



Staff Approval No.

159-SA-2010

**Ancillary Use Allowance-Limited Food Service Facility
Scottsdale Executive Plaza**

STAFF APPROVAL NOTIFICATION

This letter is notification that your request has been approved by Current Planning Services staff.

Additional review and permits may be required. Refer to Additional Submittal Requirements below.

This approval expires one (1) year from date of approval if a permit has not been issued, or if no permit is required, work for which approval has been granted has not been completed.

PROJECT INFORMATION

LOCATION: 6340 E. Thomas, Suite 220
PARCEL: 128-49-002H
Q.S.: 15-42
CODE VIOLATION #:

APPLICANT: Patti J. Brown
COMPANY: The Muller Company
ADDRESS: 6350 E. Thomas Road, Suite 238
PHONE: 480-481-0110

Request: To be allowed to have an ancillary food vendor on site for tenants

STIPULATIONS

1. As indicated by the April 22, 2010 letter from the applicant, the initial vendor (delicatessen) would be within a +/- 1,200 s.f. lease area); any future expansion would need to be reviewed by staff prior to any further permitting or allowances for this use at this site.
2. The allowed food service would be breakfast-snack-lunch only with catering service to tenants of the Scottsdale Executive Plaza complex during the day.
3. Any changes to the proposed ancillary use or potential relocation would need to be reviewed by staff.
4. By separate permit, any signage allowed cannot be visible off-site to E. Thomas Road or residents to the north.
5. Existing interior patio area serving buildings 6330-6340-6350 can be used for limited outdoor seating by patrons.
6. **Ancillary Food Service:** The zoning interpretation is that the proposed use is ancillary to the primary office use of the site providing limited food service to the tenants and their customers during normal business hours. The use cannot be visible off-site, nor can signage employed on the building or windows of the lease area be used which would make this use visible to anyone off-site.
7. Obtain all separate necessary permits for the tenant improvement work and the signage for the use.

Related Cases: 202-PA-2010

SIGNATURE:

Hank Epstein, Senior Planner

DATE APPROVED: 4/23/10

Amended: clarification of permits 4/23/10

Please obtain the necessary permits for tenant improvement work needed for the conversion of the office to become a limited service restaurant. **Four (4) sets of complete architectural plans are needed for distribution. No civil plans are needed.** Forms may be located on-line or can be obtained at the Front Counter Service Area.

A sign permit is a separate application to be made through the Front Counter Planning Staff.

**POLICY OF THE CITY OF SCOTTSDALE
ON APPEALS OF DEDICATIONS, EXACTIONS, OR ZONING REGULATIONS**

RIGHTS OF PROPERTY OWNER

In addition to other rights granted to you by the U.S. and Arizona Constitution, federal and state law and city ordinances or regulations, you are hereby notified of your right to appeal the following City actions relating to your property:

- 1) Any dedication or exaction which is required of you by an administrative agency or official of the city as a condition of granting approval of your request to use, improve or develop your real property. This appeal right does not apply to a dedication or exaction required as part of a city legislative act (for example a zoning ordinance) where an administrative agency or official has no discretion to determine the dedication or exaction.
- 2) The adoption or amendment of a zoning regulation that creates a taking of property in violation of Arizona and federal court decisions.

APPEAL PROCEDURE

The appeal must be in writing and specify the City action appealed and the date final action was taken, and it must be filed with or mailed to the hearing officer designated by the city within 30 days after the final action is taken. Address the appeal as follows:

Hearing Officer, C/O City Clerk

3939 Drinkwater Blvd.
Scottsdale, AZ 85251

- ❖ No fee will be charged for filing
- ❖ The City Attorney's Office will review the appeal for compliance with the above requirements, and will notify you if your appeal does not comply.
- ❖ Eligible appeals will be forwarded to the hearing officer, and a hearing will be scheduled within 30 days of receipt by the hearing officer of your request. Ten days notice will be given to you of the date, time and place of the hearing unless you indicate that less notice is acceptable to you.
- ❖ The city will submit a takings impact report to the hearing officer.
- ❖ In an appeal from a dedication or exaction, the City will bear the burden of proving that the dedication or exaction to be imposed on your property bears an essential nexus between the requirement and a legitimate governmental interest and that the proposed dedication or exaction is roughly proportional to the impact of the use, improvement or development you proposed.
- ❖ In an appeal from the adoption or amendment of a zoning regulation, the City will bear the burden of proving that any dedication or exaction requirement in the zoning regulation is roughly proportional to the impact of the proposed use, improvement, or development, and that the zoning regulation does not create a taking of property in violation of Arizona and federal court cases.
- ❖ The hearing officer must render his decision within five working days after the appeal is heard.
- ❖ The hearing officer can modify or delete a dedication or exaction or, in the case of an appeal from a zoning regulation, transmit a recommendation to the City Council.
- ❖ If you are dissatisfied with the decision of the hearing officer, you may file a complaint for a trial de novo with the Superior Court within 30 days of the hearing officer's decision.

If you have questions about this appeal process, you may contact:

City Manager's Office
3939 Drinkwater Blvd.
Scottsdale, AZ 85251
(480) 312-2422

City Attorney's Office
3939 Drinkwater Blvd.
Scottsdale, AZ 85251
(480) 312-2405

Please be aware that City staff cannot give you legal advice. You may wish, but are not required, to hire an attorney to represent you in an appeal.

SIGNATURE: _____

theMullercompany

April 22, 2010

Mr. Tim Curtis
Planning Director and Zoning Administrator
City of Scottsdale
7447 E. Scottsdale Road, Suite 105
Scottsdale, AZ 85251

RE: Food Service Facility – Scottsdale Executive Plaza

Dear Mr. Curtis,

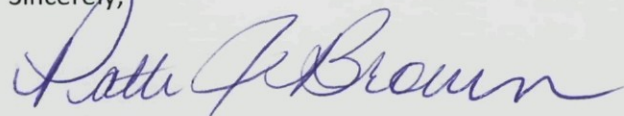
Last week, I met with Mr. Hank Epstein, Senior Planner with the City of Scottsdale to discuss opening a deli operation for our tenants at Scottsdale Executive Plaza. The project is a 158,600 SF office complex comprised of 14 individual 11,300 SF buildings located at 62nd Street and Thomas Road. SEP is currently 72% leased with approx. 75 tenants. The complex has on-site management that interacts with tenants on a daily basis and the main request from our tenants is for the addition of a deli at the site since there is not a food service facility within walking distance.

We have a prospective operator interested in opening a deli at the project in the 6340 Building, Suite 220 (approx 1,200 s.f.). The facility would be used for the preparation of sandwiches, salads, etc. and will not be used for cooking/frying food. The interior location will be in a pod of buildings towards the middle of the project (see attached) and will have minimal interior and exterior seating in the existing courtyard. The operation will serve breakfast and lunch and will not be visible from the public streets.

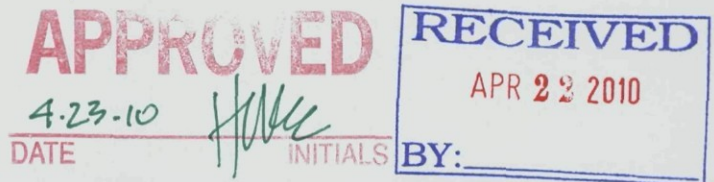
Scottsdale Executive Plaza is currently zoned SR (C) which does not allow for any food service establishments or restaurants. I have submitted an application with the City of Scottsdale to allow an accessory use to support the existing tenants at the property and am hopeful approval will be received before the end of the month. We also understand additional food service establishments will not be permitted on-site.

Thank you in advance for considering our request and please feel free to contact me at 480.481.0110 should you have any questions.

Sincerely,



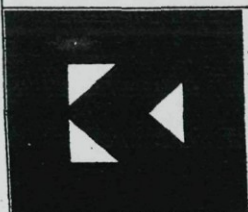
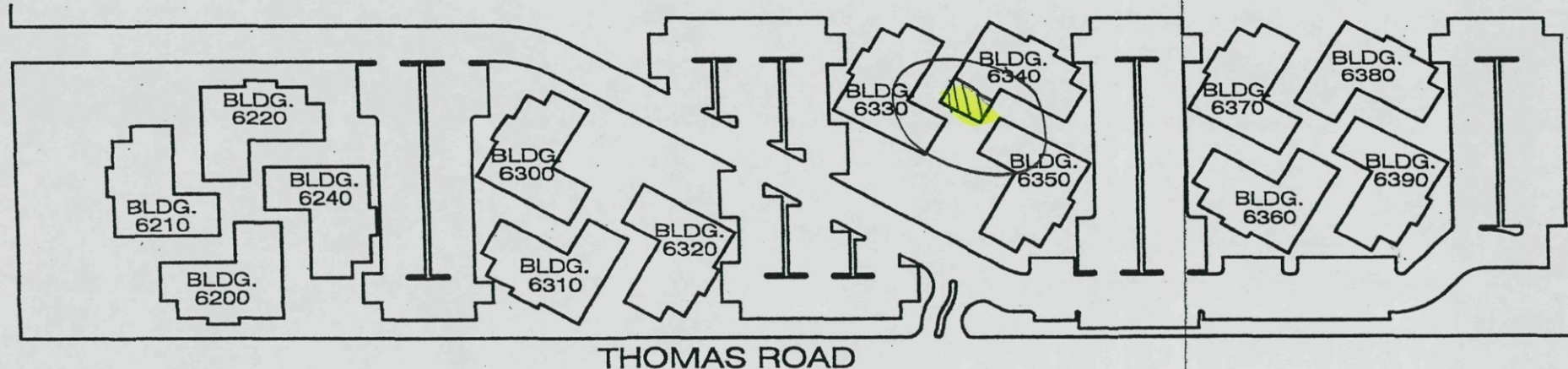
Patti J. Brown, RPA®
Senior Property Manager



REAL ESTATE DEVELOPMENT • INVESTMENT • MANAGEMENT

6350 E. Thomas Road, Suite 238 • Scottsdale, AZ 85251 • Telephone (480) 481-0110 • Facsimile (480) 481-0629
www.themullercompany.com

RECEIVED
APR 22 2010
BY:



K & I
ARCHITECTS & INTERIORS LLC.
1850 N. CENTRAL AVE. #200
PHOENIX, AZ. 85004
PHONE: (602) 262-3838
FAX: (602) 262-3938

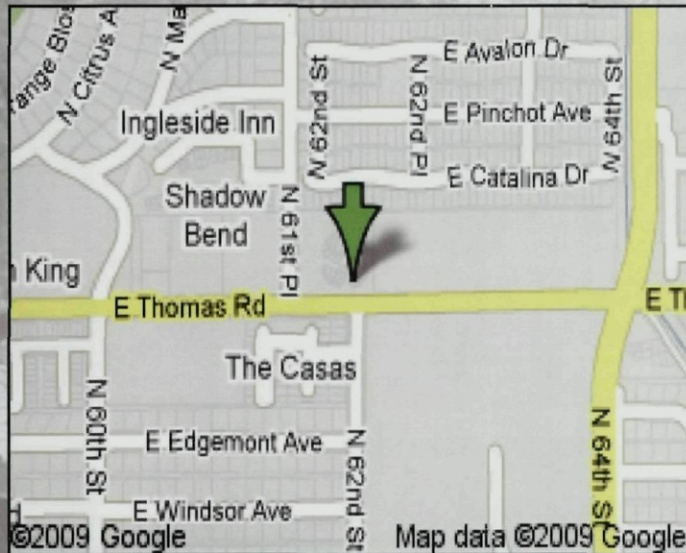
SCOTTSDALE EXECUTIVE VILLAS

6200-6390 E. THOMAS RD.
SCOTTSDALE, AZ. 85251

DATE: 07-06-2009

SCALE: N.T.S.

Court Yard



PROPERTY DETAILS

- Premier Garden Office Complex
- Move-In Ready Suites
- Spec Space Available for Immediate Occupancy
- Center to Many Freeways
- Janitorial Service 5 Days a Week
- On-site Property Management Office
- Numerous Restaurants Located within Minutes
- 5:1000 Parking Ratio
- www.scottsdaleexecutiveplaza.com



For More Details or Floor Plans Contact

Patti Brown
PBrown@themullercompany.com
480-481-0110

Christine Olson
COLson@themullercompany.com
602-371-3881

RECEIVED
BY: R 22 2010



SCOTTSDALE EXECUTIVE PLAZA

6200 – 6390 E. THOMAS ROAD

SCOTTSDALE | AZ | 85251

For leasing information contact:

Patti Brown – 480-481-0110 pbrown@themullercompany.com
Christine Olson – 602-371-3881 COLson@themullercompany.com

Professionally Managed By:

theMullercompany

www.scottsdaleexecutiveplaza.com

www.themullercompany.com

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SIGNATURE: _____

[illegible]

6390



PLAN NORTH

PLAN NORTH

APPROVED

DATE _____

4-2B-10

INITIALS 

10340 Swift 220
changed to



Project Pre-Application Questionnaire

Submittal Date: _____

Project No.: 202 - PA- 2010

City Staff Signature: _____

Project Name: Scottsdale Executive Plaza

Address: 6350 E. Thomas Rd, Suite 238, Scottsdale, AZ 85251

Current Zoning: SR (X) Parcel Number(s): 28-49-0024 Quarter Section: 15-42

Property Details:

☐ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Industrial ☐ Other

Lot Size: 14.14 Acres Current Use: Office / Medical

Has a 'Notice of Compliance' been issued? ☐ No ☐ Yes If yes, provide a copy with this submittal

Application Type:

- | | | |
|---|---|---|
| <input type="checkbox"/> Abandonment (AB) | <input type="checkbox"/> Master Plan (MP) | <input type="checkbox"/> Use Permit (UP) |
| <input type="checkbox"/> Appeal (AP) | <input type="checkbox"/> Master Sign Program (MS) | <input type="checkbox"/> Variance (BA) |
| <input type="checkbox"/> Development Review (DR)* | <input type="checkbox"/> Minor Subdivision (MD) | <input type="checkbox"/> Notice of Compliance |
| <input type="checkbox"/> ESLO Hardship Exemption (HE) | <input type="checkbox"/> Preliminary Plat Subdivision (PP)* | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> ESLO Wash Modification (WM) | <input checked="" type="checkbox"/> Rezoning (ZN) | _____ |
| <input type="checkbox"/> General Plan Amendment (GP) | <input type="checkbox"/> Text Amendment (TA) | _____ |

theMullercompany
Real Estate Management & Investment

Patti J. Brown, RPA
Senior Property Manager

Ph: 480.481.0110
pbrown@themullercompany.com
R.E. License #SA046368000 • TMC Broker License #LC509737000

*Applicant: Patti Brown

Company: The Muller Company

Phone: 480-481-0110 Fax: 480-481-0629

E-mail: pbrown@themullercompany.com

Address: 6350 E Thomas Rd Ste 238
(*if affiliated with a business, please attach a business card)

Signature circle one: Owner ☐ Applicant ☒

Date: 4/5/10

FOR ADMINISTRATIVE USE ONLY

☐ A Pre-application meeting with Planning Staff has already occurred with _____ Date: _____

Planning, Neighborhood & Transportation Division

7447 E Indian School Road Ste 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

OK to submit w/ Hant 4/5/10



City of Scottsdale Cash Transmittal

83511

83511
00238309
04/05/10 PLN-1STOP
SYANEZ HPD0858004
4/5/2010 3:57 PM
\$103.00

Received From :

THE MULLER COMPANY
6350 E THOMAS RD STE 238
SCOTTSDALE, AZ 85251
480-481-0110

Bill To :

THE MULLER COMPANY
6350 E THOMAS RD STE 238
SCOTTSDALE, AZ 85251
480-481-0110

Reference # 202-PA-2010

Issued Date 4/5/2010

Address 6350 E THOMAS RD

Paid Date 4/5/2010

Subdivision

Payment Type CREDIT CARD

Marketing Name

Lot Number

Cost Center

MCR

County No

Metes/Bounds No

APN 128-49-002H

Gross Lot Area 0

Water Zone

Owner Information

NAOS Lot Area 0

Water Type

THE MULLER COMPANY
6350 E THOMAS RD STE 238
SCOTTSDALE, AZ 85251
480-481-0110

Net Lot Area

Sewer Type

Number of Units 1

Meter Size

Density

QS 15-42

Code	Description	Additional	Qty	Amount	Account Number
3171	PRE-APPLICATION / ZN		1	\$82.00	100-21300-44221
3199	RECORDS PACKET FOR PREAPPS		1	\$21.00	100-21300-44221

128-49-002H
15-42

Total Amount

\$103.00

SIGNED BY PATTI BROWN ON 4/5/2010

(When a credit card is used as payment I agree to pay the above total amount according to the Card Issuer Agreement.)

TO HAVE WATER METER SET - CALL 480-312-5650 AND REFER TO TRANSMITTAL # 83511