

# Abandonment of a Portion of Polk Street

for

7601 E Polk Street Scottsdale, AZ 85257

as recorded in deeds

(document numbers: 20220378775, 20220749383 & 20210112157)

**APN: 131-15-001S, 001F, 001N & 001L**

Prepared for:

Polk Devco, LLC  
(Property Owners of Record)

PREPARED BY:



October 18<sup>th</sup>, 2024

## Overview & Background

On behalf of our client Polk Devco LLC, we respectfully request an abandonment of a portion of Polk Street for a new townhome development on the assemblage of vacant lots outlined in yellow below (located at 7601 E Polk Street Scottsdale, AZ 85257).

A pre-application meeting was held with staff at the City of Scottsdale to discuss the proposed abandonment and townhome development. Initial discussions were held with staff to discuss the proposed abandonment and townhome development. It was ultimately determined that the proposed abandonment could be pursued.



## The Request

The proposed abandonment is of the portion of Polk Street extending from Miller Road on the west to its terminus +/- 270' to the east (shown in gold above).

This short segment of Polk Street is a dead-end that does not adequately serve the properties adjacent to it. As new development comes forward on the four vacant adjacent parcels, retaining Polk Street as a public street would be

unnecessary and harmful to the project. (1) It would bring a public street into the middle of the proposed townhome community, restricting the residents' ability to prevent trespassing and security issues in the heart of the community. (2) Leaving it as a public street would require a large cul-de-sac to be installed on the eastern end of the development, which would consume a very high percentage of the developable area of this small infill project.

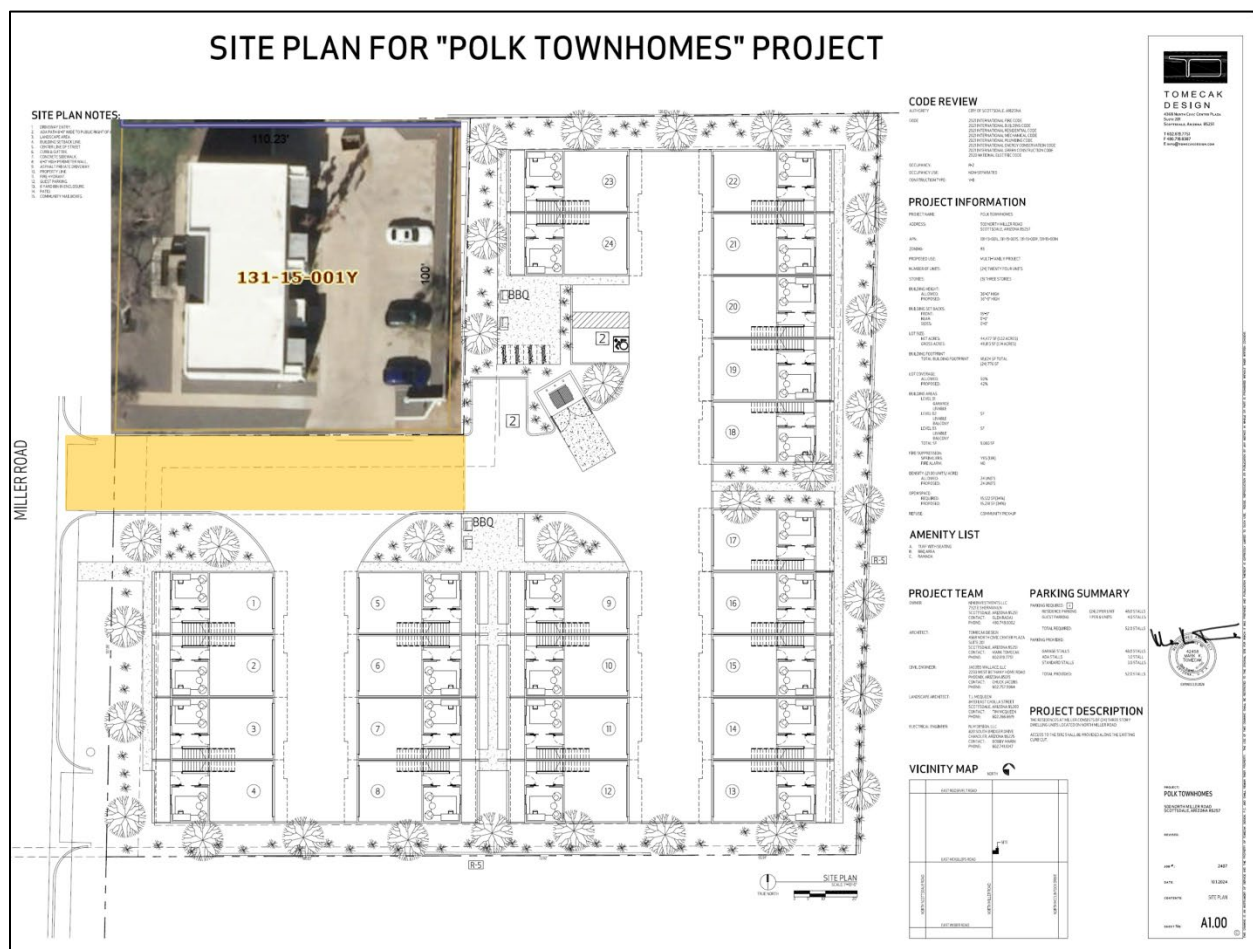
This area will greatly benefit from these four lots being converted from vacant, unmonitored, and trespassed lots to being the home of a beautiful and quality townhome community. This proposed abandonment is a critical component to making that new community happen because without it, too much land would be lost to an unnecessary public roadway.

Over time, this small public roadway has not been maintained by the City to the same degree as Miller Road (as the image below documents). That is likely due, at least in part, to this short segment of Polk Street not being a part of a significant street network and it never being able to serve a larger area. It cannot be extended to the east and can never become a major street. Removing this roadway from the public's maintenance responsibilities will be a positive for the City.



This proposal also benefits the City by facilitating development on the vacant parcels. The proposed townhome community will bring a beautiful development to vacant and unsecured lots that have experienced vagrancy and trespassing. It will provide quality housing to Scottsdale, which continues to be in need of housing supply.

The abandonment will affect only one other property, which is located on the northwest portion of the abandonment area (APN 131-15-001V) (shown in the aerial below). This is a small multi-family residential building with a few units. To ensure this neighboring property continues to have permanent, legal access, we have agreed with Staff to enter into an easement agreement with this owner to provide it with a permanent legal access easement over an area within our proposed future driveway (shown in gold below). We have already met with the owner about this proposed abandonment and easement solution, and they are in agreement with the concept. After the City has completed its first review of the easement agreement language, and after we have addressed any textual changes requested, we will send the draft easement agreement to that owner for their review and approval.



Staff has asked that we arrange for a deed restriction to be placed on the neighboring parcel to prevent it from obtaining a curb cut and direct access onto Miller Road in the future. Due to the City's standards for driveway spacing, the



City wishes to guarantee that the neighbor's multifamily development and the proposed townhome development both use the abandonment area as their exclusive access point. We are in agreement with this restriction. However, this cannot be done in the easement agreement because control of the restriction needs to be held by the City and the City is not a party to the private easement agreement.

Instead, we have drafted this restriction into a separate document—a non-vehicular access easement running to the benefit of the City. This non-vehicular access easement will be located on the neighbor's western property line (see image below).



As the grantee of the negative easement, the City will hold this easement right on behalf of the public and will forever have the right to deny any vehicular access over the neighbor's west property line. This legal restriction will run with the property in perpetuity, will always appear on title reports, and will eloquently accomplish the City's objective.

### Utility Companies

In accordance with proper due diligence, utility companies were contacted to identify the presence of any existing utilities within the proposed abandonment area. We have heard back from all known utilities in the area and have found that Southwest Gas has a line that runs within the proposed abandonment that

serves properties further downstream to the east. They have requested that either a specific easement is created for their line or that a reservation of franchise rights to utilities be included as part of the abandonment.

A letter from each of the utilities was requested in support of the proposed abandonment, those letters have been included with this submittal.

## **Outreach**

Citizen involvement occurred early in the process before formally submitting an application with the City. Citizens were involved in the process with the mailing of a first-class letter, which was directed at property owners within 750 feet of the proposed abandonment, neighborhood associations, interested parties, and the city project coordinator. This letter satisfied the requirement to complete neighborhood notification.

We had follow-up communications with four residents who contacted our firm in response to the letter. Each of the residents asked about the development that would be adjacent to the abandonment. None of them asked about or objected to the actual abandonment request.

## **Conclusion**

The proposed abandonment will benefit the City by removing a small portion of under-maintained roadway that serves only a few properties and is not necessary. It will further benefit the City by converting the adjacent vacant and trespassed lots into a beautiful development that provides necessary and quality housing for the City. It will benefit the adjacent neighbor because it will help provide greater security on this roadway and ensure greater maintenance occurs in the future. Finally, it will benefit our development because it eliminates a publicly accessible area in the heart of the project and prevents the consumption of large portion of the site for an unnecessary cul-de-sac.



# SITE PLAN FOR "POLK TOWNHOMES" PROJECT

## SITE PLAN NOTES:

1. DRIVEWAY ENTRY.
2. ADA PATH 6'-0" WIDE TO PUBLIC RIGHT OF WAY.
3. LANDSCAPE AREA.
4. BUILDING SETBACK LINE.
5. CENTER LINE OF STREET.
6. CURB & GUTTER.
7. CONCRETE SIDEWALK.
8. 6'-0" HIGH PERIMETER WALL.
9. ASPHALT PRIVATE DRIVEWAY.
10. PROPERTY LINE.
11. FIRE HYDRANT.
12. GUEST PARKING.
13. 6 YARD BIN IN ENCLOSURE.
14. PATIO.
15. COMMUNITY MAILBOXES.



## CODE REVIEW

AUTHORITY:	CITY OF SCOTTSDALE, ARIZONA
CODE:	2021 INTERNATIONAL FIRE CODE 2021 INTERNATIONAL BUILDING CODE 2021 INTERNATIONAL RESIDENTIAL CODE 2021 INTERNATIONAL MECHANICAL CODE 2021 INTERNATIONAL PLUMBING CODE 2021 INTERNATIONAL ENERGY CONSERVATION CODE 2021 INTERNATIONAL GREEN CONSTRUCTION CODE 2020 NATIONAL ELECTRIC CODE
OCCUPANCY:	R-2
OCCUPANCY USE:	NON-SEPARATED
CONSTRUCTION TYPE:	V-B

## PROJECT INFORMATION

PROJECT NAME:	POLK TOWNHOMES
ADDRESS:	500 NORTH MILLER ROAD SCOTTSDALE, ARIZONA 85257
APN:	131-15-001L, 131-15-001S, 131-15-001F, 131-15-001N
ZONING:	R5
PROPOSED USE:	MULTI-FAMILY PROJECT
NUMBER OF UNITS:	(24) TWENTY FOUR UNITS
STORIES:	(3) THREE STORIES
BUILDING HEIGHT:	36'-0" HIGH
ALLOWED:	36'-0" HIGH
PROPOSED:	36'-0" HIGH
BUILDING SET BACKS:	FRONT: 15'-0" REAR: 0'-0" SIDES: 0'-0"
LOT SIZE:	NET ACRES: 44.477 SF (1.02 ACRES) GROSS ACRES: 49.813 SF (1.14 ACRES)
BUILDING FOOTPRINT:	TOTAL BUILDING FOOTPRINT: 18,624 SF TOTAL (24) 776 SF
LOT COVERAGE:	ALLOWED: 50% PROPOSED: 42%
BUILDING AREAS:	LEVEL 01: GARAGE LEVEL 02: LIVABLE LEVEL 03: LIVABLE LEVEL 04: BALCONY TOTAL SF: 9,060 SF
FIRE SUPPRESSION:	SPRINKLERS: YES (13R) FIRE ALARM: NO
DENSITY: (2,000 UNITS/ ACRE)	ALLOWED: 24 UNITS PROPOSED: 24 UNITS
OPEN SPACE:	REQUIRED: 15,122 SF (34%) PROPOSED: 15,218 SF (34%)
REFUSE:	COMMUNITY PICK-UP

## AMENITY LIST

- A. TURF WITH SEATING  
B. BBQ AREA  
C. RAMADA

## PROJECT TEAM

OWNER:	NIN INVESTMENTS LLC 7321 E SHERMAN LN SCOTTSDALE, ARIZONA 85251 CONTACT: GLEN RADAJ PHONE: 480.745.0802
ARCHITECT:	TOMECAK DESIGN 4368 NORTH CIVIC CENTER PLAZA SUITE 201 SCOTTSDALE, ARIZONA 85251 CONTACT: MARK K. TOMECAK PHONE: 602.619.7751
CIVIL ENGINEER:	JACOBS WALLACE LLC 2233 WEST BETHANY HOME ROAD PHOENIX, ARIZONA 85015 CONTACT: CHUCK JACOBS PHONE: 602.757.5584
LANDSCAPE ARCHITECT:	T.J. MCQUEEN 8433 EAST CHOLLILA STREET SCOTTSDALE, ARIZONA 85260 CONTACT: TIM MCQUEEN PHONE: 602.266.6619
ELECTRICAL ENGINEER:	RLM DESIGN, LLC 820 SOUTH BRIDGER DRIVE CHANDLER, ARIZONA 85225 CONTACT: BOBBY MARIN PHONE: 602.741.1047

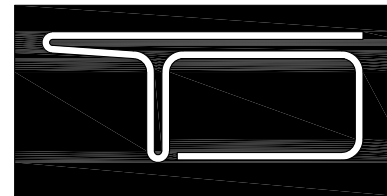
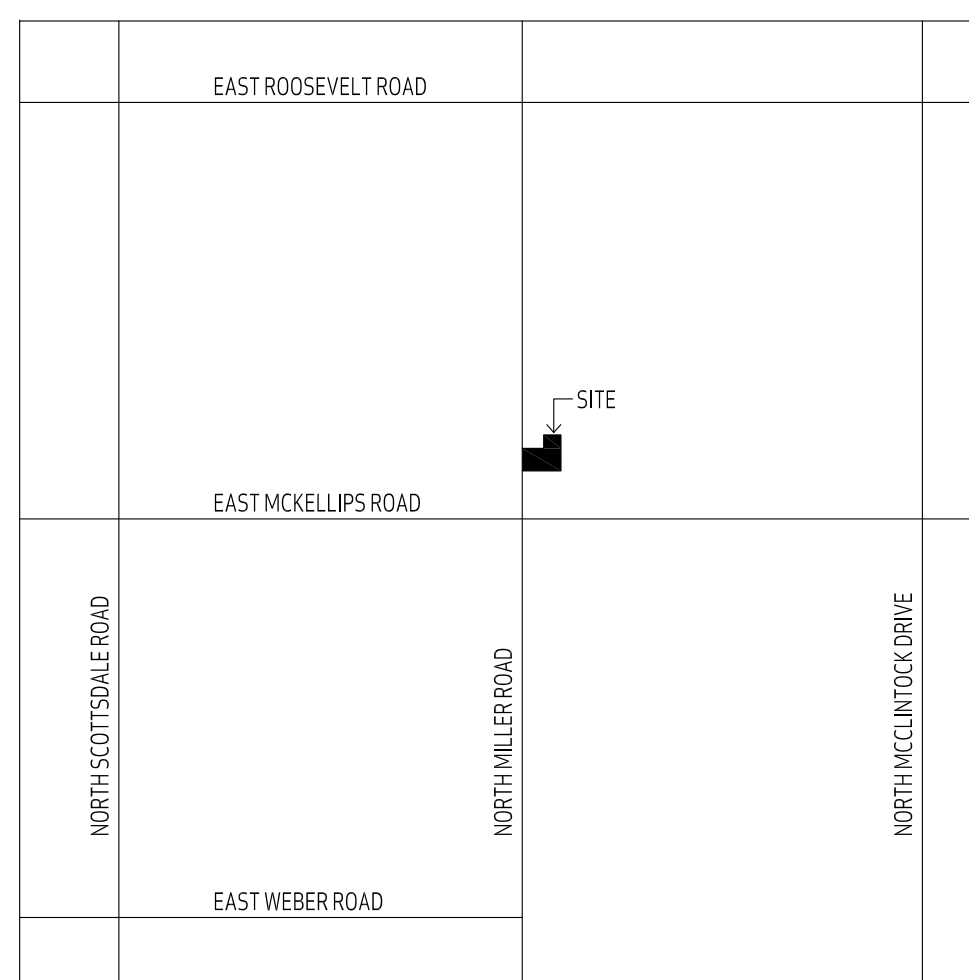
## PARKING SUMMARY

PARKING REQUIRED:	RESIDENCE PARKING GUEST PARKING	(24) 2 PER UNIT 1 PER 6 UNITS	48.0 STALLS 4.0 STALLS
TOTAL REQUIRED:			52.0 STALLS
PARKING PROVIDED:	GARAGE STALLS ADA STALLS STANDARD STALLS		48.0 STALLS 1.0 STALL 3.0 STALLS
TOTAL PROVIDED:			52.0 STALLS

## PROJECT DESCRIPTION

THE RESIDENCES AT MILLER CONSISTS OF (24) THREE STORY DWELLING UNITS LOCATED ON NORTH MILLER ROAD.  
ACCESS TO THE SITE SHALL BE PROVIDED ALONG THE EXISTING CURB CUT.

## VICINITY MAP



**TOMECAK  
DESIGN**

4368 North Civic Center Plaza  
Suite 201  
Scottsdale, Arizona 85251  
T 602.619.7751  
F 480.718.8387  
E INFO@TOMECAKDESIGN.COM

PROJECT:  
**POLK TOWNHOMES**  
500 NORTH MILLER ROAD  
SCOTTSDALE, ARIZONA 85257

REVISED:

JOB #.: 2407

DATE: 10.1.2024

CONTENTS: SITE PLAN

SHEET NO:

**A1.00**

THIS DRAWING IS AN INSTRUMENT OF SERVICE AND THE PROPERTY OF TOMECAK DESIGN, LLC, AND SHALL REMAIN THE PROPERTY OF TOMECAK DESIGN, LLC. ANY REUSE OR REPRODUCTION OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF TOMECAK DESIGN, LLC, IS STRICTLY PROHIBITED. THE USE OF THIS DRAWING SHALL BE RESTRICTED TO THE ORIGINAL INTENT AND PURPOSE. TOMECAK DESIGN, LLC, AND SHALL REMAIN THE PROPERTY OF TOMECAK DESIGN, LLC. ANY REUSE OR REPRODUCTION OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF TOMECAK DESIGN, LLC, IS STRICTLY PROHIBITED. THE USE OF THIS DRAWING SHALL BE RESTRICTED TO THE ORIGINAL INTENT AND PURPOSE.