

PLANNING COMMISSION REPORT



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

ACTION

Osterkamp GLO Abandonment 5-AB-2020

Request to consider the following:

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

Goal/Purpose of Request

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

Key Items for Consideration

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

OWNER

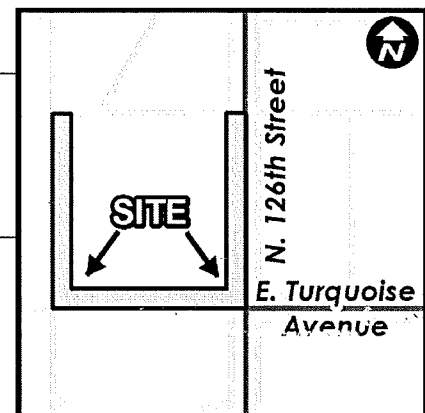
James Osterkamp
208-320-1976

APPLICANT CONTACT

Wayne Rosendahl
Rosendahl Engineering
480-599-1263

LOCATION

10050 N. 126th Street



BACKGROUND

General Plan

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

Character Area Plan

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

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

Zoning

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

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

Context

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

Please refer to context graphics attached.

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

General Land Office Patent Easements (general information)

- Within the City of Scottsdale there are General Land Office (GLO) lots or parcels of various sizes created by the Federal Small Tract Act. This act was passed in 1938 and repealed in 1976.

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

Related Policies, References:

31-ZN-1975

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

IMPACT ANALYSIS

Land Use

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

Traffic/Trails

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

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

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

Emergency/Municipal Services

Emergency and municipal services access will be provided and maintained through the existing right-of-way along N. 126th Street. No impacts are anticipated.

Public Utilities

The public utilities have been notified of the applicant’s request. The utility companies have indicated that there are no conflicts with the proposed abandonment and support the request. The owner will be required to construct a water main extension from the northeastern corner of the property, south, to complete the waterline connection to E. Turquoise Ave, along the property’s frontage.

Community Involvement

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

Community Impact

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

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

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

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

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

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APPROVED BY



Jesus Murillo, Report Author

10-6-20

Date



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

10/16/2020

Date



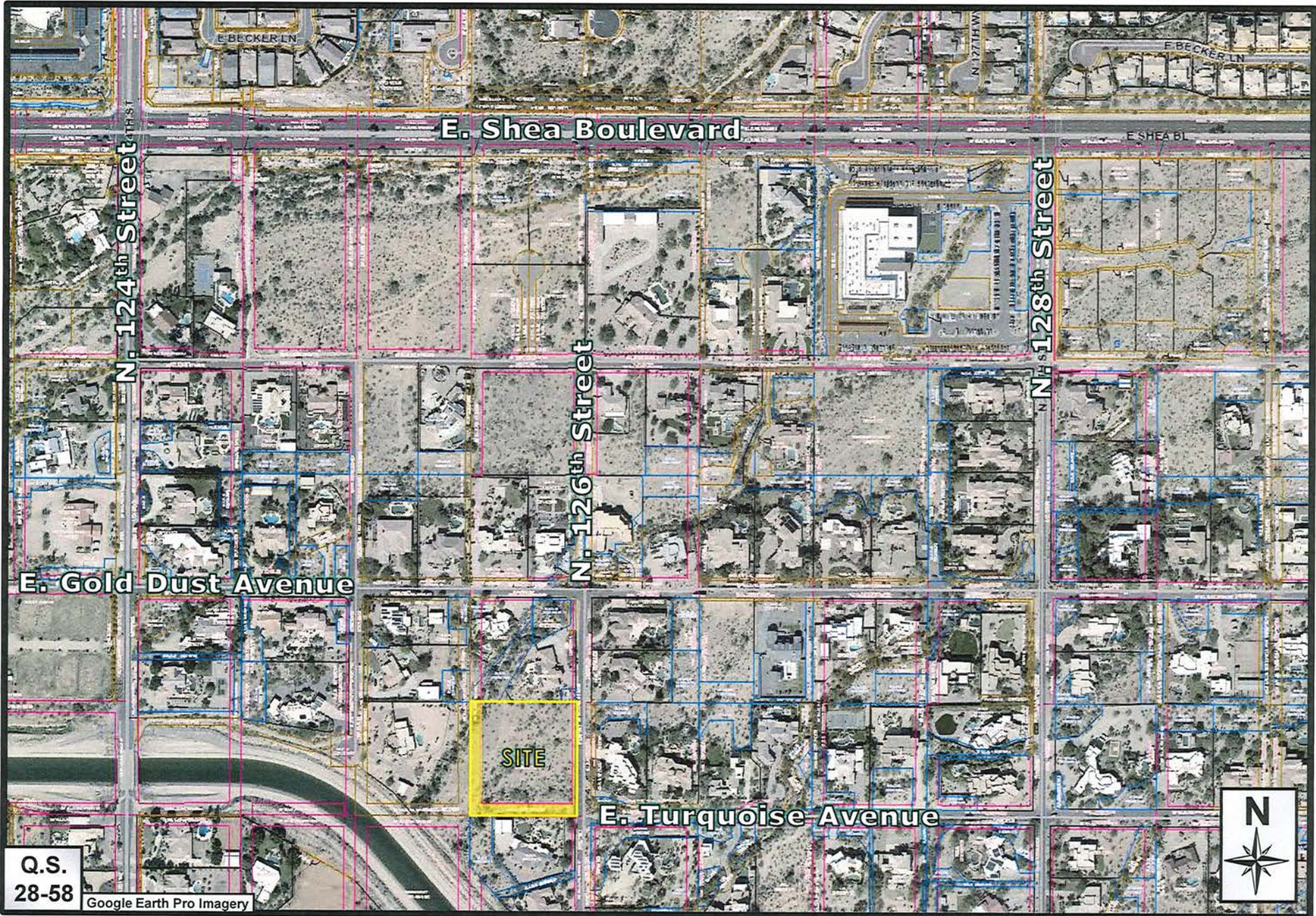
Randy Grant, Executive Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

10/19/20

Date

ATTACHMENTS

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



E. Shea Boulevard

N. 124th Street

N. 126th Street

N. 128th Street

E. Gold Dust Avenue

SITE

E. Turquoise Avenue



Q.S.
28-58

Google Earth Pro Imagery

Context Aerial

ATTACHMENT #1

5-AB-2020

ROSENDAHL ENGINEERING, PLLC

URBAN DESIGN & INFRASTRUCTURE

RESIDENTIAL & COMMERCIAL

April 3, 2020

ABANDONMENT APPLICATION REQUEST NARRATIVE

Abandonment of GLO Easements

James Osterkamp Residence

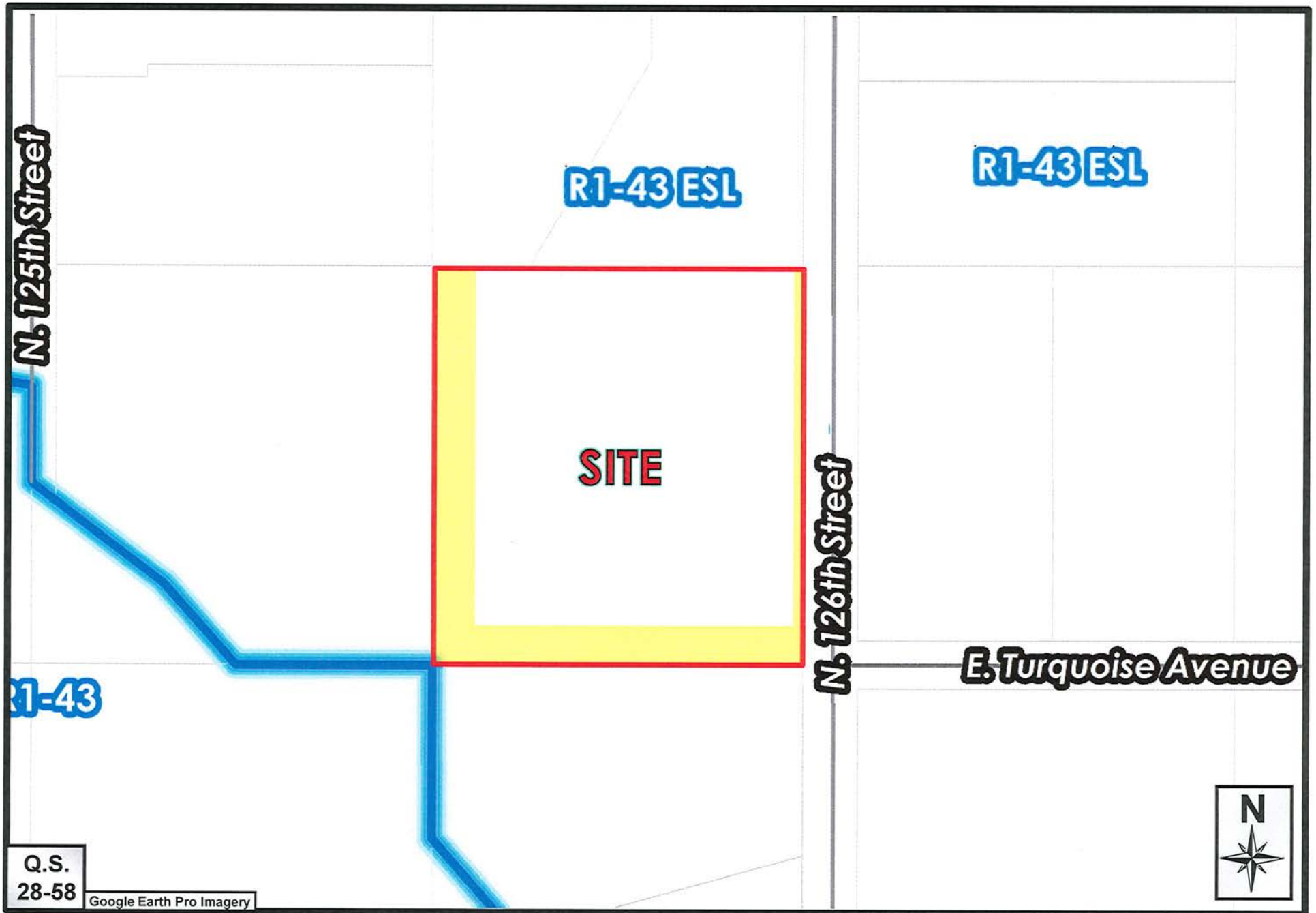
N. 26th Street

APN 217-32-046A

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

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

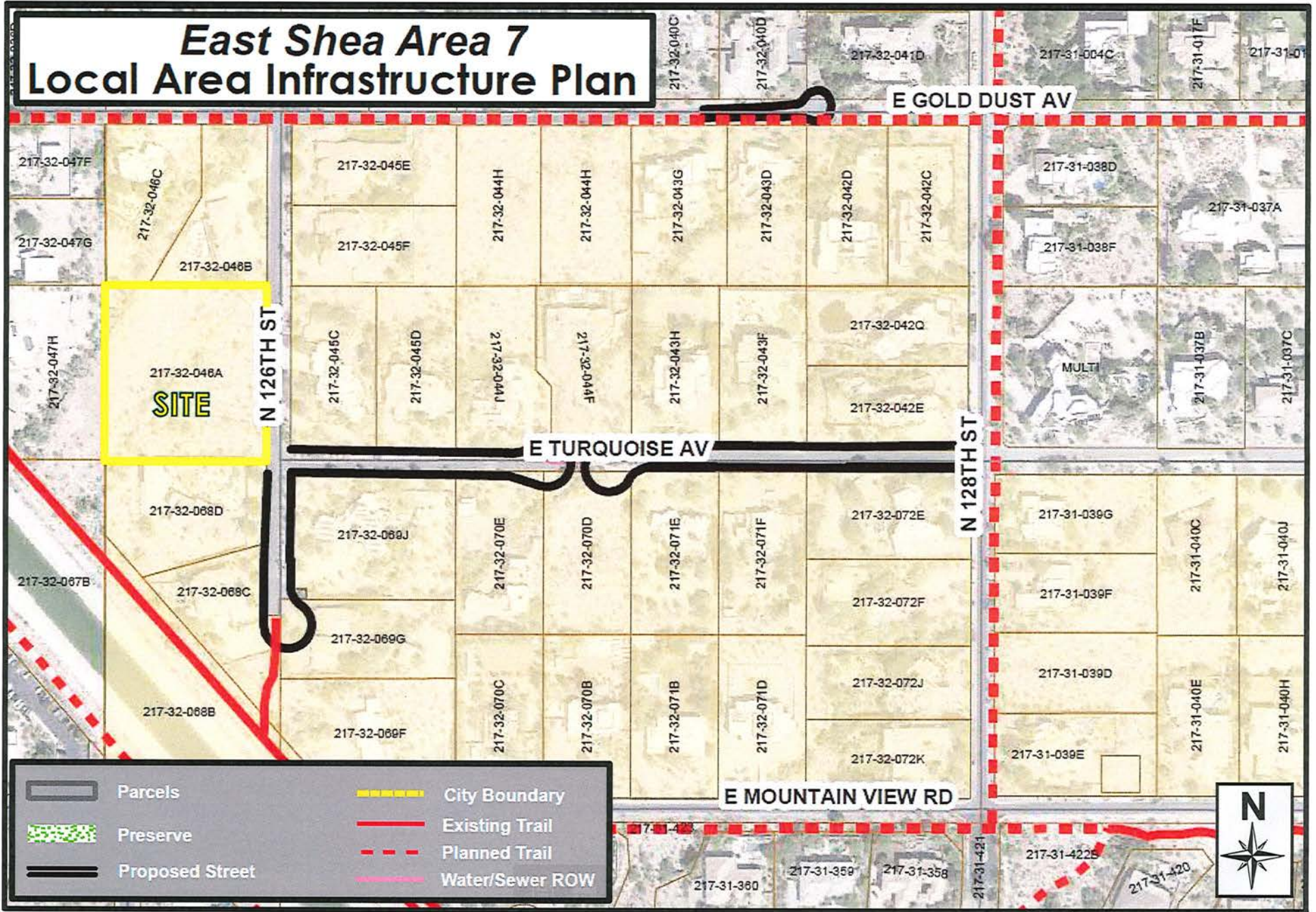
Looking at the aerial map of the area, this particular GLO easement must have been abandoned for 4 other homes North of the subject site as the existing homes actually sit on what at one time must have been the same GLO alignment. Continuing South from this location there is one lot before running into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



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28-58

Google Earth Pro Imagery

East Shea Area 7 Local Area Infrastructure Plan



LEGAL DESCRIPTION
33 Ft. Wide GLOPE #1144075
Abandonment

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

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

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

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

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

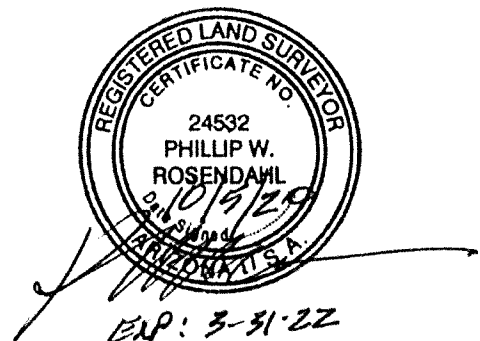
thence, S89°59'20"E, 329.57 ft. to a point on the N-S centerline of the NE quarter of said Section and the monument line of N. 126th Street;

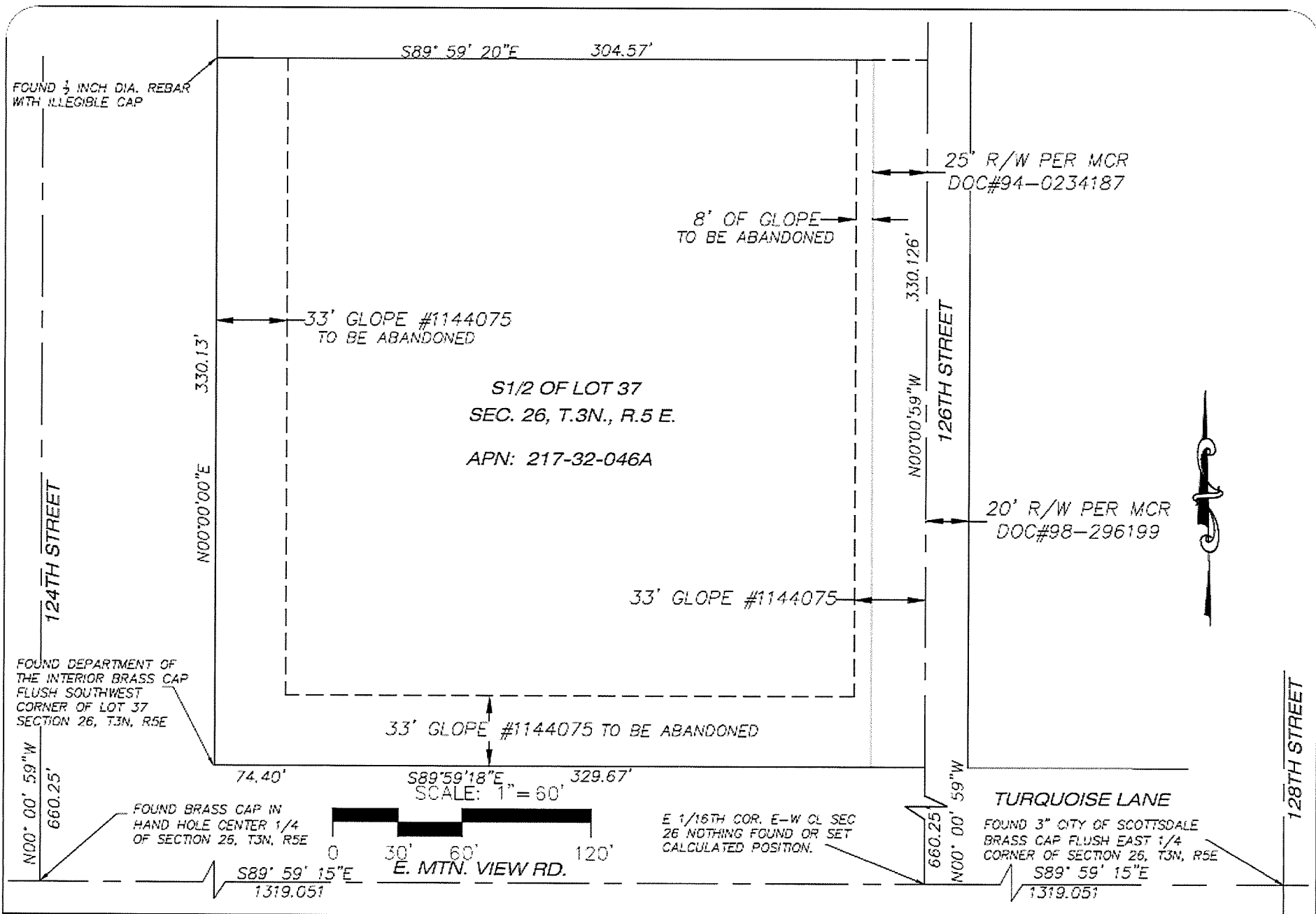
thence, S00°00'00"E, 330.13 ft. to the Point of Beginning and containing 2.50 acres more or less.

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

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

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

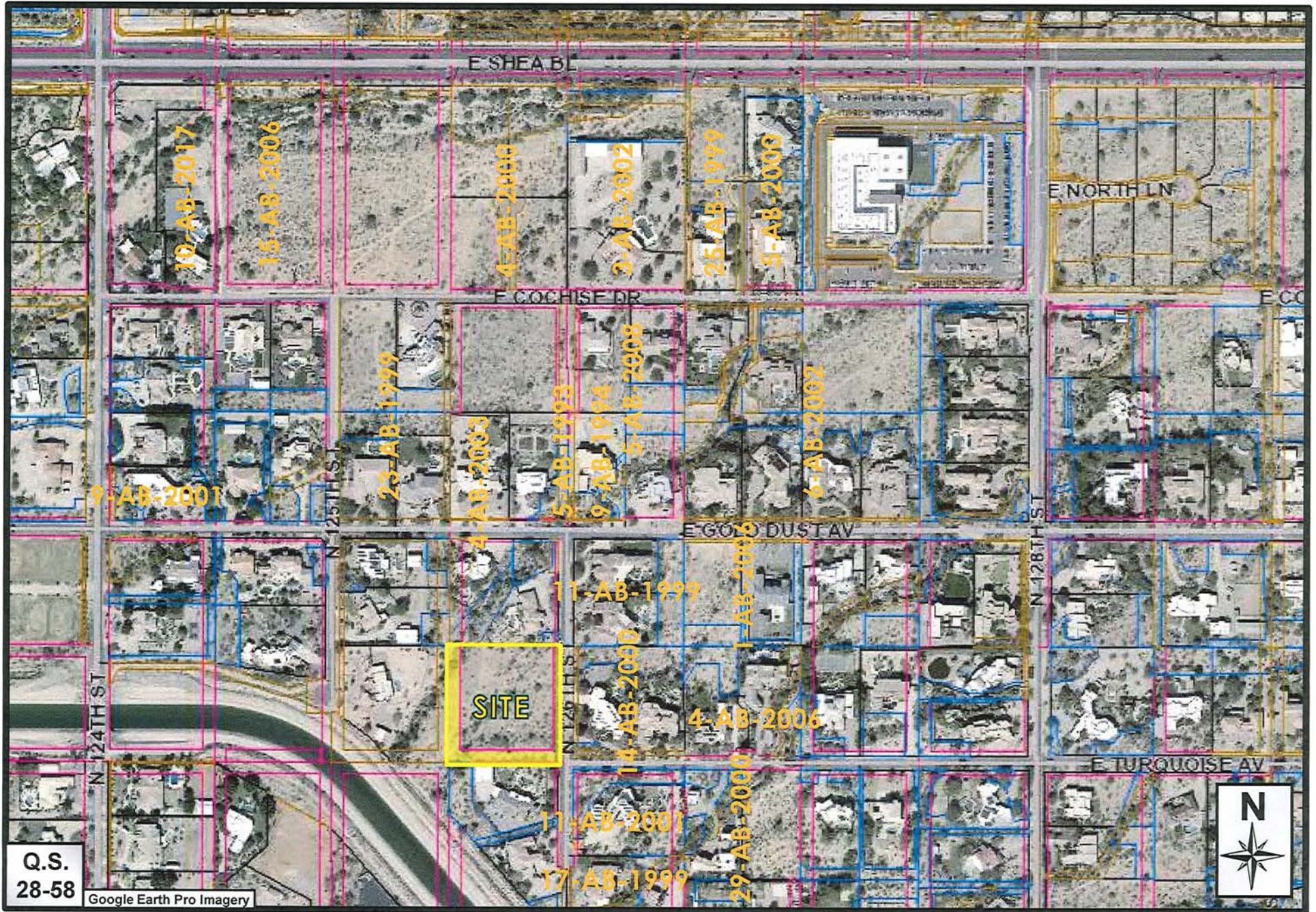




ROSENDAHL ENGINEERING
 857 N. BARKLEY ST. (480) 599-1263 TEL
 MESA, ARIZONA 85203 (480) 834-2163 FAX

GLOPE ABANDONMENT

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



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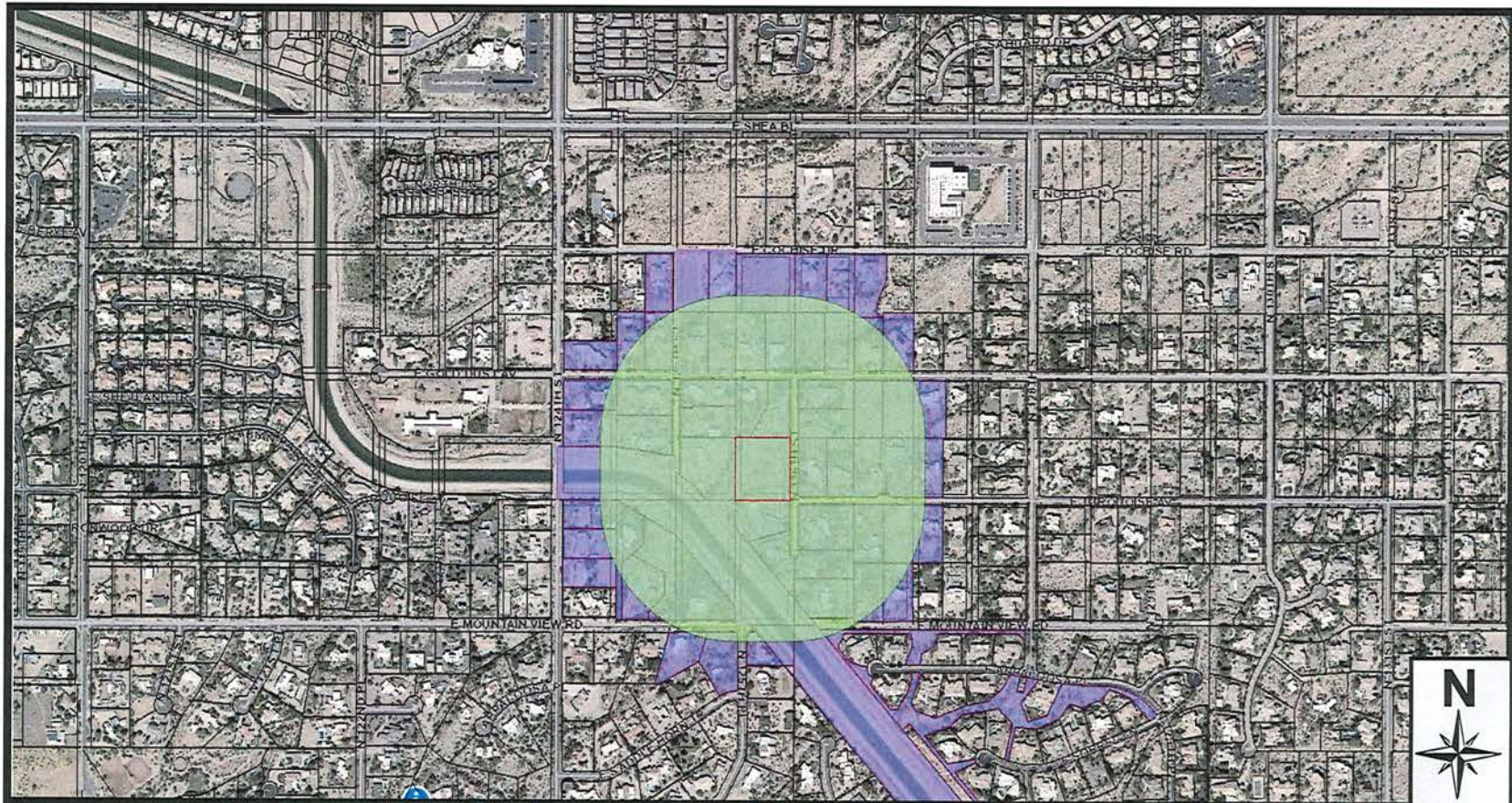
Google Earth Pro Imagery

Abandonment History Map

ATTACHMENT #7

5-AB-2020

City Notifications – Mailing List Selection Map



Additional Notifications:

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

Pulled Labels
June 1, 2020

Map Legend:



5-AB-2020