

207 Waiver

Title

Legal Description

Policy or Appeals

Correspondence Between Legal & Staff

Letter of Authorization



Affidavit of Posting

Required: Signed, Notarized originals.

Recommended: E-mail copy to your project coordinator.

☒ Project Under Consideration Sign (White)

☐ Public Hearing Notice Sign (Red)

Case Number: 165-PA-12

Project Name: Maya Remodel

Location: 7333 E. Indian Plaza

Site Posting Date: April 25, 2014

Applicant Name: Withey Morris, PLC

Sign Company Name: Dynamite Signs, Inc.

Phone Number: 480-585-3031

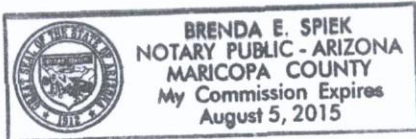
I confirm that the site has been posted as indicated by the Project Manager for the case as listed above.

Pamela Swartz
Applicant Signature

4.25.14
Date

Return completed original notarized affidavit AND pictures to the Current Planning Office no later than 14 days after your application submittal.

Acknowledged before me this the 25 day of April 2014



[Signature]
Notary Public
My commission expires: 8-5-2015

City of Scottsdale -- Current Planning Division

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

Maya (9-UP-2012#2 & 10-UP-2012#2) has been scheduled for the May 14, 2014 Planning Commission Hearing. Please have the sign posted no later than Friday, April 25, 2014, and have the original photo and posting affidavit sent to me by Monday, April 28, 2014. I have attached the posting information/verbiage for your reference. Please feel free to call or e-mail me if you have any questions or concerns.

Thanks,

Lorraine Castro
Planning Specialist
City of Scottsdale
Planning, Neighborhood & Transportation Division
Lcastro@ScottsdaleAZ.gov <<mailto:Lcastro@ScottsdaleAZ.gov>>
480-312-7620

Get informed!

Subscribe to Scottsdale P & Z <<https://eservices.scottsdaleaz.gov/listserve/default.asp>> Link
newsletter

[http://www.fkor.net/images/stories/pages/facebook_logo.jpg] <<http://www.facebook.com/ScottsdalePZLink>>

[<cid:image002.png@01CB4928.50884B20>] <<http://twitter.com/ScottsdalePandZ>>

Early Notification of Project Under Consideration

Neighborhood Open House Meeting:

Date: Monday, May 5, 2014
Time: 5:30 - 6:30 P.M.
Location: W Hotel, 7277 E. Camelback Road, Studio 1
Scottsdale, AZ 85251

Site Address: 7333 E. Indian Plaza, Scottsdale, AZ

Project Overview:

- Description of Request: Amendment to existing Conditional Use Permits for Bar Use and Live Entertainment Use
- Description of Project and Proposed Use: Revised floor plan for existing 28,000 sq ft bar/restaurant with live entertainment
- Site Acreage: 1.1 acres
- Site Zoning: C-2/P-3, DO

Applicant Contact:

George Pasquel III 602-230-0600
George@witheymorris.com

City Contact:

Greg Bloemberg 480-312-4306
gbloemberg@scottsdaleaz.gov

Pre-Application #: 165-PA-12 Available at City of Scottsdale: 480-312-7000

After submittal, project information is available at:

www.scottsdaleaz.gov/projects/ProjectsInProgress

Posting Date
4/25/14

-Penalty for removing or defacing sign prior to date of last hearing -Applicant Responsible for Sign Removal

04/25/2014 08:41:45

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04/25/2014 09:29:37



Request To Submit Concurrent Development Applications

Acknowledgment and Agreement

The City of Scottsdale recognizes that a property owner may desire to submit concurrent development applications for separate purposes where one or more the development applications are reliant upon the approval of another development application. City Staff may agree to process concurrently where one or more the development applications are reliant upon the approval of another development application upon receipt of a complete form signed by the property owner.

Development Application Types		
Please check the appropriate box of the types of applications that you are requesting to submit concurrently		
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 checked="" 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 checked="" 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 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"/>

Owner: Shawn Yari

Company: Equity Partners Group, LLC

Address: 4501 N. Scottsdale Road, Ste. 201, Scottsdale AZ, 85251

Phone: 602.748.8888

Fax: _____

E-mail: shyari@triyar.com

As the property owner, by providing my signature below, I acknowledge and agree: 1) that the concurrent development applications are processed at the property owner's risk; 2) to hold the City harmless of all cost, expense, claims, or other liability arising in connection with the concurrent development applications; 3) to the City of Scottsdale's Substantive Policy Statement pertaining to Concurrent Applications that states that a concurrent development application that is reliant on a decision of separate development application and is submitted at the risk of the property owner, is not considered to be subject to the provisions and timeframes of the Regulatory Bill of Rights (A.R.S. §9-831 – 9-840); and 4) that upon completion of the City review(s) of the development applications, the development application(s) may not be approved.

Property owner (Print Name): Shawn Yari

Title: Manager

Signature

Date: 4/14/14

Official Use Only:

Submittal Date: _____

Request: ☐ Approved or ☐ Denied

Staff Name (Print): _____

Staff Signature: _____

Date: _____

Planning, Neighborhood & Transportation Division

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

Page 1 of 1

Revision Date: 01/25/2013

9-UP-2012 #2
4/16/2014

April 11, 2014

City of Scottsdale
Planning, Neighborhood & Transportation Division
7447 E. Indian School Road, Suite 105
Scottsdale, AZ 85251

Re: Authorization – 7333 East Indian Plaza, Scottsdale (APN# 173-41-259)

To Whom It May Concern:

Please accept this letter and signature below as consent and authorization for Withey Morris, P.L.C. to file any and all applications necessary with the City of Scottsdale to obtain land use entitlements for the above stated property.

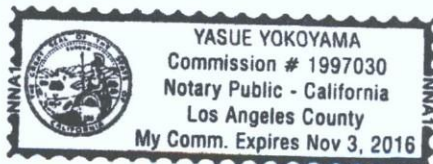
I hereby certify that I am the owner or an authorized agent of the parcel numbers below and that the information indicated above is true and correct to the best of my knowledge.

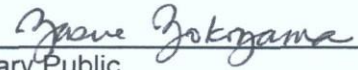
APN No. 506-44-011A

Equity Partners Group, LLC
Shawn Yari, Manager

By: 

This instrument was acknowledged before me on this 14th day of APRIL,
20 14, by SHAWN YARI. In witness whereof I hereunto set my
hand and official seal.




Notary Public

My commission expires: 11/3/16

9-UP-2012 #2
4/16/2014

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

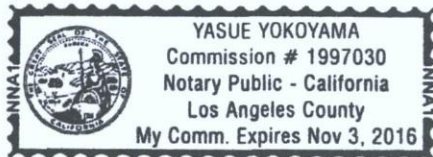
CIVIL CODE § 1189

State of California

County of LOS ANGELES

On APRIL 14, 2014 before me, YASUE YOKOYAMA, NOTARY PUBLIC,
Date Here Insert Name and Title of the Officer

personally appeared SHAWN YARI
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature: Yasue Yokoyama
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

☐ Corporate Officer — Title(s): _____ ☐ Corporate Officer — Title(s): _____

☐ Individual ☐ Individual

☐ Partner — ☐ Limited ☐ General ☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact ☐ Attorney in Fact

☐ Trustee ☐ Trustee

☐ Guardian or Conservator ☐ Guardian or Conservator

☐ Other: _____ ☐ Other: _____

Signer Is Representing: _____ Signer Is Representing: _____

Pre-application No.: 165-PA-2012
Project Name: Maya Remodel

AFFIDAVIT OF AUTHORITY TO ACT FOR PROPERTY OWNER

1. This affidavit concerns the following parcel of land:

- a. Street Address: 7333 E. Indian Plaza
b. County Tax Assessor's Parcel Number 173-41-259
c. General Location NWC of Saddlebag Trail and Shoeman Lane
d. Parcel Size: 49,602 sqft (1.1 ac)
e. Legal Description: See attached

(If the land is a platted lot, then write the lot number, subdivision, name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.

3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.

4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the general manager of the Scottsdale Planning and Development Services Department a written statement revoking my authority.

5. I will immediately deliver to the general manager of the City of Scottsdale Planning and Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.

6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.

7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land and may expose me or the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)

Shawn Yari

Date

April 11, 20 14

Signature



APPEALS OF DEDICATIONS, EXACTIONS, OR ZONING REGULATIONS

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 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.

**Owner Certification
Acknowledging Receipt
Of
Notice Of Right To Appeal
Exactions And Dedications**

I hereby certify that I am the owner of property located at:

7333 East Indian Plaza, Scottsdale Arizona 85251

(address where development approval, building permits, or city required improvements and dedications are being required)

and hereby certify that I have received a notice that explains my right to appeal all exactions and/or dedications required by the City of Scottsdale as part of my property development on the parcel listed in the above address.

Signature of Property Owner

Date