

Response Letter to 3rd Review Letter dated 1/25/24

RE: 6-ZN-2023 and 2-GP-2023

Cosanti Commons (AKA Sundown Commons)
6C395 and 95S87

Katie: Please see the following responses to the 3rd Review Letter for Cosanti Commons.

Planning & Development Services has completed review of the above referenced development application. The following comments represent issues or deficiencies identified by the review team and are intended to provide you with guidance for compliance with city codes, policies, and guidelines.

Significant Zoning Ordinance or Scottsdale Revise Code Issues

The following code and ordinance related issues have been identified and must be addressed with the resubmittal. Addressing these items is critical to determining the application for public hearing and may affect staff's recommendation. Please address the following:

Real Estate, Michelle Colby, 480-312-7042, mcolby@scottsdaleaz.gov, and Wendy Hardy, 480-312-7066, whardy@scottsdaleaz.gov:

1. Please see the attached Real Estate Department mark ups and address accordingly.

Response: Our development team is working on the analysis of the title documents and comments provided by the Real Estate Department. These will be shared with City Staff as soon as possible but should not hold up the scheduling of public hearings.

Significant Policy Issues

The following policy related issues have been identified. Though these issues may not be as critical to determining the application for public hearing, they may affect staff's recommendation and should be addressed with the resubmittal. Please address the following:

Traffic Impact & Mitigation Analysis (TIMA), Kiran Guntupalli, 480-312-7623, kguntupalli@scottsdaleaz.gov:

2. Traffic Impact study shall include trips generated for the entire site listed in the application. **Not addressed, please address.**

Response: Acknowledged and the TIMA has been updated.

3. Trip Generation comparison shall be between existing development on-site to proposed development. Traffic Engineering does not review trip generation comparison that applicant is not considering as part of current application and shall be removed from TIMA report. **There is no high-turnover sit-down restaurant use on-site. Therefore, trip generation comparison is not acceptable.**
Response: Per discussion with Transportation Staff, the TIMA includes the 2016 DRB approved site plan (16-DR-2016) for Building K with 10,200 s.f.

Technical Issues

The following technical corrections have been identified. Though these items may not be critical to scheduling the case for public hearing, they may affect a decision on the construction plan submittal and should be addressed as soon as possible. Please address the following:

Current Planning, Katie Posler, 480-312-2703, kposler@scottsdaleaz.gov:

4. The boundary plan and rendered site plan still appear incorrect for gross boundary. The gross boundary would include half of the existing alley adjacent to the subject site. The gross boundary line on the plans is not in the middle of the existing alley. Please fix accordingly. Please make it clear that the gross boundary does not include half of the existing alley adjacent to the city parcels - only the site being rezoned. Please fix the gross SF and gross boundary line on applicable plan sheets.

Response: The plans have been revised to show the correct gross boundary.

Please submit the revised application requirements and supplemental information identified in Attachment A. Once reviewed, staff will determine if the application is ready to be determined for a hearing, or if additional information is needed.

The Zoning Administrator may consider an application withdrawn if a resubmittal has not been received within 180 days of the date of this letter (Section 1.305. of the Zoning Ordinance).

If you have any questions, or need further assistance, contact case reviewer identified below.

Regards,
Katie Posler
Senior Planner

ATTACHMENT A
Resubmittal Checklist

Submit digitally at: <https://eservices.scottsdaleaz.gov/bldgresources/Cases/DigitalLogin>

Cases: 6-ZN-2023 and 2-GP-2023

Key Codes: 6C395 and 95S87

All files shall be uploaded in PDF format. Application forms and other written documents or reports should be formatted to 8.5 x 11, and plans should be formatted to 11 X 17.

- Comment Response Letter – Provide responses to the issues identified in this letter
- Traffic Impact Mitigation Analysis (TIMA)
- Title Reports/Needed documents from Real Estate
- Rendering Site Plan
- Zoning Boundary Plan

6-ZN -2023 Cosanti Commons (aka Sundown Commons)

(also associated w/ 973-PA-2022)

Applicant represented by Berry Riddell

City Real Estate Services - Preliminary Review Summary

January 22, 2024

Location:

Near NEC of Shea & N 70th St

Applicant owns:

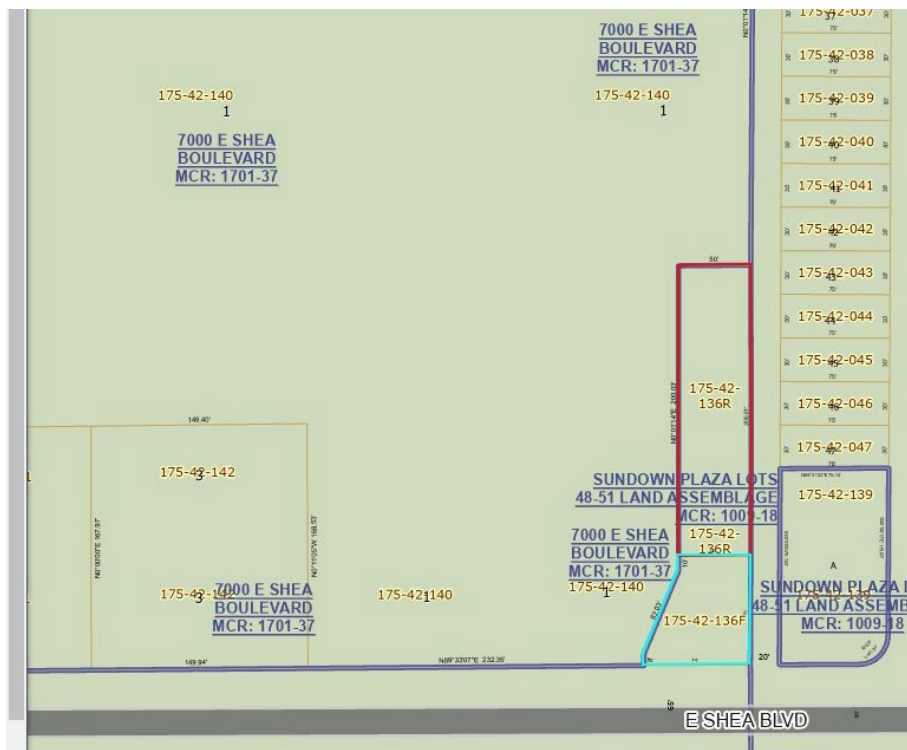
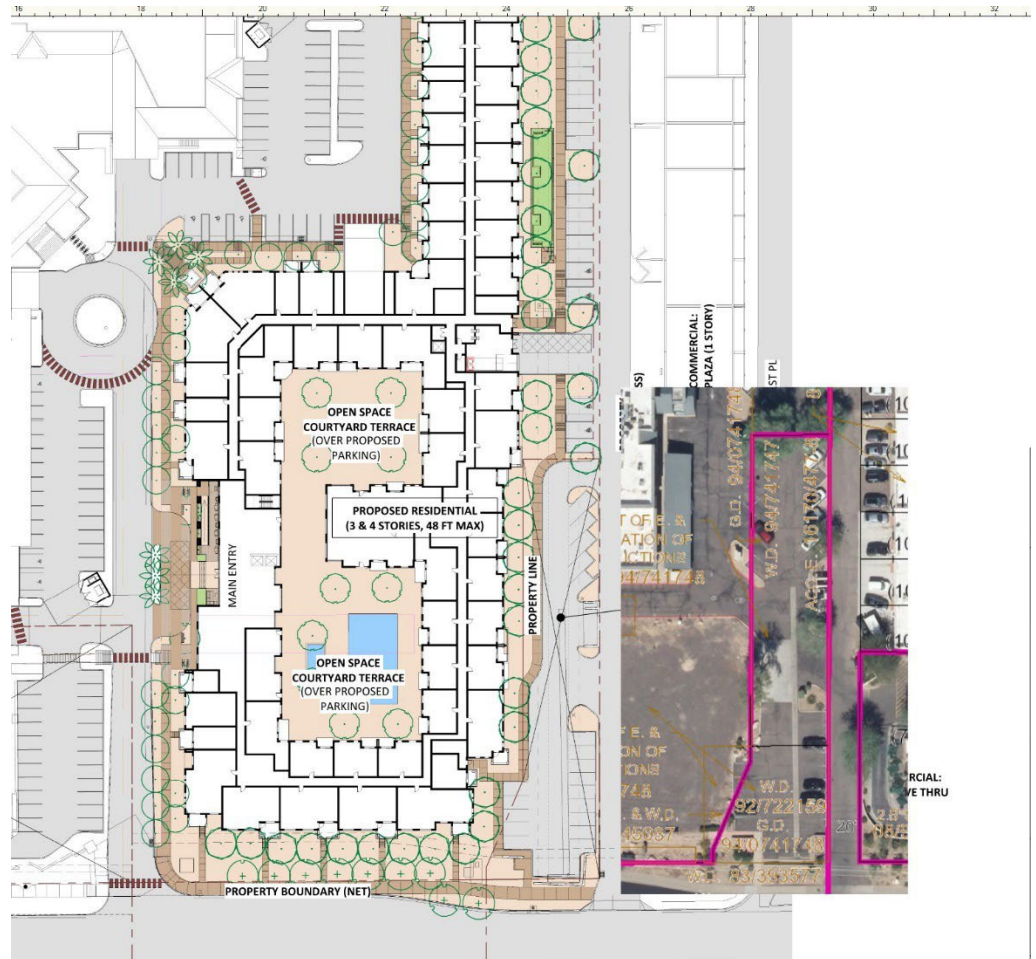
APN 175-42-140

APN 175-42-142

City owns:

APN 175-42-136R

APN 175-42-136F



6-ZN -2023 Cosanti Commons (aka Sundown Commons)

(also associated w/ 973-PA-2022)

Applicant represented by Berry Riddell**City Real Estate Services - Preliminary Review Summary****January 22, 2024****Preliminary Title and Document List, Notes, and Comments/Questions as of January 22, 2024**

MCR DATA	DOCUMENT TYPE	NOTES	COMMENTS/QUESTIONS
Book 67 Maps, Pg 20 aka 1956-0091373	Plat of Sundown Village	Plat linked to this citation on MC Assessor website is not correct. Links to a Plat 67-12, Dana Estates No. 1.	Locate plat, review, coordinate updates to links w/ Assessor.
1982-0229215 DKT 16170, Pg 478	Right of Entry (ROE) (Maniatis to City)	Granted ROE to City on <ul style="list-style-type: none"> Pcl A (80' x 100') E 100' of S 140' exc E 20' and S 40' Pcl B (50' x 1180') E 70' of W ½ exc S 140' 	ROE for construction, operation, & maintenance of a drainage & Flood Control Channel. Cited compensation for filing of Eminent Domain = \$43,597. Does not appear to have granted an easement. Did this acquisition proceed to Condemnation or was it settled out of court?
1983-0287291	Warranty Deed (Maniatis to City)	Granted City Fee Simple to <ul style="list-style-type: none"> Pcl A (80' x 75') E 100' of S 140' exc E 20' and S 65' Pcl B (25' x 640') N 25' of S 65' of W ½ exc E 20' 	APN 175-42-136F is a portion of said Parcel A. APN 175-42-136G appears to have been the remainder of Parcel A. When did that parcel leave City ownership? Depicted in red on graphic below.
1983-287292	?	Purpose and properties affected?	?
1983-393573	?	Purpose and properties affected?	?
1985-484416	?	Purpose and properties affected?	?
1986-036871	?	Purpose and properties affected?	?
1986-115195	Declaration of Restrictions and Grants of Easement (7000 East Shea Assoc LP & Maniatis)	Purpose and properties affected?	Could not attach to APN 175-42-136F or -136G as they had already been deeded to City in 1983. Did it attach to future City parcel APN 175-42-136R? Effect?
1993-0101120	?	Purpose and properties affected?	IGA FCD-921015. Effect?
1994-0741747	General Warranty Deed (Scottsdale Promenade Inc., a CA Corp, to City)	Granted City Fee Simple to lands within APN 175-42-136R (approx. 50' x 200')	Effect of Schedule B Exceptions 3 & 4? Assessor has wrong plat and ownership info for this parcel. Linked deed 2003-0335672 to this parcel erroneously. Review, address deficiencies, coordinate updates w/ Assessor and/or resultant questions/comments.
1994-0741748	Grant of Easements and Declaration of Restrictions (City & Scottsdale Promenade Inc., a CA Corp)	Purpose and properties?	Which properties does this document encumber with the appurtenant parking easement? Agreement and deed above for APN 175-42-136R is compensation for easement? APN 175-42-136G appears to be part of Promenade property in this document. How did that transfer occur? Additional effects/questions?
2001-0335672	Amended and Restated Grant of Easements and Declaration of Restrictions (City &	Document is deficient. No legal description, ties to earth, nor depictions of easement area. Attached plans appear to include	Address deficiencies and resultant questions/comments.

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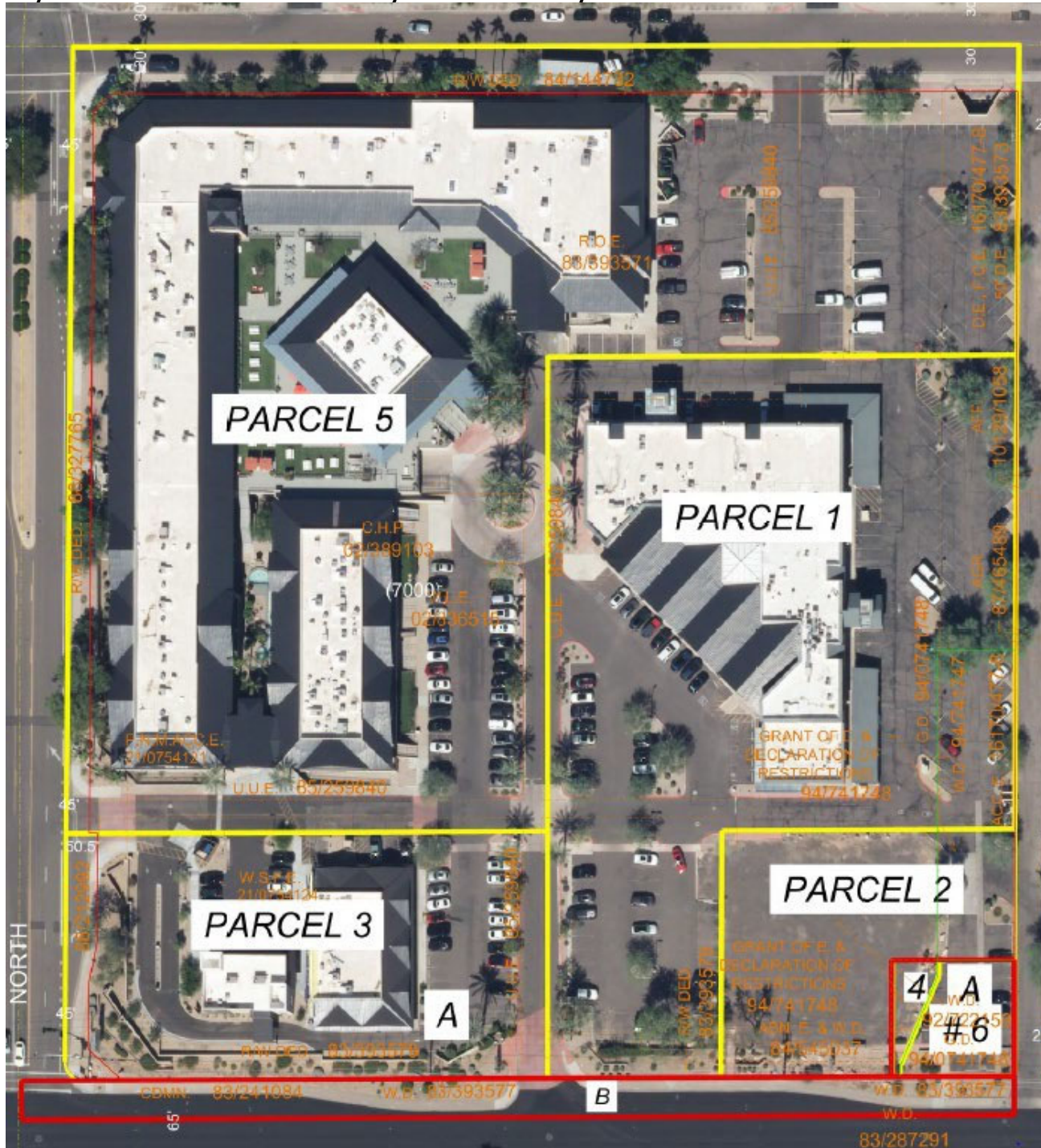
	Scottsdale Promenade Inc., a CA Corp)	lands that are not owned by the City.	
2002-1196521	?	Purpose and properties affected?	?
2003-0335672	?	Purpose and properties affected?	Please plot these parcels for clarity and review. Parcel No. 4 appears to be APN 175-42-136G. When did that property transfer out of City ownership? Parcel No. 6 does not appear to be a fee simple transfer of land. Parcels A and B described as Parcel No. 6 appear to be the easement rights over APNs 175-42-136F and -136R. Address deficiencies and resultant questions/comments.

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City Real Estate Services - Preliminary Review Summary

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1. Commitment for Title Insurance dated 12/29/2023 from Teri Guevara at Stewart Title Guaranty Company does not include the requested chain of title with analysis going back a minimum of 50 years for city parcels 175-42-136F and 175-42-136R.
2. If proposing to modify the agreement, i.e. Amendment No. 2 to Grant of Easements and Declaration of Restrictions recorded in MCR 2001-0335672 as amended, and originally recorded in MCR 1994-0741748 as Grant of Easements and Declaration of Restrictions; then provide a rough draft with your resubmittal. The series of sketches shown in MCR 2001-0335672 are unclear as is the intent of the document. Provide a signed and sealed legal and graphic for the updated agreement.

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