

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

OASIS CAFÉ LLC

Anwar Nakib
Owner

Zoning Administrator/ City of Scottsdale
7447 E. Indian School Rd
Scottsdale, AZ 85251

4441 n. Buckboard Trail Scottsdale,
AZ 85251
480.751.5364 or 480.369.0769
iloveoasiscafe@gmail.com

**RE: IN-Lieu Parking Program
Application for Oasis Café LLC**

June 21, 2016

To Whom It May Concern,

I, Anwar Nakib, am representing myself as the Owner for Oasis Café LLC/Oasis located at 4441 N Buckboard Trail, Scottsdale, AZ 85251. Please accept this letter as a formal request for a City Council hearing in order to participate in the in-lieu parking program.

Please note that this site has a six year, history of operating as a restaurant/bar and grill while maintaining a private parking lease to satisfy the additional parking needs of the establishment. Oasis maintains the same parking lease that has been in place at the site for six years. The on-site provide parking along with the private parking lease combine to provide more than enough parking to meet the requirements of the City's Zoning Ordinance for the series 12 liquor license that stands in place at the above mentioned location until this date. I have submitted an application for a series 6 liquor license to The Arizona Department of Liquor License and Control and am requesting additional parking spaces.

**2-IP-2016
08/01/16**

The City of Scottsdale has asked that I obtain the written and recorded concurrence in the existing parking lease of the real property on which Oasis sits. I am willing to execute or record any documentation relating to the parking lease citing a desire not to encumber the property with a recorded document that would show up in the chain of title. As a result, despite the fact that the actual parking situation has not been altered for about six years, the city has requested that Oasis make this application for 10-13 in-lieu parking in order to continue to meet the parking requirements.

The City Council shall determine whether or not to allow a property owner to participate in the in-lieu parking program based on the following considerations:

- i. New development, reinvestment, or redevelopment of the property;

Response:

This in-lieu parking request is in response to a request for a Conditional Use Permit for a Bar, and the planned modification to the existing restaurant space. The attached floor plan indicates the modification that anticipated to be constructed with the next year. The modification to the restaurant are a considerable investment to updating the restaurant in order to better serve our clients and provide updated appearance.

- ii. The use of the property fosters a pedestrian-oriented environment with an urban design and character, and the use of public transit or the downtown tram service;

Response:

The exist configuration of the restaurant has a patio space adjacent to street that fosters a vibrant visual pedestrian-oriented experience for the street pedestrian and patio user

- iii. Property size and configuration;

Response:

The existing property is small and the configuration contains, building, parking, patio, and open space. Due to the configuration, there is not a feasible alternative to provide additional parking on the property.

- iv. The amount of public parking available to the area;

Response:

The area has public parking on the street, in parking lots, and in parking structures in the area.

- v. The future opportunity to provide public parking in the area; or

Response:

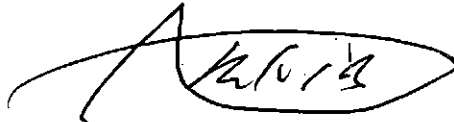
There is ample opportunity to provide additional parking in the area on the City owned parking lots near the intersection of N. Wells Fargo Ave and E Stetson DR. Currently, the city has a Request for Proposals out to construct parking facilities at this locations.

- vi. Open space and public realm areas are maintained and/or parking lots convert into open space and public realm.

Response:

The existing open space areas on the property will be maintained as part of the future modifications to the property.

Respectfully,

A handwritten signature in black ink, appearing to read 'Anwar Nakib', enclosed within a hand-drawn oval. A long, sweeping horizontal line extends from the left side of the oval across the page.

Anwar Nakib



Development Application

Development Application Type:

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

Zoning	Development Review	Signs
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Master Sign Program (MS)
<input type="checkbox"/> Rezoning (ZN)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Community Sign District (MS)
<input type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Wash Modification (WM)	Other:
<input type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Historic Property (HP)	<input type="checkbox"/> Annexation/De-annexation (AN)
Exemptions to the Zoning Ordinance	Land Divisions (PP)	<input checked="" type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Hardship Exemption (HE)	<input type="checkbox"/> Subdivisions	<input checked="" 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: OASIS CAFE

Property's Address: 4441 N. BUCKBOARD TRAIL


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: <u>So Lan Yuen</u>	Agent/Applicant: <u>ANWAR NAKIB</u>
Company:	Company: <u>OASIS CAFE LLC</u>
Address: <u>8306 E San Simon 85258</u>	Address: <u>4441 N. BUCKBOARD TRAIL</u>
Phone: <u>480 948 1225</u> Fax:	Phone: <u>480-751-5364</u> Fax:
E-mail:	E-mail:
Designer:	Engineer:
Company:	Company:
Address:	Address:
Phone: Fax:	Phone: Fax:
E-mail:	E-mail:

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).
• This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications¹ will be reviewed in a format similar to the Enhanced Application Review methodology.

- 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



Development Application

Arizona Revised Statues Notice

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

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

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In-Lieu Parking

Development Application Checklist

Minimal Submittal Requirements:

At your pre-application meeting, your project coordinator will identify which items indicated on this Development Application checklist are required to be submitted. A Development Application that does not include all items indicated on this checklist may be rejected immediately. A Development Application that is received by the City does not constitute that the application meets the minimum submittal requirements to be reviewed.

In addition to the items on this checklist, to avoid delays in the review of your application, all Plans, Graphics, Reports and other additional information that is to be submitted shall be provided in accordance with the:

- requirements of Scottsdale Revised Code (including the Zoning Ordinance); and
- stipulations, include any additional submittal requirements identified in the stipulations, of any Development Application approved prior to the submittal of this application.

If you have any question regarding the information above, or items indicated on this application checklist, please contact your project coordinator. His/her contact information is on the page3 of this application.

Please be advised that a Development Application received by the City that is inconsistent with information submitted with the corresponding pre-application may be rejected immediately, and may be required to submit a separate: pre-application, a new Development Application, and pay all additional fees.

* **The in-lieu parking program may only be utilized for properties that are zoned Downtown Overlay (DO) and/or with Downtown (D) Distinct.**

PART I -- GENERAL REQUIREMENTS

Req'd	Rec'd	Description of Documents Required for Complete Application. No application shall be accepted without all items marked below.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. In-Lieu Parking Application Checklist (this list)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. Application Fee \$ <u>15300</u> (subject to change every July)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3. Completed Development Application Form (form provided) \ <ul style="list-style-type: none"> • The applicant/agent shall select a review methodology on the application form (Enhanced Application Review or Standard Application Review). • If a review methodology is not selected, the application will be review under the Standard Application Review methodology. Prior to application submittal, please research original zoning case history to find the original adopted ordinance(s) and exhibit(s) to confirm the zoning for the property. This will help to define your application accurately. The City's full-service Records Department can assist.

4370-16

249000
153
259300

In-Lieu Parking Development Application Checklist

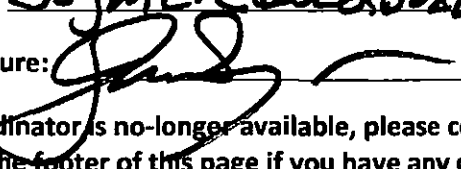
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4. Letter of Authorization (from property owner(s) if property owner did not sign the application form)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5. Affidavit of Authorization to Act for Property Owner (required if the property owner is a corporation, trust, partnership, etc. and/or the property owner(s) will be represented by an applicant that will act on behalf of the property owner)
		6. In-Lieu Parking Fee Structure (subject to change every July, information provided)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>7. Written request for a Zoning Administrator Approval: (The owner shall submit a letter addressed to the Zoning Administrator requesting approval to purchase and/or lease the requested number of in-lieu parking space(s). The Zoning Administrator, or designee, may administratively approve participation in the in-lieu parking program for up to, and including five (5) in-lieu parking credits, provided that the allowance is based on the city council considerations of Section 9.108.D.3.a of the Zoning Ordinance. The Zoning Administrator approval shall not exceed a total of five (5) in-lieu parking credits per lot.)</p> <p>Written request for a City Council Hearing (The owner shall submit a letter addressed to the Zoning Administrator requesting a City Council hearing to participate in the in-lieu parking program.)</p> <ul style="list-style-type: none"> • The request shall address the required findings of In-lieu Parking program in accordance with Article IX of the Zoning Ordinance. <p style="text-align: right; margin-right: 50px;"><i>example needed</i></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>8. Commitment for Title Insurance – No older than 30 days from the submittal date</p> <ul style="list-style-type: none"> • 8-1/2" x 11" – 1 copy • Include complete Schedule A and Schedule B. (requirements form provided)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>9. Legal Description: (if not provided in Commitment for Title Insurance)</p> <ul style="list-style-type: none"> • 8-1/2" x 11" – 2 copies
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>10. Request for Site Visits and/or Inspections Form (form provided) <i>N/A</i></p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>11. Parking Analysis</p> <ul style="list-style-type: none"> • 8-1/2" x 11" – 2 copies
<input type="checkbox"/>	<input type="checkbox"/>	<p>12. Parking Master Plan</p> <p>See the City's <u>Zoning Ordinance, Article IX</u> for specific submittal and content requirements for Parking Master Plan. The report shall be bound (3 ring, GBC or coil wire, no staples) with card stock front and back covers, and must include all required exhibits.</p> <ul style="list-style-type: none"> • 8-1/2" x 11" - 2 copies
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>13. Floor Plan Work Sheet</p> <p>(Required for restaurants, bars or development containing there-of, and multi-family developments):</p> <ul style="list-style-type: none"> • 24" x 36" – 1 copy, folded • 11" x 17" - 1 copy, folded (quality suitable for reproduction) • Digital – 1 copy (See Digital Submittal Plan Requirements)

Planning and Development Services

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In-Lieu Parking Development Application Checklist

PART III – SUBMITTAL OF THE DEVELOPMENT APPLICATION

Req'd	Rec'd	Description of Documents Required for Complete Application. No application shall be accepted without all items marked below.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14. An appointment must be scheduled to submit this application. To schedule your submittal meeting please call 480-312-7000. Request a submittal meeting with a Planning Specialist and provide your case pre-app number; <u>438-PA-2416</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	15. Submit all items indicated on this checklist pursuant to the Submittal Instructions provided.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	16. Submit all additional items that are required pursuant to the stipulations of any other Development Application that this application is reliant upon
<input checked="" type="checkbox"/>	<input type="checkbox"/>	17. Delayed Submittal. Additional copies of all or certain required submittal indicated items above will be require at the time your Project Coordinator is preparing the public hearing report(s). Your Project Coordinator will request these items at that time, and they are to be submitted by the date indicated in the request.
<input checked="" type="checkbox"/>		<p>18. If you have any question regarding this application checklist, please contact your Project Coordinator.</p> <p>Coordinator Name (print): <u>Dan Symer</u> Phone Number: <u>480 312 4218</u></p> <p>Coordinator email: <u>dsymer@scottsdaleaz.gov</u> Date: <u>6-10-2016</u></p> <p>Coordinator Signature: </p> <p>If the Project Coordinator is no-longer available, please contact the Current Planning Director at the phone number in the footer of this page if you have any question regarding this application checklist.</p> <p>This application needs a: <input checked="" type="checkbox"/> New Project Number, or <input type="checkbox"/> A New Phase to an old Project Number: _____</p> <p>Required Notice</p> <p>Pursuant to A.R.S. §9-836, an applicant/agent may request a clarification from the City regarding an interpretation or application of a statute, ordinance, code or authorized substantive policy, or policy statement. Requests to clarify an interpretation or application of a statute, ordinance, code, policy statement administered by the Planning, Neighborhood and Transportation Division, including a request for an interpretation of the Zoning Ordinance, shall be submitted in writing to the One Stop Shop to the attention of the Planning, Neighborhood & Transportation Administrator. All such requests must be submitted in accordance with the A.R.S. §9-839 and the City's applicable administrative policies available at the Planning, Neighborhood and Transportation Division's One Stop Shop, or from the city's website: http://www.scottsdaleaz.gov/bldgresources/forms.</p> <p>Planning, Neighborhood and Transportation Division One Stop Shop Planning, Neighborhood & Transportation Administrator 7447 E. Indian School Rd, Suite 105 Scottsdale, AZ 85251 Phone: (480) 312-7000</p>

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Development Application Process

Enhanced Application Review

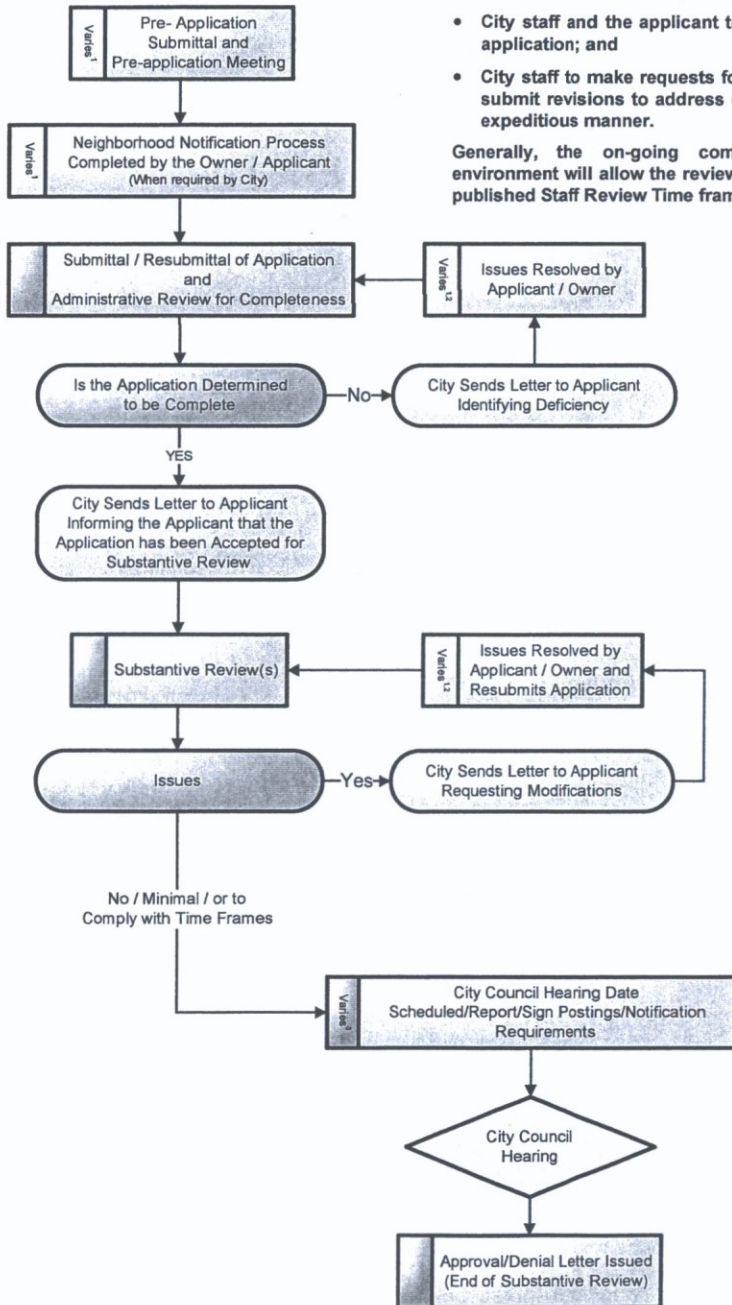
Hardship Exemption (HE) and In-lieu Parking⁵ (IP)

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;
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Note:

1. Time period determined by owner/ applicant.
2. All reviews and time frames are suspended from the date a the letter is issued requesting additional information until the date the City receives the resubmittal from the owner/ applicant.
3. The substantive review, and the overall time frame time is suspended during the public hearing processes.
4. Owner/applicant may agree to extend the time frame by 25 percent
5. More than 5 spaces per lot or as determined by the Zoning Administrator

Time Line

Administrative Review	Substantive Review	Public Hearing Process	Approval/Denial Letter Issued
15 Staff Working Days Per Review	50 Total Staff Working Days, Multiple Reviews in This Time Frame ^{2,3,4}	Time Frames Vary ⁵	

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Development Application Process

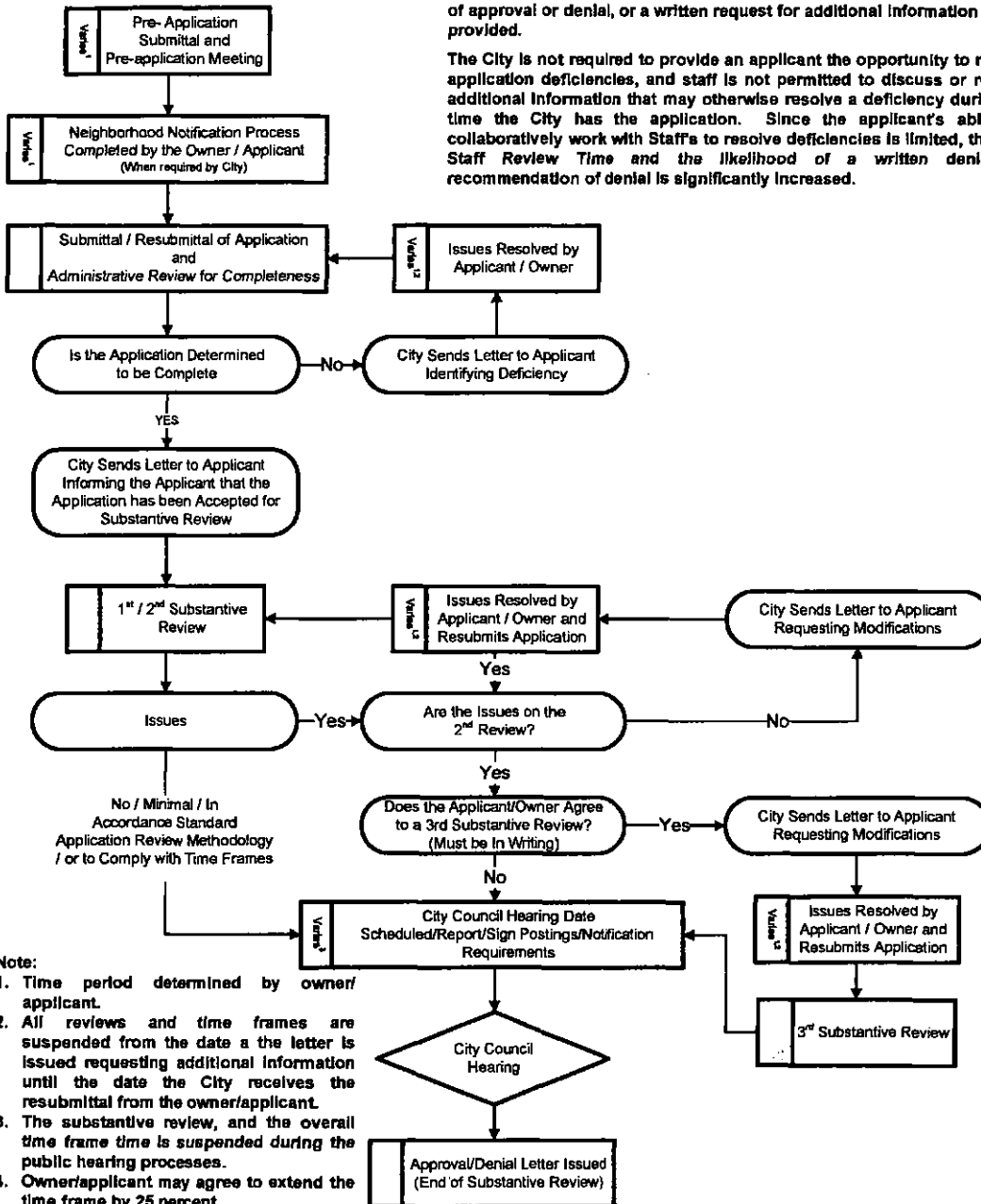
Standard Application Review

Hardship Exemption (HE) and In-lieu Parking⁵ (IP)

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Development Application Process

Enhanced Application Review

Staff Review Applications: SX & IP

Enhanced Application Review Methodology

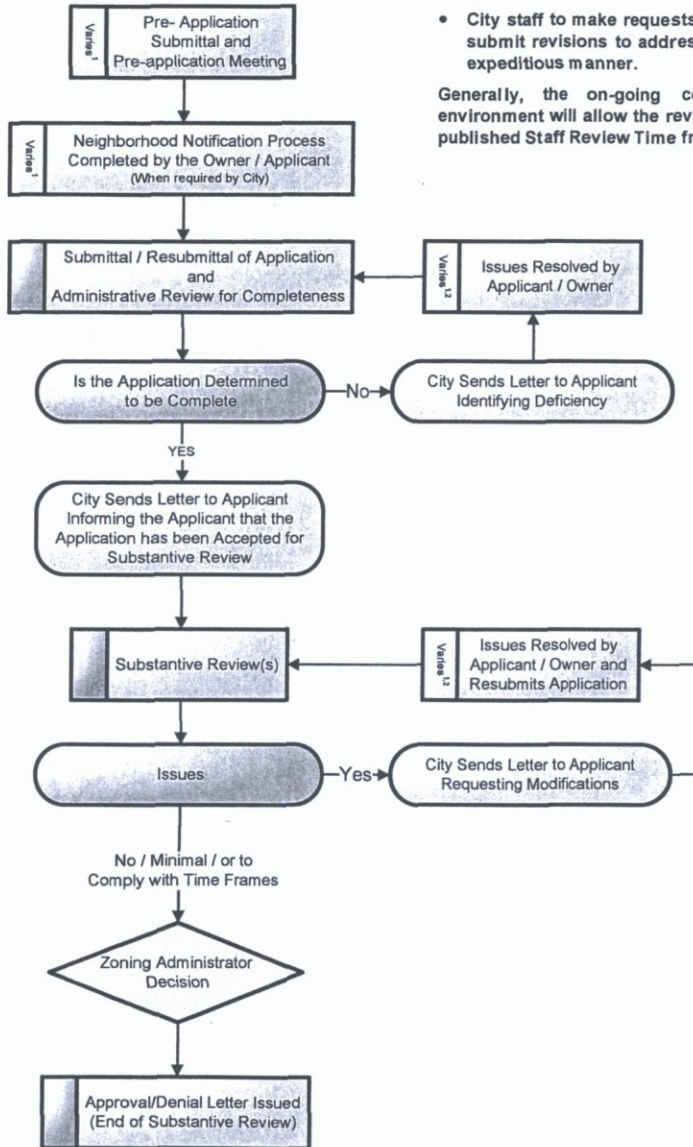
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Application Types:

- a. Special Exception (SX)
- b. In-lieu Parking (IP) (5 spaces or less per lot)



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Development Application Process

Standard Application Review

Staff Review Applications: SX & IP

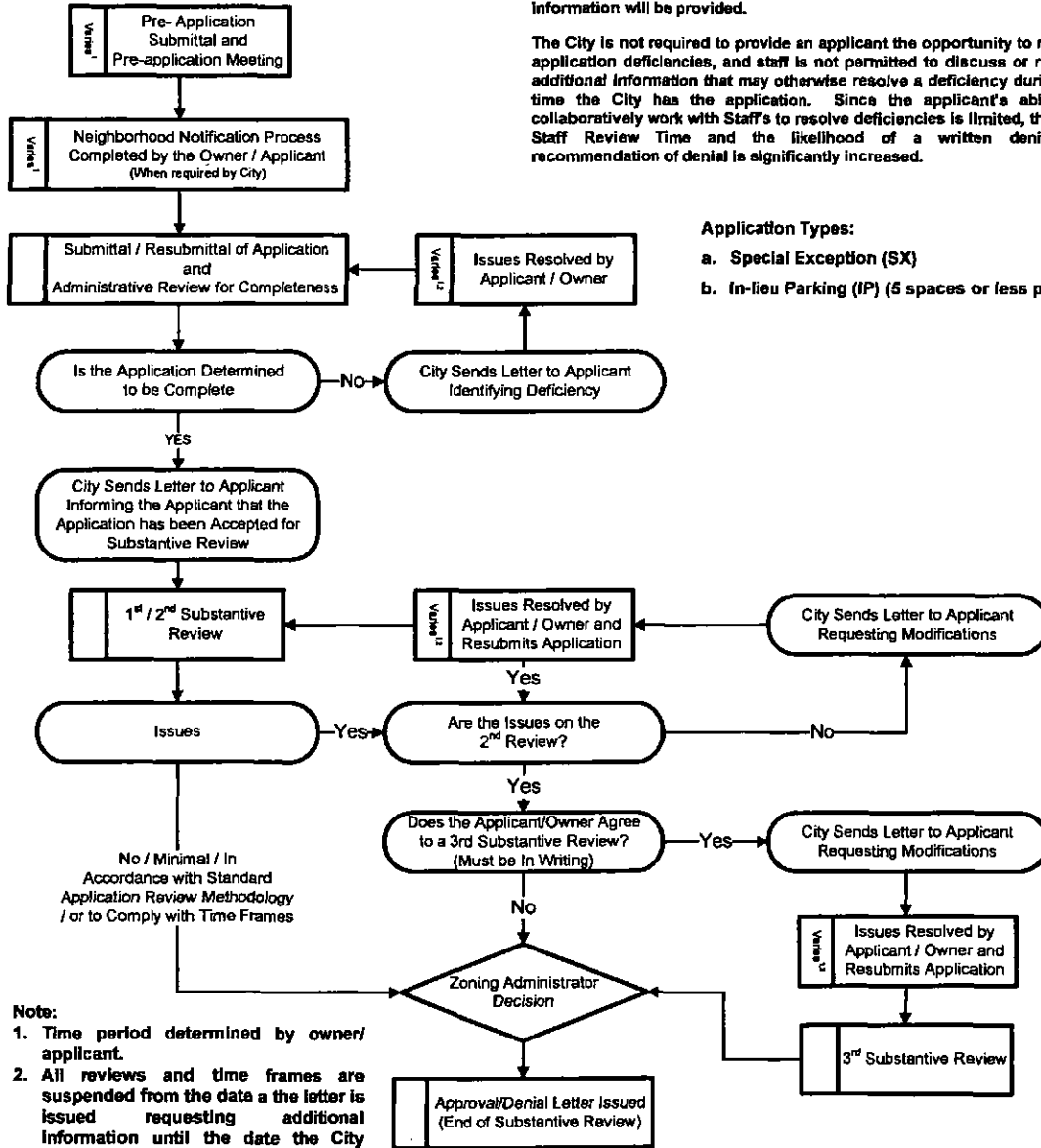
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Time Line

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