

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 **February 15, 2018, at 9:00 a.m. located in Assembly Room C, Phoenix City Hall, 200 West Washington Street, First Floor, Phoenix, Arizona.**

Notes:

1. Agenda items may be taken out of order.
2. Anyone wishing to address an agenda item must complete a speaker card.
3. Comments may be limited due to time constraints and to ensure all viewpoints are heard.

The agenda for the meeting is as follows:

9:00 AM

1. Application #: ZA-552-17-4 (Continued from 12/21/17)
Existing Zoning: C-1 HRI HGT/WVR TOD-1
Location: Approximately 180 feet east of the southeast corner of Central Avenue and Thomas Road
Quarter Section: 14-28(G8)
Proposal: Variance to access from a pedestrian oriented street (Thomas Road). Access from a non-pedestrian oriented street is required.
Ordinance Sections: 662.L.5.a and b
Applicant: Wendy Riddell, Berry Riddell LLC
Representative: Wendy Riddell, Berry Riddell LLC
Owner: 31 E Thomas Road, LLC
2. Application #: ZA-638-17-3
Existing Zoning: C-2
Location: 2005 East Cactus Road
Quarter Section: 30-32(K9)
Proposal: **1)** Variance to allow an 11-foot antenna array width for a visible wireless communication wireless facility. Maximum 4-foot width permitted. **2)** Variance to allow an antenna array to extend 4 feet from the structure to which it is attached. Maximum 30 inches permitted.
Ordinance Sections: 715.B.3.b.(1) 715.B.3.b.(2)
Applicant: Rick Stannard, Crown Castle
Representative: Michael Campbell, Campbell A&Z, LLC
Owner: Ben Fatto, LP

3. Application #: ZA-639-17-3
Existing Zoning: PAD-6
Location: 2916 East Las Rocas Drive
Quarter Section: 27-34(J10)
Proposal: Variance to increase the height of a wall in the side (east) setback to 7 feet. maximum 6 feet allowed.

Ordinance Sections: 703.A.2.c
Applicant: Louis Bernstein
Representative: Louis Bernstein
Owner: Louis Bernstein
4. Application #: ZA-641-17-4
Existing Zoning: C-2, R-5, 7th Ave Urban Main S
Location: 4129 North 7th Avenue
Quarter Section: 17-26(H8)
Proposal: Use permit to allow a temporary use for up to 36 months for outdoor entertainment for a bar (The Rock). Use permit required.

Ordinance Sections: 708.D.1
Applicant: Michael Jacobs, The Rock DM, LCC
Representative: Michael Jacobs, The Rock DM, LCC
Owner: Elias Yomtoubin, F & R 7th Avenue Properties, LLC
5. Application #: ZA-642-17-5
Existing Zoning: PSC TOD-1
Location: 1617 West Bethany Home Road
Quarter Section: 20-25(I7)
Proposal: Use permit to allow the sales of alcoholic beverages accessory to a restaurant (Olive Garden). Use permit required.

Ordinance Sections: 622.D.149.a
Applicant: Olive Garden Holdings, LLC
Representative: Andrea Lewkowitz, Lewkowitz Law Office, PLC
Owner: Nataki Wimbley, Christown 1755, LLC
6. Application #: ZA-643-17-4
Existing Zoning: R1-6
Location: 1060 East Indianola Avenue
Quarter Section: 16-29(H8)
Proposal: **1)** Variance to create a lot with a street frontage of 49 feet (east lot). Minimum 60 feet required. **2)** Variance to create a lot with a street frontage of 57 feet (west lot). Minimum of 60 feet required.

Ordinance Sections: 613.B Table B 613.B Table B
Applicant: Molly McCary

- Representative: Ernest John Wright III
Owner: Ernest John Wright III
7. Application #: ZA-634-17-1
Existing Zoning: C-2, approved C-2 HR
Location: 10040 North Metro Parkway
Quarter Section: 28-21(K6)
28-22(K7)
Proposal: **1)** Use permit to allow a medical marijuana dispensary. Use permit required. **2)** Variance to allow a medical marijuana dispensary within 5,280 feet of the same type of use. Minimum 5,280 feet separation required. **3)** Variance to allow a medical marijuana dispensary within 500 feet of a residentially zoned district. Minimum 500 feet separation required. **4)** Variance to allow a medical marijuana dispensary within 1,320 feet of a school. Minimum 1,320 feet separation required.
Ordinance Sections: 623.D.124.a 623.D.124.e 623.D.124.f 623.D.124.g
Applicant: 10040 North Metro Parkway, Metro Meds
Representative: Lindsay C. Schube, Gammage & Burnham, PLC
Owner: 10040 North Metro Parkway, Metro Meds
8. Application #: ZA-640-17-7
Existing Zoning: A-1
Location: 5456 West Latham Street
Quarter Section: 12-16(G5)
Proposal: **1)** Variance to allow a medical Marijuana infusion production facility within 5,280 feet of an existing cultivation site and dispensary. Minimum of 5,280 feet of separation required. **2)** Variance to allow a medical marijuana infusion production facility within 1,000 feet of a residential zoning district. Minimum of 1,000 feet of separation required. **3)** Use permit to a medical infusion production facility. Use permit required.
Ordinance Sections: 627.D.93.b 627.D.93.c 627.D.93.a
Applicant: Benjamin Tate on behalf of Tryke Companies, LLC
Representative: Benjamin Tate, Withey Morris PLC
Owner: Turtle RE Investments Fund I A, LLC
- 1:30 PM**
9. Application #: ZA-644-17-6
Existing Zoning: R1-14
Location: 5501 East Cheery Lynn Road
Quarter Section: 15-40(G11)
Proposal: **1)** Variance to reduce the side yard (east) setback to 7 feet. Minimum 10 feet required. **2)** Variance to allow

- 35% lot coverage for a single story structure. Maximum 30% allowed for a single story structure.
- Ordinance Sections: 606.B.3.b 606.B.5
 Applicant: Scott Avery, Avery Design Group
 Representative: Scott Avery, Avery Design Group
 Owner: Gary Trinh
10. Application #: ZA-645-17-4
 Existing Zoning: C-2
 Location: 3770 North 7th Street
 Quarter Section: 16-28(H8)
 Proposal: 1) Variance to allow a 6 foot over height wall/fence along Clarendon Avenue. Maximum 40 inches permitted. 2) Variance to allow a 6 foot over height wall/fence along 7th Street. Maximum 40 inches permitted.
- Ordinance Sections: 703.A.3.a 703.A.3.a
 Applicant: Eugene U Okonkwo,
 Eugene Real Estate Investment, LLC
 Representative: Eugene U Okonkwo,
 Eugene Real Estate Investment, LLC
 Owner: Eugene U Okonkwo,
 Eugene Real Estate Investment, LLC
11. Application #: ZA-646-17-2
 Existing Zoning: R1-8
 Location: 17826 North 11th Avenue
 Quarter Section: 38-26(M8)
 Proposal: Use permit to allow Public Assembly-Residential with vehicular access on local street (11th Avenue). Use permit required.
- Ordinance Sections: 608.E.6
 Applicant: Benjamin Graff, Aday Graff, PC
 Representative: Benjamin Graff, Aday Graff, PC
 Owner: Olga and Zhora Babayeva, Shaarei Shalom, Inc.
12. Application #: ZA-1-18-4
 Existing Zoning: WU T5:MT TOD-1
 Location: Southeast corner of North Central Avenue and Weldon Avenue
 Quarter Section: 16-28(H8)
 Proposal: 1) Variance to reduce parking setback from street right-of-way along a secondary frontage (Weldon Avenue) to 5 feet, including landscape area with a minimum width of 5 feet. Minimum 20 feet of parking setback, including minimum 10-foot-wide landscape area

required. **2)** Variance to increase allowed maximum setback for main building along Weldon Avenue to 24 feet. Maximum setback of 10 feet allowed. **3)** Variance to reduce required minimum width of landscape area along Columbus Avenue to 2 feet. Minimum width of 5 feet required. **4)** Variance to reduce total number of common entries required along secondary frontages to 3 entries along Columbus Avenue and 3 entries along Weldon Avenue. 4 total entries (one per 80 feet of secondary frontage) required along both Columbus and Weldon Avenues.

Ordinance Sections: 1303.B.Table1303.2 Transect T5 1303.B.Table1303.2 Transect T5 1312.C.1.c.(2) 1303.B.Table1303.2 Transect T5

Applicant: Fore Green Development, LLC
Representative: Stephen W Anderson, Gammage & Burnham, PLC
Owner: Ironline Partners- Central & Columbus, LLC

13. Application #: ZA-2-18-1
Existing Zoning: RE-35
Location: 24223 North 62nd Drive
Quarter Section: 46-14(O5)
Proposal: Variance to increase lot coverage to 30% for a hillside lot. Maximum of 25% allowed.

Ordinance Sections: 710.C.2 Table 1
Applicant: Joshua Oehler, ArcOne Associates
Representative: Joshua Oehler, ArcOne Associates
Owner: Jagpal & Sonia Walia

14. Application #: ZA-3-18-8
Existing Zoning: R1-6 SPVTABDOD
Location: Generally bounded by Wier Avenue on the north, 24th Street on the west, Roeser Road on the south, and 31st Street on the east (62 parcels).

Quarter Section: 4-33(E9)
4-34(E10)
Proposal: Variance to reduce the side yard setback to 8 feet. Minimum 10 feet required.

Ordinance Sections: 613.B. Table B
Applicant: Chris Christensen,
City of Phoenix Neighborhood Services
Representative: Chris Christensen
City of Phoenix Neighborhood Services
Owner: City of Phoenix, Neighborhood Services Department

15. Application #: ZA-4-18-7

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| Existing Zoning: | DTC Van Buren HP |
| Location: | 345 West Van Buren Street |
| Quarter Section: | 10-27(F8) |
| Proposal: | 1) Use Permit to allow a brew pub (State 48 Brewery). Use Permit required. 2) Use Permit to allow outdoor liquor service accessory to a brew pub (State 48 Brewery). Use Permit required. |
| Ordinance Sections: | 1204.D 1204.D |
| Applicant: | Mario Rana, State 48 Brewery |
| Representative: | Mario Rana, State 48 Brewery |
| Owner: | Jim Kukendall, Welnick Marketplace, LLC |
16. Application #: ZA-5-18-4
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| Existing Zoning: | C-2, Approved C-2 HR SAUMSO |
| Location: | 4321 North 7th Avenue |
| Quarter Section: | 17-26(H8) |
| Proposal: | 1) Variance to reduce the parking stall dimensions to 9 feet by 18 feet. Minimum 9 1/2 feet by 18 feet required. 2) Variance to reduce the required queuing lane to 0 feet. Minimum 150 feet required. 3) Variance to reduce the required number of parking spaces to 6 spaces. Minimum 12 spaces required. 4) Use permit to allow a drive-through facility as an accessory use to a restaurant (The Googie) less than 300 feet from a residential district zoning line. Use permit required. 5) Use permit to allow outdoor recreation, outdoor dining, and outdoor alcoholic beverage consumption as accessory uses to a restaurant (The Googie) within 500 feet of a residential district. Use permit required. |
| Ordinance Sections: | 702.B.2.b.(1).a 702.B.6.c 665.H.Table 1 623.D.157.d 623.D.157.c |
| Applicant: | Adam Baugh, Withey Morris, PLC |
| Representative: | Adam Baugh, Withey Morris, PLC |
| Owner: | Curve Luxury Apartments, LLC, PB Bell Com |

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.

This publication can be made available in alternate format upon request. Contact Tamra Ingersoll at (602) 534-6648, TTY: use 7-1-1. To request reasonable accommodations, please contact Tamra Ingersoll at (602) 534-6648, TTY use 7-1-1.
January 23, 2018