

**NOTICE OF RESULTS
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** held a meeting open to the public on **January 7, 2021 at 9:00 AM (Items 1-8) and 1:30 PM (Items 9-16)**.

Per the most recent guidelines from the federal government, the Zoning Adjustment Hearing Officer meeting was held electronically, via a video conferencing platform.

The results of the meeting were as follows:

RESULTS

**Approved
w/stips**

9:00 AM

1. Application #: ZA-298-12-7 (1-year review of use permit)
Existing Zoning: A-1
Location: 2620 West Encanto Boulevard
Quarter Section: 14-23(G7)
Proposal: Time extension for ZA-74-12, Use Permit to allow a medical marijuana cultivation facility. Use Permit to allow a medical marijuana dispensary facility. Use Permit required.
Ordinance Sections: 627.D.91.a., 627.D.92.a.
Applicant: Encanto Green Cross Dispensary
Representative: Lindsay Schube, Gammage & Burnham, PLC
Owner: Jim Boland, Encanto Green Cross Dispensary

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 18 months 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) Applicant shall install and maintain per manufacturer's specifications an odor control system within 30 days of Certificate of Occupancy. Applicant shall submit an odor control plan identifying contact person for odor complaints to the Planning and Development Department.
- 7) Applicant shall notify the Planning and Development Department in writing within 30 days of when there is a change in the operator or entity's name.

Approved w/stips 2. Application #: ZA-459-12-8 (1-year review of use permit)
Existing Zoning: A-1
Location: 4116 East Superior Avenue, Suites 1, 2, 3 B
Quarter Section: 6-37(E10)
Proposal: **1)** Use permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Use permit to allow a medical marijuana infusion production facility. Use permit required. **3)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. A medical marijuana cultivation facility shall not be located within 5,280 feet of another medical marijuana facility. **4)** Variance to allow a medical marijuana infusion production facility within 5,280 feet of another medical marijuana facility. A medical marijuana infusion production facility shall not be located within 5,280 feet of another medical marijuana facility.

Ordinance Sections: 627.D.91.a. 627.D.93.a. 627.D.91.c. 627.D.93.b.
Applicant: Theodore C. Pappas, N+A Enterprises, LLC
Representative: David W. Dow, Law Offices of David W. Dow
Owner: Superior Industrial Center, 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 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 18 months 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) Applicant shall install and maintain per manufacturer's specifications an odor control system within 30 days of Certificate of Occupancy. Applicant shall submit an odor control plan identifying contact person for odor complaints to the Planning and Development Department.
- 7) Applicant shall notify the Planning and Development Department in writing within 30 days of when there is a change in the operator or entity's name.

Approved w/stips 3. Application #: ZA-54-13-7 (1-year review of use permit)
Existing Zoning: A-1
Location: 2439 West McDowell Road
Quarter Section: 12-23(G7)

Proposal: 1) Use permit to allow a Medical Marijuana Cultivation Facility. Use permit required. 2) Use permit to allow a Medical Marijuana Dispensary Facility. Use permit required. 3) Use permit to allow a Medical Marijuana Infusion Production Facility. Use permit required. 4) Variance to allow a Medical Marijuana Cultivation Facility to be located within 5,280 feet of the same type of use. Shall not be located within 5,280 feet of the same type of use. 5) Variance to allow a Medical Marijuana Dispensary Facility to be located within 5,280 feet of the same type of use. Shall not be located within 5,280 feet of the same type of use. 6) Variance to allow a Medical Marijuana Infusion Production Facility to be located within 5,280 feet of the same type of use. Shall not be located within 5,280 feet of the same type of use.

Ordinance Sections: 627.D.91.a 627.D.92.a 627.D.93.a 627.D.91.c 627.D.92.d 627.D.93.b

Applicant: Mark Steinmetz, Nature's AZ Medicines Inc

Representative: Lindsay C. Schube, Gammage & Burnham, PLC

Owner: World Enterprises

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 18 months 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) Applicant shall install and maintain per manufacturer's specifications an odor control system within 30 days of Certificate of Occupancy. Applicant shall submit an odor control plan identifying contact person for odor complaints to the Planning and Development Department.
- 7) Applicant shall notify the Planning and Development Department in writing within 30 days of when there is a change in the operator or entity's name.

Continued 4. Application #: ZA-370-13-3 (1-year review of use permit)
 Existing Zoning: A-1
 Location: 2046 West Ironwood Drive
 Quarter Section: 28-24(K7)

Proposal: Use permit to allow a medical marijuana cultivation facility. Use permit required.
Ordinance Sections: 627.D.91.a.
Applicant: Nolan Ryan
Representative: Nolan Ryan
Owner: Nolan Ryan

Continued to February 18, 2021 at 9:00 AM.

**Approved
w/stips**

5. Application #: ZA-442-13-7 (1-year review of use permit)
Existing Zoning: A-1
Location: 2620, 2626, 2632 West Encanto Boulevard
Quarter Section: 14-23(G7)
Proposal: **1)** Use permit to expand an approved medical marijuana cultivation facility. Use Permit required. **2)** Use permit to expand an approved medical marijuana infusion facility. Use Permit required. **3)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of any medical marijuana facility. **4)** Variance to allow a medical marijuana infusion facility within 5,280 feet of any medical marijuana facility.
Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b
Applicant: Jim Boland, Encanto Green Cross Dispensary, LLC
Representative: Lindsay Schube, Gammage & Burnham, PLC
Owner: 2620, 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 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 18 months 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) Applicant shall install and maintain per manufacturer's specifications an odor control system within 30 days of Certificate of Occupancy. Applicant shall submit an odor control plan identifying contact person for odor complaints to the Planning and Development Department.
- 7) Applicant shall notify the Planning and Development Department in writing within 30 days of when there is a change in the operator or entity's name.

Approved w/stips 6. Application #: ZA-543-14-8 (1-year review of use permit)
Existing Zoning: A-1
Location: 4116 East Superior Avenue, Suite D
Quarter Section: 6-37(E10)
Proposal: **1)** Use permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. A medical marijuana cultivation facility shall not be located within 5,280 feet of another medical marijuana facility.
Ordinance Sections: 627.D.91.a 627.D.91.c
Applicant: Theodore C. Pappas, N & A Enterprises
Representative: David Dow, David Dow Law Office
Owner: Superior Industrial Center
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 18 months 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) Applicant shall install and maintain per manufacturer's specifications an odor control system within 30 days of Certificate of Occupancy. Applicant shall submit an odor control plan identifying contact person for odor complaints to the Planning and Development Department.
7) Applicant shall notify the Planning and Development Department in writing within 30 days of when there is a change in the operator or entity's name.

Approved w/stips 7. Application #: ZA-174-15-7 (1-year review of use permit)
Existing Zoning: A-1
Location: 211 South 57th Drive
Quarter Section: 10-15(F5)
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 within 1-mile of a similar type of use. Minimum separation of 5,280 feet required. **4)** Variance to allow a medical marijuana

infusion facility within 1-mile of a similar type of use.
Minimum separation of 5,280 feet required.

Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b
Applicant: AZ Med, Inc, - Operator
Representative: Ryan Hurley, Rose Law Group, PC
Owner: 203-211 Shapiro, 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 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 18 months 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) Applicant shall install and maintain per manufacturer's specifications an odor control system within 30 days of Certificate of Occupancy. Applicant shall submit an odor control plan identifying contact person for odor complaints to the Planning and Development Department.
- 7) Applicant shall notify the Planning and Development Department in writing within 30 days of when there is a change in the operator or entity's name.

**Approved
w/stips**

8. Application #: ZA-117-16-7 (1-year review of use permit)
Existing Zoning: A-1
Location: 211 South 57th Drive
Quarter Section: 10-15(F5)
Proposal: **1)** Use permit to allow a medical marijuana dispensary. Use permit required. **2)** Variance to allow a medical marijuana dispensary within 5280 feet of another medical marijuana facility. Minimum of 5280 feet separation required.

Ordinance Sections: 627.D.92.a. 627.D.92.d.
Applicant: Superior Organics
Representative: Lindsay Schube, Gammage & Burham, PLC
Owner: 203-211 Shapiro, 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 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 18 months 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) Applicant shall install and maintain per manufacturer's specifications an odor control system within 30 days of Certificate of Occupancy. Applicant shall submit an odor control plan identifying contact person for odor complaints to the Planning and Development Department.
- 7) Applicant shall notify the Planning and Development Department in writing within 30 days of when there is a change in the operator or entity's name.

1:30 PM

Approved w/stips

9. Application #: ZA-702-20-6
 Existing Zoning: R1-10 ACSPD
 Location: 4509 East Calle Ventura
 Quarter Section: 18-38(H11)
 Proposal: Use permit to allow a closed projection to project 15 feet into the required rear yard. Use permit required.
 Ordinance Sections: 701.A.3.a.(2).(d).
 Applicant: Natasha Hartrick, NHM Designs, PLLC
 Representative: Natasha Hartrick, NHM Designs, PLLC
 Owner: Scott & Natalie Patten
- Stipulations:**
- 1) 1 year to apply and pay for building permits.
 - 2) The encroachment shall be in general conformance to the site plan dated December 3, 2020.

Approved w/stip

10. Application #: ZA-703-20-7
 Existing Zoning: C-3 ACOD
 Location: 1114 Grand Avenue
 Quarter Section: 11-26(F8)
 Proposal: Use permit to allow a disguised wireless communication facility within 150 feet of a property zoned for residential purposes. Use permit required.
 Ordinance Sections: 715.B.2.a.(2).(a).(i)
 Applicant: Declan Murphy, Coal Creek Consulting for T-Mobile/Tower
 Representative: Declan Murphy, Coal Creek Consulting for T-Mobile/Tower
 Owner: 1120 Grand, LLC
- Stipulation:**
- 1) 1 year to apply and pay for building permits.

- Approved w/stips** 11. Application #: ZA-704-20-5
Existing Zoning: C-2
Location: 1901 West Glendale Avenue
Quarter Section: 22-24(I7)
Proposal: **1)** Variance to reduce the building setback (east) to 10 feet. Minimum 25 feet required. **2)** Variance to reduce the streetscape landscape setback along 19th Avenue (east) to 10 feet. An average of 25 feet for structures not exceeding two stories or 30 feet, minimum 20 feet permitted for up to 50 percent of the frontage.
Ordinance Sections: 623.E.4.d 623.E.4.e
Applicant: David Richert, Richert & Associates
Representative: David Richert, Richert & Associates
Owner: Walt Broom, WNDG, LLC
Stipulations:
1) 14 months to apply and pay for building permits.
2) Setback reductions shall be in general conformance to the site plan dated December 3, 2020.
- Denied** 12. Application #: ZA-705-20-8
Existing Zoning: R1-6
Location: 3502 East McKinley Street
Quarter Section: 11-35(F10)
Proposal: Variance to reduce the required side yard setback (west) to 0 feet. Minimum 10 feet required.
Ordinance Sections: 613.B.Table B
Applicant: Celestino and Antoinette Trevizo
Representative: Celestino and Antoinette Trevizo
Owner: Celestino and Antoinette Trevizo
- Denied** 13. Application #: ZA-706-20-6
Existing Zoning: R1-6
Location: 1520 East San Miguel Avenue
Quarter Section: 20-30(I9)
Proposal: Variance to reduce the required side yard setback (east) to 7 feet. Minimum 10 feet required.
Ordinance Sections: 613.B.Table B
Applicant: David Ross, Ross Design Group Architecture
Representative: David Ross, Ross Design Group Architecture
Owner: Luis Busani, and Sarah Spencer
- Approved w/stip** 14. Application #: ZA-718-20-3
Existing Zoning: C-3
Location: 9015 and 9019 North 3rd Street, 306-334 East Caron Street
Quarter Section: 27-28(J8)
Proposal: **1)** Variance to reduce the streetside building setback (Caron Street) to 15 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections. **2)** Variance to reduce the streetside building setback (3rd Street) to 20 feet. An average of 25 feet is required,

minimum of 20 permitted for up to 50 percent, including projections. **3)** Variance to reduce the streetscape landscape setback (Caron Street) to 15 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections. **4)** Variance to reduce the streetscape landscape setback (3rd Street) to 20 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent, including projections.

Ordinance Sections: 624.E.4.d. 624.E.4.d. 624.E.4.e. 624.E.4.e.
Applicant: Wendy Riddell, Berry Riddell, LLC
Representative: Wendy Riddell, Berry Riddell, LLC
Owner: John C. Lincoln Health Network

Stipulation:

- 1) 1 year to apply and pay for building permits.

Approved w/stips

15. Application #: ZA-699-20-6
Existing Zoning: C-2
Location: 1040 East Camelback Road
Quarter Section: 19-29(H8)
Proposal: **1)** Use permit to allow a medical marijuana dispensary facility. Use permit required. **2)** Variance to allow a medical marijuana dispensary facility within 5,280 feet of another medical marijuana use. Minimum 5,280 feet of separation required. **3)** Variance to allow a medical marijuana dispensary facility within 500 feet of a residentially zoned district. Minimum 500 feet of separation required. **4)** Variance to allow a medical marijuana dispensary facility within 1,320 feet of a preschool. Minimum 1,320 feet of separation required. **5)** Variance to allow a medical marijuana dispensary facility within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required.

Ordinance Sections: 623.D.124.a 623.D.124.e 623.D.124.f 623.D.124.g 623.D.124.h

Applicant: Steve Cottrell, Curaleaf
Representative: Larry Lazarus, Lazarus & Silvyn, P.C.
Owner: James Kaufman, 1040 E. Camelback Road, 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 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 18 months 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) Applicant shall install and maintain per manufacturer's specifications an odor control system within 30 days of Certificate of Occupancy. Applicant shall submit an odor control plan identifying contact person for odor complaints to the Planning and Development Department.
- 7) Applicant shall notify the Planning and Development Department in writing within 30 days of when there is a change in the operator or entity's name.
- 8) The applicant shall submit an application to revoke AZ-579-15 within 30 days of approval to operate by Arizona Department of Health Services.

**Approved
w/stips**

16. Application #: ZA-700-20-8
 Existing Zoning: C-2
 Location: 4730 South 48th Street
 Quarter Section: 4-38(E11)
 Proposal: Use permit to allow a medical marijuana dispensary facility. Use permit required.
 Ordinance Sections: 623.D.124.a
 Applicant: Larry Lazarus, Lazarus & Silvyn, P.C.
 Representative: Larry Lazarus, Lazarus & Silvyn, P.C.
 Owner: Bennet Lebherz, Shoppes at Cotton Center, 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 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 18 months 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) Applicant shall install and maintain per manufacturer's specifications an odor control system within 30 days of Certificate of Occupancy. Applicant shall submit an odor control plan identifying contact person for odor complaints to the Planning and Development Department.
- 7) Applicant shall notify the Planning and Development Department in writing within 30 days of when there is a change in the operator or entity's name.

**ZONING ADJUSTMENT HEARING OFFICER: CRAIG STEBLAY
 PLANNER: ERIC MORALES, PLANNER II**

For further information, please call Eric Morales, Planner II, Planning and Development Department at 602-262-7927, or contact via electronic mail at zoning.adjustment@phoenix.gov. This electronic mail address will not accommodate zoning enforcement/violation complaints.

This publication can be made available in alternate format upon request. To request a reasonable accommodation, please contact Tamra Ingersoll at the Planning and Development Department at 602.534-6648, TTY: Use 7-1-1.

January 8, 2021