

DEVELOPMENT REVIEW BOARD REPORT



Meeting Date: July 1, 2021
General Plan Element: *Character and Design*
General Plan Goal: *Foster quality design that enhances Scottsdale as a unique southwestern desert community.*

ACTION

**The Champs Live Here
Mural**
20-DR-2021

Request for approval of an existing mural on the east elevation of an existing commercial building.

SUMMARY

Staff Recommendation

Approve, subject to the attached stipulations (Attachment #6)

Items for Consideration

- Conformance with Development Review Board Criteria
- Integration of Sensitive Design Principles
- Mural was painted without design approval in early 2020
- Subject site has active Notice of Violation due to lack of approval for exterior changes
- Mural wraps around south and east elevations and depicts a desert landscape
- Community support for existing mural

BACKGROUND

Location: 8018 East Thomas Road

Zoning: C-1, Neighborhood Commercial

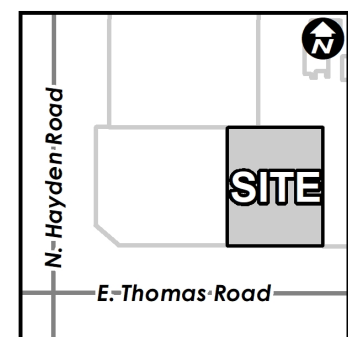
Adjacent Uses

North: Retail Store and Residential Condominium Complex, zoned C-1 and R-5 (C)

East: Residential Condominium Complex, zoned R-5 (C)

South: East Thomas Road and Residential Condominium Complex, zoned R-5

West: Car Wash, zoned C-2



Property Owner and Applicant

Mike Baum

615-969-6775

DEVELOPMENT PROPOSAL

The applicant is requesting design approval of an existing mural that is located on the south and east elevations of an existing commercial building. The mural was commissioned by the applicant in early 2020 but did not receive required design approval. Code enforcement issued a Notice of Violation for the exterior color change without approval in May of 2020 and the violation is still active.

The existing mural wraps around the east and south building elevation and consists of a vibrant desert landscape including purple mountains, green desert plants, an Arizona Flag, and gold championship belt. The mural also extends to the interior patio courtyard and lattice which includes colorful freedom fighters.

Based on previous Development Review Board approval of murals, the artwork is typically limited to one building elevation to function as an accent wall and not overwhelm the existing architecture. In discussions with the applicant, staff recommended that the applicant repaint the exterior patio lattice and building elevations along the south side back to the original color scheme (red and tan respectively) but to retain the mural along the east elevation. This way the front façade facing the street is still a cohesive design but the mural along the east elevation is still visible to pedestrian and vehicular traffic along East Thomas Road travelling westbound. The applicant has agreed to the modification and stipulations are included to reflect this proposed change.

Development Review Board Criteria

Staff confirms that the development proposal, with the modified mural, generally meets the applicable Development Review Board Criteria. For a detailed analysis of the Criteria, please see Attachment #4.

STAFF RECOMMENDED ACTION

Staff recommends that the Development Review Board approve The Champs Live Here Mural development proposal per the attached stipulations, including repainting the southern patio lattice and building elevation to the original colors, finding that the Development Review Board Criteria have been met.

RESPONSIBLE DEPARTMENTS

Planning and Development Services
Current Planning Services

STAFF CONTACTS

Katie Posler
Senior Planner
480-312-2703 kposler@ScottsdaleAZ.gov

APPROVED BY



Katie Posler, Senior Planner, Report Author

6/21/21

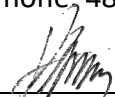
Date



Brad Carr, AICP, LEED-AP, Planning & Development Area Manager
Development Review Board Liaison
Phone: 480-312-7713 Email: bcarr@scottsdaleaz.gov

6/21/2021

Date



Randy Grant, Executive Director
Planning, Economic Development, and Tourism
Phone: 480-312-2664 Email: rgrant@scottsdaleaz.gov

6/22/2021

Date

ATTACHMENTS

1. Context Aerial
2. Close-up Aerial
3. Applicant's Narrative
4. Development Review Board Criteria Analysis
5. Development Information
6. Stipulations / Zoning Ordinance Requirements
7. Photos of Existing Mural
8. Photos of Previous Conditions
9. Zoning Map
10. City Notification Map



Q.S.
15-47

Google Earth Pro Imagery

Context Aerial

20-DR-2021



Close-up Aerial

20-DR-2021



The mural that we painted 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 8 months. We lost over \$100K during that time and most of our staff. I personally was homeless during the 8-month construction. I paid my employees, but I did not pay myself for that entire time.

I had to rent my house out in order to cover the mortgage. During the 8-month 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 for 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 opened back up, business started to thrive. We started to climb out of the hole we were in from construction.

Then, Coviid 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 dine in business, and we 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 is a city that was build on will, not on the backs of men and women that gave up easily. We are just another chapter in the long history of hard working, never quitting 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 and that is what our Mural represents.

Mural Contents

The first picture to the right is our east facing mural. It is 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.

It ties into the courtyard where we have our mural of 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 different people in our community who are fighting their own battles.

We want them to all know that we understand their struggles and this is a reminder that they are champs 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 trees 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 willing to repaint these walls in desert tones if that would please the committee. These walls are not important to the meaning of the mural.



Freedom Fighters

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

This is a very 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.

At the end of the day, we understand that we violated the city ordinance for color, but we believe we made a positive change and are putting out a positive message for our Community.

We also believe that our mural makes the neighborhood more beautiful. Our landlord refuses 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. However, that eye sore was acceptable because it technically met city color codes.

So, while it may not exactly fit Scottsdale Color code for commercial buildings, it HELPS beautify the community. The color of the rest of the building is yellow with burnt sienna red trim. We have asked our landlord to repaint it since we moved in and they said they would, but never have.

Below is a preview of what the rest of the building looks like:



Mural Colors



DEVELOPMENT REVIEW BOARD CRITERIA ANALYSIS

Per Section 1.904. of the Zoning Ordinance, in considering any application for development, the Development Review Board shall be guided by the following criteria:

1. The Board shall examine the design and theme of the application for consistency with the design and character components of the applicable guidelines, development standards, Design Standards and Policies Manual, master plans, character plan and General Plan.
 - *Please review applicant's narrative for full statement.*
 - *Staff finds that the mural along the east elevation generally complies with the Commercial Design Guidelines and previous Development Review Board approvals of murals and artwork which are limited to one elevation.*
2. The architectural character, landscaping and site design of the proposed development shall:
 - a. Promote a desirable relationship of structures to one another, to open spaces and topography, both on the site and in the surrounding neighborhood;
 - b. Avoid excessive variety and monotonous repetition;
 - c. Recognize the unique climatic and other environmental factors of this region to respond to the Sonoran Desert environment, as specified in the Sensitive Design Principles;
 - d. Conform to the recommendations and guidelines in the Environmentally Sensitive Lands (ESL) Ordinance, in the ESL Overlay District; and
 - e. Incorporate unique or characteristic architectural features, including building height, size, shape, color, texture, setback or architectural details, in the Historic Property Overlay District.
 - *Please review applicant's narrative for full statement.*
 - *Staff finds that the proposed mural, limited to the east elevation, is a vibrant, colorful, and abstract desert landscape that responds and relates to the Sonoran Desert environment. The applicant's mural color palate is bright, as opposed to muted earth tones, but acts as an accent wall on the building.*
3. Ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas and pedestrian ways shall be designed as to promote safety and convenience.
4. *This criterion is not applicable.*
5. If provided, mechanical equipment, appurtenances and utilities, and their associated screening shall be integral to the building design.
6. *This criterion is not applicable.*
7. Within the Downtown Area, building and site design shall:
 - a. Demonstrate conformance with the Downtown Plan Urban Design & Architectural Guidelines;
 - b. Incorporate urban and architectural design that address human scale and incorporate pedestrian-oriented environment at the street level;
 - c. Reflect contemporary and historic interpretations of Sonoran Desert architectural traditions, by subdividing the overall massing into smaller elements, expressing small scale details, and recessing fenestrations;
 - d. Reflect the design features and materials of the urban neighborhoods in which the development is located; and
 - e. Incorporate enhanced design and aesthetics of building mass, height, materials and intensity with transitions between adjacent/abutting Type 1 and Type 2 Areas, and adjacent/abutting Type 2 Areas and existing development outside the Downtown Area.

- *This criterion is not applicable.*
8. The location of artwork provided in accordance with the Cultural Improvement Program or Public Art Program shall address the following criteria:
- a. Accessibility to the public;
 - b. Location near pedestrian circulation routes consistent with existing or future development or natural features;
 - c. Location near the primary pedestrian or vehicular entrance of a development;
 - d. Location in conformance with Design Standards and Policies Manual for locations affecting existing utilities, public utility easements, and vehicular sight distance requirements; and
 - e. Location in conformance to standards for public safety.
- *This criterion is not applicable. The proposed mural is a private art and not public art that is a part of the Cultural Improvement Program or Public Art Program.*

DEVELOPMENT INFORMATION

Zoning History

The site was annexed into the City of Scottsdale in 1964 under Ordinance No. 273. The site was later rezoned to a commercial district in 1985 to allow for a restaurant use.

Community Involvement

With the submittal of the application, staff notified all property owners within 750 feet of the site. In addition, a hearing site was posted at the subject site. As of the publishing of this report, staff has not received any community input regarding the application, but in 2020 the applicant created a petition online to keep the mural which was met with much support.

Context

The subject site is located northeast of the North Hayden Road and East Thomas Road intersection. The site is generally surrounded by other commercial and multi-family residential uses along Thomas Road.

**Stipulations for the
Development Review Board Application:
The Champs Live Here Mural
Case Number: 20-DR-2021**

These stipulations are intended to protect the public health, safety, welfare, and the City of Scottsdale.

APPLICABLE DOCUMENTS AND PLANS:

1. Except as required by the Scottsdale Revised Code (SRC), the Design Standards and Policies Manual (DSPM), and the other stipulations herein, the site design and construction shall substantially conform to the following documents:
 - a. Architectural elements, including dimensions, materials, form, color, and texture shall be constructed to be consistent with the building elevations with a city staff date of 6/21/21.

ARCHITECTURAL DESIGN:

DRB Stipulations

2. There shall be no lighting associated with the mural approval.
3. Applicant shall repaint the southern elevation, including exterior patio lattice and building wall, back to the original color scheme.
4. Future color changes require design approval.



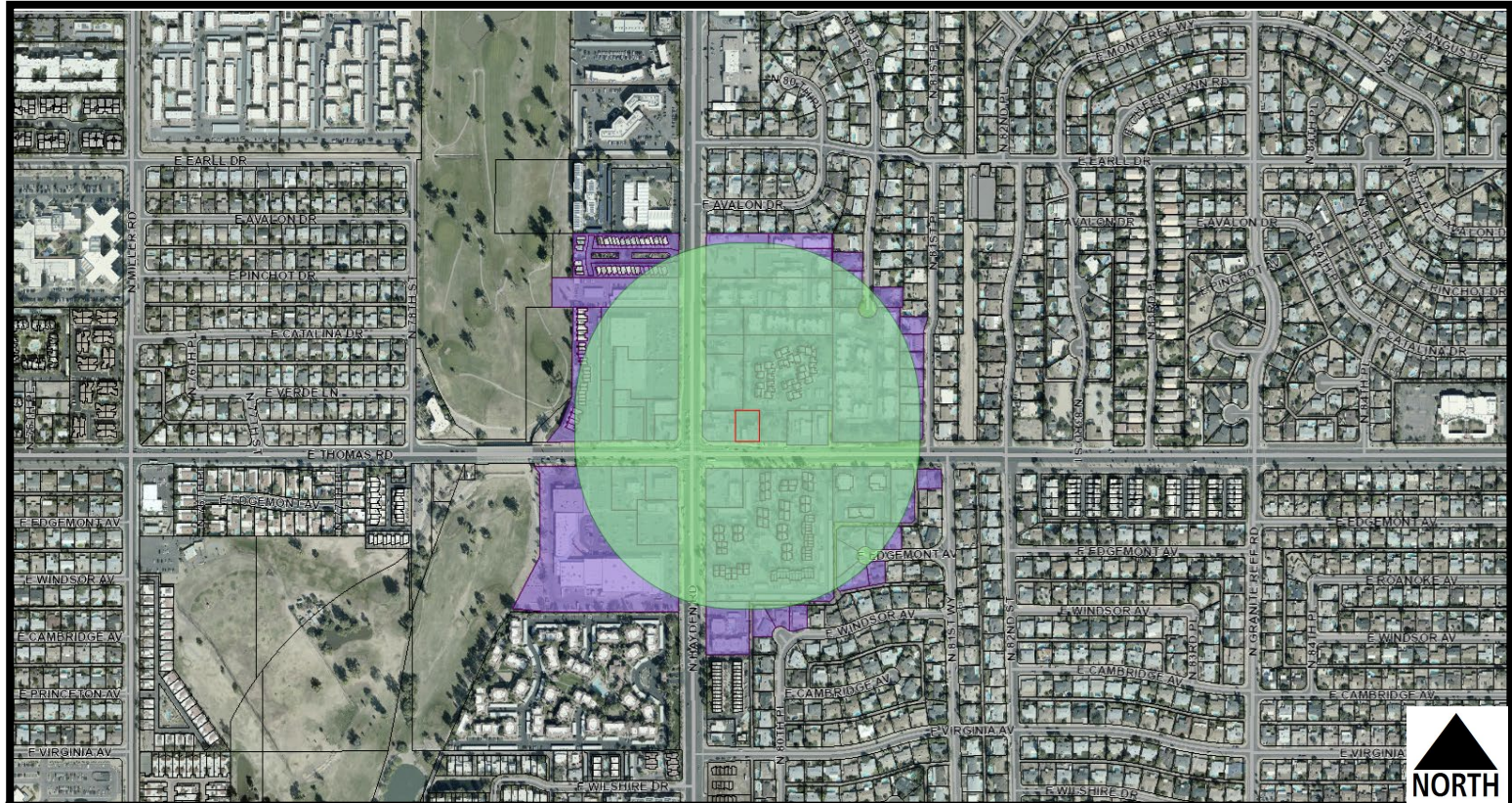






City Notifications – Mailing List Selection Map

The Champs Live Here Mural

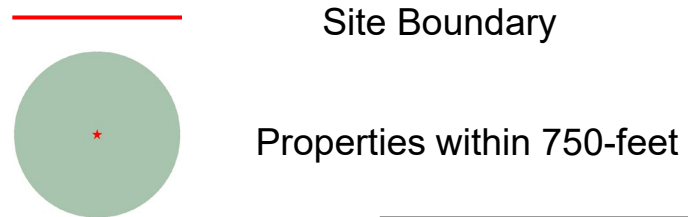


Additional Notifications:

Interested Parties List
Adjacent HOA's
P&Z E-Newsletter
Facebook
Nextdoor.com
City Website-Projects in the hearing process

Labels Pulled
June 11, 2021

Map Legend:



Postcards: 383

20-DR-2021