

Marked Agendas  
Approved Minutes  
Approved Reports

# CITY COUNCIL REPORT



Meeting Date: June 11, 2019  
 General Plan Element: *Land Use*  
 General Plan Goal: *Coordinate Planning to Balance Infrastructure*

## ACTION

### Perlstein Abandonment 9-AB-2016

#### Request to consider the following:

1. Adopt Resolution No. 10621 to abandon 25-foot Roadway Easement along the northern boundary of a property located at 8845 E. Sierra Pinta Drive (Parcel Number 217-12-019), with Single-family Residential, Environmentally Sensitive Lands (R1-35 ESL) zoning.

#### Key Items for Consideration

- Access to the property is not impacted or changed by the proposed abandonment
- The proposed abandonment conforms with the Transportation Master Plan- which does not require any further right-of-way dedications along E. Sierra Pinta Dr.
- Six of twelve lots along E. Sierra Pinta Dr. have abandoned the same Roadway Easement
- All Utility Companies were notified of the request, and a Public Utility Easement will be reserved
- Public input and questions were received, but with no issue on the proposed abandonment area
- Planning Commission heard this case on October 19, 2016 and recommended approval with a 7-0 vote

## OWNER

Edward Perlstein  
480-205-8429

## APPLICANT CONTACT

Edward Perlstein  
480-205-8429

## LOCATION

8845 E Sierra Pinta Drive



General Location Map

## **BACKGROUND & EXISTING CONDITIONS**

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### **Scottsdale General Plan 2001 and Character Area Plan**

The General Plan Land Use Element currently designates the property as Rural Neighborhoods as a part of the Future Character Area Plan. These categories include relatively low-density and larger lot development, including horse privilege neighborhoods and areas with sensitive and unique natural environments.

### **Zoning**

The site is zoned Single-family Residential, Environmentally Sensitive Lands (R1-35 ESL).

The subject property, Lot 10, was created in 1958 through the Pima Acres Final Plat in Maricopa County. The City of Scottsdale annexed the property in 1963 under Ordinance No. 169 and the City of Scottsdale R1-35 zoning was applied. The Environmentally Sensitive Lands Overlay took effect in 1991.

### **Context and Adjacent Uses**

The subject property is located near the southeast corner N. Pima Road and E. Sierra Pinta Drive. The site is generally surrounded by suburban single-family developments and condominium complexes (see context graphics).

The subject 25-foot Roadway Easement was dedicated along the northern boundary of the property in 1958 by the Pima Acres Final Plat. Currently, it is mostly unimproved besides driveway entrances to the residence.

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

2008 Scottsdale Transportation Master Plan  
21-AB-2004 (Lots 2, 4, 8, & 9)  
33-AB-2000 (Lots 3 & 5)

## **APPLICANTS PROPOSAL**

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This request is to abandon the existing 25-foot Roadway Easement located along E. Sierra Pinta Drive consistent with the City's roadway requirement for Local Residential Street Classifications.

The proposed abandonment would bring the existing residence into conformance with the front yard setback and previously dedicated Natural Area Open Space Easement.

## **IMPACT ANALYSIS**

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### **Traffic/Trails**

Access to the subject property is provided along E. Sierra Pinta Drive, which is classified as a Local Residential Street by the Transportation Master Plan. The minimum required street width for Local Residential Streets is a total of forty (40) feet. A forty (40) foot fee simple right-of-way dedication was completed in 1958 through the final plat for the Pima Acres subdivision.



The Pima Acres Final Plat also dedicated an additional 25-foot Roadway Easement along the northern lots abutting E. Sierra Pinta Drive (see attachment #4). It has been determined that the Roadway Easement is not needed as the existing right-of-way dedicated along E. Sierra Pinta Drive fulfills the requirements. Six other properties along E. Sierra Pinta Drive have been approved to abandon the same easement.

**Emergency/Municipal Services and Utilities**

All existing emergency and municipal access will be provided to the properties surrounding the abandonment area and maintained through existing dedicated public right-of-way along E. Sierra Pinta Drive. No impacts are anticipated.

**Public Utilities**

The public utilities have been notified of the applicant's request. A 25-foot Public Utility Easement will be reserved over the abandonment area.

**Natural Area Open Space**

Upon single family development in 2004, the required Natural Area Open Space Easement (NAOS) was dedicated on the property. A portion of the NAOS was dedicated along the street frontage. With the proposed abandonment of the Roadway Easement, there will no longer be conflicts between the two easement rights.

**Community Involvement**

The applicant notified all property owners within 750 feet of the proposed abandonment. The site was also posted notifying interested parties of the request and the city sent postcards to property owners surrounding the site in notice of the request. City staff has received questions regarding the effect of the abandonment case and future construction on the parcel.

**Community Impact**

The proposed abandonment does not restrict access to adjacent properties and helps to eliminate excess roadway.

**OTHER BOARDS & COMMISSIONS**

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**Planning Commission:**

Planning Commission heard this case on October 19, 2016 and recommended approval with a 7-0 vote.

**Staff's Recommendation to Planning Commission:**

Staff recommended that the Planning Commission make a recommendation to City Council for approval to abandon the 25-foot Roadway Easement along the northern boundary of a property located at 8845 E. Sierra Pinta Drive (Parcel Number 217-12-019), with Single-family Residential, Environmentally Sensitive Lands (R1-35 ESL) zoning, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

1. The property owner dedicates a Public Utility Easement over the abandonment area.



2. The property owner pays the City an amount determined by City Council as compensation for the abandonment of right-of-way.

**City Council:**

City Council originally heard this case on November 28, 2016. The case was continued with a 7-0 vote to allow time to review the City's abandonment compensation procedures.

The reservation of a 25-foot Public Utility Easement over the entire abandonment area is adequate compensation for this case. Resolution No. 10621 has been updated accordingly.

**CITY COUNCIL RECOMMENDATION**

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**Recommended Approach:**

1. Adopt Resolution No. 10621 to abandon 25-foot Roadway Easement along the northern boundary of a property located at 8845 E. Sierra Pinta Drive (Parcel Number 217-12-019), with Single-family Residential, Environmentally Sensitive Lands (R1-35 ESL) zoning.

**RESPONSIBLE DEPARTMENTS**

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Current Planning Department  
Transportation Department  
Real Estate Department

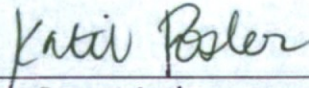
**STAFF CONTACT**

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Katie Posler  
Planner  
480-312-2703  
E-mail: [kposler@ScottsdaleAZ.gov](mailto:kposler@ScottsdaleAZ.gov)

**APPROVED BY**

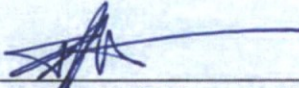
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Katie Posler, Planner, Report Author

5/21/2019

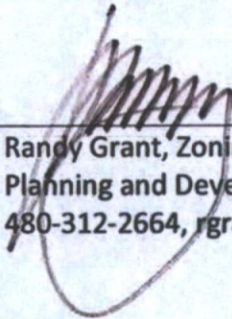
Date



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

5/21/2019

Date



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

5/22/19

Date

**ATTACHMENTS**

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1. Context Aerial
2. Detail Aerial
3. Resolution No. 10621
4. Pima Acres Final Plat
5. City Notification Map
6. October 19, 2016 Planning Commission meeting minutes
7. November 28, 2016 City Council marked agenda

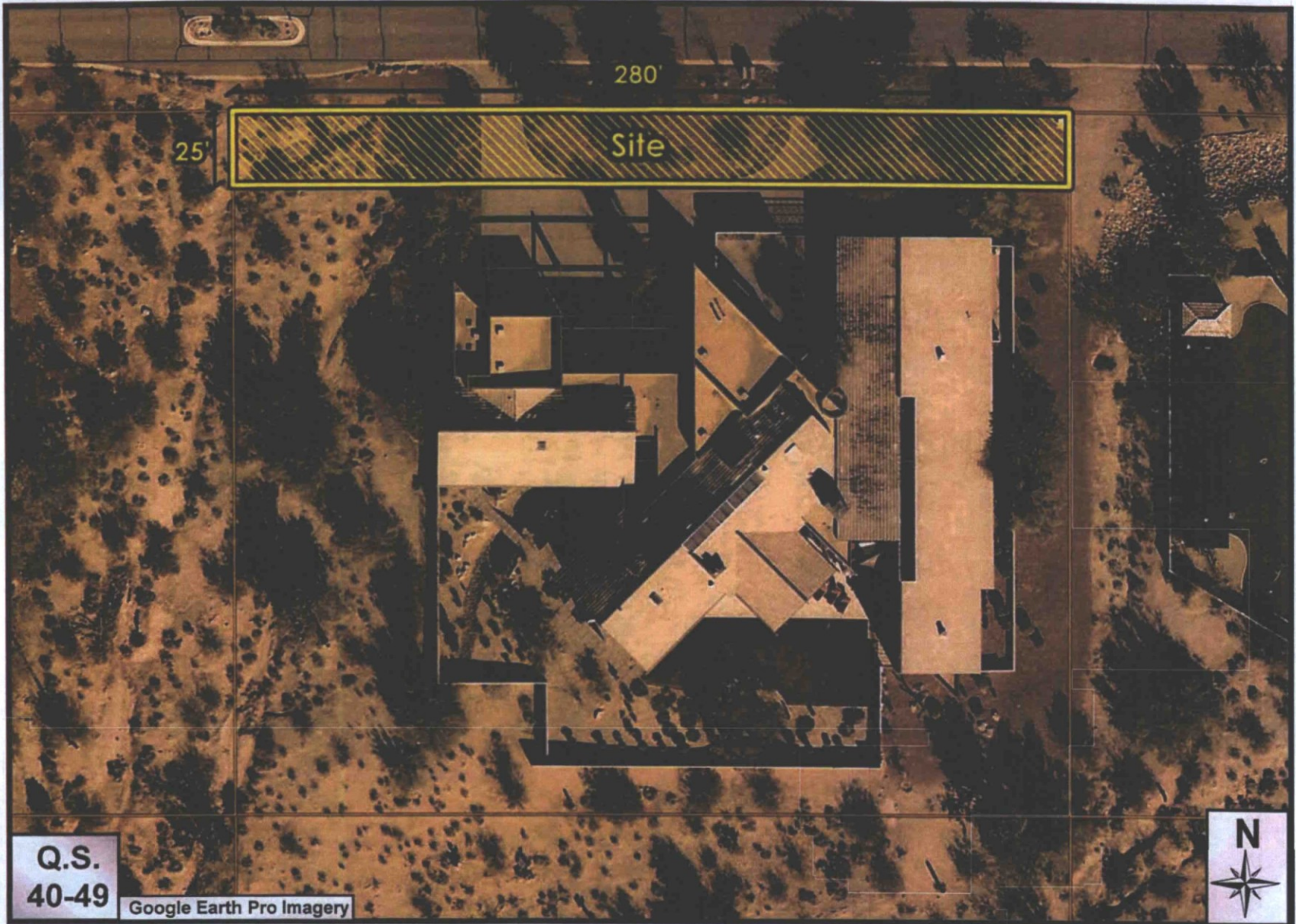




Perlstein Abandonment

9-AB-2016





Perlstein Abandonment

9-AB-2016



**RESOLUTION NO. 10621**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ABANDONING, SUBJECT TO CONDITIONS AND RESERVATIONS, CERTAIN INTERESTS IN THE PUBLIC RIGHT-OF-WAY FOR E. SIERRA PINTA DRIVE EAST OF N. PIMA ROAD

(9-AB-2016)  
(Perlstein)

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

E. The Abandonment Right-of-way falls within, serves, affects or is near the parcel (the "Perlstein Parcel") comprising approximately 1.5 acres east of the southeast corner of East Sierra Pinta as described on **Exhibit "C"** attached hereto.

F. Owner warrants and represents that there are no other holders of fee title, leaseholds, liens, exclusive easements, or options affecting Owner's property. The preceding sentence does not apply to ordinary leases to individual residential rental unit tenants.

G. City's city council finds that, subject to the conditions, requirements, reservations and limitations of this resolution, the Abandonment Right-of-way is no longer necessary for public use.

H. City's city council has considered the City expenditure, if any, authorized by this resolution and the direct consideration that City will receive and finds that there is a clearly identified public purpose for City's expenditure, if any, and that City will receive direct consideration substantially equal to its expenditure.

I. City's city council finds that consideration and other public benefit commensurate with the value of the interests in the Abandonment Right-of-way being abandoned, giving due

14991001v1

consideration to its degree of fragmentation and marketability, will be provided to City by the owners of the abutting property.

NOW, THEREFORE, BE IT RESOLVED by the city council of the City of Scottsdale, Arizona, as follows:

1. Abandonment. Subject to the reservations and conditions below, City's interests comprising the Abandonment Right-of-way are hereby abandoned.

2. Reservations. City reserves to itself and excludes from this abandonment all of the following cumulative, perpetual interests:

2.1 A 25-foot perpetual public utility easement upon, over, under and across the entire Abandonment Right-of-way. The purpose of the easement is for electricity, water, wastewater, storm water, drainage, telecommunications, and all other manner of utilities, and for construction, operation, use, maintenance, repair, modification and replacement from time to time of improvements related thereto.

2.2 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.

2.3 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:

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

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

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

2.4 An easement for all existing utilities, if any.

2.5 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 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 14991001v2



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

*Margaret Wilson*

Bruce Washburn, City Attorney

By: Margaret Wilson, Senior Assistant City Attorney

**CERTIFICATE**

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

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

\_\_\_\_\_  
signature

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



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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	Map showing the Perlstein Parcel

EXHIBIT A  
 LEGAL DESCRIPTION  
 25' WIDE ROADWAY EASEMENT  
 ABANDONMENT

A STRIP OF LAND 25 FEET IN WIDTH LOCATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 25 FEET OF LOT 10, PIMA ACRES, A SUBDIVISION RECORDED IN BOOK 79, PAGE 46, MARICOPA COUNTY RECORDER.




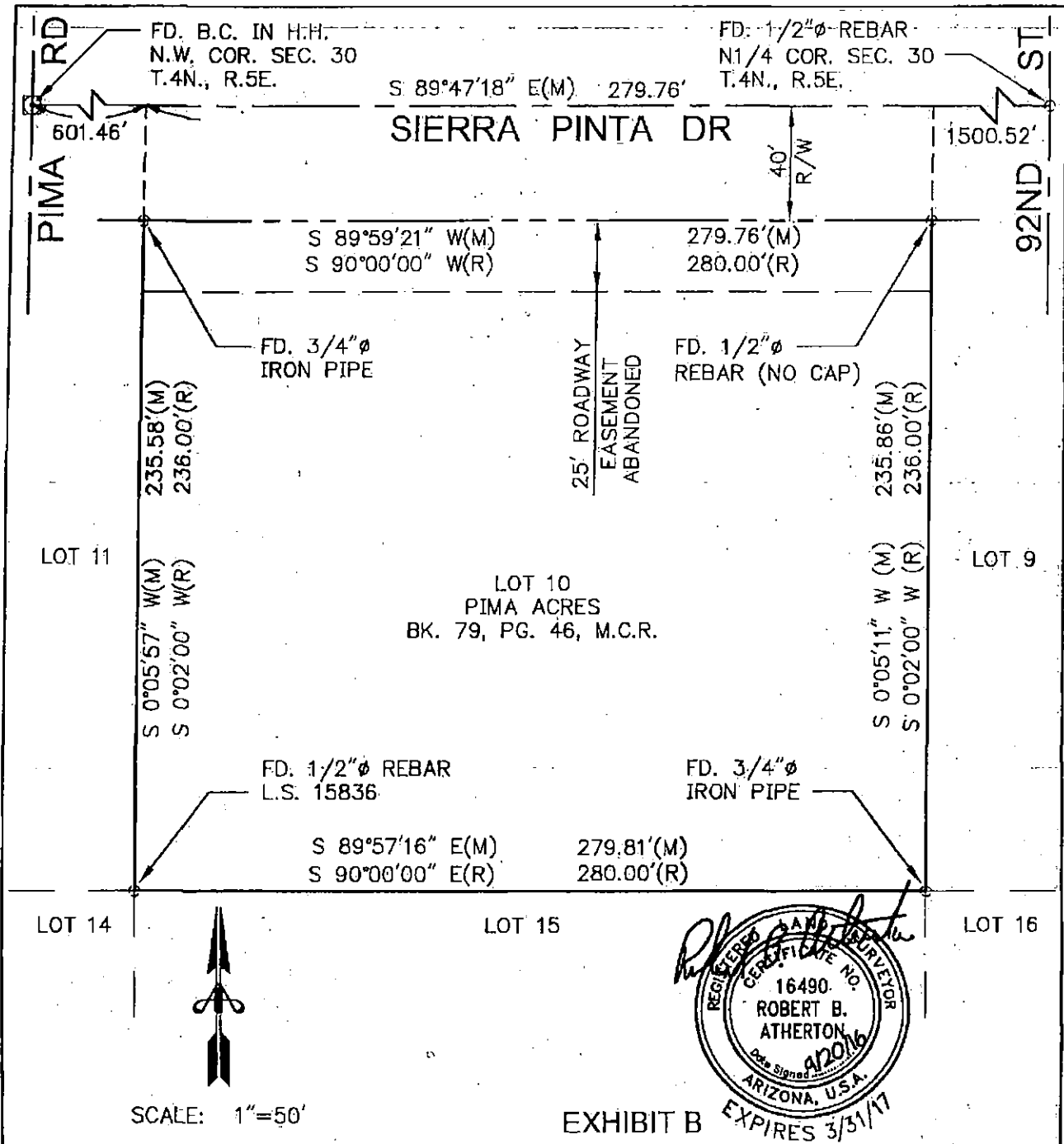

 <b>ATHERTON ENGINEERING, INC.</b> CIVIL ENGINEERS AND LAND SURVEYORS  1203 E. MEADOWBROOK AVE., PHOENIX, AZ 85014-4028 (602) 279-7331 * FAX (602) 230-1908	<b>25 FOOT ROADWAY          EASEMENT ABANDONMENT</b>	DESIGNED BY: RBA
	<b>DR. EDWARD PERLSTEIN</b>  8845 SIERRA PINTA DRIVE SCOTTSDALE, ARIZONA 85255 pg. 1 of 1      Res. No. 10621	SCALE: N/A  DATE: 9-20-16  JOB NO. 02-15  SHEET No. <div style="text-align: center; font-size: 2em; font-weight: bold;">EX1</div> SHEET <u>1</u> OF <u>2</u>

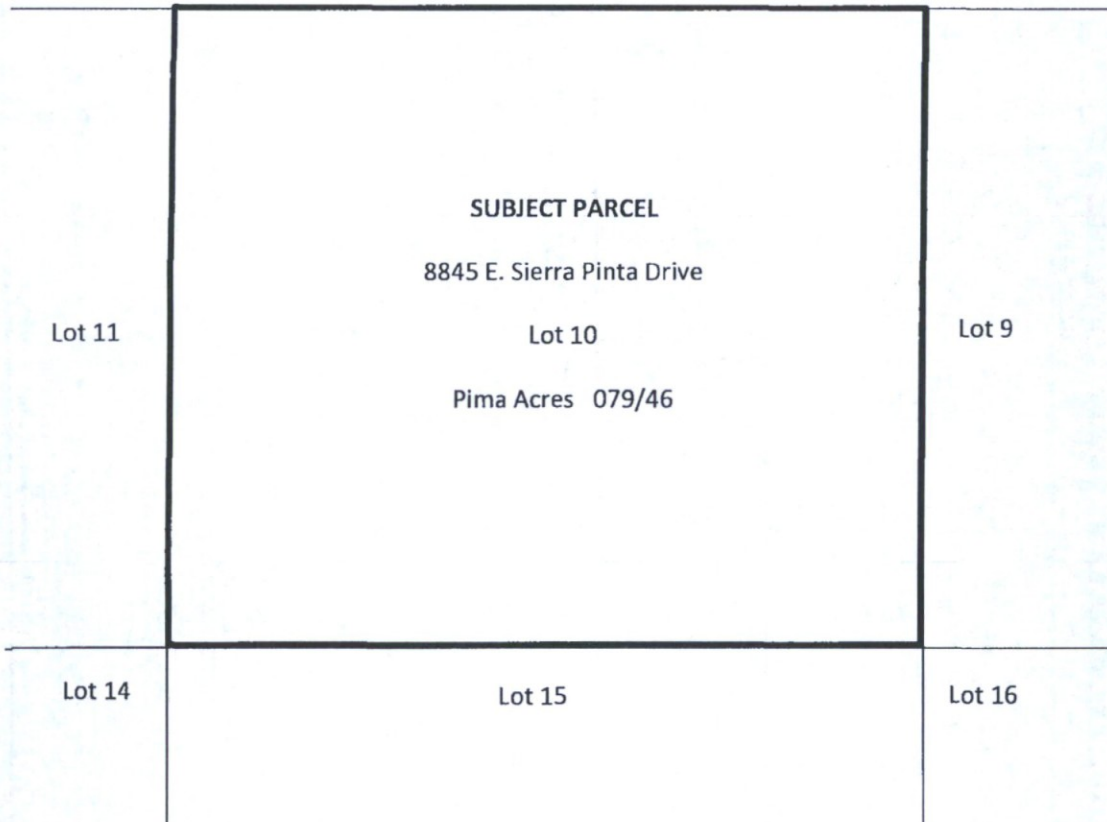
Exhibit A





 <b>ATHERTON ENGINEERING, INC.</b> CIVIL ENGINEERS AND LAND SURVEYORS 1203 E. MEADOWBROOK AVE., PHOENIX, AZ 85014-4028. (602) 279-7331 * FAX (602) 230-1908	<b>25 FOOT ROADWAY EASEMENT ABANDONMENT</b>		DESIGNED BY: RBA
	<b>DR. EDWARD PERLSTEIN</b>  8845 SIERRA PINTA DRIVE SCOTTSDALE, ARIZONA 85255 pg. 1 of 1 Res. No. 10621		SCALE: 1"=50'
			DATE: 9-20-16
	Exhibit B		
			SHEET NO. EX1 SHEET 2 OF 2

E. Sierra Pinta Dr.



SITE MAP





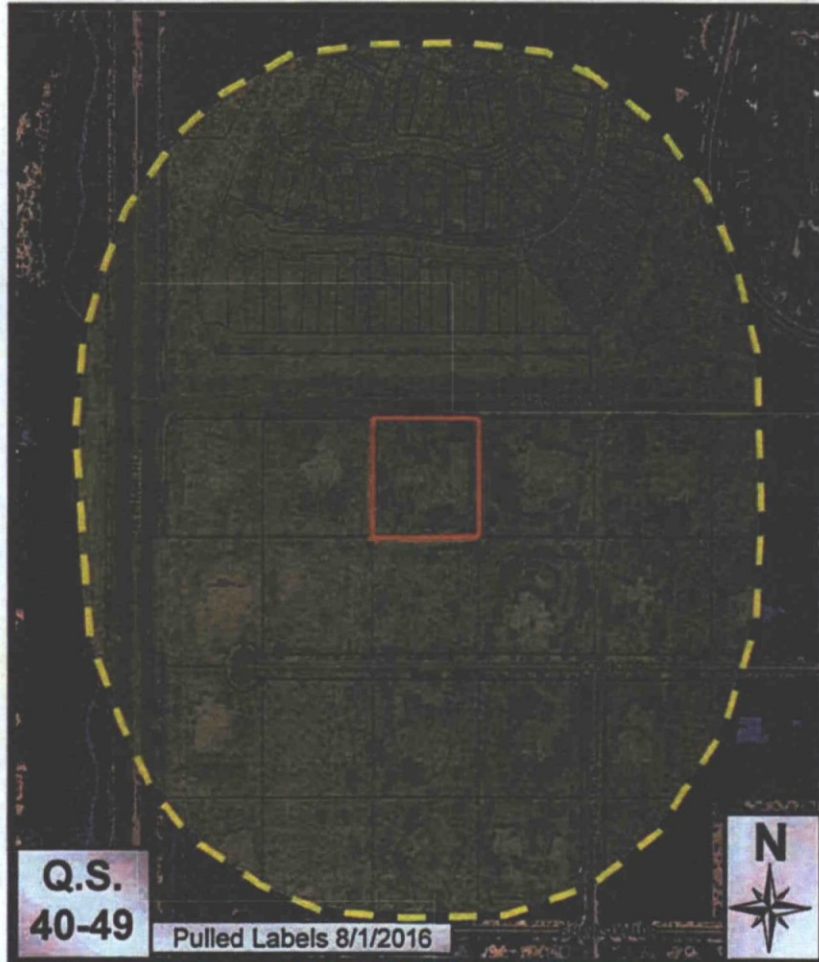






# City Notifications – Mailing List Selection Map

ATTACHMENT 5



## Map Legend:



Site Boundary



Properties within 750-foot  
114 Postcards

## Additional Notifications:

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

**Perlstein Abandonment**

**9-AB-2016**

ATTACHMENT # \_\_\_





**SCOTTSDALE PLANNING COMMISSION  
DESIGN STUDIO  
7506 E. INDIAN SCHOOL RD  
SCOTTSDALE, ARIZONA**

**WEDNESDAY, OCTOBER 19, 2016**

**\*SUMMARIZED MEETING MINUTES\***

**PRESENT:** Michael Edwards, Chairman  
Matthew Cody, Vice Chair  
David Brantner  
Paul Alessio  
Ali Fasih  
Larry S. Kush  
Michael J. Minnaugh

**STAFF:** Tim Curtis  
Sherry Scott  
Alex Acevedo  
Lorraine Castro  
Greg Bloemberg  
Jesus Murillo  
Katie Posler  
Dan Symer  
Bryan Cluff  
Brad Carr  
Adam Yaron  
Erin Perrault

**CALL TO ORDER**

Chair Edwards called the regular session of the Scottsdale Planning Commission to order at 5:01 p.m.

\* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on [ScottsdaleAZ.gov](http://ScottsdaleAZ.gov), search "Planning Commission"



**ROLL CALL**

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

**MINUTES REVIEW AND APPROVAL**

1. Approval of September 28, 2016 Regular Meeting Minutes, including Study Session.
2. Approval of October 5, 2016 Remote Hearing Regular Meeting Minutes.

**COMMISSIONER ALESSIO MOVED TO APPROVE THE SEPTEMBER 28, 2016 REGULAR MEETING MINUTES, INCLUDING STUDY SESSION AND OCTOBER 5, 2016 REGULAR MEETING MINUTES. SECONDED BY COMMISSIONER KUSH, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).**

**CONSENT AGENDA**

3. 13-ZN-2016 (L'Esperance)
4. 9-AB-2016 (Perlstein Abandonment)
5. 1-AB-2016 (Social Tap Outdoor Dining Patio)
7. 6-AB-2016 (Shatila Residence Abandonments)  
**Items No. 3,4,5 & 7: Recommended City Council approve cases 13-ZN-2016, 9-AB-2016, 1-AB-2016 and 6-AB-2016, by a vote of 7-0; Motion by Commissioner Kush, per the staff recommended stipulations, based upon the finding that the proposed Zoning District Map Amendment and the proposed Abandonment are consistent and conform with the adopted General Plan, 2<sup>nd</sup> by Commissioner Alessio.**
6. 5-UP-2016 (Phoenix Seminary Campus Addition and Remodel)  
**Item No. 6: Recommended to City Council for approval of case 5-UP-2016, by vote of 4-0; Motion by Commissioner Brantner, per the staff recommended stipulations, based upon the finding that the Conditional Use Permit criteria have been met, 2<sup>nd</sup> by Commissioner Kush; Vice Chair Cody, Commissioners Alessio and Fakih were all recused. Additional Correspondence was provided to the Planning Commission board by Planning staff.**

Request to speak card: Dick Crew

\* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on [ScottsdaleAZ.gov](http://ScottsdaleAZ.gov), search "Planning Commission"

### **REGULAR AGENDA**

8. 3-GP-2016 (District at the Quarter)
9. 8-ZN-2016 (District at the Quarter)  
**Items No. 8 and 9: Recommended to City Council for approval of cases 3-GP-2016 and 8-ZN-2016 by a vote of 7-0; Motion by Commissioner Kush, for a non-major General Plan amendment to the City of Scottsdale General Plan 2001 and per the staff recommended stipulations after determining that the Planned Unit Development findings have been met, and that the proposed Zoning District Map Amendment, including approval of a Development Plan with specific property development standards, is consistent and conforms with the adopted General Plan, 2<sup>nd</sup> by Commissioner Fasih.**
10. 6-ZN-2016 (South Scottsdale Mixed-Use)  
**Item No. 10: Recommended to City Council for approval of case 6-ZN-2016, by a vote of 6-0; Motion by Commissioner Kush, per the staff recommended stipulations after determining that the Planned Unit Development findings have been met, and that the proposed Zoning District Map Amendment, including approval of a Development Plan with amended development standards, is consistent and conforms with the adopted General Plan, 2<sup>nd</sup> by Commissioner Alessio, Commissioner Fasih was recused.**

### **ADJOURNMENT**

With no further business to discuss, the regular session of the Planning Commission adjourned at 5:58 p.m.

\* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on [ScottsdaleAZ.gov](http://ScottsdaleAZ.gov), search "Planning Commission"



**SCOTTSDALE**

# **CITY COUNCIL MEETING**

## **MEETING NOTICE AND AGENDA**



**COUNCIL**

W.J. "Jim" Lane, Mayor

Suzanne Klapp

Virginia L. Korte

Kathleen S. Littlefield

Linda Milhaven

Guy Phillips

David N. Smith

**Monday, November 28, 2016**

*Unless an exception is made, or unless otherwise noted:*

*Citizens will be given three minutes to address the Council during the times set aside for public comment on Consent, Regular, or Mayor and Council items and during the open call to the public (Public Comment).*

*The Council will not begin discussion on any new items after 10:00 p.m. Items that are not heard will be continued to the next scheduled Council meeting (December 1 or 2, 2016).*

**5:00 P.M.**

**MARKED AGENDA**

**CITY COUNCIL MEETING**

City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Call to Order – 5:05 P.M.

Roll Call – All present

*One or more members of the Council may be unable to attend the Council meeting in person and may participate telephonically, pursuant to A.R.S. §38-431(4).*

Pledge of Allegiance – Councilwoman Klapp

Invocation – Pastor David Joynt, Valley Presbyterian Church

Mayor's Report – None

Presentations/Information Updates – Presentations from Public Works Director Dan Worth and Architects Tom Hennes and John Sather.

- Informational Update Regarding the Desert Discovery Center  
Presenter(s): Dan Worth, Public Works Director

Public Comment – John Huston commented on construction at the Scottsdale and Lincoln roads intersection and early voting processes. George Jackson spoke about the successful Scottsdale Unified School District bond and capital override election. Pat Shaler expressed concern on the proposed Desert Discovery Center. Randy Schilling thanked the Council for the purchase of Preserve land at Dynamite and Pima roads. Marty Rozelle thanked the Council for preserving the City's quality of life.



PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING THE CITY CLERK'S OFFICE AT (480-312-2412). REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT THE CITY CLERK'S OFFICE (480-312-2412).

FOR ADDITIONAL INFORMATION VISIT

COUNCIL/MEETING INFORMATION

**ATTACHMENT 7**

Citizens may complete one Request to Speak "Public Comment" card per night and submit it to the City Clerk. Public Comment time is reserved for citizen comment regarding non-agendized items. No official Council action can be taken on these items. Public Comment is limited to a total of 15 minutes at the beginning and 15 minutes at the end of the meeting. **Speakers are limited to three minutes to address the Council during "Public Comment."**

## ADDED ITEMS

**Added Items:** Resolution No. 8223 requires that, with limited exceptions, the agenda language, the Council report, and any supporting material described as being attached to the Council report shall be made available to the public at least ten days prior to a scheduled Council meeting. Material that is not timely made requires a separate vote to consider whether the item will remain on the agenda or be continued to a future date.

### A1. Added Items

The council report and supporting materials for Item No. 23 will be added to the agenda less than ten days prior to the meeting and will require a separate vote to remain on the agenda.

**Request:** Vote to accept the agenda as presented or to continue the added item(s) to the January 17, 2017 Council meeting.

– **Vice Mayor Littlefield made a motion to accept the agenda as presented. Councilman Phillips seconded the motion, which carried 7/0.**

## CONSENT AGENDA      ITEMS 1-19

**How the Consent Agenda Works:** The Council may take one vote to act on all of the items on the Consent Agenda, or may remove items for further discussion. If you wish to speak on an item on the Consent Agenda, please complete a Request to Speak card for each topic you wish to address. **You will be given one opportunity to speak on any or all Consent items listed on the agenda.** After all of the speakers have finished, the Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

– **Councilmember Korte made a motion to approve Consent Agenda items 1 through 19, absent Items 6 and 8, which were moved to the Regular Agenda. Vice Mayor Littlefield seconded the motion, which carried 7/0.**

### 1. La's Thai Cuisine Liquor License (93-LL-2016) – Approved on Consent.

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for a new location and owner.

**Location:** 15050 N. Northsight Boulevard, Suite 107

**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

### 2. I-MAD Liquor License (95-LL-2016) – Approved on Consent.

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for an agent and acquisition of control change for an existing Series 6 (bar) State liquor license.

**Location:** 4301 N. Civic Center Plaza

**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

### 3. New China Gate Liquor License (96-LL-2016) – Approved on Consent.

**Request:** Consider forwarding a recommendation of approval to the Arizona Department of Liquor Licenses and Control for a Series 12 (restaurant) State liquor license for an existing location with a new owner.

**Location:** 7730 E. McDowell Road, Suite 111

**Staff Contact(s):** Tim Curtis, Current Planning Director, 480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)



4. **Phoenix Seminary Campus Addition and Remodel Conditional Use Permit (5-UP-2016) – Approved on Consent.**  
**Request:** Find that the conditional use permit criteria have been met and adopt **Resolution No. 10639** approving a Conditional Use Permit for private colleges and universities having a regular curriculum, with their related services and activities, on a 4.7±-acre site with Single-Family Residential (R1-35) zoning.  
**Location:** 7901 E. Shea Boulevard  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
  
5. **Waterview at Scottsdale Abandonment Correction (Related to 8-AB-2007) – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10617** amending prior Resolution No. 7671 to correct an error in the legal description for the East Alley Tract for property located near E. Camelback Road and N. 73<sup>rd</sup> Street.  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
  
6. **Social Tap Outdoor Dining Patio Abandonment (1-AB-2016)**  
**Request:** Adopt **Resolution No. 10635** authorizing the abandonment of 5,800± square-feet of Drinkwater Boulevard and Brown Avenue right-of-way, located along the boundary of Parcel No. 173-51-061, with Central Business, Downtown Overlay, Parking District (C-2/P-3 DO) and Parking District, Vehicle Parking, Downtown Overlay (P-2/DO) zoning.  
**Location:** 4310 N. Brown Avenue  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)  
– Senior Planner Greg Bloemberg presentation.  
– Councilman Smith made a motion to deny **Resolution No. 10635**. Vice Mayor Littlefield seconded the motion, which failed 3/4, with Mayor Lane and Councilmembers Klapp, Korte, and Milhaven dissenting.  
– Mayor Lane made a motion to adopt **Resolution No. 10635**. Councilwoman Klapp seconded the motion, which carried 4/3, with Vice Mayor Littlefield and Councilmembers Phillips and Smith dissenting.
  
7. **Shatila Residence Abandonment (6-AB-2016) – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10620** authorizing the abandonment of 33-foot General Land Office Patent Easement (except the easternmost 25 feet) located along the northern boundary, and the western 8 feet of the 33-foot General Land Office Patent Easement located along the eastern boundary, for a property with Single-Family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-70 ESL FO) zoning.  
**Location:** 27990 N. 77<sup>th</sup> Street  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
  
8. **Perlstein Abandonment (9-AB-2016) – Councilwoman Milhaven made a motion to continue Item 8 until after the Council can have a review and discussion of the City's policy around abandonments and non-conforming properties. Mayor Lane seconded the motion, which carried 7/0.**  
**Request:** Adopt **Resolution No. 10621** authorizing the abandonment of 25-foot Roadway Easement along the northern boundary of Parcel No. 217-12-019 with Single-Family Residential, Environmentally Sensitive Lands (R1-35 ESL) zoning.  
**Location:** 8845 E. Sierra Pinta Drive  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

9. **L'Esperance Rezoning (13-ZN-2016) – Approved on Consent.**  
**Request:** Adopt **Ordinance No. 4286** approving a zoning district map amendment from Highway Commercial (C-3) zoning to Downtown, Downtown Multiple Use – Type 2 Downtown Overlay (D/DMU-2, DO) zoning located on a combined 1.23±-acre site.  
**Location:** 3126 N. Scottsdale Road and 7134 E. Earll Drive  
**Staff Contact(s):** Randy Grant, Planning and Development Services Director, 480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)
  
10. **Acquisition of Right-of-Way and Easements for the Raintree Drive Extension – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10632** authorizing the acquisition of right-of-way, drainage easements, and temporary construction easements for the Raintree Drive Extension Project from Scottsdale Road to Hayden Road.  
**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
  
11. **SkySong Transit – McDowell Road Pedestrian Improvements Construction Bid Award – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10633** authorizing Construction Bid Award No. 16PB038 to AJP Electric, Inc., the lowest responsive bidder, at the unit price bid of \$572,924.40 for the construction of SkySong Transit – McDowell Road Pedestrian Improvements from Scottsdale Road to Miller Road.  
**Staff Contact(s):** Daniel Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)
  
12. **November 8, 2016 General/Special Election Canvass – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10664** as the official canvass of the City of Scottsdale November 8, 2016 General/Special Election.  
**Staff Contact(s):** Carolyn Jagger, City Clerk, 480-312-2411, [cjagger@scottsdaleaz.gov](mailto:cjagger@scottsdaleaz.gov)
  
13. **Adoption of Fire, Building, Residential, Plumbing, Mechanical, Electrical, Energy Conservation, Green Construction, Fuel Gas, and Other Codes – Approved on Consent.**  
**Requests:**
  1. Adopt **Resolution No. 10598** declaring the documents entitled "*The International Fire Code, 2015 Edition, Including Appendices B, C, D, E, F, G, H, I, J, K, and M*" and "*2016 City of Scottsdale Amendments to the 2015 International Fire Code*" to be public records.
  2. Adopt **Ordinance No. 4283** to:
    - a. Adopt the 2015 Edition of the International Fire Code and City amendments as part of Scottsdale Revised Code, Chapter 36, Section 36-18.1.
    - b. Amend Chapter 36, Fire Prevention and Protection, Sections 36-19.1, 36-19.2, 36-19.3, 36-19.4, and 36-19.6, of Scottsdale Revised Code to update the violation and penalty provisions.
  3. Adopt **Resolution No. 10597** declaring the documents entitled "*The International Building Code, 2015 Edition, Including Appendices G, I, and J*" and "*2016 City of Scottsdale Building Codes and Amendments*" to be public records.
  4. Adopt **Resolution No. 10599** declaring the document entitled "*The International Residential Code for One-and Two-Family Dwellings, 2015 Edition, Including Appendices A, B, C, H, J, K, R, S, and U*" to be a public record.
  5. Adopt **Resolution No. 10600** declaring the document entitled "*The International Plumbing Code, 2015 Edition, Including Appendices B and E*" to be a public record.
  6. Adopt **Resolution No. 10601** declaring the document entitled "*The International Mechanical Code, 2015 Edition*" to be a public record.
  7. Adopt **Resolution No. 10602** declaring the document entitled "*The National Electrical Code, 2014 Edition*" to be a public record.
  8. Adopt **Resolution No. 10603** declaring the document entitled "*The International Energy Conservation Code, 2015 Edition*" to be a public record.



9. Adopt **Resolution No. 10604** declaring the document entitled "*The International Green Construction Code, 2015 Edition*" to be a public record.
10. Adopt **Resolution No. 10627** declaring the document entitled "*The International Fuel Gas Code, 2015 Edition*" to be a public record.
11. Adopt **Resolution No. 10628** declaring the document entitled "*The International Existing Building Code, 2015 Edition*" to be a public record.
12. Adopt **Resolution No. 10629** declaring the document entitled "*The 2012 ICC Standard for Bleachers, Folding and Telescopic Seating, and Grandstands*" to be a public record.
13. Adopt **Resolution No. 10630** declaring the document entitled "*ICC 117.1-2009, Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities*" to be a public record.
14. Adopt **Resolution No. 10631** declaring the document entitled "*The 2010 ADA Standards for Accessible Design*" to be a public record.
15. Adopt **Ordinance No. 4284** to:
  - a. Adopt the 2015 Edition of the International Building Code and City amendments; 2015 Edition of the International Residential Code for One-and Two-Family Dwellings; 2015 Edition of the International Plumbing Code; 2015 Edition of the International Mechanical Code; 2014 Edition of the National Electrical Code; 2015 Edition of the International Energy Conservation Code; 2015 Edition of the International Green Construction Code; 2015 Edition of the International Fuel Gas Code; 2015 Edition of the International Existing Building Code; The 2012 ICC Standard for Bleachers, Folding and Telescopic Seating, and Grandstands; ICC 117.1-2009, Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities; and The 2010 ADA Standards for Accessible Design.
  - b. Repeal and replace Chapter 31, Building and Building Regulations, Articles I through VIII, Sections 31-1 through 31-236 of Scottsdale Revised Code.

**Staff Contact(s):** Michael Clack, Chief Development Officer, 480-312-7629, [mclack@scottsdaleaz.gov](mailto:mclack@scottsdaleaz.gov)

**14. Merci Train Boxcar and Artifacts Intergovernmental Agreement – Approved on Consent.**

**Request:** Adopt **Resolution No. 10634** to authorize:

1. Agreement No. 2016-180-COS with the Arizona State Library, Archives & Public Records Division for the loan of the Merci Train Boxcar to the McCormick-Stillman Railroad Park.
2. The Parks and Recreation Director to execute, on behalf of the City, artifact loan agreements for future short-term loans of artifacts to be displayed at McCormick-Stillman Railroad Park.

**Staff Contact(s):** William Murphy, Community Services Director, 480-312-7954, [bmurphy@scottsdaleaz.gov](mailto:bmurphy@scottsdaleaz.gov)

**15. Engineering Services Contract to Update the Infrastructure Improvement Plan and the Land Use Assumptions Report – Approved on Consent.**

**Request:** Adopt **Resolution No. 10625** authorizing Contract No. 2016-179-COS with CH2M HILL Engineers, Inc., in an amount not to exceed \$101,734 to update the City's Infrastructure Improvement Plan and Land Use Assumptions Report; required to update Water and Wastewater fees

**Staff Contact(s):** David Petty, Acting Water Resources Director, 480-312-5683, [dpetty@scottsdaleaz.gov](mailto:dpetty@scottsdaleaz.gov)

**16. Scottsdale Convention and Visitors Bureau Additional Event Request – Approved on Consent.**

**Request:** Adopt **Resolution No. 10594** to authorize:

1. The addition of the 2017 Native Trails Event as an additional event under the Destination Marketing Service Agreement No. 2012-053-COS with the Scottsdale Convention and Visitors Bureau d/b/a Experience Scottsdale (SCVB).
2. The disbursement of \$100,000 of Fort McDowell Yavapai Nation Proposition 202 funds to SCVB, of which \$95,000 shall be used in connection with the Native Trails Event.

**Staff Contact(s):** Karen Churchard, Tourism and Events Director, 480-312-2890, [kchurchard@scottsdaleaz.gov](mailto:kchurchard@scottsdaleaz.gov)

17. **Audit Committee Recommendation for the Transportation Commission Sunset Review – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10641** accepting the Audit Committee's recommendation and authorizing the continuation of the Transportation Commission.  
**Staff Contact(s):** Sharron Walker, City Auditor, 480-312-7867, [swalker@scottsdaleaz.gov](mailto:swalker@scottsdaleaz.gov)
  
18. **Audit Committee Recommendation for the Transportation Commission – Paths and Trails Subcommittee Sunset Review – Approved on Consent.**  
**Request:** Adopt **Resolution No. 10642** accepting the Audit Committee's recommendation and authorizing the continuation of the Transportation Commission – Paths and Trails Subcommittee.  
**Staff Contact(s):** Sharron Walker, City Auditor, 480-312-7867, [swalker@scottsdaleaz.gov](mailto:swalker@scottsdaleaz.gov)
  
19. **Monthly Financial Report – Approved on Consent.**  
**Request:** Accept the FY 2016/17 Monthly Financial Report as of September 2016.  
**Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)

## **REGULAR AGENDA      ITEMS 20-23**

**How the Regular Agenda Works:** The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Request to Speak card for each topic you wish to address and submit it to the City Clerk. Speakers will be given at least three minutes to speak per item. Additional time may be granted to speakers representing two or more persons. Cards for designated speakers and the persons they represent must be submitted together. **Comment cards must be submitted before public testimony has begun on that item.**

20. **Fiscal Year 2015/16 Annual Financial Audit**  
**Request:** Accept the FY 2015/16 annual financial audit reports submitted by the City's external auditors, Heinfeld, Meech & Co., P.C.  
**Presenter(s):** Sharron Walker, City Auditor  
**Staff Contact(s):** Sharron Walker, City Auditor, 480-312-7867, [swalker@scottsdaleaz.gov](mailto:swalker@scottsdaleaz.gov)  
– City Auditor Sharron Walker presentation.  
– Councilwoman Klapp made a motion to accept the FY 2015/16 annual financial audit reports as submitted. Councilmember Korte seconded the motion, which carried 7/0.
  
21. **Fiscal Year 2015/16 Financial Update**  
**Request:** City Treasurer's financial summary presentation for Fiscal Year 2015/16.  
**Presenter(s):** Jeff Nichols, City Treasurer  
**Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)  
– City Treasurer Jeff Nichols presentation.
  
22. **Monthly Financial Update**  
**Request:** Receive, discuss, and provide possible direction on the City Treasurer's monthly financial presentation as of October 2016.  
**Presenter(s):** Jeff Nichols, City Treasurer  
**Staff Contact(s):** Judy Doyle, Budget Director, 480-312-2603, [jdoyle@scottsdaleaz.gov](mailto:jdoyle@scottsdaleaz.gov)  
– City Treasurer Jeff Nichols presentation.
  
23. **WestWorld Municipal Use Master Site Plan**  
**Requests:**
  1. Adopt **Resolution No. 10619** authorizing a FY 2016/17 Tourism Development Fund operating contingency budget transfer in the amount of \$300,000 to be funded from the City portion of the



- bed tax carry-over to a newly created capital improvement project to be titled WestWorld Municipal Use Master Site Plan and Text Amendment.
2. Initiate a Municipal Use Master Site Plan (MUMSP) application for the purpose of updating the existing MUMSP on 380± acres of City-owned properties located in the general vicinity east of Arizona State Route 101 and south of E. Bell Road, with Western Theme Park (W-P) and Western Theme Park, Environmentally Sensitive Lands (W-P/ESL) zoning.
  3. Initiate a Text Amendment to the City of Scottsdale Zoning Ordinance No. 455 to amend Section 5.2802 to the Western Theme Park (W-P) zoning district located City-wide.
  4. Initiate a Conditional Use Permit (CUP) application for the purpose of consolidating the existing approved CUP on 380± acres of City-owned properties located in the general vicinity east of Arizona State Route 101 and south of E. Bell Road, with Western Theme Park (W-P) and Western Theme Park, Environmentally Sensitive Lands (W-P/ESL) zoning.

**Presenter(s):** Dan Worth, Public Works Director.

**Staff Contact(s):** Dan Worth, Public Works Director, 480-312-5555, [dworth@scottsdaleaz.gov](mailto:dworth@scottsdaleaz.gov)  
– Public Works Director Dan Worth presentation.

– Councilwoman Milhaven made a motion to continue Item 23 and to request that staff bring forward an overview of the operations at WestWorld and the business case for additional investment. Mayor Lane seconded the motion, which carried 7/0.

#### Public Comment – None

Citizens may complete one Request to Speak “Public Comment” card per night and submit it to the City Clerk. Public Comment time is reserved for citizen comment regarding non-agendized items. No official Council action can be taken on these items. Public Comment is limited to a total of 15 minutes at the beginning and 15 minutes at the end of the meeting. **Speakers are limited to three minutes to address the Council during “Public Comment.”**

## CITIZEN PETITIONS

### ITEM 24

**Citizen Petitions:** This portion of the agenda is reserved for the submission and/or consideration of citizen petitions. There is no limit on the number of petitions a citizen may submit; however, **each citizen is limited to a total time of three minutes to speak to his/her petition(s)**. A Request to Speak card must be submitted, together with the petition(s), **before** the second Public Comment period begins.

#### 24. Receipt of Citizen Petitions – None

**Request:** Accept and acknowledge receipt of citizen petitions. Any member of the Council may make a motion, to be voted on by the Council, to: (1) Direct the City Manager to agendize the petition for further discussion; (2) direct the City Manager to investigate the matter and prepare a written response to the Council, with a copy to the petitioner; or (3) take no action.

**Staff Contact(s):** Carolyn Jagger, City Clerk, 480-312-2411, [cjagger@scottsdaleaz.gov](mailto:cjagger@scottsdaleaz.gov)

**Mayor and Council Items** – Mayor Lane made a motion to have staff to bring forward the WestWorld events and marketing contract after the new year for review of items, conditions, and performance issues as a component part to be used in the overall assessment of WestWorld. Councilwoman Klapp seconded the motion, which carried 7/0.

Adjournment – 7:53 P.M.

# CITY COUNCIL REPORT



Meeting Date: November 28, 2016  
 General Plan Element: *Land Use*  
 General Plan Goal: *Coordinate Planning to Balance Infrastructure*

## ACTION

### Perlstein Abandonment 9-AB-2016

#### Request to consider the following:

1. Adopt Resolution No. 10621 to abandon 25-foot Roadway Easement along the northern boundary of a property located at 8845 E. Sierra Pinta Drive (Parcel Number 217-12-019), with Single-family Residential, Environmentally Sensitive Lands (R1-35 ESL) zoning.

#### Key Items for Consideration

- Access to the property is not impacted or changed by the proposed abandonment
- The proposed abandonment conforms with the Transportation Master Plan- which does not require any further right-of-way dedications along E. Sierra Pinta Dr.
- Six of twelve lots along E. Sierra Pinta Dr. have abandoned the same Roadway Easement
- All Utility Companies were notified of the request, and a Public Utility Easement will be dedicated
- Public input and questions were received, but with no issue on the proposed abandonment area
- Planning Commission heard this case on October 19, 2016 and recommended approval with a 7-0 vote

## OWNER

Edward Perlstein  
480-682-3916

## APPLICANT CONTACT

Ashley Porter  
480-682-3916

## LOCATION

8845 E Sierra Pinta Drive





## **BACKGROUND & EXISTING CONDITIONS**

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### **Scottsdale General Plan 2001 and Character Area Plan**

The General Plan Land Use Element currently designates the property as Rural Neighborhoods as a part of the Future Character Area Plan. These categories include relatively low-density and larger lot development, including horse privilege neighborhoods and areas with sensitive and unique natural environments.

### **Zoning**

The site is zoned Single-family Residential, Environmentally Sensitive Lands (R1-35 ESL).

The subject property, Lot 10, was created in 1958 through the Pima Acres Final Plat in Maricopa County. The City of Scottsdale annexed the property in 1963 under Ordinance No. 169 and the City of Scottsdale R1-35 zoning was applied. The Environmentally Sensitive Lands Overlay took effect in 1991.

### **Context and Adjacent Uses**

The subject property is located near the southeast corner N. Pima Road and E. Sierra Pinta Drive. The site is generally surrounded by suburban single-family developments and condominium complexes (see context graphics).

The subject 25-foot Roadway Easement was dedicated along the northern boundary of the property in 1958 by the Pima Acres Final Plat. Currently, it is mostly unimproved besides driveway entrances to the residence.

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

2008 Scottsdale Transportation Master Plan

21-AB-2004 (Lots 2, 4, 8, & 9)

33-AB-2000 (Lots 3 & 5)

## **APPLICANTS PROPOSAL**

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This request is to abandon the existing 25-foot Roadway Easement located along E. Sierra Pinta Drive consistent with the City's roadway requirement for Local Residential Street Classifications.

The proposed abandonment would bring the existing residence into conformance with the front yard setback and previously dedicated Natural Area Open Space Easement.

## **IMPACT ANALYSIS**

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### **Traffic/Trails**

Access to the subject property is provided along E. Sierra Pinta Drive, which is classified as a Local Residential Street by the Transportation Master Plan. The minimum required street width for Local Residential Streets is a total of forty (40) feet. A forty (40) foot fee simple right-of-way dedication was completed in 1958 through the final plat for the Pima Acres subdivision.

The Pima Acres Final Plat also dedicated an additional 25-foot Roadway Easement along the northern lots abutting E. Sierra Pinta Drive (see attachment #4). It has been determined that the Roadway Easement is not needed as the existing right-of-way dedicated along E. Sierra Pinta Drive fulfills the requirements. Six other properties along E. Sierra Pinta Drive have been approved to abandon the same easement.

### **Emergency/Municipal Services and Utilities**

All existing emergency and municipal access will be provided to the properties surrounding the abandonment area and maintained through existing dedicated public right-of-way along E. Sierra Pinta Drive. No impacts are anticipated.

### **Public Utilities**

The public utilities have been notified of the applicant's request. Arizona Public Service and Southwest Gas have requested the dedication of a fifteen (15) foot Public Utility Easement over the abandonment area. Century Link has requested a private easement dedication by the applicant.

### **Natural Area Open Space**

Upon single family development in 2004, the required Natural Area Open Space Easement (NAOS) was dedicated on the property. A portion of the NAOS was dedicated along the street frontage. With the proposed abandonment of the Roadway Easement, there will no longer be conflicts between the two easement rights.

### **Community Involvement**

The applicant notified all property owners within 750 feet of the proposed abandonment. The site was also posted notifying interested parties of the request and the city sent postcards to property owners surrounding the site in notice of the request. City staff has received questions regarding the effect of the abandonment case and future construction on the parcel.

### **Community Impact**

The proposed abandonment does not restrict access to adjacent properties and helps to eliminate excess roadway. The applicant will provide \$3,500 as compensation to the City of Scottsdale.

## **OTHER BOARDS & COMMISSIONS**

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### **Planning Commission:**

Planning Commission heard this case and recommended approval with a 7-0 vote.

### **Staff's Recommendation to Planning Commission:**

Staff recommended that the Planning Commission make a recommendation to City Council for approval to abandon the 25-foot Roadway Easement along the northern boundary of a property located at 8845 E. Sierra Pinta Drive (Parcel Number 217-12-019), with Single-family Residential, Environmentally Sensitive Lands (R1-35 ESL) zoning, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

1. The property owner dedicates a fifteen (15) foot Public Utility Easement over the abandonment area.



2. The property owner pays \$3,500 to the City as compensation for the abandonment of right-of-way.

## RECOMMENDATION

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### Recommended Approach:

1. Adopt Resolution No. 10621 to abandon 25-foot Roadway Easement along the northern boundary of a property located at 8845 E. Sierra Pinta Drive (Parcel Number 217-12-019), with Single-family Residential, Environmentally Sensitive Lands (R1-35 ESL) zoning.

## RESPONSIBLE DEPARTMENTS

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### Planning and Development Services

Current Planning Services & Transportation Department

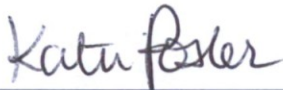
## STAFF CONTACT

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Katie Posler  
Associate Planner  
480-312-2703  
E-mail: kposler@ScottsdaleAZ.gov

## APPROVED BY

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Katie Posler, Associate Planner, Report Author

11/2/2016

Date



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

11/4/2016

Date



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

11/6/2016

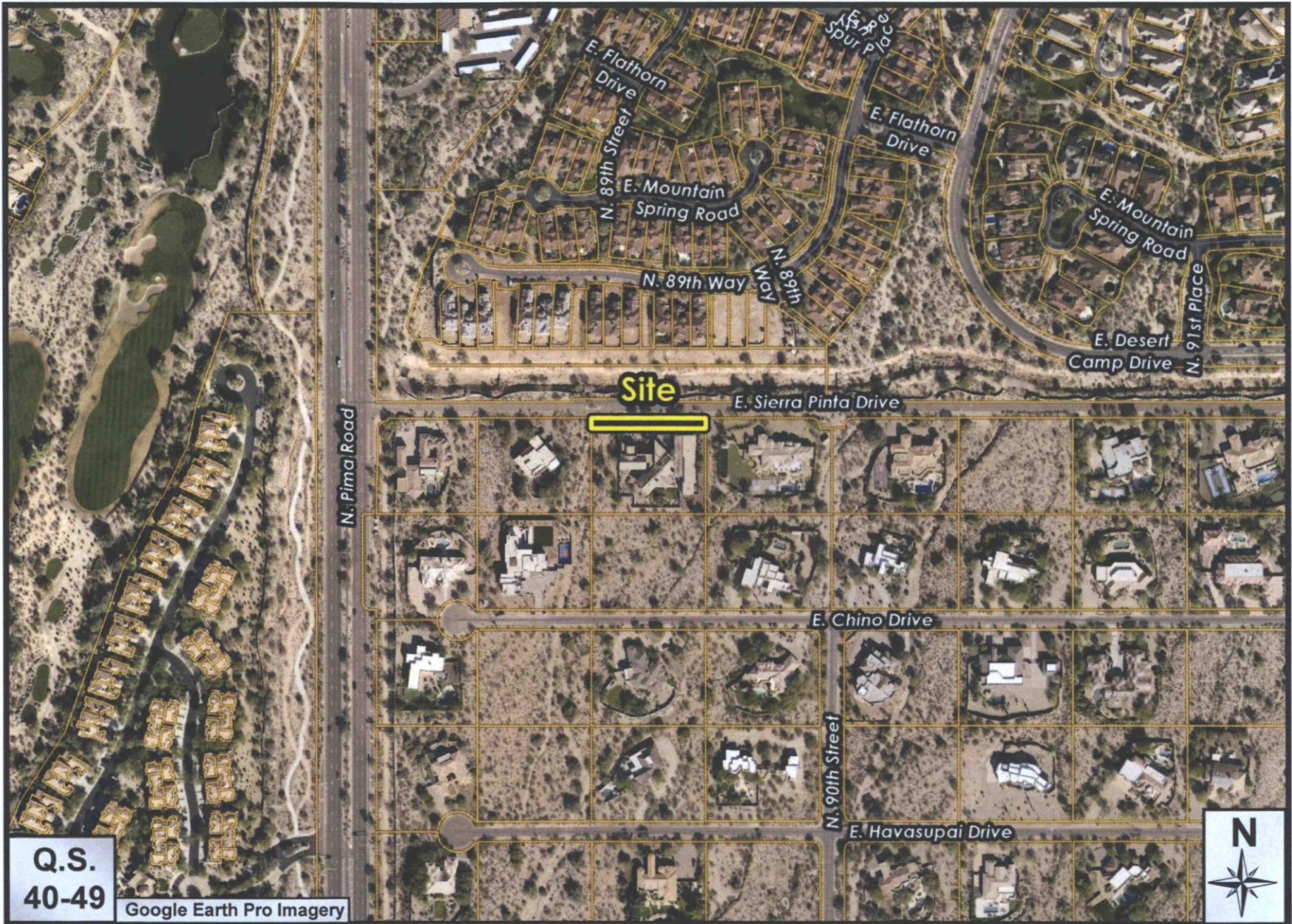
Date

## ATTACHMENTS

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1. Context Aerial
2. Detail Aerial
3. Resolution No. 10621
4. Applicant's Narrative
5. Pima Acres Final Plat
6. City Notification Map
7. October 19, 2016 Planning Commission meeting minutes





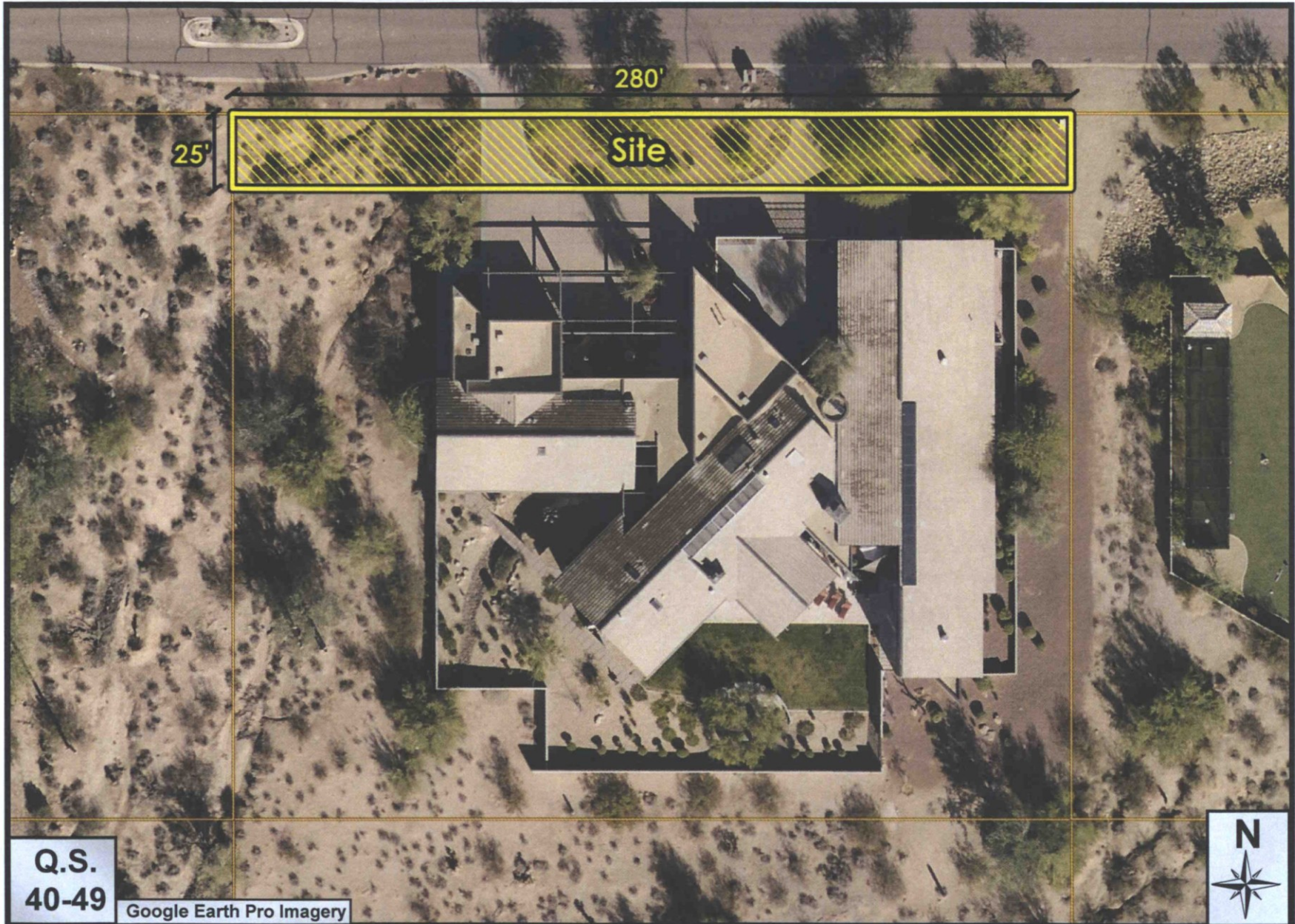
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Google Earth Pro Imagery

Perlstein Abandonment

9-AB-2016





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Google Earth Pro Imagery



ATTACHMENT #2

Perlstein Abandonment

9-AB-2016



**RESOLUTION NO. 10621**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ABANDONING, SUBJECT TO CONDITIONS AND RESERVATIONS, CERTAIN INTERESTS IN THE PUBLIC RIGHT-OF-WAY FOR E. SIERRA PINTA DRIVE EAST OF N. PIMA ROAD

(9-AB-2016)  
(Perlstein)

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

E. The Abandonment Right-of-way falls within, serves, affects or is near the parcel (the "Perlstein Parcel") comprising approximately 1.5 acres east of the southeast corner of East Sierra Pinta as described on **Exhibit "C"** attached hereto.

F. Owner warrants and represents that there are no other holders of fee title, leaseholds, liens, exclusive easements, or options affecting Owner's property. The preceding sentence does not apply to ordinary leases to individual residential rental unit tenants.

G. City's city council finds that, subject to the conditions, requirements, reservations and limitations of this resolution, the Abandonment Right-of-way is no longer necessary for public use.

H. City's city council has considered the City expenditure, if any, authorized by this resolution and the direct consideration that City will receive and finds that there is a clearly identified public purpose for City's expenditure, if any, and that City will receive direct consideration substantially equal to its expenditure.

I. City's city council finds that consideration and other public benefit commensurate with the value of the interests in the Abandonment Right-of-way being abandoned, giving due consideration to its degree of fragmentation and marketability, will be provided to City by the owners of the abutting property.

NOW, THEREFORE, BE IT RESOLVED by the city council of the City of Scottsdale, Arizona, as follows:

1. Abandonment. Subject to the reservations and conditions below, City's interests comprising the Abandonment Right-of-way are hereby abandoned.

2. Reservations. City reserves to itself and excludes from this abandonment all of the following cumulative, perpetual interests:

2.1 A perpetual public utility easement upon, over, under and across the entire Abandonment Right-of-way.

2.1.1 The purpose of the easement is for electricity, water, wastewater, storm water, drainage, telecommunications, and all other manner of utilities, and for construction, operation, use, maintenance, repair, modification and replacement from time to time of improvements related thereto.

2.2 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.

2.3 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:

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

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

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

2.4 An easement for all existing utilities, if any.

2.5 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 of the Perlstein Parcel (and all lenders, tenants, and other interest holders in such parcels) shall dedicate to City using City specified forms a public utility easement covering the portion of such parcel described on Exhibit "D" and Exhibit "E" attached hereto.



3.2 The owner of the Perlstein Parcel shall pay to City the combined total amount of Three Thousand Five Hundred and No/100 Dollars (\$3,500.00) (the "Payment Amount") as compensation to City for the Abandonment Right-of-way, in addition to any application fees or other amounts related to this resolution and in addition to any other amounts payable to City.

3.3 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

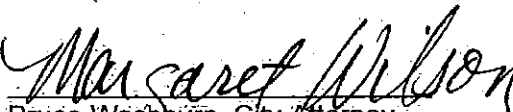
\_\_\_\_\_  
W. J. "Jim" Lane, Mayor

ATTEST:

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

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

  
Bruce Washburn, City Attorney  
By: Margaret Wilson, 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



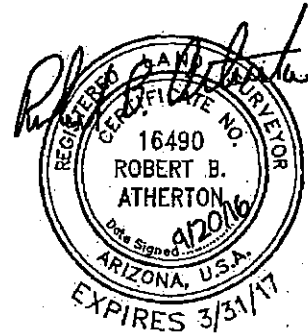
Table of Exhibits


<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	Map showing the Perlstein Parcel
D	3.1	Legal description of public utility easement to be dedicated
E	3.1	Scaled and dimensioned drawing to accompany legal description of public utility easement to be dedicated

**EXHIBIT A  
LEGAL DESCRIPTION  
25' WIDE ROADWAY EASEMENT  
ABANDONMENT**

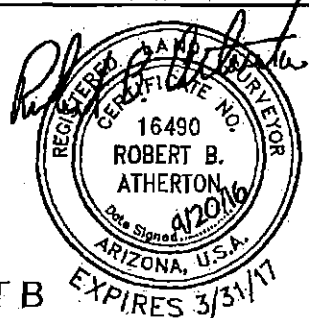
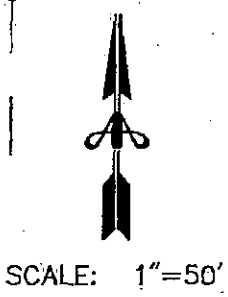
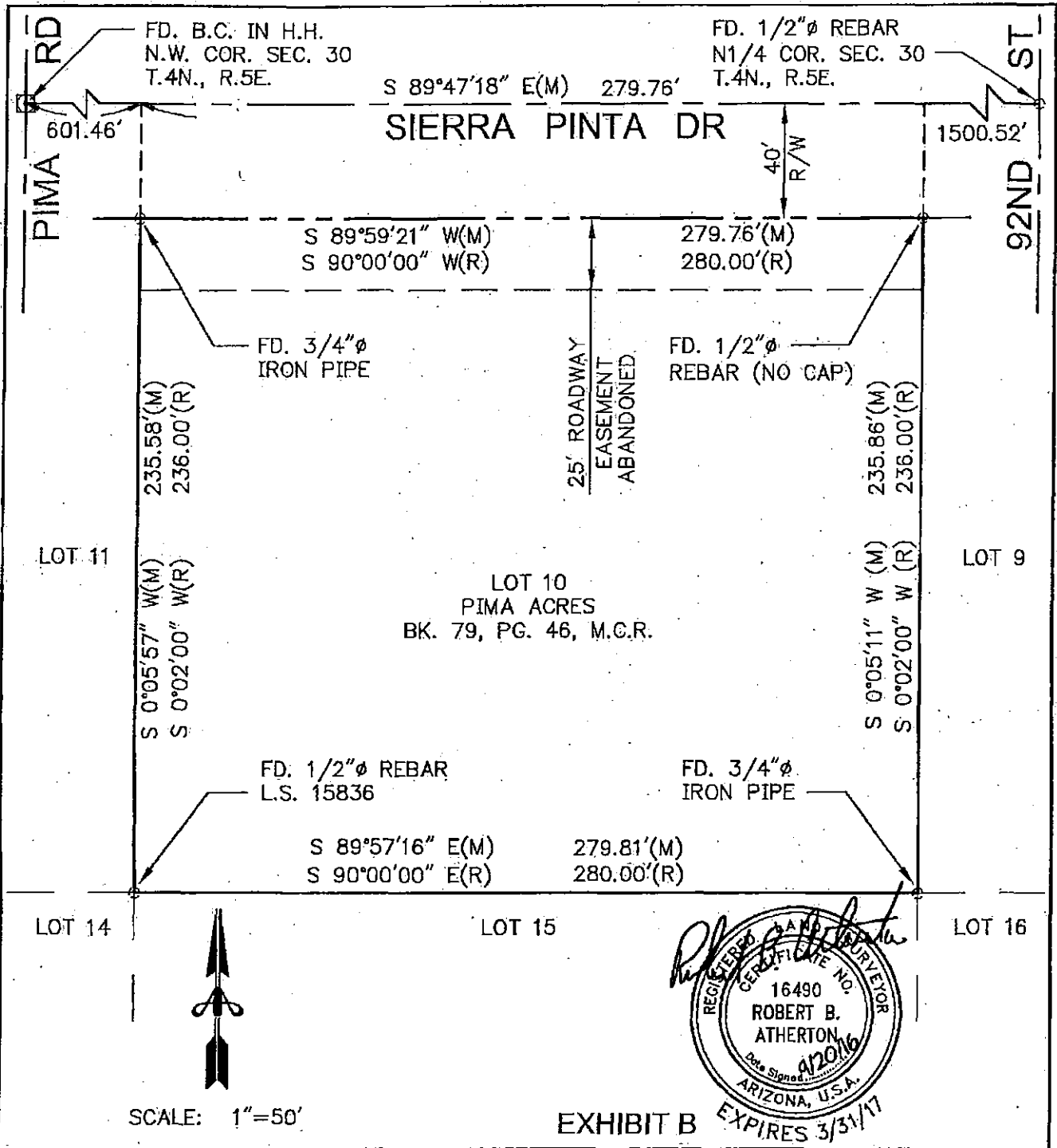
A STRIP OF LAND 25 FEET IN WIDTH LOCATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:


THE NORTH 25 FEET OF LOT 10, PIMA ACRES, A SUBDIVISION RECORDED IN BOOK 79, PAGE 46, MARICOPA COUNTY RECORDER.



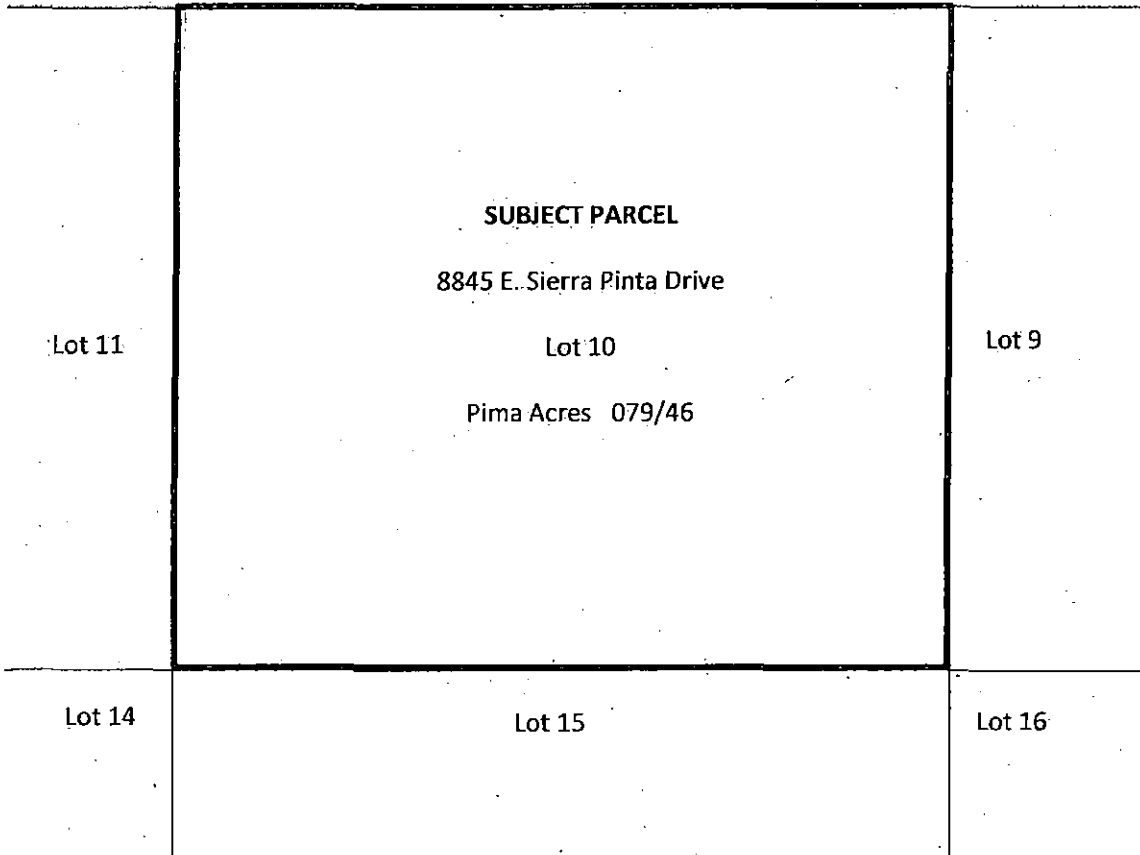
 <b>ATHERTON ENGINEERING, INC.</b> CIVIL ENGINEERS AND LAND SURVEYORS  1203 E. MEADOWBROOK AVE., PHOENIX, AZ 85014-4028 (602) 279-7331 * FAX (602) 230-1908  Exhibit A	<b>25 FOOT ROADWAY EASEMENT ABANDONMENT</b>	DESIGNED BY: RBA
	<b>DR. EDWARD PERLSTEIN</b>	SCALE: N/A
	8845 SIERRA PINTA DRIVE SCOTTSDALE, ARIZONA 85255 pg. 1 of 1      Res. No. 10621	DATE: 9-20-16
		JOB NO. 02-15  SHEET No. <div style="text-align: center; font-size: 2em; font-weight: bold;">EX1</div> SHEET <u>1</u> OF <u>2</u>





 <b>ATHERTON ENGINEERING, INC.</b> CIVIL ENGINEERS AND LAND SURVEYORS  1203 E. MEADOWBROOK AVE., PHOENIX, AZ 85014-4028 (602) 279-7331 • FAX (602) 230-1908  Exhibit B	<b>25 FOOT ROADWAY EASEMENT ABANDONMENT</b>	DESIGNED BY: RBA
	<b>DR. EDWARD PERLSTEIN</b>	SCALE: 1'=50'
	8845 SIERRA PINTA DRIVE SCOTTSDALE, ARIZONA 85255 pg. 1 of 1      Res. No. 10621	DATE: 9-20-16
		JOB NO. 02-15
		SHEET NO. <b>EX1</b> SHEET 2 OF 2

E. Sierra Pinta Dr.



**SUBJECT PARCEL**

8845 E. Sierra Pinta Drive

Lot 10

Pima Acres 079/46

Lot 11

Lot 9

Lot 14

Lot 15

Lot 16



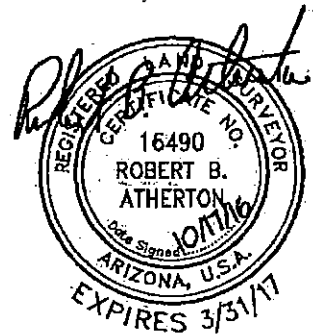
**SITE MAP**




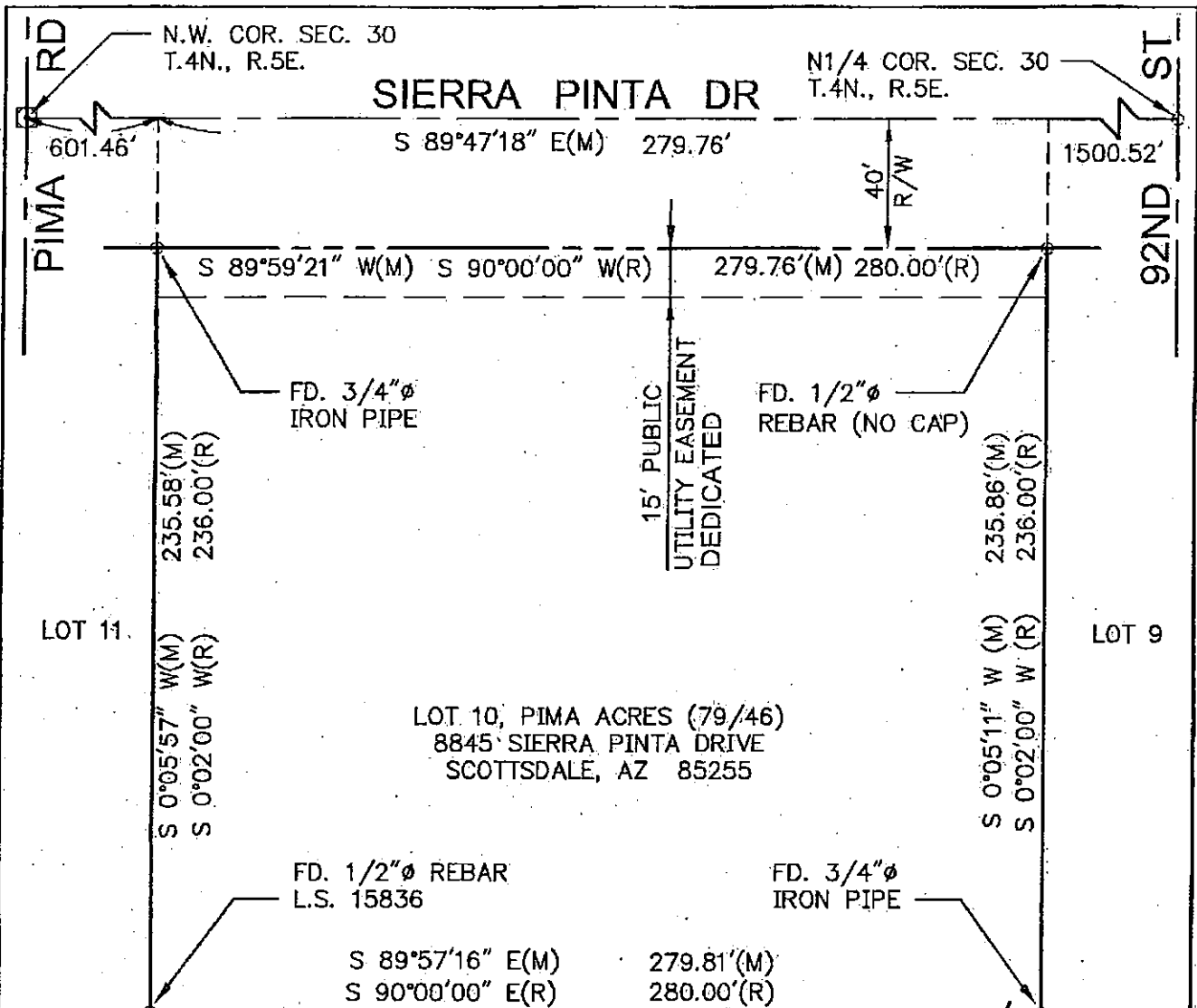
**EXHIBIT D  
LEGAL DESCRIPTION  
15' WIDE PUBLIC UTILITY EASEMENT  
DEDICATION**

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA ALSO BEING A PORTION OF LOT 10, PIMA ACRES, A SUBDIVISION RECORDED IN BOOK 79, PAGE 46, M.C.R. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 15' FEET OF LOT 10, PIMA ACRES, A SUBDIVISION RECORDED IN BOOK 79, PAGE 46, M.C.R.



 <b>ATHERTON ENGINEERING, INC.</b> CIVIL ENGINEERS AND LAND SURVEYORS 1203 E. MEADOWBROOK AVE., PHOENIX, AZ 85014-4028 (602) 279-7331 *FAX (602) 230-1908	<b>15 FOOT WIDE PUBLIC UTILITY EASEMENT</b>	DESIGNED BY: RBA
	<b>DR. EDWARD PERLSTEIN</b> 8845 SIERRA PINTA DRIVE SCOTTSDALE, ARIZONA 85255 pg. 1 of 1      Res. No. 10621	SCALE: N/A
Exhibit D		DATE: 10-17-16 JOB NO.: 02-15 SHEET No. <b>EX1</b> SHEET 1 OF 2



SCALE: 1"=50'

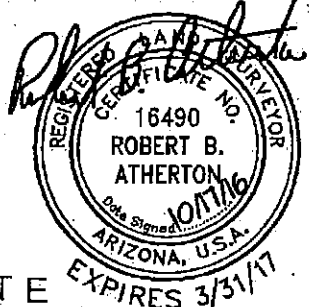



EXHIBIT E

 <b>ATHERTON ENGINEERING, INC.</b> CIVIL ENGINEERS AND LAND SURVEYORS 1203 E. MEADOWBROOK AVE., PHOENIX, AZ 85014-4028 (602) 279-7331 • FAX (602) 230-1908	<b>15 FOOT WIDE PUBLIC UTILITY EASEMENT</b>		DESIGNED BY: RBA
	<b>DR. EDWARD PERLSTEIN</b> 8845 SIERRA PINTA DRIVE SCOTTSDALE, ARIZONA 85255 pg. 1 of 1 Res. No. 10621		SCALE: 1"=50'
			DATE: 10-17-16
	<b>EX2</b> SHEET 2 OF 2		JOB NO. 02-15
SHEET NO.			



# 8845 East Sierra Pinta Drive Abandonment

## Project Narrative

548-PA-16

Prepared for:  
*Edward Perlstein*

Prepared by:  
Ashley Porter, Planning Assistant  
Berry Riddell, LLC  
6750 East Camelback Road, Suite 100  
Scottsdale, Arizona 85251

## **I. Abandonment Request**

The request is for abandonment of a roadway easement dedicated with the Pima Acres plat is 1958 that falls along the property located at 8845 East Sierra Pinta Drive (the "Property"). The request is to abandon 25 feet of roadway easement on East Sierra Pinta Drive along the northern boundary of the subject lot. It has long been determined by City Staff that the roadway easement is not needed and that the 40 foot existing half street is adequate right-of-way for Sierra Pinta Drive. This abandonment request is similar to other requests that have been approved along Sierra Pinta (2005/203304 and 2001/243336). The house on the subject property, as with other homes along Sierra Pinta, is currently constructed at the required front setback of 40 feet measured from the 40 foot right-of-way line, not the 25 foot roadway easement line. As such, the home is legal non-conforming and any future improvements that impact the front yard (i.e. future garage structure) require the abandonment of the roadway easement. APS has requested that a 25 foot public utility easement (PUE) be retained as in a similar abandonment case to the east (2005/203304).



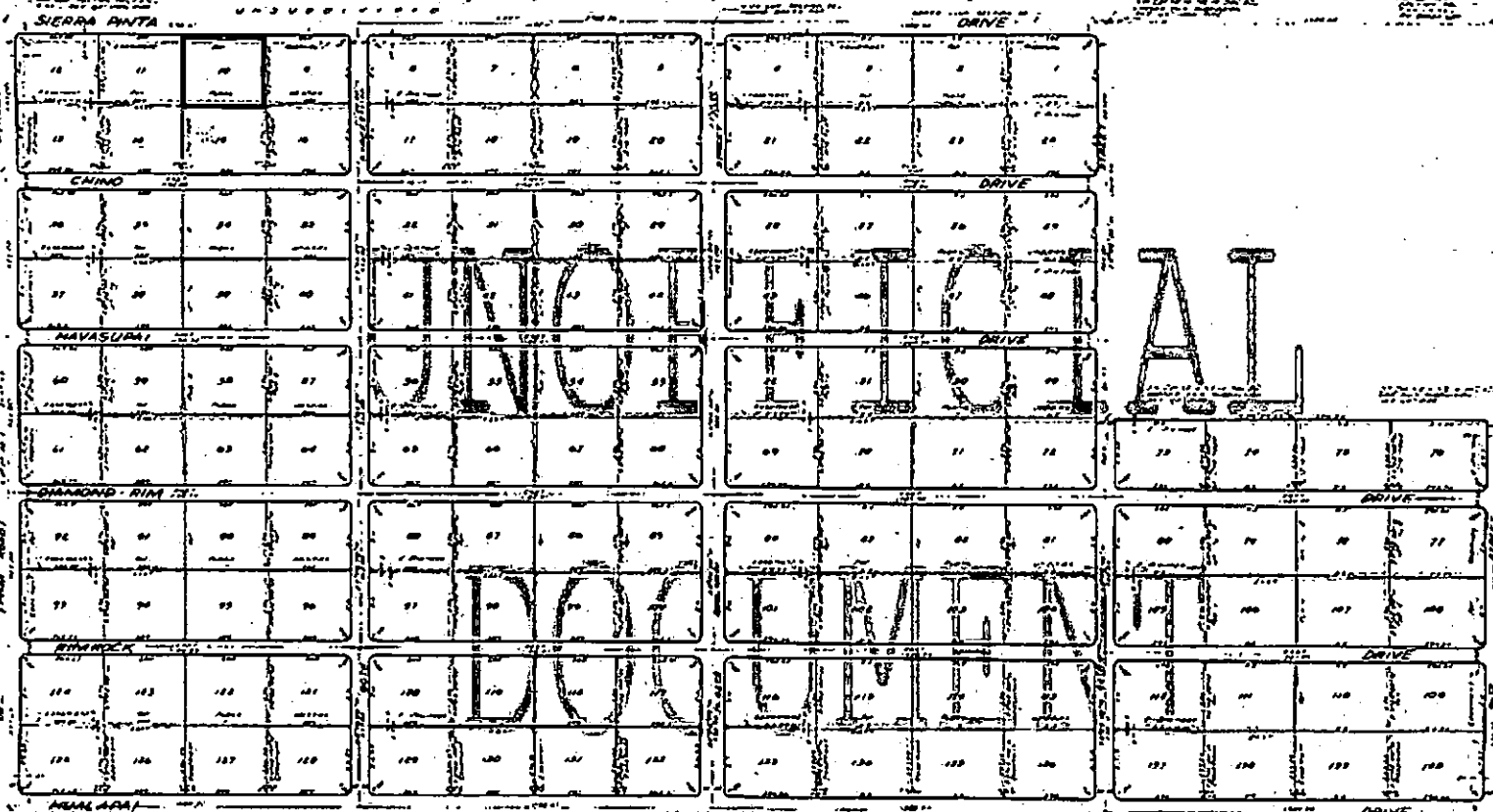
## **II. Consideration for Abandonment**

The City's policy for right-of-way compensation is 50 cents per square foot for fee title right-of-way abandonments. Therefore, the written offer of compensation for the  $(280 \times 25) = 7,000$  s.f. is \$3,500 to be paid to the City of Scottsdale. The Property owner will provide direct compensation to the City of Scottsdale for the land area to be abandoned.

# PIMA ACRES

79-46

A SUBDIVISION OF PART OF THE N 1/4 OF SECTION 30,  
T4N, R5E, G.&S.R.B.&M., MARICOPA COUNTY, ARIZONA



**DEDICATION**

KNOW ALL MEN BY THESE PRESENTS, that the Pima Title and Trust Company, a Arizona Corporation, hereby dedicates unto the name of PIMA ACRES part of the N 1/4 of Section 30, T4N, R5E, G.S.R.B.&M., Maricopa County, Arizona, and hereby publishes the plan as and for the part of said PIMA ACRES and hereby declares that said plan sets forth the location and gives the dimensions of the lots and streets, including lanes, and that each lot and street shall be known by the number or name given such respectively as said lot, and street, respectively to the public for use as such. The streets shown on said plan and located in the above described system. Eminent is dedicated for the purpose shown.

IN WITNESS WHEREOF the Pima Title and Trust Company, its duly authorized officers and agents have hereunto set their hands and seals at Phoenix, Arizona, this 15th day of September, 1958.

BY: [Signature] President

ATTEST: [Signature] Assistant Secretary

**ACKNOWLEDGEMENT**

STATE OF ARIZONA  
COUNTY OF MARICOPA

I, the undersigned official of the State of Arizona, do hereby certify that the foregoing instrument, as acknowledged before me by the Pima Title and Trust Company, a corporation, and its duly authorized officers, representatives, agents, and attorneys, being authorized to do so, recorded the foregoing instrument for the purpose shown and in full compliance with the provisions of the laws of this State relating to the recording of instruments.

IN WITNESS WHEREOF I have hereunto set my hand and official seal at Phoenix, Arizona, this 15th day of September, 1958.

APPROVAL

Approved by the State of Arizona of Maricopa County, Arizona  
this 15th day of September, 1958.

ATTEST: [Signature] Clerk

**CERTIFICATE**

This is to certify that the copies and abstracts of the premises described and patrolled herein were made under my direction during the month of September, 1958.

BY: [Signature] Recorder

3-19-58  
11-20-58

NOTICE: A certificate of record is made available for sale at the office of the Recorder.

SEAL N

**Maddox & Associates**  
ENGINEERS ARCHITECTS SURVEYORS  
720 NO. 15TH ST.

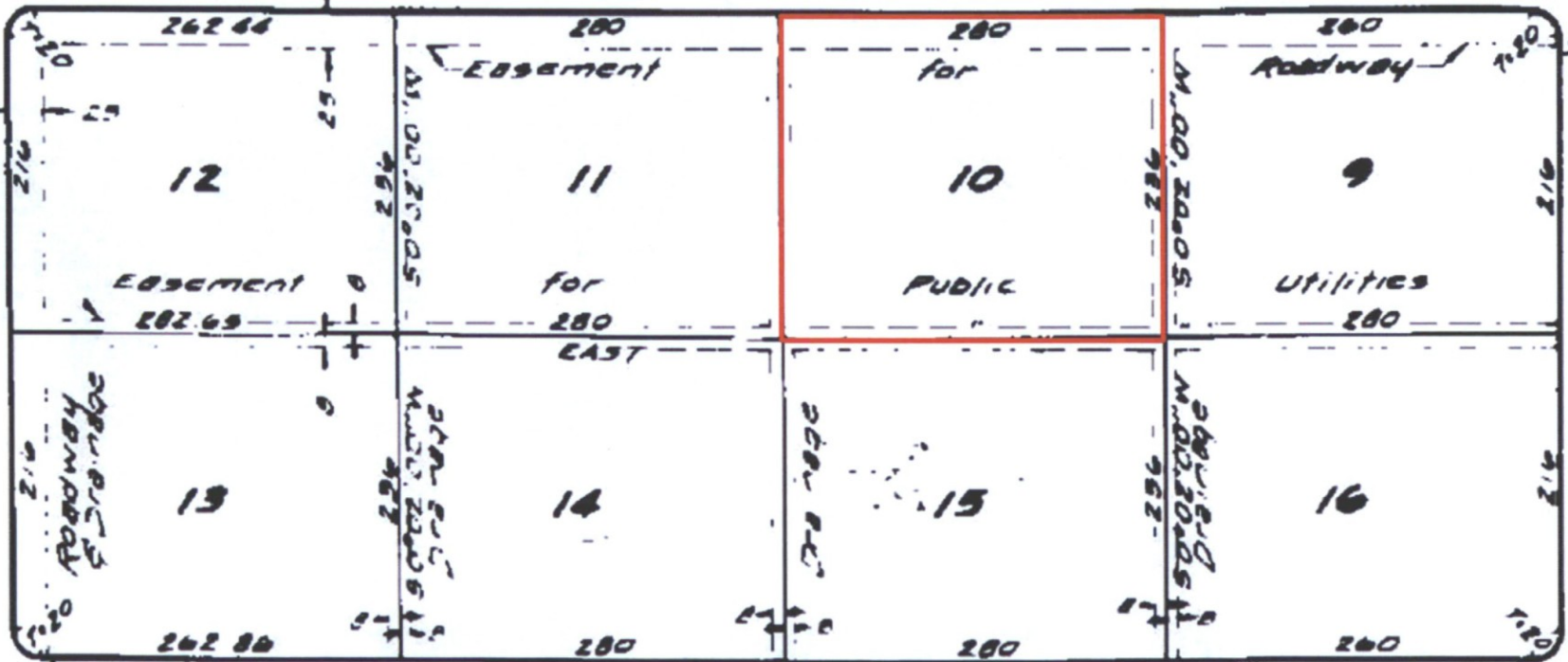
ATTACHMENT #5



NW COR. THIS SUBDIVISION &  
 NW COR. SECTION 30, T.4N.,  
 R.3E., SET 1/2" IRON PIPE

UNSUBDIV

**SIERRA PINTA** 1192 61

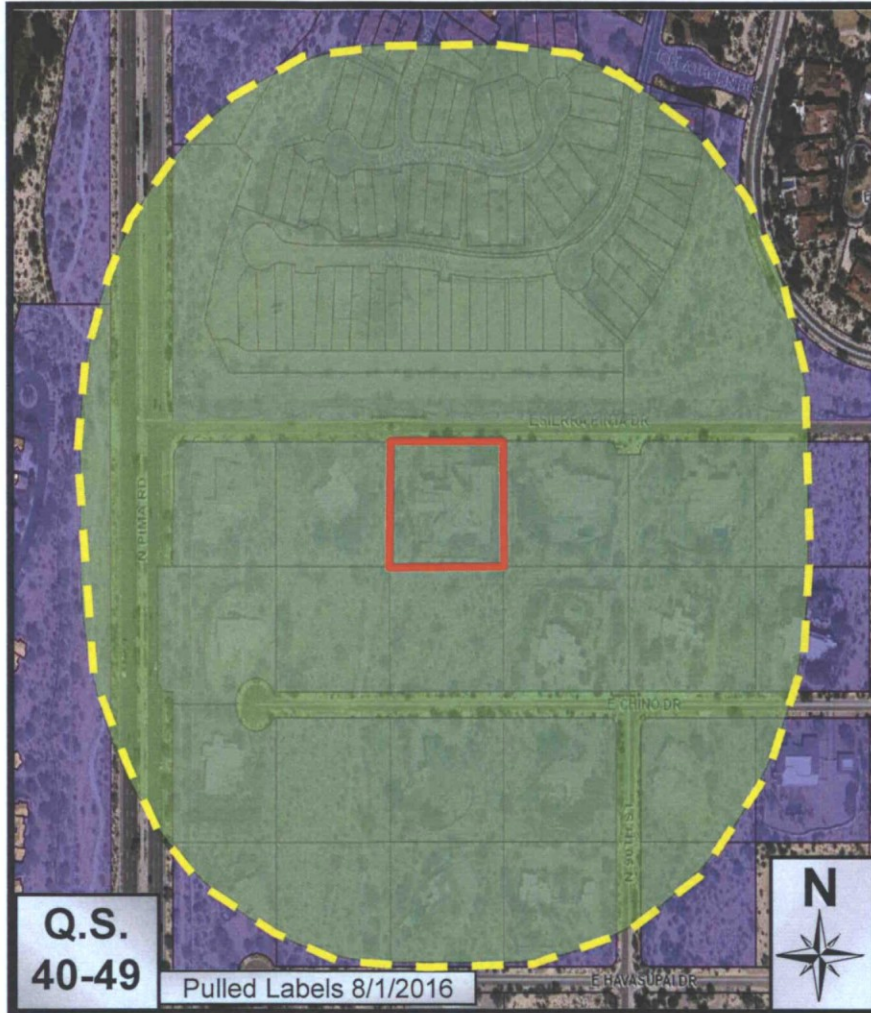


**CHINO** EAST 1192 88



# City Notifications – Mailing List Selection Map

ATTACHMENT #6



## Map Legend:



Site Boundary



Properties within 750-feet  
114 Postcards

## Additional Notifications:

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

# Perlstein Abandonment

## 9-AB-2016

ATTACHMENT # \_\_\_



**SCOTTSDALE PLANNING COMMISSION  
DESIGN STUDIO  
7506 E. INDIAN SCHOOL RD  
SCOTTSDALE, ARIZONA**

**WEDNESDAY, OCTOBER 19, 2016**

**\*SUMMARIZED MEETING MINUTES\***

**PRESENT:** Michael Edwards, Chairman  
Matthew Cody, Vice Chair  
David Brantner  
Paul Alessio  
Ali Fakh  
Larry S. Kush  
Michael J. Minnaugh

**STAFF:** Tim Curtis  
Sherry Scott  
Alex Acevedo  
Lorraine Castro  
Greg Bloemberg  
Jesus Murillo  
Katie Posler  
Dan Symer  
Bryan Cluff  
Brad Carr  
Adam Yaron  
Erin Perrault

**CALL TO ORDER**

Chair Edwards called the regular session of the Scottsdale Planning Commission to order at 5:01 p.m.

\* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on [ScottsdaleAZ.gov](http://ScottsdaleAZ.gov), search "Planning Commission"

**ATTACHMENT #7**



### **ROLL CALL**

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

### **MINUTES REVIEW AND APPROVAL**

1. Approval of September 28, 2016 Regular Meeting Minutes, including Study Session.
2. Approval of October 5, 2016 Remote Hearing Regular Meeting Minutes.

**COMMISSIONER ALESSIO MOVED TO APPROVE THE SEPTEMBER 28, 2016 REGULAR MEETING MINUTES, INCLUDING STUDY SESSION AND OCTOBER 5, 2016 REGULAR MEETING MINUTES. SECONDED BY COMMISSIONER KUSH, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).**

### **CONSENT AGENDA**

3. 13-ZN-2016 (L'Esperance)
4. 9-AB-2016 (Perlstein Abandonment)
5. 1-AB-2016 (Social Tap Outdoor Dining Patio)
7. 6-AB-2016 (Shatila Residence Abandonments)  
**Items No. 3,4,5 & 7: Recommended City Council approve cases 13-ZN-2016, 9-AB-2016, 1-AB-2016 and 6-AB-2016, by a vote of 7-0; Motion by Commissioner Kush, per the staff recommended stipulations, based upon the finding that the proposed Zoning District Map Amendment and the proposed Abandonment are consistent and conform with the adopted General Plan, 2<sup>nd</sup> by Commissioner Alessio.**
6. 5-UP-2016 (Phoenix Seminary Campus Addition and Remodel)  
**Item No. 6: Recommended to City Council for approval of case 5-UP-2016, by vote of 4-0; Motion by Commissioner Brantner, per the staff recommended stipulations, based upon the finding that the Conditional Use Permit criteria have been met, 2<sup>nd</sup> by Commissioner Kush; Vice Chair Cody, Commissioners Alessio and Fakih were all recused. Additional Correspondence was provided to the Planning Commission board by Planning staff.**

Request to speak card: Dick Crew

\* 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"

## **REGULAR AGENDA**

8. 3-GP-2016 (District at the Quarter)

9. 8-ZN-2016 (District at the Quarter)

**Items No. 8 and 9: Recommended to City Council for approval of cases 3-GP-2016 and 8-ZN-2016 by a vote of 7-0; Motion by Commissioner Kush, for a non-major General Plan amendment to the City of Scottsdale General Plan 2001 and per the staff recommended stipulations after determining that the Planned Unit Development findings have been met, and that the proposed Zoning District Map Amendment, including approval of a Development Plan with specific property development standards, is consistent and conforms with the adopted General Plan, 2<sup>nd</sup> by Commissioner Fakh.**

10. 6-ZN-2016 (South Scottsdale Mixed-Use)

**Item No. 10: Recommended to City Council for approval of case 6-ZN-2016, by a vote of 6-0; Motion by Commissioner Kush, per the staff recommended stipulations after determining that the Planned Unit Development findings have been met, and that the proposed Zoning District Map Amendment, including approval of a Development Plan with amended development standards, is consistent and conforms with the adopted General Plan, 2<sup>nd</sup> by Commissioner Alessio, Commissioner Fakh was recused.**

## **ADJOURNMENT**

With no further business to discuss, the regular session of the Planning Commission adjourned at 5:58 p.m.

\* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on [ScottsdaleAZ.gov](http://ScottsdaleAZ.gov), search "Planning Commission"

# PLANNING COMMISSION REPORT



Meeting Date: October 19, 2016  
General Plan Element: *Land Use*  
General Plan Goal: *Coordinate Planning to Balance Infrastructure*

## ACTION

### Perlstein Abandonment 9-AB-2016

#### Request to consider the following:

1. A recommendation to City Council regarding a request by owner to abandon 25-foot Roadway Easement along the northern boundary of a property located at 8845 E. Sierra Pinta Drive (Parcel Number 217-12-019), with Single-family Residential, Environmentally Sensitive Lands (R1-35 ESL) zoning.

#### Key Items for Consideration

- Access to the property is not impacted or changed by the proposed abandonment
- The proposed abandonment conforms with the Transportation Master Plan- which does not require any further right-of-way dedications along E. Sierra Pinta Dr.
- Six of twelve lots along E. Sierra Pinta Dr. have abandoned the same Roadway Easement
- All Utility Companies were notified of the request, and a Public Utility Easement will be reserved
- Public input and questions were received, but with no issue on the proposed abandonment area

## OWNER

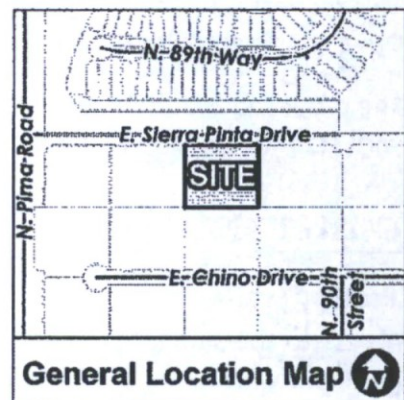
Edward Perlstein  
480-682-3916

## APPLICANT CONTACT

Ashley Porter  
480-682-3916

## LOCATION

8845 E Sierra Pinta Drive





## **BACKGROUND & EXISTING CONDITIONS**

---

### **Scottsdale General Plan 2001 and Character Area Plan**

The General Plan Land Use Element currently designates the property as Rural Neighborhoods as a part of the Future Character Area Plan. These categories include relatively low-density and larger lot development, including horse privilege neighborhoods and areas with sensitive and unique natural environments.

### **Zoning**

The site is zoned Single-family Residential, Environmentally Sensitive Lands (R1-35 ESL):

The subject property, Lot 10, was created in 1958 through the Pima Acres Final Plat in Maricopa County. The City of Scottsdale annexed the property in 1963 under Ordinance No. 169 and the City of Scottsdale R1-35 zoning was applied. The Environmentally Sensitive Lands Overlay took effect in 1991.

### **Context and Adjacent Uses**

The subject property is located near the southeast corner N. Pima Road and E. Sierra Pinta Drive. The site is generally surrounded by suburban single-family developments and condominium complexes (see context graphics).

The subject 25-foot Roadway Easement was dedicated along the northern boundary of the property in 1958 by the Pima Acres Final Plat. Currently, it is mostly unimproved besides driveway entrances to the residence.

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

2008 Scottsdale Transportation Master Plan

21-AB-2004 (Lots 2, 4, 8, & 9)

33-AB-2000 (Lots 3 & 5)

## **APPLICANTS PROPOSAL**

---

This request is to abandon the existing 25-foot Roadway Easement located along E. Sierra Pinta Drive consistent with the City's roadway requirement for Local Residential Street Classifications:

The proposed abandonment would bring the existing residence into conformance with the front yard setback and previously dedicated Natural Area Open Space Easement.

## **IMPACT ANALYSIS**

---

### **Traffic/Trails**

Access to the subject property is provided along E. Sierra Pinta Drive, which is classified as a Local Residential Street by the Transportation Master Plan. The minimum required street width for Local Residential Streets is a total of forty (40) feet. A forty (40) foot fee simple right-of-way dedication was completed in 1958 through the final plat for the Pima Acres subdivision.

The Pima Acres Final Plat also dedicated an additional 25-foot Roadway Easement along the northern lots abutting E. Sierra Pinta Drive (see attachment #4). It has been determined that the Roadway Easement is not needed as the existing right-of-way dedicated along E. Sierra Pinta Drive fulfills the requirements. Six other properties along E. Sierra Pinta Drive have been approved to abandon the same easement.

**Emergency/Municipal Services and Utilities**

All existing emergency and municipal access will be provided to the properties surrounding the abandonment area and maintained through existing dedicated public right-of-way along E. Sierra Pinta Drive. No impacts are anticipated.

**Public Utilities**

The public utilities have been notified of the applicant's request. Arizona Public Service and Southwest Gas have requested a reservation of a Public Utility Easement over the abandonment area. Century Link has requested a private easement dedication by the applicant.

**Natural Area Open Space**

Upon single family development in 2004, the required Natural Area Open Space Easement (NAOS) was dedicated on the property. A portion of the NAOS was dedicated along the street frontage. With the proposed abandonment of the Roadway Easement, there will no longer be conflicts between the two easement rights.

**Community Involvement**

The applicant notified all property owners within 750 feet of the proposed abandonment. The site was also posted notifying interested parties of the request and the city sent postcards to property owners surrounding the site in notice of the request. City staff has received questions regarding the effect of the abandonment case and future construction on the parcel.

**Community Impact**

The proposed abandonment does not restrict access to adjacent properties and helps to eliminate excess roadway. The applicant will provide \$3,500 as compensation to the City of Scottsdale.

**OPTIONS & STAFF RECOMMENDATION**

---

**Recommended Approach:**

Staff recommends that the Planning Commission make a recommendation to City Council for approval to abandon the 25-foot Roadway Easement along the northern boundary of a property located at 8845 E. Sierra Pinta Drive (Parcel Number 217-12-019), with Single-family Residential, Environmentally Sensitive Lands (R1-35 ESL) zoning, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

1. The property owner reserves a Public Utility Easement over the abandonment area to the satisfaction of APS and Southwest Gas. Graphic exhibit to be updated accordingly.
2. The property owner pays \$3,500 to the City as compensation for the abandonment of right-of-way.

**RESPONSIBLE DEPARTMENTS**

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Planning and Development Services  
Current Planning Services & Transportation Department

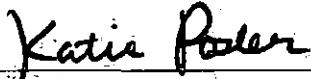
**STAFF CONTACT**

---

Katie Posler  
Associate Assistant  
480-312-2703  
E-mail: kposler@ScottsdaleAZ.gov

**APPROVED BY**

---



Katie Posler, Associate Planner, Report Author

10/6/16

Date



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

10/6/2016

Date



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

10/11/16

Date

**ATTACHMENTS**

---

1. Applicant's Narrative
2. Context Aerial
3. Detail Aerial
4. Pima Acres Final Plat
5. Legal Description and Graphic Abandonment Area
6. City Notification Map



# 8845 East Sierra Pinta Drive Abandonment

## Project Narrative

548-PA-16

Prepared for:

*Edward Perlstein*

Prepared by:

Ashley Porter, Planning Assistant  
Berry Riddell, LLC  
6750 East Camelback Road, Suite 100  
Scottsdale, Arizona 85251

**9-AB-2016**  
**08/01/16**

**ATTACHMENT #1**

## **I. Abandonment Request**

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## **II. Consideration for Abandonment**

The City's policy for right-of-way compensation is 50 cents per square foot for fee title right-of-way abandonments. Therefore, the written offer of compensation for the  $(280 \times 25) = 7,000$  s.f. is \$3,500 to be paid to the City of Scottsdale. The Property owner will provide direct compensation to the City of Scottsdale for the land area to be abandoned.



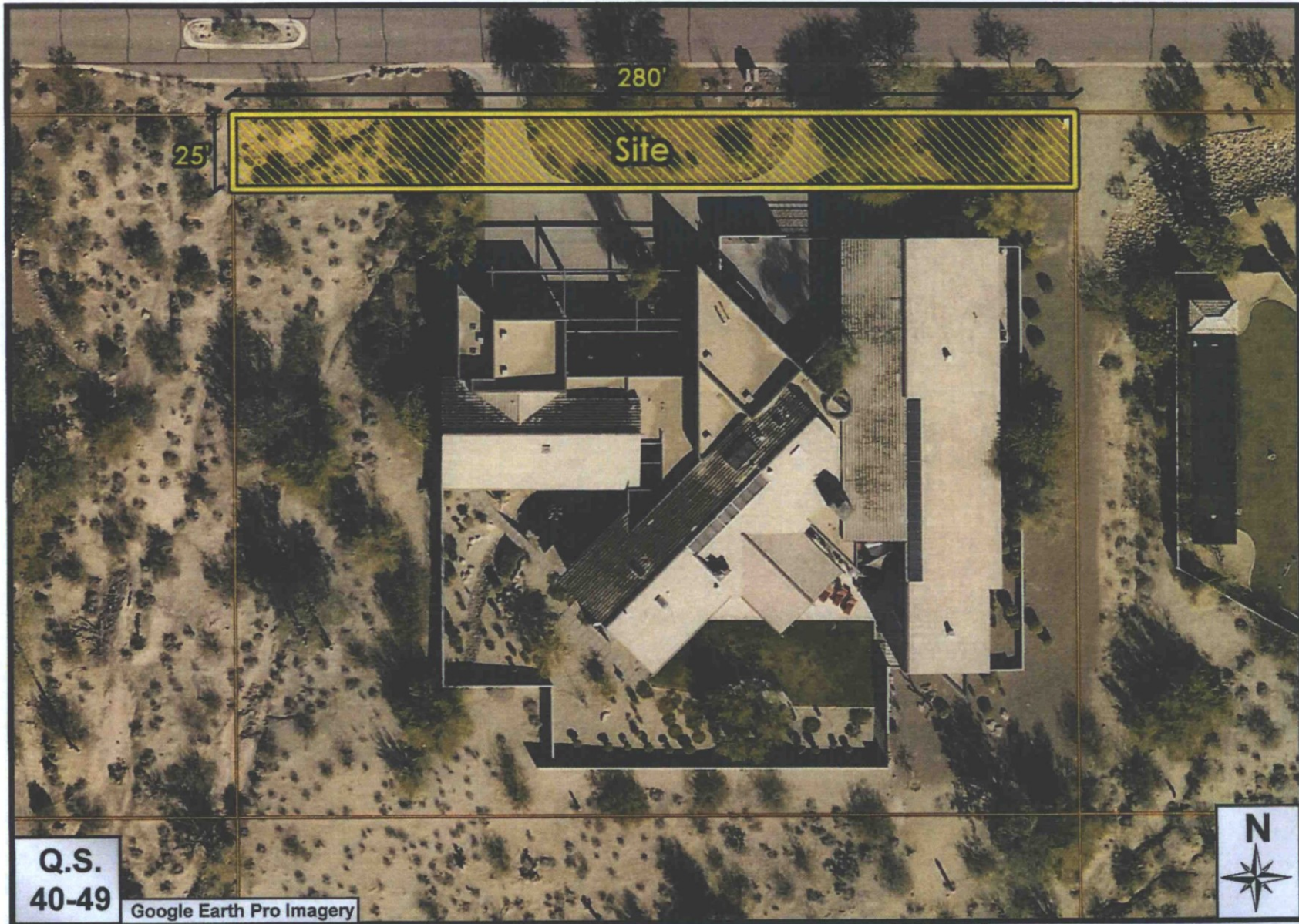


Q.S.  
40-49  
Google Earth Pro Imagery

Perlstein Abandonment

9-AB-2016





Perlstein Abandonment

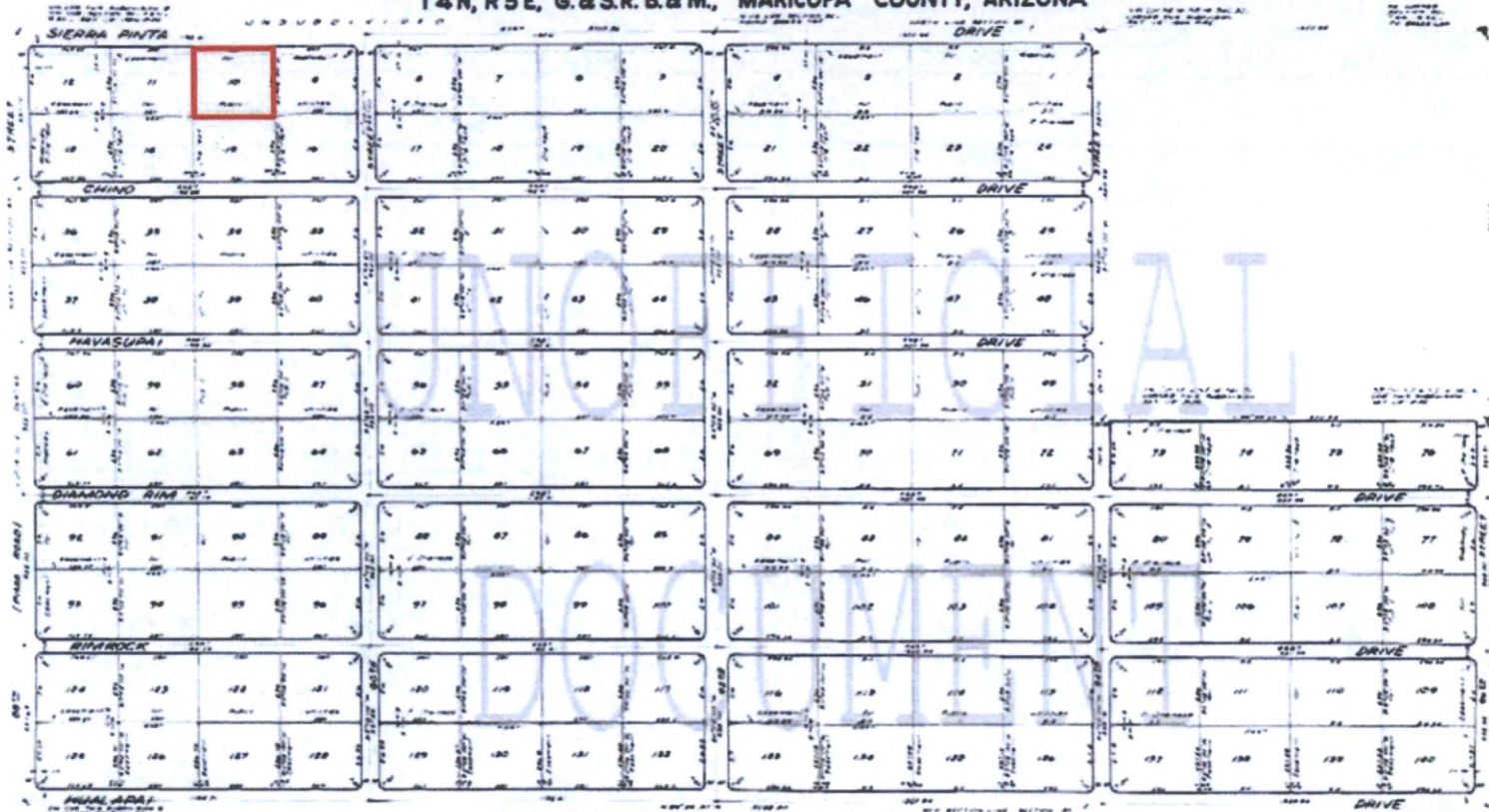
9-AB-2016



# PIMA ACRES

79-46

A SUBDIVISION OF PART OF THE N½ OF SECTION 30,  
T4N, R5E, G.&S.R.B.&M., MARICOPA COUNTY, ARIZONA



**DEDICATION**  
 WE, ALL MEN BY THEM PRESENTS:  
 For the Pima Title and Trust Company, an Arizona Corporation, Trustee  
 has submitted under the name of PIMA ACRES part of the N½ of  
 Section 30, T4N, R5E, G.&S.R.B.&M., Maricopa County, Arizona, and  
 hereby dedicates the part so and for the part of said PIMA ACRES and  
 hereby declares that said part shall be for the use and purpose of  
 the city and streets, including curbs, and that such lot and street shall  
 be known by the number or name given such respectively on said plat, and  
 that, in view of the public use to which the streets shown on said plat  
 are dedicated in the same described premises. Easements are dedicated for  
 the purposes shown.  
 IN WITNESS WHEREOF the Pima Title and Trust Company, an Arizona  
 Corporation, has caused its corporate name to be signed and its corporate seal to  
 be affixed and the same to be attested by the signatures of \_\_\_\_\_  
 its President, and \_\_\_\_\_  
 its Assistant Secretary, Maricopa this \_\_\_\_\_ day of \_\_\_\_\_, 1956.

**INGENIERS TITLE AND TRUST COMPANY, TRUSTEE**  
 By \_\_\_\_\_, President  
 ATTEST \_\_\_\_\_, Assistant Secretary

**ACKNOWLEDGEMENT**  
 STATE OF ARIZONA  
 COUNTY OF MARICOPA  
 I, the undersigned, County Clerk of Maricopa County, Arizona, do hereby  
 certify that the foregoing instrument was duly acknowledged before me by  
 \_\_\_\_\_ who acknowledged themselves to be the  
 President and Assistant Secretary, respectively, of the Pima Title  
 and Trust Company, a corporation, and acknowledged that they, as such  
 officers, respectively, being authorized so to do, executed the foregoing  
 instrument for the purposes therein contained by signing the name of the  
 corporation by themselves in such official capacities.  
 IN WITNESS WHEREOF I have hereunto set my hand and official seal  
 this \_\_\_\_\_ day of \_\_\_\_\_, 1956.

**APPROVAL**  
 Approved by the Board of Supervisors of Maricopa County, Arizona  
 the \_\_\_\_\_ day of \_\_\_\_\_, 1956.  
 \_\_\_\_\_, Chairman  
 ATTEST \_\_\_\_\_, Clerk

**CERTIFICATE**  
 This is to certify that the survey and subdivision of the premises  
 described and plotted herein were made under my direction during the  
 month of September, 1956.  
 By \_\_\_\_\_  
 Surveyor and Engineer

1956  
 1-24-56

1072  
 A PROFESSIONAL ENGINEER  
 IN THE STATE OF ARIZONA  
 No. \_\_\_\_\_  
 EXPIRES \_\_\_\_\_

**Meddock & Associates**  
 ENGINEERS ARCHITECTS SURVEYORS  
 700 NO 2800 AV

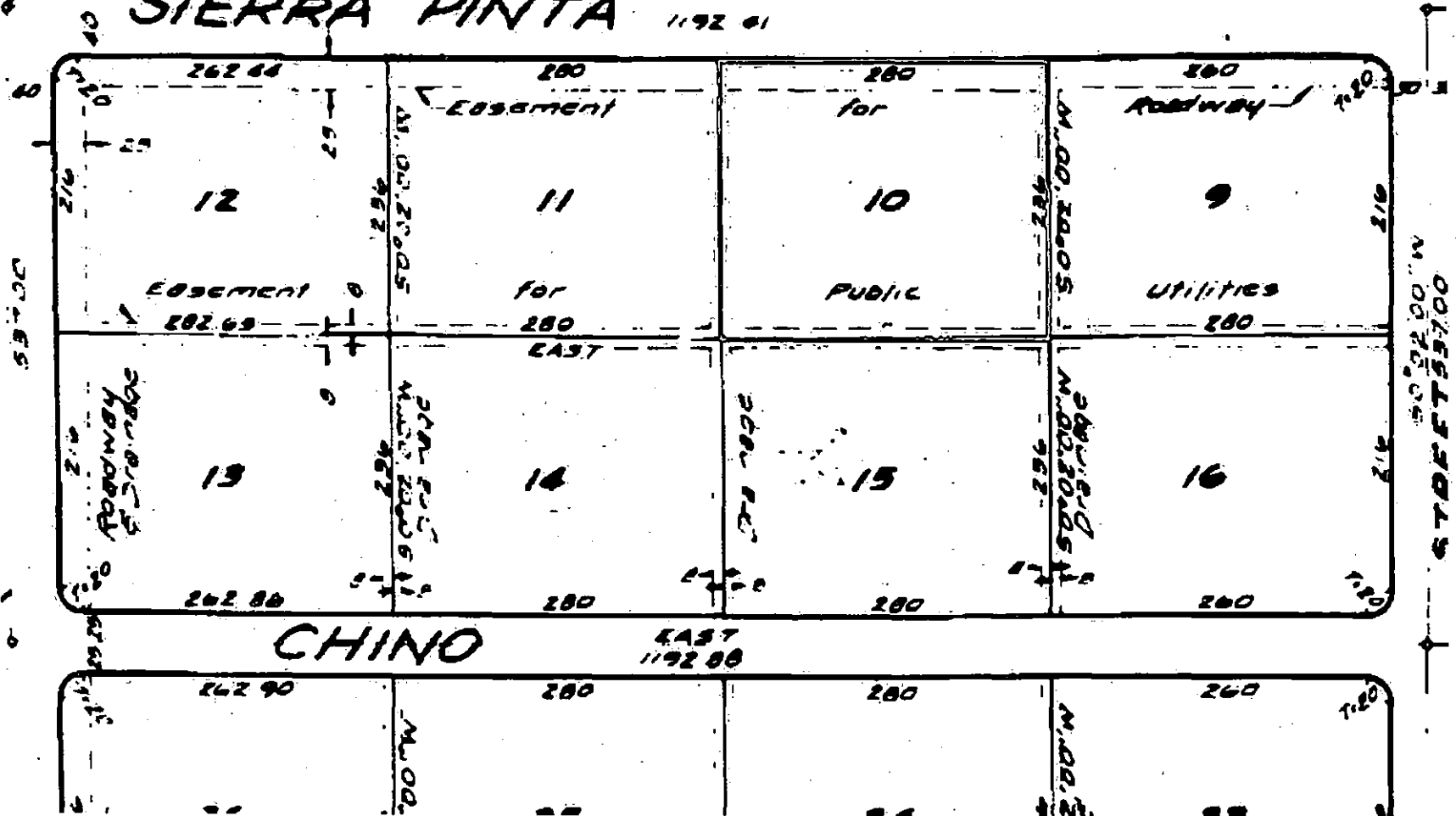


ATTACHMENT #4

NW COR. THIS SUBDIVISION &  
 NW COR. SECTION 30, T.4N.,  
 R.5E., SET 1/2" IRON PIPE

UNSUBD

SIERRA PINTA 1192 01






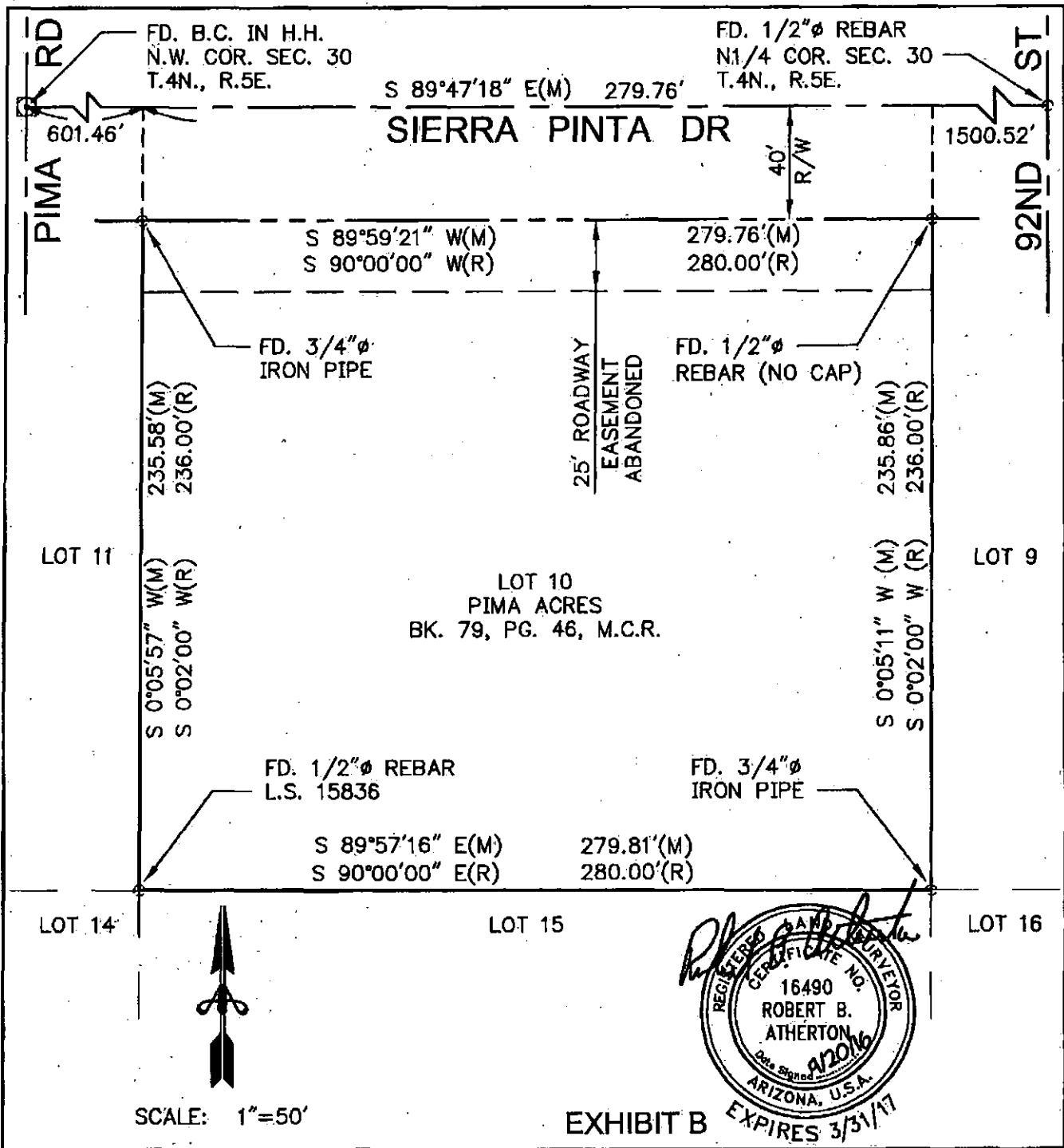
**EXHIBIT A  
LEGAL DESCRIPTION  
25' WIDE ROADWAY EASEMENT  
ABANDONMENT**

A STRIP OF LAND 25 FEET IN WIDTH LOCATED IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 5 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 25 FEET OF LOT 10, PIMA ACRES, A SUBDIVISION RECORDED IN BOOK 79, PAGE 46, MARICOPA COUNTY RECORDER.



 <b>ATHERTON ENGINEERING, INC.</b> CIVIL ENGINEERS AND LAND SURVEYORS  1203 E. MEADOWBROOK AVE., PHOENIX, AZ 85014-4028 (602) 279-7331 * FAX (602) 230-1908	<b>25 FOOT ROADWAY EASEMENT ABANDONMENT</b>	DESIGNED BY: RBA
	<b>DR. EDWARD PERLSTEIN</b>	SCALE: N/A
	8845 SIERRA PINTA DRIVE SCOTTSDALE, ARIZONA 85255	DATE: 9-20-16
		JOB NO. 02-15
		SHEET No. <b>EX1</b> SHEET <u>1</u> OF <u>2</u>



SCALE: 1"=50'

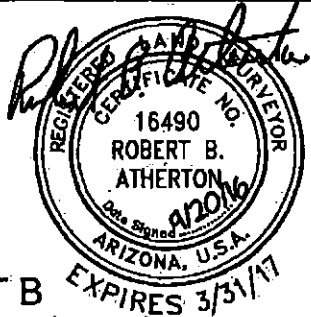

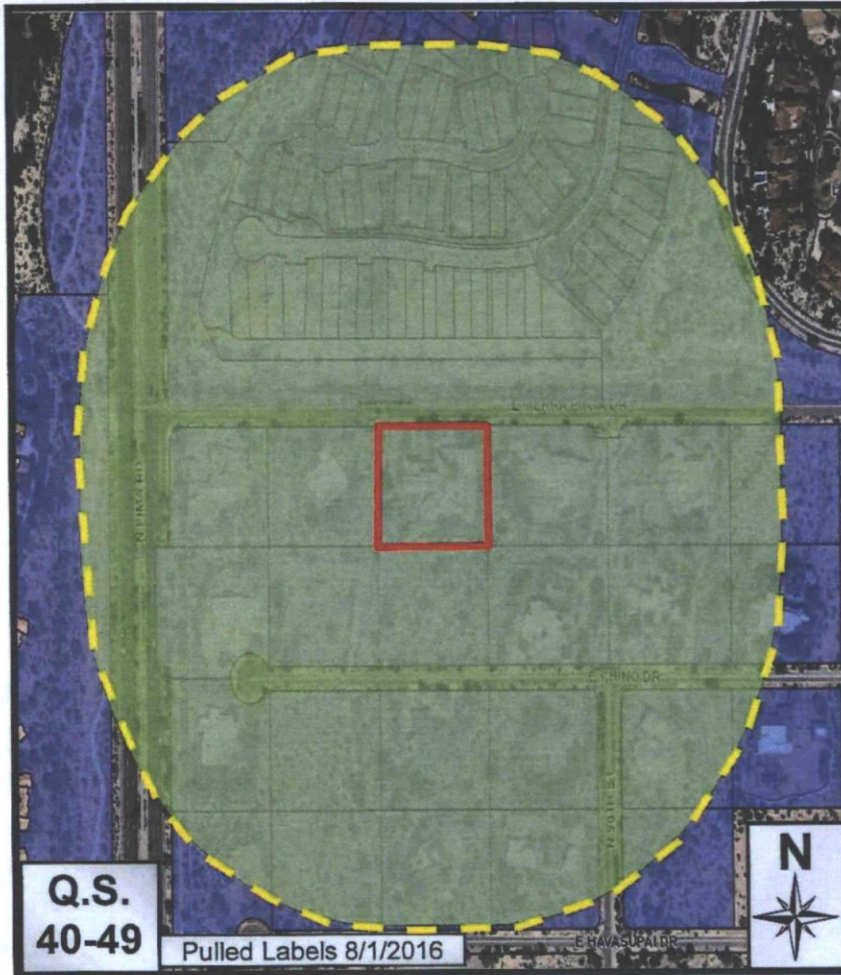


EXHIBIT B EXPIRES 3/31/17

 <b>ATHERTON ENGINEERING, INC.</b> CIVIL ENGINEERS AND LAND SURVEYORS  1203 E. MEADOWBROOK AVE., PHOENIX, AZ 85014-4028 (602) 279-7331 * FAX (602) 230-1908	<b>25 FOOT ROADWAY EASEMENT ABANDONMENT</b>	DESIGNED BY: <b>RBA</b>
	<b>DR. EDWARD PERLSTEIN</b>	SCALE: <b>1"=50'</b>
	<b>8845 SIERRA PINTA DRIVE SCOTTSDALE, ARIZONA 85255</b>	DATE: <b>9-20-16</b>
	<b>EX1</b> SHEET <u>2</u> OF <u>2</u>	JOB NO. <b>02-15</b>

# City Notifications – Mailing List Selection Map

ATTACHMENT #6



## Map Legend:



Site Boundary



Properties within 750-foot  
114 Postcards

## Additional Notifications:

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

# Perlstein Abandonment

## 9-AB-2016

ATTACHMENT #\_\_