

PLANNING COMMISSION REPORT



Meeting Date: August 27, 2025
General Plan Element: *Land Use*
General Plan Goal: *Coordinate Planning to Balance Infrastructure*

ACTION

The Arden Scottsdale - ROW Abandonment 9-AB-2024

Request to consider the following:

1. A recommendation to City Council regarding a request by owner for City to abandon the southern 25-foot street right-of-way of E. Polk Street, located along the northern boundary of APNs 131-15-001S, 131-15-001F, and 131-15-001N at 7601 E Polk Street with existing Multiple-Family (R-5) zoning .

Goal/Purpose of Request

The applicant's request is to abandon 25-foot street right-of-way of E. Polk Street to assemble the parcels and develop a new multi-family residential project.

Key Items for Consideration

- Access not impacted by this proposed abandonment
- Conformance with the Transportation Master Plan
- No public input received regarding the proposed abandonment

OWNER

Polk Devco, LLC
480-748-0002

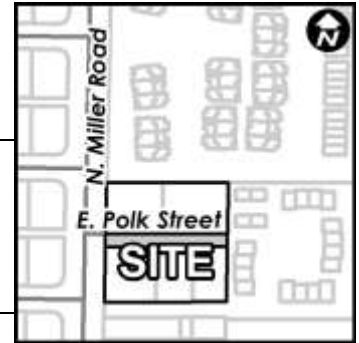
APPLICANT CONTACT

Taylor C. Earl
Earl & Curley, PC
602-265-0094

Action Taken _____

LOCATION

7601 E Polk St



BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Urban Neighborhoods. This category includes multi-family housing with densities usually eight or more dwelling units per acre.

Character Area Plan

The Southern Scottsdale Character Area Plan follows all land use designations as outlined in the General Plan. As noted above, the property is designated as Urban Neighborhoods by the General Plan.

Zoning

The site was annexed from the county into the City of Scottsdale in March of 1963 with I-2 zoning. Subsequently the site was rezoned to R-5 in 1973 through case 67-ZN-1973. The R-5 zoning district allows for multi-family development.

Context

The subject property is located approximately 400 feet north of the intersection of N Miller Road and E McKellips Road. Directly east is another R-5 multi-family development (Casa De Amigos Condominiums), to the west there are existing R1-7 single-family residences (New Papago Parkway Unit 12 subdivision), to the south is the existing multi-tenant commercial development (McKellips shopping plaza) and to the north is an existing attached multi-family residential development (Scottsdale Casitas). Please refer to the context graphics attached.

Adjacent Uses and Zoning

- North: 2-story Scottsdale Casitas, with Multiple-family residential (R-5) Zoning
- South: Single-story McKellips Plaza commercial shopping center with Central Business (C-2) Zoning
- East: 2-story Casa De Amigos Condominiums, with Multiple-family with R-5 Zoning
- West: Single-Story single family residential homes, with R1-7 Zoning

Other Related Policies, References:

Scottsdale General Plan 2035
Southern Scottsdale Character Area Plan
2016 Scottsdale Transportation Master Plan

IMPACT ANALYSIS

Land Use

The site is intended to develop as an attached multi-family residential development through related case 34-DR-2024 and will be heard by the Development Review Board at date to be determined. The abandonment request will not modify the land uses permitted on the property.

Emergency/Municipal Services and Utilities

All emergency and municipal access will be provided to the properties surrounding the abandonment area and maintained through dedicated public right-of-way along N. Miller Road. No impacts are anticipated.

Transportation/Trails

The subject site is approximately 400 feet north of the intersection of N Miller Road and E McKellips Road. The only access to the subject property will be improved with case 34-DR-2024 to bring the current accessway into conformance with the minimum standards required for this development. The overall circulation for the project will be improved as it eliminates excess right of way that would otherwise limit the developable area of the subject site. Non-motorized access and other accessible easements will be dedicated on the subject property with the approval and completion of case 34-DR-2024. The 2016 Transportation Master Plan has indicated a bike lane along N. Miller Road that will be maintained or improved as a part of the overall development request.

Public Utilities

The public utility companies have been notified of the request and support the request to abandon the existing roadway easement. Water Sewer Facilities Easements and Public Utility Easements will be dedicated over the existing underground utilities, much of which is within the abandonment area.

Fire/Police

The nearest fire station is within 2 miles of the site and located at 1901 N. Miller Road. The subject site is served by Police District McKellips, Beat 01. As with any project that contributes to growth, the fire department and police department continually anticipate and evaluate resource needs for the city's budget process.

Community Involvement

The City of Scottsdale promotes public participation in the development of the built environment and has used multiple public outreach methods. The applicant has also complied with the city's suggested best practices for public outreach. Property owners within 750-feet of the site were notified of the applicant abandonment request and the site is posted with the required signage. As of the writing of this report, staff has not received any public comment regarding this abandonment request.

Community Impact

The proposed abandonment does not restrict or remove access to any adjacent properties. The applicant agrees to pay \$171,000.00 as compensation to the City for the value of the abandonment area based on recent appraisal.

STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Planning Commission make a recommendation to City Council for approval of a request by owner to abandon +/- 5,951.74 square feet of E. Polk Street, located along the northern boundary of APNs 131-15-001S, 131-15-001F, and 131-15-001N at 7601 E Polk Street, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

1. The property owner dedicates the necessary private gas and private access easement within the abandonment area.
2. The property owner shall pay to the City an amount to be determined as compensation to the City for the abandonment of right-of-way.

RESPONSIBLE DEPARTMENTS




Planning and Development Services

Current Planning Services
Stormwater Management
Traffic Engineering
Fire and Life Safety
Plan Review
Real Estate

STAFF CONTACT

Chris Zimmer
Planner
480-312-2347
E-mail: czimmer@ScottsdaleAZ.gov

APPROVED BY

 Chris Zimmer, Report Author	8/13/2025 Date
 Tim Curtis, AICP, Current Planning Director Planning Commission Liaison Phone: 480-312-4210 Email: tcurtis@scottsdaleaz.gov	8/14/2025 Date
 Erin Perreault, AICP, Senior Director Planning and Development Services Phone: 480-312-7093 Email: eperreault@scottsdaleaz.gov	08/15/2025 Date

ATTACHMENTS

1. Context Aerial
2. Resolution No. 13480
 - Exhibit A: Legal Description of abandonment areas
 - Exhibit B: Legal Depiction of abandonment areas
 - Exhibit C: Depiction of adjacent parcels
 - Exhibit D: Description of 25-foot-wide access easement and 10-foot-wide Private gas easement
3. Applicant's Narrative
4. City Notification Map



Q.S.
11-46

Context Aerial

ATTACHMENT #1

9-AB-2024

RESOLUTION NO. 13480

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA ABANDONING, SUBJECT TO CONDITIONS AND RESERVATIONS, CERTAIN INTERESTS IN A PORTION OF THE PUBLIC RIGHTS-OF-WAY FOR PROPERTY LOCATED AT 12514 E. COCHISE DRIVE.

(9-AB-2025)

(The Arden Scottsdale - ROW Abandonment)

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 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 Rights-of-way").

D. The Abandonment Rights-of-way are legally described on **Exhibit "A"** and depicted on **Exhibit "B"** attached hereto, and comprise an area of approximately 5,951.74 square-feet.

E. The Abandonment Rights-of-way fall within, serve, affect or are near a parcels comprising approximately 1.3 acres ("Owner's Parcel"), as depicted on **Exhibit "C"** attached hereto.

F. The Council finds that, subject to the conditions, requirements, reservations and limitations of this resolution, the Abandonment Rights-of-way are no longer necessary for public use.

G. The 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.

H. The 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 Rights-of-way are hereby abandoned.

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

2.1 Any and all interests in the Abandonment Rights-of-way that any related application, zoning case, plat, lot split, use permit, or other land use regulatory process or requirements may require to be dedicated to City.

2.2 Any of the following in favor of City that may already have been imposed on the Abandonment Rights-of-way prior to this resolution, if any:

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

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

2.2.3 Any drainage or flood control easement or similar easement or covenant.

2.2.4 Any public non-motorized access easement or trail easement or similar easement or covenant.

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

2.3 An easement for all existing utilities, if any.

2.4 Such rights and interests, if any, as are required to be reserved by A.R.S. Sec. 28-7210 and A.R.S. Sec. 28-7215.

3. Effective Date. This resolution shall not be recorded or become effective until the Zoning Administrator determines that 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 parcel shall pay to City the total amount of One hundred and seventy-one thousand dollars (\$171,000.00) as compensation to the 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.

3.2 The owner has delivered to City a deed, plat or other instrument that dedicates in fee to City, in accordance with City specifications, that same land comprising the 40-foot-wide right-of-way over the existing N. Miller Road easement along the project frontage as dedicated by MCR 2978/405.

3.3 The owner has delivered to City a deed, plat or other instrument that dedicates to City, in accordance with City specifications, a 25-foot-wide access easement over the west one hundred and ten 23/100 (110.23') feet of the area to be abandoned as depicted in Exhibit D.

3.4 As proof of satisfaction of the conditions set forth in Section 3, The Zoning Administrator shall execute 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, the Zoning Administrator shall report the same to the City Clerk and 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 _____, 2025.

CITY OF SCOTTSDALE, an Arizona municipal corporation

Lisa Borowsky, Mayor

ATTEST:

By: _____
Ben Lane, City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

Luis Santaella, Interim City Attorney
By: Joe Padilla, Deputy 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

DO NOT PUT IN FINAL RESOLUTION

Table of Exhibits

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

EXHIBIT A - RIGHT OF WAY ABANDONMENT LEGAL DESCRIPTION

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND BRASS CAP IN A HANDHOLE AT THE SOUTH QUARTER CORNER OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 289.00 FEET ALONG THE MONUMENT LINE, ALSO KNOWN AS NORTH CENTERLINE OF MILLER ROAD TO A POINT;

THENCE NORTH 88 DEGREES 88 MINUTES 24 SECONDS EAST, A DISTANCE OF 40.01 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 108.14 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF NORTH MILLER ROAD, SAID POINT BEING THE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 25.01 FEET TO A POINT ON THE EASTERN RIGHT OF WAY OF NORTH MILLER ROAD;

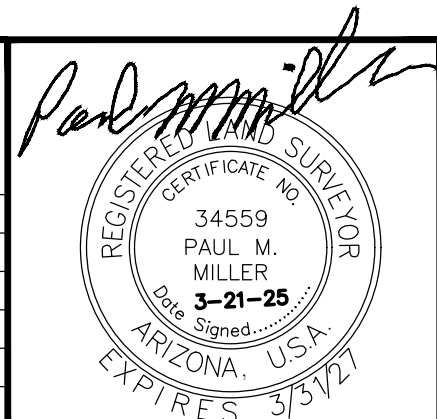
THENCE NORTH 88 DEGREES 36 MINUTES 47 SECONDS EAST, A DISTANCE OF 238.07 FEET TO A POINT;

THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 25.01 FEET TO A POINT;

THENCE SOUTH 88 DEGREES 36 MINUTES 47 SECONDS WEST, A DISTANCE OF 238.07 FEET, TO THE POINT OF BEGINNING.

AREA CONTAINS **5,951.74** SQUARE FEET MORE OR LESS

0293 RIGHT OF WAY ABANDONMENT THE ARDEN	
DRN:	RLM
SCALE:	NONE
JOB NO.:	0293
DATE:	01-23-25
SHT	1
OF	2



MILLER & SONS SURVEYING

2432 W PEORIA AVE. STE. 1302 BLDG 17 PHOENIX, AZ. 85029
PH: (623) 875-1200 F: (623) 875-3777
E-MAIL: PAUL@MILLERANDSONSSURVEYING.COM

E TAYLOR ST

Proposed Abandonment Area

Parcel No.
131-15-239

Parcel No.
131-15-001Y

Parcel No.
131-15-001L

Parcel No. Parcel No.
131-15-275 131-15-274

Parcel No. Parcel No.
131-15-276 131-15-277

E POLK ST



Parcel No.
131-15-294

Parcel No.
131-15-295

Parcel No.
131-15-296

Parcel No.
131-15-281

N MILLER RD

Parcel No.
131-15-001S

Parcel No.
131-15-001F

Parcel No.
131-15-001N

Parcel No.
131-15-298

E POLK ST

Exhibit C

Parcel No.
131-15-112

Parcel No.
131-15-007D

Parcel No.
131-15-007D

Parcel No.
131-15-007D



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 18th, 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.

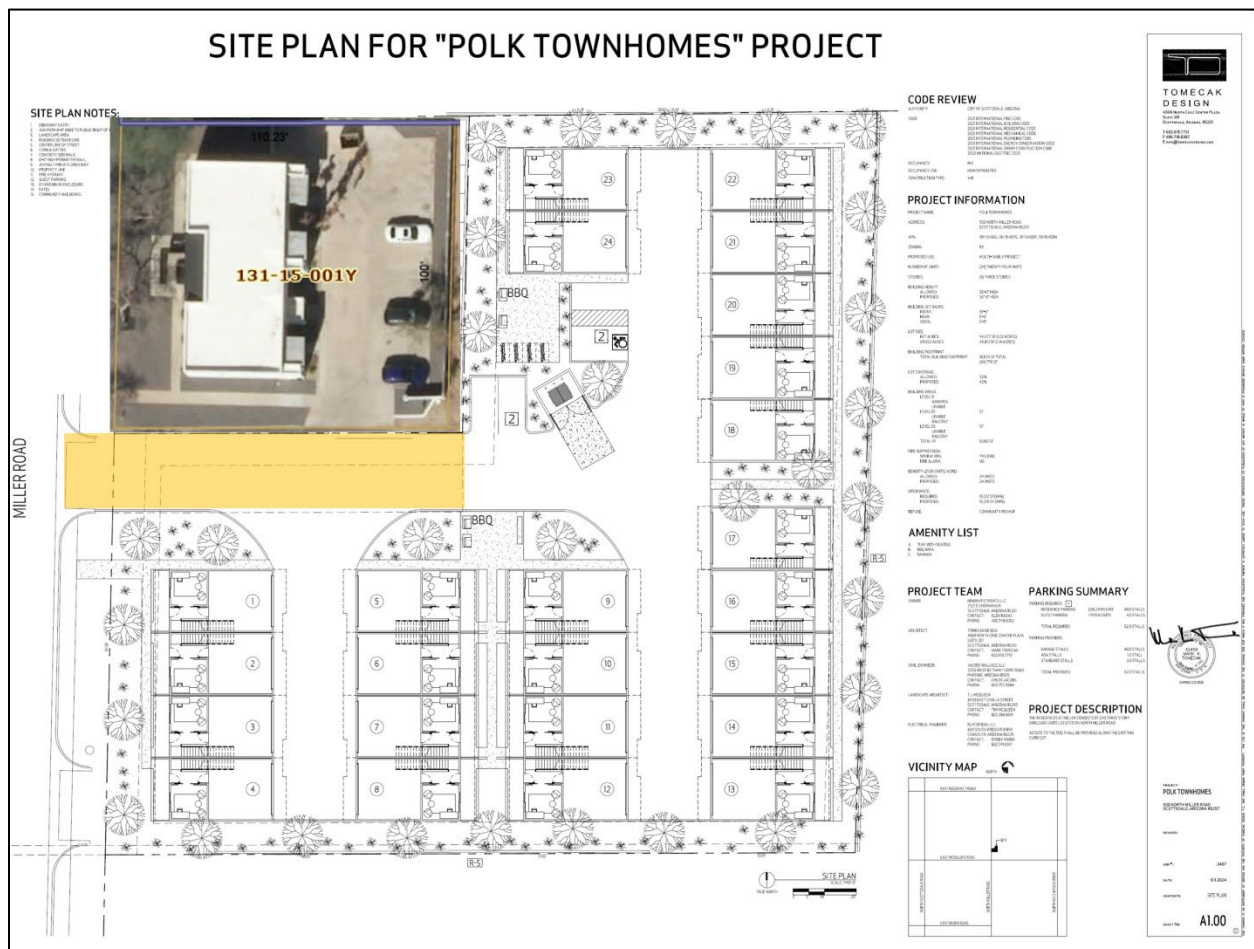
This area will greatly benefit from these four lots being converted from vacant, unmonitored, and trespassed lots to being the home of a beautiful and quality townhome community. This proposed abandonment is a critical component to making that new community happen because without it, too much land would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

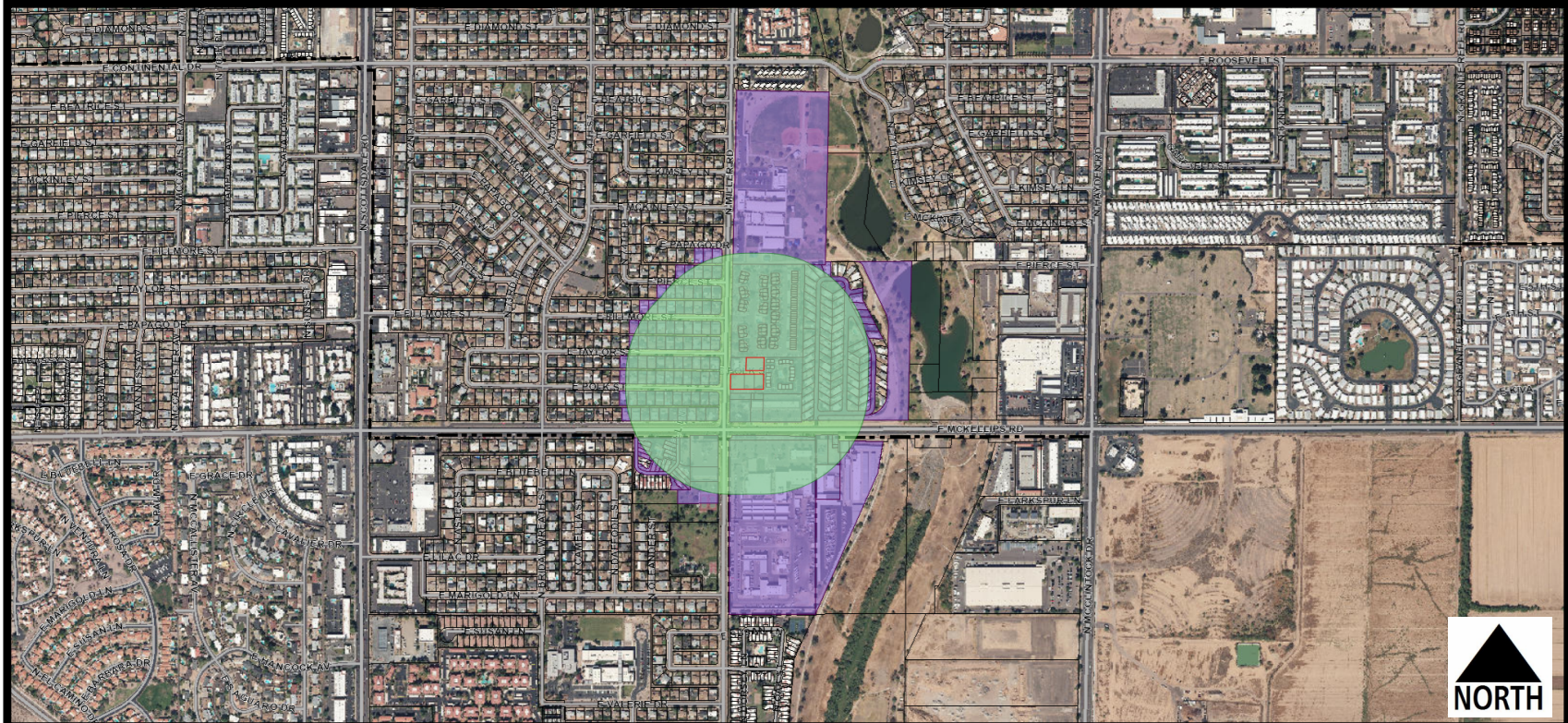
We had follow-up communications with four residents who contacted our firm in response to the letter. Each of the residents asked about the development that would be adjacent to the abandonment. None of them asked about or objected to the actual abandonment request.

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.

City Notifications – Mailing List Selection Map

The Arden Scottsdale - Roadway Abandonment


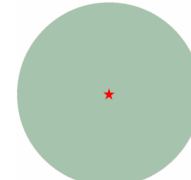


Labels Pulled
October 29, 2024

Additional Notifications:

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

Map Legend:

-  Site Boundary
-  Properties within 750-foot

Postcards: 367

9-AB-2024