

**NOTICE OF PUBLIC HEARING
ZONING ADJUSTMENT HEARING**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given the **ZONING ADJUSTMENT HEARING OFFICER** and to the general public, that the **CITY OF PHOENIX ZONING ADJUSTMENT HEARING OFFICER** will hold a meeting open to the public on **December 22, 2015, at 9:00 a.m. located in Assembly Room C, Phoenix City Hall, 200 West Washington Street, First Floor, Phoenix, Arizona.**

The agenda for the meeting is as follows:

RESULTS

- 9:00 AM**
- Approved w/ stips** 1. Application #: ZA-518-15-1 (Sign)
Existing Zoning: C-2
Location: 2728 West Peoria Avenue
Quarter Section: 29-22(K7)
Proposal: Use permit for a major amendment to the Metro Square Comprehensive Sign Plan (new ground signs). Use permit required.

Ordinance Sections: 705.E.2.
Applicant: Giovann Melendez, Bluemedia
Representative: Giovann Melendez, Bluemedia
Owner: Metro Square 553, LLC
c/o Kimco Realty Corporation
- Stipulations:**
- 1) Address numbers shall be added to the redesigned ground signs as approved by the Planning and Development Department.
 - 2) The freeway sign located at the northeast corner of the property shall be demolished prior to the issuance of the sign permit for the new freeway sign.
 - 3) One year to apply and pay for sign permits.
- Approved w/ stips** 2. Application #: ZA-522-15-8 (Sign)
Existing Zoning: C-3/P-1 TOD-1
Location: 1150 East Van Buren Street
Quarter Section: 11-29(F8)
Proposal: 1) Variance to increase the letter height on a wall sign to 36 inches and 17 inches. Maximum letter height for building fronts 30 feet in height or less is 12 inches. 2) Variance to allow a wall sign to extend closer than half the vertical height of the letters to a roofline. Wall signs shall extend no closer than half the vertical height of the letters employed to a building corner or to a roofline.

Ordinance Sections: 662.K.1.b. 662.K.1.c.
Applicant: Chris Gilliland, Bootz & Duke Sign Company
Representative: Chris Gilliland, Bootz & Duke Sign Company
Owner: Bok, Evn, and Henry Park, Park Estates, LLC

Stipulations:

- 1) General conformance with the sign drawings dated October 23, 2015.
- 2) 90 days to apply and pay for permits.

**Approved
w/ stip**

3. Application #: ZA-524-15-6 (Sign)
Existing Zoning: C-2
Location: 5555 North 7th Street
Quarter Section: 20-29(I8)
Proposal: Use permit to establish the Cinema Park Comprehensive Sign Plan. Use permit required.
- Ordinance Sections: 705.E.2.
Applicant: Ana Jones, Trademark Visual, Inc.
Representative: Ana Jones, Trademark Visual, Inc.
Owner: Jack Jakosky, Cinema Park Investments, LTD Partnership

Stipulation:

- 1) 6 months to apply and pay for permits.

**Approved
w/ stips**

4. Application #: ZA-537-15-5 (Sign)
Existing Zoning: R1-6
Location: 5902 West Indian School Road
Quarter Section: 17-14(H5)
Proposal: **1)** Variance to increase the height of a ground sign to 16.6 feet. Maximum height of a ground sign for non-residential activity in a residential district is 8 feet with design review.
2) Variance to increase the area of a ground sign to 63 square feet. Maximum area of a ground sign for non-residential activity in a residential district is 32 square feet with design review.
- Ordinance Sections: 705.D. 705.D.
Applicant: Mel Corley ,For Your Sign Permit Needs, LLC
Representative: Mel Corley, For Your Sign Permit Needs, LLC
Owner: City of Phoenix

Stipulations:

- 1) 90 days to apply and pay for sign permits.
- 2) The only illuminated part of the sign shall be the push-through letters on the sign faces.

**Approved
w/ stip**

5. Application #: ZA-520-15-6
Existing Zoning: C-2 PCD
Location: 4025 East Chandler Boulevard
Quarter Section: 011-37(A10)
Proposal: **1)** Use Permit to allow outdoor dining accessory to a restaurant (MOD Pizza) within 500 feet of residential zoning. Use Permit required. **2)** Use Permit to allow outdoor alcoholic beverage consumption accessory to a restaurant (MOD Pizza) within 500 feet of residential zoning. Use Permit required.
- Ordinance Sections: 623.D.156.c. 623.D.156.c.
Applicant: Leodra Bowdell, Phoenix Permit Service
Representative: Leodra Bowdell, Phoenix Permit Service
Owner: Kimco Mountainside 647, LLC
- Stipulation:**
1) 90 days to apply and pay for permits.

**Approved
w/ stip**

6. Application #: ZA-517-15-7
Existing Zoning: C-2
Location: 2175 North 83rd Avenue
Quarter Section: 13-9(G3)
Proposal: Use permit to allow a medical marijuana dispensary facility. Use permit required.
- Ordinance Sections: 623.D.122.a.
Applicant: James Kaufman, Core Management, LLC
Representative: Walter Gilbert, Gilbert Bird Law
Owner: Mission Eben-ezer
- Stipulations:**
- 1)** The Use Permit shall be reviewed within 365 days of the issuance of the dispensary certificate for a medical marijuana use or approval to operate the cultivation and/or infusion from the Arizona Department of Health Services.
 - 2)** The applicant has 1 year to apply and pay for building permits.
 - 3)** Obtain a certificate for medical marijuana use from the Arizona Department of Health Services or approval to operate. If no certificate or approval to operate is granted within 1 year of the approval of this Variance/Use Permit, the Zoning Administrator shall schedule a revocation hearing for this Use Permit.
 - 4)** The applicant shall submit a security plan provided to the Arizona Department of Health Services to the Planning and Development Department.
 - 5)** The applicant shall notify in writing the area's Police Precinct Commander of establishing such facility. Notice of this contact shall be submitted in writing to the Planning and Development Department.

**Approved
w/ stips**

7. Application #: ZA-519-15-7
Existing Zoning: A-2
Location: 2220 West McDowell Road
Quarter Section: 13-24(G7)
Proposal: **1)** Use Permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Use permit to allow a medical marijuana infusion facility. Use permit required. **3)** Variance to allow a medical marijuana cultivation facility that is located within 5,280 feet of another medical marijuana facility. **4)** Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility.
- Ordinance Sections: 627.D.91. 627.D.93. 627.D.91.c. 627.D.93.b.
Applicant: Bill Myer, Arizona Organix
Representative: Ryan Hurley, Rose Law Group
Owner: J&M McDowell Property, LLC

Stipulations:

- 1)** The Use Permit shall be reviewed within 365 days of the issuance of the dispensary certificate for a medical marijuana use or approval to operate the cultivation and/or infusion from the Arizona Department of Health Services.
- 2)** The applicant has 90 days to apply and pay for building permits.
- 3)** Obtain a certificate for medical marijuana use from the Arizona Department of Health Services or approval to operate. If no certificate or approval to operate is granted within 1 year of the approval of this Variance/Use Permit, the Zoning Administrator shall schedule a revocation hearing for this Use Permit.
- 4)** The applicant shall submit a security plan provided to the Arizona Department of health Services to the Planning and Development Department.
- 5)** The applicant shall notify in writing the area's Police Precinct Commander of establishing such facility. Notice of this contact shall be submitted in writing to the Planning and Development Department.
- 6)** No exterior signage identifying the medical marijuana use.

Denied

8. Application #: ZA-523-15-1
Existing Zoning: A-1
Location: 21617 North 9th Avenue
Quarter Section: 42-26(N8)
Proposal: Variance request to extend the operating hours of a medical marijuana dispensary from 7:00 a.m. to 10:00 p.m. Required operating

hours shall not be earlier than 8:00 a.m. and not later than 7:00 p.m.

Ordinance Sections: 627.D.92.h.
Applicant: Gina Berman, The Giving Tree Wellness Center of North
Representative: Gina Berman, The Giving Tree Wellness Center of North
Owner: Keith Power, B&P Property Holdings

Approved w/ stips

1:30 PM
9. Application #: ZA-525-15-6
Existing Zoning: R-3
Location: 5323 North 18th Street
Quarter Section: 19-31(H9)
Proposal: **1)** Variance to reduce the required perimeter standard to 10 feet along Missouri Avenue. 20 feet required. **2)** Variance to reduce the required front yard setback to 0 feet. 10 feet required. **3)** Variance for lots to front a private drive. Public street or access way required. **4)** Use Permit to allow the Planned Residential Development (PRD) option. Use permit required.

Ordinance Sections: 615.B. Table B. 615.B. Table B. 615.B. Table B. 608.B.
Applicant: Jason Morris, Withey Morris
Representative: Jason Morris, Withey Morris
Owner: HEWSON 75TH ST, LLC

Stipulations:

- 1)** General conformance with the site plan signed and dated by the Zoning Adjustment Hearing Officer on December 22, 2015.
- 2)** Specifically in general conformance with the landscaping depicted on the site plan.
- 3)** One year to apply and pay for building permits.

Approved w/ stips

10. Application #: ZA-526-15-6
Existing Zoning: CP/GCP
Location: Southwest corner of 48th Street and Frye Road
Quarter Section: 011-39(A11)
012-39(A11)
Proposal: **1)** Use Permit to allow an increase in maximum building height of 80 feet. Use Permit required. **2)** Variance to reduce the landscape setback to 20 feet along 48th Street. Minimum 30 feet required. **3)** Variance

to reduce the landscape setback to 20 feet along Frye Road. Minimum 30 feet required.

4) Variance to delete the 3 feet required parking screening. Minimum 3 feet required.

Ordinance Sections: 626.H.1. Table 626.H.2.b. 626.H.2.b. 702.B.7.b.(2)

Applicant: Steve Barduson, Barduson Architects

Representative: Curtis Mcfarland, Mountain Park Community Church

Owner: Mountain Park Community Church

Stipulations:

1) No fenestration or windows on the southwest elevation and only what is indicated on the site plan facing due west per plans dated October 27, 2015.

2) 9 months to apply and pay for building permits.

Continued 11. Application #: ZA-527-15-8
Existing Zoning: C-2
Location: 1101 North 7th Street
Quarter Section: 12-29(G8)
Proposal: Variance to have a drive-through window for the sale of alcohol within 50 feet from a residential district. 300 feet required.

Ordinance Sections: 622.D.97.b.
Applicant: Manisha Thathi, T&B Stores LLC
Representative: Fred Stern, Stern and Associates
Owner: Subhash Thathi, T&B Stores LLC

Continued to January 21, 2016 at 1:30 p.m.

Approved w/ stip 12. Application #: ZA-528-15-6
Existing Zoning: C-2
Location: 5538 North 7th Street
Quarter Section: 20-28(I8)
Proposal: **1)** Use permit to allow outdoor dining accessory to a restaurant (Pure Sushi) within 500 feet of a residential district. Use permit required. **2)** Use permit to allow outdoor alcoholic beverage consumption accessory to a restaurant (Pure Sushi) within 500 feet of a residential district. Use permit required.

Ordinance Sections: 623.D.156.c. 623.D.156.c.
Applicant: Adam Baugh, Withey Morris, PLC
Representative: Adam Baugh, Withey Morris, PLC
Owner: Colony South, LLC

Stipulation:

1) 9 months to apply and pay for building permits.

- Approved w/ stip** 13. Application #: ZA-529-15-6
Existing Zoning: RE-35 ACSPD
Location: 4925 East Grandview Lane
Quarter Section: 19-39(H11)
Proposal: Variance to allow an open projection 0 feet from the front yard property line. Open projections may project into any required front yard not more than five feet.
Ordinance Sections: 701.A.3.a.(1).a.
Applicant: Larry D. Ewart
Representative: Larry D. Ewart
Owner: Larry D. Ewart
Stipulation:
1) 9 months to apply and pay for building permits.
- Denied as filed, Approved w/ stips** 14. Application #: ZA-532-15-6
Existing Zoning: R-3
Location: Northwest corner of 11st Street and Rose Lane
Quarter Section: 21-29(I8)
Proposal: Variance to reduce the required perimeter street setback to 0 feet. Minimum 20 feet required adjacent to a public street.
Ordinance Sections: 615.B.Table B.
Applicant: Stephen Earl, Earl, Curley, and Lagarde, PC
Representative: Stephen Earl, Earl, Curley, and Lagarde, PC
Owner: Jim and Jenny Wong
Stipulations:
1) Variance to be for the lot to be platted as lot #15 on the landscape site plan captioned Centre Parc in the northeast corner of the project.
2) 1 year to apply and pay for building permits.
- Withdrawn** 15. Application #: ZA-530-15-8
Existing Zoning: A-1
Location: 3215, 3217 and 3221 East Washington Street Phoenix, AZ 85034
Quarter Section: 10-35(F10)
Proposal: Use permit to allow a medical marijuana dispensary. Use permit required.
Ordinance Sections: 627.D.92.
Applicant: James Kaufman, Core Management, LLC
Representative: Walter Gilbert, Gilbert Bird Law Firm
Owner: Paul Gruber, Paul Gruber Design Company

**ZONING ADJUSTMENT HEARING OFFICER: MICHAEL WIDENER AND XANDON
KEATING, PLANNER III
PLANNER: MATTEO MORIC, PLANNER II**

For further information, please call Ed Keyser, Planner II, Planning and Development Department at 602-495-0382, or contact via electronic mail at zoning@phoenix.gov. This electronic mail address will not accommodate zoning enforcement/violation complaints.