

**Marked Agendas  
Approved Minutes  
Approved Reports**

# CITY COUNCIL REPORT



Meeting Date: April 25, 2017  
 General Plan Element: Land Use  
 General Plan Goal: Coordinate Planning to Balance Infrastructure

## ACTION

### Abandonment for Monument Sign 8-AB-2016

#### Request to consider the following:

Adopt Resolution No. 10726 to abandon a portion of the north ten (10) feet of the sixty-five (65) foot half street right-of-way for E. Thomas Road, for the property located at 7150 E. Thomas Road with Highway Commercial (C-3) zoning.

#### Goal/Purpose of Request

This request is to abandon a portion (183 sq.ft.) of the existing street right-of-way, consistent with the City's roadway requirement, to provide more parcel area for a new business sign.

#### Key Items for Consideration

- Access not impacted by this proposed abandonment
- Conforms with the Transportation Master Plan
- No public input received regarding the proposed abandonment
- Planning Commission heard this case on March 22, 2017 and recommended approval with a 4-0 vote

## OWNER

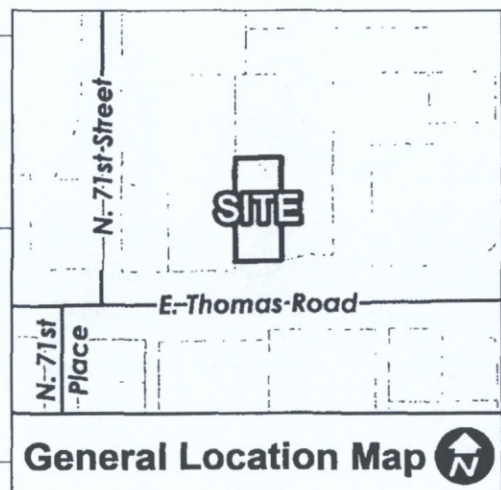
KJF Partners 16Sa, LLC  
949-275-5038

## APPLICANT CONTACT

Anna Lauri  
Shore Break Investments + Designs, LLC  
949-813-9144

## LOCATION

7150 E Thomas Rd



General Location Map



## **BACKGROUND**

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### **General Plan**

The General Plan Land Use Element designates the property as Mixed-Use Neighborhoods. Mixed-use neighborhoods are located in areas with strong access to multiple modes of transportation and major regional access and services, and have a focus on human scale development. These areas could accommodate higher density housing combined with complementary office or retail uses or mixed-use structures with residential above commercial or office.

### **Zoning**

The site is zoned Highway Commercial (C-3). The (C-3) zoning district allows for most types of commercial activities located along major streets, including shopping and service needs. This district promotes high quality development, including on-site and streetscape landscape areas, and standards for an attractive setting for commercial activities and adjacent uses.

### **Context**

The existing right-of-way was dedicated in 1957 by docket 2117/272, which added the north thirty-two (32) feet to the originally platted thirty-three (33) feet of the existing sixty-five (65) foot half street right-of-way for the north half of E. Thomas Road. The subject site is located on the north side of E. Thomas Road, west of N. Scottsdale Road, and is surrounded by other restaurant and retail properties zoned Highway Commercial (C-3). Please refer to context graphics attached.

## **APPLICANTS PROPOSAL**

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The applicant is requesting the abandonment of an approximately ten (10) foot by eighteen (18) foot area of the existing sixty-five (65) foot wide north half street right-of-way for E. Thomas Road, to provide additional property area adjacent to their driveway to allow for the future permit application of a monument sign for the existing restaurant on the site. In exchange for the partial abandonment of the right-of-way, the applicant agrees to compensate the City \$3,660.00.

## **IMPACT ANALYSIS**

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### **Land Use**

The existing use on the property is a restaurant. The proposed abandonment would provide additional property area, adjacent to the existing driveway, for the placement of a future monument sign.

### **Traffic/Trails**

Access to the site will continue to be provided by the existing driveway, street improvements, and the remaining fifty-five (55) feet of half street right-of-way maintained for E. Thomas Road.

### **Emergency/Municipal Services and Utilities**

All existing emergency and municipal access will still be provided to the properties surrounding the abandonment area and maintained through the existing dedicated public right-of-way along E.

Thomas Road. No impacts are anticipated.

**Public Utilities**

The public utility providers 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 application.

**Community Involvement**

Property owners within 750 feet of the site were notified of this application. Staff has not received any public comment regarding this case as of the writing of this report.

**OTHER BOARDS & COMMISSIONS**

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**Planning Commission**

Planning Commission heard this case on March 22, 2017 and recommended approval with a 4-0 vote.

**Staff Recommendation to Planning Commission:**

Staff recommended that the Planning Commission make a recommendation to City Council for approval to abandon the subject portion of the right-of-way, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

1. The property owner pays to the city the total amount of \$3,660.00 as compensation to the city for the abandonment of right-of-way.

**RECOMMENDATION**

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**Recommended Approach:**

Adopt Resolution No. 10726 to abandon a portion of the north ten (10) feet of the sixty-five (65) foot half street right-of-way for E. Thomas Road, for the property located at 7150 E. Thomas Road with Highway Commercial (C-3) zoning.

**RESPONSIBLE DEPARTMENT**

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**Planning and Development Services**

Current Planning Services

**STAFF CONTACT**

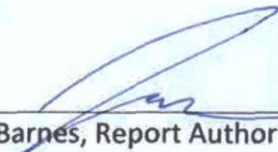
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Jeff Barnes  
Planner  
480-312-2376  
E-mail: [jbarnes@ScottsdaleAZ.gov](mailto:jbarnes@ScottsdaleAZ.gov)




**APPROVED BY**

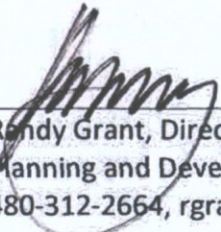
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\_\_\_\_\_  
Jeff Barnes, Report Author

3/24/2017  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Tim Curtis, MCP, Current Planning Director  
480-312-4210, tcurtis@scottsdaleaz.gov

3/20/2017  
\_\_\_\_\_  
Date

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

4/4/17  
\_\_\_\_\_  
Date

**ATTACHMENTS**

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1. Context Aerial
2. Close-Up Aerial
3. Dimensioned Aerial
4. Resolution No. 10726
5. Applicant's Narrative with Legal Description and Graphic of Abandonment Area
6. City Notification Map
7. March 22, 2017 Planning Commission minutes





Q.S.  
15-44

2015 GIS Orthophoto



ATTACHMENT #1

Abandonment for Monument Sign

8-AB-2016



ATTACHMENT #2



Q.S.  
15-44

2015 GIS Orthophoto

E Thomas Road



Abandonment for Monument Sign

8-AB-2016





Abandonment for Monument Sign

8-AB-2016

RESOLUTION NO. 10726

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ABANDONING, SUBJECT TO CONDITIONS, CERTAIN INTERESTS IN A PORTION OF A PUBLIC ROADWAY EASEMENT ALONG THE NORTH SIDE OF THOMAS ROAD LOCATED WEST OF SCOTTSDALE ROAD

(8 - AB - 2016)

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. 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 ("City ") Planning Commission and City Council have held hearings on the proposed abandonment of certain interests in street right of way easement, (collectively, the "Abandonment Right-of-way").

D. The Abandonment Right of Way is all of the following real property ownership and real property interests held by the City on the date of this resolution:

1. The rights-of-way, public utility and roadway easements described on **Exhibit "A"** and **Exhibit "B"** attached hereto.

E. City's 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.

F. City's city 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.

G. City's 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.



NOW, THEREFORE, BE IT RESOLVED THAT:

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 Specified Reservations. 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 or other process or requirements may require to be reserved or dedicated to City, or may describe as being owned by City.

2.2 Other Reserved Interests. 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:

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

2.2.2 Any open space or similar easement or covenant.

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

2.3 Existing Utilities. An easement for all existing utilities, if any. Such easement shall automatically expire if and when such utilities are completely and permanently removed.

2.4 Statutory Reservations. 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 (the "Conditions") are satisfied in accordance with all applicable laws, regulations and policies and at no expense to City:

3.1 Payment. The applicant shall pay to City the amount of \$3,660.

3.2 The zoning administrator executes the certificate at the bottom of this resolution indicating that the Conditions have been satisfied.

4. Administration of Conditions. If the Conditions are not all satisfied prior to the second annual anniversary of this resolution, or if this resolution is not recorded prior to that deadline, then the City clerk shall mark this resolution to indicate that this resolution is void. The city attorney shall have authority in his sole and absolute discretion to approve or decline to approve requested minor changes in the attached document forms.

5. Exhibits. The text of the body of this resolution controls any conflict with its exhibits as to the rights or interests created, reserved or otherwise affected by this resolution. For example, if the text of the body 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 resolution text controls.

PASSED AND ADOPTED by the Council of the City of Scottsdale this \_\_\_\_\_ day of \_\_\_\_\_, 2017.



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  
Margaret Wilson  
Bruce Washburn, City Attorney  
By: Margaret Wilson, Assistant 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

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

**Legal Description  
For  
Right of Way Abandonment**

A portion of that particular Warranty Deed as recorded in Document No. 88-469837, records of Maricopa County, Arizona, and situated in a portion of the Southeast quarter of Section 27, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Southeast corner of said Section 27 from whence the South quarter corner bears South 89 degrees 19 minutes 41 seconds West a distance of 2621.24 feet;

Thence South 89 degrees 19 minutes 41 seconds West, along the South line of said Southeast quarter of Section 27, a distance of 459.81 feet;

Thence North 00 degrees 23 minutes 33 seconds West a distance of 33.00 feet;

Thence North 00 degrees 09 minutes 01 seconds East a distance of 22.00 feet to the **Point of Beginning**;

Thence continuing North 00 degrees 09 minutes 01 seconds East a distance of 9.74 feet to a point on the North line of said Warranty Deed;

Thence along said North line, North 87 degrees 52 minutes 06 seconds East a distance of 10.21 feet;



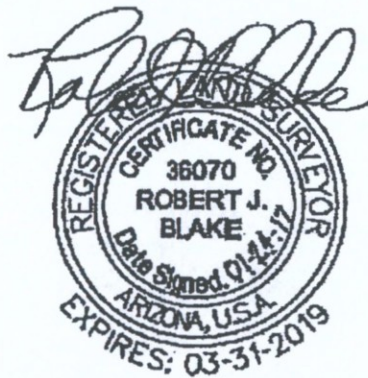
Thence continuing along said North line, North 89 degrees 19 minutes 41 seconds East a distance of 6.85 feet to the beginning of a non-tangent curve whose center bears South 54 degrees 11 minutes 20 seconds West a distance of 8.25 feet;

Thence Southerly along the arc of said curve through a central angle of 39 degrees 09 minutes 48 seconds and an arc length of 5.64 feet;

Thence South 02 degrees 02 minutes 02 seconds East, non-tangent to said curve, a distance of 4.67 feet to a point on the North line of the South 55.00 feet of said Southeast quarter of Section 27;

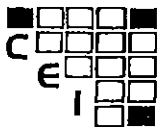
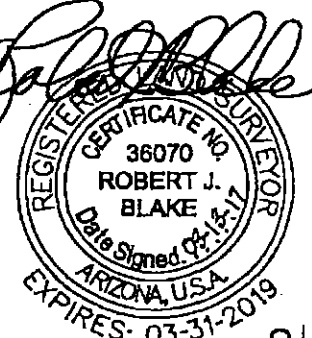
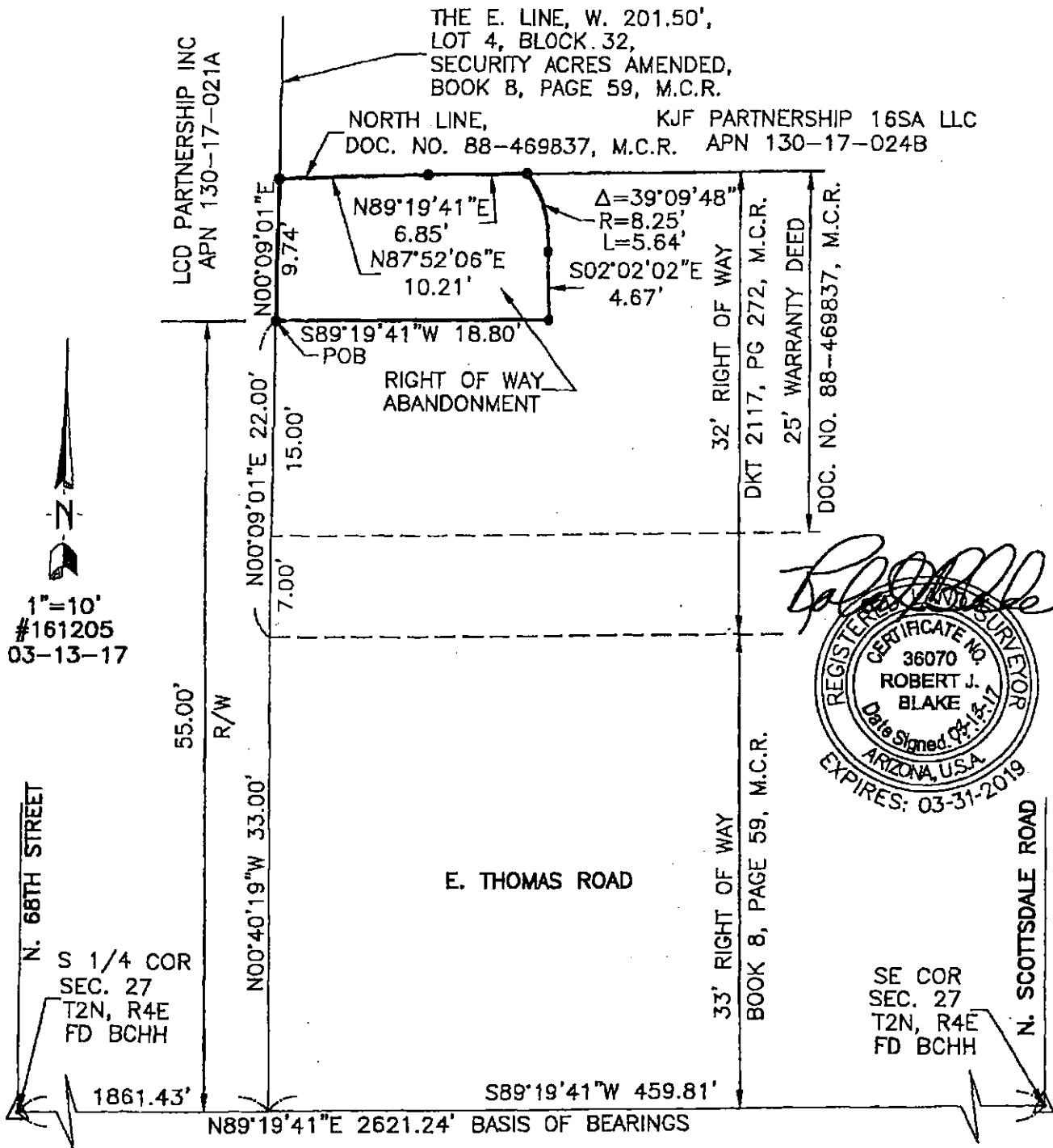
Thence South 89 degrees 19 minutes 41 seconds West a distance of 18.80 feet to the **Point of Beginning**.

Note: The above described parcel contains 183 square feet or 0.0042 acre, more or less.



# EXHIBIT B

## RIGHT OF WAY ABANDONMENT



**Clouse Engineering, Inc.**

ENGINEERS ■ SURVEYORS

5010 E. Shea Blvd Suite 110 Scottsdale, AZ. 85254

Tel 602-395-9300 Fax 602-395-9310



Jan 25th, 2017

Project Address: 7150 E. Thomas Rd. Scottsdale, AZ 85251  
Property Owner: Kjf Partners 16Sa Llc; Joe Faris (Managing Member)  
Applicant: Anna R. Lauri (Shore Break Investments + Design, LLC)

Re: Abandonment Application, 7150 E. Thomas Rd. Scottsdale

To Whom it May Concern:

Property owner is seeking an abandonment of a portion of an existing right-of-way easement reserved for any potential future widening of Thomas Road currently this portion of land is used for driveway and landscaping areas. Abandonment is being sought to allow for a monument sign to be placed in this landscaped area, current City Code prohibits any signage within City owned right-of-way. Currently the site has no monument signage.

This site has a unique set of challenges related to the visibility of the site. The site has limited street frontage and line of sight is blocked by the the mature trees and bus stop on the westbound lanes of Thomas Roads. Because of the median, there is no safe way to turn into the site from the eastbound lanes. Ownership currently has a 4 year lease with the Little Thaiger (Suh No) and wishes to make this second location for the restaurateur as successful as their Central Phoenix location (Wild Thaiger) which has an avid following and has been featured on television.

Currently the subject property has a property line which is setback 65' from the centerline of Thomas Road. This application is to seek the abandonment by the City to the private property owner as described and illustrated in the attached Legal Description. Property owner is seeking to take the existing 65' ROW from the centerline of Thomas Road to the southern property line, down to 55' of ROW from the centerline of Thomas Road, from approximately 18.80' from the western edge of the parcel.

This area of land occupies 183 SF, this land is currently being used as driveway for ingress and egress, as well as, landscaping planters. The applicant believes that this land would have no real fair market value if sold in a traditional manner for the following reasons:

- The land alone cannot be developed or improved upon.
- The land is of no value to anyone other than the City for right-of-way, potential future widening and for use of the adjacent property owner, and could not be sold off in a fair market sale/offering typical of commercial properties.
- The the addition of this portion of land with the Subject Property will not increase the property value of the Subject Property.
- The the addition of this portion of land with the Subject Property will not increase the opportunity for development on the property which it's to be joined with.

Shore Break Investments + Design, LLC || 949.813.9144 || anna@thelaurigroup.com

**ATTACHMENT #5**



- The the addition of this portion of land with the Subject Property will be used solely to allow for monument signage at the site.
- Benefits for the City include:
  - Increased tenant exposure on a challenging site will aid in the tenant being successful and will provide an added increase in tax revenue to the City.
  - Clear signage will allow for safe ingress and egress onto the site.

The applicant has been working diligently with City Staff over the past few months and is happy to report that the Property Owner/Applicant is in agreement with Staff that the "consideration" for this portion of City owned right-of-way to make it "marketable rate" shall be set at \$20 per square foot. The total consideration for this land, as described and illustrated herein, would equal \$3,660.00 (three thousand, six-hundred, sixty dollars). This is the amount which would be paid from the Owner to the City of Scottsdale. This amount is in addition to fees to be paid by the applicant to process this application, as well as, the fees incurred with the application and eventual construction of the monument sign.

Legal Description for the area of abandonment is below and is referred to as "Exhibit 1."  
Example of area which Applicant is requesting an abandonment is illustrated in "Exhibit 2"

**"Exhibit 1"**

December 23, 2016  
Job No. 161205  
Rev: January 24, 2017

**Legal Description  
For  
Right of Way Abandonment**

A portion of that particular Warranty Deed as recorded in Document No. 88-469837, records of Maricopa County, Arizona, and situated in a portion of the Southeast quarter of Section 27, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

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Thence South 89 degrees 19 minutes 41 seconds West, along the South line of said Southeast quarter of Section 27, a distance of 459.81 feet;

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Thence continuing North 00 degrees 09 minutes 01 seconds East a distance of 9.74 feet to a point on the North line of said Warranty Deed;

Thence along said North line, North 87 degrees 52 minutes 06 seconds East a distance of 10.21 feet;

**"Exhibit 1, Continued"**

Legal Description  
Job No. 161205  
ROW Abandonment  
December 23, 2016  
Rev: January 24, 2017  
Page 2

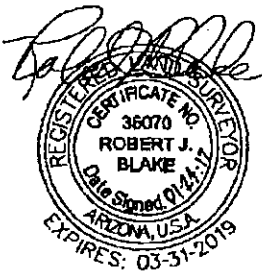
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Thence South 02 degrees 02 minutes 02 seconds East, non-tangent to said curve, a distance of 4.67 feet to a point on the North line of the South 55.00 feet of said Southeast quarter of Section 27;

Thence South 89 degrees 19 minutes 41 seconds West a distance of 18.80 feet to the **Point of Beginning**.

Note: The above described parcel contains 183 square feet or 0.0042 acre, more or less.





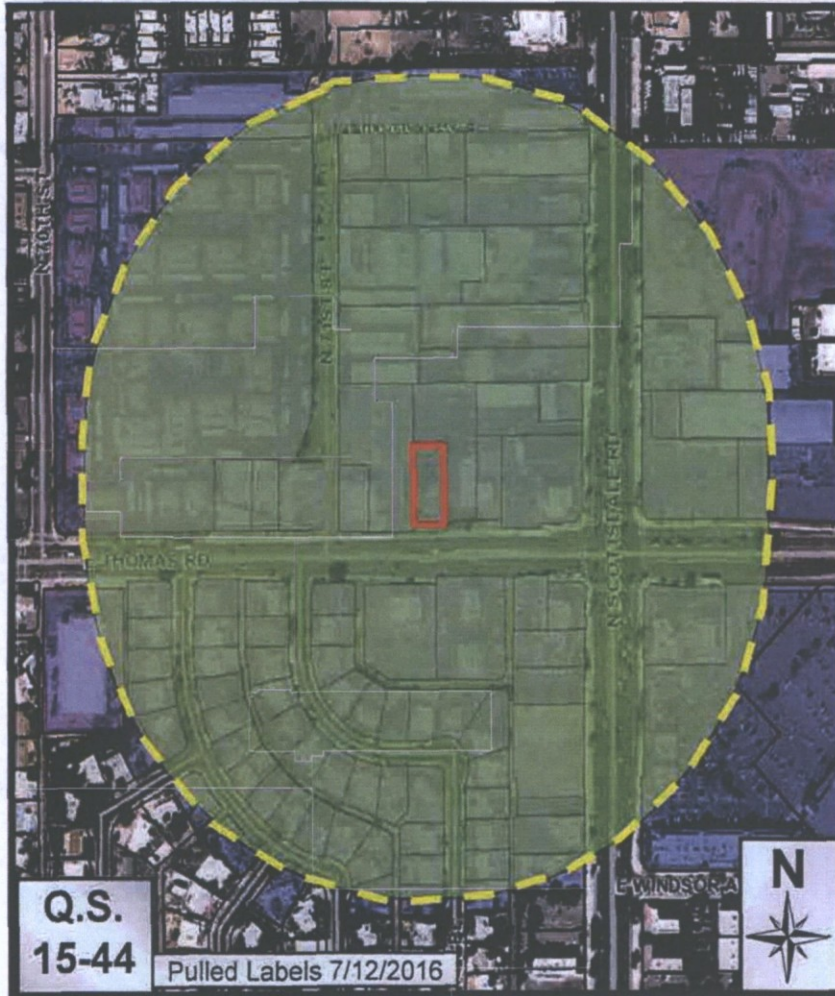
We believe that approving this Abandonment of City owned right-of-way, to allow for a monument sign on site, will allow for this tenant and any future tenants to gain exposure and success. Further, the signage will allow for clearer ingress/egress patterns on a traffic pattern challenged site. We look forward to working with the City of Scottsdale Staff, Planning Commission and City Council of the approval of this Abandonment Application and the future approval of a monument sign application.

Kind Regards-

Anna R. Lauri  
Shore Break Investments + Design, LLC



# City Notifications – Mailing List Selection Map



## Map Legend:



Site Boundary



Properties within 750-foot  
108 Postcards

## Additional Notifications:

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

ATTACHMENT #6

**7150 E. Thomas Rd. - Abandonment  
For Monument Sign**

**8-AB-2016**

ATTACHMENT #5



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

**WEDNESDAY, MARCH 22, 2017**

**\*DRAFT SUMMARIZED MEETING MINUTES\***

**PRESENT:** Paul Alessio, Chair  
Ali Fakh, Commissioner  
Prescott Smith, Commissioner  
Kelsey Young, Commissioner

**ABSENT:** David Brantner, Vice Chair  
Larry S. Kush, Commissioner  
Michael Minnaugh, Commissioner

**STAFF:** Tim Curtis  
Joe Padilla

Jesus Murillo  
Jeff Barnes

**CALL TO ORDER**

Chair Alessio 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 March 1, 2017 Regular Meeting Minutes including the Study Session.

**COMMISSIONER YOUNG MOVED TO APPROVE THE MARCH 1, 2017  
REGULAR MEETING MINUTES INCLUDING THE STUDY SESSION, SECONDED BY  
COMMISSIONER SMITH, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF  
FOUR (4) TO ZERO (0).**

\* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on ScottsdaleAZ.gov, search "Planning Commission"



## **EXPEDITED AGENDA**

2. 8-AB-2016 (Abandonment for Monument Sign)  
Request by owner to abandon a portion of the north ten (10) feet of the sixty-five (65) foot half street right-of-way for E. Thomas Road, for the property located at 7150 E. Thomas Road with Highway Commercial (C-3) zoning. Staff contact person is Jeff Barnes, 480-312-2376. Applicant contact person is Anna Lauri, 949-813-9144.
  
3. 12-AB-2016 (Desert Star Acres Abandonment)  
Request by owner to abandon the twenty-five (25) foot wide Future Roadway Easement located along the northern boundary of three (3) properties on the south side of Cactus Road with Single-family Residential District (R1-35) zoning located at 12187 N 76th Place, 7655 E. Cactus Road, and 7667 E. Cactus Road. Staff contact person is Jeff Barnes, 480-312-2376. Applicant contact person is Robert Sonders, 720-530-0567.

**Item No's. 2 & 3: Recommended City Council approve cases 8-AB-2016 and 12-AB-2016, by a vote of 4-0; Motion by Commissioner Smith, per the staff recommended stipulations, based upon the finding that the Abandonments are consistent and conform with the adopted General Plan, 2<sup>nd</sup> by Commissioner Fakh.**

4. 26-ZN-2016 (84th & Black Mountain)  
Request by owner for a Zoning District Map Amendment from Single-family Residential Environmentally Sensitive Lands (R1-190/ESL) district to Single-family Residential Environmentally Sensitive Lands (R1-43/ESL) district, on approximately +/-45-acre site located at the northwest corner of N. 84th Street and E. Black Mountain Road. Staff contact person is Jesus Murillo, 480-312-7849. Applicant contact person is Court Rich, 480-505-3937.

**Item No. 4: Recommended City Council approve case 26-ZN-2016, by a vote of 4-0; Motion by Commissioner Young, per the staff recommended stipulations and after determining that the proposed Zoning District Map Amendment is consistent and conforms with the adopted General Plan, 2<sup>nd</sup> by Commissioner Fakh.**

Request to speak cards: Kathleen Navarrete and Harvey & Madelon Lawrence.

Comment card: Harvey & Madelon Lawrence.

## **ADJOURNMENT**

With no further business to discuss, the regular session of the Planning Commission adjourned at 5:16 p.m.

\* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on [ScottsdaleAZ.gov](http://ScottsdaleAZ.gov), search "Planning Commission"



# PLANNING COMMISSION REPORT



Meeting Date: March 22, 2017  
General Plan Element: *Land Use*  
General Plan Goal: *Coordinate Planning to Balance Infrastructure*

## ACTION

### Abandonment for Monument Sign 8-AB-2016

#### Request to consider the following:

1. A recommendation to City Council regarding a request by owner to abandon a portion of the north ten (10) feet of the sixty-five (65) foot half street right-of-way for E. Thomas Road, for the property located at 7150 E. Thomas Road with Highway Commercial (C-3) zoning.

#### Goal/Purpose of Request

This request is to abandon a portion (183 sq.ft.) of the existing street right-of-way, consistent with the City's roadway requirement, to provide more parcel area for a new business sign.

#### 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

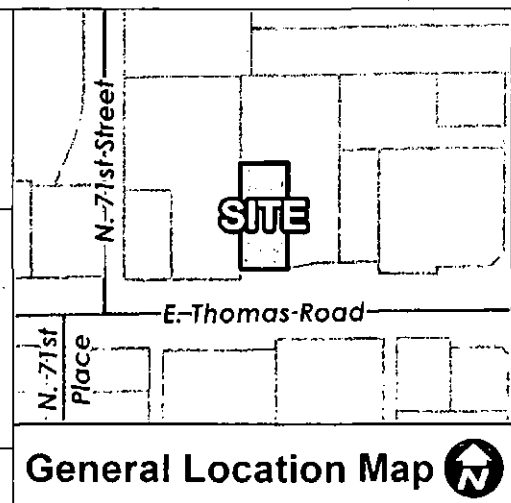
KJF Partners 16Sa, LLC  
949-275-5038

## APPLICANT CONTACT

Anna Lauri  
Shore Break Investments + Designs, LLC  
949-813-9144

## LOCATION

7150 E Thomas Rd



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

## **BACKGROUND**

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### **General Plan**

The General Plan Land Use Element designates the property as Mixed-Use Neighborhoods. Mixed-use neighborhoods are located in areas with strong access to multiple modes of transportation and major regional access and services, and have a focus on human scale development. These areas could accommodate higher density housing combined with complementary office or retail uses or mixed-use structures with residential above commercial or office.

### **Zoning**

The site is zoned Highway Commercial (C-3). The (C-3) zoning district allows for most types of commercial activities located along major streets, including shopping and service needs. This district promotes high quality development, including on-site and streetscape landscape areas, and standards for an attractive setting for commercial activities and adjacent uses.

### **Context**

The existing right-of-way was dedicated in 1957 by docket 2117/272, which added the north thirty-two (32) feet to the originally platted thirty-three (33) feet of the existing sixty-five (65) foot half street right-of-way for the north half of E. Thomas Road. The subject site is located on the north side of E. Thomas Road, west of N. Scottsdale Road, and is surrounded by other restaurant and retail properties zoned Highway Commercial (C-3). Please refer to context graphics attached.

## **APPLICANTS PROPOSAL**

---

The applicant is requesting the abandonment of an approximately ten (10) foot by eighteen (18) foot area of the existing sixty-five (65) foot wide north half street right-of-way for E. Thomas Road, to provide additional property area adjacent to their driveway to allow for the future permit application of a monument sign for the existing restaurant on the site. In exchange for the partial abandonment of the right-of-way, the applicant agrees to compensate the City \$3,660.00.

## **IMPACT ANALYSIS**

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### **Land Use**

The existing use on the property is a restaurant. The proposed abandonment would provide additional property area, adjacent to the existing driveway, for the placement of a future monument sign.

### **Traffic/Trails**

Access to the site will continue to be provided by the existing driveway, street improvements, and the remaining fifty-five (55) feet of half street right-of-way maintained for E. Thomas Road.

### **Emergency/Municipal Services and Utilities**

All existing emergency and municipal access will still be provided to the properties surrounding the abandonment area and maintained through the existing dedicated public right-of-way along E.

Thomas Road. No impacts are anticipated.

**Public Utilities**

The public utility providers 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 application.

**Community Involvement**

Property owners within 750 feet of the site were notified of this application. Staff has not received any public comment regarding this case as of the writing of this report.

**OPTIONS & STAFF RECOMMENDATION**

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**Recommended Approach:**

Staff recommends that the Planning Commission make a recommendation to City Council for approval to abandon the subject portion of the right-of-way, finding that the proposal is consistent with and conforms to the adopted General Plan, subject to the following:

1. The property owner pays to the city the total amount of \$3,660.00 as compensation to the city for the abandonment of right-of-way.

**RESPONSIBLE DEPARTMENT**

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**Planning and Development Services**

Current Planning Services

**STAFF CONTACT**

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Jeff Barnes

Planner

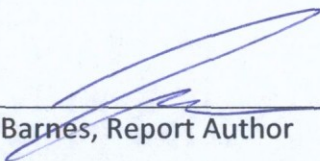
480-312-2376

E-mail: [jbarnes@ScottsdaleAZ.gov](mailto:jbarnes@ScottsdaleAZ.gov)




**APPROVED BY**

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\_\_\_\_\_  
Jeff Barnes, Report Author

3/6/2017  
\_\_\_\_\_  
Date

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

3/13/2017  
\_\_\_\_\_  
Date

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

3/15/17  
\_\_\_\_\_  
Date

**ATTACHMENTS**

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1. Context Aerial
2. Close-Up Aerial
3. Dimensioned Aerial
4. Applicant's Narrative with Legal Description and Graphic of Abandonment Area
5. City Notification Map





Abandonment for Monument Sign

8-AB-2016





Q.S.  
15-44

2015 GIS Orthophoto

E. Thomas Road



ATTACHMENT #2

Abandonment for Monument Sign

8-AB-2016





Attachment #3

Q.S.  
15-44

2015 GIS Orthophoto

Abandonment for Monument Sign

8-AB-2016



Jan 25th, 2017

Project Address: 7150 E. Thomas Rd. Scottsdale, AZ 85251  
Property Owner: Kjf Partners 16Sa Llc; Joe Faris (Managing Member)  
Applicant: Anna R. Lauri (Shore Break Investments + Design, LLC)

Re: Abandonment Application, 7150 E. Thomas Rd. Scottsdale

To Whom it May Concern:

Property owner is seeking an abandonment of a portion of an existing right-of-way easement reserved for any potential future widening of Thomas Road currently this portion of land is used for driveway and landscaping areas. Abandonment is being sought to allow for a monument sign to be placed in this landscaped area, current City Code prohibits any signage within City owned right-of-way. Currently the site has no monument signage.

This site has a unique set of challenges related to the visibility of the site. The site has limited street frontage and line of sight is blocked by the the mature trees and bus stop on the westbound lanes of Thomas Roads. Because of the median, there is no safe way to turn into the site from the eastbound lanes. Ownership currently has a 4 year lease with the Little Thaiger (Suh No) and wishes to make this second location for the restaurateur as successful as their Central Phoenix location (Wild Thaiger) which has an avid following and has been featured on television.

Currently the subject property has a property line which is setback 65' from the centerline of Thomas Road. This application is to seek the abandonment by the City to the private property owner as described and illustrated in the attached Legal Description. Property owner is seeking to take the existing 65' ROW from the centerline of Thomas Road to the southern property line, down to 55' of ROW from the centerline of Thomas Road, from approximately 18.80' from the western edge of the parcel.

This area of land occupies 183 SF, this land is currently being used as driveway for ingress and egress, as well as, landscaping planters. The applicant believes that this land would have no real fair market value if sold in a traditional manner for the following reasons:

- The land alone cannot be developed or improved upon.
- The land is of no value to anyone other than the City for right-of-way, potential future widening and for use of the adjacent property owner, and could not be sold off in a fair market sale/offering typical of commercial properties.
- The the addition of this portion of land with the Subject Property will not increase the property value of the Subject Property.
- The the addition of this portion of land with the Subject Property will not increase the opportunity for development on the property which it's to be joined with.

Shore Break Investments + Design, LLC || 949.813.9144 || [anna@thelaurigroup.com](mailto:anna@thelaurigroup.com)

**ATTACHMENT #4**



- The the addition of this portion of land with the Subject Property will be used solely to allow for monument signage at the site.
- Benefits for the City include:
  - Increased tenant exposure on a challenging site will aid in the tenant being successful and will provide an added increase in tax revenue to the City.
  - Clear signage will allow for safe ingress and egress onto the site.

The applicant has been working diligently with City Staff over the past few months and is happy to report that the Property Owner/Applicant is in agreement with Staff that the "consideration" for this portion of City owned right-of-way to make it "marketable rate" shall be set at \$20 per square foot. The total consideration for this land, as described and illustrated herein, would equal \$3,660.00 (three thousand, six-hundred, sixty dollars). This is the amount which would be paid from the Owner to the City of Scottsdale. This amount is in addition to fees to be paid by the applicant to process this application, as well as, the fees incurred with the application and eventual construction of the monument sign.

Legal Description for the area of abandonment is below and is referred to as "Exhibit 1."  
Example of area which Applicant is requesting an abandonment is illustrated in "Exhibit 2"

**"Exhibit 1"**

December 23, 2016  
Job No. 161205  
Rev: January 24, 2017

**Legal Description  
For  
Right of Way Abandonment**

A portion of that particular Warranty Deed as recorded in Document No. 88-469837, records of Maricopa County, Arizona, and situated in a portion of the Southeast quarter of Section 27, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Southeast corner of said Section 27 from whence the South quarter corner bears South 89 degrees 19 minutes 41 seconds West a distance of 2621.24 feet;

Thence South 89 degrees 19 minutes 41 seconds West, along the South line of said Southeast quarter of Section 27, a distance of 459.81 feet;

Thence North 00 degrees 23 minutes 33 seconds West a distance of 33.00 feet;

Thence North 00 degrees 09 minutes 01 seconds East a distance of 22.00 feet to the **Point of Beginning**;

Thence continuing North 00 degrees 09 minutes 01 seconds East a distance of 9.74 feet to a point on the North line of said Warranty Deed;

Thence along said North line, North 87 degrees 52 minutes 06 seconds East a distance of 10.21 feet;



**“Exhibit 1, Continued”**

Legal Description  
Job No. 161205  
ROW Abandonment  
December 23, 2016  
Rev: January 24, 2017  
Page 2

Thence continuing along said North line, North 89 degrees 19 minutes 41 seconds East a distance of 6.85 feet to the beginning of a non-tangent curve whose center bears South 54 degrees 11 minutes 20 seconds West a distance of 8.25 feet;

Thence Southerly along the arc of said curve through a central angle of 39 degrees 09 minutes 48 seconds and an arc length of 5.64 feet;

Thence South 02 degrees 02 minutes 02 seconds East, non-tangent to said curve, a distance of 4.67 feet to a point on the North line of the South 55.00 feet of said Southeast quarter of Section 27;

Thence South 89 degrees 19 minutes 41 seconds West a distance of 18.80 feet to the **Point of Beginning**.

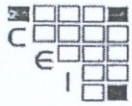
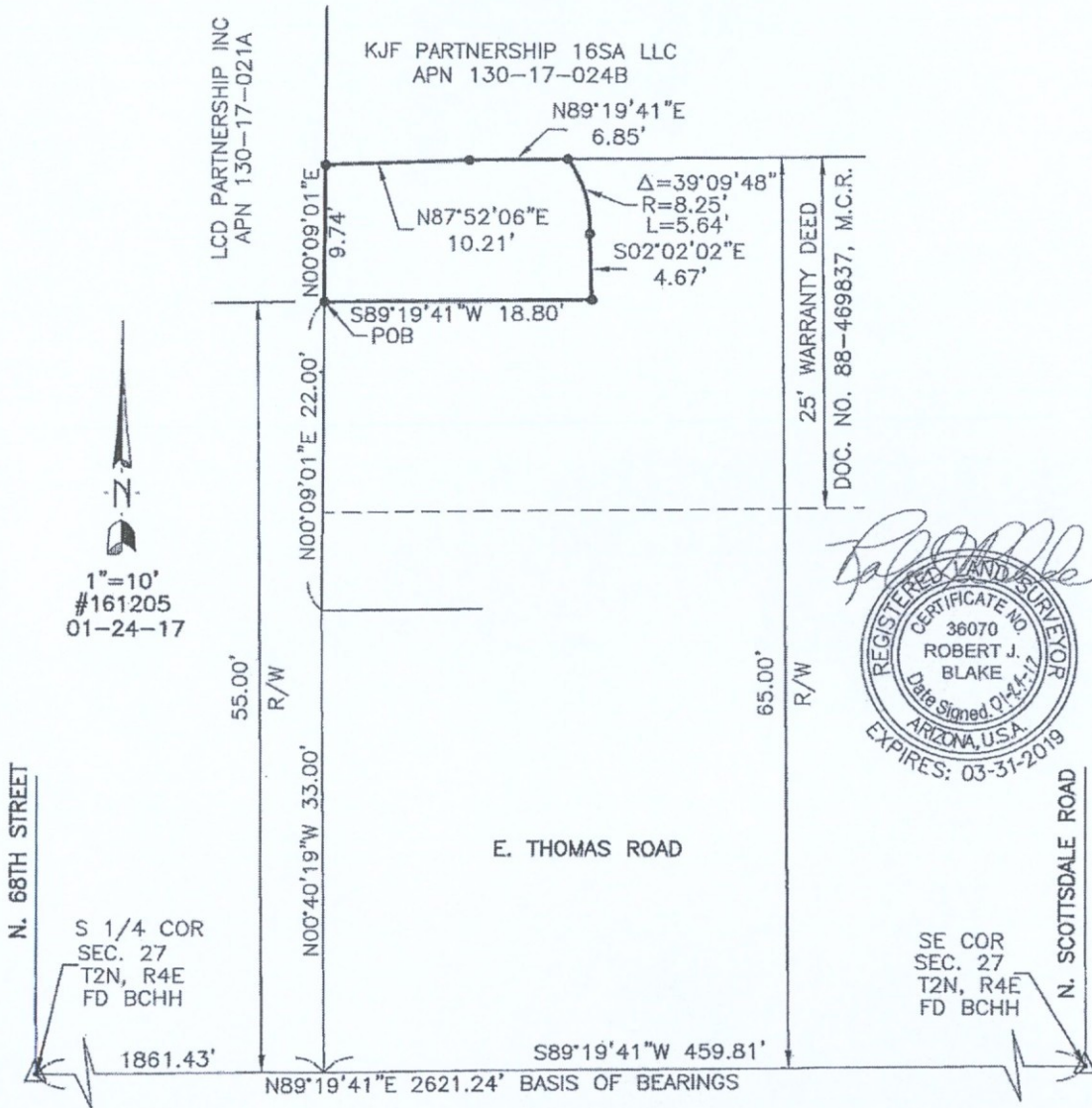
Note: The above described parcel contains 183 square feet or 0.0042 acre, more or less.





"Exhibit 2"

EXHIBIT \_\_\_\_\_



**Clouse Engineering, Inc.**

ENGINEERS ■ SURVEYORS  
 5010 E. Shea Blvd Suite 110 Scottsdale, AZ. 85254  
 Tel 602-395-9300 Fax 602-395-9310

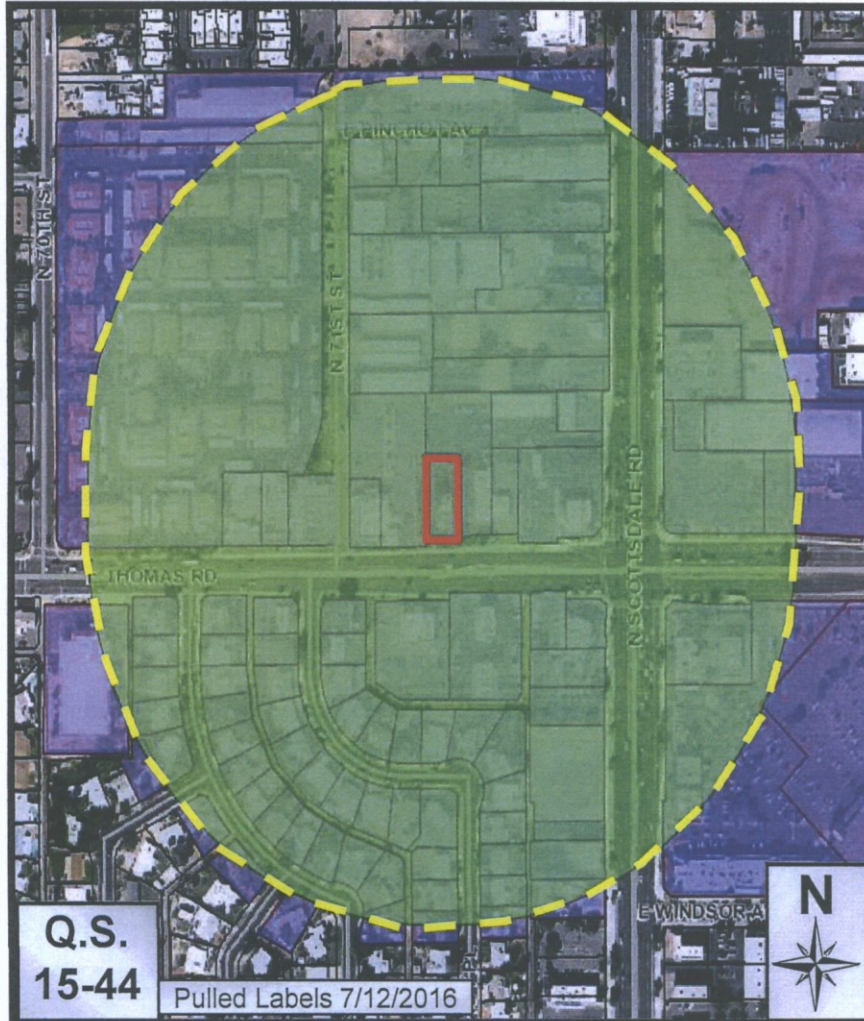
We believe that approving this Abandonment of City owned right-of-way, to allow for a monument sign on site, will allow for this tenant and any future tenants to gain exposure and success. Further, the signage will allow for clearer ingress/egress patterns on a traffic pattern challenged site. We look forward to working with the City of Scottsdale Staff, Planning Commission and City Council of the approval of this Abandonment Application and the future approval of a monument sign application.

Kind Regards-

Anna R. Lauri  
Shore Break Investments + Design, LLC



# City Notifications – Mailing List Selection Map



## Map Legend:



Site Boundary



Properties within 750-foot  
108 Postcards

## Additional Notifications:

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

Q.S.  
15-44

Pulled Labels 7/12/2016



7150 E. Thomas Rd. - Abandonment  
For Monument Sign

8-AB-2016

ATTACHMENT #5