



Application

Narrative

Cash Transmittal

Development Standards



The Champs Live Here

Mural and building improvement project

Dilla Libre

8016/8018 E. Thomas Rd.
Scottsdale, AZ

The mural that we painted on our building is called “The Champs Live Here”. It is a testament to overcoming adversity. It is a reminder for us and our entire community to not give up when the going gets tough. It’s a message that everyone needs right now.

History of the Painting

We have had a very difficult time right here on the corner of Thomas and Hayden. The City of Scottsdale did a road construction project right in front of our business that lasted 9 months. We lost over \$100K during that time. I personally was homeless during the project. I paid my employees, I paid the city, but I did not pay myself for that entire time. During Covid, I was not applicable for most grant programs because our sales were so low in 2019 that we could not show how badly we were affected by the pandemic.

During construction, I had to rent my house out in order to cover the mortgage. During that city project, I fruitlessly reached out for help from the bottom of the city government all the way to the top. I finally had a conversation with the Mayor and he told me that I was “an unfortunate casualty of progress”. Nevertheless, we fought on. Just like I told him last summer, we will never stop fighting for survival.

The construction project was “completed” in late December of 2019. Although it never really seems to be over. Luckily, our community rallied behind us. Without their support, we would have gone out of business. After the dust cleared and the road re-opened, business started to thrive again. We started to climb out of the hole we were in from construction.

Then, Covid hit in March. We lost the vast majority of our catering and food truck business for the busy spring season. The revenue from our busy spring time helps us to survive the summer. We lost all dine in business, and have been in survival mode ever since. Yet, we do not give up.

People all around us are struggling. Lost jobs, lost businesses, dreams shattered, lives ruined. So, we decided to paint an inspirational mural to remind people where they are and who they are; we live in the old west where settlers persisted against all odds.

Scottsdale was built on the backs of men and women who refused to quit. We are another chapter in the long history of hard working builders of Arizona history. We are champs because we will never give up, and if you never give up, you don’t lose. THAT is what it means to be a champion, that is what it means to be an Arizona resident, and that is what our mural represents.

First, we will explain the mural. Then, we will discuss the other improvements we would like to make to the building.

Mural Contents

The first picture to the right is our east facing wall. We painted an Arizona sunset scene – Native plants, palm trees, and the Arizona flag with a gold star. The Arizona flag is positioned as the sunset over signature Arizona hills. Nestled in the hills, there is a championship belt. This mural is perpendicular to the road.

Then, the hills and sunset wrap around the south side of the building (second photo). This portion is parallel to the road.

We then tied the mural into the courtyard by continuing the color scheme of the painting on the south facing wall that runs parallel to the street. We would be happy to paint over the south facing wall (that faces the street) in order to come into compliance of Scottsdale commercial building code.

On our patio, we painted a diverse group of luchadors. The luchadors are different colors, genders, shapes, and sizes. We call them the freedom fighters.

Our luchador faces represent all of the diverse people in our community who are fighting their own battles for survival, equality, and freedom.

We support their struggles. This mural is a reminder that they will win as long as they don't give up.

As you can see from the third and fourth photos, our courtyard has a wall and two big bushes so it is pretty hard to see the mural work in the courtyard from the road.

I painted these barrier walls white and blue. However, I would be happy to repaint these walls in desert tones if that would bring our project into compliance. These barriers are not important to the meaning or design of the mural.



Freedom Fighters

The pictures on this page show the freedom fighters on the inside of our courtyard.

This is an important part of the mural because it shows that we are all equal and that we stand with our brothers and sisters in the fight for freedom, equality, and survival.

We believe our mural is a positive change for the community as does the over 12,000 people that signed our petition to keep it. It is a positive message for our Community. A message that everyone needs to see during these difficult times.

We also believe that our mural makes the neighborhood more beautiful. Our landlord (at the time of the mural) refused to repaint the building and it looks terrible. It hasn't been painted in this century, for sure and it was an eye sore for the community. After the mural, we were forced out of our lease, but then we purchased the building after another three month fight for survival. Now, we plan to revitalize this building as described in the next section of this proposal.

We understand that our mural does not fit Scottsdale Color code for commercial buildings, but we also believe that it HELPS beautify the community. And, we want to work with you to come up with a solution to keep the majority of the mural AND revitalize this building on one of the busiest intersections in the city.



Mural Colors



Project detail:

1) Expand our monument sign on the south East side of the building

We would like to build this sign up to have better visibility from the road. We already have electrical going out to the site and a block wall that will serve as a foundation for the sign. We are just unsure the dimensions of sign that we are allowed to have.

2) Remove existing awning structure South and west sides and replace with stucco

The Awning that is up right now is sagging and looks pretty terrible. We would like to take it down before it fails and cover the empty space with stucco.

3) Add low voltage lighting to the East driveway entrance

Our entrance driveway is very dark, so people often miss the entrance and have to turn into the west side entrance for the building.

This causes traffic problems because the west side is our exit. We would like to add a low voltage lighting system that requires no additional electrical work. We already have an electrical outlet on the roof of the East side of the building. So, I would just put in a transformer that turns the light on at dusk and off at dawn.

4) Add a concrete pad on the South West side of the building for laundry loading

In between the sidewalk and the building on the South West side of the building, we would like to pour a concrete pad that the laundry could use as a loading zone for its van.

This would alleviate traffic problems we have in the parking lot.

5) Add a shade structure to the patio

The awning that we will remove will give us access to the studs in the building. We would like to add a shade structure that attaches from the east to the west side of the patio.

This would allow us to remove the shade sails and the wood trellis that anchors them down. We would then replace the current wood trellis with a custom metal one. We would then plant cats claw vines there and turn it into a green barrier between the road and the patio.

6) Paint the building white with dark gray trim



Project detail continued:

7) Remove the planters on the patio and install windows that open to provide a better indoor/outdoor dining experience.

We would put a large openable window on the west side of the patio where there is an existing window.

On the east side of the patio, we would remove the planter and put a large openable window. We would extend the bar inside the restaurant to connect to the patio here.



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 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: "The Champs Live Here" Mural plus exterior building improvements

Property's Address: 8018 E. Thomas R. Scottsdale, AZ 85251

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: Mike Baum	Agent/Applicant: Mike Baun
Company: Baum Commercial Properties, LLC	Company: Dilla Libre
Address: 8018 E. Thomas Rd.	Address: 8018 E. Thomas Rd.
Phone: 615-969-6775 Fax:	Phone: 615-969-6775 Fax:
E-mail: info@dillalibre.com	E-mail: info@dillalibre.com
Designer: Mike Baum	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 checked="" type="checkbox"/> 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.:

Planning and Development Services

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 www.ScottsdaleAZ.gov

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.

Development Application

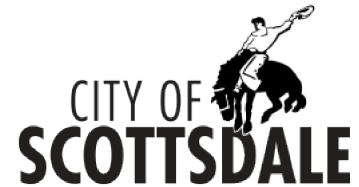
Arizona Revised Statutes Notice



§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.

Affidavit of Authorization to Act for Property Owner



1. This affidavit concerns the following parcel of land:

- a. Street Address: 8016/8018 E. Thomas Rd. Scottsdale, AZ 85251
- b. County Tax Assessor's Parcel Number: 130-34-004K
- c. General Location: Hayden and Thomas
- d. Parcel Size: _____
- e. Legal Description: _____
(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 _____ Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.
5. I will immediately deliver to the _____ Director of the City of Scottsdale Planning & 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 and 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)

Michael Baum

Date

12/5/, 2020

Signature



_____, 20____

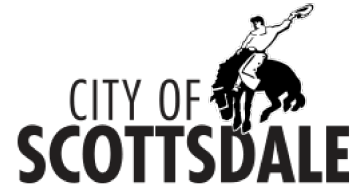
_____, 20____

_____, 20____

Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ www.ScottsdaleAZ.gov

Appeals of Dedication, Exactions or Zoning Regulations



Rights of Property Owner

In addition to the 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) when 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 violations of Arizona and federal court decision.

Appeal Procedure

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

- 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 *nevo* with the Superior Court within 30 days of the hearing officer's decision.

For questions, you may contact:

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

Address your appeal to:

Hearing Officer, C/O City Clerk
3939 Drinkwater Blvd
Scottsdale, AZ 85251

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.

Planning and Development Services

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ www.ScottsdaleAZ.gov

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:

8018/8016 E. Thomas Rd. Scottsdale, AZ 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.



12/05/20

Signature of Property Owner

Date

Request for Site Visits and/or Inspections

Construction Document Application



This request concerns all property identified in the construction document (plan review) application.

Project Name: "The Champs Live Here" Mural

Project Address: 8018 E. Thomas Rd. Scottsdale, AZ 85251

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 construction document

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 construction document 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 owner's agent: Mike Baum

Print Name

Signature

City Use Only:

Submittal Date: _____ Plan review number: _____

Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ www.ScottsdaleAZ.gov