

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.

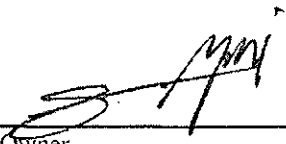
**Owner Certification
Acknowledging Receipt
Of
Notice Of Right To Appeal
Exactions And Dedications**

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

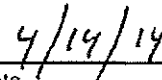
7333 East Indian Plaza, Scottsdale Arizona 85251

(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



Request for Site Visits and/or Inspections Development Application (Case Submittals)

This request concerns all property identified in the development application.

Pre-application No: 165 - PA - 2012

Project Name: Maya Remodel

Project Address: 7333 East Indian Plaza

STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the development application.

STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the development application in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner/Property owners agent: George Pasquel - Withey Morris, PLC

George Pasquel Print Name
[Signature] Signature

City Use Only:

Submittal Date: _____ Case number: _____

Planning, Neighborhood & Transportation Division
7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088



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Property owner/Property owners agent: George Pasquel - Withey Morris, PLC

George Pasquel Profit Name
George Pasquel Signature

City Use Only:	
Submittal Date: _____	Case number: _____
Planning, Neighborhood & Transportation Division 7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088	



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: <input type="checkbox"/> Approved or <input type="checkbox"/> Denied	
Staff Name (Print): _____	
Staff Signature: _____	Date: _____

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.

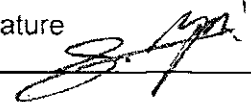
3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related 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.

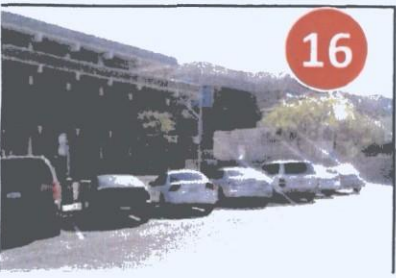
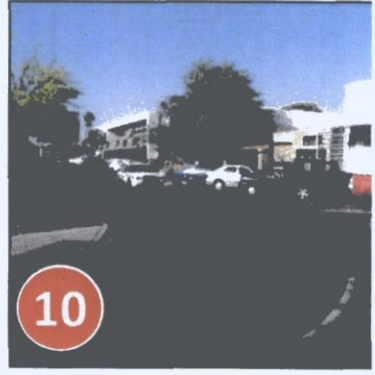
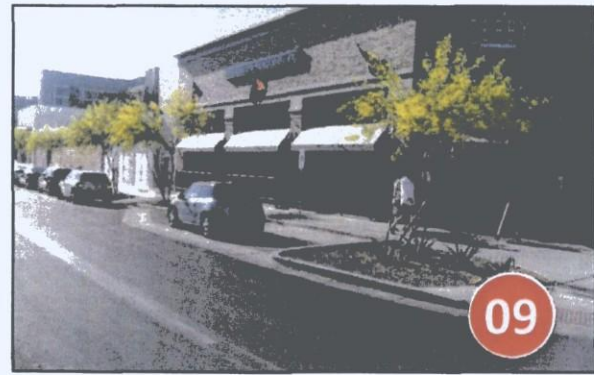
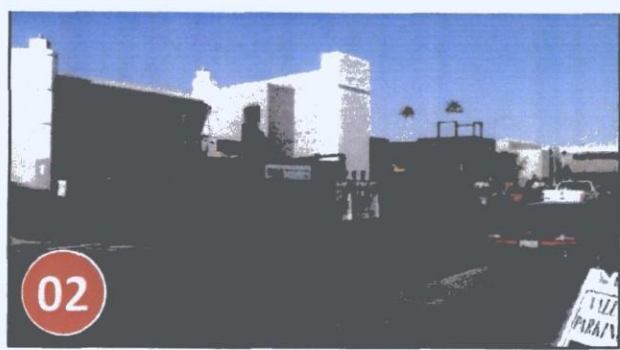
4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the general manager of the Scottsdale Planning and Development Services Department a written statement revoking my authority.

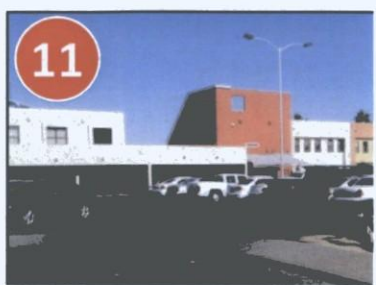
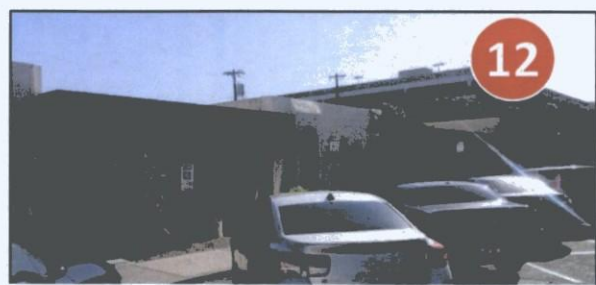
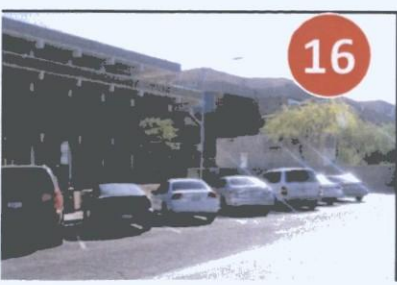
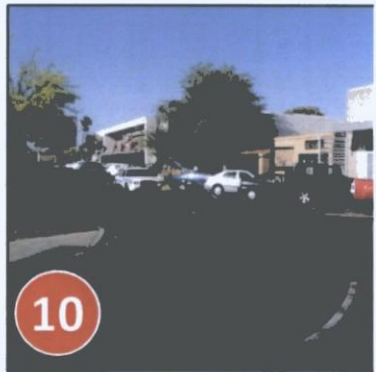
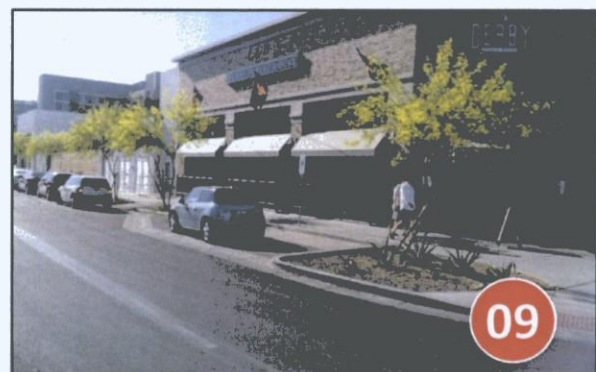
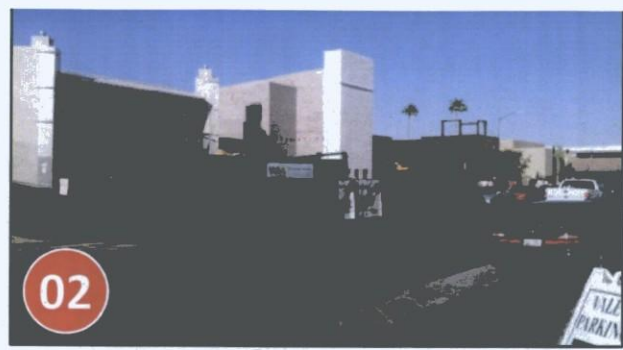
5. I will immediately deliver to the general manager of the City of Scottsdale Planning and Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.

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)	Date	Signature
<u>Shawn Yari</u>	<u>April 11, 20 14</u>	
_____	_____, 20____	_____
_____	_____, 20____	_____
_____	_____, 20____	_____





April 15, 2014

Via Hand Delivery

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

Re: Maya Remodel - Conditional Use Permit – Bar Use / Live Entertainment Use

Dear Mr. Bloemberg:

Please accept this letter and the attached application documents as a formal written request by Equity Partners Group, LLC (the "Owner") for a modification of the existing Conditional Use Permits (CUP) for Bar Use (9-UP-2012) and for Live Entertainment (10-UP-2012) on the property located at 7333 East Indian Plaza, Assessor Parcel Nos. 173-41-259 (the "Property") as shown on the enclosed exhibits.

In 2012, the City Council approved these CUPs on the Property for a 27,950 sqft establishment known as the "Beach Club" and currently operated under the name Maya Day + Nightclub ("Maya"). Since its inception, Maya has been a success and has helped to maintain downtown Scottsdale's destination status for high quality entertainment and nightlife. Additionally, the project has been in complete compliance with the stipulation of approval placed upon both CUP applications.

In a continuing effort to maintain the highest quality product for Scottsdale residents and visitors alike, the Owners wish to reinvest in an upgrade to the establishment which slightly modifies the existing site plan – thus the need to modify the existing CUPs.

Sincerely,
WITHEY MORRIS, P.L.C.

By
George Pasquel III

Cc: Jason B. Morris, Withey Morris, PLC
Shawn Yari, Equity Partners Group, LLC

PROJECT NARRATIVE

Maya Day+Nighclub ("Maya") is a 27,950 sqft bar and restaurant opened in 2012 and designed around a centrally located outdoor pool and patio. The updated site plan only modifies a portion of the existing plan along the north and northeast perimeter of the establishment. Along the north perimeter, the existing internally facing VIP cabanas are replaced with a new 1,612 sqft indoor bar and a new 2,086 sqft outdoor patio/bar area. Along the northeast perimeter, an existing bar has been replaced with a new 889 sqft kitchen and food preparation area. A new men's restroom is also constructed. The resulting design helps "open up" the project to the adjacent public right of way to further engage the pedestrian-oriented streetscape (a preference noted several times by the Design Review Board during the 2012 approval).

Roll up doors separate the new indoor and outdoor bar areas to provide flexibility depending upon weather and size of patronage. The existing pool and patio area is visible from both of these new spaces, and both spaces have new sidewalk patio seating to enjoy the streetscape improvement implemented by the development team during construction of the original Maya project in 2012.

The balance of the establishment remains as previously approved and constructed.

The properties are zoned C-2 with a P-3 and Down Town overlay.. The building is designed with the existing site and development standards in mind. The average existing setback is less than the required 16'-0" building setback. The floor area ratio is 0.56 and under the allowed 0.8. The landscaping will remain. The maximum height of any one part of the building will be within the allowed 36'-0".

This commercial building is intended to be a single user Restaurant/Bar located at the north portion of the site attached to the Maya Club. The new buildings will be complimentary to the newer existing architecture in the area. The entrance will be framed with a stucco finished framed element with a metal canopy on Indian Plaza giving a defined entry element. The project façade will be constructed of stucco and wood applications. The building utilize alcoves, undulation and soffit areas to provide relief and keep it from being monolithic. The outdoor patio will provide interaction with the street. The building will have a sloping flat roof with roof top packaged heat pumps that will be fully screened by the parapet and mechanical unit screens throughout over the new men's toilet and kitchen. the remaining roof will be a metal covered

APPROVAL CRITERIA

The City of Scottsdale Zoning Ordinance Sec. 1.400 Conditional Use Permits, sets forth the following approval criteria:

- A. Granting the CUP will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, consideration shall include,**

but not be limited to, the following factors: (1) Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination; (2) impact on surrounding area resulting from and unusual volume or character of traffic.

Approval of the CUP request will not be materially detrimental to the public health, safety or welfare. Noise will be in compliance with standard City policy and ordinance requirements. The project will not emit smoke, odor, dust, vibration, or illumination such that damage or nuisance occurs. Traffic patterns in the area are already well established and there is a high tendency for patrons to park once and walk to multiple establishments within the area.

B. The characteristics of the proposed use are reasonably compatible with the types of uses in the surrounding areas.

The area is already well established for restaurant, bar, and live entertainment-type uses. Furthermore, the proposed use is already occurring on site – this application just seeks to modify and improve upon the site plan associated with the use.

C. The additional conditions specified in Ordinance Sec. 1.403, as applicable, have been satisfied.

1.403.C - Bars, Cocktail Lounges, and/or After Hours Establishments:

1. The use shall not disrupt existing balance of daytime / nighttime uses:

The use is already occurring on site, so a disruption of the existing balance will not occur. If anything, the remodel will assist with further maintaining a well-proportioned daytime/nighttime balance of uses.

2. The use shall not disrupt pedestrian-oriented daytime activities.

The remodeled use will enhance pedestrian-oriented daytime activities by creating a better connection to the public right-of-way and thus a more enjoyable pedestrian experience.

3. If the site is located within the Downtown Overlay (DO) district then:

a. The use shall not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use shall promote diversity of first floor uses along the street.

b. The required parking for the use shall be within six hundred (600) feet of the property and shall not be separated from the property by a major or minor arterial street

The property is within the Downtown Overlay. The use will not displace daytime retail uses. In fact, the remodeled use will encourage further daytime retail activity to occur. Required parking for the use is satisfied by parking

credits allocated to the property and/or parking arrangements made with the nearby (less than 600ft away) Galleria garage.

4. **If the use is located within five hundred (500) feet of a residential use or district then:**
 - a. **The use shall not adversely impact residential uses.**
 - b. **The use shall provide methods of buffering residential uses.**

The use is not located within 500 ft of a residential use or district.

5. **An active management and security plan shall be created, approved, implemented, maintained, and enforced for the business.**

An active management and security plan has already been created, approved, implemented, maintained, and enforced for the existing business. An update to that plan will be processed with this CUP application.

6. **The applicant shall create a written exterior refuse control plan for approval by the City.**

A written exterior refuse control plan is already in place for the existing business. An update to that plan will be processed with this CUP application.

7. **The applicant shall demonstrate how noise and light generated by the use shall be mitigated.**

The project has, and will continue to comply with all noise and light ordinances and policies in place with the City of Scottsdale. The slight modification to the floor plan (which creates the necessity for these CUP modification applications) will not adversely affect the mitigation of noise and light.

8. **The applicant shall demonstrate that the use shall meet required parking and shall not exceed capacity for traffic in the area.**

The use meets the required parking and will not exceed traffic for the area. The required parking for the new, modified site plan is 332.16 spaces. The property has allocated parking credits in the amount of 372.36 spaces.

1.403.K – Live Entertainment:

1. **The applicant has provided and obtained City approval of a written Security and Maintenance Plan.**

A written Security and Maintenance Plan is already in place for the existing business. An update to that plan will be processed with this CUP application.

- 2. The applicant has provided written evidence that sound resulting from indoor live entertainment will be contained within the building, except where external speakers are permitted by Conditional Use Permit to allow indoor live entertainment to be heard outdoors.**

Written evidence of the containment of sound resulting from live entertainment has already been provided for the existing use. Live entertainment activities currently occur and will continue to occur inside or within the outdoor patio area. Outdoor speakers have been and will continue to be mounted to direct sound downward towards the pool area and sound dampening materials have been implemented into the design.

- 3. The applicant has provided a lighting plan that addresses exterior lighting on the property, in accordance with Article VII of the Zoning Ordinance and the Security and Maintenance Plan requirements.**

A lighting plan has already been provided for the existing use. Exterior lighting on the property will continue to comply with Article VII of the Ordinance and the Security and Maintenance Plan requirements.

- 4. The applicant has provided a floor plan which identifies the area for the primary use and for accessory functions, including but not limited to areas for performances.**

A floor plan has been provided identifying use areas. Live Entertainment will continue to occur at previously identified locations within the existing building. Typically, live entertainment occurs at the stage area located on the east side of the existing pool patio. A DJ is employed in the nightclub portion of the project located on the west site of the establishment.

- 5. If the establishment is not in the Downtown Area, and access to the establishment is from a street other than one classified as minor collector or greater, the applicant shall provide a traffic analysis which complies with the City's transportation guidelines.**

The establishment is within the Downtown Area.

- 6. If the Zoning Administrator determines that a parking study is necessary the applicant shall provide a study which complies with the City's requirements.**

The owner will adhere to the requests of the Zoning Administrator.

- 7. The owner shall provide any additional information required by the Zoning Administrator to evaluate the impacts of the proposed use upon the area.**

The owner will adhere to the requests of the Zoning Administrator.

- 8. The building openings such as doors, windows and movable wall panels shall be closed but not locked, except as permitted by CUP. Doors and service windows may be opened temporarily to allow passage.**

The project will adhere to the above stated standards.

- 9. No external speakers used for live entertainment or outdoor live entertainment activities will be permitted on the premises of a use, which is located within 500 ft of a residential district shown on Table 4.100.A.**

The establishment is not located within 500 ft of a residential district.

- 10. The owner and operator shall comply with all plans approved as part of the CUP.**

Agreed.

- 11. All patron entrances shall be illuminated in accordance with Building Code and the exterior lighting plans approved by the DRB.**

All existing patron entrances are illuminated in accordance with the Building Code and the exterior lighting plan approved by the DRB. New patron entrances will also be in conformance to Building Code.

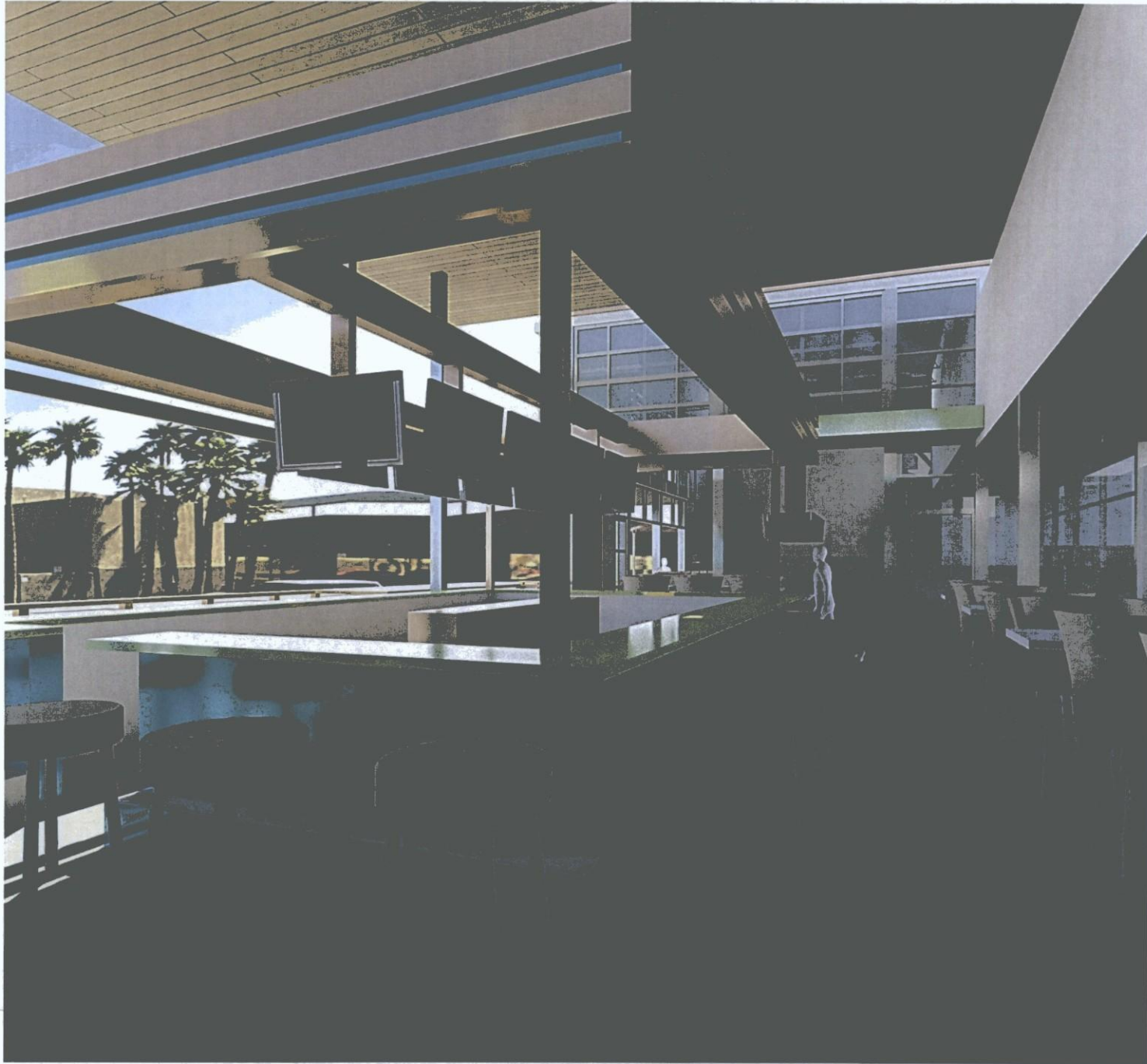
- 12. Noise generated from the live entertainment shall conform to the City's Noise Ordinance.**

The use has, and will continue to comply with the City's Noise Ordinance.

CONCLUSION

The proposed modifications to the existing Conditional Use Permits meet or exceed the approval requirements noted in the zoning ordinance and described in detail above. Additionally, the proposed site plan modifications will greatly improve the project's connection to the streetscape and the overall pedestrian oriented experience within the area. The approval of this request will not be detrimental to any adjacent properties or uses and is necessary to maintain the high level of entertainment and nightlife to which the City of Scottsdale is accustomed.

Please feel free to contact me if you have any questions, or if you need any additional information.

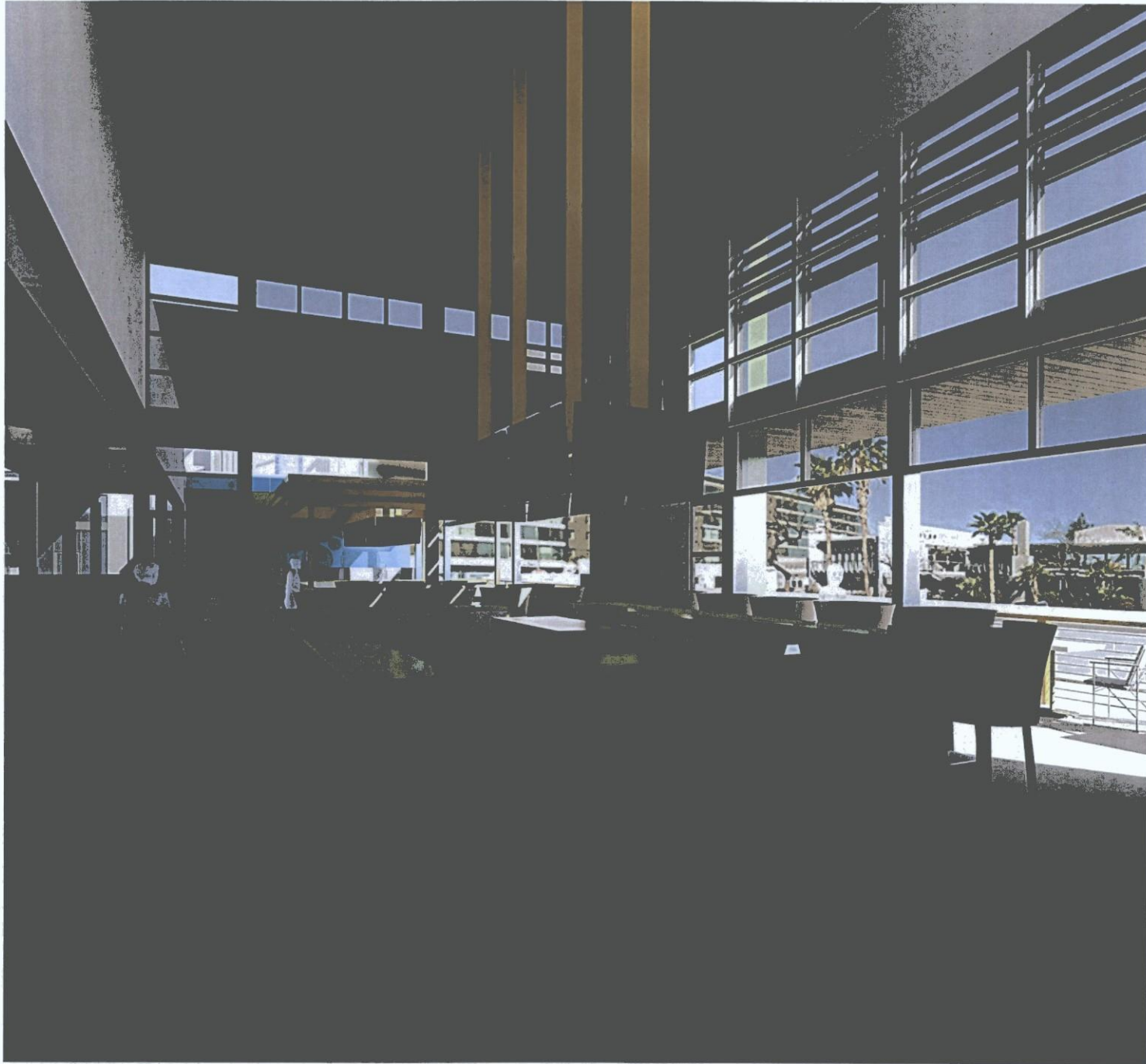


Scottsdale Retail Plaza

Scottsdale, Arizona 2014 . 3 . 28

This artist rendering is for conceptual design only and should not be referred to as a construction document.





Scottsdale Retail Plaza

Scottsdale, Arizona 2014 . 3 . 28

This artist rendering is for conceptual design only and should not be referred to as a construction document.





Scottsdale Retail Plaza Scottsdale, Arizona

2014 . 3 . 20

This artist rendering is for conceptual design only, was done without benefit of a survey and should not be referred to as a construction document.



159-5A-14
STIPULATION SET
RETAIN FOR RECORDS
APPROVED

6-20-14
DATE

INITIALS



STAFF APPROVAL LETTER

159-SA-2014
Maya Remodel

STEP 1

STAFF APPROVAL NOTIFICATION

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

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

This approval expires two (2) years 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: 7333 E Indian Pz
PARCEL: 173-41-259
Q.S.: 17-45
CODE VIOLATION #:


APPLICANT: Michael Jorgensen
COMPANY: Cawley Architects Inc
ADDRESS: 730 N 52nd St Phoenix, AZ 85008
PHONE: 602-393-5060

Request: Maya Remodel

STIPULATIONS

1. Design, materials and colors shall be consistent with the plans, details and samples provided by Cawley Architects, with a staff approval date of 6/20/14.
2. The proposed patio encroaching into the Indian Plaza right of way shall not be constructed until such time as the license agreement with the City of Scottsdale is approved by City Council. A copy of the approved license agreement shall be provided to the Current Planning Division.
3. Patio encroachment into right of way shall not exceed the distance specified on the plans approved as part of this submittal.
4. In addition to the license agreement, An Encroachment Permit will be required prior to beginning construction of the patio that extends into the City right of way.
5. No lighting or signage is approved as part of this submittal.
6. The site plan submitted as part of the construction documents shall include updated parking calculations.
7. Any speakers installed on the new patio shall comply with the stipulations for the bar and live entertainment Conditional Use Permits. Refer to cases 9-UP-2012, 9-UP-2012#2, 10-UP-2012 and 10-UP-2012#2.

Related Cases: 159-SA-2014, 4-UP-2014, 18-ZN-2011, 83-DR-2011, 2-AB-2012, 353-SA-2012, 6-PP-2012

SIGNATURE: 
Greg Bloemberg, Senior Planner

DATE APPROVED: June 20, 2014

STEP 2

FINAL PLAN REVIEW SUBMITTAL REQUIREMENTS

Submit one copy of this approval letter, and a completed Owner/Builder form if applicable, along with the following plan set(s) to the One-Stop-Shop for plan review:

ARCHITECTURAL: 4 sets of architectural plans and 1 additional site plan and elevation

This plan set shall be reviewed by the following departments:

PLANNING:	<u>Staff Reviewer:</u> Greg Bloemberg
BUILDING:	TBD
FIRE:	TBD

**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.



Development Review (Minor)

(Administrative Staff Approval)

Development Application Checklist

Official Use:
 City Staff Contact: GREG BLOEMBERG Email: G.BLOEMBERG@SCOTTSDALEAZ.GOV
 Phone: 480 312 4366
 Project Name: MAYA REMODEL
 Property's Address: 7333 E. INDIAN PLAZA A.P.N.: 173-41-259
 Property's Zoning District Designation: C-2/P-2 w/ P-3/D-0 OVERLAYS
 Application Request:
 Owner: TRIYAR Applicant: MICHAEL JORGENSEN
 Company: _____ Company: CAWLEY ARCHITECTS
 Address: 4501 N. SCOTTSDALE ROAD #201 SCOTTSDALE Address: 730 N. 52ND STREET #203 PHOENIX
 Phone: 602.740.8888 Fax: 602.740.8889 Phone: 602.393.5060 Fax: 602.393.5061
 E-mail: mmorales@triyar.com E-mail: mikeje.cawleyarchitects.com

Submittal Requirements: Please submit materials requested below. All plans must be folded.

<input checked="" type="checkbox"/> Completed Application (this form) and Application Fee -- \$ <u>87</u> (fee subject to change every July) <input checked="" type="checkbox"/> Affidavit of Authority to Act for Property Owner, letter of authorization, or signature below <input checked="" type="checkbox"/> Request for Site Visits and/or Inspections form <input checked="" type="checkbox"/> Context Aerial -- with site highlighted <input checked="" type="checkbox"/> Narrative -- describing nature of request <input type="checkbox"/> Homeowners or Property Owners Association Approval <input checked="" type="checkbox"/> Color photographs of site -- include area of request <input checked="" type="checkbox"/> Site plan (___ copy(ies) indicate the extent and location of additions, buildings and other structures, dimensions of existing and proposed structures, sidewalks, and/or driveways as well as any required setbacks. <input checked="" type="checkbox"/> Material Samples -- color chips, awning fabric, glazing, etc. <input checked="" type="checkbox"/> Elevation Drawings or Color Photo simulations (___ copy(ies) -- of additions, buildings, or other changes with materials and colors noted and keyed	<input type="checkbox"/> Landscape Plan (___ copy(ies) -- indicate location of existing and new plants, location and dimension of paving, a plant palette with names, symbols, sizes, spacing & quantities, and open space/landscaping calculations. <input type="checkbox"/> Cross Sections -- for all cuts and fills applications <input type="checkbox"/> Conceptual Grading & Drainage Plan -- show existing, proposed drainage flows, channels, retention, etc. <input type="checkbox"/> Copy of Liquor License Application (for all bars or restaurants patio applications) <input type="checkbox"/> Airport Vicinity Development Checklist <input checked="" type="checkbox"/> Floor Plan(s) -- show additions, alterations, or new structures. The floor plan shall be dimensioned and clearly delineate existing and proposed construction. <input checked="" type="checkbox"/> Exterior Lighting -- provide cut-sheets, details and photometrics for any proposed lighting. <input type="checkbox"/> Other: _____
--	--

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

Enhanced Application Review: I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.

Standard Application Review: I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

Monica Morales
 V.P. of Arizona Division
 Stockdale Management, LLC
 610 Scottsdale Beachwalk, LLC

Owner Signature: _____ Agent/Applicant Signature: _____

Bloemberg, Greg

From: Grant, Randy
Sent: Wednesday, June 18, 2014 9:55 AM
To: Bloemberg, Greg
Subject: FW: Maya

From: Basha, Paul
Sent: Tuesday, June 17, 2014 2:06 PM
To: Grant, Randy
Subject: RE: Maya

Randy,

We need to and will accept the narrower sidewalk. We're all in this together.

However, the issue is not aesthetics. The problem is the sidewalks in front of Hi-Fi and Whiskey Row are too narrow. The existing sidewalks on Indian Plaza are too narrow. The sidewalks in front of Hi-Fi and Whiskey Row should be wider. During the peak Friday and Saturday times, 10 PM to 2 AM, the sidewalks overflow with pedestrians onto the street. The pedestrians in the street cause vehicles to slow, causing congestion that causes queues on Camelback Road. It is a difficult situation. It is not people waiting in lines, it is people just walking and mingling from bar to bar, getting fresh air, and smoking.

Several of us have visited the area during Friday and Saturday, and we regularly discuss the issues with the Police. I was there one Saturday night a month ago or so from 9 PM to 3 AM. It is a very different world – good, and I'm glad people are here. Nonetheless, we need to provide wider sidewalks in this area everywhere. Transportation needs to be involved in all discussions of proposals in the Entertainment District – regardless of whether or not it appears to be a transportation issue.

Thank you,
Paul

From: Grant, Randy
Sent: Tuesday, June 17, 2014 9:49 AM
To: Basha, Paul
Subject: Maya

Paul, we met with Walt last week to discuss the Maya patio proposal. So you have background, Maya came in a couple of months ago and discussed their plans, and because the cross-section of the sidewalk would be the same as that in front of Hi-Fi and Whiskey Row on Saddlebag we gave them direction that an encroachment of 5 feet into the ROW on Indian Plaza would be ok. Phil and Walt have advised that they are not comfortable with that decision, and I took a compromise of a 3 foot encroachment back to the applicant and it did not go well. I thought that it would be relatively simple to cut the patio railing back, but it affects the entire floor plan to do so, and they have been in design for almost two months based on our prior direction.

This is one where we (I) got out too far in front of the process because of what had been approved previously in other locations, and I'd like to be able to follow through on the direction we have given them that 5 feet is acceptable. I also don't want Walt and Phil to feel disrespected in the process. My sense is that their concerns are more aesthetic than functional (we fought to get a nice wide sidewalk and now they want to take that space back). The reality is that there

will be less pedestrian traffic going west on Indian Plaza past Maya because there isn't a destination to the west except the W hotel. Having a wide sidewalk there really is great, but Saddlebag has the higher concentration of bars and foot traffic. Maya is proposing to reorient the cueing for those waiting to get into the beach club to minimize obstructions.

I feel strongly that we led the architect down the path on this one, and to pull the rug from them will have political implications. Would you mind touching base with Walt and or Phil and seeing if we can swallow hard and follow through on our initial direction to the applicant? Let me know what you think. Thanks!

Randy Grant

Director, Planning and Development Services

7447 E. Indian School Road

City of Scottsdale, Arizona 85251



May 15, 2015

Michael Jorgensen
Cawley Architects Inc
730 N 52Nd St
Phoenix, AZ 85008

RE: 159-SA-2014
Maya Remodel

Mr. Jorgensen:

The Community & Economic Development Division has completed the review of the above referenced development application submitted on 5/15/14. The following **1st Review Comments** represent the review performed on by our team, and is intended to provide you with guidance for compliance with city codes, policies, and guidelines related to this application.

Zoning Ordinance and Scottsdale Revise Code Significant Issues

The following code and ordinance related issues have been identified in the first review of this application, and shall be addressed in the resubmittal of the revised application material. Addressing these items is critical for City Staff to make a decision regarding your application. Please address the following:

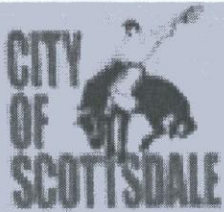
Zoning:

1. Although the proposal is technically ready to approve, staff cannot process an approval until the Conditional Use Permit amendments have been approved by City Council. The CUP amendments are scheduled to be considered by City Council on 6/3/14. Immediately after that hearing, staff can process the Staff Approval; provided the CUP amendments are approved.

If you have any questions, or need further assistance please contact me at 480-312-4306 or at gbloemberg@ScottsdaleAZ.gov.

Sincerely,

Greg Bloemberg
Senior Planner



Request for Site Visits and/or Inspections

Development Application (Case Submittals)

This request concerns all property identified in the development application.

Pre-application No: _____ PA _____

Project Name: _____

Project Address: _____

STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the development application.

STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the development application in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner/Property owners agent _____

Monica Morales
V.P. of Arizona Division
Stockdale Management, LLC
 910 Scottsdale Beach Club, LLC

Print Name

[Handwritten Signature]

Signature

City Use Only:	
Submittal Date: _____	Case number: _____
Planning, Neighborhood & Transportation Division 7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088	



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 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"/>

Project Name: Maya Remodel

Property's Address: 7333 E Indian Plaza, Scottsdale

Property's Current Zoning District Designation: C-2, P-3, DO

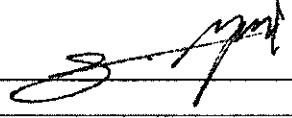
The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.


Owner: Shawn Yari	Agent/Applicant: Jason Morris / George Pasquel III
Company: Equity Partners Group, LLC	Company: Withey Morris, PLC
Address: 4501 N. Scottsdale Rd, Ste. 201	Address: 2525 E. Arizona Billmore Cir, Ste. A-212
Phone: 602.748.8888 Fax:	Phone: 602.230.0600 Fax: 602.212.1787
E-mail: shyari@triyar.com	E-mail: George@witheymorris.com
Designer: Paul Devers	Engineer: N/A
Company: Cawley Architects	Company:
Address: 730 N. 52nd Street, Ste. 203, Phx, AZ 85008	Address:
Phone: 602.393.5060 Fax: 602.393.5061	Phone: Fax:
E-mail: PaulD@CawleyArchitects.com	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 applications will be reviewed in a format similar to the Enhanced Application Review methodology.

Enhanced Application Review: I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.

Standard Application Review: I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

Owner Signature 

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

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.

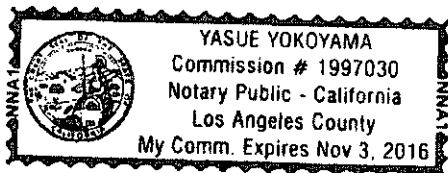
I hereby certify that I am the owner or an authorized agent of the parcel numbers below and that the information indicated above is true and correct to the best of my knowledge.

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,
2014, by SHAWN YARI. In witness whereof I hereunto set my
hand and official seal.



Yasue Yokoyama
Notary Public

My commission expires: 11/3/16

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

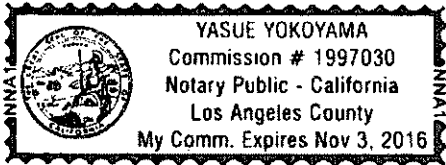
CIVIL CODE § 1189

State of California

County of LOS ANGELES

On APRIL 14 2014 before me, YASUE YOKOYAMA, NOTARY PUBLIC

personally appeared SHAWN YARI



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.

Signature: Yasue Yokoyama

Place Notary Seal Above

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)

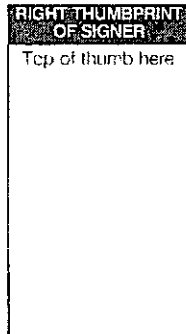
Signer's Name: Signer's Name:

Corporate Officer - Title(s): Corporate Officer - Title(s):

- Individual
Partner - Limited General
Attorney in Fact
Trustee
Guardian or Conservator
Other:



- Individual
Partner - Limited General
Attorney in Fact
Trustee
Guardian or Conservator
Other:



Signer Is Representing:

Signer Is Representing: