value is determined, it will be memorialized in the narrative and the





property owner will provide compensation to the City of Scottsdale for the land area to be abandoned through monetary compensation.

A legal and graphic exhibit for the dedication of a twenty-five foot wide Public Non-Motorized Access Easement along the west property line of the southern lot, per comment #1, is not included in this resubmittal. Per discussions with transportation staff, the trail will be accommodated in the existing equestrian easements that run outside of the property, within the HOA tract.

Exhibit A

Legal Description

Right-of-Way Release

The West 30 feet of the East 55 feet of that certain parcel of land described in Document No. 2006-0490933, Maricopa County Records, lying within Section 27, Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.



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

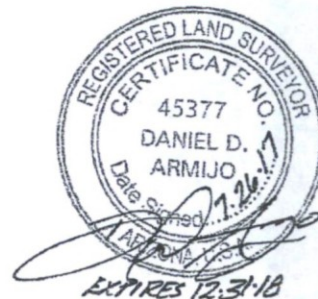
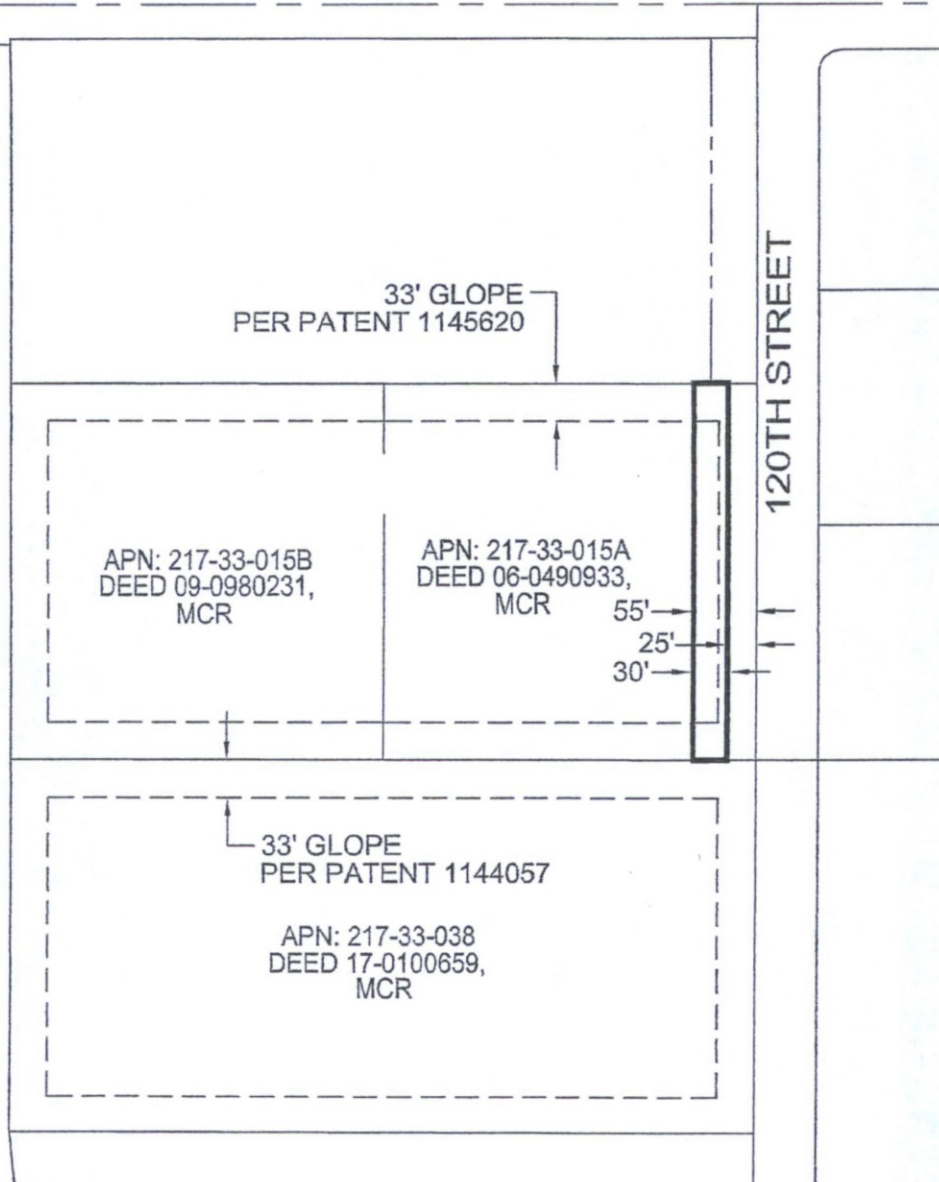


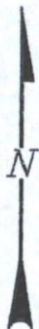
EXHIBIT "B"  
RELEASE OF RIGHT-OF-WAY

MOUNTAIN VIEW ROAD



**AW  
LAND  
SURVEYING, LLC**

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



DRAWN BY: DDA	CHECKED BY: DDA	DATE: 07/26/17	JOB NO.: 17-052
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SHEET NO. **2 OF 2**



Exhibit A

Legal Description

General Land Office Patent Easement Release  
(GLOPE)

The General Land Office Patent Easement as described in Patent 1145620, dated July 20, 1944.

Except the West 330 feet thereof;

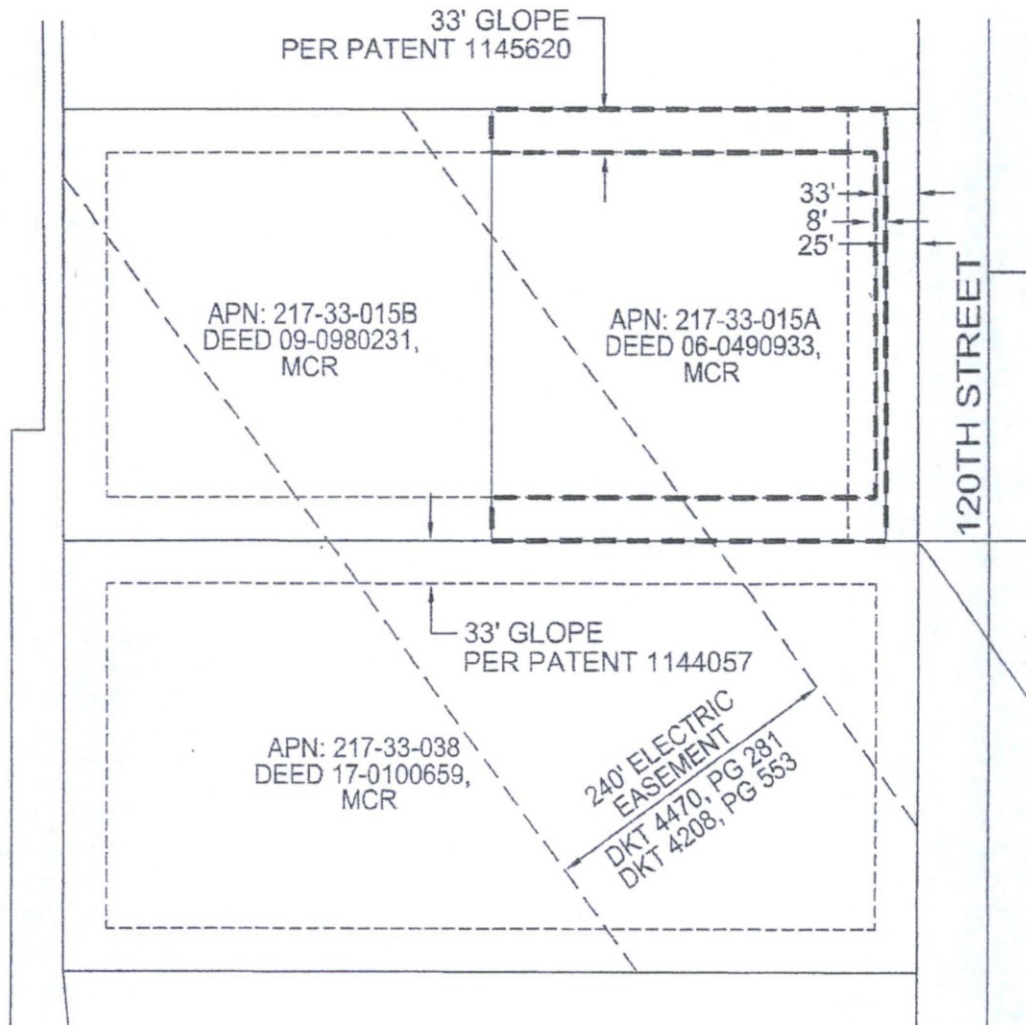
Except the East 25 feet thereof.



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



EXHIBIT "B"  
GENERAL LAND OFFICE PATENT EASEMENT  
(GLOPE)  
RELEASE OF EASEMENT



**AW**  
**LAND**  
**SURVEYING, LLC**

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



DRAWN BY: DDA CHECKED BY: DDA DATE: 09/28/17 JOB NO.: 17-052

SHEET NO. 2 OF 2



Exhibit A

Legal Description

General Land Office Patent Easement Release  
(GLOPE)

The General Land Office Patent Easement as described in Patent 1144057, dated April 7, 1944.

Except the East 25 feet thereof.

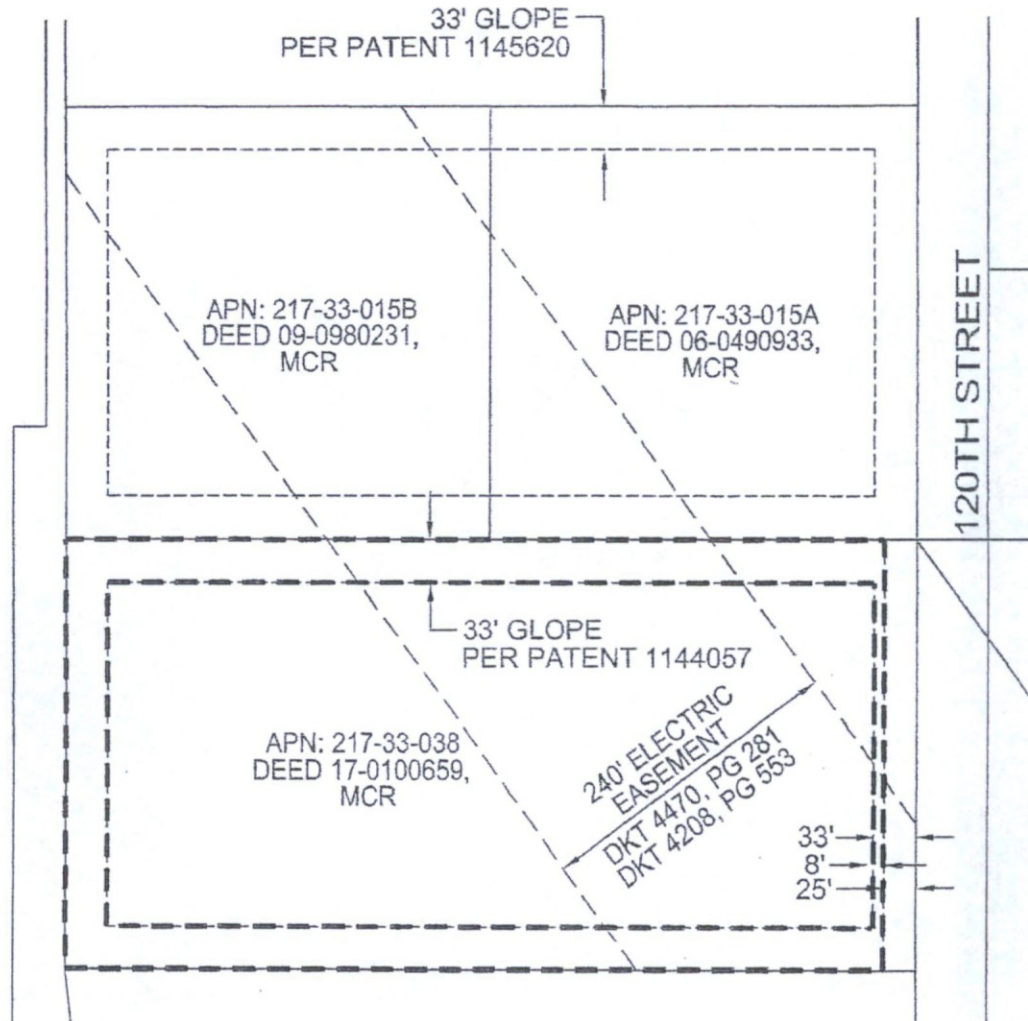


LAND  
SURVEYING

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



EXHIBIT "B"  
GENERAL LAND OFFICE PATENT EASEMENT  
(GLOPE)  
RELEASE OF EASEMENT



**AW**  
**LAND**  
**SURVEYING, LLC**

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



DRAWN BY: DDA CHECKED BY: DDA DATE: 09/28/17 JOB NO.: 17-052

SHEET NO. 2 OF 2



Exhibit A

Legal Description

Right-of-Way  
(N 120<sup>th</sup> Street)

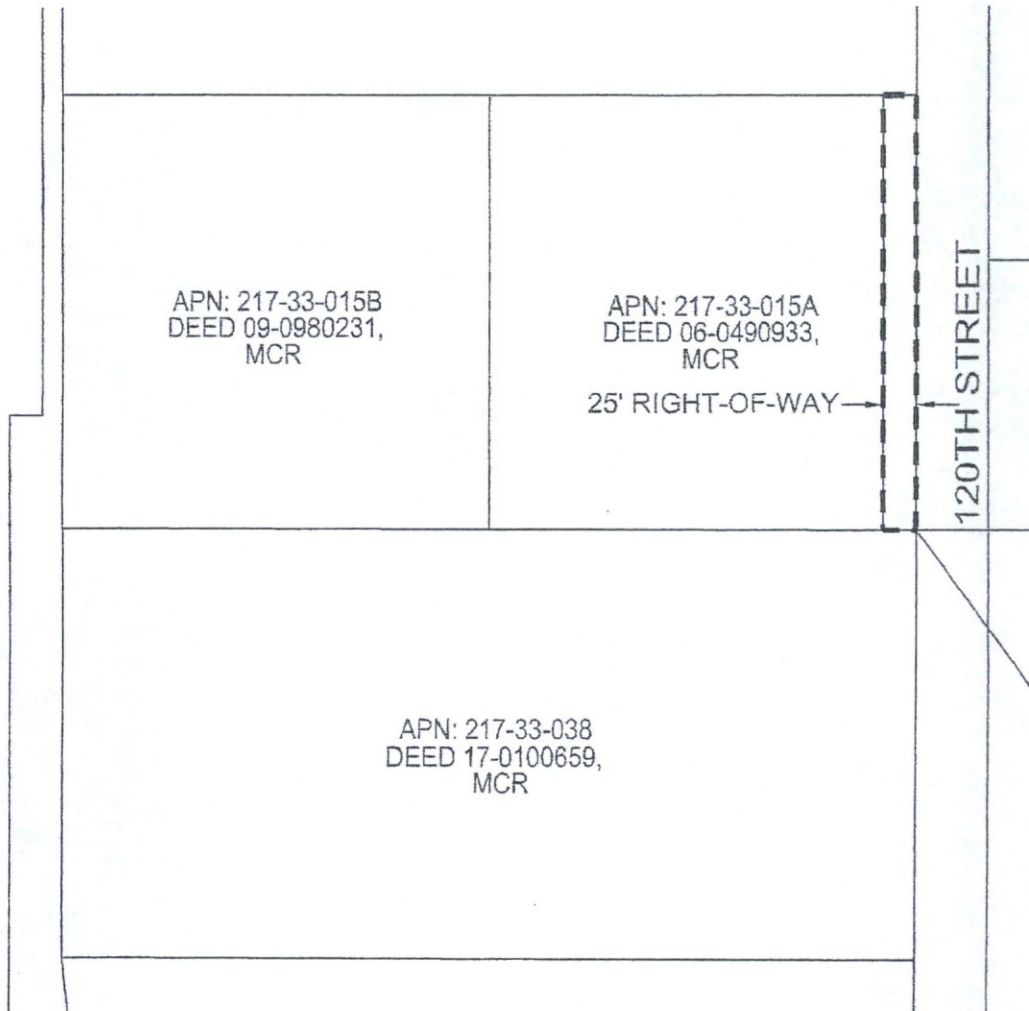
The east 25 feet of Lot 2, Section 27, Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, in the City of Scottsdale, county of Maricopa, state of Arizona.



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



EXHIBIT "B"  
RIGHT-OF-WAY



**AW**  
**LAND**  
**SURVEYING, LLC**

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



DRAWN BY: DDA	CHECKED BY: DDA	DATE: 09/28/17	JOB NO.: 17-052
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SHEET NO. **2 OF 2**



Exhibit A

Legal Description

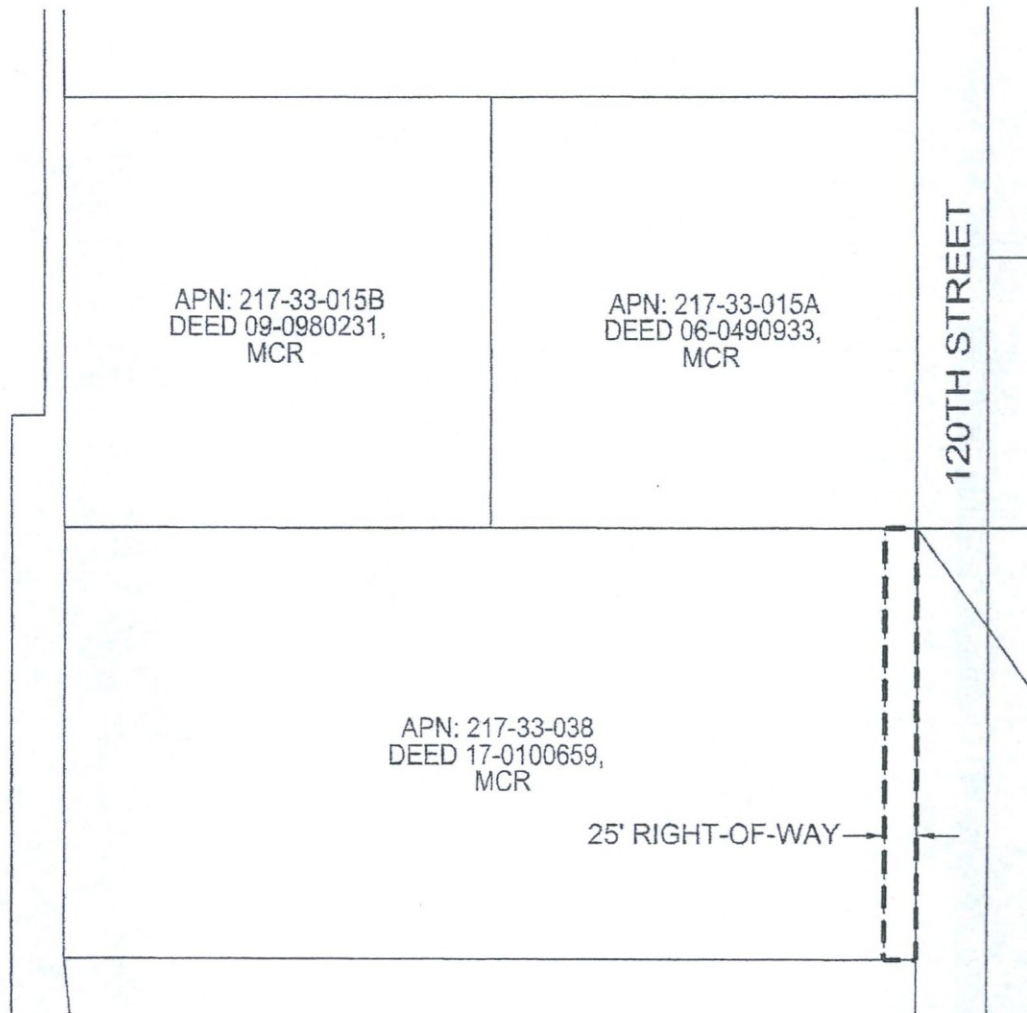
Right-of-Way  
(N 120<sup>th</sup> Street)

The east 25 feet of Lot 23, Section 27, Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, in the City of Scottsdale, county of Maricopa, state of Arizona.



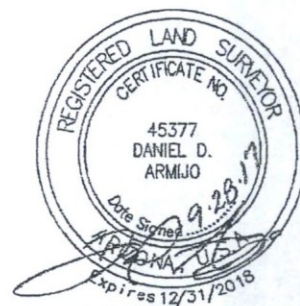
P.O. Box 2170, Chandler, AZ 85244  
Daniel D. Armijo, RLS (480) 244-7630  
Brian D. Warren, LSIT (480) 243-4287

EXHIBIT "B"  
RIGHT-OF-WAY



**AW**  
**LAND**  
**SURVEYING, LLC**

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



DRAWN BY: DDA	CHECKED BY: DDA	DATE: 09/28/17	JOB NO.: 17-052
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SHEET NO. **2 OF 2**



**Barnes, Jeff**

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**From:** Ruenger, Jeffrey  
**Sent:** Wednesday, August 02, 2017 9:21 AM  
**To:** Barnes, Jeff; Acevedo, Alex  
**Subject:** FW: 7-AB-2017

-----Original Message-----

From: Lisa Kirkpatr [\[mailto:lkirkpatrick222@gmail.com\]](mailto:lkirkpatrick222@gmail.com)  
Sent: Tuesday, August 01, 2017 10:14 PM  
To: Projectinput  
Subject: 7-AB-2017

To whom it may concern, I'm a neighbor to the Flynns, I 100% oppose this request to abandon the property easement. I use this easement daily to take my horses to the equestrian park, and to join the trail system. If this easement goes away, then I will no longer be able to use the equestrian park or trail systems, as it's far too dangerous to take the horses on the streets! This easement has been available to the residents for many many years, and I would hate to see it gone because of one homeowners greediness. The Flynns are only doing this, to make it difficult on all of the neighbors. Please take in consideration to how this will affect many many people, just to make the Flynns happy.

Sincerely,  
Lisa Kirkpatrick  
480-519-4300

Sent from my iPad

**ATTACHMENT 6**

**Barnes, Jeff**

---

**From:** tdskid1@cox.net  
**Sent:** Monday, August 07, 2017 3:30 PM  
**To:** Castro, Lorraine  
**Subject:** ZONING ON 120 ST.



DO NOT ALLOW MOST OF THE CHANGE WHICH WOULD HINDER ACCESS TO NEIGHBORS BACK PROPERTY, HORSE PATH TO HORSE PARK AND HICKING TRAIL. -- sent by Valerie Skidmore (case# 7-AB-2017)



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**Barnes, Jeff**

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**From:** Ed Grandon <edgrandon@hotmail.com>  
**Sent:** Wednesday, August 16, 2017 10:58 AM  
**To:** projectinpu@scottsdaleaz.gov  
**Subject:** Attention Mr. Jeff Barnes

Dear SIR:

Re: Flynn Abandonment. Case # 7-AB-2107. Site location 9634 N. 120th street.

I own the 2 1/2 acres on the west part of ( 217-33-015 A). If the 33' easement is abandoned on this parcel it will deny any access for utilities and roadway to 120th street. And leave my property landlocked. I believe they have already put a fence on the easement, which I believe should be removed. When I purchased that property many years ago I was assured by the seller and the city I was provided access by this 33' existing easement.

In addition the 33' easement on the west side of parcel # ( 217-33-038) is currently a jogging, equestrian trail used daily by numerous people and it connects to the Scottsdale Trail system at the Equestrian Park. Numerous people have contacted us complaining about closing their ability to ride their horses, walk their dogs, and jogging on the trail. Which would force them to ride their horses, walk their dogs and jog on the main streets, which would be very dangerous.

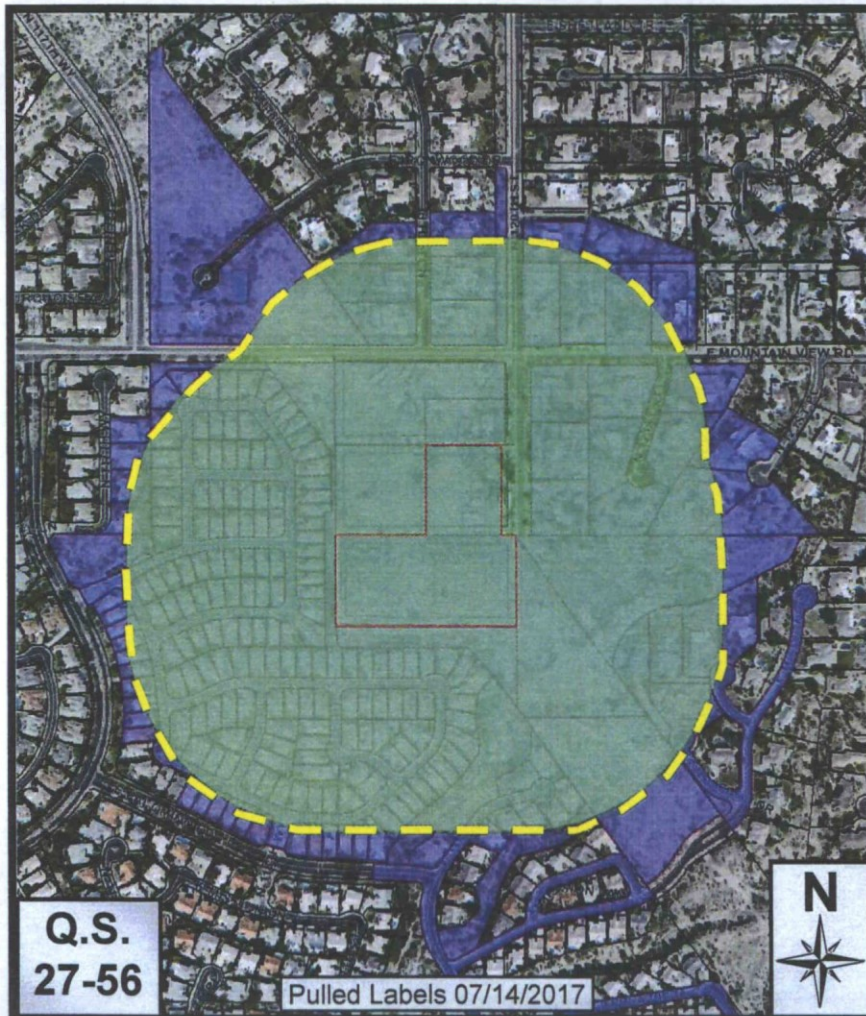
Please keep me informed regarding these abandonments It will affect all of my property.  
Sincerely,

Ed Grandon  
9644 N.120th Street  
Scottsdale, Arizona 85259  
[edgrandon@hotmail.com](mailto:edgrandon@hotmail.com).  
Home: 480-860-8986  
Cell: 602-558-0475

S



## City Notifications – Mailing List Selection Map



### Map Legend:

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

### Additional Notifications:

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

**Flynn GLOPE Abandonment**

**7-AB-2017**

ATTACHMENT #7



# CITY COUNCIL REPORT



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

## ACTION

### Flynn Abandonment 7-AB-2017

#### Request to consider the following:

Adopt Resolution No. 11038 approving the abandonment of portions of the thirty-three (33) foot wide General Land Office Patent Easement (GLOPE) surrounding the southern parcel (APN 217-33-038) and portions of the thirty-three (33) foot wide GLOPE and portions of the fifty-five (55) foot wide Right-of-Way on the northern parcel (APN 217-33-015A), with Single-family Residential District (R1-43) zoning located at 9634 N. 120th Street.

#### Goal/Purpose of Request

The proposed abandonments will resolve existing encroachment issues on the north parcel (217-33-015A) and allow for additional future development area on the south parcel (217-33-038).

#### Key Items for Consideration

- Access not impacted by this proposed abandonment
- Conformance with the Transportation Master Plan
- Planning Commission heard this case on February 14, 2018 a recommended approval with a 6-0 vote.

## OWNER

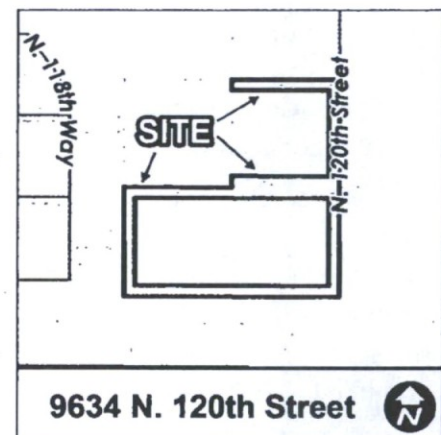
Kevin Flynn  
602-696-2063

## APPLICANT CONTACT

Wendy Riddell  
480-682-3916

## LOCATION

9634 N. 120<sup>th</sup> Street  
 (North Lot: APN 217-33-015A)  
 (South Lot: APN 217-33-038)



## BACKGROUND

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### General Plan

The General Plan Land Use Element designates the properties as Rural Neighborhoods. This category includes areas of relatively large lot single-family neighborhoods. Densities in Rural Neighborhoods are usually one house per one acre (or more) of land. Clustering is encouraged to preserve desert vegetation, washes, and natural features. Some of these areas were developed with one-acre lots under Maricopa County standards prior to annexation by Scottsdale. Equestrian uses and privileges may exist in the flatter areas as many lots are large enough for horses and several existing developments permit horse corrals.

The APS/SRP powerline corridor crossing through these parcels is identified on the General Plan Land Use Map as Cultural/Institutional or Public Use. This category includes uses such as public and private utilities.

### Zoning

The site is zoned Single-family Residential district (R1-43). The (R1-43) zoning district allows for single-family dwellings and uses incidental or accessory there to.

### Adjacent Uses and Zoning

- North: Single-family residential (un-subdivided); zoned Single-family Residential district (R1-43).
- South: Stonegate Parcel 10 subdivision; zoned Single-family Residential/Planned Community Development district (R1-7 PCD).  
Stonegate Equestrian Park; zoned Open Space/Planned Community Development district (O-S PCD).
- East: Paradise Heights subdivision; zoned Single-family Residential district (R1-43).  
Stonegate Equestrian Park; zoned Open Space/Planned Community Development district (O-S PCD).
- West: Stonegate Parcel 5 subdivision; zoned Single-family Residential/Planned Community Development district (R1-7 PCD).

### Context

The subject properties are located south of E. Mountain View Road, along the west side of N. 120<sup>th</sup> Street. These are the last two residential lots before the entrance to Stonegate Equestrian Park, which is located at the termination of N. 120<sup>th</sup> Street. These parcels are also partially located under the APS/SRP powerline corridor that runs diagonally through the area.

The subject 33-foot General Land Office Patent Easements (GLO) located along the northern, eastern and southern boundaries of the north Flynn parcel (APN 217-33-015A) were dedicated in July of 1954, through patent serial numbers 1145620. The subject 33-foot General Land Office Patent Easements (GLO) located along the northern, western, eastern and southern boundaries of the south Flynn parcel (APN 217-33-038) were dedicated in April of 1954, through patent serial number 1144057. The subject GLO roadway easements were reserved on the original patent deed to assure legal access. Currently the GLO easements on the north parcel are encroached upon by



existing fence/walls and accessory structures.

The N. 120<sup>th</sup> Street right-of-way in front of the north Flynn parcel was originally dedicated as a 110-foot wide, as two 55-foot halves, in 1974. The current pavement width for this segment of N. 120<sup>th</sup> Street is 20 feet wide, from E. Mountain View Road south to the cul-de-sac entrance to the park. Currently the right-of-way easement on the north parcel is encroached upon by existing fence/walls and structures.

The GLO easements within the Stonegate community, to the west and south of the subject properties, were previously abandoned by the City Council in 2011.

### **General Land Office Patent Easements (general information)**

- Within the City of Scottsdale there are General Land Office (GLO) lots or parcels of various sizes created by the Federal Small Tract Act. This act was passed in 1938 and repealed in 1976.
- Most GLO lots were patented with 33 foot (or sometimes 50 foot) roadway and public utility easements typically "as near as practicable to the exterior boundaries."
- The city has viewed these patent roadway and utility easements as assured access at least until a local circulation plan is established.
- As GLO lots come in for development (i.e., lot splits, subdivisions or requesting building permits) staff requires city right-of-way dedications per city circulation plans. The city's transportation plan establishes a street system to replace the grid pattern created by the GLO easements.
- Any patent easements in excess of the current requirements to the circulation plans (including trails), roadway standards, and not required to insure access to any other lot, may be requested to be abandoned.
- On 1981, City Ordinance 1386 was adopted delegating the authority for the release of GLO easements to the Engineering Services Director.
- On March 2, 1999, the City Council repealed Ordinance 1386 and adopted Ordinance 3219 which requires the abandonment of the GLO patent roadway easements to go through the same public hearing process currently used for all rights-of-way, alleys, and roadway easements. The City Attorney's office has concluded that this process for consideration of GLO roadway abandonment satisfies legal requirements.
- On August 12, 2005, Arizona Revised Statute section 9-500.4 became effective. This section gives the local municipality the right to abandon GLO patent easements, and concurs with the city's position on abandonment of GLO patent easements.

### **Related Policies, References:**

2008 Scottsdale Transportation Master Plan  
2001 Scottsdale General Plan

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## **IMPACT ANALYSIS**

### **Land Use**

There is currently no proposed change to the land use. The subject properties will continue to function as single-family residential lots with or without the proposed abandonment.



### **Traffic/Trails**

Access to these properties is currently provided by N. 120<sup>th</sup> Street and will be unchanged by this abandonment application. As support for the abandonment of the GLO areas and the portion of the existing right-of-way easement, the owner will dedicate the remaining 25-feet of N. 120<sup>th</sup> Street as in-fee Public Right-of-Way to the City of Scottsdale, along the frontage of both parcels.

There are existing equestrian easements, over the adjacent Stonegate parcels to the west and south of the Flynn parcels, which will continue to provide trail connection from E. Mountain View Road to Stonegate Equestrian Park and the powerline corridor. The City's Transportation staff has worked with the applicant to identify and confirm this connection. The applicant will be working with staff to make improvements within the easement areas to provide a functional connection that is located outside of the proposed GLO abandonment areas.

The City's Transportation staff has identified that the existing parcel (APN 217-33-015B), located immediately west of the north Flynn parcel, is still able to be served by its GLO easements and those on the properties to the north (APN 217-33-014A and 217-33-014B) for future utility connections or access needs and that this application for abandonment on the Flynn properties is not severing an existing access point to that property.

### **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. 120<sup>th</sup> Street. No impacts are anticipated.

### **Public Utilities**

The public utilities have been notified of the applicant's request. The utility companies have indicated that there are no conflicts with the proposed abandonment and support the abandonment.

### **Community Involvement**

Property owners within 750 feet of the subject properties were notified of this application. Staff received written concerns regarding the potential impact to the existing trail system connection to Stonegate Park and the surrounding neighborhood as well as potential impacts to future access to the parcel located to the immediate west of the northern Flynn parcel.

There are existing adjacent equestrian easements which will continue to provide trail connections from E. Mountain View Road to Stonegate Equestrian Park. Adjacent residential properties will not be left without vehicular or utility access resulting from this abandonment.

## **OTHER BOARDS AND COMMISSIONS**

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### **Planning Commission:**

Planning Commission heard this case on February 14, 2018 and recommended approval with a 6-0 vote.



Several citizens spoke at the Planning Commission hearing and expressed concerns wanting to ensure the continued connection of the trail system accessing Stonegate Equestrian Park and the surrounding areas. The proposal includes the relocation of the portions of the existing trail alignment affected by the proposed abandonment entirely into the adjacent equestrian easement area, to provide continued trail connections.

**Recommended Approach:**

Staff recommended that the Planning Commission make a recommendation to City Council for approval to abandon portions of the thirty-three (33) foot wide General Land Office Patent Easement (GLOPE) surrounding the southern parcel (APN 217-33-038) and portions of the thirty-three (33) foot wide GLOPE and portions of the fifty-five (55) foot wide Right-of-Way on the northern parcel (APN 217-33-015A), finding that the proposal is consistent with and conforms to the adopted General Plan and Transportation Master Plan, subject to the following:

1. The property owner dedicates the remaining 25-feet of N. 120<sup>th</sup> Street as in-fee Public Right-of-Way to the City of Scottsdale, along the frontage of both parcels.
2. The property owner pays to the City a total of \$15,842.00 as compensation for the abandonment of right-of-way.
3. The property owner constructs an 8-foot wide trail within the existing adjacent equestrian easements consistent with the Neighborhood/Local Trails specifications of DSPM 8-3.203, to the satisfaction of the City's Transportation Department.

**RECOMMENDATION**

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**Recommended Approach:**

Adopt Resolution No. 11038 approving the abandonment of portions of the thirty-three (33) foot wide General Land Office Patent Easement (GLOPE) surrounding the southern parcel (APN 217-33-038) and portions of the thirty-three (33) foot wide GLOPE and portions of the fifty-five (55) foot wide Right-of-Way on the northern parcel (APN 217-33-015A), with Single-family Residential District (R1-43) zoning located at 9634 N. 120th Street.

**RESPONSIBLE DEPARTMENT**

---

**Planning and Development Services**

Current Planning Services

**STAFF CONTACT**

---

Jeff Barnes  
Senior Planner  
480-312-2376  
E-mail: [jbarnes@ScottsdaleAZ.gov](mailto:jbarnes@ScottsdaleAZ.gov)

**APPROVED BY**

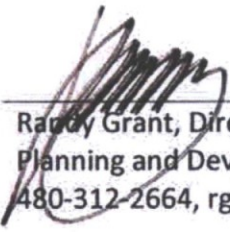
---

  
Jeff Barnes, Report Author

2/22/18  
Date

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

2/27/2018  
Date

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

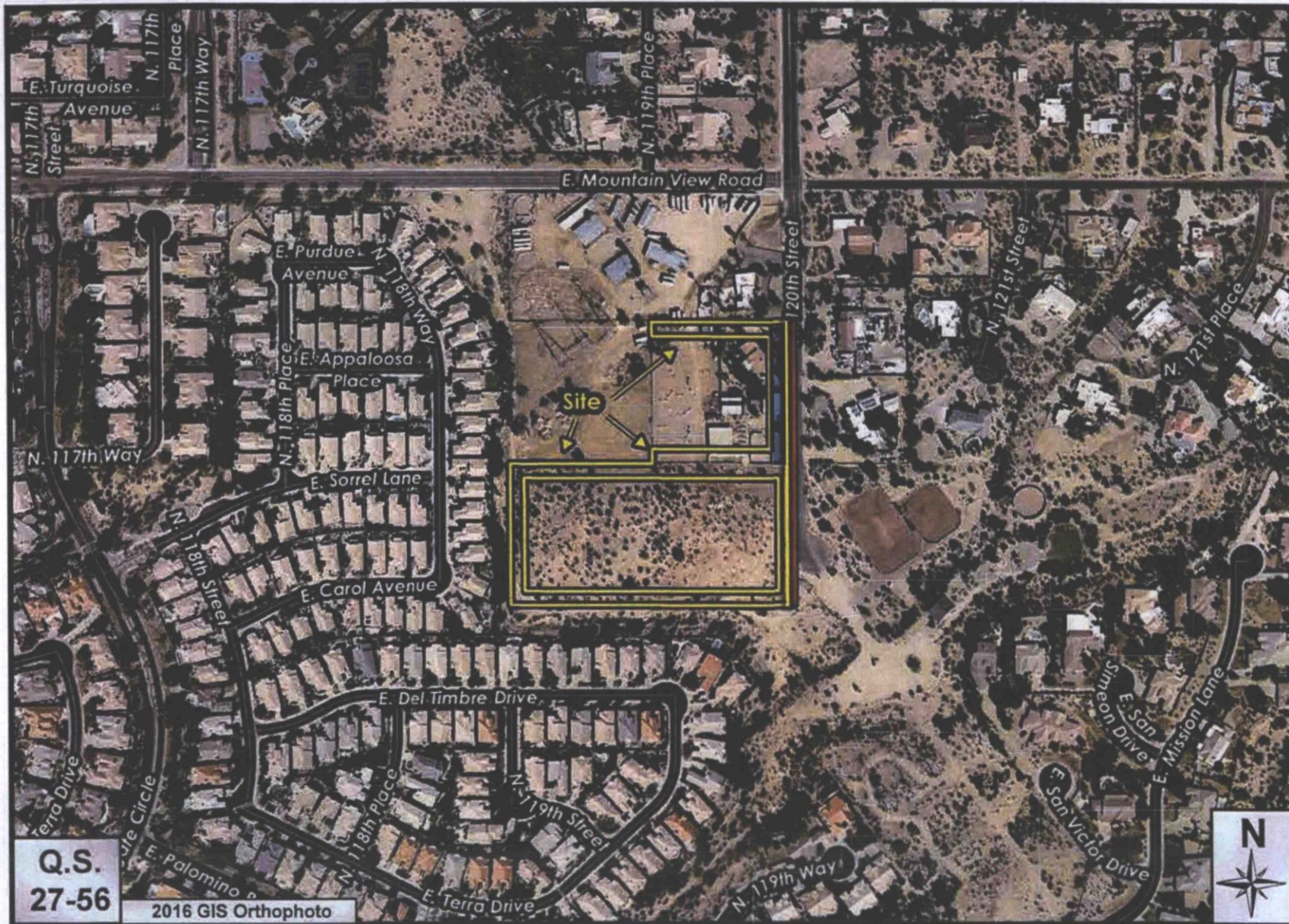
3/5/18  
Date

**ATTACHMENTS**

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1. Context Aerial
2. Detail Aerial
3. Resolution No. 11038
4. Applicant's Narrative
5. Neighborhood Involvement / Citizen Input
6. City Notification Map
7. February 14, 2018 Planning Commission meeting minutes
8. February 14, 2018 Planning Commission public comment



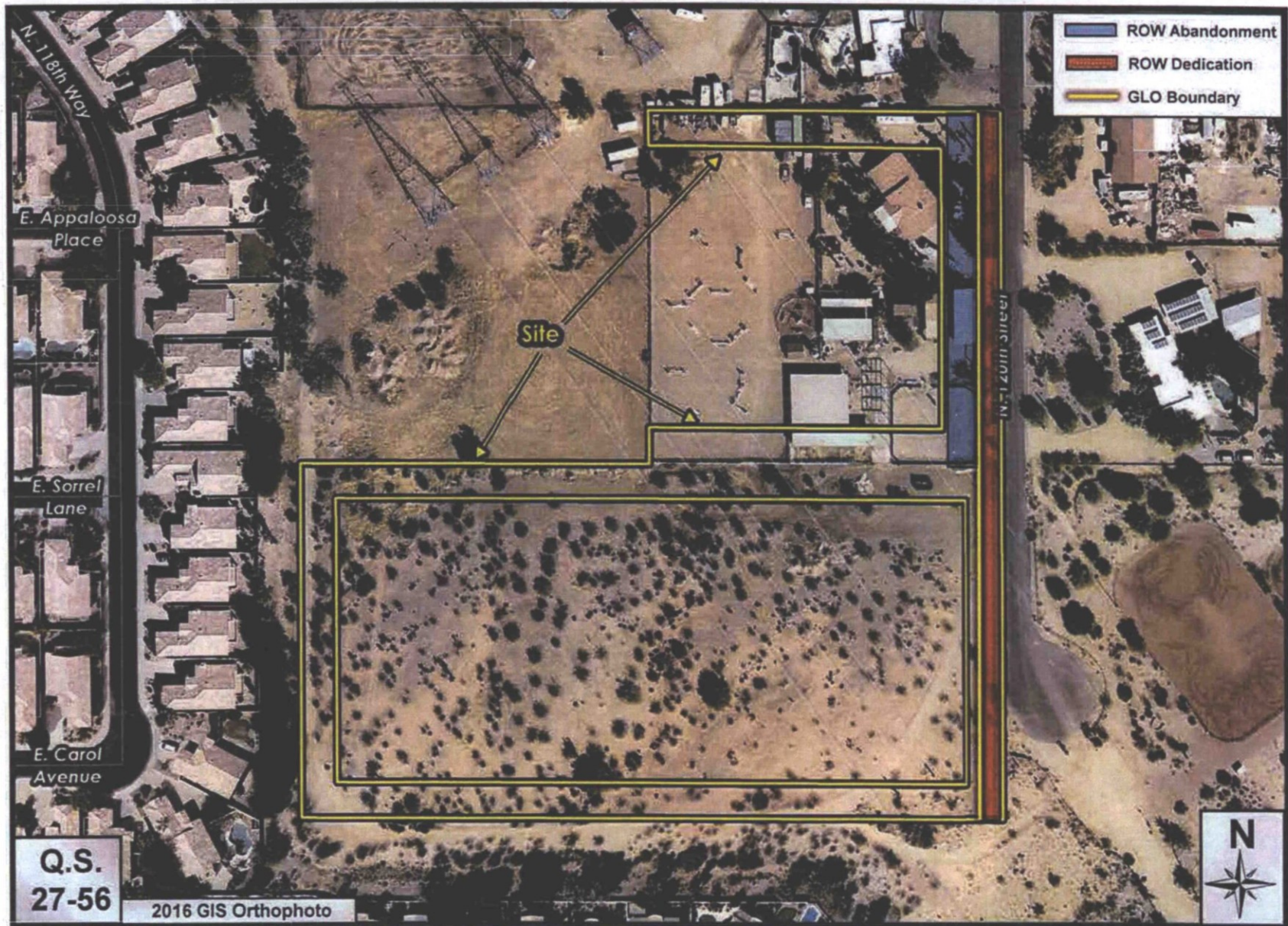


Context Aerial

ATTACHMENT 1

7-AB-2017





Detailed Aerial

ATTACHMENT 2

7-AB-2017



**RESOLUTION NO. 11038**

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 PARCELS AT NORTH 120TH STREET AND EAST MOUNTAIN VIEW ROAD

(7-AB-2017)  
(Flynn)

**WHEREAS:**

A. 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.

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") City's 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").

D. The Abandonment Rights-of-way are described on **Exhibit "B", Exhibit "C", Exhibit "D", Exhibit "E", Exhibit "F" and Exhibit "G"** attached hereto.

E. The Abandonment Right-of-way falls within, serves, affects or is near the parcels (the "North Parcel" and "South Parcel") (Flynn Parcels) comprising approximately 7.1 acres south of the southwest corner of E. Mountain View Road and N. 120<sup>th</sup> Street as described on **Exhibit "A"** attached hereto.

F. The Abandonment Right-of-way lies within the area of a General Land Office (GLO) easement created by patent reservation.

G. 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.

H. 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.

I. 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.

16309551v2

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 Any and all interests in the Abandonment Right-of-way that 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.

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

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

2.3 An easement for all existing utilities, if any.

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

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

3.1 The owners of the North and South Parcels shall pay to City the combined total amount of Fifteen Thousand Eight Hundred Forty Two and No/100 Dollars (\$15,842.00) (the "Payment Amount") as compensation to City for the Abandonment Right-of-way, in addition to any application fees or other amounts related to this resolution and in addition to any other amounts payable to City.

3.2 The owners of both the North Parcel and the South Parcel shall dedicate 25 feet of right of way along 120<sup>th</sup> Street, using City specified forms, as described on **Exhibit "H", Exhibit "I", Exhibit "J", Exhibit "K"**.

3.3 The owners shall cause the construction of an eight (8) foot wide equestrian trail within the existing adjacent easement areas along the western and southern boundaries of the South Parcel. These improvements shall be consistent with the Neighborhood/Local Trails specifications of Section 8-3.203 of the Design Standards and Policy Manual, City of Scottsdale, to the satisfaction of the City's Transportation Department.

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

16309551v2



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

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

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

CITY OF SCOTTSDALE, an Arizona municipal corporation

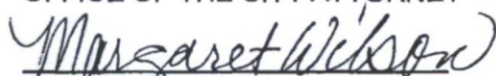
\_\_\_\_\_  
W. J. "Jim" Lane, Mayor

ATTEST:

By: \_\_\_\_\_  
Carolyn Jagger, City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY



Bruce Washburn, City Attorney

By: Margaret Wilson, Senior Assistant City Attorney

**CERTIFICATE**

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
name printed

### Table of Exhibits

<u>Exhibit</u>	<u>Paragraph</u>	<u>Description</u>
A	E	Depiction of Flynn parcels served by abandonment.
B	D	Legal description of street right-of-way to be abandoned
C	D	Scaled and dimensioned drawing to accompany legal description of street right-of-way to be abandoned
D	D	Legal description of street right-of-way to be abandoned
E	D	Scaled and dimensioned drawing to accompany legal description of street right-of-way to be abandoned
F	D	Legal description of street right-of-way to be abandoned
G	D	Scaled and dimensioned drawing to accompany legal description of street right-of-way to be abandoned
H	3.2	Legal description of right-of-way to be dedicated
I	3.2	Scaled and dimensioned drawing to accompany legal description of right-of-way to be dedicated
J	3.2	Legal description of right-of-way to be dedicated
K	3.2	Scaled and dimensioned drawing to accompany legal description of right-of-way to be dedicated



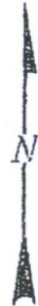
Exhibit "A"

E. Mountain View Road

Flynn North Parcel  
APN 217-33-015A

Flynn South Parcel  
APN 217-33-038

N. 120th Street



### Legal Description

The West 30 feet of the East 55 feet of that certain parcel of land described in Document No. 2006-0490933, Maricopa County Records, lying within Section 27, Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

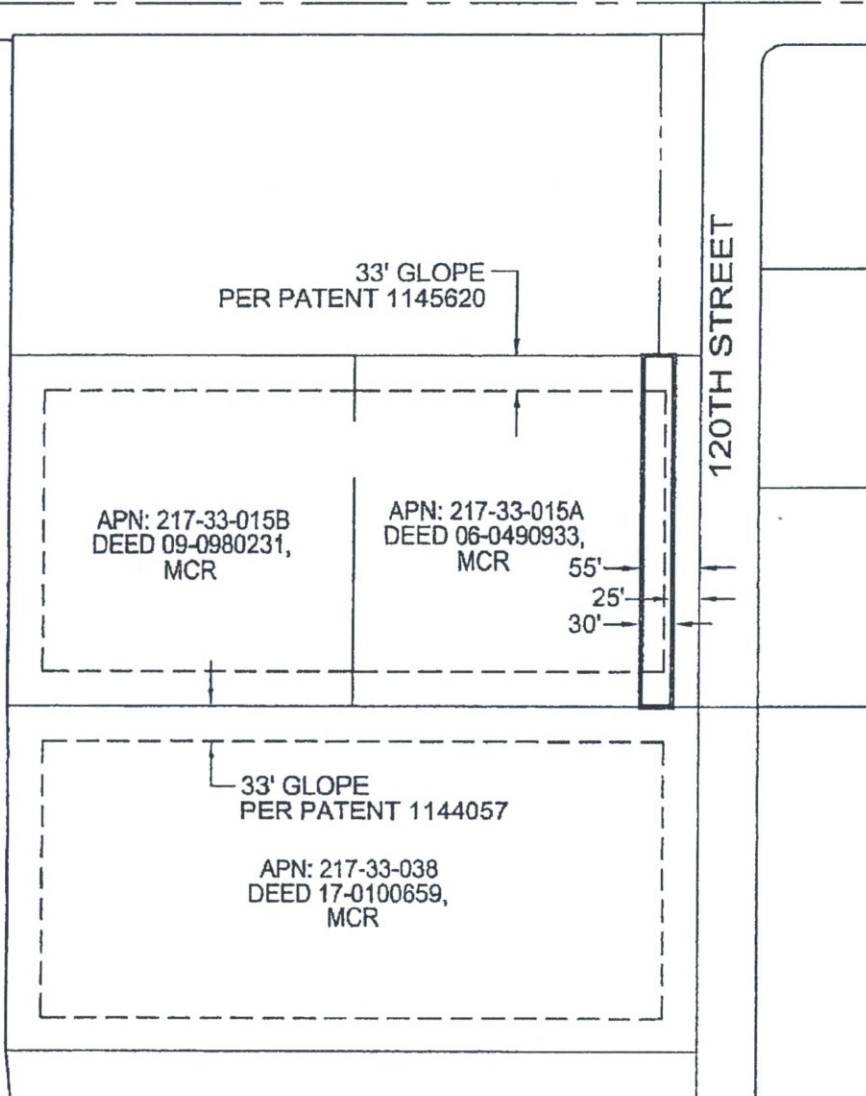
P.O. Box 2170, Chandler, AZ 85244  
Daniel D. Armijo, RLS (480) 244-7630  
Brian D. Warren, LSIT (480) 243-4287





EXHIBIT "C"  
RELEASE OF RIGHT-OF-WAY

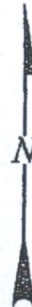
MOUNTAIN VIEW ROAD



**AW**  
**LAND**  
**SURVEYING, LLC**

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

Resolution No. 11038  
Page 1 of 1



DRAWN BY: DDA	CHECKED BY: DDA	DATE: 07/26/17	JOB NO.: 17-052
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Exhibit "D"

Legal Description

General Land Office Patent Easement Release  
(GLOPE).

The General Land Office Patent Easement as described in Patent 1144057, dated April 7, 1944.

Except the East 25 feet thereof.



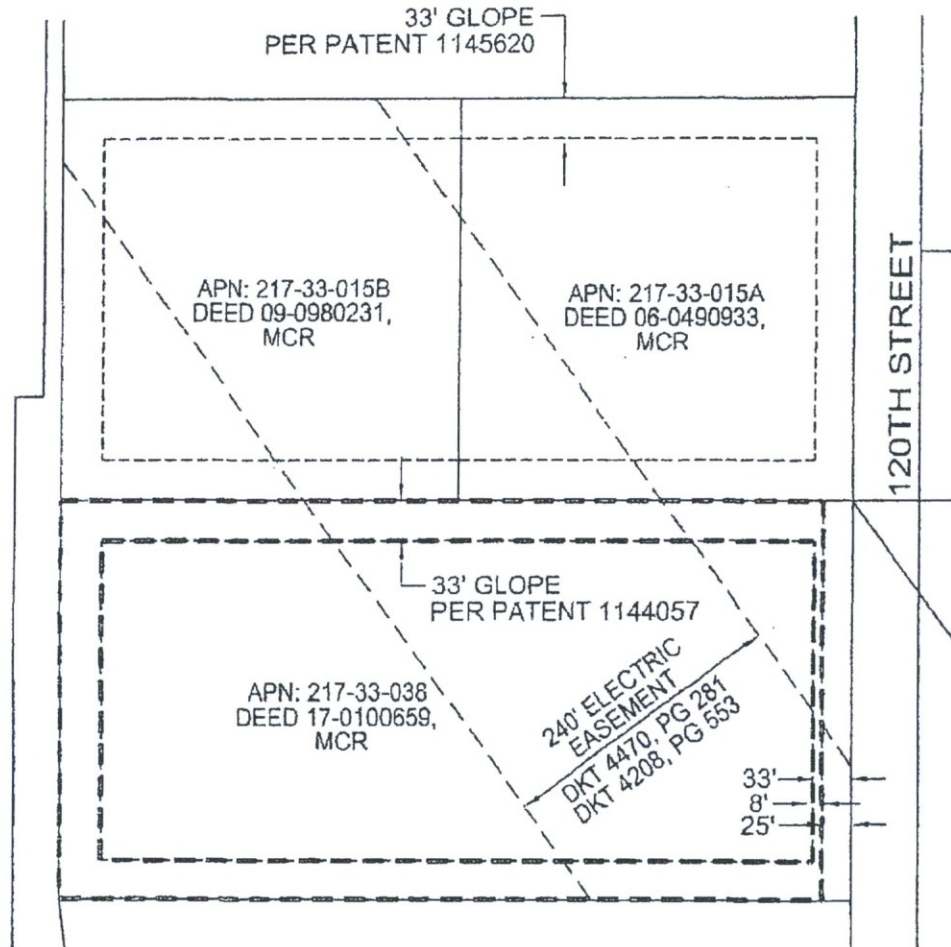
P.O. Box 2170, Chandler, AZ 85244  
Daniel D. Armijo, RLS (480) 244-7630  
Brian D. Warren, LSIT (480) 243-4287

Resolution No. 11038

Page 1 of 1



EXHIBIT "E"  
GENERAL LAND OFFICE PATENT EASEMENT  
(GLOPE)  
RELEASE OF EASEMENT

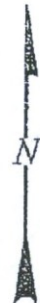


**AW**  
**LAND**  
**SURVEYING, LLC**

Resolution No. 11038  
Page 1 of 1

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

*Expires 12/31/2011*



DRAWN BY: DDA	CHECKED BY: DDA	DATE: 09/28/17	JOB NO.: 17-052
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Exhibit "F"

Legal Description

General Land Office Patent Easement Release  
(GLOPE)

The General Land Office Patent Easement as described in Patent 1145620, dated July 20, 1944.

Except the West 330 feet thereof:

Except the East 25 feet thereof.

1145620

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

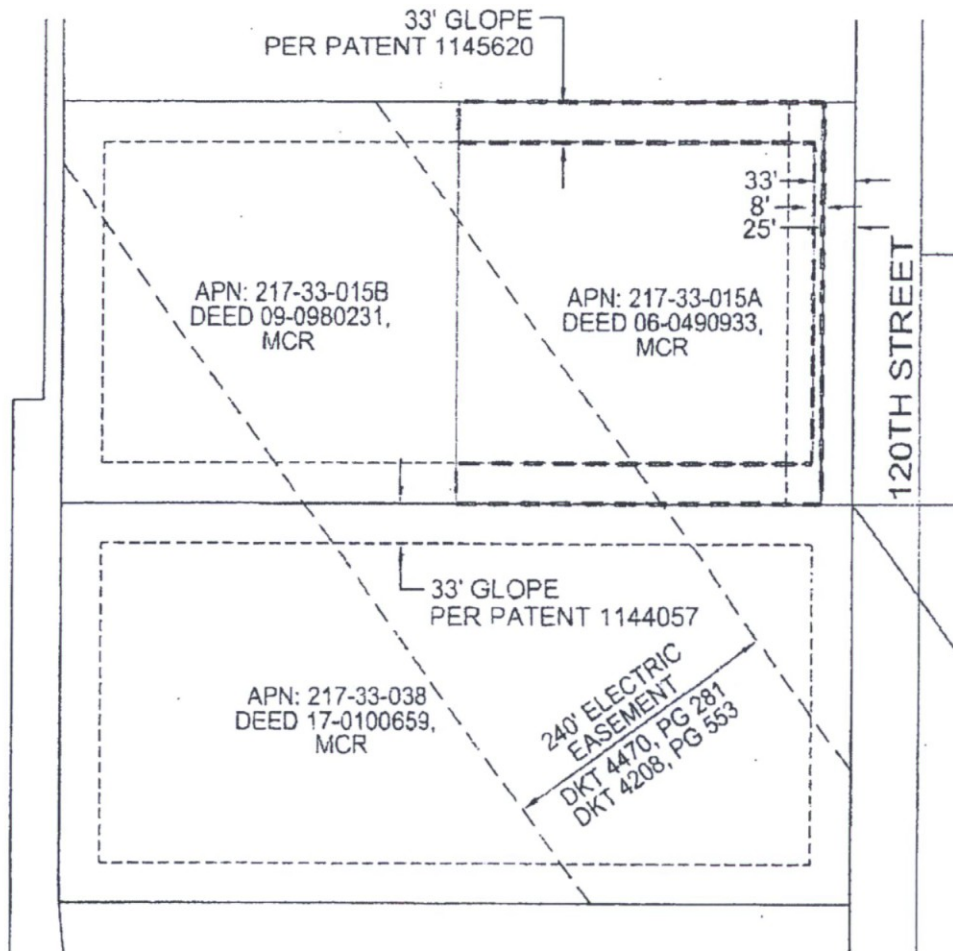


Resolution No. 11038

Page 1 of 1



EXHIBIT "G"  
GENERAL LAND OFFICE PATENT EASEMENT  
(GLOPE)  
RELEASE OF EASEMENT



**AW  
LAND  
SURVEYING, LLC**

Resolution No. 11038  
Page 1 of 1

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



DRAWN BY: DDA	CHECKED BY: DDA	DATE: 09/28/17	JOB NO.: 17-052
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## Exhibit "H"

### Legal Description

Right-of-Way  
(N 120<sup>th</sup> Street)

The east 25 feet of Lot 2, Section 27, Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, in the City of Scottsdale, county of Maricopa, state of Arizona.



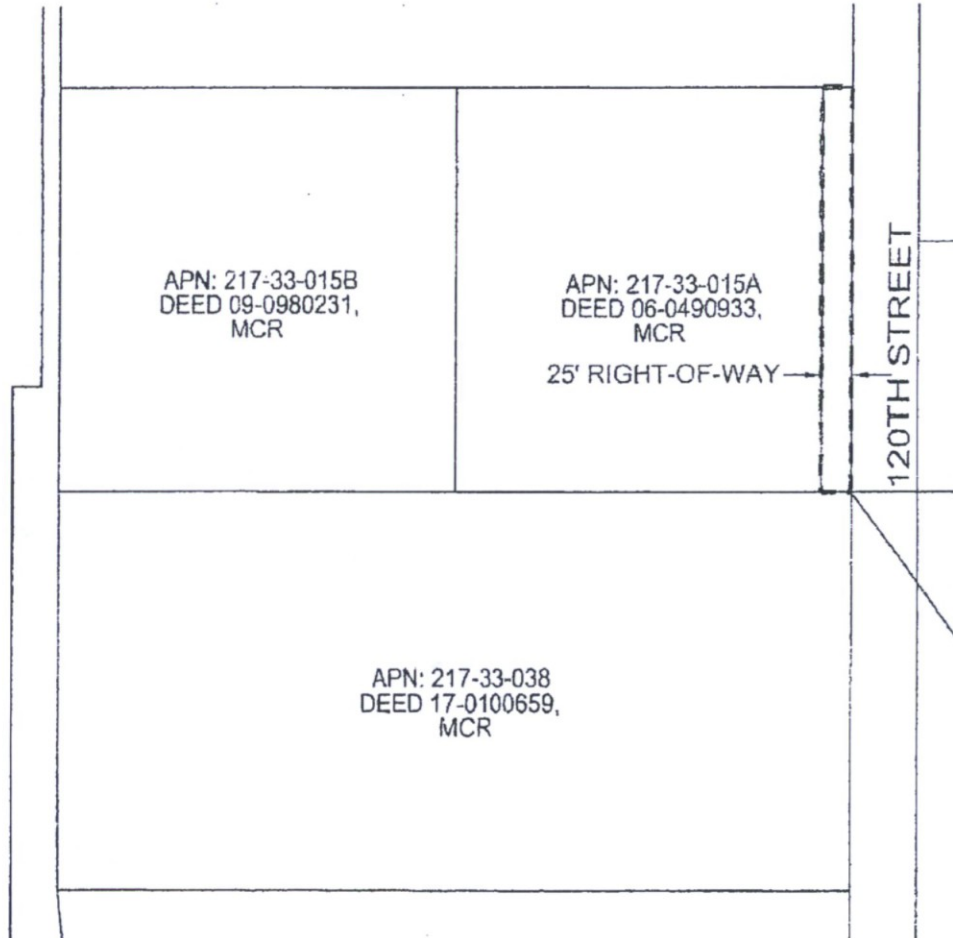
P.O. Box 2170, Chandler, AZ 85244  
Daniel D. Armijo, RLS (480) 244-7630  
Brian D. Warren, LSIT (480) 243-4287

Resolution No. 11038

Page 1 of 1

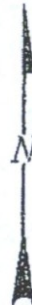


EXHIBIT "I"  
RIGHT-OF-WAY



Resolution No. 11038  
Page 1 of 1

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



DRAWN BY: DDA	CHECKED BY: DDA	DATE: 09/28/17	JOB NO.: 17-052
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## Exhibit "J"

### Legal Description

Right-of-Way  
(N 120<sup>th</sup> Street)

The east 25 feet of Lot 23, Section 27, Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, in the City of Scottsdale, county of Maricopa, state of Arizona.



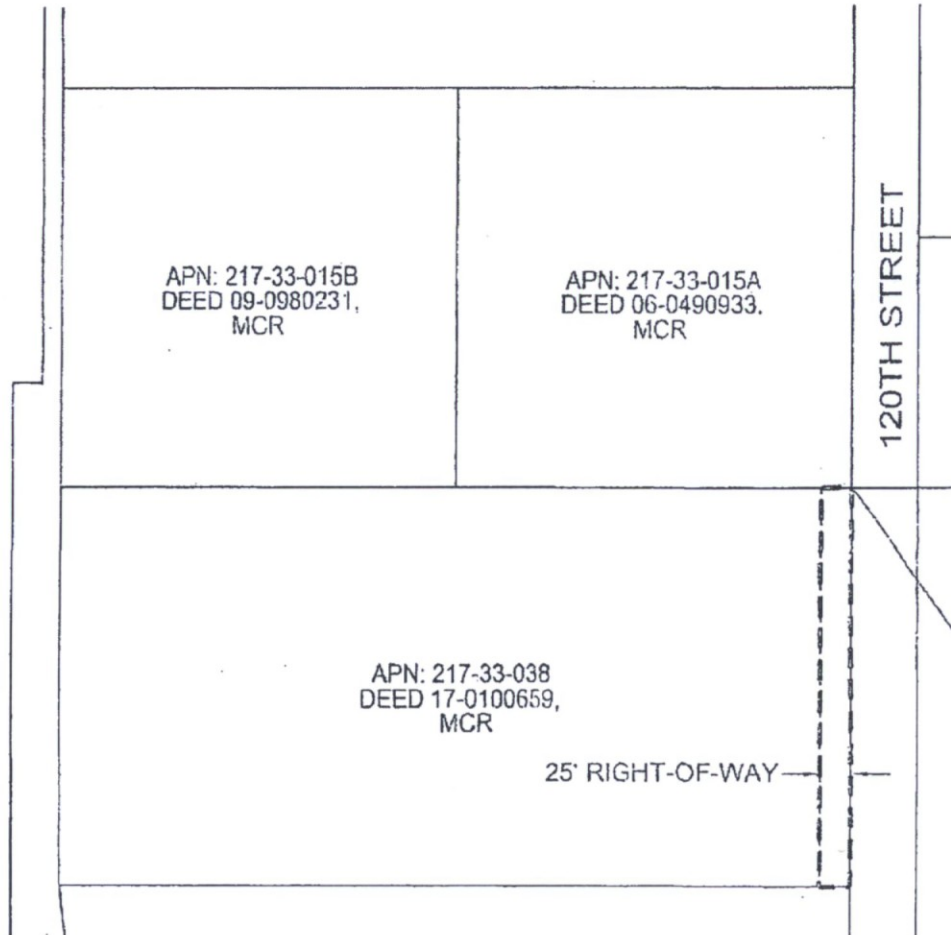
P.O. Box 2170, Chandler, AZ 85244  
Daniel D. Armijo, RLS (480) 244-7630  
Brian D. Warren, LSIT (480) 243-4287

Resolution No. 11038

Page 1 of 1



EXHIBIT "K"  
RIGHT-OF-WAY



**AW  
LAND  
SURVEYING, LLC**

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

Resolution No. 11038  
Page 1 of 1



DRAWN BY: DDA	CHECKED BY: DDA	DATE: 09/28/17	JOB NO.: 17-052
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# FLYNN FAMILY FARM

## Request for Abandonment of GLOPE and ROW Project Narrative

October 30, 2017

Prepared for:

Kevin Flynn  
9634 North 120<sup>th</sup> Street  
Scottsdale, Arizona 85259

Prepared by:

Berry Riddell LLC  
Wendy Riddell, Esq.  
Ashley Porter, Planning Assistant  
6750 East Camelback Road, #100  
Scottsdale, Arizona 85251



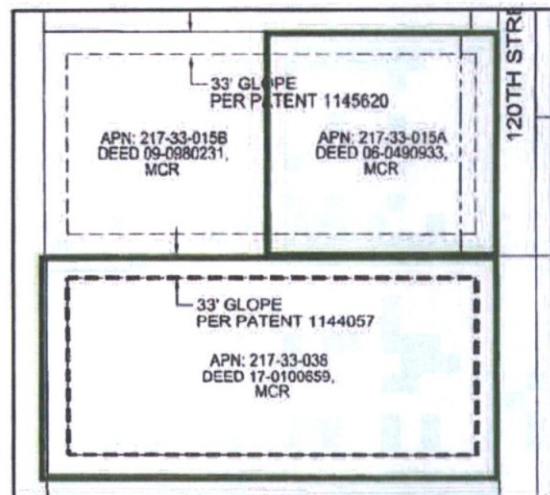
## PROPERTY INFORMATION

The site, 9634 N 120<sup>th</sup> Street, consists of two contiguous parcels located south of the southwest corner of E Mountain View Rd and N 120<sup>th</sup> St (the "Site"), shown below. The Site is currently zoned Single-family Residential (R1-43) and consists of a home and several acres of vacant land.



Surrounding each parcel are two GLOPEs, as shown in the graphic to the right. As part of this application, this property owner is requesting to abandonment the existing GLOPEs and 25 feet of right of way along 120<sup>th</sup> Street adjacent to APN 217-33-015A. The GLOPEs create a property hardship to the current owner, who would like to secure the Site with fencing and begin development of the southern parcel.

The City's policy for GLOPE compensation is 20 cents per square foot for fee title GLOPE abandonments. The City's policy for ROW compensation is 50 cents per square foot for fee title ROW abandonments. In the staff comment letter dated August 31<sup>st</sup>, it was noted that the GLO abandonment area should be reflective of a \$2.02 per square foot valuation because the property is not in use as a residential property. As the property is contiguous to a residential property and is considered one land unit, the applicant respectfully disagrees with this assumption. Discussions regarding the variation on appraisal amounts is still under negotiation with City Staff. Once a value is determined, it will be memorialized in the narrative and the



property owner will provide compensation to the City of Scottsdale for the land area to be abandoned through monetary compensation.

A legal and graphic exhibit for the dedication of a twenty-five foot wide Public Non-Motorized Access Easement along the west property line of the southern lot, per comment #1, is not included in this resubmittal. Per discussions with transportation staff, the trail will be accommodated in the existing equestrian easements that run outside of the property, within the HOA tract.



**Barnes, Jeff**

---

**From:** Ruenger, Jeffrey  
**Sent:** Wednesday, August 02, 2017 9:21 AM  
**To:** Barnes, Jeff; Acevedo, Alex  
**Subject:** FW: 7-AB-2017

-----Original Message-----

**From:** Lisa Kirkpatr [<mailto:lkirkpatrick222@gmail.com>]  
**Sent:** Tuesday, August 01, 2017 10:14 PM  
**To:** Projectinput  
**Subject:** 7-AB-2017

To whom it may concern, I'm a neighbor to the Flynns, I 100% oppose this request to abandon the property easement. I use this easement daily to take my horses to the equestrian park, and to join the trail system. If this easement goes away, then I will no longer be able to use the equestrian park or trail systems, as it's far too dangerous to take the horses on the streets! This easement has been available to the residents for many many years, and I would hate to see it gone because of one homeowners greediness. The Flynns are only doing this, to make it difficult on all of the neighbors. Please take in consideration to how this will affect many many people, just to make the Flynns happy.

Sincerely,  
Lisa Kirkpatrick  
480-519-4300

Sent from my iPad

**ATTACHMENT 5**

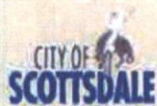
**Barnes, Jeff**

---

**From:** tdskid1@cox.net  
**Sent:** Monday, August 07, 2017 3:30 PM  
**To:** Castro, Lorraine  
**Subject:** ZONING ON 120 ST.



DO NOT ALLOW MOST OF THE CHANGE WHICH WOULD HINDER ACCESS TO NEIGHBORS BACK PROPERTY, HORSE PATH TO HORSE PARK AND HICKING TRAIL. -- sent by Valerie Skidmore (case# 7-AB-2017)



© 2017 City of Scottsdale. All Rights Reserved.



**Barnes, Jeff**

---

**From:** Ed Grandon <edgrandon@hotmail.com>  
**Sent:** Wednesday, August 16, 2017 10:58 AM  
**To:** projectinpu@scottsdaleaz.gov  
**Subject:** Attention Mr. Jeff Barnes

Dear SIR:

Re: Flynn Abandonment. Case # 7-AB-2107. Site location 9634 N. 120th street.

I own the 2 1/2 acres on the west part of ( 217-33-015 A). If the 33' easement is abandoned on this parcel it will deny any access for utilities and roadway to 120th street. And leave my property landlocked. I believe they have already put a fence on the easement, which I believe should be removed. When I purchased that property many years ago I was assured by the seller and the city I was provided access by this 33' existing easement.

In addition the 33' easement on the west side of parcel # ( 217-33-038) is currently a jogging, equestrian trail used daily by numerous people and it connects to the Scottsdale Trail system at the Equestrian Park. Numerous people have contacted us complaining about closing their ability to ride their horses, walk their dogs, and jogging on the trail. Which would force them to ride their horses, walk their dogs and jog on the main streets, which would be very dangerous.

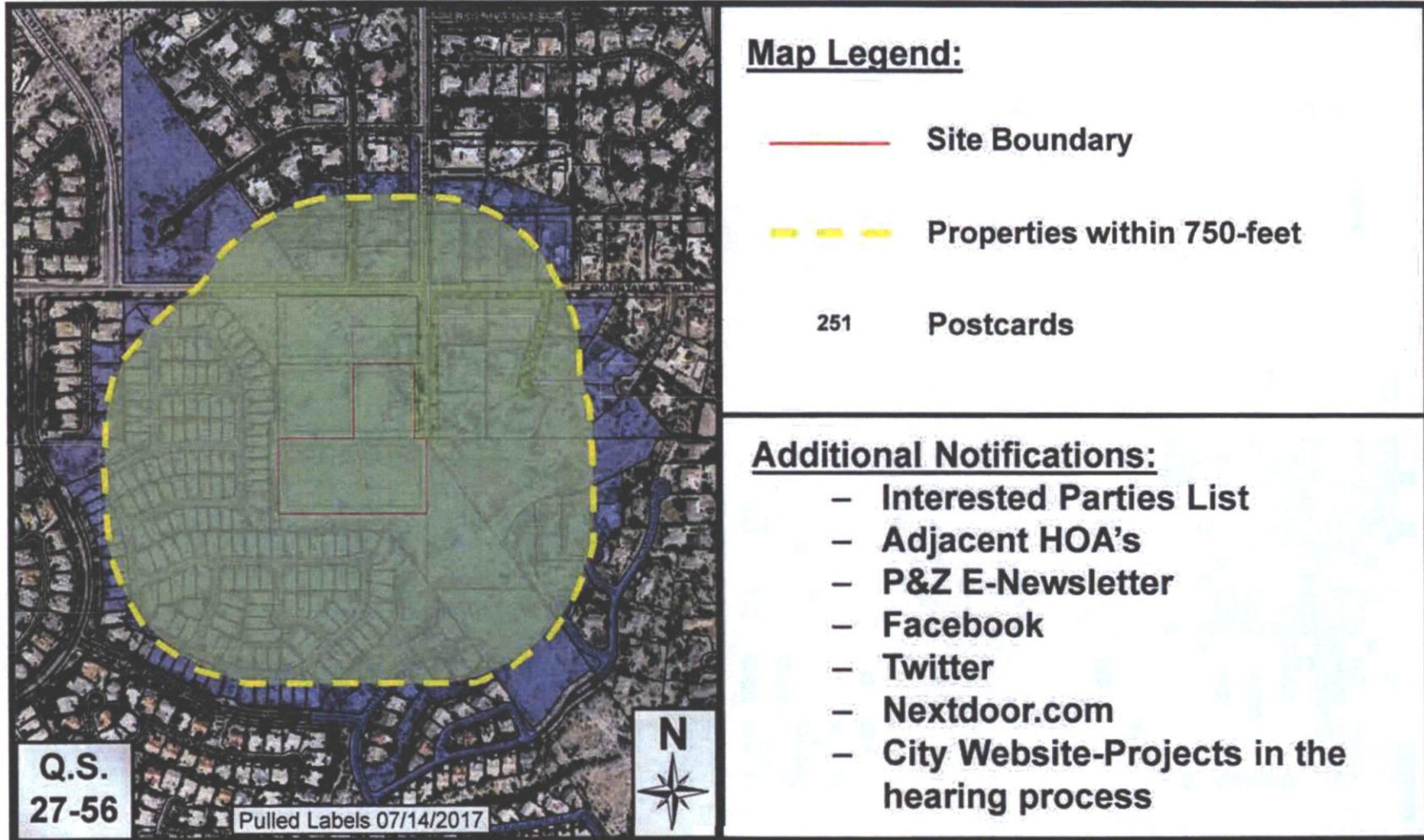
Please keep me informed regarding these abandonments It will affect all of my property.  
Sincerely,

Ed Grandon  
9644 N.120th Street  
Scottsdale, Arizona 85259  
[edgrandon@hotmail.com](mailto:edgrandon@hotmail.com).  
Home: 480-860-8986  
Cell: 602-558-0475

S



## City Notifications – Mailing List Selection Map



**Flynn GLOPE Abandonment**

**7-AB-2017**

ATTACHMENT 6





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

**WEDNESDAY, FEBRUARY 14, 2018**

**\*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 Fakh, Vice Chair

<b>STAFF:</b>	Tim Curtis	Paul Basha
	Joe Padilla	Phil Kercher
	Brad Carr	Katie Posler
	Greg Bloemberg	Will Randolph
	Jesus Murillo	
	Doris McClay	
	Jeff Barnes	

**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](http://ScottsdaleAZ.gov), search "Planning Commission"

**ATTACHMENT 7**

### **MINUTES REVIEW AND APPROVAL**

1. Approval of the January 24, 2018 Regular Meeting Minutes including Study Session.  
**COMMISSIONER YOUNG MOVED TO APPROVE THE JANUARY 24, 2018 REGULAR MEETING MINUTES, INCLUDING STUDY SESSION, SECONDED BY COMMISSIONER SMITH, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (6) TO ZERO (0).**

### **CONTINUANCES**

2. 1-AB-2018 (WaterView Abandonment)

Request by applicant for a continuance to the February 28, 2018 meeting.

Request by owner for abandonment of a 360-square foot portion of an alleyway located adjacent to 7300 E. Camelback Road with Downtown/Downtown Multiple Use – Type 2, Planned Block Development, Downtown Overlay zoning. Staff contact person is Brad Carr, AICP, 480-312-7713. Applicant contact person is John Berry, 480-385-2727.

**Item No. 2: Approved continuance to the February 28, 2018 hearing by a vote of 5-0; Motion by Commissioner Young, 2<sup>nd</sup> by Commissioner Bollinger. Commissioner Smith recused himself.**

### **EXPEDITED AGENDA**

3. 933-PA-2017 (Environmentally Sensitive Lands Simplification for Single-family Text Amendment)

Initiate a Text Amendment to the City of Scottsdale Zoning Ordinance (Ordinance No. 455) for amending Section 6.1010, and any other applicable sections, to update the Environmentally Sensitive Lands (ESL) overlay provisions. Applicant/ Staff contact person is Jesus Murillo, 480-312-7849.

**Item No. 3: Moved to Initiate 933-PA-2017 (Text Amendment); motion by Commissioner Young, 2<sup>nd</sup> by Commissioner Bollinger with a vote of 6-0.**

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4. 4-UP-2010#3 (Social Tap)

Request by owner to amend the Conditional Use Permit for an existing bar use to add a rooftop deck and bar area, allow outdoor television and speakers, change hours of operation, and add noise limitations for a +/-11,993-square foot parcel with Central Business District, Parking District, Downtown Overlay (C-2/P-3 DO) zoning and Parking District, Downtown Overlay (P-2 DO) zoning, located at 4310 & 4312 N. Brown Avenue. Staff contact person is Greg Bloemberg, 480-312-4306. Applicant contact person is Mike Marden, 602-319-5282.

**Item No. 4: Recommended City Council approve case 4-UP-2010#3, by a vote of 6-0; Motion by Commissioner Kush, per the staff recommended stipulations based upon the finding that the Conditional Use Permit criteria have been met, 2<sup>nd</sup> by Commissioner Bollinger.**

Request to speak cards: Earl B. Russell, Ellen Russell and Helen Meinhold.

5. 22-UP-1990#2 (Scottsdale Civic Center Mall Municipal Use Master Site Plan)

Request by the City of Scottsdale for an amendment to the Municipal Use Master Site Plan for Scottsdale Civic Center Mall on a +/-12-acre site with Central Business Downtown Overlay (C-2 DO), Highway Commercial Downtown Overlay (C-3 DO), Multiple Family Residential Downtown Overlay (R-5 DO), and Open Space Downtown Overlay (O-S DO) zoning located at 3933 and 3939 North Drinkwater Boulevard, 7333 East Scottsdale Mall. Staff contact person is Jeff Barnes, 480-312-2376. Applicant contact person is Elaine Mercado, 480-312-7985.

6. 5-ZN-2017 (Scottsdale Civic Center Mall Zoning)

Request by the City of Scottsdale for Zoning District Map Amendment from Central Business Downtown Overlay (C-2 DO), Highway Commercial Downtown Overlay (C-3 DO), Multiple Family Residential Downtown Overlay (R-5 DO), and Open Space Downtown Overlay (O-S DO) zoning to Downtown/Downtown Civic Center – Type 2 Planned Block Development Overlay, Downtown Overlay (D/DCC-2 PBD DO) zoning, and approval of a development plan, on a +/-23-acre site located at 3933 and 3939 North Drinkwater Boulevard, 7333 East Scottsdale Mall, 7373 and 7380 East 2nd Street, and 7447 East Indian School Road. Staff contact person is Jeff Barnes, 480-312-2376. Applicant contact person is Elaine Mercado, 480-312-7985.

Request to speak card from Steven Voss.

7. 6-UP-2017 (Scottsdale Center for Performing Arts)

Request by the City of Scottsdale for a Conditional Use Permit for live entertainment at the Scottsdale Center for the Performing Arts, on a +/- 1.95-acre site with Central Business Downtown Overlay (C-2 DO), and Highway Commercial Downtown Overlay (C-3 DO) zoning located at 7374 E 2nd Street. Staff contact person is Jeff Barnes, 480-312-2376. Applicant contact person is Elaine Mercado, 480-312-7985.

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**Item No's 5, 6 & 7: Moved to continue to a date to be determined, by a vote of 6-0; Motion by Commissioner Serena, 2<sup>nd</sup> by Commissioner Kush.**

**8. 7-AB-2017 (Flynn Abandonment)**

Request by owner to abandon portions of the thirty-three (33) foot wide General Land Office Patent Easement (GLOPE) surrounding the southern parcel (APN 217-33-038) and portions of the thirty-three (33) foot wide GLOPE and portions of the fifty-five (55) foot wide Right-of-Way on the northern parcel (APN 217-33-015A), with Single-family Residential District (R1-43) zoning located at 9634 N. 120th Street. Staff contact person is Jeff Barnes, 480-312-2376. Applicant contact person is Wendy Riddell, 480-682-3916.

**Item No.8: Recommended City Council approve case 7-AB-2017, 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, 2<sup>nd</sup> by Commissioner Young.**

Written Comment Card: Saralya Antrim

Request to speak cards; Ed Grandon, Stacy Grandon, Paul Weidner, Kathleen Weidner, Joni Marino, Lisa Kirkpatrick and Paul Wertz

**9. 13-ZN-2017 (Wolff Scottsdale Senior Living)**

Request by owner for a Zoning District Map Amendment from Planned Community Center (PCC) zoning to Planned Unit Development (PUD) zoning, including approval of a Development Plan, parking reduction, and amended development standards, on a 6.17-acre site, located at 8225 E. Indian Bend Rd. Staff contact person is Greg Bloemberg, 480-312-4306. Applicant contact person is John Berry, (480) 385-2727.

**Item No. 9: Recommended City Council approve case 13-ZN-2017, by a vote of 4-0; Motion by Commissioner Serena, per the staff recommended stipulations and after determining that the proposed Zoning District Map Amendment, the Development Plan and the Developments Standards are consistent and conform with the adopted General Plan, 2<sup>nd</sup> by Commissioner Young, Commissioner Smith and Commissioner Kush recused themselves.**

Written Comment Card: Barbara Fargotstein

**Adjournment – Motion to adjourn at 6:09 p.m.**

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Item # 8

**Castro, Lorraine**

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**From:** Ruenger, Jeffrey  
**Sent:** Tuesday, February 13, 2018 10:00 AM  
**To:** Castro, Lorraine; Barnes, Jeff  
**Subject:** FW: Flynn Abandonment Case # 7-AB-2017

**From:** WILLIAM MUELLER [mailto:williammueller@cox.net]  
**Sent:** Monday, February 12, 2018 8:47 PM  
**To:** Projectinput <Projectinput@Scottsdaleaz.gov>  
**Cc:** akelly46@cox.net  
**Subject:** Flynn Abandonment Case # 7-AB-2017

Commissioners,

Living just south of Mr. Flynn's property in Stonegate, I have a vested interest in the abandonment consideration. Of question is why after many years is the abandonment now an issue, and what projected plans by Mr. Flynn might ensue if the abandonment is approved. There have been over the past year activity on Mr. Flynn's property especially the southern section. It has come to my knowledge that there has been a number of complaints per these activities and would suggest the commission explore these complaints and any warnings or code violations against Mr. Flynn.

As indicated in the abandonment report, there is an established trail which abuts Mr. Flynn's sections. The trail is used on a daily basis and had an ambiance of desert vegetation and natural features. Unfortunately, a portion of native desert vegetation and features have been destroyed on the north side of the trail. Was this approved by the City's Transportation department?

It is my hope that a line of communications between Mr. Flynn and his surrounding neighbors ensue to assure an harmonious neighborly relationship.

Thank you for the opportunity of input.

William Mueller



## REQUEST TO 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.

8

NAME (print) PAUL WERTZ MEETING DATE 2/14/2018

NAME OF GROUP/ORGANIZATION (if applicable) \_\_\_\_\_

ADDRESS 11468 E ALTADENA AVE ZIP 85259

HOME PHONE 303 910 9940 WORK PHONE \_\_\_\_\_

E-MAIL ADDRESS (optional) topoMAP@aol.com

☒ I WISH TO SPEAK ON AGENDA ITEM # 8 ☐ 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.

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8

NAME (print) Lisa Kirkpatrick MEETING DATE 2-14-18

NAME OF GROUP/ORGANIZATION (if applicable) \_\_\_\_\_

ADDRESS 34258 N. 86th Place ZIP \_\_\_\_\_

HOME PHONE 480-519-4300 WORK PHONE \_\_\_\_\_

E-MAIL ADDRESS (optional) lkirkpatrick222@gmail.com

☒ I WISH TO SPEAK ON AGENDA ITEM # 8 ☐ I WISH TO DONATE MY TIME TO \_\_\_\_\_

☐ I WISH TO SPEAK DURING "PUBLIC COMMENT"\* CONCERNING \_\_\_\_\_

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# REQUEST TO SPEAK

OPPOSITE 1200ST  
ACCESS 8

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NAME (print) ED GRANDON MEETING DATE 2-14-18  
NAME OF GROUP/ORGANIZATION (if applicable) \_\_\_\_\_  
ADDRESS 9644 N 120th ST Scottsdale AZ ZIP 85259  
HOME PHONE 480-860-8986 WORK PHONE 602-558-0475  
E-MAIL ADDRESS (optional) SGRANDON2@YAHOO.COM  
☒ I WISH TO SPEAK ON AGENDA ITEM # 8 ☒ I WISH TO DONATE MY TIME TO STALEY GRANDON  
☐ I WISH TO SPEAK DURING "PUBLIC COMMENT"\* CONCERNING \_\_\_\_\_

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# REQUEST TO SPEAK

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NAME (print) STALEY GRANDON MEETING DATE 2-14-18  
NAME OF GROUP/ORGANIZATION (if applicable) \_\_\_\_\_  
ADDRESS 9644 N. 120th ST Scottsdale AZ ZIP 85259  
HOME PHONE 602-312-5610 WORK PHONE \_\_\_\_\_  
E-MAIL ADDRESS (optional) SGRANDON2@YAHOO.COM  
☒ I WISH TO SPEAK ON AGENDA ITEM # 8 ☐ I WISH TO DONATE MY TIME TO \_\_\_\_\_  
☐ I WISH TO SPEAK DURING "PUBLIC COMMENT"\* CONCERNING \_\_\_\_\_

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NAME (print)

Paul Weidner

MEETING DATE

02/14/2018

NAME OF GROUP/ORGANIZATION (if applicable)

Grandon

ADDRESS

ZIP

HOME PHONE

480-500-5670

WORK PHONE

Same

E-MAIL ADDRESS (optional)

paulweidner@cox.net

☐ I WISH TO SPEAK ON AGENDA ITEM #

8

☒ I WISH TO DONATE MY TIME TO

EDG GRANDON  
Shirley Grandon

☐ I WISH TO SPEAK DURING "PUBLIC COMMENT" CONCERNING

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## REQUEST TO SPEAK

OPPOSED

8

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NAME (print)

Kathleen Weidner

MEETING DATE

2-14-18

NAME OF GROUP/ORGANIZATION (if applicable)

GRANDON

ADDRESS

ZIP

HOME PHONE

480 500 5670

WORK PHONE

same

E-MAIL ADDRESS (optional)

rachaelk7@gmail.com

☒ I WISH TO SPEAK ON AGENDA ITEM #

8

☒ I WISH TO DONATE MY TIME TO

☐ I WISH TO SPEAK DURING "PUBLIC COMMENT" CONCERNING

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NAME (print) Joni Marino MEETING DATE 14 Feb '18

NAME OF GROUP/ORGANIZATION (if applicable) \_\_\_\_\_

ADDRESS 11628 N. 131<sup>st</sup> Scottsdale ZIP 85259

HOME PHONE 480-868-6475 WORK PHONE same

E-MAIL ADDRESS (optional) \_\_\_\_\_

☐ I WISH TO SPEAK ON AGENDA ITEM # 8 ☐ I WISH TO DONATE MY TIME TO \_\_\_\_\_

☐ I WISH TO SPEAK DURING "PUBLIC COMMENT" CONCERNING \_\_\_\_\_

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# WRITTEN COMMENTS

8

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) SARALYN ANTRIM MEETING DATE 2/14/18

NAME OF GROUP/ORGANIZATION (if applicable) \_\_\_\_\_

ADDRESS 11987 E. TERRA DR. ZIP 85259

HOME PHONE (480) 767-3931 WORK PHONE C - (480) 600-8099

E-MAIL ADDRESS (optional) SARALYNAC@MSN.COM

AGENDA ITEM # 7-AB-2017 ☐ SUPPORT ☒ OPPOSE

COMMENTS (additional space is provided on the back) WHAT KIND OF FENCE?

HOW HIGH WILL FENCE BE?

EXACTLY WHERE IT WILL BE?

This card constitutes a public record under Arizona law.