

## NOTICE OF PUBLIC MEETING ZONING ADJUSTMENT HEARING

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of 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 **April 15, 2021 9:00 AM (Items 1-8) and 1:30 PM (Items 9-17)**

**Per the most recent social distancing guidelines from the federal government, no residents will be allowed to attend the meeting in-person.**

### **OPTIONS TO ACCESS THE MEETING**

- **Call-in to listen** to the live meeting: Dial **602-666-0783**, Enter meeting access code **1824680279#**, and press # again when prompted for the attendee ID.
- **Observe the live meeting virtually**, by clicking on the following link and registering to join the meeting online:  
<https://cityofphoenixpdd.webex.com/cityofphoenixpdd/onstage/g.php?MTID=e6bd15b518544b14c5f35c85b7144105f>
- **Submit a comment** on an agenda item:
  - At: [zoning.adjustment@phoenix.gov](mailto:zoning.adjustment@phoenix.gov)
  - Indicate: Item Number and Case Number
- **Register to speak** on an agenda item:
  - At: [zoning.adjustment@phoenix.gov](mailto:zoning.adjustment@phoenix.gov)
  - By: **48 hours prior to the start of the hearing**. Staff will make every effort to accommodate requests to speak submitted beyond the 48-hour period. Due to the added demands of facilitating the virtual environment for the public, applicants and other staff members, we cannot consider any request less than 6 business hours before the start of the meeting / hearing.
  - Indicate: Item Number and Case Number

### **Notes:**

1. Agenda items may be taken out of order.
2. 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-243-19-5 (1-year review of use permit)  
Existing Zoning: C-2  
Location: 2601 West Dunlap Avenue  
Quarter Section: 26-23(J7)  
Proposal: **1)** Variance to allow a nonprofit medical marijuana dispensary within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required.  
**2)** Variance to allow a nonprofit medical marijuana dispensary within 500 feet of a residentially zoned district. Minimum 500 feet separation required. **3)** Use Permit to

- allow a nonprofit medical marijuana dispensary. Use Permit required.
- Ordinance Sections: 623.D.124.e 624.D.124.f 624.D.124.a  
 Applicant: BC Retail Development, LLC  
 Representative: Benjamin Tate, Withey Morris, PLC  
 Owner: MP Dunlap, Inc.
2. Application #: ZA-128-20-7 (1-year review of use permit)  
 Existing Zoning: A-2  
 Location: 3450 West Broadway Road  
 Quarter Section: 5-21(E6)  
 Proposal: **1)** Use permit to allow a banquet hall of less than 25,000 square feet in gross floor area. Use permit required. **2)** Variance to reduce the required off-street parking to 56 spaces. Minimum 76 parking spaces required.
- Ordinance Sections: 623.D.9 702.C.Table  
 Applicant: Omar Cervantes, XCL Engineering, LLC  
 Representative: Felix Garcia  
 Owner: Martha Flores Rivera, SMD Remodeling, LLC
3. Application #: ZA-20-21-8 (Continued from February 25, 2021)  
 Existing Zoning: S-1  
 Location: 10250 South 39th Avenue  
 Quarter Section: 04-19(C6)  
 Proposal: **1)** Time extension of ZA-585-19, variance to create a lot without street frontage. Street frontage required. **2)** Time extension of ZA-585-19, variance to reduce the side yard (east) setback for a detached accessory structure to 39 feet. Minimum 50 foot setback required.
- Ordinance Sections: 608.H.1 603.B.3  
 Applicant: Diego & Maria Herrera  
 Representative: Diego & Maria Herrera  
 Owner: Diego & Maria Herrera
4. Application #: ZA-22-21-6 (Continued from February 25, 2021)  
 Existing Zoning: C-2, P-1  
 Location: 5600 North 7th Street, Suite 100  
 Quarter Section: 20-28(I8)  
 Proposal: **1)** Use permit to allow outdoor recreation uses accessory to a restaurant (The Bevvv) within 500 feet of a residential district. Use permit required if located within 500 feet of a residential district. **2)** Use permit to allow a bar which exceeds 5,000 square feet in gross floor area and is located within 300 feet of a residential district. Use permit required.
- Ordinance Sections: 623.D.157.c 623.D.157.e  
 Applicant: C Amigos, LLC / Bevvv  
 Representative: Jeffrey Craig Miller, Arizona Liquor Industry Consultants  
 Owner: AD OUT, LLC

5.           Application #:           ZA-115-21-2  
Existing Zoning:           C-2, P-1  
Location:                 1003 East Indian School Road  
Quarter Section:         16-29(H8)  
Proposal:                 **1)** Use permit to allow outdoor dining accessory to a restaurant (Ono Hawaiian BBQ) within 500 feet of a residential zoning district. Use permit required if located within 500 feet of a residential zoning district. **2)** Use permit to allow outdoor dining accessory to a restaurant (Coffee Concept) within 500 feet of a residential zoning district. Use permit required if located within 500 feet of a residential zoning district. **3)** Use permit to allow a drive-through facility accessory to a restaurant (Ono Hawaiian BBQ) within 300 feet of a residential zoning district. Use permit required if located within 300 feet of a residential zoning district. **4)** Use permit to allow a drive-through facility accessory to a restaurant (Coffee Concept) within 300 feet of a residential zoning district. Use permit required if located within 300 feet of a residential zoning district.
- Ordinance Sections: 623.D.157.c. 623.D.157.c. 623.D.157.d.(2).  
623.D.157.d.(2).
- Applicant:           Anton Nguyen, One Hawaiian BBQ  
Representative:         Anton Nguyen, One Hawaiian BBQ  
Owner:                   Fairway Colima AZ Four, LLC
6.           Application #:           ZA-119-21-8  
Existing Zoning:           RE-35  
Location:                 2626 West Elliot Road  
Quarter Section:         04-23(C7)  
Proposal:                 Variance to reduce the minimum lot width (Lot #3) to 25 feet. Minimum 150 feet required.
- Ordinance Sections: 609.B.Table
- Applicant:           John and Linda Aguirre  
Representative:         John and Linda Aguirre  
Owner:                   John and Linda Aguirre
7.           Application #:           ZA-120-21-7  
Existing Zoning:           C-2  
Location:                 4902 West Baseline Road  
Quarter Section:         1-17(D5)  
Proposal:                 **1)** Use permit to allow outdoor dining as an accessory use to a restaurant (Habit Burger) within 500 feet of a residential district. Use permit required. **2)** Use Permit to allow a queuing lane for a drive-through facility accessory to a restaurant (Habit Burger) less than 300 feet from a residential district zoning line. Use permit required.
- Ordinance Sections: 623.D.157.c 623.D.157.d.(2)
- Applicant:           Neil Feaser, RCAA Architects, Inc.

Representative: Neil Feaser, RKAA Architects, Inc.  
Owner: Simon CRE BMM II, LLC

8. Application #: ZA-121-21-8  
Existing Zoning: C-2  
Location: 3210 East Thomas Road  
Quarter Section: 15-35(G10)  
Proposal: Use permit to allow an environmental remediation facility. Use permit required.  
Ordinance Sections: 622.D.60  
Applicant: Ed Malmanis, Malmanis Consulting and Engineering, LLC  
Representative: Douglas Wymore, Wymore Law  
Owner: Robert Gosnell, Vantage Commercial Properties, Inc.

**1:30 PM**

9. Application #: ZA-76-21-7 (SIGN) (Continued from March 25, 2021)  
Existing Zoning: A-1  
Location: 5870 West Van Buren Street  
Quarter Section: 11-15(F5)  
Proposal: **1)** Use permit to allow a new off-premise sign with a 28 foot separation from a residential district and residential use where a 500 foot separation is required. Use permit required. **2)** Use permit to allow an electronic message display (south face only) for an off-premise sign. Use permit required.  
Ordinance Sections: 705.2.A.5 705.2.E.3  
Applicant: Jacob Zonn, Becker Boards  
Representative: William Lally, Tiffany & Bosco, PA  
Owner: Southern Cross, LLC
10. Application #: ZA-99-21-6 (SIGN)  
Existing Zoning: C-2  
Location: 2375 East Camelback Road  
Quarter Section: 18-32(H9)  
Proposal: Use permit for a major amendment updating sign locations and design criteria for the 24th at Camelback Comprehensive Sign Plan. Use permit required.  
Ordinance Sections: 705.1.E.2  
Applicant: Brandon McMillen, Smithcraft Signs  
Representative: Brandon McMillen, Smithcraft Signs  
Owner: Bill Marek, Hines
11. Application #: ZA-107-21-4 (SIGN)  
Existing Zoning: C-1  
Location: 702 East Osborn Road  
Quarter Section: 16-29(H8)

- Proposal: Use permit for a major amendment to allow more than one wall sign per tenant in the 702 East Osborn Comprehensive Sign Plan. Use permit required.
- Ordinance Sections: 705.E.2
- Applicant: Andy Gibson, Bootz & Duke
- Representative: Andy Gibson, Bootz & Duke
- Owner: Brian Boubek, 702 East Osborn, LLC
12. Application #: ZA-118-21-4 (SIGN)
- Existing Zoning: C-2 HRI
- Location: 1636 North Central Avenue
- Quarter Section: 13-27(G8)
- Proposal: Use permit to adopt the Arizona Opera Comprehensive Sign Plan. Use permit required.
- Ordinance Sections: 705.E.2
- Applicant: Joseph Specter, Arizona Opera
- Representative: Ana Jones, Trademark Visual, Inc.
- Owner: City of Phoenix
13. Application #: ZA-112-21-6
- Existing Zoning: R-4
- Location: 2535, 2537, 2545, 2549 East Clarendon Avenue
- Quarter Section: 16-33(H9)
- Proposal: **1)** Variance to allow maneuvering in the right-of-way (Clarendon Avenue). Maneuvering must be located on private property. **2)** Variance to allow maneuvering in the right-of-way (26th Street). Maneuvering must be located on private property. **3)** Variance to reduce the landscape setback (north) adjacent to a public street right-of-way to 0 feet. Minimum 20 feet required. **4)** Variance to reduce the average landscape setback (east) adjacent to a public street right-of-way to 6 feet. Minimum 10 feet required. **5)** Variance to reduce interior perimeter landscape setback (west) to 4 feet. Minimum 5 feet required.
- Ordinance Sections: 702.A.1.b 702.A.1.b 703.B.3.a 703.B.3.a 703.B.3.b.(3)
- Applicant: Dennis M. Newcombe, Gammage & Burnham, PLC
- Representative: Lindsay Schube, Gammage & Burnham, PLC
- Owner: Nicholas A. Affronti, Brooklyn AZ Properties, LLC
14. Application #: ZA-113-21-5
- Existing Zoning: R1-6
- Location: 7538 North 31st Drive
- Quarter Section: 24-21(J6)
- Proposal: Use permit for official approval of a home occupation (internet firearm sales). Use permit required.
- Ordinance Sections: 608.E.3.h.(5)
- Applicant: John LaBua, AZ Premier Firearms, LLC
- Representative: John LaBua, AZ Premier Firearms, LLC
- Owner: John LaBua, AZ Premier Firearms, LLC

15.       Application #:            ZA-114-21-6  
Existing Zoning:           RE-35  
Location:                    5023 East Red Rock Drive  
Quarter Section:         19-39(H11) 19-40(H11)  
Proposal:                    Variance to reduce the required front yard (north) setback to 10 feet. Minimum 40 feet required.  
Ordinance Sections:     609.B.Table  
Applicant:                 Jon Poetzl, Poetzl Architecture + Design  
Representative:         Jon Poetzl, Poetzl Architecture + Design  
Owner:                      Matt & Lauren Morstad
16.       Application #:            ZA-116-21-7  
Existing Zoning:           R-5 RI  
Location:                    817 North 10th Avenue  
Quarter Section:         11-26(F8)  
Proposal:                    **1)** Variance to reduce the front setback (west) to 10 feet. Minimum 20 feet required. **2)** Variance to reduce the front landscape setback (west) to 10 feet. Minimum 20 feet required. **3)** Variance to reduce the landscape setback adjacent to an interior property line (north) to 0 feet. Minimum 5 feet required. **4)** Variance to reduce the landscape setback adjacent to an interior property line (south) to 0 feet. Minimum 5 feet required. **5)** Variance to reduce the landscape setback adjacent to the rear property line (east) to 0 feet. Minimum 5 feet required.  
Ordinance Sections:     618.B.Table B 703.B.3.a 703.B.3.b 703.B.3.b 703.B.3.b  
Applicant:                 Taylor Earl, Earl & Curley  
Representative:         Taylor Earl, Earl & Curley  
Owner:                      Ran Holdings, LLC
17.       Application #:            ZA-117-21-5  
Existing Zoning:           C-2  
Location:                    2601 West Dunlap Avenue  
Quarter Section:         26-23(J7)  
Proposal:                    Review and possible revocation of ZA-19-17, use permit for a medical marijuana dispensary.  
Ordinance Sections:     307.A.7.g  
Applicant:                 David Thomas, Greens Goddess Products, Inc.  
Representative:         Benjamin Tate, Withey Morris, PLC  
Owner:                      Dunlap Crossings, LLC

For further information please call Eric Morales, Planner II, Planning and Development Department at 602-262-7927 or to request a reasonable accommodation, please contact Tamra Ingersoll at 602.534-6648 or TTY: 7-1-1.