



Marked Agendas

Approved Minutes

Approved Reports

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

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

City Council: 12/7/2020

Planning Commission: 10/28/2020

CITY COUNCIL REPORT



Meeting Date: December 7, 2020
 General Plan Element: Land Use
 General Plan Goal: Coordinate Planning to Balance Infrastructure

ACTION

Osterkamp GLO Abandonment 5-AB-2020

Request to consider the following:

1. Adopt Resolution No. 11995 to abandon the 33-foot-wide GLO easement located along the western and southern boundaries, and the western 8 feet of the 33-foot-wide GLO easement located along the eastern boundary of parcel 217-32-046A, with Single-family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning located at 10050 N. 126th Street.

Goal/Purpose of Request

The proposed abandonments will allow the owner to utilize the areas of their rear, side, and front yard incumbered by the existing GLO easements.

Key Items for Consideration

- Access not impacted by this proposed abandonment
- Conformance with the Transportation Master Plan and Local Area Infrastructure Plan
- Application is in conjunction with a Wash Modification request (8-WM-2020)
- Neighbor expressed concerns with associated Wash Modification application
- Planning Commission heard this case on October 28, 2020 and recommended approval with a 7-0 vote.

OWNER

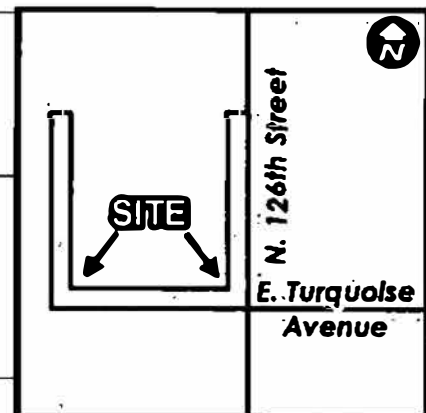
James Osterkamp
208-320-1976

APPLICANT CONTACT

Wayne Rosendahl
Rosendahl Engineering
480-599-1263

LOCATION

10050 N. 126th Street



BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Rural Neighborhoods. This category designation includes areas of relatively large lot single-family neighborhoods. Densities in Rural Neighborhoods are usually one house per acre (or more) of land. The designation and use will remain unchanged by this abandonment request.

Character Area Plan

Although there is no adopted character area for this region of the City, the area has been described as having a wide variety of land uses, mostly in planned developments which typically had some form of a core with retail, civic uses, and private community facilities. The general area consists of a major transition line corridor, the Central Arizona Project aqueduct (canal), and the Salt River Pima Community to the south.

This area includes some of the earliest master planned communities, after McCormick Ranch. Most of the area's development patterns were established by the Northeast Area Plan (NEAP) in 1976. Several major civic facilities (that serve a major portion of the City) are located in this area. The area also provides a wide diversity of suburban neighborhoods and business centers which serve both regional and community wide markets. The subject site happens to be located within one of the pockets of the region that still hold Rural Neighborhoods designation by the 2001 General Plan.

Zoning

The site is zoned Single Family Residential District (R1-43) category, with an Environmentally Sensitive Lands (ESL) overlay. The R1-43 zoning district allows for single-family residential uses.

The subject parcel, 217-32-046A, was annexed into the City of Scottsdale in May of 1975, through Ordinance 891. The annexed parcel was rezoned from the Maricopa County designation, Rural 43,

Context

The subject property is generally located at the southwest corner of the E. Shea Boulevard and N. 126th Street intersection. More specifically, the parcel is located on the northwest corner of E. Turquoise Avenue and N. 126th Street. The Salt River Pima Native Community is located approximately half-mile to the south of the southern boundary of the subject parcel.

Please refer to context graphics attached.

The subject thirty-three foot (33-ft) General Land Office Patent Easements (GLO) are located along the western, southern, and eastern boundary of 10050 N. 126th Street. The subject GLOs were dedicated in June 1954, through patent serial number 1144075. The existing right-of-way, dedicated along the site's frontage, was dedicated in 1994 through docket number 1994-0234187. This right-of-way dedication provided 25 feet, of the 50-foot full-street dedication, currently used for vehicular access to the site.

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 ensure 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:

31-ZN-1975

2008 Scottsdale Transportation Master Plan
East Shea Area Local Area Infrastructure Plan (LAIP)

IMPACT ANALYSIS

Land Use

The subject property is currently vacant and unimproved. The proposed GLO abandonment, if approved, would expand the developable area of the parcel as per the Zoning Ordinance. The approval would remove the proposed improvements from being located within right-of-way.

Traffic/Trails

The Transportation Master Plan Local Area Infrastructure Plan (LAIP) does not require access/right-of-way requirements along the western and southern boundaries of the property (See Attachment #6). The Transportation Master Plan Local Area Infrastructure Plan (LAIP) only requires the existing 25-foot half-street right-of-way dedication along the N. 126th Street alignment (site’s eastern boundary). No further right-of-way dedication are required to complete the City’s right-of-way system at this location.

Access to the development will continue to be provided through N. 126th Street. The Transportation Department supports the subject abandonment of the 33-foot-wide GLO easement located along the western and southern boundaries, and the western 8 feet of the 33-foot-wide GLO easement located along the eastern boundary.

Emergency/Municipal Services

Emergency and municipal services access will be provided and maintained through the existing right-of-way along N. 126th 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 request. The owner will be required to construct a water main extension from the northeastern corner of the property, south, to complete the waterline connection to E. Turquoise Ave, along the property's frontage.

Community Involvement

Both the City and the Applicant conducted a mailing to property owners within 750 feet of the proposed roadway easement abandonment (See Attachment #9). Although, staff did not receive any inquiries specific to the proposed abandonment; a neighbor, located to the south, expressed concerns with the associated wash modification application at the Planning Commission hearing.

Community Impact

No properties will be denied access as a result of this abandonment, and provisions for public utilities are provided.

OTHER BOARDS AND COMMISSIONS

Planning Commission:

Planning Commission heard this case 10/28/2020 and recommended approval with a vote of 7-0.

Staff's Recommendation to Planning Commission:

Staff recommended that the Planning Commission make a recommendation to City Council for approval to abandon the 33-foot-wide GLO easement located along the western and southern boundaries, and the western 8 feet of the 33-foot-wide GLO easement located along the eastern boundary of parcel 217-32-046A, with Single-family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning located at 10050 N. 126th Street, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

1. The property owner pay to the City \$4,448.00 as compensation to the City for the abandonment of right-of-way.

RECOMMENDATION

Recommended Approach:

1. Adopt Resolution No. 11995 to abandon the 33-foot-wide GLO easement located along the western and southern boundaries, and the western 8 feet of the 33-foot-wide GLO easement located along the eastern boundary of parcel 217-32-046A, with Single-family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning located at 10050 N. 126th Street.

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

Jesus Murillo

Senior Planner

480-312-7849

E-mail: jmurillo@scottsdaleAZ.gov

APPROVED BY



Jesus Murillo, Report Author

11-12-2020

Date



Tim Curtis, AICP, Current Planning Director

480-312-4210, tcurtis@scottsdaleaz.gov

11/12/2020

Date



Randy Grant, Executive Director

Planning and Development Services

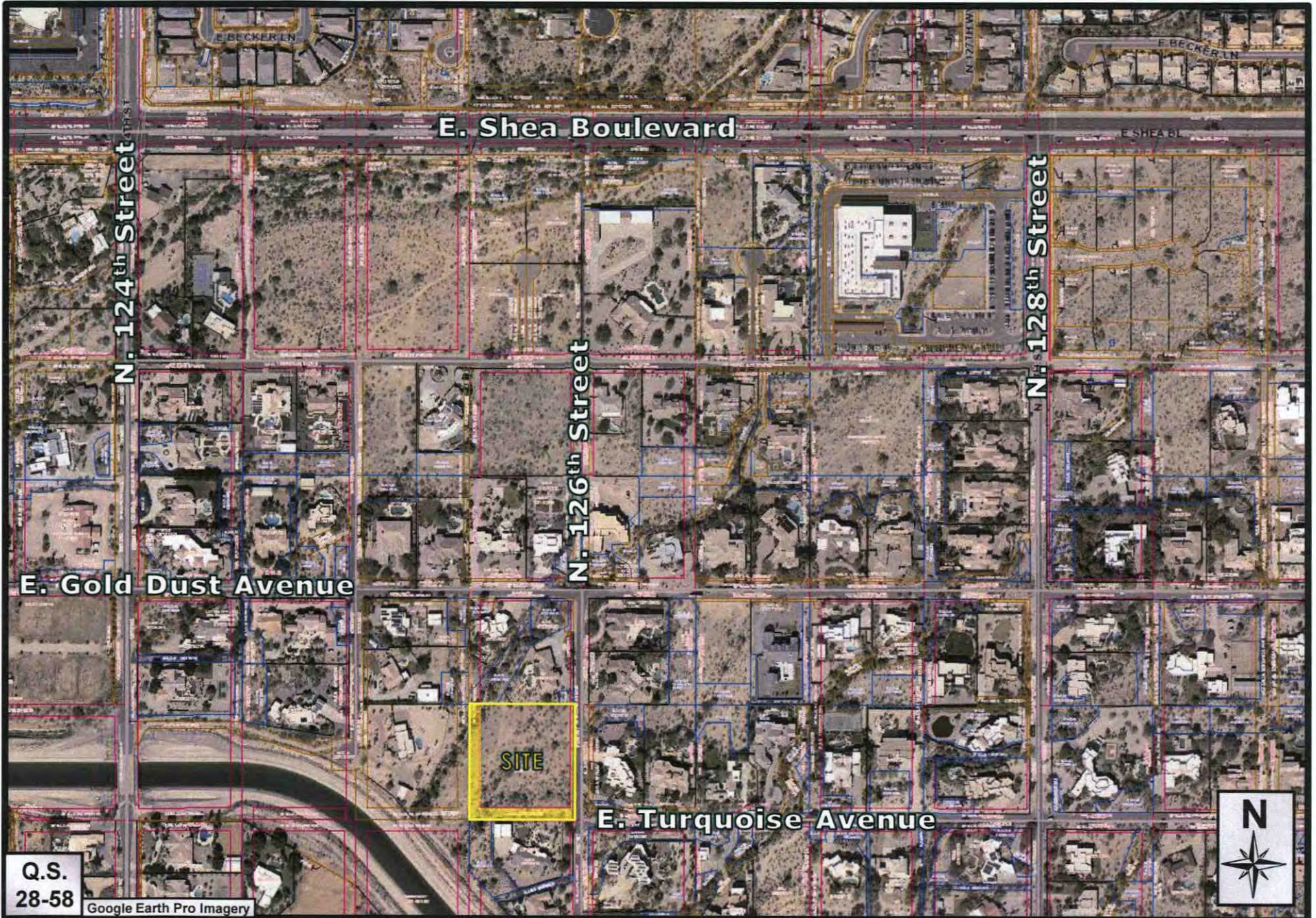
480-312-2664, rgrant@scottsdaleaz.gov

11/16/20

Date

ATTACHMENTS

1. Context Aerial
2. Detail Aerial
3. Resolution No. 11995
4. Applicant's Narrative
5. Zoning Map
6. Local Area Infrastructure Plans (LAIPs)
7. Legal Description and Graphic Abandonment Area
8. Abandonment History Map
9. City Notification Map
10. 10/28/2020 Planning Commission Meeting Minutes
11. Public Communication



Q.S.
28-58
Google Earth Pro Imagery

Context Aerial

ATTACHMENT #1

5-AB-2020

RESOLUTION NO. 11995

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 (GLO EASEMENTS) FOR PROPERTY LOCATED AT NORTH 126TH STREET AND EAST TURQUOISE LANE ALIGNMENT, 10050 N. 126TH STREET

(5-AB-2020)
(Osterkamp)

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 "A"** and depicted on **Exhibit "B"**, and attached hereto, an area approximately .51 acres in size, a 33-foot GLO easement on the west and south side of parcel 217-3-041 and the west 8-feet of the GLO easement on the east side of the parcel.

E. The Abandonment Rights-of-way fall within, serves, affects or is near a parcel comprising approximately 2.31 acres, as depicted on **Exhibit "C"** attached hereto.

F. The Abandonment Rights-of-way lie within the area of General Land Office easements created by patent reservation.

G. City's city council finds that, subject to the conditions, requirements, reservations and limitations of this resolution, the Abandonment Rights-of-way are 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.

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 owner shall pay to the City the amount of Four Thousand Four Hundred Forty-eight and No/100 Dollars (\$4,448.00) as consideration for the abandonment

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

4. Administration of Conditions. If the 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

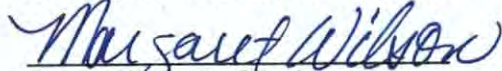
W. J. "Jim" Lane, Mayor

ATTEST:

By: _____
Carolyn Jagger, City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY



Sherry R. Scott, City Attorney

By: Margaret Wilson, Senior Assistant City Attorney

CERTIFICATE

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

DATED this ____ day of _____, 20_____.

Signature

name printed

Table of Exhibits

<u>EXHIBIT</u>	<u>PARAGRAPH</u>	<u>DESCRIPTION</u>
A	D	Legal description of street right-of-way to be abandoned
B	D	Scaled and dimensioned drawing to accompany legal description of street right-of-way to be abandoned
C	E	Depiction of parcels served by abandonment.

Memo Regarding Abandonment Resolution

To: City Clerk
From: Jesus Murillo
Re: Abandonment Resolution No. 11995 Re: E. Turquoise Lane and North 126th Street (abandonment case no. 5-AB-2020)

I am the project coordinator for this abandonment.

According to paragraph 3 of this abandonment resolution, **this resolution is not to be recorded until the conditions are satisfied.**

Please do not record this abandonment resolution until the zoning administrator signs the certificate confirming that the conditions have been satisfied. The resolution will be void if the resolution is not recorded before the two-year anniversary of the city council hearing to approve the resolution.

I will monitor the conditions and inform you when the conditions are satisfied. About ten months after the hearing, if the zoning administrator has not already signed and delivered to you the certificate confirming that the conditions have been satisfied, I will contact you to give you a status report. At that time, one of the following three possibilities will be true:

1. The conditions will be satisfied at the last minute so that the resolution can be recorded and become effective.
2. The conditions will not be satisfied, but I will schedule a council agenda item to change the conditions or extend the time for satisfying the conditions.
3. The conditions will not be satisfied, and two things will happen as described in paragraph 3:
 - a. The abandonment will not become effective.
 - b. You will need to mark the resolution to indicate that it is void.

In any event, I will personally call you about 30 days before the two-year anniversary to inform you of the status of this abandonment.

If you have any questions, please do not hesitate to call me. Thank you.

Jesus Murillo 2-7849

LEGAL DESCRIPTION
33 Ft. Wide GLOPE #1144075
Abandonment

Being portions of the South half of GLO, Lot 37, Section 26, Township 3 North, Range 5 East of the Gila and Salt River base and Meridian, Maricopa County, Arizona, said South half of Lot 37 being more particularly described as follows:

Commencing at the East quarter corner of said Section 26 bear N89°59'15"W, 1,319.05 ft. along the E-W centerline of said Section 26 to a calculated position being the East 1/16th corner on said E-W centerline;

thence, N00°00'00" W, 660.25 ft., along the N-S centerline of the NE quarter of said Section and being on the monument line of N. 126th Street to the Point of Beginning of said South half of Lot 37;

thence, N89°59'18"W, 329.67 ft. to the SW corner of said South half of Lot 37, being marked by a Department of the Interior Brass Cap;

thence, N00°00'00" W, 330.12 ft. to the NW corner of said South half of Lot 37;

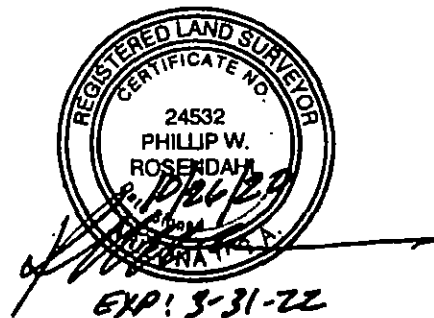
thence, S89°59'20"E, 329.57 ft. to a point on the N-S centerline of the NE quarter of said Section and the monument line of N. 126th Street;

thence, S00°00'00"E, 330.13 ft. to the Point of Beginning and containing 2.50 acres more or less.

GLO Easement Abandonment Areas to include, the West 33 ft of afore described South half of Lot 37;

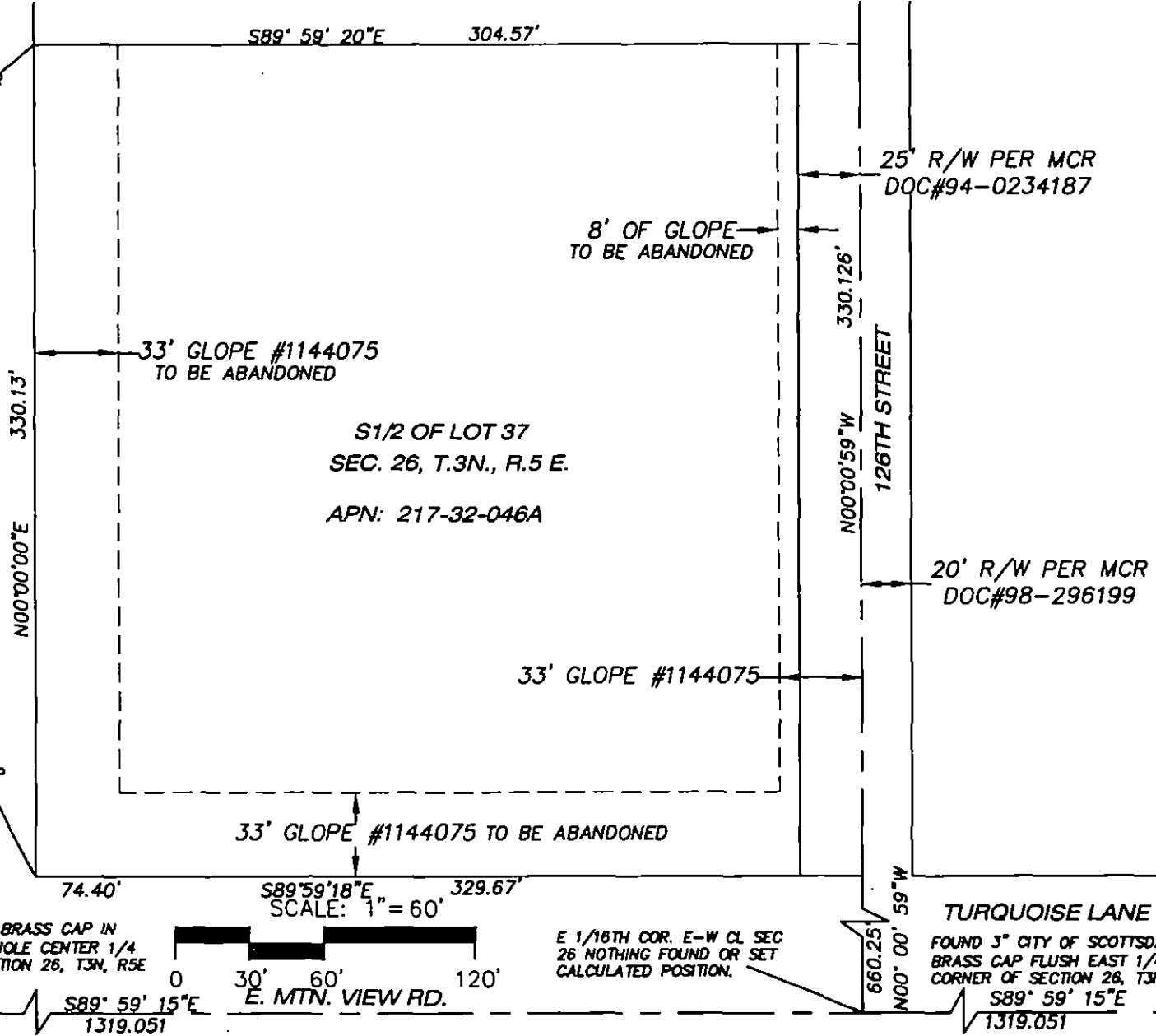
Also, to include the South 33 ft. of said South half;

Also, to include the West 8 ft. of the East 33 ft. thereof.



FOUND 1/2 INCH DIA. REBAR
WITH ILLEGIBLE CAP

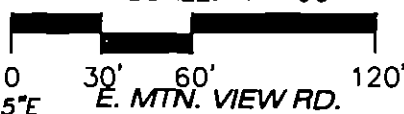
Resolution No. 11995
EXHIBIT "B"
Page 1 of 1



FOUND DEPARTMENT OF
THE INTERIOR BRASS CAP
FLUSH SOUTHWEST
CORNER OF LOT 37
SECTION 26, T3N, R5E

N00° 00' 00" W
660.25'

FOUND BRASS CAP IN
HAND HOLE CENTER 1/4
OF SECTION 26, T3N, R5E



E 1/18TH COR. E-W CL SEC
26 NOTHING FOUND OR SET
CALCULATED POSITION.

TURQUOISE LANE
FOUND 3" CITY OF SCOTTSDALE
BRASS CAP FLUSH EAST 1/4
CORNER OF SECTION 26, T3N, R5E
S89° 59' 15"E
1319.051

5-AB-2020

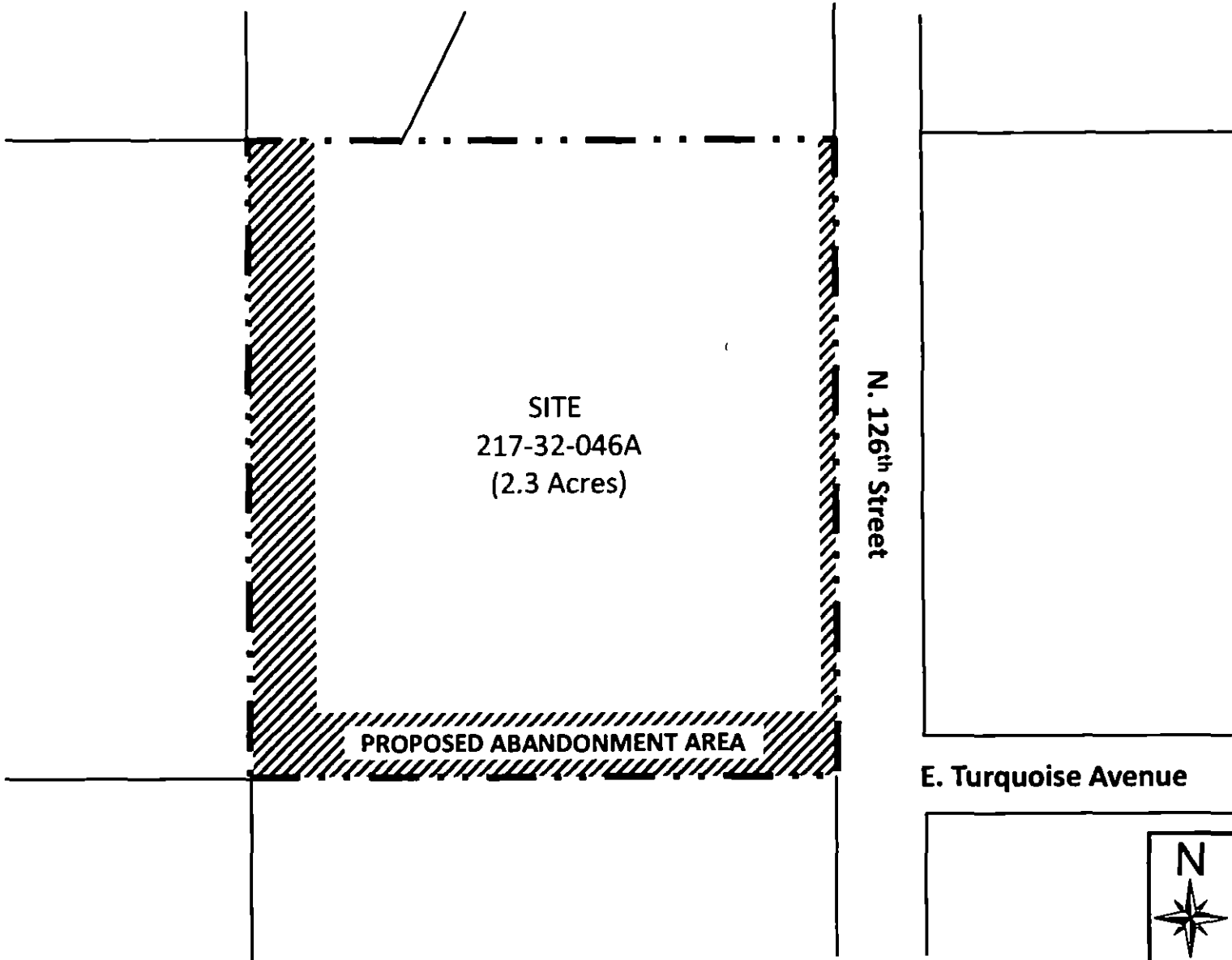
ROSENDAHL ENGINEERING

857 N. BARKLEY ST. (480) 599-1263 TEL
MESA, ARIZONA 85203 (480) 834-2163 FAX

GLOPE ABANDONMENT

PROJECT NO. 1909134

DATE	SHEET
10/2/20	1 OF 1



SITE
217-32-046A
(2.3 Acres)

N. 126th Street

PROPOSED ABANDONMENT AREA

E. Turquoise Avenue



ROSENDAHL ENGINEERING, PLLC

URBAN DESIGN & INFRASTRUCTURE

RESIDENTIAL & COMMERCIAL

April 3, 2020

ABANDONMENT APPLICATION REQUEST NARRATIVE

Abandonment of GLO Easements

James Osterkamp Residence

N. 26th Street

APN 217-32-046A

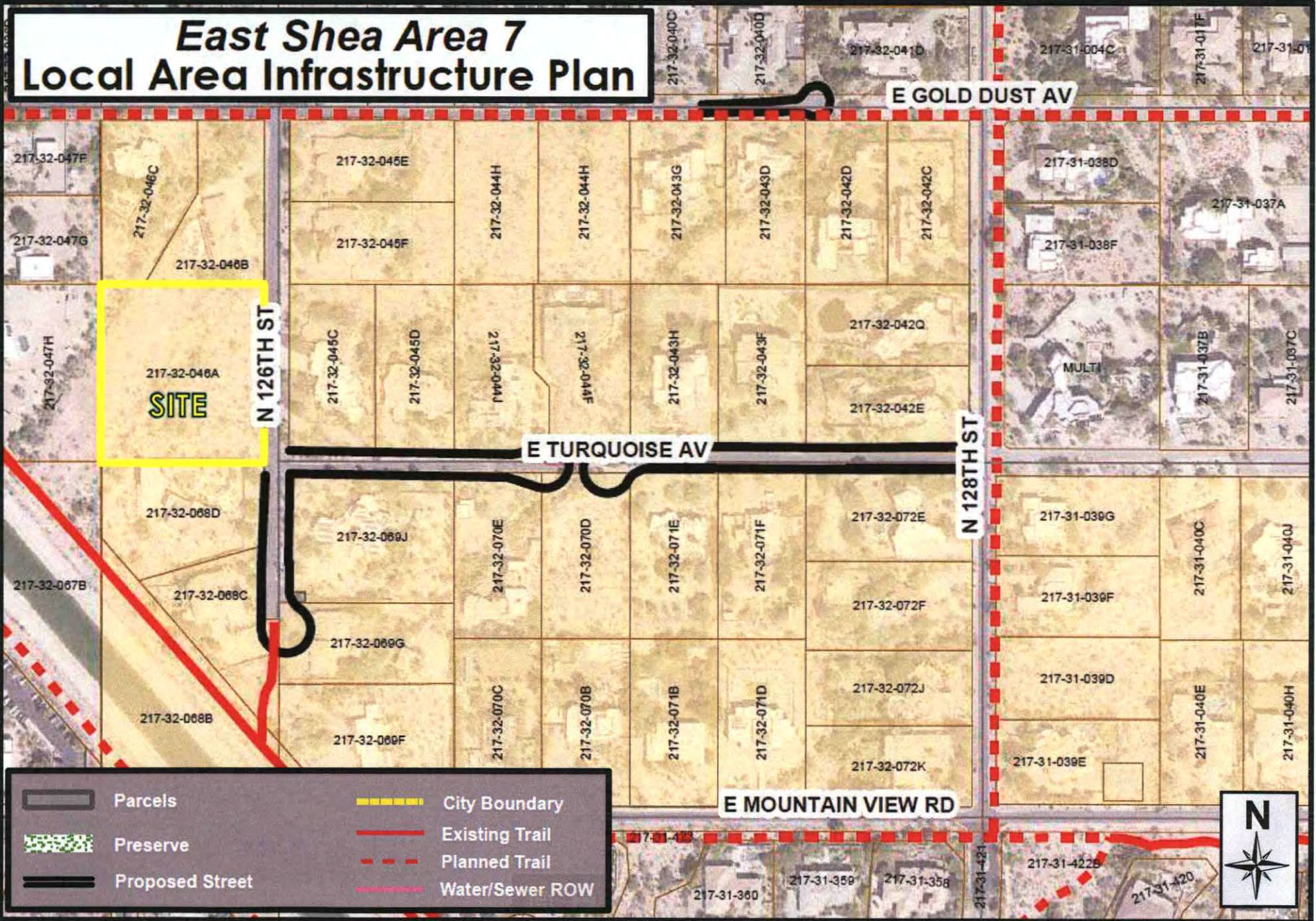
The owner of this parcel has had a new home with a detached garage and guest quarters on 2.31 acres, designed for this site. His plan will not work without being able to include the 33 foot wide GLO easement, existing along the West boundary of the site and a portion of the South boundary, into the NAOS easement area. The site is in an area designated as environmentally sensitive land so there is a 25% NAOS area designation requirement.

In order to utilize the GLO easements for NAOS purposes, they must be abandoned and to do so must follow the procedures called for by City Ordinance, which involves approval of the Planning & Zoning Commission and subsequent approval of the City Council. This Application Request is the second step in setting that process in motion.

Looking at the aerial map of the area, this particular GLO easement must have been abandoned for 4 other homes North of the subject site as the existing homes actually sit on what at one time must have been the same GLO alignment. Continuing South from this location there is one lot before running into the CAP Canal. I therefore do not believe there will be much opposition to this abandonment from the surrounding property owners, as it is very unlikely that the easement will ever be utilized for access purposes.



East Shea Area 7 Local Area Infrastructure Plan



LEGAL DESCRIPTION
33 Ft. Wide GLOPE #1144075
Abandonment

Being portions of the South half of GLO, Lot 37, Section 26, Township 3 North, Range 5 East of the Gila and Salt River base and Meridian, Maricopa County, Arizona, said South half of Lot 37 being more particularly described as follows:

Commencing at the East quarter corner of said Section 26 bear N89°59'15"W, 1,319.05 ft. along the E-W centerline of said Section 26 to a calculated position being the East 1/16th corner on said E-W centerline;

thence, N00°00'00" W, 660.25 ft., along the N-S centerline of the NE quarter of said Section and being on the monument line of N. 126th Street to the Point of Beginning of said South half of Lot 37;

thence, N89°59'18"W, 329.67 ft. to the SW corner of said South half of Lot 37, being marked by a Department of the Interior Brass Cap;

thence, N00°00'00" W, 330.12 ft. to the NW corner of said South half of Lot 37;

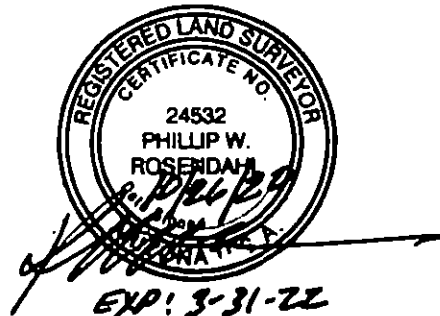
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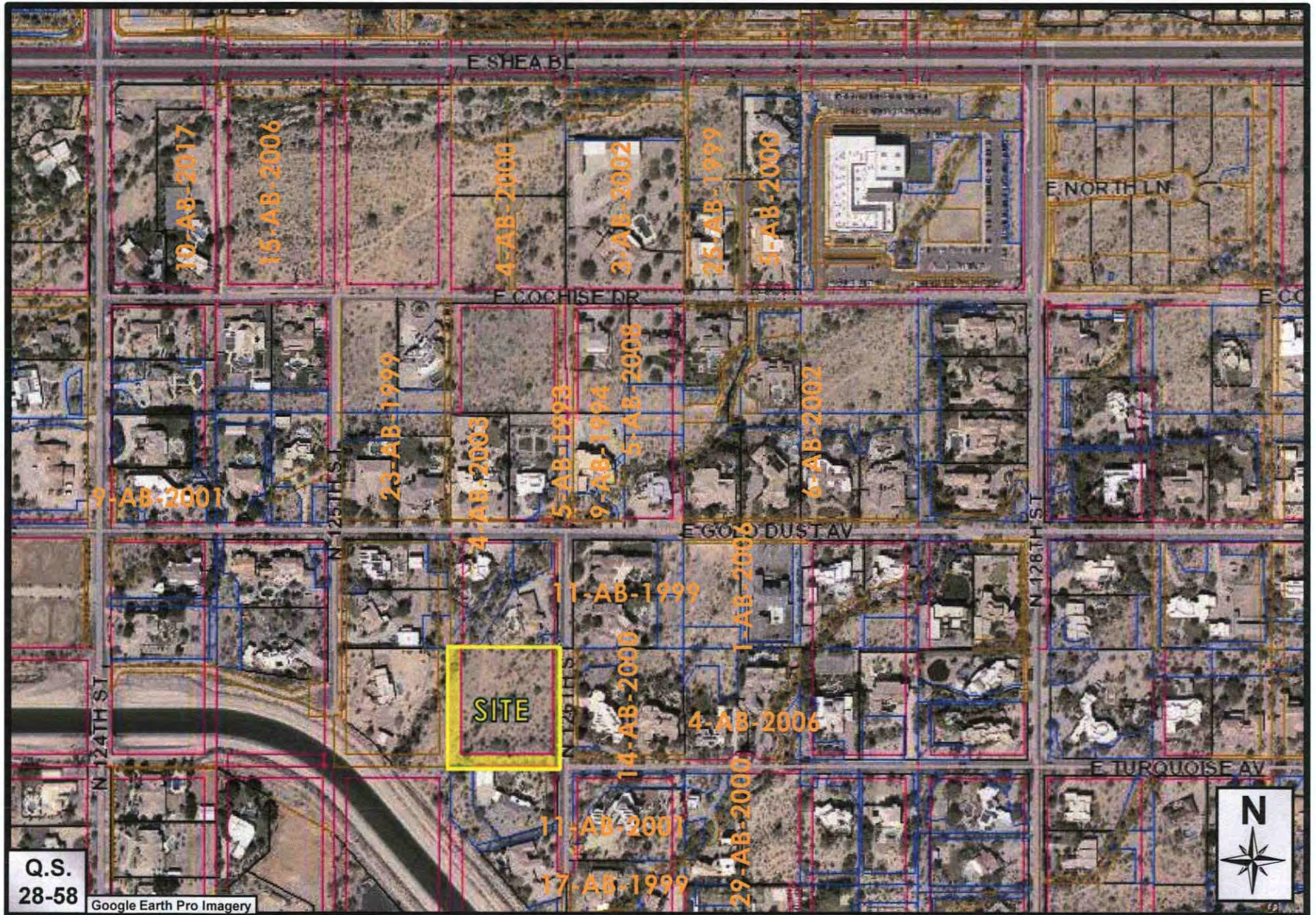
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GLO Easement Abandonment Areas to include, the West 33 ft of afore described South half of Lot 37;

Also, to include the South 33 ft. of said South half;

Also, to include the West 8 ft. of the East 33 ft. thereof.





Q.S.
28-58

Google Earth Pro Imagery

Abandonment History Map

ATTACHMENT 8

5-AB-2020

City Notifications – Mailing List Selection Map



Additional Notifications:

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

Pulled Labels
June 1, 2020

Map Legend:



5-AB-2020



**SCOTTSDALE PLANNING COMMISSION
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA**

WEDNESDAY, OCTOBER 28, 2020

***DRAFT SUMMARIZED MEETING MINUTES ***

PRESENT: Paul Alessio, Chair
Prescott Smith, Vice Chair
Renee Higgs, Commissioner
William Scarbrough, Commissioner
Joe Young, Commissioner
Barry Graham, Commissioner
George Ertel, Commissioner

ABSENT:

STAFF: Tim Curtis
Joe Padilla
Bronte Ibsen
Brad Carr
Greg Bloemberg
Bryan Cluff
Jesus Murillo

CALL TO ORDER

Chair Alessio called the regular session of the Scottsdale Planning Commission to order at 5:03 p.m.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

MINUTES REVIEW AND APPROVAL

1. Approval of June 14, 2019 Regular Meeting Minutes including Study Session.

Vice Chair Smith moved to approve the October 14th, 2020 regular meeting minutes. 2nd by Commissioner Scarbrough.

ATTACHMENT 10

* 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"

The motion carried unanimously with a vote of seven (7) to zero (0); by Chair Alessio, Commissioner Smith, Commissioner Higgs, Commissioner Scarbrough, Commissioner Young, Commissioner Graham and Commissioner Ertel.

CONTINUANCE

2. 9-ZN-2020 (The Scottsdale Collection) & 1-II-2020 (The Scottsdale Collection)

Continued to the November 18, 2020 meeting.

Request by owner for a Zoning District Map Amendment for multiple parcels from Central Business, Parking P-3 District, Downtown Overlay and Parking P-2 District; Vehicle Parking, Downtown Overlay (C-2/P-3 DO and P-2 DO), Central Business, Downtown Overlay (C-2 DO), and Highway Commercial, Downtown Overlay (C-3 DO) zoning to Downtown/Downtown Multiple Use - Type 3, Planned Block Development, Downtown Overlay (D/DMU-3 PBD DO) zoning, with an Infill Incentive (II) District to allow for amended development standards at the Old Town boundary, and a Development Plan with development standards, and a Parking Master Plan on an overall +/- 10.2-acre (gross land area) site generally located between E. Camelback Road to the north, N. Civic Center Plaza to the east, E. 6th Avenue to the south, and N. Scottsdale Road to the west. Staff contact person is Greg Bloemberg, 480-312-4306. **Applicant contact person is John Berry, 480 385-2727.**

3. 9-AB-2020 (The Scottsdale Collection)

Continued to the November 18, 2020 meeting.

Request by owner to abandon alley right-of-way, varying in width from 18 feet to 20 feet, between E. Indian Plaza to the north and E. Shoeman Lane to the south, bordered by parcels 173-41-260, 173-41-182, 173-41-183 and 173-41-259. Staff contact person is Greg Bloemberg, 480-312-4306. Applicant contact person is John Berry, 480 385-2727.

Items No's 2&3; Motion to continue cases 9-ZN-2020, 1-II-2020, and 9-AB-2020 (the Scottsdale Collection) until the November 18th, 2020 Planning Commission meeting made by Commissioner Graham. 2nd by Commissioner Higgs. With Vice Chair Smith recusing himself.

The motion carried unanimously with a vote of six (6) to zero (0); by Chair Alessio, Commissioner Higgs, Commissioner Scarbrough, Commissioner Young, Commissioner Ertel, and Commissioner Graham.

CONSENT AGENDA

4. 5-AB-2020 (Osterkamp GLO Abandonment)

Request by owner to abandon the 33-foot-wide GLO easement located along the western and southern boundaries, and the western 8 feet of the 33-foot-wide GLO easement located along the eastern boundary of parcel 217-32-046A, with Single-family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning located at 10050 N. 126th Street. Staff contact person is Jesus Murillo, 480-312-7849. **Applicant contact person is Wayne Rosendahl, 480-599-1263.**

Item No. 4; Moved to Regular Agenda.

Motion by Commissioner Higgs to recommend City Council for approval of case 5-AB-2020; per the staff recommended stipulations, after determining that the proposed Abandonment is consistent and conforms with the adopted General Plan. 2nd by Commissioner Ertel.

The motion carried unanimously with a vote of seven (7) to zero (0); by Chair Alessio, Vice Chair Smith, Commissioner Higgs, Commissioner Scarbrough, Commissioner Young, Commissioner Ertel, and Commissioner Graham.

Request to Speak Cards: Susan Houde

Written Comment by: Susan Houde, and Andre Lamarre.

5. 8-UP-2020 (Lucid Fashion Square Mall)

Request by owner for approval of a Conditional Use Permit for vehicle leasing, rental or sales in a 2,799 square foot space within Suite #1428 of Scottsdale Fashion Square mall, with Downtown/ Downtown Regional Use Type-2 Planned Block Development Downtown Overlay (D/DRU-2 PBD DO) zoning, located at 7014 E Camelback Road. Staff contact person is Bryan Cluff, 480-312- 2258. Applicant contact person is Timothy Gudgel, 650 454-9302.

Item No. 5; Motion by Commissioner Young for a recommendation to City Council for approval of case 8-UP-2020, per the staff recommended stipulations, based upon the finding that the Conditional Use Permit criteria have been met. 2nd by Commissioner Ertel.

The motion carried unanimously with a vote of seven (7) to zero (0); by Chair Alessio, Vice Chair Smith, Commissioner Higgs, Commissioner Scarbrough, Commissioner Young, Commissioner Ertel, and Commissioner Graham.

6. 14-ZN-2018 (Continental)

Moved to Regular Agenda.

Request by owner for a Zoning District Map Amendment from Highway Commercial (C-3) to Planned Unit Development (PUD) zoning, including a development plan and amended development standards for setbacks and set-backs, for a mixed-use development consisting of 281 dwelling units and 10,125 square feet of commercial floor area, on a +/- 4.32-acre site located at 1000 N. Scottsdale Road. Staff contact person is Greg Bloemberg, 480-312-4306. Applicant contact person is Jason Morris, 602-230-0600.

Item No 6; Motion by Commissioner Ertel for a recommendation to City Council for approval of case 14-ZN-2018, per the staff recommended stipulations after determining that the proposed Zoning District Map Amendment is consistent and conforms with the adopted General Plan. 2nd by Vice Chair Smith.

The motion carried unanimously with a vote of seven (7) to zero (0); by Chair Alessio, Vice Chair Smith, Commissioner Higgs, Commissioner Scarbrough, Commissioner Young, Commissioner Ertel, and Commissioner Graham.

Written Comment by: Karin L. Crawford.

REGULAR AGENDA

7. 7-ZN-2016#2 (Palmeria Phase II)

Request by owner for a zoning district map amendment from Planned Regional Center (PRC) zoning to Planned Regional Center, Planned Shared Development overlay (PRC PSD) zoning, with approval of an amended Development Plan for the site that includes amended development standards for building height up to 90 feet (inclusive of rooftop appurtenances) and an increase of the floor area ratio (FAR) to a maximum of 1.0, on a +/-20-acre site located at 6990 N. Scottsdale Road. Staff contact person is Brad Carr, AICP, 480-312-7713. Applicant contact person is George Pasquel III, 602-230-0600.

Item No. 7; Motion by Commissioner Ertel to recommend to City Council for approval of case 7-ZN-2016#2, per the staff recommended stipulations with a 116-unit amendment subject to traffic mitigation, after determining that the proposed Zoning District Map Amendment is consistent and conforms with the adopted General Plan. 2nd by Commissioner Young. With Vice Chair Smith recusing himself.

The motion carries with a vote of five (5) to one (1); with Chair Alessio, Commissioner Higgs, Commissioner Scarbrough, Commissioner young, and Commissioner Ertel voting in favor, and Commissioner Graham voting against.

Request to Speak Cards: Susan Wesley, McKenna Wesley, Heather Wagenhals, Barry Lewis, Beth McRae, Monica Samuels, Cynthia Sassi, Ali Saman Chopra, and Oscar De Las Salas.

Written Comment by: Douglas Cole

8. 13-ZN-2020 (Axon)

Request by applicant for a zoning district map amendment from Planned Community (P-C) District to Planned Community District with the P-C comparable Industrial Park District (P-C I-1), including a development plan and an amendment to the maximum building height, for The Axon Building only, from 52 feet (exclusive of rooftop appurtenances) to 82 feet (exclusive of rooftop appurtenances) on a +/- 30-acre portion of a +/-60-acre site located at the southeast corner of Hayden Road and Loop 101. Staff contact person is Greg Bloemberg, 480-312-4306. Applicant contact person is Charles Huellmantel, 480-921-2800.

Item No. 8; Motion by Commissioner Young for a recommendation to City Council for approval of case 13-ZN-2020, per the staff recommended stipulations after determining that the PCD findings have been met, and the proposed Zoning District Map Amendment is consistent and conforms with the adopted General Plan. 2nd by Commissioner Scarbrough.

The motion carried unanimously with a vote of seven (7) to zero (0); by Chair Alessio, Vice Chair Smith, Commissioner Higgs, Commissioner Scarbrough, Commissioner Young, Commissioner Ertel, and Commissioner Graham.

Written comment by: Christopher Harper, Erin Harper, and Ed Grant.

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 8:41 p.m.

Murillo, Jesus

From: Susan Houde <SusanHoude@live.ca>
Sent: Wednesday, October 28, 2020 5:59 PM
To: Murillo, Jesus
Cc: Susan Houde; 'andre.lamarre@me.com'
Subject: EROSION photos re: 2-WM-2019 request - PHOTOS of whitewater

Importance: High

⚠ External Email: Please use caution if opening links or attachments!

Hi Jesus...just wanted to share a few photos...thanks..

From: Chi, Andrew [mailto:AChi@Scottsdaleaz.gov]
Sent: Wednesday, April 10, 2019 3:16 PM
To: Susan Houde
Cc: Andre Lamarre; Rahman, Mohammad
Subject: RE: More photos re: 2-WM-2019 request

I will pass your email and photos to the civil engineer and Stormwater reviewer. Thank you.

Andrew Chi, Planner

City of Scottsdale | Planning & Development Department
7447 East Indian School Road, Suite 105 Scottsdale, Arizona 85251
[Direct] 480.312.7828
[Email] achi@scottsdaleaz.gov
[Web] www.scottsdaleaz.gov/planning-development

From: Susan Houde <SusanHoude@live.ca>
Sent: Wednesday, April 10, 2019 1:06 PM
To: Chi, Andrew <AChi@Scottsdaleaz.gov>
Cc: Andre Lamarre <andre.lamarre@hypertec.com>; Rahman, Mohammad <MRahman@scottsdaleaz.gov>
Subject: More photos re: 2-WM-2019 request

N 126th Hi Andrew,

Sorry for the delayed delivery of the photos – I have had a few issues with my phone....

Please see attached photos to support our concern re: the request to move the wash closer to our property:

- You will notice on one of the photos, there is a crack in the street asphalt. The street is 126th street – and the crack sits practically **in front of the current wash (related to 2-WM-2019)**. The **damage on the road is quite recent** – and leads one to wonder if it is not **related to water erosion** that would have occurred to the road during one of the recent heavy rains.
- You can see one multiple photos that the **current slope** of the land is **away** from our property privacy wall, with the wash **dipping significantly in the middle of the property** (the neighbor's property – requesting 2-WM-2019). Again, our concern is that the current slope and wash is still quite large – however, according to our neighbor to the north (Cindy Murray), this areas still floods (like a "lake").
- Looking at the photos of the **culvert located at the corner of 126th and Gold Dust** (which feeds into the wash 2-WM-2019), one can see the **severe erosion** around the culvert caused by the last heavy rains. The **road is nearly compromised** (I would suggest the city may want to proactively solidify the banks to avoid erosion of the road). One can also see that the force of the water seems to have **wedged a road sign beneath the culvert!** (Quite the

powerful water flow.) – again, our concern is that such a powerful flow would certainly compromise our privacy wall if it were diverted too close to it.

Can you please confirm that this letter and the supporting photos will be added to the file and further considered when evaluating the request to divert the wash? We simply want to ensure that any modifications do not have negative impacts on our properties.

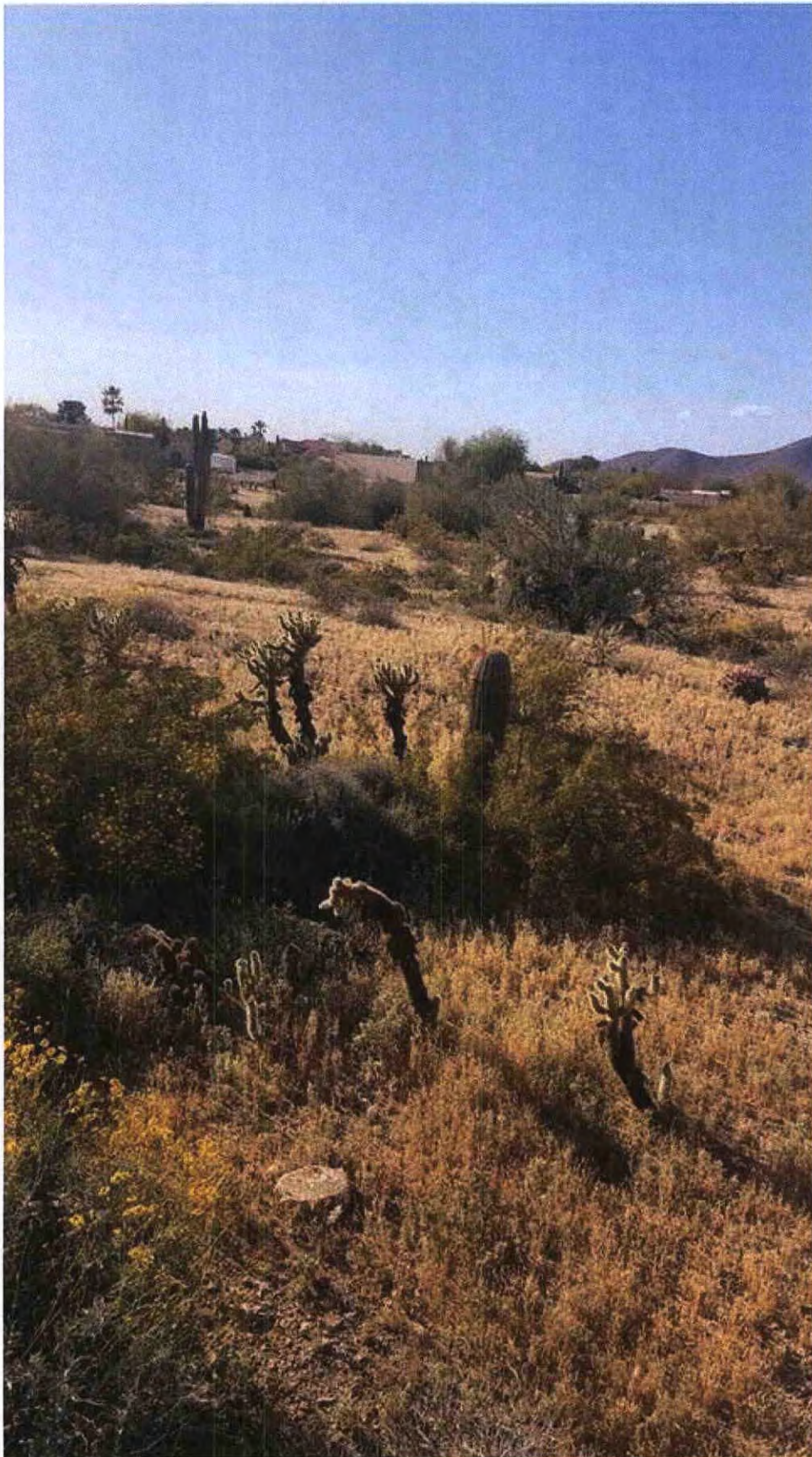


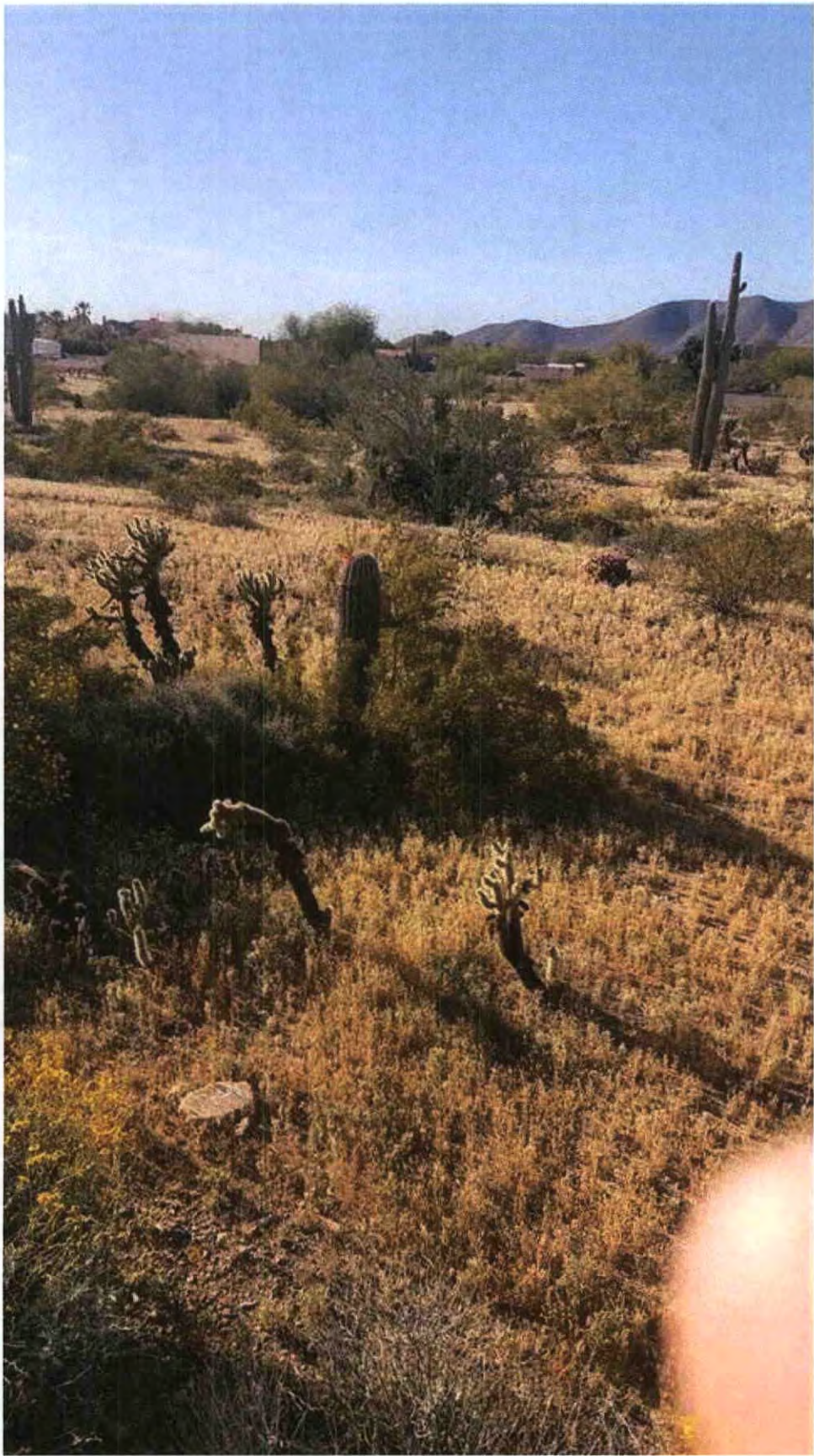
















Many thanks,
Susan Houde & Andre Lamarre
9970 N 126th Street
Scottsdale, AZ
85259
480-878-8866

From: Chi, Andrew <AChi@Scottsdaleaz.gov>
Sent: Friday, April 5, 2019 3:23:25 PM
To: Susan Houde; Rahman, Mohammad
Cc: Andre Lamarre
Subject: RE: Important Information re: 2-WM-2019

Hi Susan,
Thank you for the email. I will pass along your correspondence to the Stormwater Reviewer and the Civil Engineer. Your email as been placed in the case file to reference when it comes time to review the information.

Have a great weekend.

Andrew Chi, Planner

City of Scottsdale | Planning & Development Department
7447 East Indian School Road, Suite 105 Scottsdale, Arizona 85251
[Direct] 480.312.7828
[Email] achi@scottsdaleaz.gov
[Web] www.scottsdaleaz.gov/planning-development

From: Susan Houde <susanhoude@live.ca>

Sent: Friday, April 05, 2019 12:03 PM

To: Rahman, Mohammad <MRahman@scottsdaleaz.gov>; Chi, Andrew <AChi@Scottsdaleaz.gov>

Cc: Andre Lamarre <andre.lamarre@hypertec.com>; Susan Houde <susanhoude@live.ca>

Subject: Important information re: 2-WM-2019

Hello again,

Hope you are well. I wanted to share with you some pertinent information to consider re: 2-WM-2019.

I ran into our neighbor whose property also runs parallel to the lot in question - Cindy Murray, the owner of the property to the north of the lot at 12595 East Gold Dust Ave. (Corner of Gold Dust and 126th St.).

She mentioned to me that approx. 1 month ago, when there were heavy rains (we were out of town), the lot in question had the equivalent of a "Lake" on it where the wash currently runs. (At the moment, the wash runs closer to the middle of that property - they have requested to shift it south along our property privacy wall.)

Hearing that there was a "Lake" is of great concern, as this would most certainly remain the case during heavy rains - however, if the wash is shifted south, then the "lake" would be about our wall, and most certainly compromise (over time) the foundation of our wall.

According to her, the head of the wash (that comes from Gold Dust/126th) was running "white water". Actually, I meant to write the city about the erosion around that culvert, as it appears that so much soil has eroded, the road (corner of Gold Dust and 126th) will most likely be damaged during the next heavy rain. (See attached photos - the water flow was so strong that a road sign seems to have wedged its way under the culvert.)

I will attach a few photos of the current wash (as seen from our property on 9970 N 126th St)...it is difficult to judge from the photos- however, the current wash is currently located more in the center of the property, and seems to be as deep as 10ft in some areas. To hear that the entire area was a lake is extremely concerning to us, given the request to shift is closer to our privacy wall.

I will only send a few pictures now, as I am on my phone, but I will try to organize them and send more via a separate email. May I suggest that you may want to visit the site (for better perspective) - only a 15 minute drive from your offices. :-)

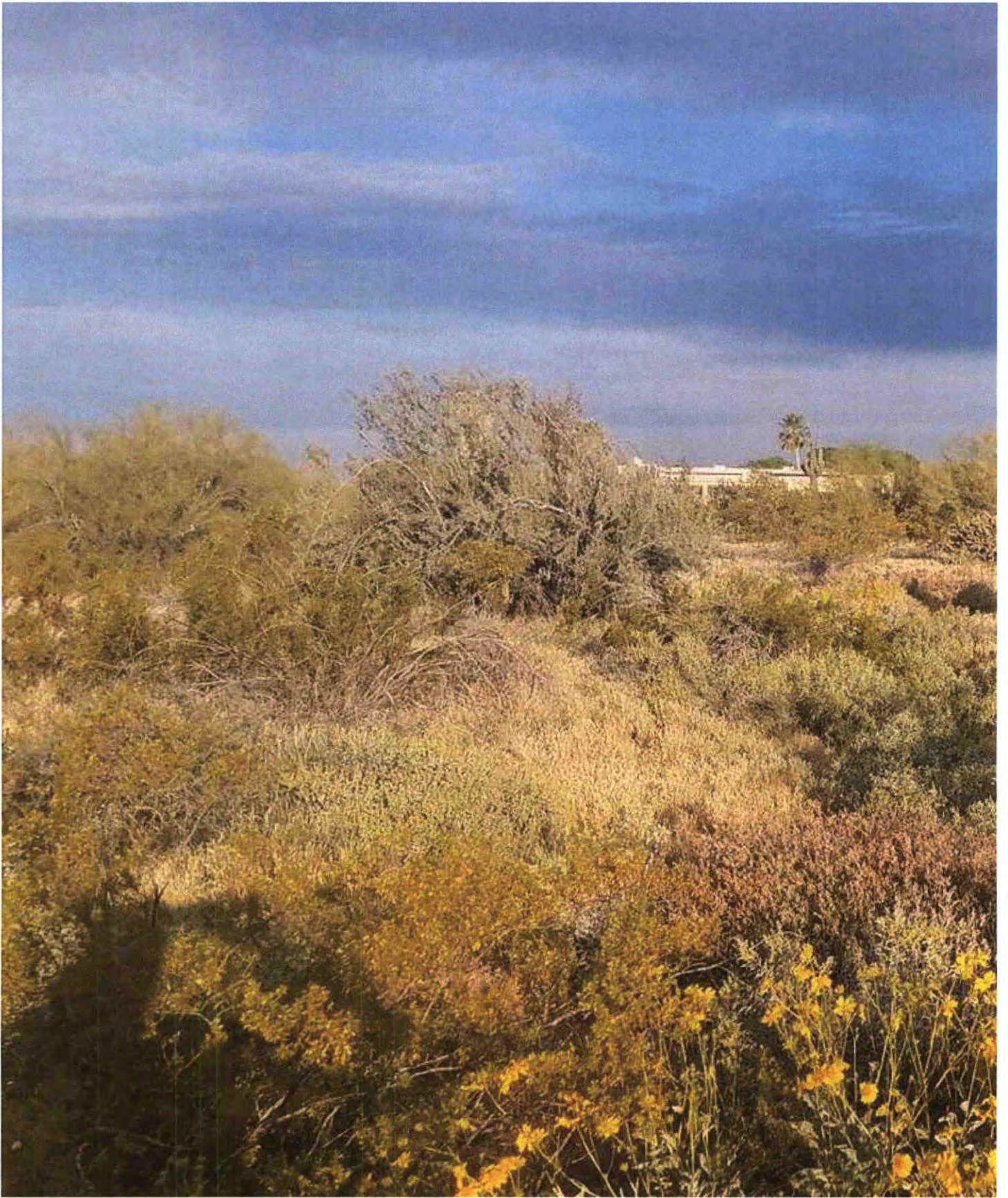
At any rate, I suggest that the city would want to look at/repair the erosion damage of the culvert at 126th and Gold Dust.

Please share your thoughts.

Many thanks,
Susan Houde & Andre Lamarre
9970 N 126th St
Scottsdale, AZ
85259
480-878-8866







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From: Susan Houde
Sent: Wednesday, April 3, 7:42 PM
Subject: Re: Questions/Request re: 2-WM-2019
To: Rahman, Mohammad, Chi, Andrew
Cc: Andre Lamarre

Hi Andrew,

Thank you again for your assistance...can you please share our coordinates with the civil engineer? We will look for the confirmation/comments from the civil engineer, as well as Mr. Rahman.

Again, many thanks,
Susan & André

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From: Chi, Andrew
Sent: Wednesday, April 3, 5:07 PM
Subject: Re: Questions/Request re: 2-WM-2019
To: Susan Houde, Rahman, Mohammad
Cc: Andre Lamarre

Hi Susan,

Thank you for the email. I will pass along your concerns to the civil engineer and the Stormwater Department reviewer, since they will know what to look for in the proposed plans more than I can. If you have any questions, feel free to reach out to me and the Stormwater Reviewer, Mohammad Rahman at mrahman@scottsdaleaz.gov.

Thank you,

Andrew Chi, Planner
City of Scottsdale | Planning & Development Department
7447 East Indian School Road, Suite 105 Scottsdale, Arizona 85251
[Direct] 480.312.7828
[Email] achi@scottsdaleaz.gov
[Web] www.scottsdaleaz.gov/planning-development

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From: Susan Houde <susanhoude@live.ca>
Sent: Wednesday, April 3, 2019 4:03 PM
To: Rahman, Mohammad
Cc: Chi, Andrew; Andre Lamarre
Subject: Questions/request re: 2-WM-2019

Hello,

Hope you are well. I am writing you regarding 2-WM-2019.

I am the owner of the neighbor to the south - APN 217-32-068D.

As I'm sure you've noticed on the requested wash modification, there is an existing brick privacy wall that separates the two properties. The privacy wall belongs to us.

I am concerned re: the requested wash modification dates 12/7/2018, as it seems to want to divert the wash to follow/about our privacy wall. I am concerned that the water flow will compromise the foundation of our wall.

Can you confirm/guarantee that the modifications to the wash that will be approved by the city will not, in any way, compromise the integrity of our wall?

Your assistance/confirmation is greatly appreciated.

Best regards,
Susan Houde & Andre Lamarre
9970 N 126th Street
Scottsdale, AZ
85259
480-878-8866

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Murillo, Jesus

From: Susan Houde <SusanHoude@live.ca>
Sent: Wednesday, October 28, 2020 5:10 PM
To: Castro, Lorraine; Susan Houde
Cc: Murillo, Jesus
Subject: RE: are you able to get on ok

Importance: High

⚠ External Email: Please use caution if opening links or attachments!

They just removed me from the computer which prevents me from raising my hand... 😞

From: Castro, Lorraine [mailto:Lcastro@scottsdaleaz.gov]
Sent: Wednesday, October 28, 2020 5:07 PM
To: Susan Houde
Subject: RE: are you able to get on ok

You're welcome, good luck with everything!

From: Susan Houde <SusanHoude@live.ca>
Sent: Wednesday, October 28, 2020 4:54 PM
To: Castro, Lorraine <Lcastro@scottsdaleaz.gov>; Susan Houde <SusanHoude@live.ca>
Subject: RE: are you able to get on ok

⚠ External Email: Please use caution if opening links or attachments!

They actually let me in slightly after I sent the email – thanks again for all of your help!

From: Castro, Lorraine [mailto:Lcastro@scottsdaleaz.gov]
Sent: Wednesday, October 28, 2020 4:53 PM
To: Susan Houde
Subject: RE: are you able to get on ok

Yes, you stay muted till it's your time to talk, They will let you know when it's time and they will unmute you.

From: Susan Houde <SusanHoude@live.ca>
Sent: Wednesday, October 28, 2020 4:41 PM
To: Castro, Lorraine <Lcastro@scottsdaleaz.gov>; Susan Houde <SusanHoude@live.ca>
Subject: RE: are you able to get on ok

⚠ External Email: Please use caution if opening links or attachments!

No – I am muted 😞 Please help

From: Castro, Lorraine [mailto:Lcastro@scottsdaleaz.gov]
Sent: Wednesday, October 28, 2020 4:40 PM
To: susanhoudelive.ca
Subject: are you able to get on ok

This is Lorraine, I spoke with you earlier before transferring you to Jesus.

Wanted to make sure you got on ok.

Thanks,

Lorraine Castro

Planning Specialist
City of Scottsdale
Planning and Development Services
Lcastro@ScottsdaleAZ.gov
480-312-7620

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Murillo, Jesus

From: Murillo, Jesus
Sent: Wednesday, October 28, 2020 6:02 PM
To: andre lamarre
Cc: Susan Houde
Subject: RE: Just a bit more clarification requested re: update - re: 2-WM-2019

I will be sure that your are involved with the Wash Modification process, and you receive updated designs.

From: andre lamarre <andre.lamarre@me.com>
Sent: Wednesday, October 28, 2020 5:08 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Cc: Susan Houde <susanhoude@live.ca>
Subject: Fwd: Just a bit more clarification requested re: update - re: 2-WM-2019
Importance: High

⚠ External Email: Please use caution if opening links or attachments!

Hi Jesus,

Here is the email exchange between Andrew Chi and Susan Houde

Thank you,

André

Begin forwarded message:

From: Susan Houde <SusanHoude@live.ca>
Subject: FW: Just a bit more clarification requested re: update - re: 2-WM-2019
Date: October 28, 2020 at 5:00:58 PM MST
To: "andre.lamarre@me.com" <andre.lamarre@me.com>

From: Susan Houde
Sent: Wednesday, October 28, 2020 4:19 PM
To: Murillo, Jesus
Subject: FW: Just a bit more clarification requested re: update - re: 2-WM-2019
Importance: High

From: Susan Houde [<mailto:SusanHoude@live.ca>]
Sent: Wednesday, April 24, 2019 6:27 AM
To: Chi, Andrew; Rahman, Mohammad
Cc: Andre Lamarre; Susan Houde
Subject: Just a bit more clarification requested re: update - re: 2-WM-2019
Importance: High

Hi Andrew,

Just a few quick questions....

- When you mention that the civil engineer was present and mentioned that armoring a wash would address our concerns - are you referring to a **City of Scottsdale Engineer or an engineer hired by the landowner?**
- You mention that the Civil Engineer you refer to below states that armoring the wash will keep water off of our property...
 - Is he **guaranteeing** that there will be no **underground erosion** of our wall's foundation?
 - Is he **guaranteeing** that the proposed 'new' wash will be sufficiently deep/have the capacity to hold all water (in very heavy rain flows) and avoid a 'lake effect' next to our wall?
- Was the **City of Scottsdale's Storm water Reviewer, Mohammad Rahmad @ mrahman@scottsdaleaz.gov** present at this meeting? What were his comments?
- Since the **City of Scottsdale is responsible for reviewing and approving** the Wash Diversion/Modification request, has the City of Scottsdale Legal department reviewed the request and our concerns? I want to ensure that all parties understand that, should any water related damage/erosion compromise in any way the integrity of our privacy wall and property, we will hold all parties who were responsible for the request/design/review/approval/build of the diverted wash, for the cost of any repairs and other related expenses. (I would suggest that you might want to review this file with your legal department).
- We would like to re-iterate our concerns, as cited in our email Sent: Wednesday, April 10, 2019 1:06 PM (see email below), as well as the email (attached) Sent: Wednesday, April 3, 2019 4:03 PM

Again, we want to ensure that we **avoid/prevent** any issues in the future, as we all know, it is much easier (and economical) to prevent as opposed to correct.

Can you please ensure that this email (as well as its attachments) is added to the file (physical and digital) for reference.

Thanks again for your attention,

Susan Houde and André Lamarre
9970 N 126th St
Scottsdale, AZ
85259

480-878-8866

From: Susan Houde
Sent: April 23, 2019 1:53 PM
To: Chi, Andrew
Cc: Andre Lamarre
Subject: RE: Request for update - re: 2-WM-2019

Thanks...much appreciated...

Sent from [Mail](#) for Windows 10

From: Chi, Andrew <AChi@Scottsdaleaz.gov>
Sent: Tuesday, April 23, 2019 11:51:55 AM
To: Susan Houde
Cc: Andre Lamarre
Subject: RE: Request for update - re: 2-WM-2019

Hi Susan,

I have no updates for you. We did meet with the applicant and civil engineer 2 weeks ago to discuss the 1st review comments, and the civil engineer stated he will be armoring the wash so that any flows will stay out of your lot. That's all I have for you at this point. Thank you.

Andrew Chi, Planner

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7447 East Indian School Road, Suite 105 Scottsdale, Arizona 85251
[Direct] 480.312.7828
[Email] achi@scottsdaleaz.gov
[Web] www.scottsdaleaz.gov/planning-development

From: Susan Houde <SusanHoude@live.ca>
Sent: Tuesday, April 23, 2019 10:21 AM
To: Chi, Andrew <AChi@Scottsdaleaz.gov>
Cc: Andre Lamarre <andre.lamarre@hypertec.com>
Subject: Request for update - re: 2-WM-2019

Good morning Andrew,

Hoping you had an enjoyable holiday weekend. I was wondering if there was an update on the file (an update the wash modification request, as well as on the request for the lot split)?

Many thanks,
Susan Houde (& André Lamarre)
480-878-8866

9970 N 126th St.
Scottsdale, AZ
85259

Sent from [Mail](#) for Windows 10

From: Chi, Andrew <AChi@Scottsdaleaz.gov>
Sent: Wednesday, April 10, 2019 3:15:55 PM
To: Susan Houde
Cc: Andre Lamarre; Rahman, Mohammad
Subject: RE: More photos re: 2-WM-2019 request

I will pass your email and photos to the civil engineer and Stormwater reviewer. Thank you.

Andrew Chi, Planner

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From: Susan Houde <SusanHoude@live.ca>
Sent: Wednesday, April 10, 2019 1:06 PM
To: Chi, Andrew <AChi@Scottsdaleaz.gov>
Cc: Andre Lamarre <andre.lamarre@hypertec.com>; Rahman, Mohammad <MRahman@scottsdaleaz.gov>
Subject: More photos re: 2-WM-2019 request

N 126th Hi Andrew,

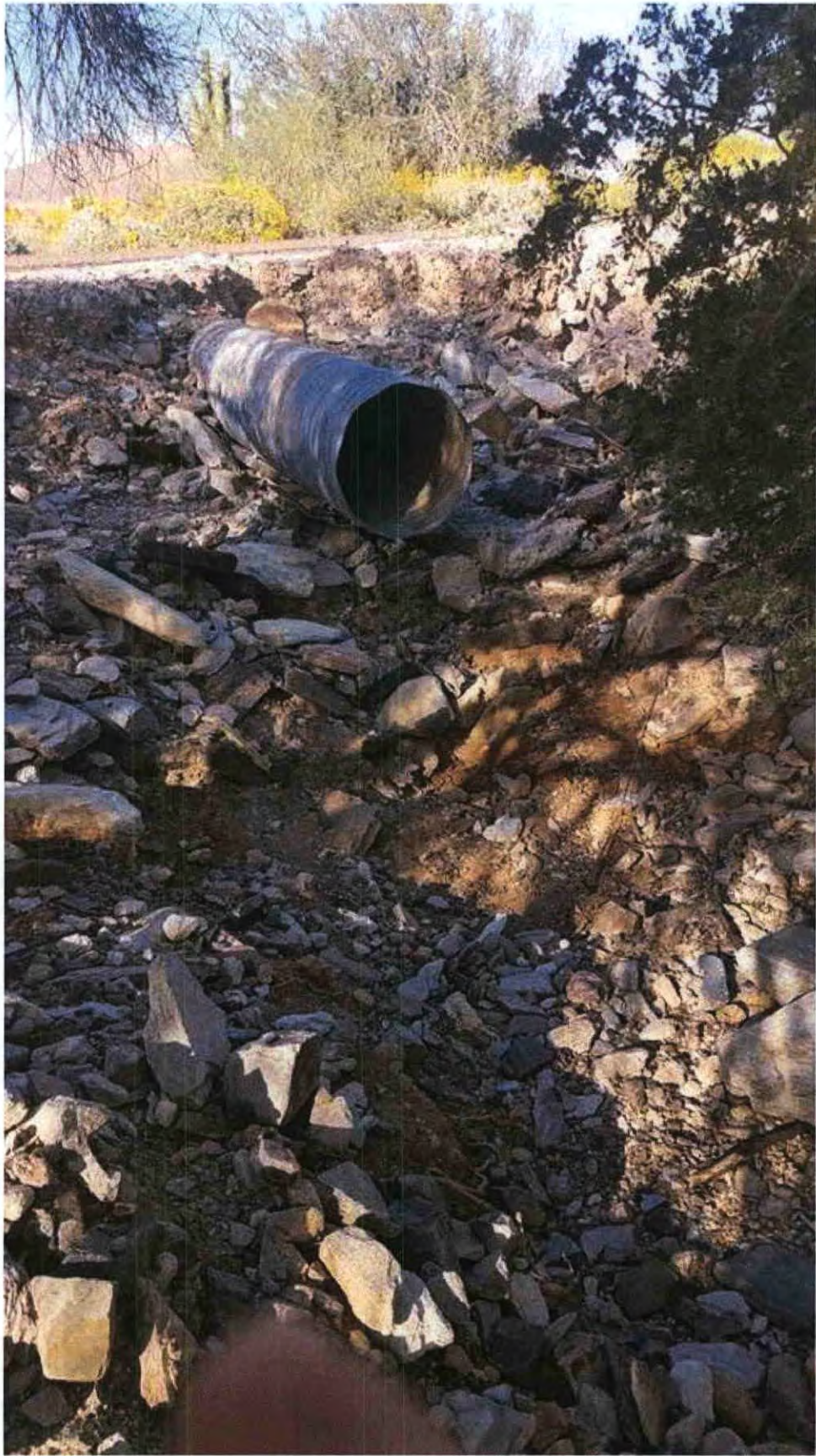
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- You will notice on one of the photos, there is a crack in the street asphalt. The street is 126th street – and the crack sits practically **in front of the current wash (related to 2-WM-2019)**. The **damage on the road is quite recent** – and leads one to wonder if it is not **related to water erosion** that would have occurred to the road during one of the recent heavy rains.
- You can see one multiple photos that the **current slope** of the land is **away** from our property privacy wall, with the wash **dipping significantly in the middle of the property** (the neighbor's property – requesting 2-WM-2019). Again, our concern is that the current slope and wash is still quite large – however, according to our neighbor to the north (Cindy Murray), this areas still floods **(like a "lake")**.
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Can you please confirm that this letter and the supporting photos will be added to the file and further considered when evaluating the request to divert the wash? We simply want to ensure that any modifications do not have negative impacts on our properties.

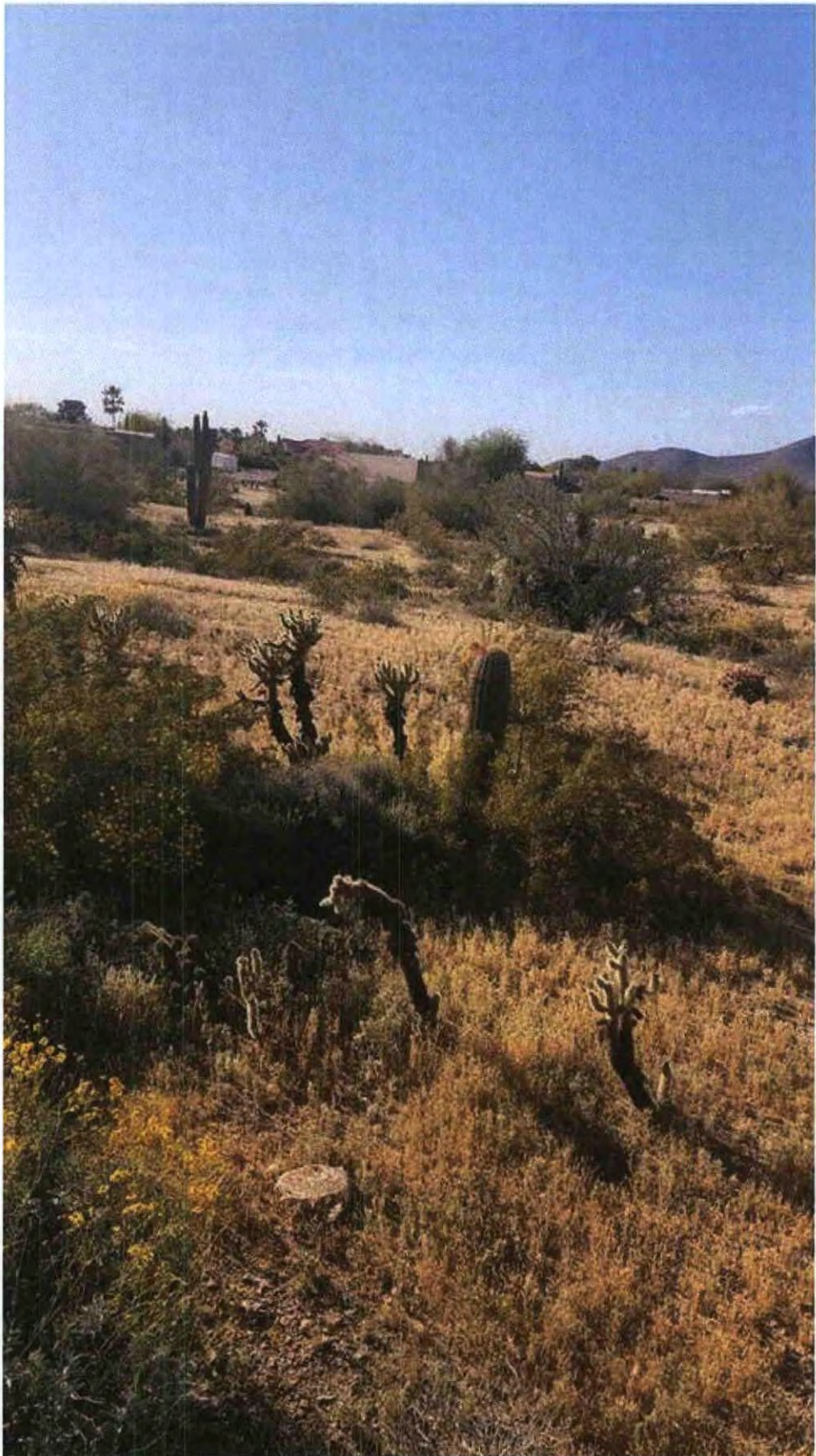


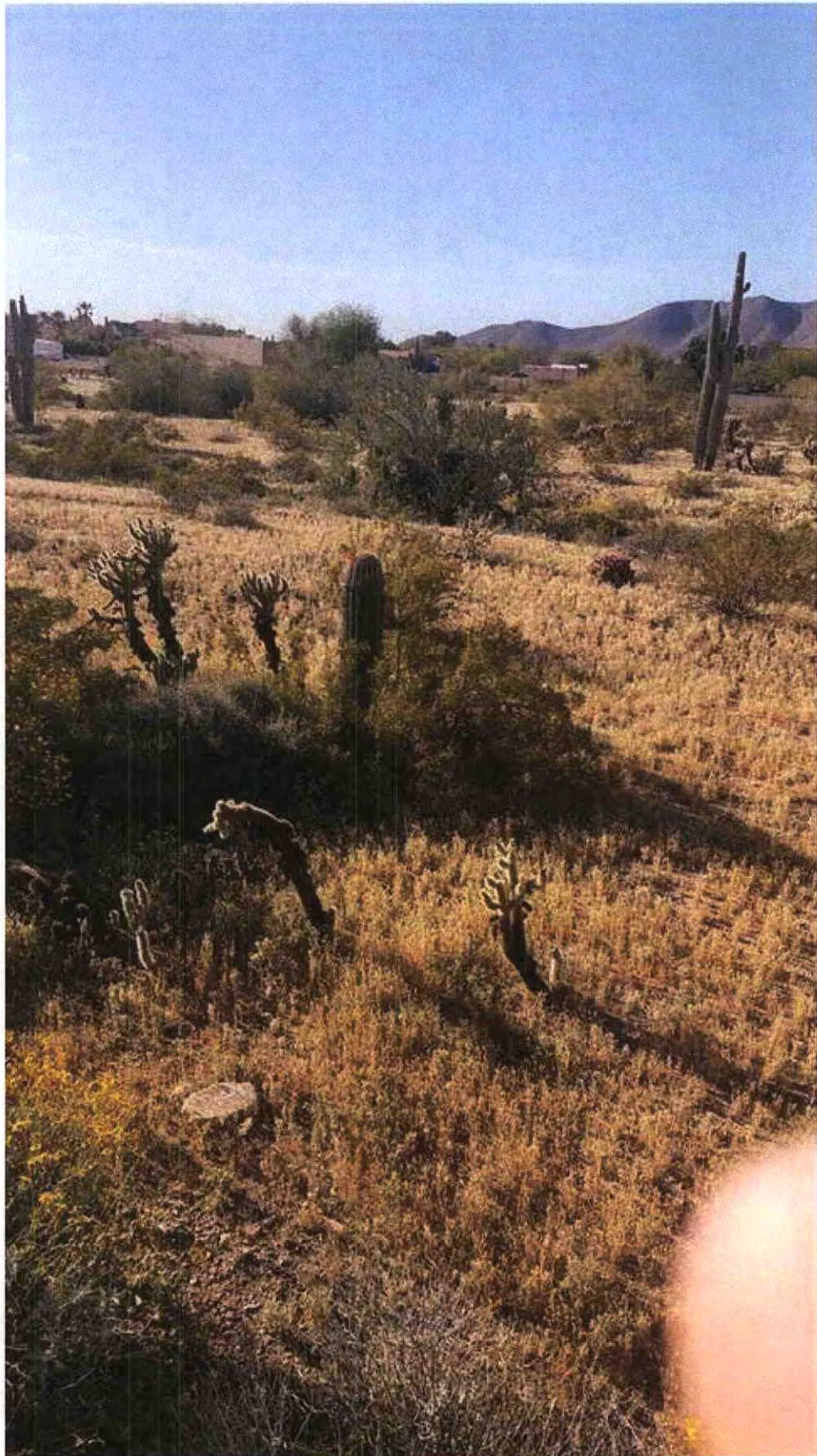


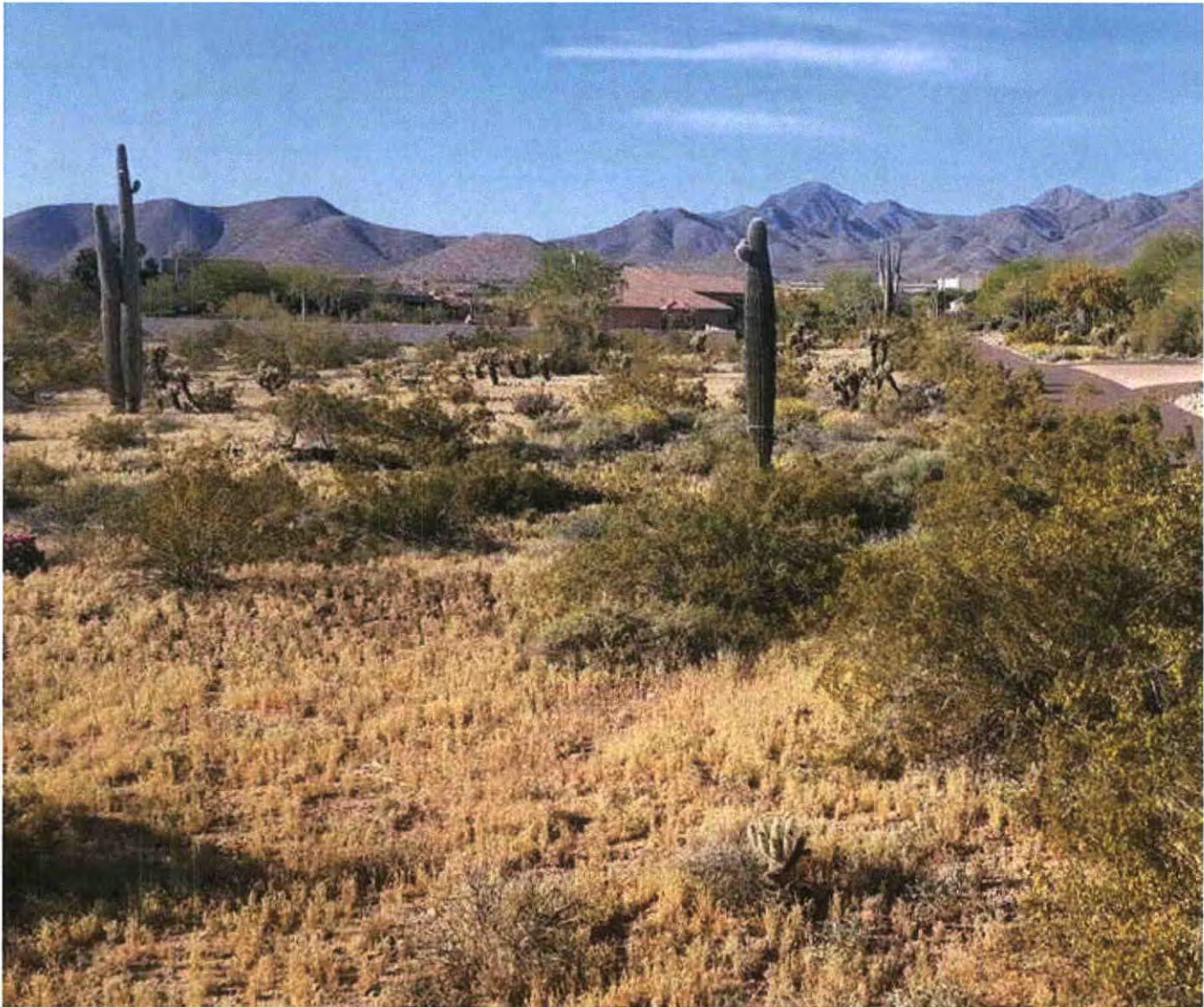














Many thanks,
Susan Houde & Andre Lamarre
9970 N 126th Street
Scottsdale, AZ
85259
480-878-8866

From: Chi, Andrew <AChi@Scottsdaleaz.gov>
Sent: Friday, April 5, 2019 3:23:25 PM
To: Susan Houde; Rahman, Mohammad
Cc: Andre Lamarre
Subject: RE: Important Information re: 2-WM-2019

Hi Susan,
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Have a great weekend.

Andrew Chi, Planner

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[Email] achi@scottsdaleaz.gov
[Web] www.scottsdaleaz.gov/planning-development

From: Susan Houde <susanhoude@live.ca>
Sent: Friday, April 05, 2019 12:03 PM
To: Rahman, Mohammad <MRahman@scottsdaleaz.gov>; Chi, Andrew <ACHi@Scottsdaleaz.gov>
Cc: Andre Lamarre <andre.lamarre@hypertec.com>; Susan Houde <susanhoude@live.ca>
Subject: Important information re: 2-WM-2019

Hello again,

Hope you are well. I wanted to share with you some pertinent information to consider re: 2-WM-2019.

I ran into our neighbor whose property also runs parallel to the lot in question - Cindy Murray, the owner of the property to the north of the lot at 12595 East Gold Dust Ave. (Corner of Gold Dust and 126th St.).

She mentioned to me that approx. 1 month ago, when there were heavy rains (we were out of town), the lot in question had the equivalent of a "Lake" on it where the wash currently runs. (At the moment, the wash runs closer to the middle of that property - they have requested to shift it south along our property privacy wall.)

Hearing that there was a "Lake" is of great concern, as this would most certainly remain the case during heavy rains - however, if the wash is shifted south, then the "lake" would abut our wall, and most certainly compromise (over time) the foundation of our wall.

According to her, the head of the wash (that comes from Gold Dust/126th) was running "white water". Actually, I meant to write the city about the erosion around that culvert, as it appears that so much soil has eroded, the road (corner of Gold Dust and 126th) will most likely be damaged during the next heavy rain. (See attached photos - the water flow was so strong that a road sign seems to have wedged it's way under the culvert.)

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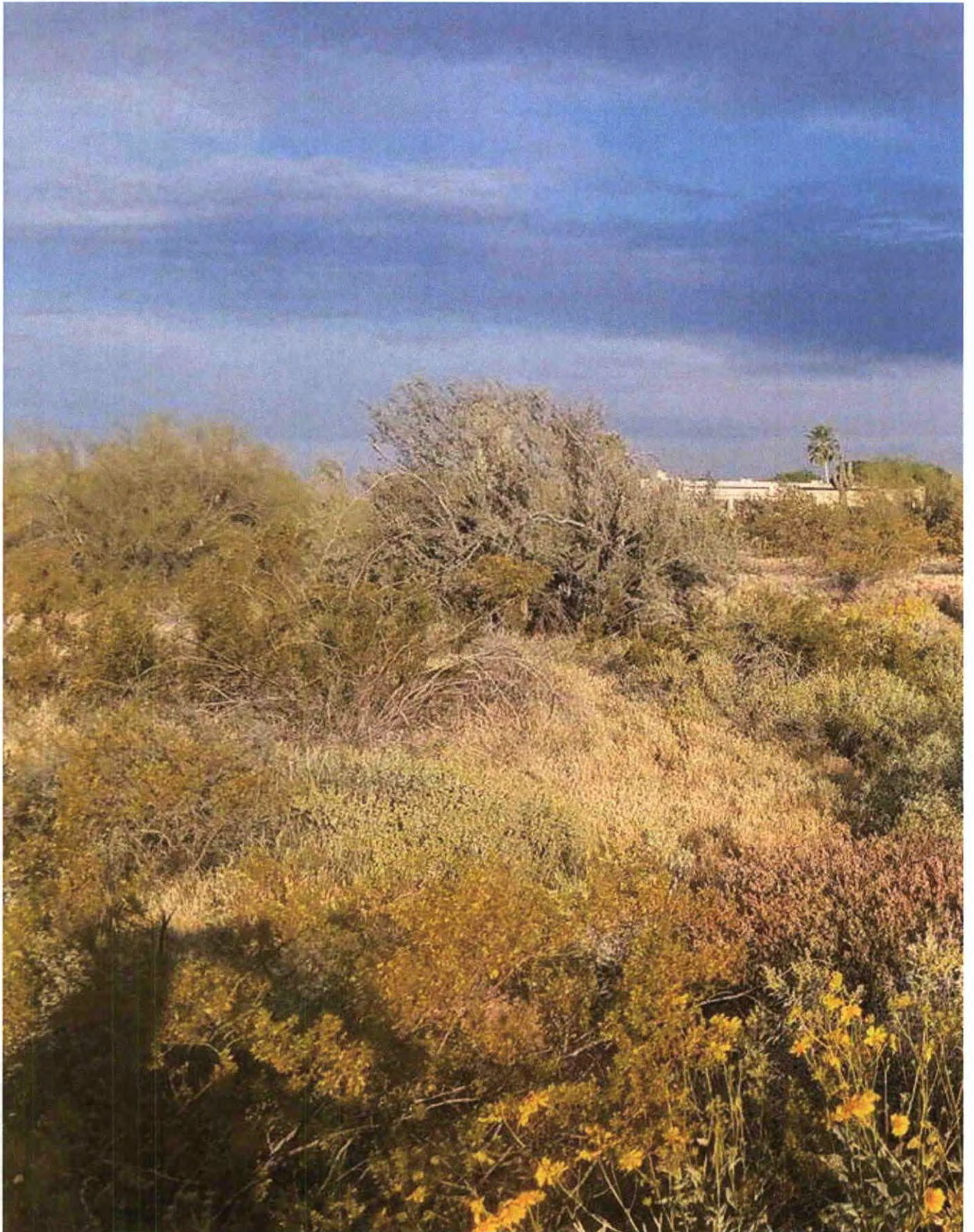
Please share your thoughts.

Many thanks,
Susan Houde & Andre Lamarre

9970 N 126th St
Scottsdale, AZ
85259
480-878-8866







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From: Susan Houde
Sent: Wednesday, April 3, 7:42 PM
Subject: Re: Questions/Request re: 2-WM-2019
To: Rahman, Mohammad, Chi, Andrew
Cc: Andre Lamarre

Hi Andrew,

Thank you again for your assistance...can you please share our coordinates with the civil engineer? We will look for the confirmation/comments from the civil engineer, as well as Mr. Rahman.

Again, many thanks,
Susan & André

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From: Chi, Andrew
Sent: Wednesday, April 3, 5:07 PM
Subject: Re: Questions/Request re: 2-WM-2019
To: Susan Houde, Rahman, Mohammad
Cc: Andre Lamarre

Hi Susan,

Thank you for the email. I will pass along your concerns to the civil engineer and the Stormwater Department reviewer, since they will know what to look for in the proposed plans more than I can. If you have any questions, feel free to reach out to me and the Stormwater Reviewer, Mohammad Rahman at mrahman@scottsdaleaz.gov.

Thank you,

Andrew Chi, Planner
City of Scottsdale | Planning & Development Department
7447 East Indian School Road, Suite 105 Scottsdale, Arizona 85251
[Direct] 480.312.7828
[Email] achi@scottsdaleaz.gov
[Web] www.scottsdaleaz.gov/planning-development

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From: Susan Houde <susanhoude@live.ca>

Sent: Wednesday, April 3, 2019 4:03 PM

To: Rahman, Mohammad

Cc: Chi, Andrew; Andre Lamarre

Subject: Questions/request re: 2-WM-2019

Hello,

Hope you are well. I am writing you regarding 2-WM-2019.

I am the owner of the neighbor to the south - APN 217-32-068D.

As I'm sure you've noticed on the requested wash modification, there is an existing brick privacy wall that separates the two properties. The privacy wall belongs to us.

I am concerned re: the requested wash modification dates 12/7/2018, as it seems to want to divert the wash to follow/about our privacy wall. I am concerned that the water flow will compromise the foundation of our wall.

Can you confirm/guarantee that the modifications to the wash that will be approved by the city will not, in any way, compromise the integrity of our wall?

Your assistance/confirmation is greatly appreciated.

Best regards,
Susan Houde & Andre Lamarre
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Scottsdale, AZ
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480-878-8866

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Murillo, Jesus

From: andre lamarre <andre.lamarre@me.com>
Sent: Wednesday, October 28, 2020 5:08 PM
To: Murillo, Jesus
Cc: Susan Houde
Subject: Fwd: Just a bit more clarification requested re: update - re: 2-WM-2019

Importance: High

⚠ External Email: Please use caution if opening links or attachments!

Hi Jesus,

Here is the email exchange between Andrew Chi and Susan Houde

Thank you,

André

Begin forwarded message:

From: Susan Houde <SusanHoude@live.ca>
Subject: FW: Just a bit more clarification requested re: update - re: 2-WM-2019
Date: October 28, 2020 at 5:00:58 PM MST
To: "'andre.lamarre@me.com"' <andre.lamarre@me.com>

From: Susan Houde
Sent: Wednesday, October 28, 2020 4:19 PM
To: Murillo, Jesus
Subject: FW: Just a bit more clarification requested re: update - re: 2-WM-2019
Importance: High

From: Susan Houde [<mailto:SusanHoude@live.ca>]
Sent: Wednesday, April 24, 2019 6:27 AM
To: Chi, Andrew; Rahman, Mohammad
Cc: Andre Lamarre; Susan Houde
Subject: Just a bit more clarification requested re: update - re: 2-WM-2019
Importance: High

Hi Andrew,

Just a few quick questions....

- When you mention that the civil engineer was present and mentioned that armoring a wash would address our concerns - are you referring to a **City of Scottsdale Engineer or an engineer hired by the landowner?**
- You mention that the Civil Engineer you refer to below states that armoring the wash will keep water off of our property...
 - Is he **guaranteeing** that there will be no **underground erosion** of our wall's foundation?
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- Was the **City of Scottsdale's Storm water Reviewer**, Mohammad Rahmad @ mrahman@scottsdaleaz.gov present at this meeting? What were his comments?
- Since the **City of Scottsdale is responsible for reviewing and approving** the Wash Diversion/Modification request, has the City of Scottsdale Legal department reviewed the request and our concerns? I want to ensure that all parties understand that, should any water related damage/erosion compromise in any way the integrity of our privacy wall and property, we will hold all parties who were responsible for the request/design/review/approval/build of the diverted wash, for the cost of any repairs and other related expenses. (I would suggest that you might want to review this file with your legal department).
- We would like to re-iterate our concerns, as cited in our email Sent: Wednesday, April 10, 2019 1:06 PM (see email below), as well as the email (attached) Sent: Wednesday, April 3, 2019 4:03 PM

Again, we want to ensure that we **avoid/prevent** any issues in the future, as we all know, it is much easier (and economical) to prevent as opposed to correct.

Can you please ensure that this email (as well as its attachments) is added to the file (physical and digital) for reference.

Thanks again for your attention,

Susan Houde and André Lamarre
 9970 N 126th St
 Scottsdale, AZ
 85259

480-878-8866

From: Susan Houde
Sent: April 23, 2019 1:53 PM
To: Chi, Andrew
Cc: Andre Lamarre
Subject: RE: Request for update - re: 2-WM-2019

Thanks...much appreciated...

Sent from Mail for Windows 10

From: Chi, Andrew <AChi@Scottsdaleaz.gov>
Sent: Tuesday, April 23, 2019 11:51:55 AM
To: Susan Houde
Cc: Andre Lamarre
Subject: RE: Request for update - re: 2-WM-2019

Hi Susan,

I have no updates for you. We did meet with the applicant and civil engineer 2 weeks ago to discuss the 1st review comments, and the civil engineer stated he will be armoring the wash so that any flows will stay out of your lot. That's all I have for you at this point. Thank you.

Andrew Chi, Planner

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[Direct] 480.312.7828
[Email] achi@scottsdaleaz.gov
[Web] www.scottsdaleaz.gov/planning-development

From: Susan Houde <SusanHoude@live.ca>
Sent: Tuesday, April 23, 2019 10:21 AM
To: Chi, Andrew <AChi@Scottsdaleaz.gov>
Cc: Andre Lamarre <andre.lamarre@hypertec.com>
Subject: Request for update - re: 2-WM-2019

Good morning Andrew,

Hoping you had an enjoyable holiday weekend. I was wondering if there was an update on the file (an update the wash modification request, as well as on the request for the lot split)?

Many thanks,
Susan Houde (& André Lamarre)
480-878-8866

9970 N 126th St.
Scottsdale, AZ
85259

Sent from [Mail](#) for Windows 10

From: Chi, Andrew <AChi@Scottsdaleaz.gov>
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To: Susan Houde
Cc: Andre Lamarre; Rahman, Mohammad
Subject: RE: More photos re: 2-WM-2019 request

I will pass your email and photos to the civil engineer and Stormwater reviewer. Thank you.

Andrew Chi, Planner

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7447 East Indian School Road, Suite 105 Scottsdale, Arizona 85251

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[Web] www.scottsdaleaz.gov/planning-development

From: Susan Houde <SusanHoude@live.ca>
Sent: Wednesday, April 10, 2019 1:06 PM
To: Chi, Andrew <ACHi@Scottsdaleaz.gov>
Cc: Andre Lamarre <andre.lamarre@hypertec.com>; Rahman, Mohammad <MRahman@scottsdaleaz.gov>
Subject: More photos re: 2-WM-2019 request

N 126th Hi Andrew,

Sorry for the delayed delivery of the photos – I have had a few issues with my phone....

Please see attached photos to support our concern re: the request to move the wash closer to our property:

- You will notice on one of the photos, there is a crack in the street asphalt. The street is 126th street – and the crack sits practically **in front of the current wash (related to 2-WM-2019)**. The **damage on the road is quite recent** – and leads one to wonder if it is not **related to water erosion** that would have occurred to the road during one of the recent heavy rains.
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Can you please confirm that this letter and the supporting photos will be added to the file and further considered when evaluating the request to divert the wash? We simply want to ensure that any modifications do not have negative impacts on our properties.



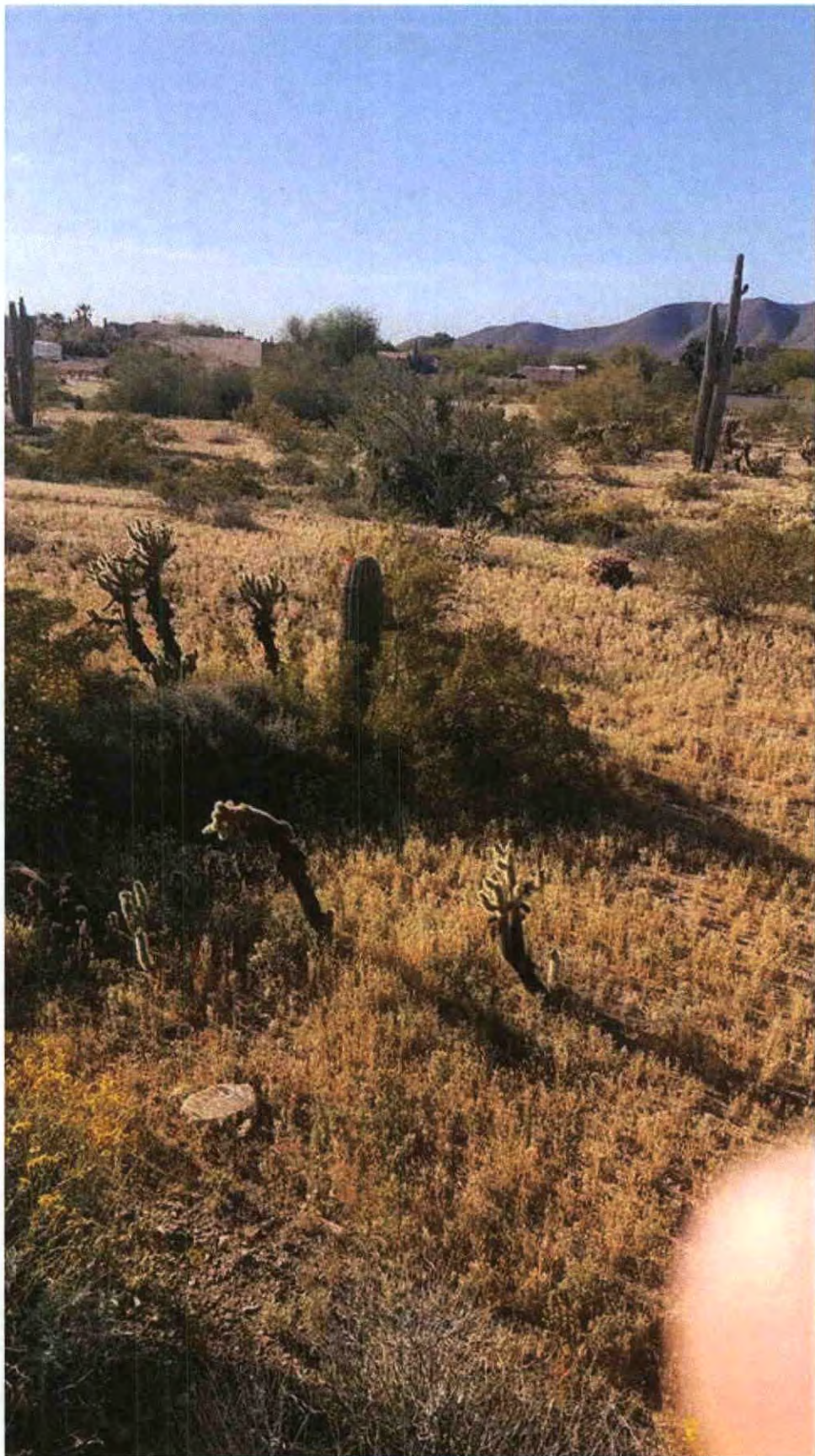
















Many thanks,
Susan Houde & Andre Lamarre
9970 N 126th Street
Scottsdale, AZ
85259
480-878-8866

From: Chi, Andrew <AChi@Scottsdaleaz.gov>
Sent: Friday, April 5, 2019 3:23:25 PM
To: Susan Houde; Rahman, Mohammad
Cc: Andre Lamarre
Subject: RE: Important Information re: 2-WM-2019

Hi Susan,
Thank you for the email. I will pass along your correspondence to the Stormwater Reviewer and the Civil Engineer. Your email as been placed in the case file to reference when it comes time to review the information.

Have a great weekend.

Andrew Chi, Planner

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[Email] achi@scottsdaleaz.gov
[Web] www.scottsdaleaz.gov/planning-development

From: Susan Houde <susanhoude@live.ca>
Sent: Friday, April 05, 2019 12:03 PM
To: Rahman, Mohammad <MRahman@scottsdaleaz.gov>; Chi, Andrew <AChi@Scottsdaleaz.gov>
Cc: Andre Lamarre <andre.lamarre@hypertec.com>; Susan Houde <susanhoude@live.ca>
Subject: Important information re: 2-WM-2019

Hello again,

Hope you are well. I wanted to share with you some pertinent information to consider re: 2-WM-2019.

I ran into our neighbor whose property also runs parallel to the lot in question - Cindy Murray, the owner of the property to the north of the lot at 12595 East Gold Dust Ave. (Corner of Gold Dust and 126th St.).

She mentioned to me that approx. 1 month ago, when there were heavy rains (we were out of town), the lot in question had the equivalent of a "Lake" on it where the wash currently runs. (At the moment, the wash runs closer to the middle of that property - they have requested to shift it south along our property privacy wall.)

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According to her, the head of the wash (that comes from Gold Dust/126th) was running "white water". Actually, I meant to write the city about the erosion around that culvert, as it appears that so much soil has eroded, the road (corner of Gold Dust and 126th) will most likely be damaged during the next heavy rain. (See attached photos - the water flow was so strong that a road sign seems to have wedged its way under the culvert.)

I will attach a few photos of the current wash (as seen from our property on 9970 N 126th St)...it is difficult to judge from the photos- however, the current wash is currently located more in the center of the property, and seems to be as deep as 10ft in some areas. To hear that the entire area was a lake is extremely concerning to us, given the request to shift is closer to our privacy wall.

I will only send a few pictures now, as I am on my phone, but I will try to organize them and send more via a separate email. May I suggest that you may want to visit the site (for better perspective) - only a 15 minute drive from your offices. :-)

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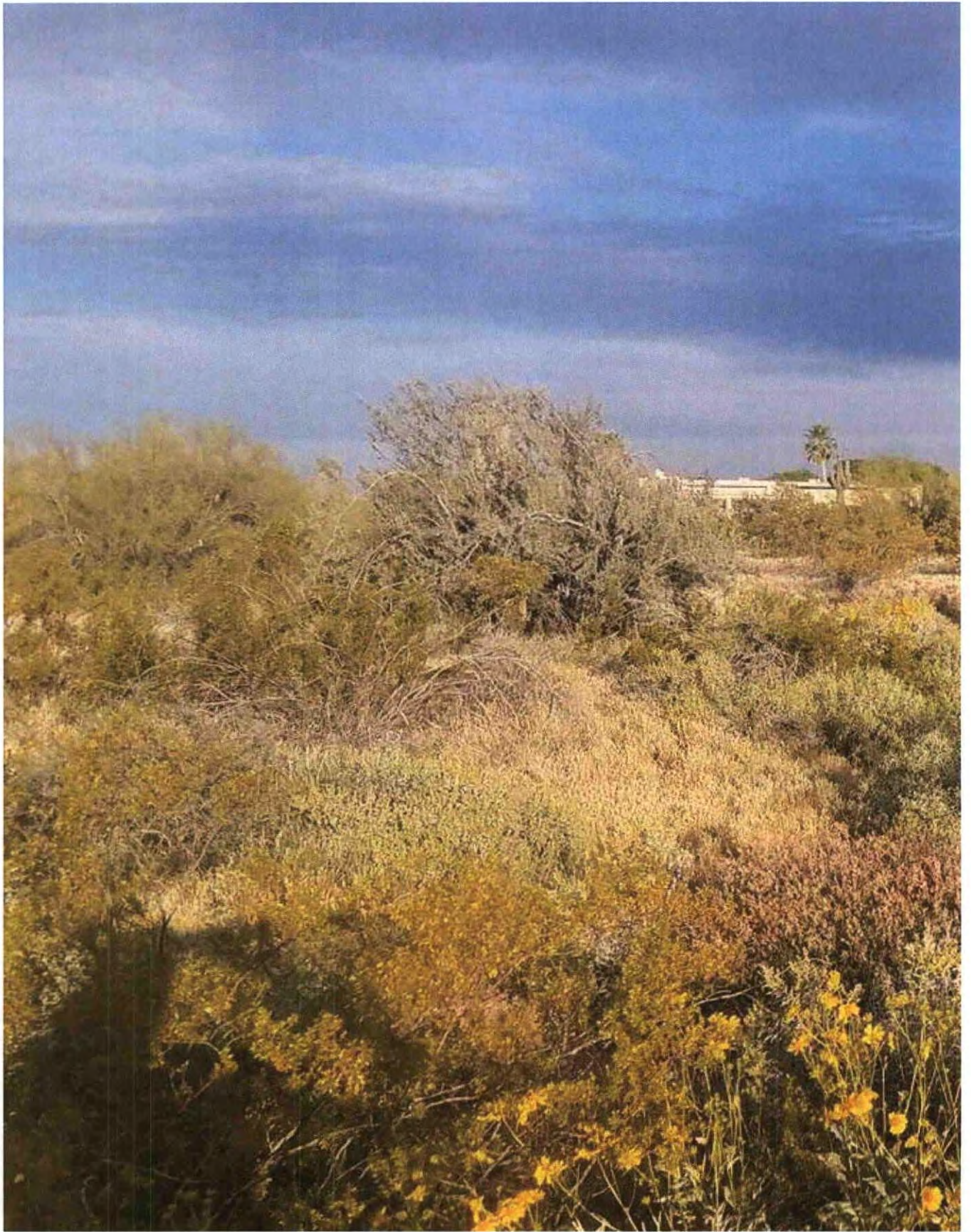
Please share your thoughts.

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To: Rahman, Mohammad

Cc: Chi, Andrew; Andre Lamarre

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Murillo, Jesus

From: andre lamarre <andre.lamarre@me.com>
Sent: Wednesday, October 28, 2020 5:06 PM
To: Murillo, Jesus
Cc: Susan Houde
Subject: Fwd: Just a bit more clarification requested re: update - re: 2-WM-2019

Importance: High

⚠ External Email: Please use caution if opening links or attachments!

Hi Jesus,

Please find pictures and exchanges with Andrew Chi from Susan Houde

Thank you

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Subject: **FW: Just a bit more clarification requested re: update - re: 2-WM-2019**
Date: October 28, 2020 at 5:00:58 PM MST
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Cc: Andre Lamarre; Susan Houde
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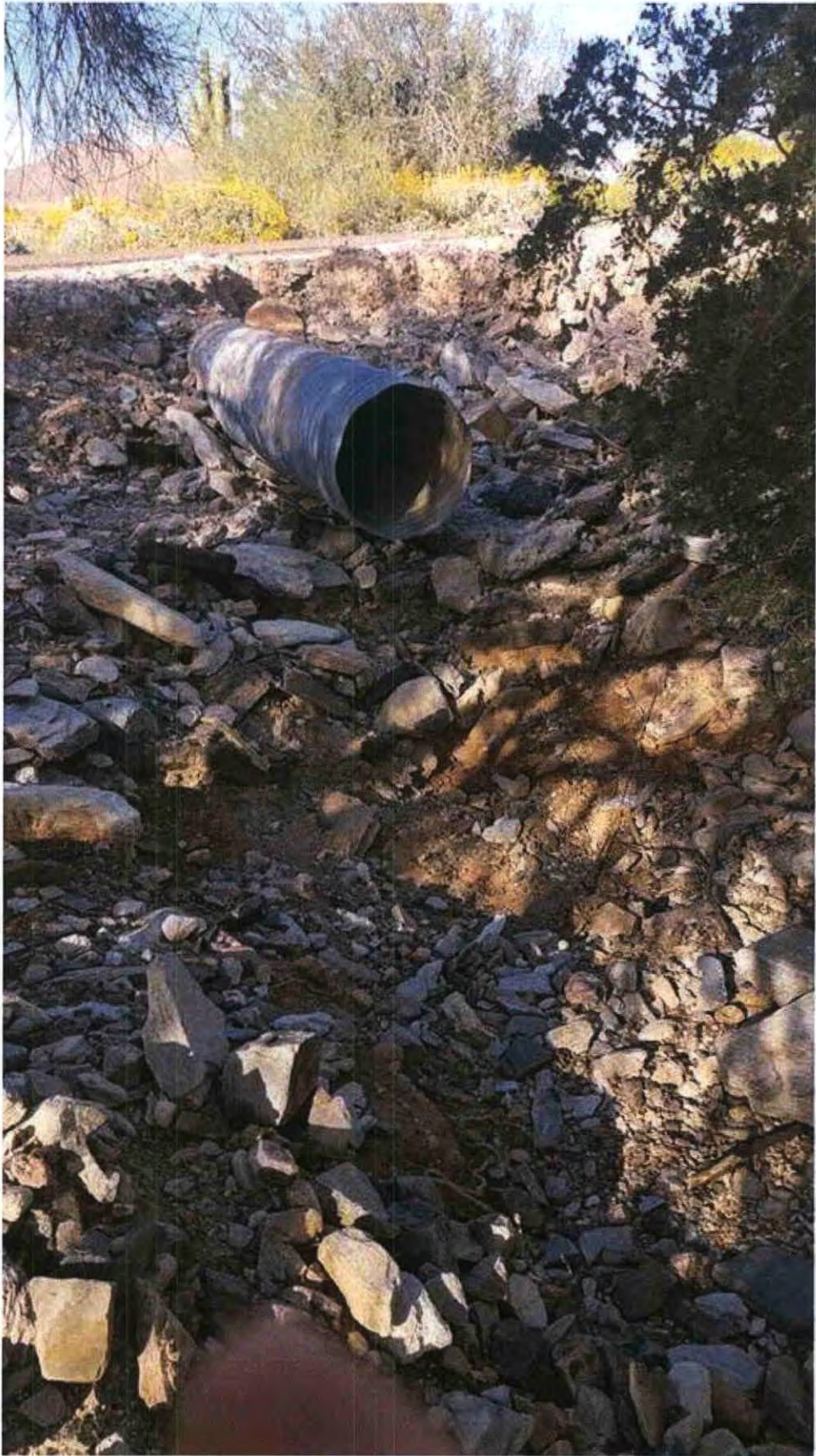
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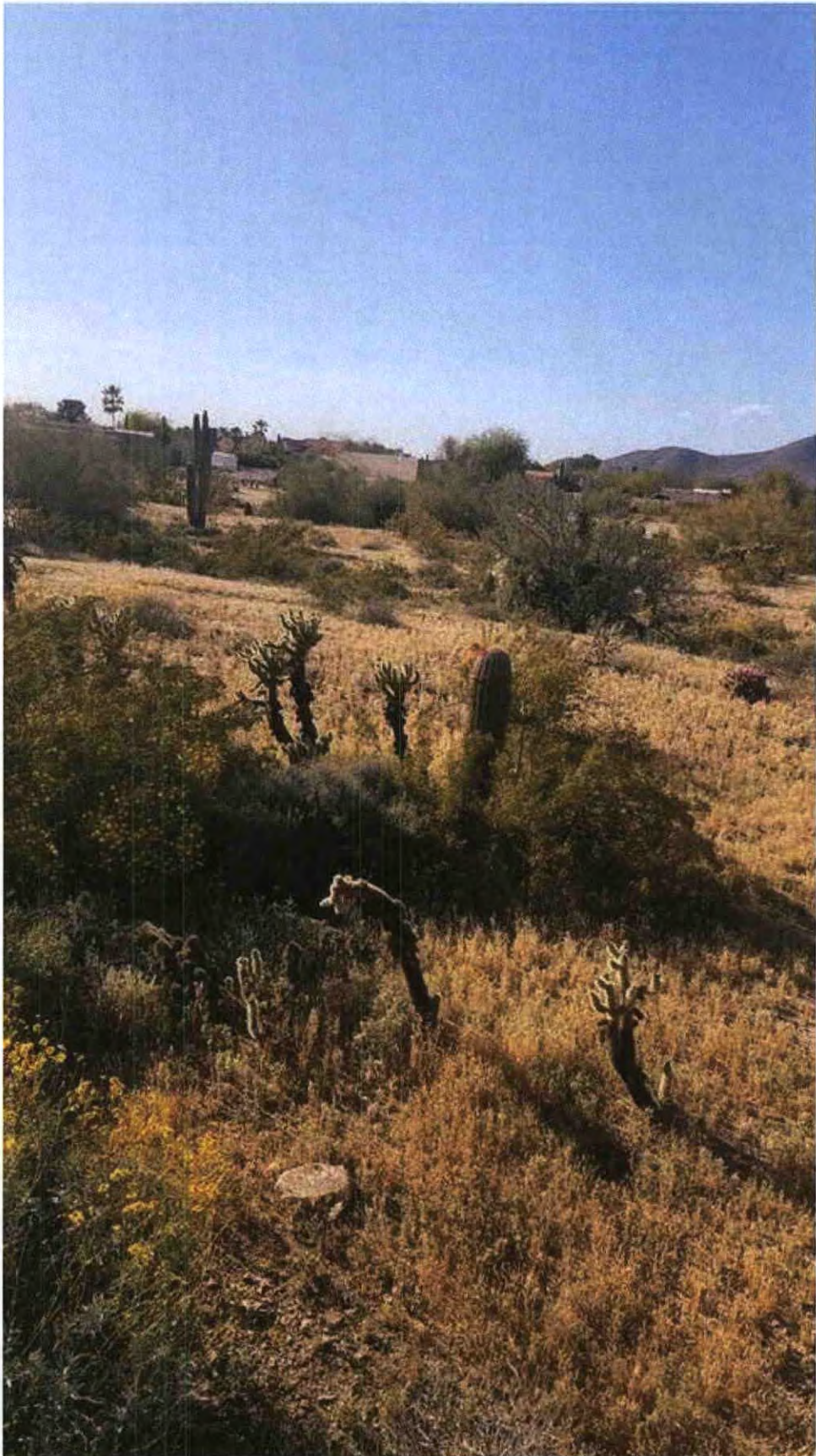


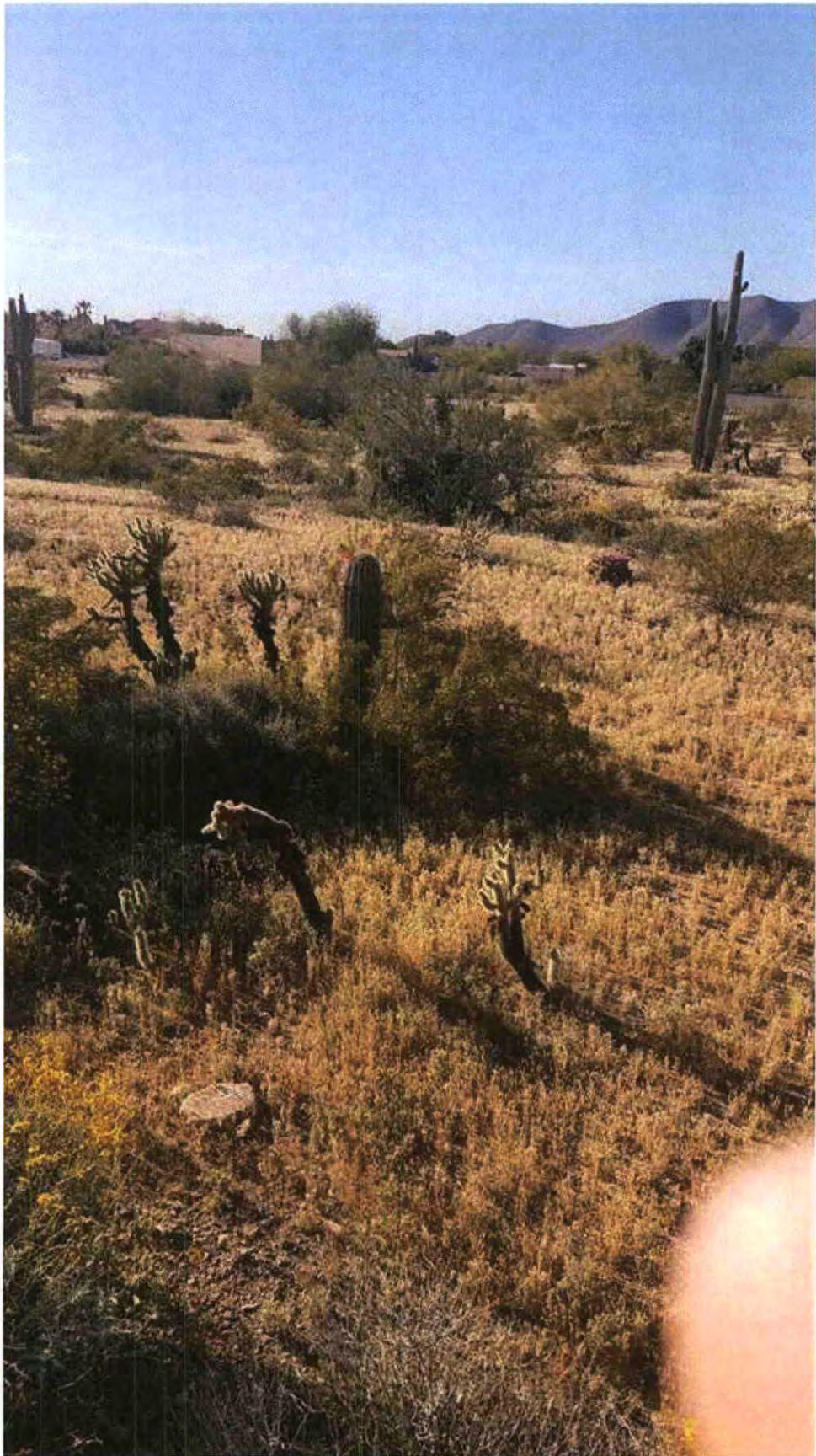


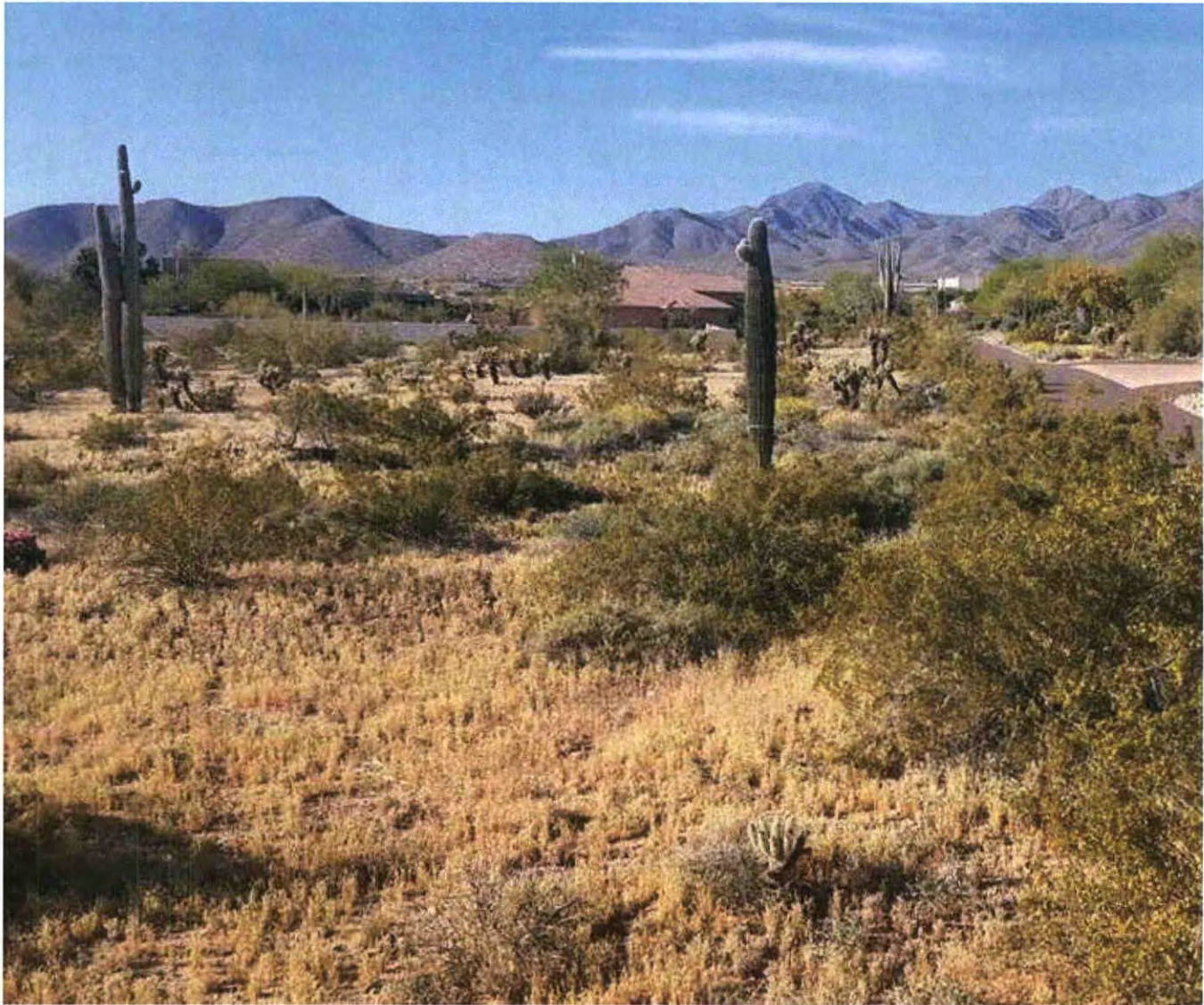














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From: Susan Houde <susanhoude@live.ca>

Sent: Friday, April 05, 2019 12:03 PM

To: Rahman, Mohammad <MRahman@scottsdaleaz.gov>; Chi, Andrew <AChi@Scottsdaleaz.gov>

Cc: Andre Lamarre <andre.lamarre@hypertec.com>; Susan Houde <susanhoude@live.ca>

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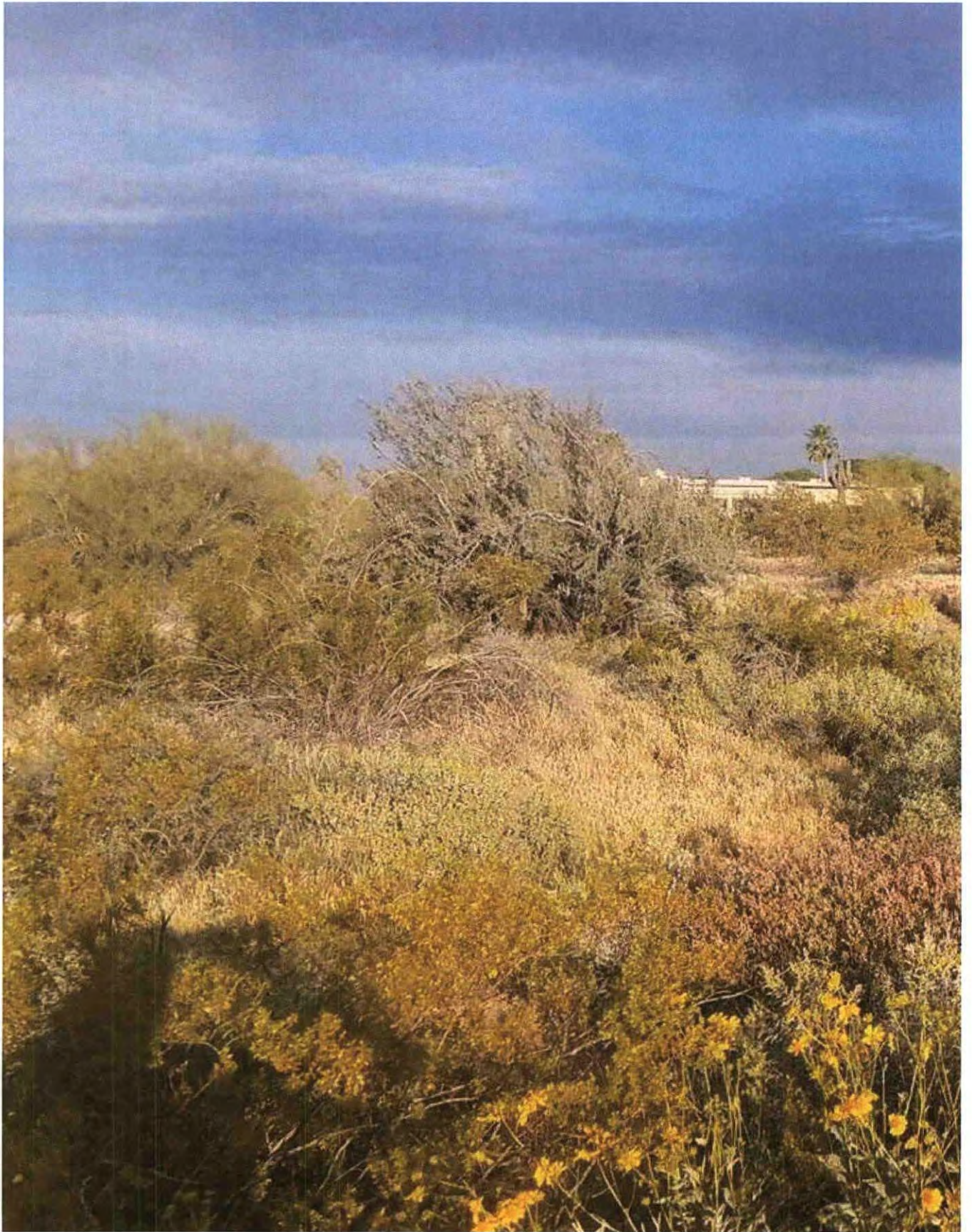
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From: Chi, Andrew
Sent: Wednesday, April 3, 5:07 PM
Subject: Re: Questions/Request re: 2-WM-2019

To: Susan Houde, Rahman, Mohammad
Cc: Andre Lamarre

Hi Susan,

Thank you for the email. I will pass along your concerns to the civil engineer and the Stormwater Department reviewer, since they will know what to look for in the proposed plans more than I can. If you have any questions, feel free to reach out to me and the Stormwater Reviewer, Mohammad Rahman at mrahman@scottsdaleaz.gov.

Thank you,

Andrew Chi, Planner
City of Scottsdale | Planning & Development Department
7447 East Indian School Road, Suite 105 Scottsdale, Arizona 85251
[Direct] 480.312.7828
[Email] achi@scottsdaleaz.gov
[Web] www.scottsdaleaz.gov/planning-development

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From: Susan Houde <susanhoude@live.ca>
Sent: Wednesday, April 3, 2019 4:03 PM
To: Rahman, Mohammad
Cc: Chi, Andrew; Andre Lamarre
Subject: Questions/request re: 2-WM-2019

Hello,

Hope you are well. I am writing you regarding 2-WM-2019.

I am the owner of the neighbor to the south - APN 217-32-068D.

As I'm sure you've noticed on the requested wash modification, there is an existing brick privacy wall that separates the two properties. The privacy wall belongs to us.

I am concerned re: the requested wash modification dates 12/7/2018, as it seems to want to divert the wash to follow/about our privacy wall. I am concerned that the water flow will compromise the foundation of our wall.

Can you confirm/guarantee that the modifications to the wash that will be approved by the city will not, in any way, compromise the integrity of our wall?

Your assistance/confirmation is greatly appreciated.

Best regards,
Susan Houde & Andre Lamarre
9970 N 126th Street
Scottsdale, AZ
85259
480-878-8866

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Murillo, Jesus

From: Susan Houde <SusanHoude@live.ca>
Sent: Wednesday, October 28, 2020 4:19 PM
To: Murillo, Jesus
Subject: FW: Just a bit more clarification requested re: update - re: 2-WM-2019

Importance: High

⚠ External Email: Please use caution if opening links or attachments!

From: Susan Houde [mailto: SusanHoude@live.ca]
Sent: Wednesday, April 24, 2019 6:27 AM
To: Chi, Andrew; Rahman, Mohammad
Cc: Andre Lamarre; Susan Houde
Subject: Just a bit more clarification requested re: update - re: 2-WM-2019
Importance: High

Hi Andrew,

Just a few quick questions....

- When you mention that the civil engineer was present and mentioned that armoring a wash would address our concerns - are you referring to a **City of Scottsdale Engineer or an engineer hired by the landowner?**
- You mention that the Civil Engineer you refer to below states that armoring the wash will keep water off of our property...
 - Is he **guaranteeing** that there will be no **underground erosion** of our wall's foundation?
 - Is he **guaranteeing** that the proposed 'new' wash will be sufficiently deep/have the capacity to hold all water (in very heavy rain flows) and avoid a '**lake effect**' next to our wall?
- Was the **City of Scottsdale's Storm water Reviewer**, Mohammad Rahmad @ mrahman@scottsdaleaz.gov present at this meeting? What were his comments?
- Since the **City of Scottsdale is responsible for reviewing and approving** the Wash Diversion/Modification request, has the City of Scottsdale Legal department reviewed the request and our concerns? I want to ensure that all parties understand that, should any water related damage/erosion compromise in any way the integrity of our privacy wall and property, we will hold all parties who were responsible for the request/design/review/approval/build of the diverted wash, for the cost of any repairs and other related expenses. (I would suggest that you might want to review this file with your legal department).
- We would like to re-iterate our concerns, as cited in our email **Sent:** Wednesday, April 10, 2019 1:06 PM (see email below), as well as the email (attached) **Sent:** Wednesday, April 3, 2019 4:03 PM

Again, we want to ensure that we **avoid/prevent** any issues in the future, as we all know, it is much easier (and economical) to prevent as opposed to correct.

Can you **please ensure that this email (as well as its attachments) is added to the file (physical and digital) for reference.**

Thanks again for your attention,

Susan Houde and André Lamarre
9970 N 126th St
Scottsdale, AZ
85259

480-878-8866

From: Susan Houde
Sent: April 23, 2019 1:53 PM
To: Chi, Andrew
Cc: Andre Lamarre
Subject: RE: Request for update - re: 2-WM-2019

Thanks...much appreciated...

Sent from [Mail](#) for Windows 10

From: Chi, Andrew <AChi@Scottsdaleaz.gov>
Sent: Tuesday, April 23, 2019 11:51:55 AM
To: Susan Houde
Cc: Andre Lamarre
Subject: RE: Request for update - re: 2-WM-2019

Hi Susan,

I have no updates for you. We did meet with the applicant and civil engineer 2 weeks ago to discuss the 1st review comments, and the civil engineer stated he will be armoring the wash so that any flows will stay out of your lot. That's all I have for you at this point. Thank you.

Andrew Chi, Planner

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[Direct] 480.312.7828
[Email] achi@scottsdaleaz.gov
[Web] www.scottsdaleaz.gov/planning-development

From: Susan Houde <SusanHoude@live.ca>
Sent: Tuesday, April 23, 2019 10:21 AM
To: Chi, Andrew <AChi@Scottsdaleaz.gov>
Cc: Andre Lamarre <andre.lamarre@hypertec.com>
Subject: Request for update - re: 2-WM-2019

Good morning Andrew,

Hoping you had an enjoyable holiday weekend. I was wondering if there was an update on the file (an update the wash modification request, as well as on the request for the lot split)?

Many thanks,
Susan Houde (& André Lamarre)
480-878-8866

9970 N 126th St.
Scottsdale, AZ
85259

Sent from [Mail](#) for Windows 10

From: Chi, Andrew <AChi@Scottsdaleaz.gov>
Sent: Wednesday, April 10, 2019 3:15:55 PM
To: Susan Houde
Cc: Andre Lamarre; Rahman, Mohammad
Subject: RE: More photos re: 2-WM-2019 request

I will pass your email and photos to the civil engineer and Stormwater reviewer. Thank you.

Andrew Chi, Planner
City of Scottsdale | Planning & Development Department
7447 East Indian School Road, Suite 105 Scottsdale, Arizona 85251
[Direct] 480.312.7828
[Email] achi@scottsdaleaz.gov
[Web] www.scottsdaleaz.gov/planning-development

From: Susan Houde <SusanHoude@live.ca>
Sent: Wednesday, April 10, 2019 1:06 PM
To: Chi, Andrew <AChi@Scottsdaleaz.gov>
Cc: Andre Lamarre <andre.lamarre@hypertec.com>; Rahman, Mohammad <MRahman@scottsdaleaz.gov>
Subject: More photos re: 2-WM-2019 request

N 126th Hi Andrew,

Sorry for the delayed delivery of the photos – I have had a few issues with my phone....

Please see attached photos to support our concern re: the request to move the wash closer to our property:

- You will notice on one of the photos, there is a crack in the street asphalt. The street is 126th street – and the crack sits practically **in front of the current wash (related to 2-WM-2019)**. The **damage on the road is quite recent** – and leads one to wonder if it is not **related to water erosion** that would have occurred to the road during one of the recent heavy rains.
- You can see one multiple photos that the **current slope** of the land is **away** from our property privacy wall, with the wash **dipping significantly in the middle of the property** (the neighbor's property – requesting 2-WM-2019). Again, our concern is that the current slope and wash is still quite large – however, according to our neighbor to the north (Cindy Murray), this areas still floods **(like a "lake")**.
- Looking at the photos of the **culvert located at the corner of 126th and Gold Dust** (which feeds into the wash 2-WM-2019), one can see the **severe erosion** around the culvert caused by the last heavy rains. The **road is nearly compromised** (I would suggest the city may want to proactively solidify the banks to avoid erosion of the road). One can also see that the force of the water seems to have **wedged a road sign beneath the culvert!** (Quite the

powerful water flow.) – again, our concern is that such a powerful flow would certainly compromise our privacy wall if it were diverted too close to it.

Can you please confirm that this letter and the supporting photos will be added to the file and further considered when evaluating the request to divert the wash? We simply want to ensure that any modifications do not have negative impacts on our properties.

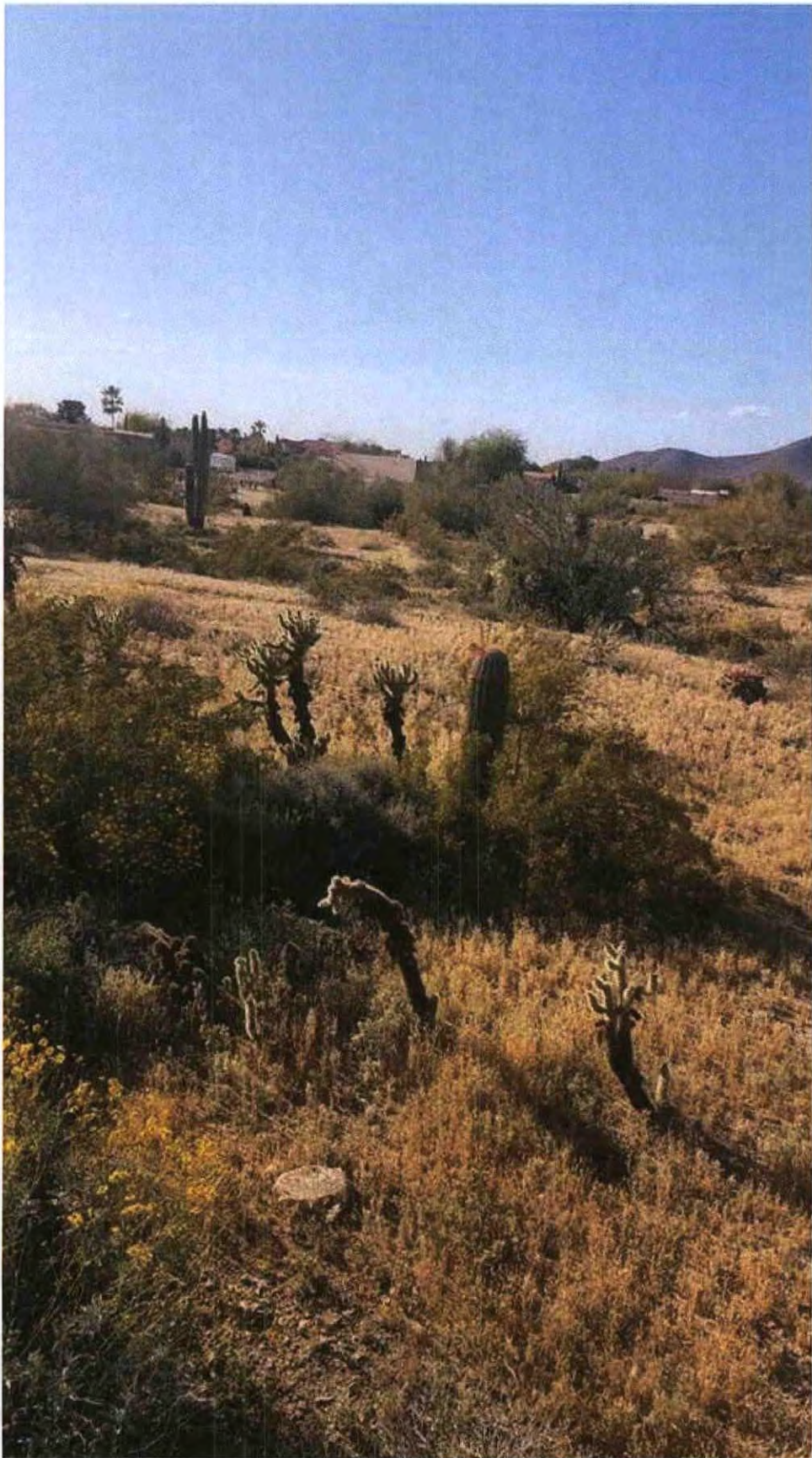


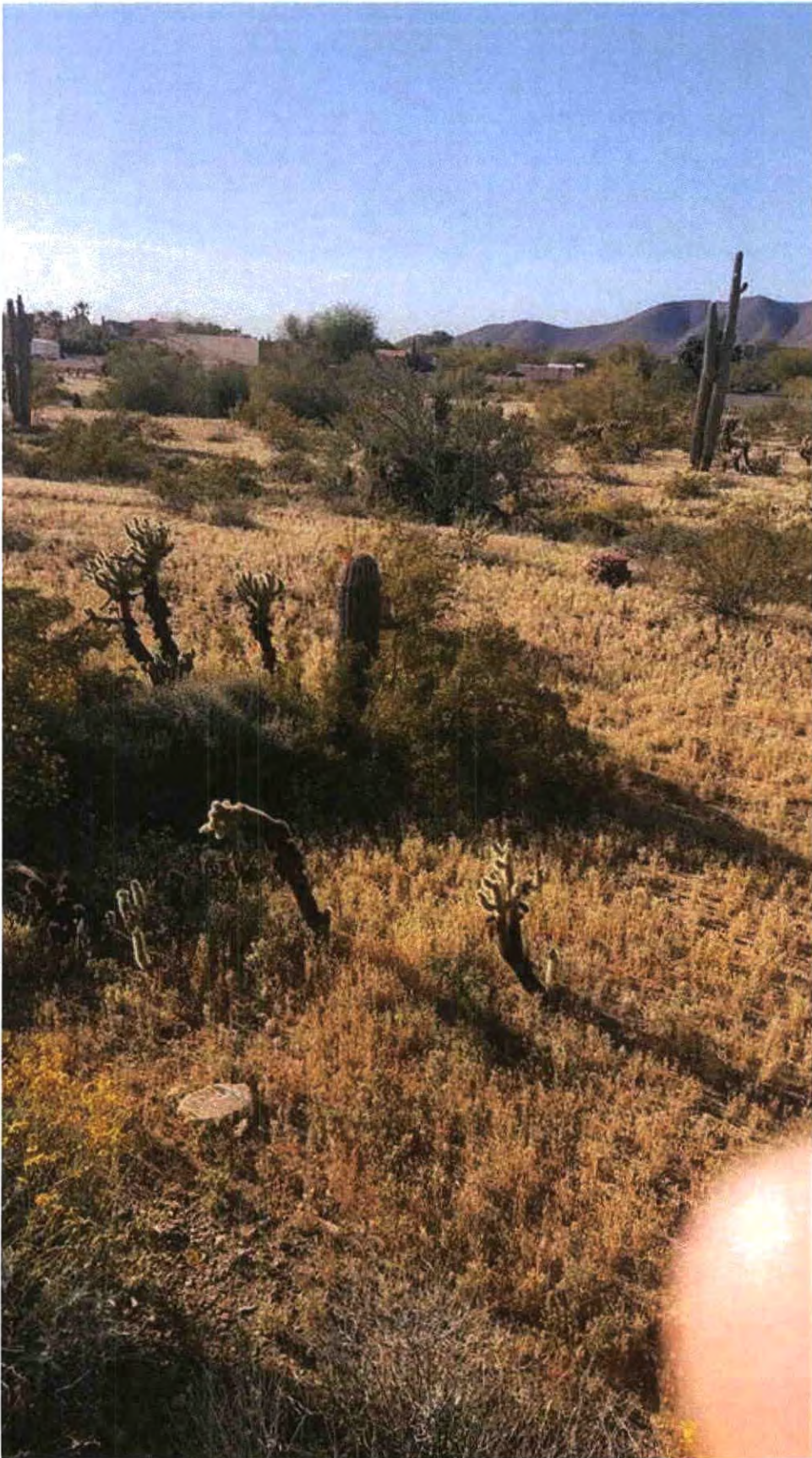


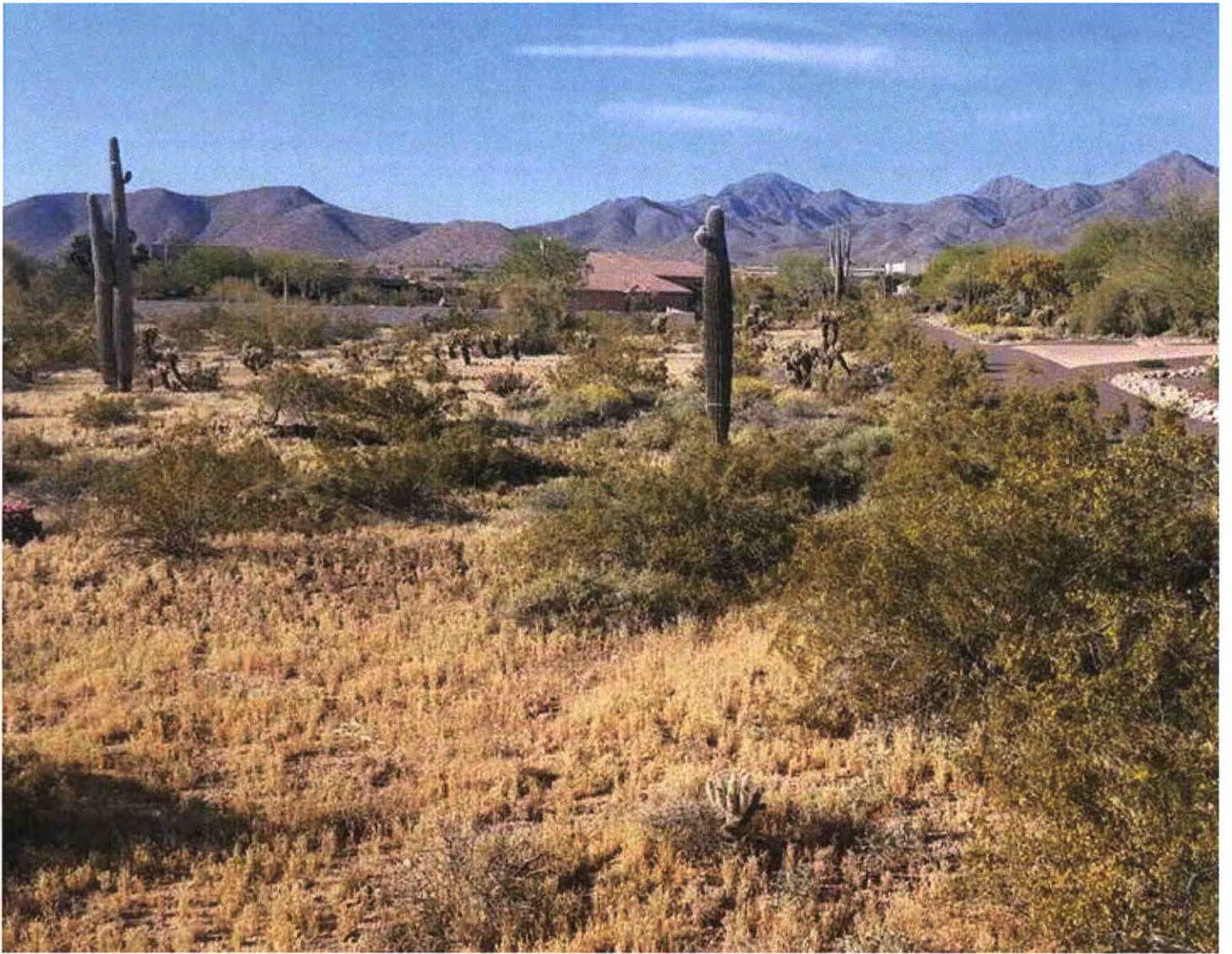














Many thanks,
Susan Houde & Andre Lamarre
9970 N 126th Street
Scottsdale, AZ
85259
480-878-8866

From: Chi, Andrew <AChi@Scottsdaleaz.gov>
Sent: Friday, April 5, 2019 3:23:25 PM
To: Susan Houde; Rahman, Mohammad
Cc: Andre Lamarre
Subject: RE: Important Information re: 2-WM-2019

Hi Susan,
Thank you for the email. I will pass along your correspondence to the Stormwater Reviewer and the Civil Engineer. Your email as been placed in the case file to reference when it comes time to review the information.

Have a great weekend.

Andrew Chi, Planner

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[Direct] 480.312.7828
[Email] achi@scottsdaleaz.gov
[Web] www.scottsdaleaz.gov/planning-development

From: Susan Houde <susanhoude@live.ca>

Sent: Friday, April 05, 2019 12:03 PM

To: Rahman, Mohammad <MRahman@scottsdaleaz.gov>; Chi, Andrew <ACHi@Scottsdaleaz.gov>

Cc: Andre Lamarre <andre.lamarre@hypertec.com>; Susan Houde <susanhoude@live.ca>

Subject: Important information re: 2-WM-2019

Hello again,

Hope you are well. I wanted to share with you some pertinent information to consider re: 2-WM-2019.

I ran into our neighbor whose property also runs parallel to the lot in question - Cindy Murray, the owner of the property to the north of the lot at 12595 East Gold Dust Ave. (Corner of Gold Dust and 126th St.).

She mentioned to me that approx. 1 month ago, when there were heavy rains (we were out of town), the lot in question had the equivalent of a "Lake" on it where the wash currently runs. (At the moment, the wash runs closer to the middle of that property - they have requested to shift it south along our property privacy wall.)

Hearing that there was a "Lake" is of great concern, as this would most certainly remain the case during heavy rains - however, if the wash is shifted south, then the "lake" would about our wall, and most certainly compromise (over time) the foundation of our wall.

According to her, the head of the wash (that comes from Gold Dust/126th) was running "white water". Actually, I meant to write the city about the erosion around that culvert, as it appears that so much soil has eroded, the road (corner of Gold Dust and 126th) will most likely be damaged during the next heavy rain. (See attached photos - the water flow was so strong that a road sign seems to have wedged it's way under the culvert.)

I will attach a few photos of the current wash (as seen from our property on 9970 N 126th St)...it is difficult to judge from the photos- however, the current wash is currently located more in the center of the property, and seems to be as deep as 10ft in some areas. To hear that the entire area was a lake is extremely concerning to us, given the request to shift is closer to our privacy wall.

I will only send a few pictures now, as I am on my phone, but I will try to organize them and send more via a separate email. May I suggest that you may want to visit the site (for better perspective) - only a 15 minute drive from your offices. :-)

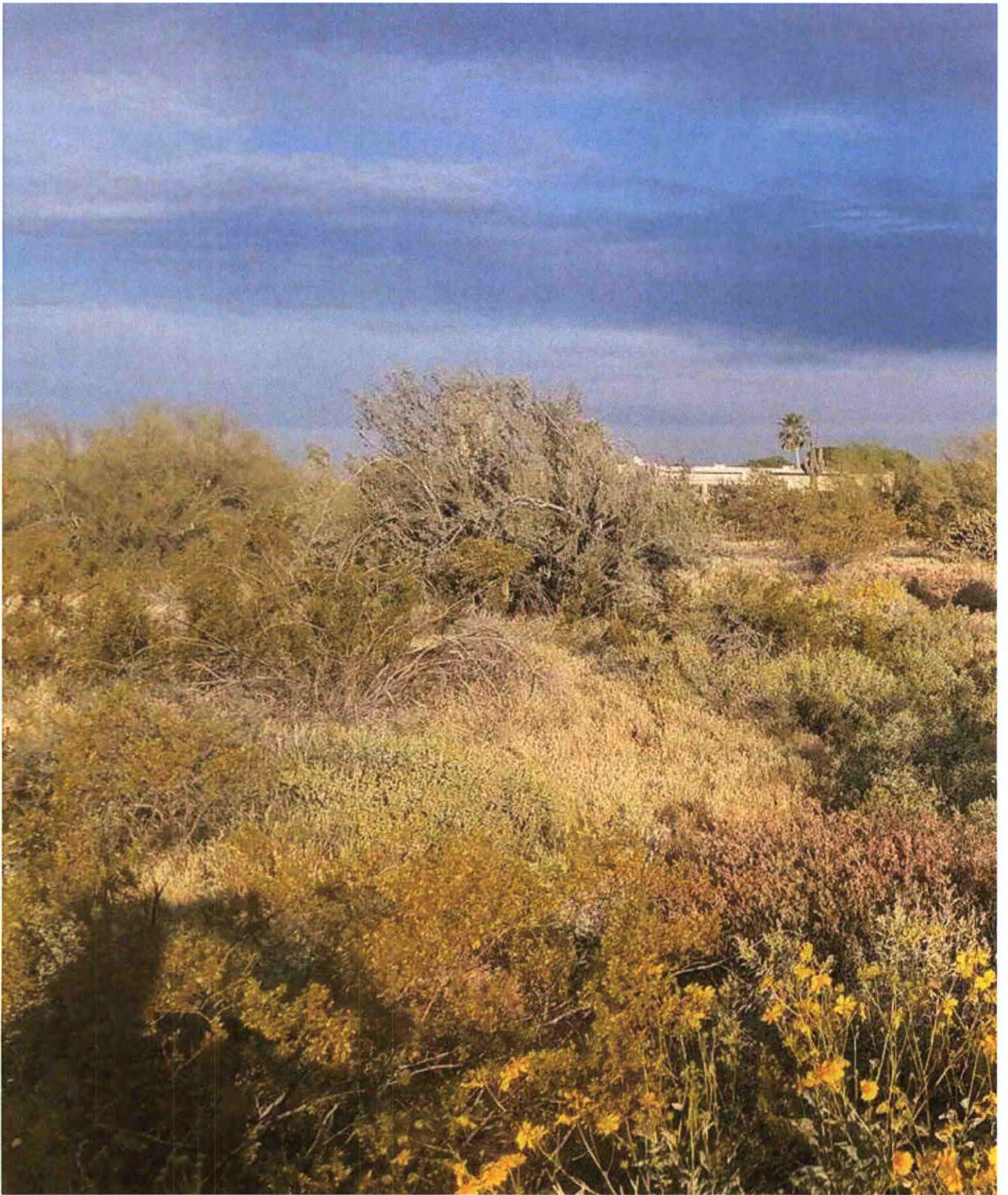
At any rate, I suggest that the city would want to look at/repair the erosion damage of the culvert at 126th and Gold Dust.

Please share your thoughts.

Many thanks,
Susan Houde & Andre Lamarre
9970 N 126th St
Scottsdale, AZ
85259
480-878-8866







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From: Susan Houde
Sent: Wednesday, April 3, 7:42 PM
Subject: Re: Questions/Request re: 2-WM-2019
To: Rahman, Mohammad, Chi, Andrew
Cc: Andre Lamarre

Hi Andrew,

Thank you again for your assistance...can you please share our coordinates with the civil engineer? We will look for the confirmation/comments from the civil engineer, as well as Mr. Rahman.

Again, many thanks,
Susan & André

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From: Chi, Andrew
Sent: Wednesday, April 3, 5:07 PM

Subject: Re: Questions/Request re: 2-WM-2019
To: Susan Houde, Rahman, Mohammad
Cc: Andre Lamarre

Hi Susan,

Thank you for the email. I will pass along your concerns to the civil engineer and the Stormwater Department reviewer, since they will know what to look for in the proposed plans more than I can. If you have any questions, feel free to reach out to me and the Stormwater Reviewer, Mohammad Rahman at mrahman@scottsdaleaz.gov.

Thank you,

Andrew Chi, Planner
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[Email] achi@scottsdaleaz.gov
[Web] www.scottsdaleaz.gov/planning-development

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From: Susan Houde <susanhoude@live.ca>
Sent: Wednesday, April 3, 2019 4:03 PM
To: Rahman, Mohammad
Cc: Chi, Andrew; Andre Lamarre
Subject: Questions/request re: 2-WM-2019

Hello,

Hope you are well. I am writing you regarding 2-WM-2019.

I am the owner of the neighbor to the south - APN 217-32-068D.

As I'm sure you've noticed on the requested wash modification, there is an existing brick privacy wall that separates the two properties. The privacy wall belongs to us.

I am concerned re: the requested wash modification dates 12/7/2018, as it seems to want to divert the wash to follow/about our privacy wall. I am concerned that the water flow will compromise the foundation of our wall.

Can you confirm/guarantee that the modifications to the wash that will be approved by the city will not, in any way, compromise the integrity of our wall?

Your assistance/confirmation is greatly appreciated.

Best regards,
Susan Houde & Andre Lamarre
9970 N 126th Street
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85259
480-878-8866

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Murillo, Jesus

From: Susan Houde <SusanHoude@live.ca>
Sent: Wednesday, October 28, 2020 4:20 PM
To: Murillo, Jesus
Subject: FW: Request for Abandonment of Easement - Pre-App# 185-PA-2020
Attachments: 217-32-046A GLOPE Abandonment Exhibit.pdf; Docket#1997-0652794.pdf

⚠ External Email: Please use caution if opening links or attachments!

From: Chi, Andrew [mailto:ACHi@Scottsdaleaz.gov]
Sent: Thursday, March 26, 2020 10:07 PM
To: Susan Houde; andre lamarre; Andre Lamarre
Subject: RE: Request for Abandonment of Easement - Pre-App# 185-PA-2020

Hi Susan,

Based on our phone conversation earlier today, here is what your neighbor to the north is proposing to do and why:

- The property owner is requesting an abandonment of the existing GLO easements along the west, south and east portions of the parcel (APN 217-32046A).
- The GLO easement, which is essentially a roadway easement, dates back to 1954.
- The abandonment request is for the 33 feet of GLO along the west side of the parcel, the 33 feet along the south side of the parcel, and 8 feet along the east side of the parcel (because 25 feet is already within the existing N. 126th Street right-of-way).
- See attached PDF for a visual on the GLOPE abandonment request.
- To get a deeper understanding of what a GLO easement is, the Wikipedia article on GLO easements is very informative, and the article actually references Scottsdale as an example. Please take a moment to read the article here: https://en.wikipedia.org/wiki/GLO_easement
- **The property owner must abandon the GLO easements in-order to make room to dedicate Natural Area Open Space easements and Drainage Easements, and to allow the ability to proceed with a wash modification to direct the flow along the south side of the parcel away from both the proposed house and your property wall.**
- As an example, back in 1997, the owner of what is now your lot released what was GLO easements which used to exist on your lot (see attached Docket# 1997-0652794.pdf). The removal of your lot's GLO easements the construction of the single-family residence that you now live in.

In-regards to the architecture of the proposed single-family residence and detached guest house and garage:

- Zoning: R1-43 ESL
- The only aspect of design that the City can control in a single-family residential zoning district are the setbacks, height, lighting, paint light reflective value (LRV), and the materials used.
- The Environmentally Sensitive Lands Ordinance (ESLO) limits the paint LRV to 35% and prohibits reflective materials.
- The maximum height allowed in the ESL is 24 feet above natural grade, which means that a 2-story home is allowed.

The property owner will need to submit a formal abandonment application and wash modification application to proceed with the GLO easement abandonment and to modify the wash along the south side of the property.

As part of any abandonment request, the property owner must notify neighbors within 750 feet of the parcel before the formal abandonment application is submitted to the City.

Eventually, the owner must go in-front of the Planning Commission and then the City Council (public hearings) to receive approval to abandon the GLO easement. This has been the process since 1999.

When the abandonment case is scheduled for Planning Commission and City Council consideration, a public hearing sign will be posted on the site, and the City will mail postcards to property owners within 750 feet of the parcel. You are welcome to submit comments during this time and show up at the meetings to voice any comments.

I hope this email clarifies your questions and what the owner is trying to do. Feel free to email me if you have any additional questions.

Thank you very much Susan and stay safe!

Regards,

Andrew Chi, Planner

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[Direct] 480.312.7828
[Email] achi@scottsdaleaz.gov
[Web] www.scottsdaleaz.gov/planning-development

***MESSAGE TO OUR CLIENTS & CUSTOMERS:** Due to COVID-19 and in accordance with the Centers for Disease Control recommended guidelines, we are requesting all Pre-Application and Consultation Meetings to be over the phone, virtual/webcam, or email versus in-person. If you wish to meet with myself or other City Staff, please reply over email to schedule a phone conference call or a virtual meeting. We support virtual meetings through the Microsoft Teams app. We apologize for any inconvenience and thank you for understanding!

From: Susan Houde <SusanHoude@live.ca>

Sent: Thursday, March 26, 2020 4:25 PM

To: Chi, Andrew <AChi@Scottsdaleaz.gov>

Cc: andre lamarre <andre.lamarre@me.com>; Andre Lamarre <andre.lamarre@hypertec.com>

Subject: Objection - Re: Request for Abandonment of Easement - #185-PA-2020

Importance: High

Hello Mr. Chi,

We have just received the request for the abandonment of 33 feet from Parcel #212-32-068D. Can you please clarify/confirm the implications for us. We are the immediate neighbors along the easement.

As you may recall, last year, we communicated our concern regarding the request to reroute the wash along our property wall (where the current easement is). We were concerned of possible erosion/damage to our privacy wall.

From what I have read on easements, and please correct me if I am misunderstanding, owners are responsible for their respective easements. Therefore, by "abandoning their easement", they would be removing their obligation (financial or otherwise) to ensure that this area of land does not erode/damage our property wall.

Hence, if they re-route the wash, as they had previously planned and that there is subsequent overflow/flood water damage due to this "re-routing" or otherwise, then they've "abandoned" their responsibility. We therefore vehemently Object to their request and want it to be duly noted.

The current wash runs in the middle of their property and poses an unlikely possibility of eroding/damaging our property wall. We do not agree to a removal of an obligation on their part, and wish to ensure that any modifications made to the lot will not subsequently damage our property.

Again, if my understanding is incorrect, I would appreciate the clarification in writing from you.

Awaiting for your confirmation.

Many thanks,
Susan Houde and Andre Lamarre
9970 N 126th Street
Scottsdale, AZ
85259
480-878-8866

Murillo, Jesus

From: Susan Houde <SusanHoude@live.ca>
Sent: Wednesday, October 28, 2020 4:17 PM
To: Murillo, Jesus
Subject: FW: Objection - Re: Request for Abandonment of Easement - #185-PA-2020
Attachments: 185-PA-2020_G&D_Site_Plan.pdf

Importance: High

 **External Email: Please use caution if opening links or attachments!**

From: Susan Houde [mailto:susanhoude@live.ca]
Sent: Friday, March 27, 2020 7:46 AM
To: andre lamarre; Andre Lamarre
Subject: Fwd: Objection - Re: Request for Abandonment of Easement - #185-PA-2020

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From: Chi, Andrew <AChi@Scottsdaleaz.gov>
Sent: Thursday, March 26, 2020, 5:11 PM
To: Susan Houde
Subject: RE: Objection - Re: Request for Abandonment of Easement - #185-PA-2020

Andrew Chi, Planner

City of Scottsdale | Planning & Development Department
7447 East Indian School Road, Suite 105 Scottsdale, Arizona 85251
[Direct] 480.312.7828
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Cc: andre lamarre <andre.lamarre@me.com>; Andre Lamarre <andre.lamarre@hypertec.com>
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Awaiting for your confirmation.

Many thanks,
Susan Houde and Andre Lamarre
9970 N 126th Street
Scottsdale, AZ
85259
480-878-8866

Murillo, Jesus

From: Susan Houde <SusanHoude@live.ca>
Sent: Wednesday, October 28, 2020 4:18 PM
To: Murillo, Jesus
Subject: FW: Important information re: 2-WM-2019

⚠ External Email: Please use caution if opening links or attachments!

From: Susan Houde [mailto:susanhoude@live.ca]
Sent: Friday, April 5, 2019 12:03 PM
To: Rahman, Mohammad; Chi, Andrew
Cc: Andre Lamarre; Susan Houde
Subject: Important information re: 2-WM-2019

Hello again,

Hope you are well. I wanted to share with you some pertinent information to consider re: 2-WM-2019.

I ran into our neighbor whose property also runs parallel to the lot in question - Cindy Murray, the owner of the property to the north of the lot at 12595 East Gold Dust Ave. (Corner of Gold Dust and 126th St.).

She mentioned to me that approx. 1 month ago, when there were heavy rains (we were out of town), the lot in question had the equivalent of a "Lake" on it where the wash currently runs. (At the moment, the wash runs closer to the middle of that property - they have requested to shift it south along our property privacy wall.)

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I will only send a few pictures now, as I am on my phone, but I will try to organize them and send more via a separate email. May I suggest that you may want to visit the site (for better perspective) - only a 15 minute drive from your offices. :-)

At any rate, I suggest that the city would want to look at/repair the erosion damage of the culvert at 126th and Gold Dust.

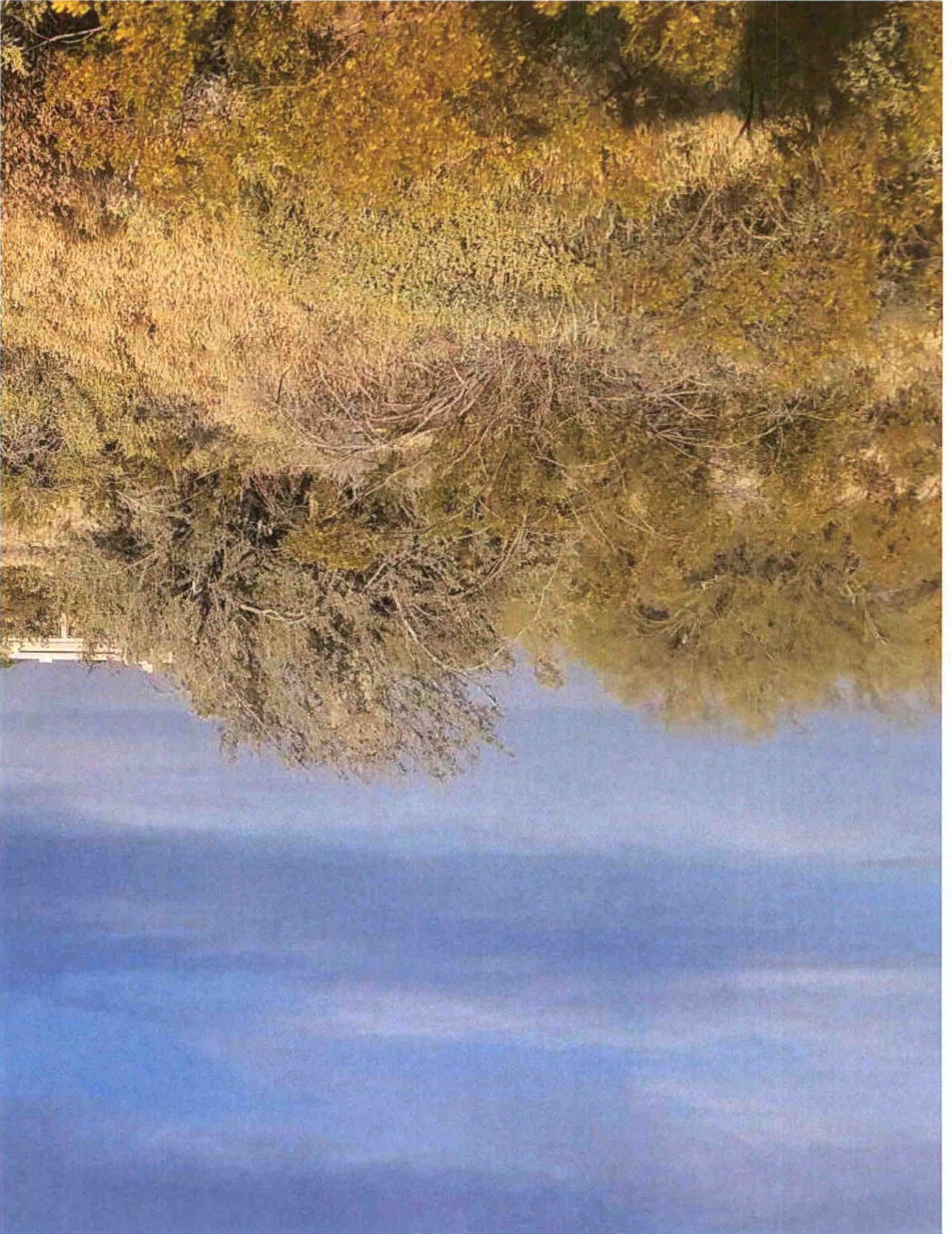
Please share your thoughts.

Many thanks,
Susan Houde & Andre Lamarre
9970 N 126th St

Scottsdale, AZ
85259
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From: Susan Houde
Sent: Wednesday, April 3, 7:42 PM
Subject: Re: Questions/Request re: 2-WM-2019
To: Rahman, Mohammad, Chi, Andrew

Cc: Andre Lamarre

Hi Andrew,

Thank you again for your assistance...can you please share our coordinates with the civil engineer? We will look for the confirmation/comments from the civil engineer, as well as Mr. Rahman.

Again, many thanks,
Susan & André

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To: Susan Houde, Rahman, Mohammad
Cc: Andre Lamarre

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Thank you,

Andrew Chi, Planner
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[Email] achi@scottsdaleaz.gov
[Web] www.scottsdaleaz.gov/planning-development

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From: Susan Houde <susanhoude@live.ca>
Sent: Wednesday, April 3, 2019 4:03 PM
To: Rahman, Mohammad
Cc: Chi, Andrew; Andre Lamarre
Subject: Questions/request re: 2-WM-2019

Hello,

Hope you are well. I am writing you regarding 2-WM-2019.

I am the owner of the neighbor to the south - APN 217-32-068D.

As I'm sure you've noticed on the requested wash modification, there is an existing brick privacy wall that separates the two properties. The privacy wall belongs to us.

I am concerned re: the requested wash modification dates 12/7/2018, as it seems to want to divert the wash to follow/about our privacy wall. I am concerned that the water flow will compromise the foundation of our wall.

Can you confirm/guarantee that the modifications to the wash that will be approved by the city will not, in any way, compromise the integrity of our wall?

Your assistance/confirmation is greatly appreciated.

Best regards,
Susan Houde & Andre Lamarre
9970 N 126th Street
Scottsdale, AZ
85259
480-878-8866

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Murillo, Jesus

From: Susan Houde <SusanHoude@live.ca>
Sent: Wednesday, October 28, 2020 4:19 PM
To: Murillo, Jesus
Subject: FW: Status Update - Requested for Case# 2-WM-2019

⚠ External Email: Please use caution if opening links or attachments!

From: Chi, Andrew [mailto:ACHi@Scottsdaleaz.gov]
Sent: Thursday, May 30, 2019 1:00 PM
To: Susan Houde
Cc: Andre Lamarre; 'Lamarre, Andre'
Subject: RE: Status Update - Requested for Case# 2-WM-2019

Susan,
The property currently does not have an assigned address, only a Maricopa County Assessor Parcel Number: 217-32-046A.

An address will be assigned to the parcel once plans are submitted to construct a new house.

Thank you,

Andrew Chi, Planner
City of Scottsdale | Planning & Development Department
7447 East Indian School Road, Suite 105 Scottsdale, Arizona 85251
[Direct] 480.312.7828
[Email] achi@scottsdaleaz.gov
[Web] www.scottsdaleaz.gov/planning-development

From: Susan Houde <susanhoude@live.ca>
Sent: Thursday, May 30, 2019 12:55 PM
To: Chi, Andrew <ACHi@Scottsdaleaz.gov>
Cc: Andre Lamarre <andre.lamarre@hypertec.com>; 'Lamarre, Andre' <andre.lamarre@yahoo.ca>
Subject: Re: Status Update - Requested for Case# 2-WM-2019

Thanks Andrew....

Do you have the "address " of the property? I am curious to look up sales info (I did notice the sign was gone)...looking forward to getting to know the new neighbors (they're all quite nice around here!)... :-)

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From: Chi, Andrew
Sent: Thursday, May 30, 12:51 PM
Subject: RE: Status Update - Requested for Case# 2-WM-2019
To: Susan Houde
Cc: Andre Lamarre, 'Lamarre, Andre'

Hi Susan,

There has been no activity regarding the wash modification application – it will most likely be withdrawn. The real estate agent told me the lot was recently sold to a new buyer, and the new owner may not want to split the lot and modify the existing wash, and instead, construct one single-family house, leaving the wash in-place as part of the required Natural Area Open Space. Construction of a new SFR does not require neighbor notification.

Thank you,

Andrew Chi, Planner

City of Scottsdale | Planning & Development Department
7447 East Indian School Road, Suite 105 Scottsdale, Arizona 85251
[Direct] 480.312.7828
[Email] achi@scottsdaleaz.gov
[Web] www.scottsdaleaz.gov/planning-development

From: Susan Houde <SusanHoude@live.ca>

Sent: Thursday, May 30, 2019 12:29 PM

To: Chi, Andrew <AChi@Scottsdaleaz.gov>

Cc: Andre Lamarre <andre.lamarre@hypertec.com>; 'Lamarre, Andre' <andre.lamarre@yahoo.ca>; Susan Houde <susanhoude@live.ca>

Subject: Status update - Requested for Case# 2-WM-2019

Hi Andrew,

I was wondering if there was any evolution in this case? Any status updates would be appreciated.

Many thanks,
Susan Houde (& André Lamarre)
9970 N 126th St
Scottsdale, AZ
85259

480-878-8866

Sent from [Mail](#) for Windows 10

Murillo, Jesus

From: Susan Houde <SusanHoude@live.ca>
Sent: Wednesday, October 28, 2020 4:19 PM
To: Murillo, Jesus
Subject: FW: Status Update - Requested for Case# 2-WM-2019

⚠ External Email: Please use caution if opening links or attachments!

From: Chi, Andrew [mailto:AChi@Scottsdaleaz.gov]
Sent: Thursday, May 30, 2019 12:51 PM
To: Susan Houde
Cc: Andre Lamarre; 'Lamarre, Andre'
Subject: RE: Status Update - Requested for Case# 2-WM-2019

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Thank you,

Andrew Chi, Planner

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7447 East Indian School Road, Suite 105 Scottsdale, Arizona 85251
[Direct] 480.312.7828
[Email] achi@scottsdaleaz.gov
[Web] www.scottsdaleaz.gov/planning-development

From: Susan Houde <SusanHoude@live.ca>
Sent: Thursday, May 30, 2019 12:29 PM
To: Chi, Andrew <AChi@Scottsdaleaz.gov>
Cc: Andre Lamarre <andre.lamarre@hypertec.com>; 'Lamarre, Andre' <andre.lamarre@yahoo.ca>; Susan Houde <susanhoude@live.ca>
Subject: Status update - Requested for Case# 2-WM-2019

Hi Andrew,

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Many thanks,
Susan Houde (& André Lamarre)
9970 N 126th St
Scottsdale, AZ
85259

480-878-8866

Sent from [Mail](#) for Windows 10

Murillo, Jesus

From: Susan Houde <SusanHoude@live.ca>
Sent: Wednesday, October 28, 2020 4:31 PM
To: Murillo, Jesus
Cc: Susan Houde; andre lamarre
Subject: Card says cutoff is 1h, not 90 min

⚠ External Email: Please use caution if opening links or attachments!

Hi Jesus,

I completed the form prior to the cutoff indicated on the card sent (different from the cutoff time on your website).



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Murillo, Jesus

From: Castro, Lorraine
Sent: Wednesday, October 28, 2020 4:16 PM
To: Murillo, Jesus
Subject: FW: Planning Commission Public Comment (response #194)

From: PlanningCommission@ScottsdaleAZ.gov <PlanningCommission@ScottsdaleAZ.gov>
Sent: Wednesday, October 28, 2020 4:16 PM
To: Castro, Lorraine <Lcastro@scottsdaleaz.gov>
Subject: Planning Commission Public Comment (response #194)

Planning Commission Public Comment (response #194)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Planning Commission Public Comment
URL:	https://www.scottsdaleaz.gov/boards/planning-commission/public-comment
Submission Time/Date:	10/28/2020 4:11:23 PM

Survey Response

AGENDA ITEM	
What agenda item are you commenting on?	CASE 5-AB-2020
COMMENT	
Comment:	Concerned with the request to abandon easement on Southern Boundary. From what I can see, the request is made on this side so that the WASH may be redirected to flow along the property line (abutting our property line/privacy wall). There have been occasions when White Water has flowed in the WASH. Redirecting the WASH along the property line, we believe, may put our Property wall at risk (underground erosion/base erosion) from severe white water flow through the New Wash.
Comments are limited to 8,000 characters and may be cut and pasted from another source.	

PLEASE PROVIDE YOUR NAME:

First & Last Name:

Susan Houde and Andre Lamarre

AND ONE OR MORE OF THE FOLLOWING ITEMS:

Email:

susanhoude@live.ca

Phone:

(480) 878-8866

Address:

9970 N 126th Street, Scottsdale, AZ 85259

Example: 3939 N. Drinkwater Blvd, Scottsdale 85251

Murillo, Jesus

From: Curtis, Tim
Sent: Wednesday, October 28, 2020 4:07 PM
To: Murillo, Jesus
Subject: FW: Planning Commission Public Comment (response #193)

Importance: High

From: PlanningCommission@ScottsdaleAZ.gov <PlanningCommission@ScottsdaleAZ.gov>
Sent: Wednesday, October 28, 2020 3:50 PM
To: Curtis, Tim <tcurtis@scottsdaleaz.gov>
Subject: Planning Commission Public Comment (response #193)

Planning Commission Public Comment (response #193)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Planning Commission Public Comment
URL:	https://www.scottsdaleaz.gov/boards/planning-commission/public-comment
Submission Time/Date:	10/28/2020 3:48:54 PM

Survey Response

AGENDA ITEM	
What agenda item are you commenting on?	CASE 5-AB-2020
COMMENT	
Comment:	Concerned with the request to abandon easement on Southern Boundary. From what we can see, the request is made on this side so that the WASH may be redirected to flow along the property line (abutting our property line/privacy wall). There have been occasions where White Water has flowed in the WASH. Redirecting the WASH along the property line, we believe, may put our property wall at risk (underground erosion / base erosion) from severe whitewater flow through a new WASH.

Comments are limited to 8,000 characters and may be cut and pasted from another source.

PLEASE PROVIDE YOUR NAME:

First & Last Name:

Susan Houde and Andre Lamarre

AND ONE OR MORE OF THE FOLLOWING ITEMS:

Email:

susanhoude@live.ca

Phone:

(480) 878-8866

Address:

9970 N 126th Street, Scottsdale, AZ 85259

Example: 3939 N. Drinkwater Blvd, Scottsdale 85251

Murillo, Jesus

From: Castro, Lorraine
Sent: Wednesday, October 28, 2020 3:51 PM
To: Murillo, Jesus
Cc: Curtis, Tim
Subject: FW: Planning Commission Public Comment (response #193)

fyi

From: PlanningCommission@ScottsdaleAZ.gov <PlanningCommission@ScottsdaleAZ.gov>
Sent: Wednesday, October 28, 2020 3:50 PM
To: Castro, Lorraine <Lcastro@scottsdaleaz.gov>
Subject: Planning Commission Public Comment (response #193)

Planning Commission Public Comment (response #193)

Survey Information

Site:	ScottsdaleAZ.gov
Page Title:	Planning Commission Public Comment
URL:	https://www.scottsdaleaz.gov/boards/planning-commission/public-comment
Submission Time/Date:	10/28/2020 3:48:54 PM

Survey Response

AGENDA ITEM	
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Comment:	Concerned with the request to abandon easement on Southern Boundary. From what we can see, the request is made on this side so that the WASH may be redirected to flow along the property line (abutting our property line/privacy wall). There have been occasions where White Water has flowed in the WASH. Redirecting the WASH along the property line, we believe, may put our property wall at risk (underground erosion / base erosion) from severe whitewater flow through a new WASH.

Comments are limited to 8,000 characters and may be cut and pasted from another source.

PLEASE PROVIDE YOUR NAME:

First & Last Name:

Susan Houde and Andre Lamarre

AND ONE OR MORE OF THE FOLLOWING ITEMS:

Email:

susanhoude@live.ca

Phone:

(480) 878-8866

Address:

9970 N 126th Street, Scottsdale, AZ 85259

Example: 3939 N. Drinkwater Blvd, Scottsdale 85251

PLANNING COMMISSION REPORT



Meeting Date: October 28, 2020
General Plan Element: *Land Use*
General Plan Goal: *Coordinate Planning to Balance Infrastructure*

ACTION

Osterkamp GLO Abandonment 5-AB-2020

Request to consider the following:

1. A recommendation to City Council regarding a request by owner to abandon the 33-foot-wide GLO easement located along the western and southern boundaries, and the western 8 feet of the 33-foot-wide GLO easement located along the eastern boundary of parcel 217-32-046A, with Single-family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning located at 10050 N. 126th Street.

Goal/Purpose of Request

The proposed abandonments will allow the owner to utilize the areas of their rear, side, and front yard incumbered by the existing GLO easements.

Key Items for Consideration

- Access not impacted by this proposed abandonment
- Conformance with the Transportation Master Plan and Local Area Infrastructure Plan
- Application is in conjunction with a Wash Modification request (8-WM-2020)
- Staff has received a call inquiring about the proposed abandonment

OWNER

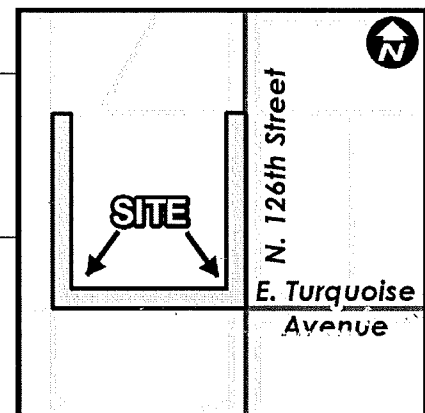
James Osterkamp
208-320-1976

APPLICANT CONTACT

Wayne Rosendahl
Rosendahl Engineering
480-599-1263

LOCATION

10050 N. 126th Street



BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Rural Neighborhoods. This category designation includes areas of relatively large lot single-family neighborhoods. Densities in Rural Neighborhoods are usually one house per acre (or more) of land. The designation and use will remain unchanged by this abandonment request.

Character Area Plan

Although there is no adopted character area for this region of the City, the area has been described as having a wide variety of land uses, mostly in planned developments which typically had some form of a core with retail, civic uses, and private community facilities. The general area consists of a major transition line corridor, the Central Arizona Project aqueduct (canal), and the Salt River Pima Community to the south.

This area includes some of the earliest master planned communities, after McCormick Ranch. Most of the area's development patterns were established by the Northeast Area Plan (NEAP) in 1976. Several major civic facilities (that serve a major portion of the City) are located in this area. The area also provides a wide diversity of suburban neighborhoods and business centers which serve both regional and community wide markets. The subject site happens to be located within one of the pockets of the region that still hold Rural Neighborhoods designation by the 2001 General Plan.

Zoning

The site is zoned Single Family Residential District (R1-43) category, with an Environmentally Sensitive Lands (ESL) overlay. The R1-43 zoning district allows for single-family residential uses.

The subject parcel, 217-32-046A, was annexed into the City of Scottsdale in May of 1975, through Ordinance 891. The annexed parcel was rezoned from the Maricopa County designation, Rural 43,

Context

The subject property is generally located at the southwest corner of the E. Shea Boulevard and N. 126th Street intersection. More specifically, the parcel is located on the northwest corner of E. Turquoise Avenue and N. 126th Street. The Salt River Pima Native Community is located approximately half-mile to the south of the southern boundary of the subject parcel.

Please refer to context graphics attached.

The subject thirty-three foot (33-ft) General Land Office Patent Easements (GLO) are located along the western, southern, and eastern boundary of 10050 N. 126th Street. The subject GLOs were dedicated in June 1954, through patent serial number 1144075. The existing right-of-way, dedicated along the site's frontage, was dedicated in 1994 through docket number 1994-0234187. This right-of-way dedication provided 25 feet, of the 50-foot full-street dedication, currently used for vehicular access to the site.

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 ensure 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:

31-ZN-1975

2008 Scottsdale Transportation Master Plan

East Shea Area Local Area Infrastructure Plan (LAIP)

IMPACT ANALYSIS

Land Use

The subject property is currently vacant and unimproved. The proposed GLO abandonment, if approved, would expand the developable area of the parcel as per the Zoning Ordinance. The approval would remove the proposed improvements from being located within right-of-way.

Traffic/Trails

The Transportation Master Plan Local Area Infrastructure Plan (LAIP) does not require access/right-of-way requirements along the western and southern boundaries of the property (See Attachment #5). The Transportation Master Plan Local Area Infrastructure Plan (LAIP) only requires the existing 25-foot half-street right-of-way dedication along the N. 126th Street alignment (site’s eastern boundary). No further right-of-way dedication are required to complete the City’s right-of-way system at this location.

Access to the development will continue to be provided through N. 126th Street. The Transportation Department supports the subject abandonment of the 33-foot-wide GLO easement located along

the western and southern boundaries, and the western 8 feet of the 33-foot-wide GLO easement located along the eastern boundary.

Emergency/Municipal Services

Emergency and municipal services access will be provided and maintained through the existing right-of-way along N. 126th 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 request. The owner will be required to construct a water main extension from the northeastern corner of the property, south, to complete the waterline connection to E. Turquoise Ave, along the property’s frontage.

Community Involvement

Both the City and the Applicant conducted a mailing to property owners within 750 feet of the proposed roadway easement abandonment (See Attachment #8). Staff did not receive any inquiries in regard to the proposed abandonment.

Community Impact

No properties will be denied access as a result of this abandonment, and provisions for public utilities are provided.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Planning Commission make a recommendation to City Council for approval to abandon the 33-foot-wide GLO easement located along the western and southern boundaries, and the western 8 feet of the 33-foot-wide GLO easement located along the eastern boundary of parcel 217-32-046A, with Single-family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning located at 10050 N. 126th Street, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

1. The applicant compensate the city in an amount to be determined by the City Council.

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

Jesus Murillo
Senior Planner
480-312-7849
E-mail: jmurillo@scottsdaleAZ.gov

APPROVED BY



Jesus Murillo, Report Author

10-6-20

Date



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

10/16/2020

Date



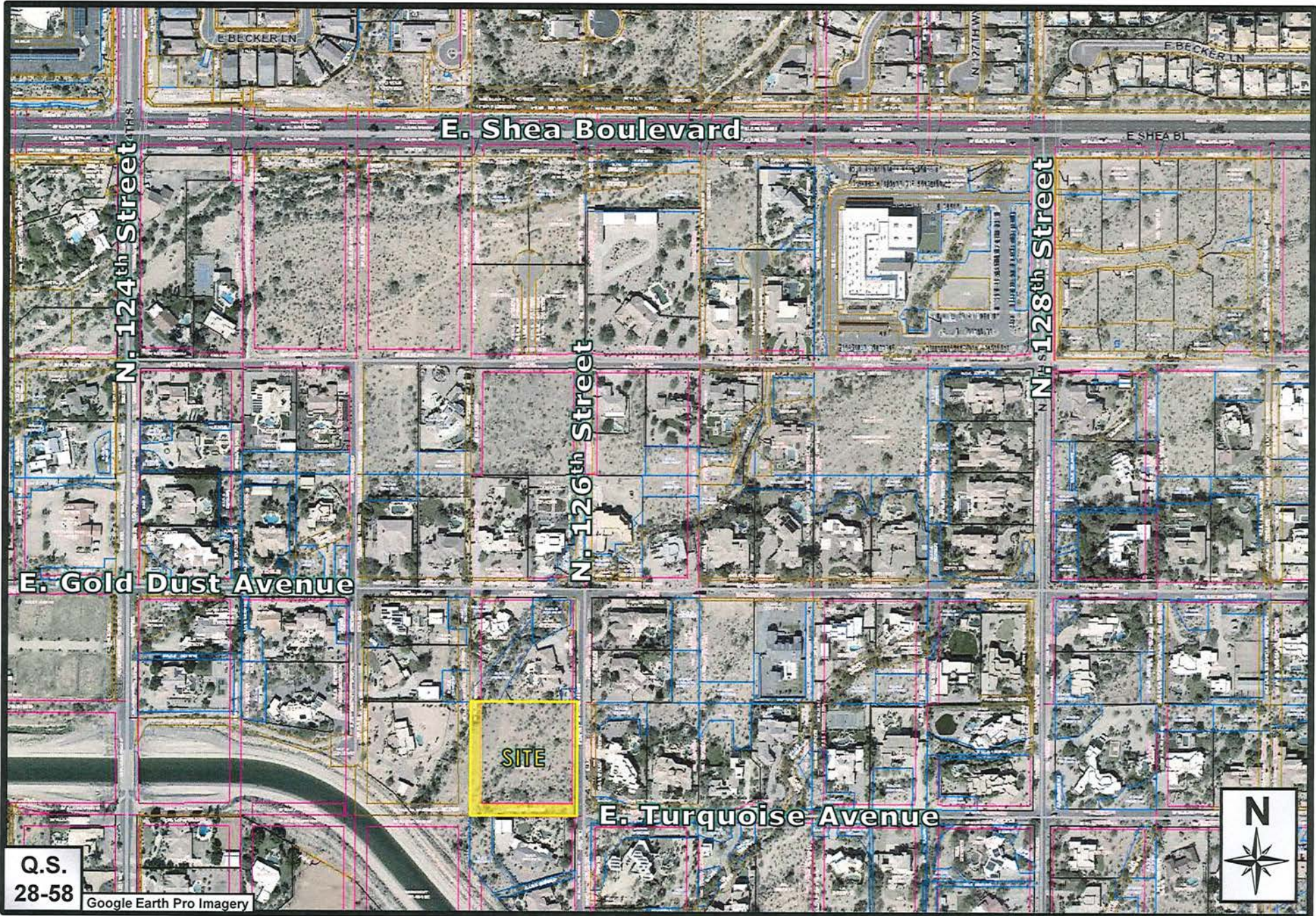
Randy Grant, Executive Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

10/19/20

Date

ATTACHMENTS

1. Context Aerial
2. Detail Aerial
3. Applicant's Narrative
4. Zoning Map
5. Local Area Infrastructure Plans (LAIPs)
6. Legal Description and Graphic Abandonment Area
7. Abandonment History Map
8. City Notification Map



E. Shea Boulevard

N. 124th Street

N. 126th Street

N. 128th Street

E. Gold Dust Avenue

SITE

E. Turquoise Avenue



Q.S.
28-58

Google Earth Pro Imagery

Context Aerial

ATTACHMENT #1

5-AB-2020

ROSENDAHL ENGINEERING, PLLC

URBAN DESIGN & INFRASTRUCTURE

RESIDENTIAL & COMMERCIAL

April 3, 2020

ABANDONMENT APPLICATION REQUEST NARRATIVE

Abandonment of GLO Easements

James Osterkamp Residence

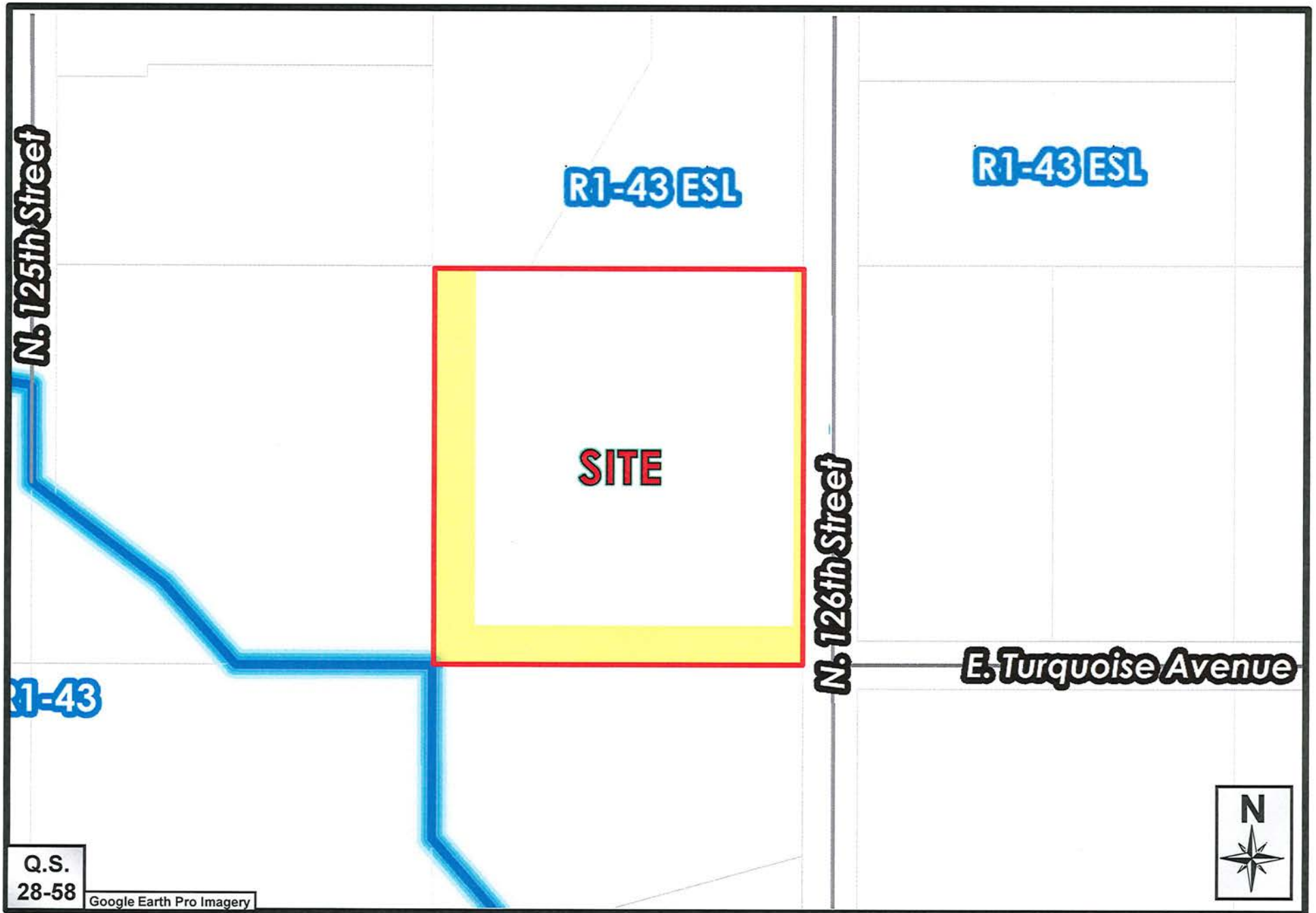
N. 26th Street

APN 217-32-046A

The owner of this parcel has had a new home with a detached garage and guest quarters on 2.31 acres, designed for this site. His plan will not work without being able to include the 33 foot wide GLO easement, existing along the West boundary of the site and a portion of the South boundary, into the NAOS easement area. The site is in an area designated as environmentally sensitive land so there is a 25% NAOS area designation requirement.

In order to utilize the GLO easements for NAOS purposes, they must be abandoned and to do so must follow the procedures called for by City Ordinance, which involves approval of the Planning & Zoning Commission and subsequent approval of the City Council. This Application Request is the second step in setting that process in motion.

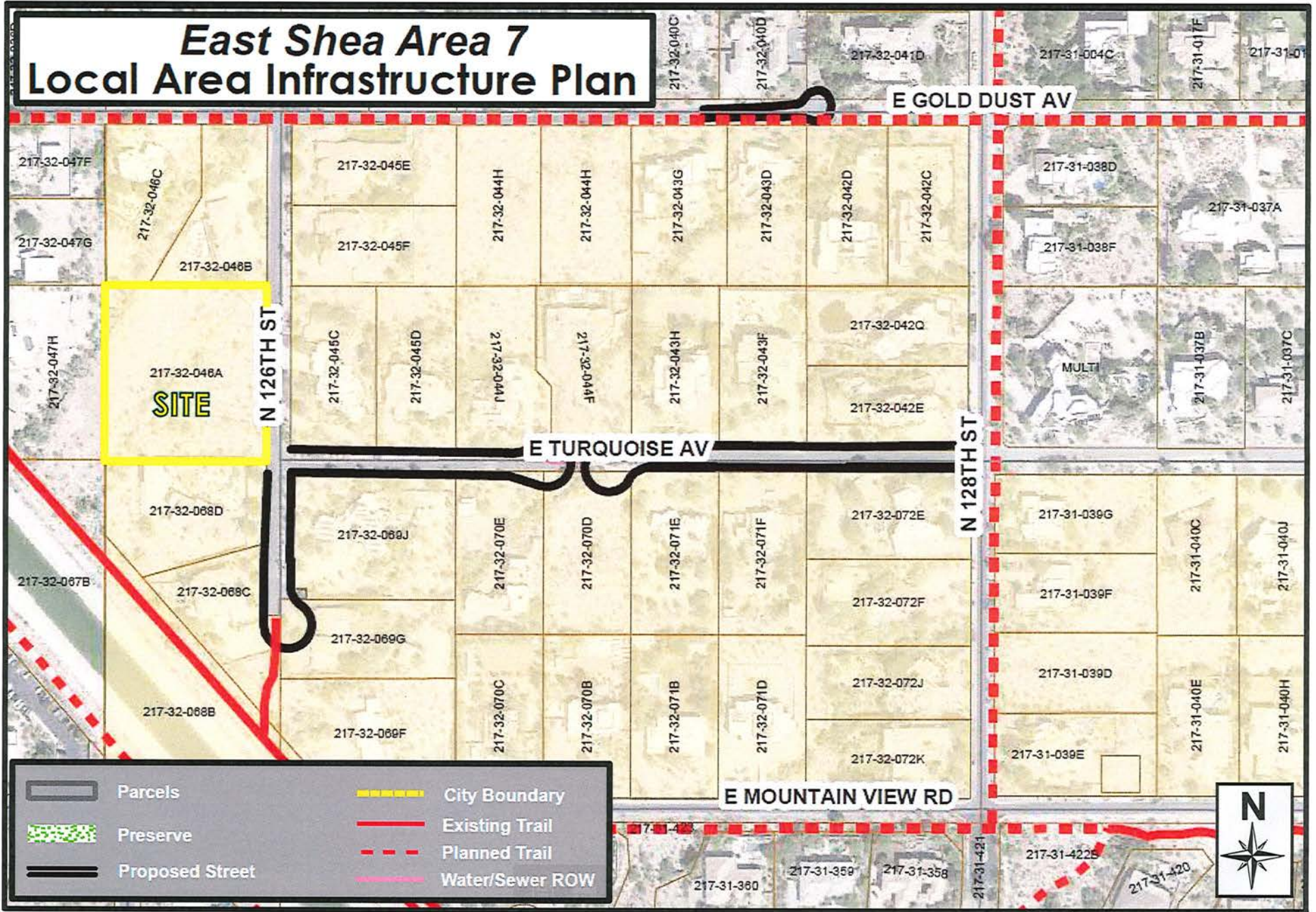
Looking at the aerial map of the area, this particular GLO easement must have been abandoned for 4 other homes North of the subject site as the existing homes actually sit on what at one time must have been the same GLO alignment. Continuing South from this location there is one lot before running into the CAP Canal. I therefore do not believe there will be much opposition to this abandonment from the surrounding property owners, as it is very unlikely that the easement will ever be utilized for access purposes.



Q.S.
28-58

Google Earth Pro Imagery

East Shea Area 7 Local Area Infrastructure Plan



LEGAL DESCRIPTION
33 Ft. Wide GLOPE #1144075
Abandonment

Being portions of the South half of GLO, Lot 37, Section 26, Township 3 North, Range 5 East of the Gila and Salt River base and Meridian, Maricopa County, Arizona, excepting therefrom, a 25 ft. wide right-of-way per MCR Doc.# 94-0234187 and being the East 25 ft. thereof, said South half of Lot 37 being more particularly described as follows:

Commencing at the East quarter corner of said Section 26 bear N89°59'15"W, 1,319.05 ft. along the E-W centerline of said Section 26 to a calculated position being the East 1/16th corner on said E-W centerline;

thence, N00°00'00" W, 660.25 ft., along the N-S centerline of the NE quarter of said Section and being on the monument line of N. 126th Street to the Point of Beginning of said South half of Lot 37;

thence, N89°59'18"W, 329.67 ft. to the SW corner of said South half of Lot 37, being marked by a Department of the Interior Brass Cap;

thence, N00°00'00" W, 330.12 ft. to the NW corner of said South half of Lot 37;

thence, S89°59'20"E, 329.57 ft. to a point on the N-S centerline of the NE quarter of said Section and the monument line of N. 126th Street;

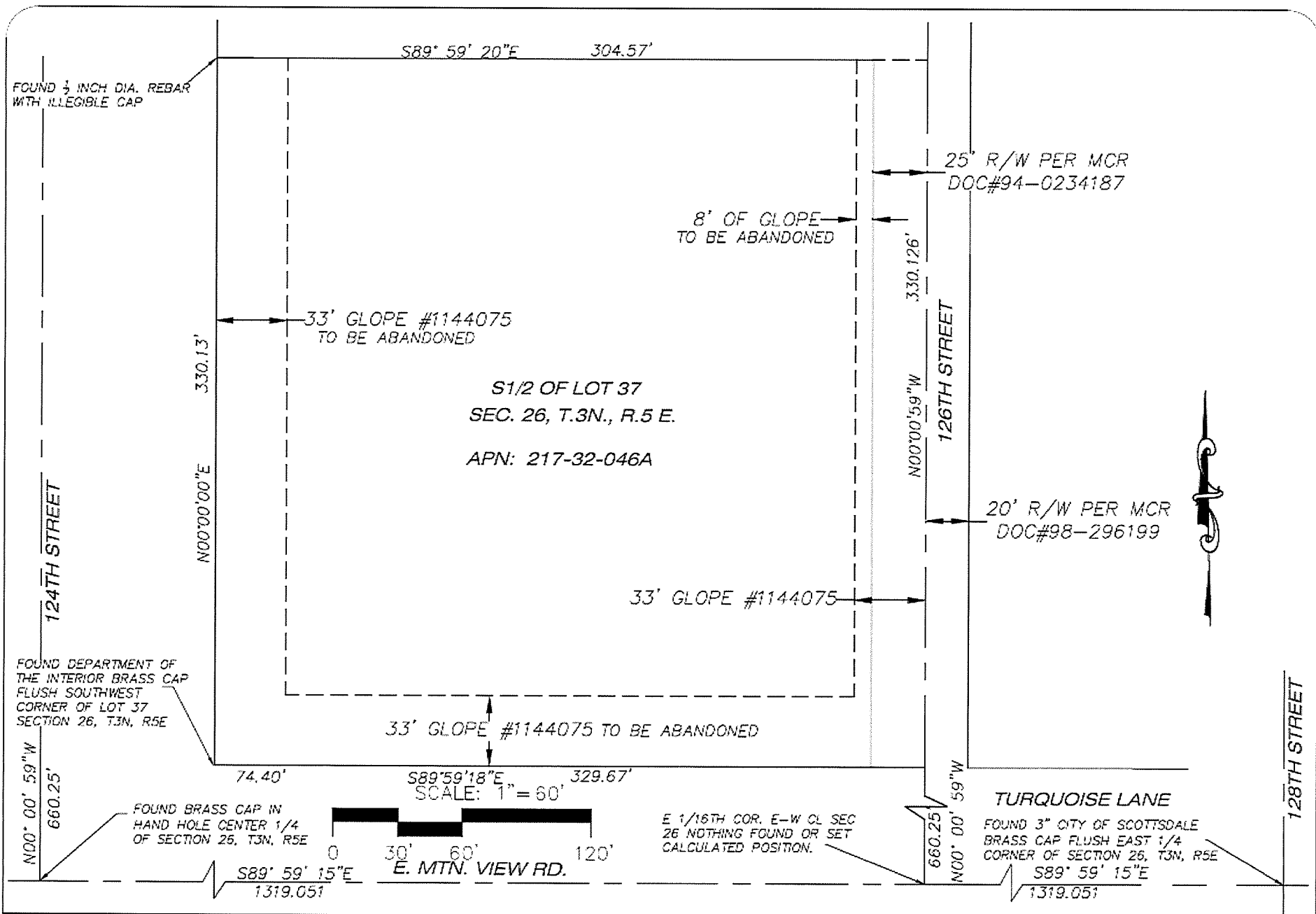
thence, S00°00'00"E, 330.13 ft. to the Point of Beginning and containing 2.50 acres more or less.

GLO Easement Abandonment Areas to include, the West 33 ft of afore described South half of Lot 37;

Also, to include the South 33 ft. of said South half;

Also, to include the East 33 ft. of said South half of Lot 37.

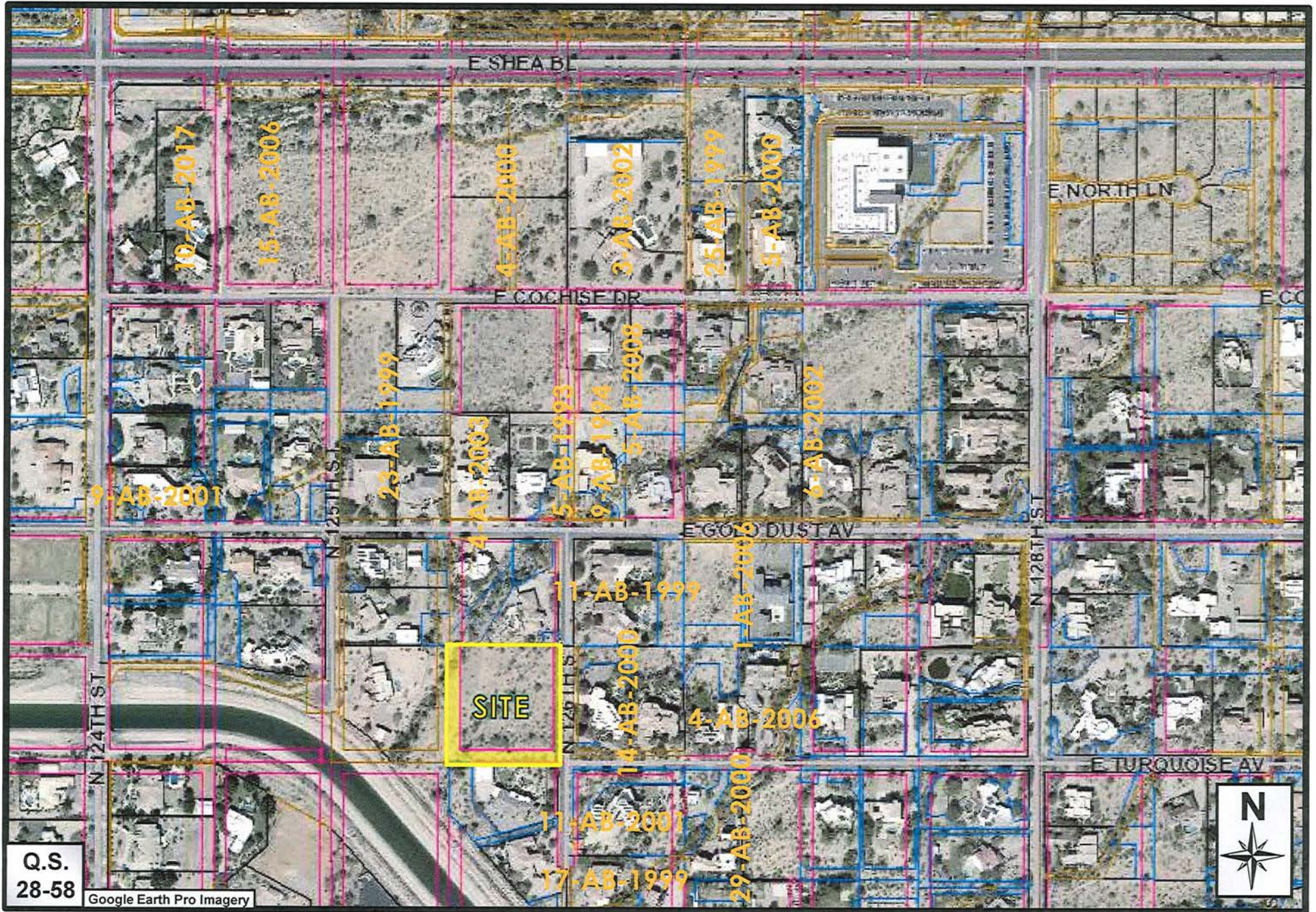




ROSENDAHL ENGINEERING
 857 N. BARKLEY ST. (480) 599-1263 TEL
 MESA, ARIZONA 85203 (480) 834-2163 FAX

GLOPE ABANDONMENT

PROJECT NO. 1909134
 DATE 10/2/20 SHEET 1 OF 1

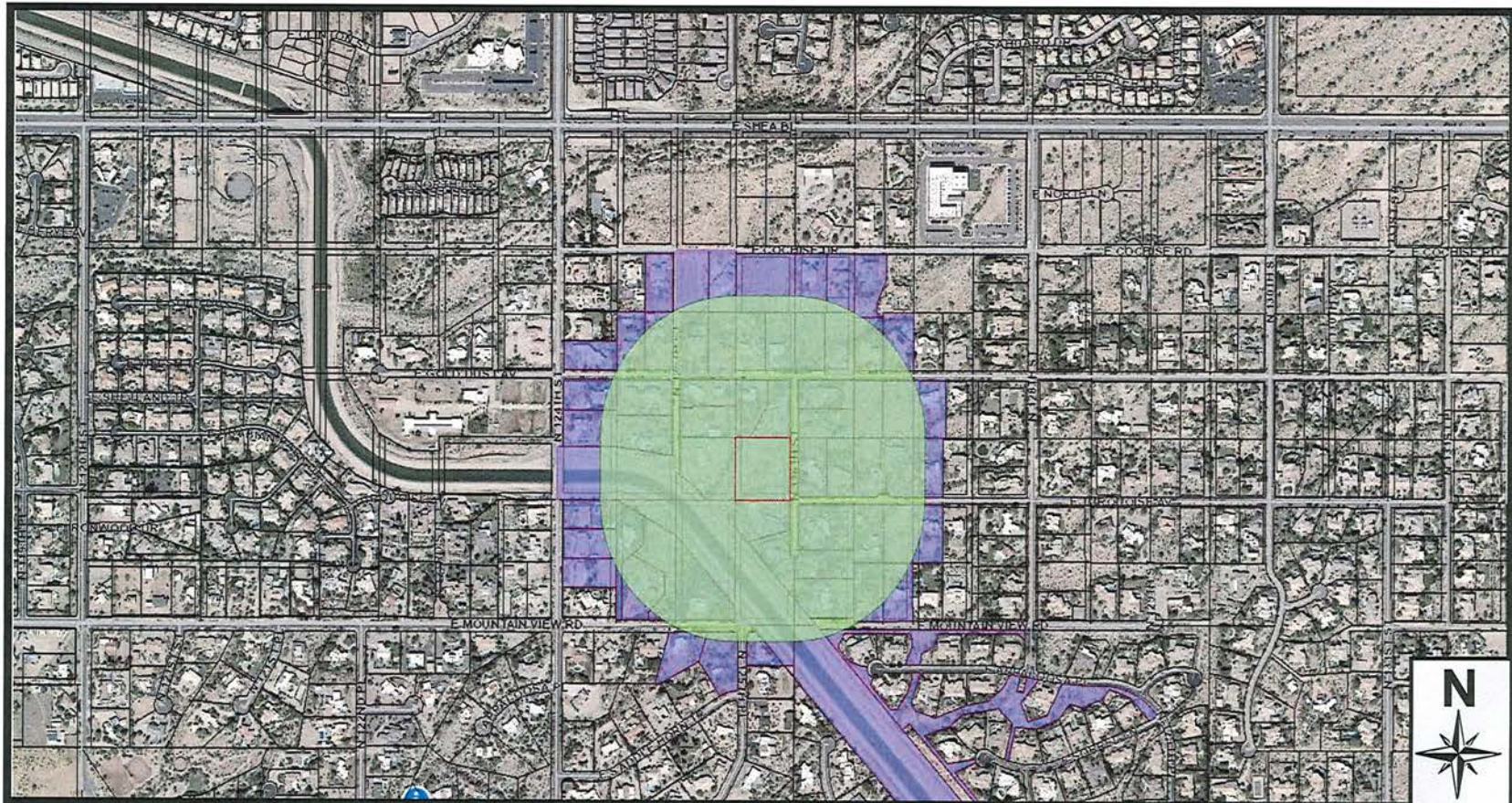


Abandonment History Map

ATTACHMENT #7

5-AB-2020

City Notifications – Mailing List Selection Map



Additional Notifications:

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

Pulled Labels
June 1, 2020

Map Legend:



5-AB-2020