

# CITY COUNCIL REPORT



Meeting Date: November 19, 2013  
 General Plan Element: Land Use  
 General Plan Goal: Coordinate Planning to Balance Infrastructure

## ACTION

### Archstone Apartments @ DC Ranch 3-AB-2012

#### Request to consider the following:

1. Adopt Resolution No. 9556 extending the time to fulfill the conditions for abandoning 2,083 +/- square feet of remnant public right-of-way, located on the south side of E. Legacy Boulevard, approximately 360 feet west of N. 91<sup>st</sup> Street, adjacent to 18245 N. Pima Road with Planned Neighborhood Center, Planned Community District (PNC PCD) zoning.

#### Key Items for Consideration

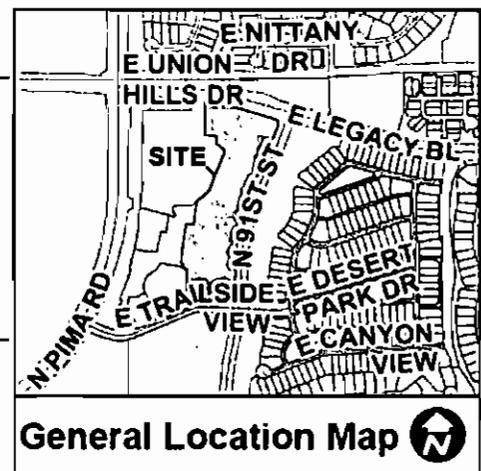
- Eliminates a remnant portion of right-of-way that was originally planned to be an ingress/egress point, but is no longer planned.
- In consideration for the Abandonment, the developer has agreed to construct off-site drainage improvements to alleviate a potential flood hazard at the intersection of Legacy Boulevard and 91<sup>st</sup> Street from undersized drainage culverts in the area.
- Planning Commission heard this case on October 24, 2012 and recommended approval with a vote of 6-0.
- This is a request for a one (1) year extension to the City Council adopted Resolution 9176.

#### OWNER

John Hrovat  
 Camden  
 818-728-6036

#### APPLICANT CONTACT

John Berry  
 Berry & Damore LLC  
 480-385-2753



## LOCATION

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9009 E Legacy Bl

## BACKGROUND

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This case was heard and approved by the City Council on December 4, 2012. The applicant has been working on addressing the requirements stipulated by the previously approved resolution (Resolution No. 9176). The requested area to be abandoned and all the conditions remain the same are previously approved.

### General Plan

The General Plan Land Use Element designates the property as Commercial. This category includes commercial uses, as well as residential uses integrated with commercial.

### Zoning

The site is zoned Planned Neighborhood Center, Planned Community District (PNC, PCD), which allows mixed use neighborhood centers, as well as residential uses. This area was annexed into the City of Scottsdale in 1963. The property was rezoned from R1-35 to PNC as part of the master DC Ranch zoning case number 54-Z-89.

### Adjacent Uses and Zoning

- North Across Legacy Bl., vacant land zoned PNC.
- South DRB approved Archstone Apartments at DC Ranch zoned PNC.
- East DRB approved Archstone Apartments at DC Ranch zoned PNC.
- West Commercial center zoned PNC.

### Context

The subject 2,083 square feet of public right-of-way along E. Legacy Boulevard was dedicated in 2006.

The subject property is located on the south side of E. Legacy Boulevard, approximately 360 feet west of N. 91<sup>st</sup> Street, adjacent to the recently approved Archstone Apartments at DC Ranch.

### Related Policies, References:

13-DR-2012: Archstone Apartments at DC Ranch.

## APPLICANTS PROPOSAL

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### Goal/Purpose of Request

The applicant is requesting a one (1) year extension to the previously approved resolution (Resolution No. 9176) in order to fulfill the conditions outlined within the resolution. The previous approval was to abandon 2,083 square feet of public right-of-way located along the south side of E.

Legacy Boulevard, approximately 360 feet west of N. 91<sup>st</sup> Street, adjacent to the recently approved Archstone Apartments at DC Ranch. The applicant will be required to reserve the area as a public utility easement and a public non-motorized access easement, and dedicate a one foot Non-Vehicular Access Easement along the new north property line for the Archstone property.

## **IMPACT ANALYSIS**

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### **Land Use**

This abandonment will result in an increased land area of 2,083 square feet for the Archstone property.

### **Traffic/Trails**

The abandonment will not affect the existing 67-foot wide half-street along this portion of E. Legacy Boulevard. No trails exist or are proposed along the south side of Legacy Boulevard.

### **Public utilities**

The utility companies serving this area have no objection to this abandonment. APS and Southwest Gas have asked that the area be reserved as a Public Utility Easement. Letters of approval have been received and are included in the case file.

### **Community Involvement**

Property owners within 750 feet of the proposed abandonment were notified about this application by the applicant. No public comment has been received.

### **Community Impact**

No properties will be denied access as a result of this abandonment. The proposed right-of-way will not be required for any future roadway improvements.

## **OTHER BOARDS & COMMISSIONS**

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### **City Council**

Case 3-AB-2012 was heard before the City Council at the December 4, 2012 hearing. The City Council voted to approve the case with a vote of 7-0.

## **OPTIONS & STAFF RECOMMENDATION**

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### **Recommended Approach:**

1. Adopt Resolution No. 9556 granting a one (1) year extension to Resolution 9176. Approval of the abandonment will be contingent on the completion of the stipulations previously adopted in Resolution 9176.

**RESPONSIBLE DEPARTMENT**

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**Planning, Neighborhood and Transportation**

Current Planning Services

**STAFF CONTACTS**

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Keith Niederer  
Senior Planner  
480-312-2953  
E-mail: kniederer@ScottsdaleAZ.gov

**APPROVED BY**

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Keith Niederer, Report Author

10-31-2013  
Date

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

11/1/2013  
Date

  
Randy Grant, Administrator  
Planning, Neighborhood and Transportation  
480-312-2664, rgrant@scottsdaleaz.gov

11/4/13  
Date

**ATTACHMENTS**

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1. Resolution No. 9556
2. December 4, 2012 City Council Report (For Reference)

**RESOLUTION NO. 9556**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, MODIFYING PRIOR RESOLUTION NO. 9176 ABANDONING, SUBJECT TO CONDITIONS, AND RESERVATIONS, CERTAIN INTERESTS IN A PORTION OF THE PUBLIC RIGHT-OF-WAY FOR THE SOUTH SIDE OF LEGACY BOULEVARD BETWEEN PIMA ROAD AND 91<sup>ST</sup> STREET

(3-AB-2012)

**WHEREAS:**

A. On December 4, 2012, the city council of the City of Scottsdale ("City") adopted Resolution No. 9176 (the "Original Resolution") relating to abandonment of certain right-of-way described in the Original Resolution.

B. Paragraph 3 of the Original Resolution provided that the Original Resolution would be void unless certain conditions (collectively the "Conditions") occurred within one year after the date of the Original Resolution.

C. The Original Resolution will become void because the Conditions will not be satisfied and the Original Resolution will not be properly recorded within the time period set out in the Original Resolution.

D. City now desires to extend the time for satisfying the Conditions.

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

1. Modification. The Original Resolution is hereby modified as follows:

1.1 The one year period set out in paragraph 3.6 of the Original Resolution is extended to one year after the date of this resolution.

1.2 The City Clerk is directed to immediately mark the Original Resolution to indicate that it has been modified by this resolution.

1.3 If and when the Original Resolution is recorded, this resolution shall be recorded with the Original Resolution.

PASSED AND ADOPTED by the city council of the City of Scottsdale this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

City of Scottsdale, an Arizona municipal corporation

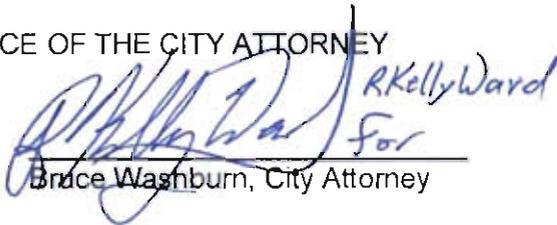
\_\_\_\_\_  
W. J. "Jim" Lane, Mayor

ATTEST:

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

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

By:  *R. Kelly Ward*  
*For*  
\_\_\_\_\_  
Bruce Washburn, City Attorney

# CITY COUNCIL REPORT



Meeting Date: December 4, 2012  
 General Plan Element: *Land Use*  
 General Plan Goal: *Coordinate Planning to Balance Infrastructure*

## ACTION

### Archstone Apartments @ DC Ranch 3-AB-2012

#### Request to consider the following:

1. Adopt Resolution No. 9176 vacating and abandoning 2,083 +/- square feet of remnant public right-of-way, located on the south side of E. Legacy Boulevard, approximately 360 feet west of N. 91<sup>st</sup> Street, adjacent to 18245 N. Pima Road with Planned Neighborhood Center, Planned Community District (PNC PCD) zoning.

#### OWNER

Archstone  
714-689-7064

#### APPLICANT CONTACT

Michelle Hammond  
Berry & Damore LLC  
480-385-2753

#### LOCATION

9009 E Legacy Bl

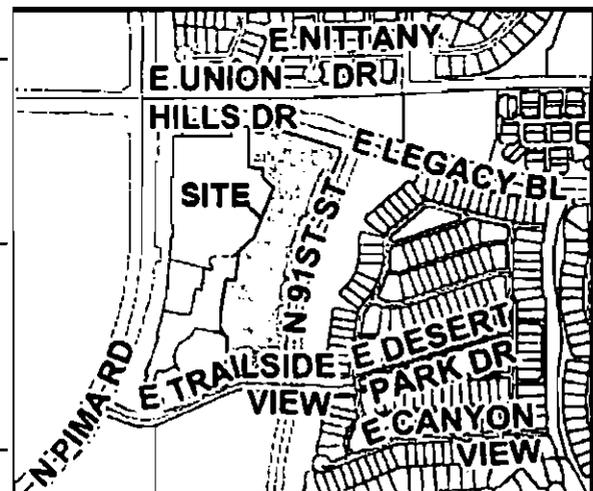
#### BACKGROUND

##### General Plan

The General Plan Land Use Element designates the property as Commercial. This category includes commercial uses, as well as residential uses integrated with commercial.

##### Zoning

The site is zoned Planned Neighborhood Center, Planned Community District (PNC, PCD), which allows mixed use neighborhood centers, as well as residential uses. This area was annexed into the City of Scottsdale in 1963. The property was rezoned from R1-35 to PNC as part of the master DC Ranch zoning case number 54-Z-89.



General Location Map 

Action Taken \_\_\_\_\_

ATTACHMENT #2

**Adjacent Uses and Zoning**

- North Across Legacy Bl., vacant land zoned PNC.
- South DRB approved Archstone Apartments at DC Ranch zoned PNC.
- East DRB approved Archstone Apartments at DC Ranch zoned PNC.
- West Commercial center zoned PNC.

**Context**

The subject 2,083 square feet of public right-of-way along E. Legacy Boulevard was dedicated in 2006.

The subject property is located on the south side of E. Legacy Boulevard, approximately 360 feet west of N. 91<sup>st</sup> Street, adjacent to the recently approved Archstone Apartments at DC Ranch.

**Key Items for Consideration**

- Eliminates a remnant portion of right-of-way that was originally planned to be an ingress/egress point, but is no longer planned.
- In consideration for the Abandonment, the developer has agreed to construct off-site drainage improvements to alleviate a potential flood hazard at the intersection of Legacy Boulevard and 91<sup>st</sup> Street from undersized drainage culverts in the area. The applicant estimates these drainage construction costs estimates to range between \$250,000 and \$300,000. The estimated value of the abandonment area is within the \$20,000 range.
- Planning Commission heard this case on October 24, 2012 and recommended approval with a vote of 6-0.

**Related Policies, References:**

13-DR-2012: Archstone Apartments at DC Ranch.

**APPLICANTS PROPOSAL**

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**Goal/Purpose of Request**

This request is to abandon 2,083 square feet of public right-of-way located along the south side of E. Legacy Boulevard, approximately 360 feet west of N. 91<sup>st</sup> Street, adjacent to the recently approved Archstone Apartments at DC Ranch. The applicant will be required to reserve the area as a public utility easement and a public non-motorized access easement, and dedicate a one foot Non-Vehicular Access Easment along the new north property line for the Archstone property.

**IMPACT ANALYSIS**

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**Land Use**

This abandonment will result in an increased land area of 2,083 square feet for the Archstone property.

**Traffic/Trails**

The abandonment will not affect the existing 67-foot wide half-street along this portion of E. Legacy Boulevard. No trails exist or are proposed along the south side of Legacy Boulevard.

**Public utilities**

The utility companies serving this area have no objection to this abandonment. APS and Southwest Gas have asked that the area be reserved as a Public Utility Easement. Letters of approval have been received and are included in the case file.

**Community Involvement**

Property owners within 750 feet of the proposed abandonment were notified about this application by the applicant. No public comment has been received.

**Community Impact**

No properties will be denied access as a result of this abandonment. The proposed right-of-way will not be required for any future roadway improvements.

**OTHER BOARDS & COMMISSIONS**

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**Planning Commission**

Planning Commission heard this case on October 24, 2012, and recommended approval with a unanimous vote of 6-0, as stipulated.

**Recommended Approach:**

Staff recommended that the Planning Commission make a recommendation that the City Council approve the abandonment of 2,083 square feet of right-of-way, subject to the following stipulations:

1. The owner of the subject property shall reserve the abandonment area as a Public Utility Easement.
2. The owner of the subject property shall dedicate a one-foot Non Vehicular Access Easement along the north property line.
3. The owner shall reserve a Non-motorized Public Access Easement over the existing concrete multi-use path.
4. The owner shall record a covenant to construct the off-site drainage improvements they have agreed to construct.

**OPTIONS & STAFF RECOMMENDATION**

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**Recommended Approach:**

1. Adopt Resolution No. 9176 vacating and abandoning 2,083 +/- square feet of remnant public right-of-way, located on the south side of E. Legacy Boulevard, approximately 360 feet west of N. 91<sup>st</sup> Street, adjacent to 18245 N. Pima Road with Planned Neighborhood Center, Planned Community District (PNC PCD) zoning.

**RESPONSIBLE DEPARTMENT**

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**Planning, Neighborhood and Transportation**

Current Planning Services

**STAFF CONTACTS**

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Keith Niederer

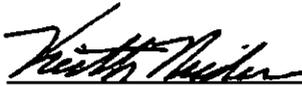
Senior Planner

480-312-2953

E-mail: kniederer@ScottsdaleAZ.gov

**APPROVED BY**

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Keith Niederer, Report Author

11-15-2012

Date



Tim Curtis, AICP, Current Planning Director

480-312-4210, tcurtis@scottsdaleaz.gov

11/13/2012

Date



Randy Grant, Administrator

Planning, Neighborhood and Transportation

480-312-2664, rgrant@scottsdaleaz.gov

11/14/12

Date

**ATTACHMENTS**

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1. Resolution No. 9176
2. Applicant Narrative
3. Context Aerial
- 3A. Aerial Close-up
4. Right-of-way and Easements
5. Zoning Map
6. Right-of-way Exhibit
7. City Notification Map
8. October 24, 2012 Planning Commission Minutes

**RESOLUTION NO. 9176**

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 RIGHT-OF-WAY FOR THE SOUTH SIDE OF LEGACY BOULEVARD BETWEEN PIMA ROAD AND 91<sup>ST</sup> STREET

(3-AB-2012)

WHEREAS:

A. A.R.S. Sec. 28-7201, et seq., provide that a city may dispose of a public roadway or portion thereof that is no longer necessary for public use.

B. After notice to the public, the City of Scottsdale ("City") planning commission and City Council have held hearings on the proposed abandonment of that portion of the street right-of-way (the "Abandonment Right-of-way") described on **Exhibit "A"** and **Exhibit "B"** attached hereto.

C. The 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.

D. The Abandonment Right-of-way falls within, serves, affects or is near a certain parcel (the "Archstone Parcel") comprising approximately 9.25 acres as shown on the map attached hereto as **Exhibit "C"** (the "Map"), and as described on **Exhibit "D"** attached hereto.

E. The 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.

F. The city council has considered the City expenditure 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 and that City will receive direct consideration substantially equal to its expenditure.

NOW, THEREFORE, BE IT RESOLVED by the 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 non-motorized access easement as follows:

2.1.1 The easement shall be upon, over, under and across the portion of the Abandonment Right-of-way that lies within ten feet (10') of the north boundary of the Abandonment Right-of-way.

2.1.2 The purpose of the easement is for all forms of non-motorized transportation together with motorized emergency, law enforcement, and service vehicles, and for construction, operation, use, maintenance, repair, modification and replacement from time to time of improvements related thereto.

2.2 A perpetual public utility easement as follows:

2.2.1 The easement shall be upon, over, under and across the entire Abandonment Right-of-way.

2.2.2 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.

2.3 A perpetual vehicular non-access easement as follows:

2.3.1 The easement shall be upon, over, under and across the south one foot (1') of the reserved public utility easement.

2.3.2 The purpose of the easement is to prohibit vehicular access by the owners of interests in the Archstone Parcel and their successors between the Abandonment Right-of-way and the Archstone Parcel.

2.4 Any and all interests in the Abandonment Right-of-way that this resolution or 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.

2.5 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:

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

2.5.2 Any open space or similar easement or covenant.

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

2.6 An easement for all existing utilities, if any.

2.7 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 are satisfied in accordance with all applicable laws, regulations and policies and at no expense to City:

3.1 The owners of the Archstone Parcel (and all lenders, tenants, and other interest holders in such parcels) shall convey to City using City specified forms each of the real estate interests specifically described in this resolution as having been reserved in favor of City. For example, if this resolution reserves to City a water line easement over a portion of the Abandonment Right-of-way, then this paragraph requires the identified persons to rededicate such water line easement. If such interest was originally dedicated in a manner that a portion of such interest falls within such parcels but outside the boundaries of the Abandonment Right-of-way, then the new dedication required by this paragraph shall also include such additional portion of the interest.

3.2 The owner of the Archstone Parcel shall cause to be completed the drainage improvements and other work described on **Exhibit "E"** attached hereto.

3.3 The zoning administrator executes the certificate at the bottom of this resolution indicating that the above conditions have been satisfied.

3.4 If any of the foregoing conditions are not satisfied within one year after the date of this resolution, or if this resolution is not recorded within one year after the date of this resolution, then the city clerk shall mark this resolution to indicate that this resolution is void.

PASSED AND ADOPTED by the Council of the City of Scottsdale this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

City of Scottsdale, an Arizona municipal corporation

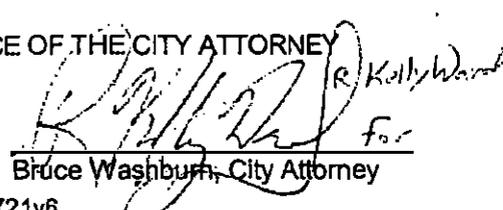
\_\_\_\_\_  
W. J. "Jim" Lane, Mayor

ATTEST:

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

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

By:  <sup>R. Kelly Ward</sup>  
Bruce Washburn, City Attorney

10054721v6

**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

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**FOR**  
**RIGHT OF WAY ABANDONMENT**  
**LEGACY BLVD**

A parcel of land lying within the Northwest Quarter of Section 31, Township 4 North, Range 5 East, Gila and Salt River Meridian, Maricopa County, Arizona described as follows;

Commencing at the North Quarter corner of said Section 31, being marked by a PK Nail, from which the Northwest corner of said Section 31, being marked by a City of Scottsdale Brass Cap in hand hole bears South 89°56'55" West (Basis of Bearing per Book 982 of Maps, Page 17 Maricopa County Records), a distance of 2390.01 feet;

Thence along the North line of the Northwest Quarter of said Section 31, a distance of 591.54 feet;

Thence normal to said North line, South 00°03'05" East, a distance of 248.87 feet to a point on the southerly right-of-way line of Union Hills Drive, as shown on the Minor Land Division Map for DC Ranch Crossing and DC Ranch Parcel 1.2, recorded in Book 982 of Maps, Page 17, Maricopa County Records, marked by an aluminum washer marked "Tabor 19857", said point being the beginning of a 1733.01 foot radius curve whose center bears South 16°34'44" West;

Thence along said southerly right-of-way for the following four(4) courses and westerly along aforesaid curve, through a central angle of 05°05'24", an arc distance of 153.95 feet to the POINT OF BEGINNING and the beginning of a compound 25.00 foot radius curve whose center bears South 11°29'23" West, marked by an aluminum washer marked "Tabor 19857";

Thence southwesterly along said curve, through a central angle of 92°02'18", an arc distance of 40.16 feet to a point of cusp, marked by a ½" rebar with cap marked "Tabor 19857";

Thence North 80°33'28" West, a distance of 72.00 feet to a point of cusp and the beginning of a 25.00 foot radius curve, whose center bears North 80°33'25" West, marked by a ½" rebar with cap marked "Tabor 19857";

Thence northwesterly along said curve, through a central angle of 47°53'20", an arc distance of 20.90 feet to a point of cusp and the beginning of a non-tangent 23.00 foot radius curve whose center bears South 37°35'32" East;



Thence departing said Southerly right- of way line, and northeasterly along said curve, through a central angle of  $46^{\circ}06'58''$ , an arc distance of 18.51 feet to a point which is 67.00 feet, as measured at right angles to the center line of Union Hills drive, and the beginning of a 1733.01 foot radius curve whose center bears South  $08^{\circ}31'26''$  West;

Thence southeasterly along said curve, parallel with said center line, through a central angle of  $02^{\circ}57'54''$ , an arc distance of 89.68 feet to the POINT OF BEGINNING.

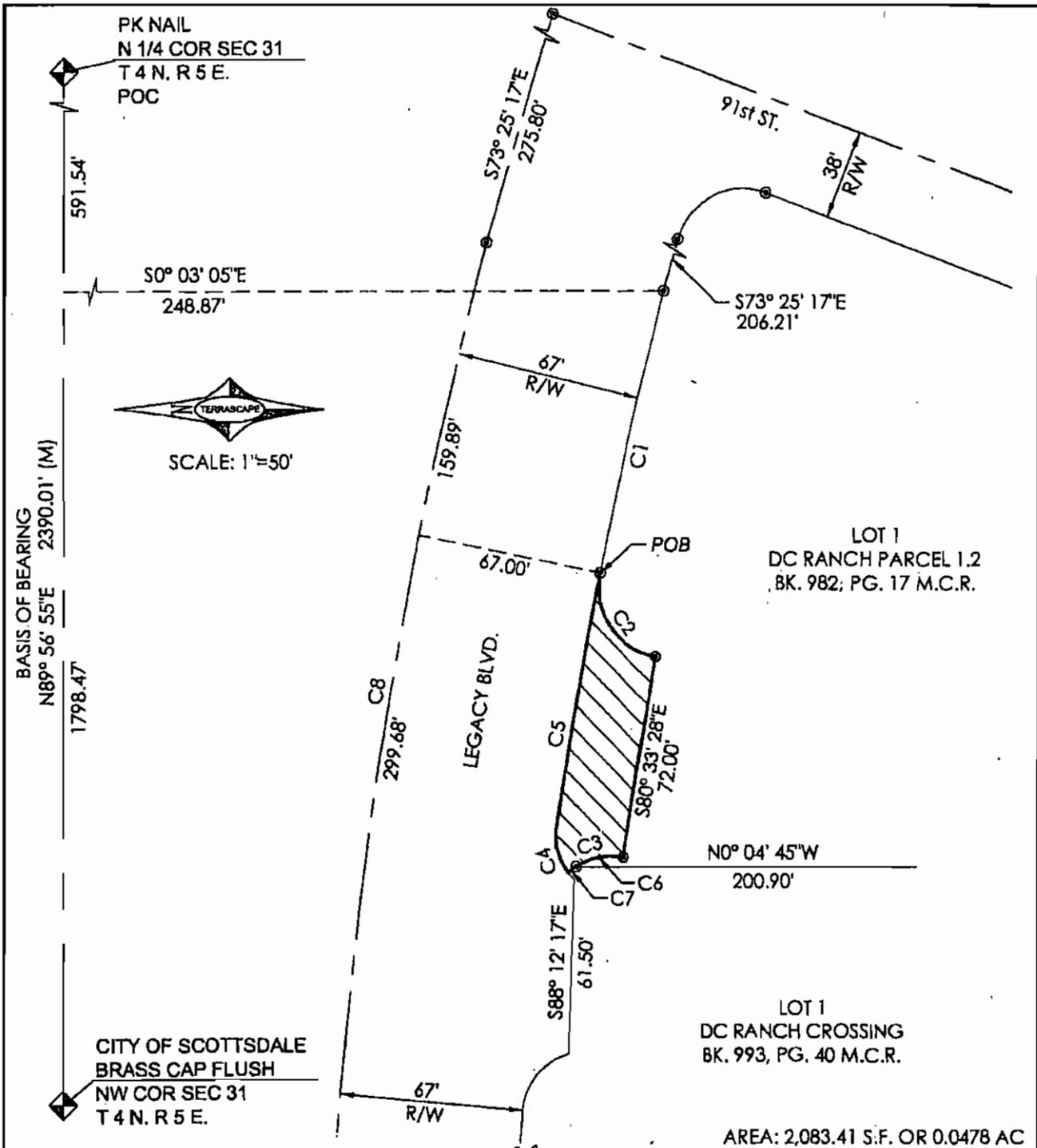
Said parcel encloses 2,083.41 square feet or 0.0478 acres more or less.

All as shown on attached EXHIBIT "B" made a part hereof by this reference.



Expires 12/31/2014





AREA: 2,083.41 S.F. OR 0.0478 AC

**TERRASCOPE CONSULTING**  
 CIVIL ENGINEERING - SURVEYING - PLANNING  
 1102 East Missouri Avenue  
 Phoenix, Arizona 85014  
 (602) 297-8732  
 (602) 230-8458 FAX



Expires 12/31/2014

**EXHIBIT "B"**  
 LEGACY BLVD.  
 RIGHT OF WAY  
 ABANDONMENT

Resolution No. 9176

DRAWN BY: MHR	DATE: SEPT. 28, 2012
PROJ. NO.: 0254	PG. 1 OF 2

### Curve Table

Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	153.95'	1733.01'	5°05'24"	S75° 57' 58"E	153.90'
C2	40.16'	25.00'	92°02'55"	N55° 27' 56"E	35.98'
C3	20.90'	25.00'	47°53'20"	N14° 30' 05"W	20.29'
C4	18.51'	23.00'	46°06'58"	N75° 27' 57"E	18.02'
C5	89.68'	1733.01'	2°57'54"	N79° 59' 37"W	89.67'
C6	18.06'	25.00'	41°23'14"	N11° 15' 02"W	17.76'
C7	2.84'	25.00'	6°30'06"	N35° 11' 42"W	2.84'
C8	459.58'	1800.01'	14°37'43"	N80° 44' 08"W	458.33'



**TERRASCAPE  
CONSULTING**

CIVIL ENGINEERING - SURVEYING - PLANNING  
1102 East Missouri Avenue  
Phoenix, Arizona 85014  
(602) 287-8732  
(602) 230-8458 FAX



Expires 12/31/2014

**EXHIBIT "B"**  
LEGACY BLVD.  
RIGHT OF WAY  
ABANDONMENT

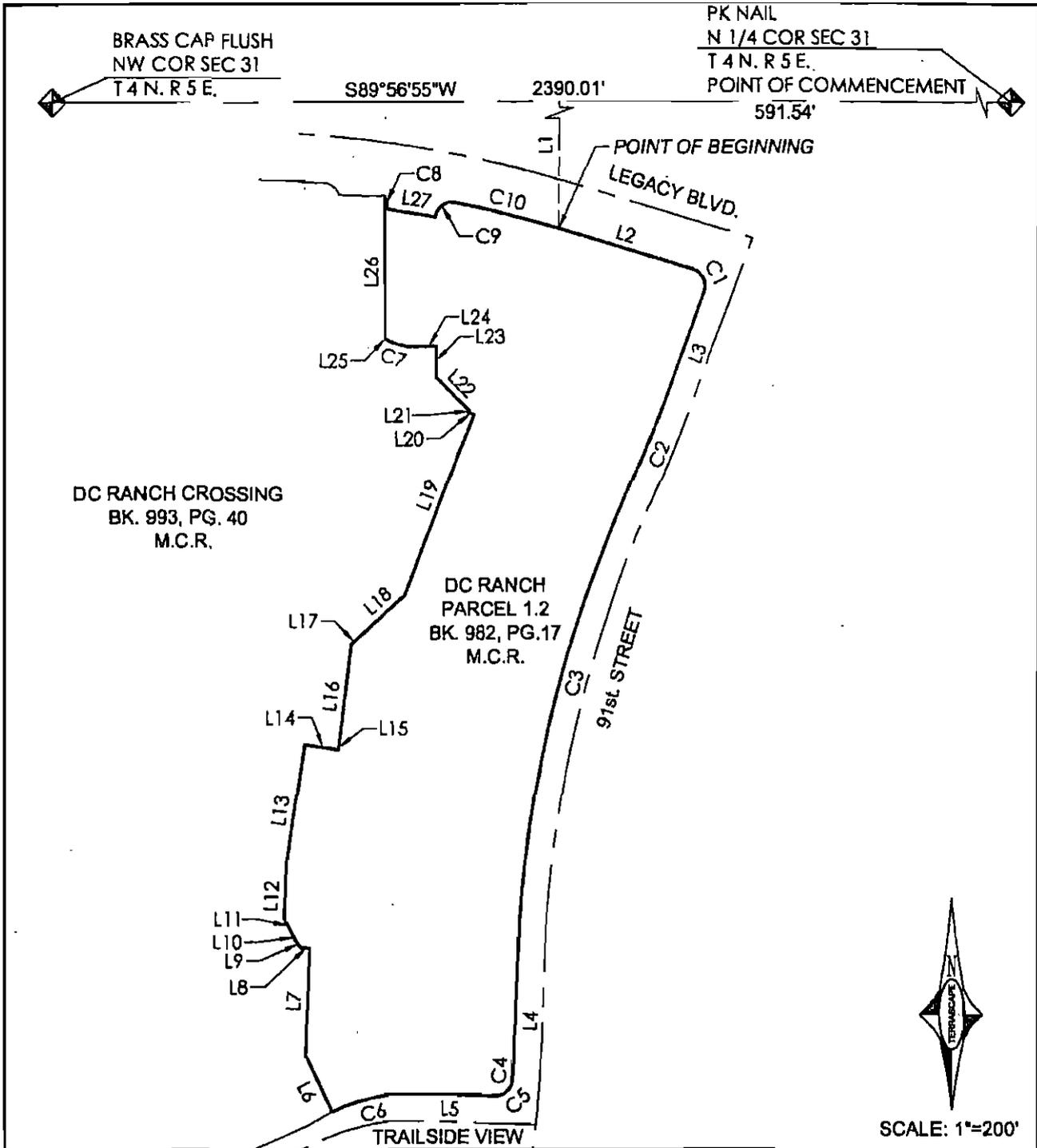
Resolution No. 9176

DRAWN BY: MHR

DATE: SEPT. 28, 2012

PROJ. NO.: 0254

PG. 2 OF 2



**TERRASCOPE  
CONSULTING**

CIVIL ENGINEERING - SURVEYING - PLANNING  
1102 East Missouri Avenue  
Phoenix, Arizona 85014  
(602) 287-8732  
(602) 230-8458 FAX



Expires 12/31/2014

## EXHIBIT C

DC RANCH PARCEL 1.2

Resolution No. 9176

DRAWN BY: MHR DATE: Oct. 31, 2012

PROJECT No.  
0254

SHT. 1 OF 2

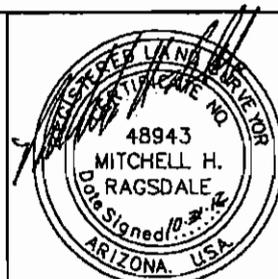
Record Line Table		
Line #	Length	Direction
L1	248.87'	S0° 03' 05"E
L2	206.21'	S73° 25' 17"E
L3	153.37'	S20° 34' 43"W
L4	127.13'	S2° 11' 52"W
L5	116.55'	N88° 04' 13"W
L6	89.08'	N26° 10' 58"W
L7	153.15'	N2° 16' 09"E
L8	12.63'	N87° 31' 29"W
L9	12.97'	N35° 53' 09"W
L10	10.20'	N26° 10' 58"W
L11	24.66'	N29° 27' 03"W
L12	75.86'	N2° 28' 09"E
L13	172.94'	N8° 41' 38"E
L14	49.61'	S81° 18' 22"E
L15	15.73'	N8° 41' 38"E
L16	135.00'	N7° 08' 03"E
L17	21.43'	N48° 13' 26"E
L18	82.76'	N48° 23' 39"E
L19	274.88'	N21° 37' 45"E
L20	9.33'	N68° 22' 15"W

Record Line Table		
Line #	Length	Direction
L21	3.31'	N21° 37' 45"E
L22	66.48'	N45° 02' 14"W
L23	44.68'	N0° 06' 53"E
L24	35.69'	S89° 57' 46"W
L25	5.07'	N62° 20' 30"W
L26	200.84'	N0° 04' 29"W
L27	72.00'	S80° 33' 28"E

Curve Table			
Curve #	Length	Radius	Delta
C1	41.02'	25.00'	94°00'00"
C2	139.72'	1612.00'	04°57'57"
C3	687.82'	1688.00'	23°20'48"
C4	53.70'	1612.00'	01°54'31"
C5	38.32'	25.00'	87°44'25"
C6	125.39'	262.50'	27°22'10"
C7	36.50'	75.50'	27°41'44"
C8	18.06'	25.00'	41°23'40"
C9	40.16'	25.00'	92°02'48"
C10	153.95'	1733.00'	05°05'23"



**TERRASCOPE  
CONSULTING**  
CIVIL ENGINEERING - SURVEYING - PLANNING  
1102 East Missouri Avenue  
Phoenix, Arizona 85014  
(602) 297-8732  
(602) 230-8458 FAX



Expires 12/31/2014

## EXHIBIT C

DC RANCH PARCEL 1.2

Resolution No. 9176

DRAWN BY: MHR	DATE: Oct. 31, 2012
PROJECT No. 0254	

SHT. 2 OF 2



EXHIBIT D  
LEGAL DESCRIPTION  
FOR  
DC RANCH PARCEL 1.2

A parcel of land lying within Section 31, Township 4 North, Range 5 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the North quarter corner of said Section 31, a pk nail, from which the Northwest corner of said Section, a City of Scottsdale (C.O.S.) brass cap, bears South 89 degrees 56 minutes 55 seconds West, (basis of bearing), a distance of 2390.01 feet;

Thence along the North line of said Section, South 89 degrees 56 minutes 55 seconds West, a distance of 591.54 feet;

Thence leaving said North line, South 00 degrees 03 minutes 05 seconds East, a distance of 248.87 feet to the Southerly right-of-way line of Union Hills Drive as shown on Map of Dedication (M.O.D. 1) for DC Ranch Union Hills Drive Planning Unit 1, recorded in Book 843, page 4, Maricopa County Recorder (M.C.R.) and Map of Dedication (M.O.D. 2) for DC Ranch Union Hills Drive Infrastructure Planning Unit 1, recorded in Book 657, Page 12, M.C.R. and the POINT OF BEGINNING;

Thence along said Southerly right-of-way line, South 73 degrees 25 minutes 17 seconds East, a distance of 206.21 feet to the beginning of a curve;

Thence Southeasterly along said curve, having a radius of 25.00 feet, concave Southwesterly, through a central angle of 94 degrees 00 minutes 00 seconds, a distance of 41.02 feet to the curve's end;

Thence leaving said Southerly right-of-way line, along the Westerly right-of-way line of 91 st Street as shown on Map of Dedication (M.O.D. 3) for DC Ranch Loop Road Infrastructure Planning Unit 1, recorded in Book 657, Page 14 M.C.R., South 20 degrees 34 minutes 43 seconds West, a distance of 153.37 feet to the beginning of a curve;

Thence Southwesterly along said curve, having a radius of 1612.00 feet, concave Northwesterly, through a central angle of 04 degrees 57 minutes 57 seconds, a distance of 139.71 feet to a point of reverse curvature;

Thence Southwesterly along said curve, having a radius of 1688.00 feet, concave Southeasterly, through a central angle of 23 degrees 20 minutes 48 seconds, a distance of 687.82 feet;

Thence South 02 degrees 11 minutes 52 seconds West, a distance of 127.13 feet to the beginning of a curve;

Thence Southerly along said curve, having a radius of 1612.00 feet, concave Westerly, through a central

angle of 01 degree 54 minutes 31 seconds, a distance of 53.70 feet to a point of compound curvature;

Thence leaving said Westerly right-of-way line, Southwesterly along said curve, having a radius of 25.00 feet, concave Northwesterly through a central angle of 87 degrees 49 minutes 25 seconds, a distance of 38.32 feet to the curve's end;

Thence North 88 degrees 04 minutes 13 seconds West, a distance of 116.55 feet to the beginning of a curve;

Thence Westerly along said curve, having a radius of 262.50 feet, concave Southerly, through a central angle of 27 degrees 22 minutes 10 seconds, a distance of 125.39 feet to a point of intersection with a non-tangent line;

Thence North 26 degrees 10 minutes 58 seconds West, a distance of 89.08 feet;

Thence North 02 degrees 16 minutes 09 seconds East, a distance of 153.15 feet;

Thence North 87 degrees 31 minutes 29 seconds West, a distance of 12.63 feet;

Thence North 35 degrees 53 minutes 09 seconds West, a distance of 12.97 feet;

Thence North 26 degrees 10 minutes 58 seconds West, a distance of 10.20 feet;

Thence North 29 degrees 27 minutes 03 seconds West, a distance of 24.66 feet;

Thence North 02 degrees 28 minutes 09 seconds East, a distance of 75.86 feet;

Thence North 08 degrees 41 minutes 38 seconds East, a distance of 172.94 feet;

Thence South 81 degrees 18 minutes 22 seconds East, a distance of 49.61 feet;

Thence North 08 degrees 41 minutes 38 seconds East, a distance of 15.73 feet;

Thence North 07 degrees 08 minutes 03 seconds East, a distance of 135.00 feet;

Thence North 48 degrees 13 minutes 26 seconds East, a distance of 21.43 feet;

Thence North 48 degrees 23 minutes 39 seconds East, a distance of 82.76 feet;

Thence North 21 degrees 37 minutes 45 seconds East, a distance of 274.88 feet;

Thence North 68 degrees 22 minutes 15 seconds West, a distance of 9.33 feet;

Thence North 21 degrees 37 minutes 45 seconds East, a distance of 3.31 feet;

Thence North 45 degrees 02 minutes 14 seconds West, a distance of 66.48 feet;

Thence North 00 degrees 06 minutes 53 seconds East, a distance of 44.68 feet;

Thence South 89 degrees 57 minutes 46 seconds West, a distance of 35.69 feet to the beginning of a curve;

Thence Westerly along said curve, having a radius of 75.50 feet, concave Northerly, through a central angle of 27 degrees 41 minutes 44 seconds, a distance of 36.50 feet to the curve's end;

Thence North 62 degrees 20 minutes 30 seconds West, a distance of 5.07 feet;

Thence North 00 degrees 04 minutes 29 seconds West, a distance of 200.84 feet to the Southerly right-of-way line of said Union Hills Drive and a point of intersection with a non-tangent curve;

Thence along said Southerly right-of-way line, Southerly along said curve, having a radius of 25.00 feet, concave Westerly, whose radius bears South 58 degrees 02 minutes 52 seconds West, through a central angle of 41 degrees 23 minutes 40 seconds, a distance of 18.06 feet to a point of intersection with a non-tangent line;

Thence South 80 degrees 33 minutes 28 seconds East, a distance of 72.00 feet, to a point of intersection with a non-tangent curve;

Thence Northeasterly along said curve, having a radius of 25.00 feet, concave Southeasterly, whose radius bears South 80 degrees 33 minutes 28 seconds East, through a central angle of 92 degrees 02 minutes 48 seconds, a distance of 40.16 feet to a point of compound curvature;

Thence Easterly along said curve, having a radius of 1733.00 feet, concave Southerly, through a central angle of 05 degrees 05 minutes 23 seconds, a distance of 153.95 feet to the **POINT OF BEGINNING**;



Expires 12/31/2014

Drainage Improvements Required with 3-AB-2012.

1. Construct a new 4-foot by 8-foot concrete box culvert adjacent to the existing concrete box culvert within the Legacy Boulevard right-of-way to allow stormwater to pass under the roadway without flooding the intersection of N. 91<sup>st</sup> Street and E. Legacy Boulevard.
2. Reconstruct existing headwalls.
3. Pavement and curb replacement.
4. Repair or replace existing irrigation in the right-of-way.
5. Repair or replace existing dry utilities.
6. Restore the Rip Rap scour protection.

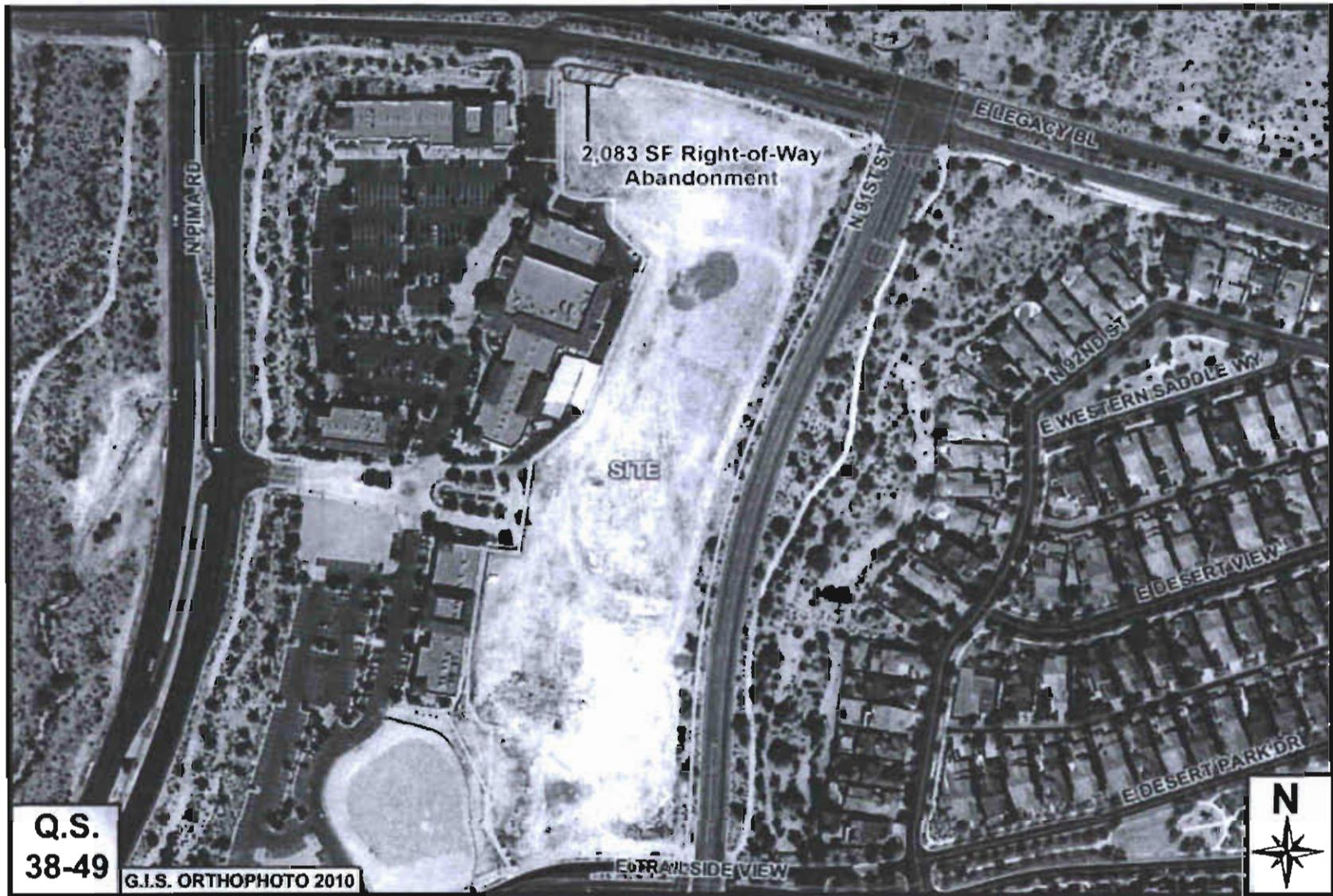
**Archstone – DC Ranch**  
**Parcel 1.2**  
**Project Narrative – Abandonment**

In connection with case 13-DR-2012, the applicant is requesting to abandon a small portion of unused right-of-way along the south side of Legacy Boulevard (Union Hills Drive alignment) adjacent to the proposed development for apartments. The companion development case is on a site located at the southwest corner of 91<sup>st</sup> Street and Legacy Boulevard, which is zoned PNC-PCD.

Primary access to the site will be provided via Pima Road through the existing DC Ranch Crossings retail center; secondary access will be provided for residents via 91<sup>st</sup> Street. Vehicular and pedestrian connectivity to the existing retail center is a key component to the overall design of the community. Therefore, there is no need for a driveway cut along Legacy Boulevard.

**ATTACHMENT #2**

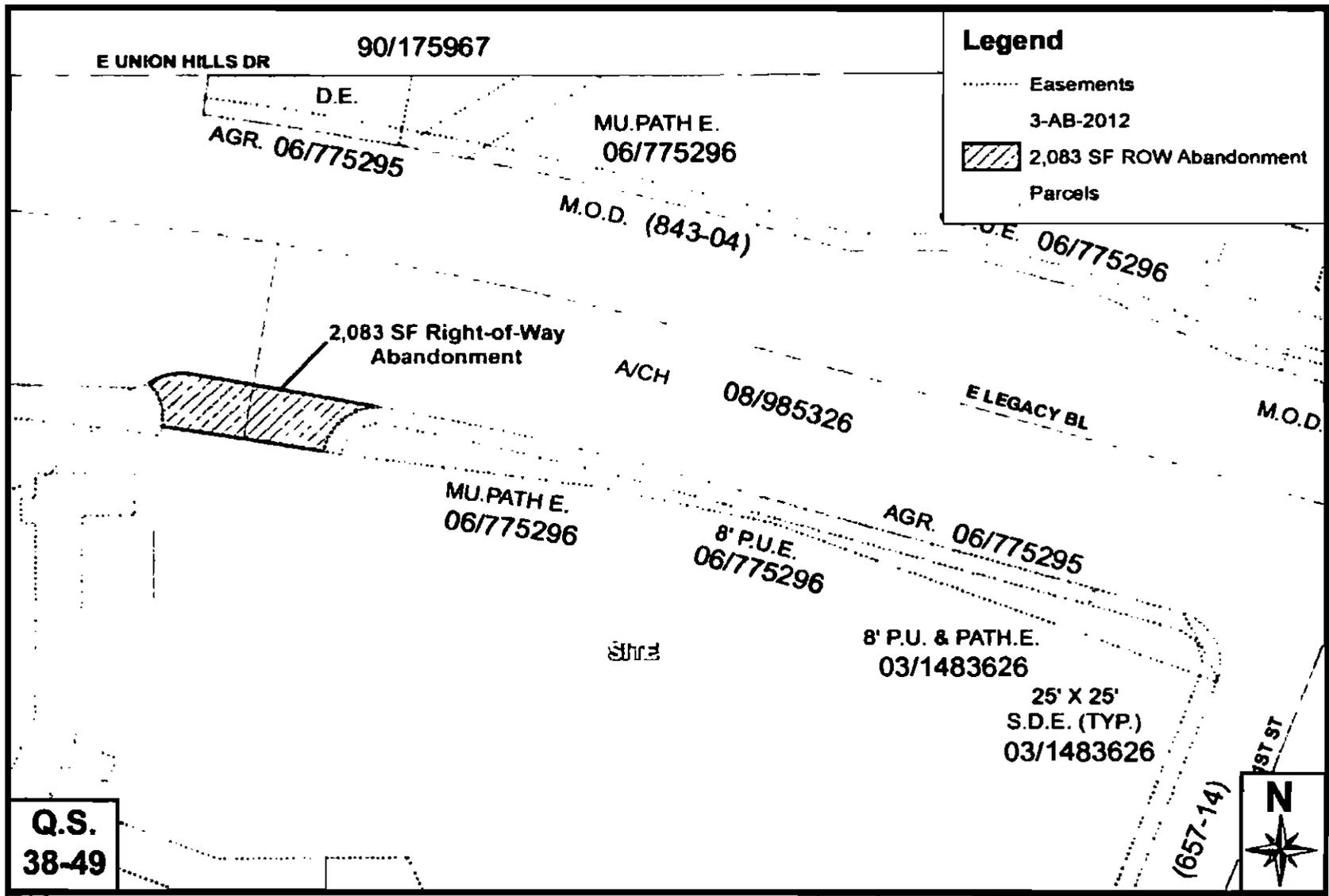




Archstone Apartments Abandonment

**3-AB-2012**

ATTACHMENT #3A



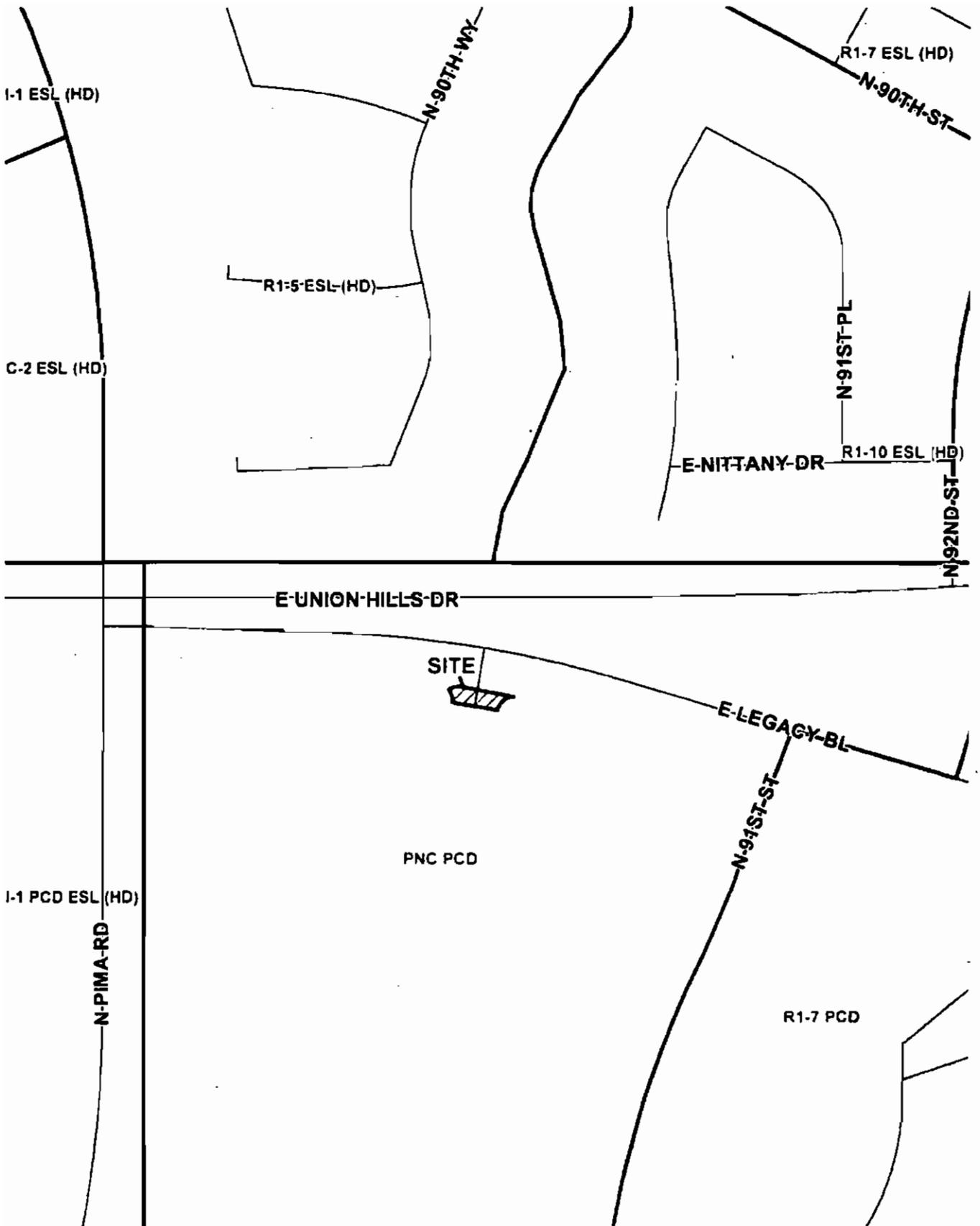
**Legend**

- ..... Easements
- 3-AB-2012
-  2,083 SF ROW Abandonment
- Parcels

**Q.S.  
38-49**

**Archstone Apartments Abandonment**

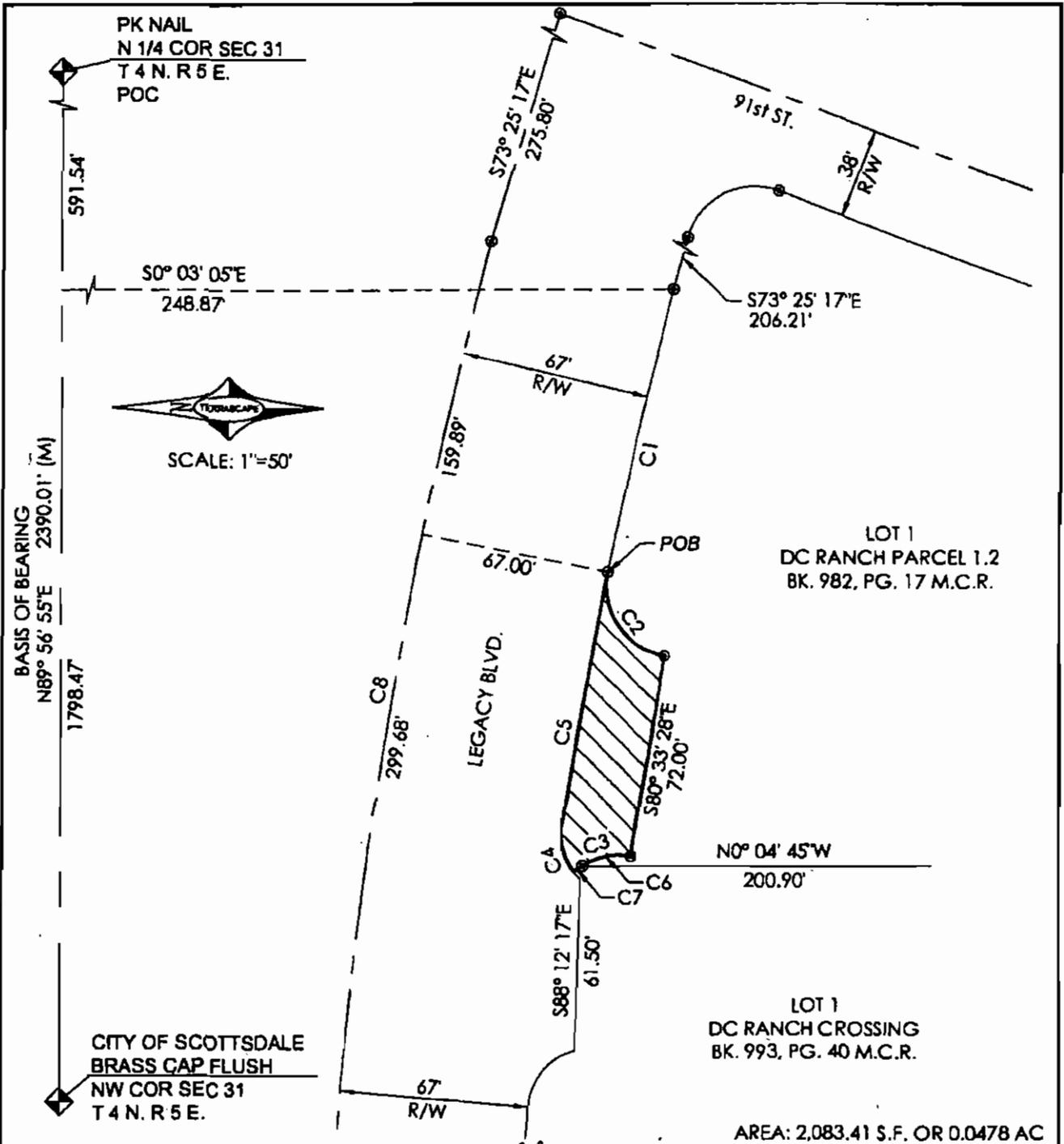
**3-AB-2012**



**3-AB-2012**

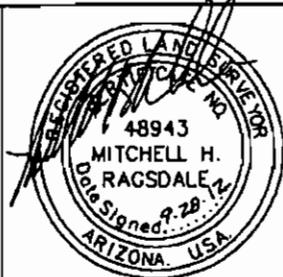
ATTACHMENT #5





**TERRASCOPE  
CONSULTING**

CIVIL ENGINEERING - SURVEYING - PLANNING  
1102 East Missouri Avenue  
Phoenix, Arizona 85014  
(602) 297-8732  
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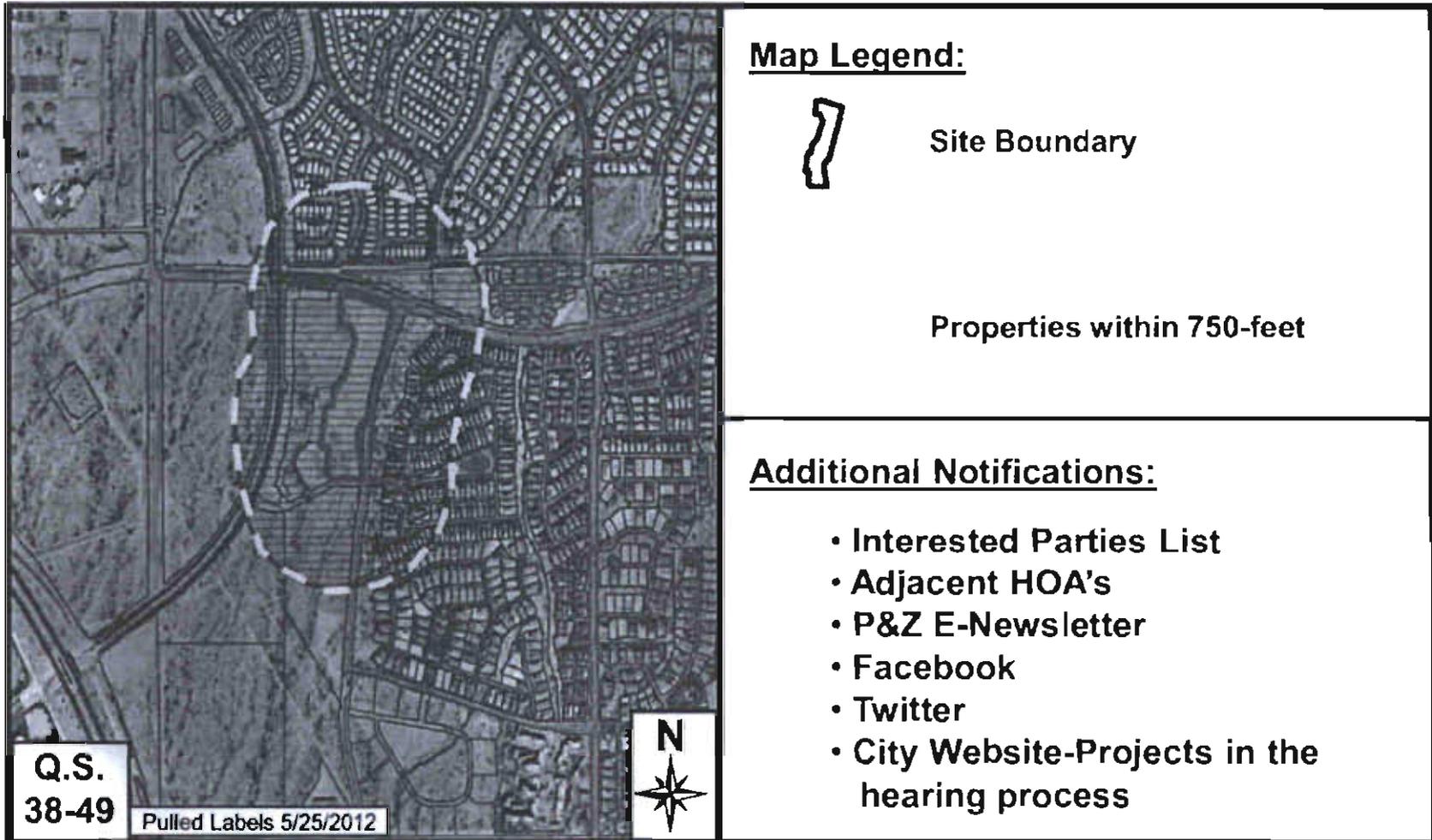


Expires 12/31/2014

**EXHIBIT "B"**  
LEGACY BLVD.  
RIGHT OF WAY  
ABANDONMENT

DRAWN BY: MHR	DATE: SEPT. 28, 2012
PROJ. NO.: 0254	PG. 1 OF 2

# City Notifications – Mailing List Selection Map



**Archstone DC Ranch**

**3-AB-2012**

ATTACHMENT #7



**SCOTTSDALE PLANNING COMMISSION  
KIVA-CITY HALL  
3939 DRINKWATER BOULEVARD  
SCOTTSDALE, ARIZONA**

**WEDNESDAY, OCTOBER 24, 2012**

**DRAFT SUMMARIZED MEETING MINUTES\***

**PRESENT:** Michael D'Andrea, Chairman  
Erik Filsinger, Commissioner  
Michael Edwards, Commissioner  
Jay Petkunas, Commissioner  
Matt Cody, Commissioner  
David Brantner, Commissioner

**ABSENT:** Ed Grant, Vice-Chair

**STAFF:** Tim Curtis  
Joe Padilla  
Kira Wauwie  
Keith Niederer  
Brad Carr  
Don Hadder  
Dan Symer  
Frances Cookson  
Lorraine Castro

**CALL TO ORDER**

Chair D'Andrea called the regular session of the Scottsdale Planning Commission to order at 5:00 p.m.

**ROLL CALL**

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

**MINUTES REVIEW AND APPROVAL**

1. Approval of October 10, 2012 Regular Meeting Minutes including Study Session.

**COMMISSIONER BRANTNER MOVED TO APPROVE THE OCTOBER 10, 2012, REGULAR MEETING MINUTES INCLUDING STUDY SESSION. SECONDED BY COMMISSIONER PETKUNAS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).**

\* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission website at: [www.scottsdaleaz.gov/boards/PC.asp](http://www.scottsdaleaz.gov/boards/PC.asp)

**EXPEDITED AGENDA**

2. 606-PA-2012 (C-1, PNC, PCoC Text Amendment)  
**COMMISSIONER PETKUNAS MOVED TO INITIATE CASE 606-PA-2012; AND MAKE A RECOMMENDATION TO CITY COUNCIL FOR APPROVAL PER THE STAFF RECOMMENDED STIPULATIONS, SECONDED BY COMMISSIONER EDWARDS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).**
  
3. 5-ZN-2006#2 (Princess Townhomes)  
**COMMISSIONER PETKUNAS MOVED TO MAKE A RECOMMENDATION TO CITY COUNCIL FOR APPROVAL OF CASE 5-ZN -2006#2, PER THE STAFF RECOMMENDED STIPULATIONS, AFTER DETERMINING THAT THE PROPOSED ZONING MAP AMENDMENT IS CONSISTENT AND CONFORMS WITH THE ADOPTED GERNELA PLAN. SECONDED BY COMMISSIONER EDWARDS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).**
  
4. 3-AB-2012 (Archstone Apartments @ DC Ranch)  
**COMMISSIONER PETKUNAS MOVED TO MAKE A RECOMMENDATION TO CITY COUNCIL FOR APPROVAL OF CASE 3-AB-2012; PER THE STAFF RECOMMENDED STIPULATIONS, SECONDED BY COMMISSIONER EDWARDS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).**
  
5. 18-UP-2012 (Mercedes-Benz of Scottsdale)  
**COMMISSIONER FILSINGER MOVED TO MAKE A RECOMMENDATION TO CITY COUNCIL FOR APPROVAL OF CASE 18-UP-2012, PER THE STAFF RECOMMENDED STIPULATIONS, BASED UPON THE FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET. SECONDED BY COMMISSIONER CODY, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF THREE (3) TO ONE (1). WITH D'ANDREA DISSENTING. EDWARDS AND PETKUNAS RECUSED THEMSELVES.**

Larry Kush, Brian Amster, Krisanne Elsner, Rick Kidiler, John Washington, Stephen McConnell, Ann Marie Hainz, Howard Zeimen, Patty Badenoch, Liz Dawn, Catherine Gardiola, Paul Vaz, Tom Roth, Ana Judkins, Chris Levally, Bill Crawford, Prescott Smith, requested to speak.

Kim Judkins, Ana Galbinski, Ana Judkins, Jaime Zeimen, Reed Porter, Mia Eriksson, Dr. Jeff Donahue, Steven Voss, Dave Lehmicke, Erika Hanson provided written comments.

6. 6-TA-2009#2 (Downtown Text Amendment pertaining to the Downtown and Citywide)  
**COMMISSONER PETKUNAS RECOMMENDED CITY COUNCIL APPROVE CASE 6-TA-2009#2, AFTER DETERMINING THAT THE PROPOSED TEXT AMENDMENT IS CONSISTENT AND CONFORM WITH THE ADOPTED GENERAL PLAN. SECONDED BY COMMISSIONER FILSINGER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ONE (1). WITH BRANTNER DISSENTING. WITH THE FOLLOWING MODIFICATIONS:**

**Sec. 6.1311.C.1. To achieve a bonus, the Development Plan shall show a minimum four acres of net GROSS lot area.**

**and**

**Sec. 6.1311.E.1.b. ~~Other special improvements as determined by the City Council, if the improvements provide public access and public benefits proportional to the bonus received.~~ OTHER SPECIAL IMPROVEMENTS, IF THE CITY COUNCIL FINDS:**

- i. THE PUBLIC BENEFITS ARE PROPORTIONAL TO THE BONUS RECEIVED, AND**
- ii. THE SPECIAL IMPROVEMENT IS ASSOCIATED WITH A UNIQUE PROJECT THAT PROMOTES ECONOMIC DEVELOPMENT, AND THE GOALS AND POLICIES OF THE GENERAL PLAN AND THE DOWNTOWN PLAN.**

John Berry, Neal Pascoe and Wendy Riddell provided comments.

Steven Voss provided written comments.

7. 2-TA-2011 (Section 7.800. Master Plan Submittal)

**COMMISSONER FILSINGER RECOMMENDED CITY COUNCIL APPROVE CASE 2-TA-2011, AFTER DETERMINING THAT THE PROPOSED TEXT AMENDMENT ISE CONSISTENT AND CONFORM WITH THE ADOPTED GENERAL PLAN. SECONDED BY COMMISSIONER EDWARDS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).**

### **NON-ACTION AGENDA**

8. 6-TA-2012 (Administration and Development Applications Text Amendment)

Dan Symer provided a brief presentation and overview of the 6-TA-2012 Text Amendment. The Planning Commission asked general questions, which staff responded to.

### **ADJOURNMENT**

With no further business to discuss, the regular session of the Planning Commission adjourned at 7:49 p.m.