

**Application
Narrative
Cash Transmittal
Pre-Application
Pre-App Narrative
Pre-App Cash Transmittal
Development Standards**

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

8-AB-2016
01/31/17

- 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"

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“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;

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"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**.

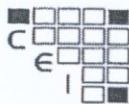
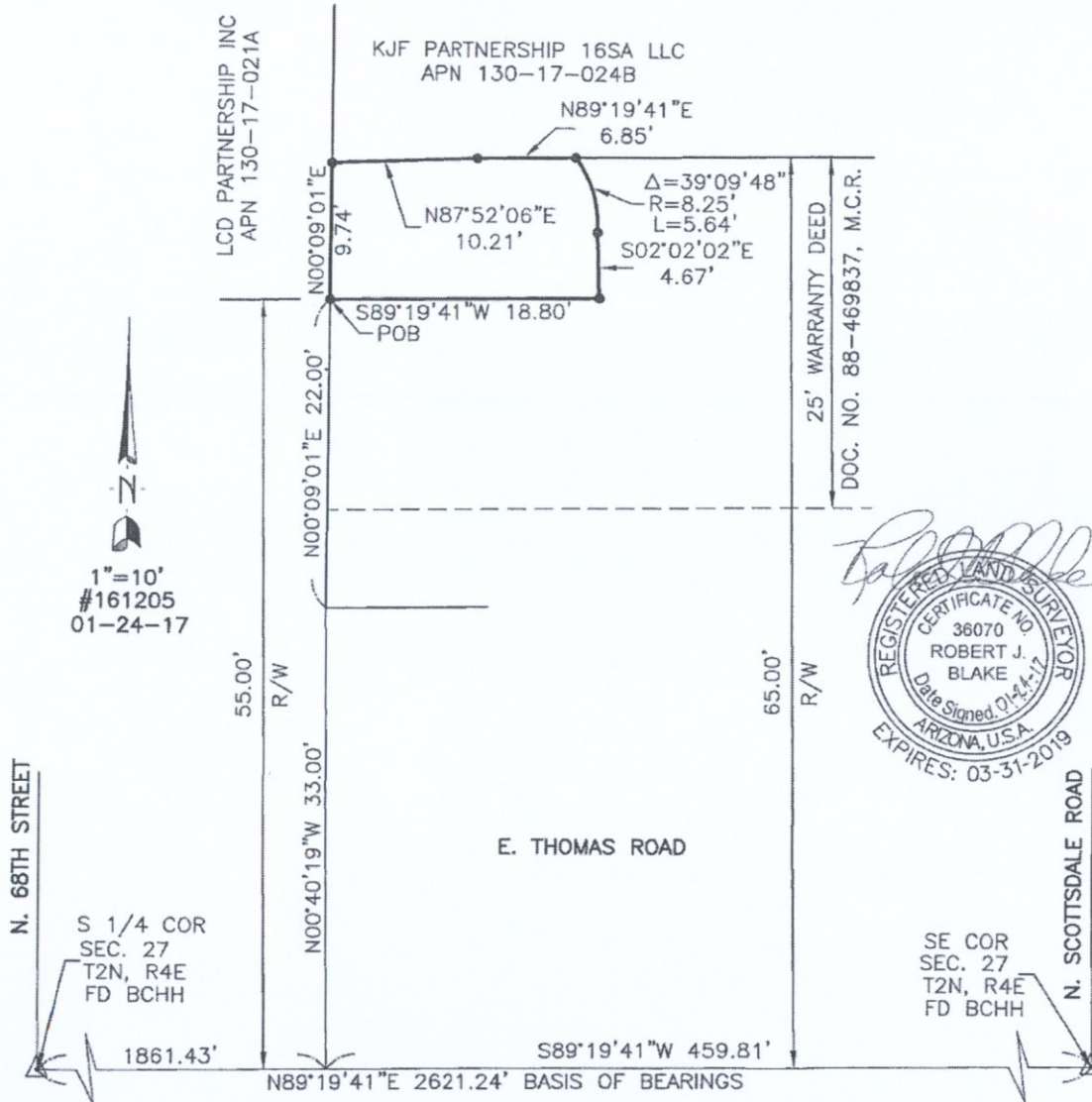
Note: The above described parcel contains 183 square feet or 0.0042 acre, more or less.



8-AB-2016
01/31/17

"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

8-AB-2016

01/31/17

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

8-AB-2016
01/31/17



Development Application

Development Application Type:

Please check the appropriate box of the Type(s) of Application(s) you are requesting

Zoning		Development Review		Signs	
<input type="checkbox"/>	Text Amendment (TA)	<input type="checkbox"/>	Development Review (Major) (DR)	<input type="checkbox"/>	Master Sign Program (MS)
<input type="checkbox"/>	Rezoning (ZN)	<input type="checkbox"/>	Development Review (Minor) (SA)	<input type="checkbox"/>	Community Sign District (MS)
<input type="checkbox"/>	In-fill Incentive (II)	<input type="checkbox"/>	Wash Modification (WM)	Other:	
<input type="checkbox"/>	Conditional Use Permit (UP)	<input type="checkbox"/>	Historic Property (HP)	<input type="checkbox"/>	Annexation/De-annexation (AN)
Exemptions to the Zoning Ordinance		Land Divisions (PP)		<input type="checkbox"/>	General Plan Amendment (GP)
<input type="checkbox"/>	Hardship Exemption (HE)	<input type="checkbox"/>	Subdivisions	<input type="checkbox"/>	In-Lieu Parking (IP)
<input type="checkbox"/>	Special Exception (SX)	<input type="checkbox"/>	Condominium Conversion	<input checked="" type="checkbox"/>	Abandonment (AB)
<input type="checkbox"/>	Variance (BA)	<input type="checkbox"/>	Perimeter Exceptions	Other Application Type Not Listed	
<input type="checkbox"/>	Minor Amendment (MA)	<input type="checkbox"/>	Plat Correction/Revision	<input type="checkbox"/>	

Project Name: _____

Property's Address: _____

Property's Current Zoning District Designation: _____

The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.

Owner:	Agent/Applicant: ANNA R. LAURI
Company: KJF PARTNERS	Company: SHORE BREAK INVESTMENTS
Address: 7150 E. THOMAS RD	Address: 48 W. LEWIS AVE. 85003
Phone: _____ Fax: _____	Phone: 949.813.9141 Fax: _____
E-mail: _____	E-mail: anna@thelaurigroup.com
Designer:	Engineer:
Company:	Company:
Address:	Address:
Phone: _____ Fax: _____	Phone: _____ Fax: _____
E-mail: _____	E-mail: _____

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).

- This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications¹ will be reviewed in a format similar to the Enhanced Application Review methodology.

<input checked="" type="checkbox"/>	Enhanced Application Review:	I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.
<input type="checkbox"/>	Standard Application Review:	I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

 Owner Signature

Anna R. Lauri
 Agent/Applicant Signature

Official Use Only Submittal Date: _____ Development Application No.: _____



Development Application

Review Methodologies

Review Methodologies

The City of Scottsdale maintains a business and resident friendly approach to new development and improvements to existing developments. In order to provide for flexibility in the review of Development Applications, and Applications for Permitting, the City of Scottsdale provides two methodologies from which an owner or agent may choose to have the City process the application. The methodologies are:

1. Enhanced Application Review Methodology

Within the parameters of the Regulatory Bill-of-Rights of the Arizona Revised Statutes, the Enhanced Application Review method is intended to increase the likelihood that the applicant will obtain an earlier favorable written decision or recommendation upon completion of the city's reviews. To accomplish this objective, the Enhanced Application Review allows:

- the applicant and City staff to maintain open and frequent communication (written, electronic, telephone, meeting, etc.) during the application review;
- City staff and the applicant to collaboratively work together regarding an application; and
- City staff to make requests for additional information and the applicant to submit revisions to address code, ordinance, or policy deficiencies in an expeditious manner.

Generally, the on-going communication and the collaborative work environment will allow the review of an application to be expedited within the published Staff Review Time frames.

2. Standard Application Review Methodology:

Under the Standard Application Review, the application is processed in accordance with the Regulatory Bill-of-Rights of the Arizona Revised Statutes. These provisions significantly minimize the applicant's ability to collaboratively work with City Staff to resolve application code, ordinance, or policy deficiencies during the review of an application. After the completion the city's review, a written approval or denial, recommendation of approval or denial, or a written request for additional information will be provided.

The City is not required to provide an applicant the opportunity to resolve application deficiencies, and staff is not permitted to discuss or request additional information that may otherwise resolve a deficiency during the time the City has the application. Since the applicant's ability to collaboratively work with Staff's to resolve deficiencies is limited, the total Staff Review Time and the likelihood of a written denial, or recommendation of denial is significantly increased.

In addition to the information above, please review the Development Application, and/or the Application for Permitting flow charts. These flow charts provide a step-by-step graphic representation of the application processes for the associated review methodologies.

Note:

1. Please see the Current Planning Services and Long Range Planning Services Substantive Policy Statements and Staff Review Timeframes for Development Applications, number III.

Planning, Neighborhood & Transportation

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088

City of Scottsdale's Website: www.scottsdaleaz.gov



Development Application

Arizona Revised Statutes Notice

§9-834. Prohibited acts by municipalities and employees; enforcement; notice

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.

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Project Name: 7150 E. Thomas - Abandonment

Property's Address: 7150 E. Thomas Rd. Scottsdale, AZ 85251 / APN 130-17-024B

Property's Current Zoning District Designation: Commercial

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Company: Kjf Partners 16Sa Llc;	Company: Shore Break Investments + Design, LLC
Address:	Address:
Phone: 949.275.5038 Fax:	Phone: 949.813.9144 Fax:
E-mail: joefaris@cox.net	E-mail: anna@thelaurigroup.com
Designer:	Engineer:
Company:	Company:
Address:	Address:
Phone: Fax:	Phone: Fax:
E-mail:	E-mail:

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DocuSigned by:

Joe Faris

Owner Signature

Anna R. Lauri

Agent/Applicant Signature

Official Use Only

Submittal Date:

Development Application No.:

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