

**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 **December 22, 2022 9:00 AM (Items 1-6) and 1:30 PM (Items 7-14)**.

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-531-22-1 Existing Zoning: PSC Location: 4261 West Thunderbird Road Quarter Section: 32-19(L6) Proposal: 1) Use permit to allow sales of alcoholic beverages as an accessory to a restaurant (First Watch). Use permit required. 2) Use permit to allow outdoor dining as an accessory to a restaurant (First Watch). Use permit required. 3) Use permit to allow outdoor alcoholic beverage consumption as an accessory to a restaurant (First Watch). Use permit required. 4) Use permit to allow outdoor recreation (speakers) as an accessory to a restaurant (First Watch). Use permit required. Ordinance Sections: 622.D.150.a 622.D.150.d 622.D.150.d 622.D.150.d Applicant: First Watch Restaurants, Inc Representative: Emily Roberts, Consolidated Development Services Owner: Arizona Partners Retail Investment Group Stipulations: 1) Hours of operation for patio shall be limited to 7:00 AM to 2:30 PM. 2) 12 months to apply and pay for building permits.
Approved w/stips	2.	Application #: ZA-533-22-6 Existing Zoning: C-2 Location: 5544 East Thomas Road Quarter Section: 15-40(G11) Proposal: 1) Variance to allow an over height wall (6 feet) within the required street front setback. Maximum 40 inches permitted. 2) Variance to reduce the required landscape setback adjacent to a street (south) to 10 feet. Minimum 20 feet required. 3) Variance to reduce the required landscape setback adjacent to a street (east) to 10 feet. Minimum 20 feet required.

Ordinance Sections: 703.A.3.a 703.B.3.a 703.B.3.a
Applicant: George Pasquel III, Withey Morris, PLC
Representative: George Pasquel III, Withey Morris, PLC
Owner: 5544 Thomas Land, LLC

Stipulations:

- 1) The sidewalk along Thomas Road shall be detached 3 feet from the curb or as approved by the Planning and Development Department.
- 2) 12 months to apply and pay for building permits.

**Approved
w/stips**

3. Application #: ZA-534-22-6
Existing Zoning: R-3
Location: 2645 East Glenrosa Avenue
Quarter Section: 17-33(H9)
Proposal: **1)** Use permit to allow the Planned Residential Development (PRD) option. Use permit required. **2)** Variance to reduce the perimeter building setback (north) to 15 feet. Minimum 20 feet required. **3)** Variance to reduce the perimeter landscape setback (north) to 15 feet. Minimum 20 feet required. **4)** Variance to reduce the perimeter building setback (south) to 10 feet. Minimum 15 feet required.

Ordinance Sections: 608.B 615.B.Table B 703.B.3.a 615.B.Table B
Applicant: Marty Hall
Representative: Marty Hall
Owner: John Hansen

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reductions as shown on the site plan dated November 17, 2022.

**Approved
w/stips**

4. Application #: ZA-535-22-8
Existing Zoning: C-1 BAOD
Location: Northwest corner of 27th Street and Baseline Road
Quarter Section: 1-33(D9)
Proposal: Time extension for ZA-346-21, variance to reduce the landscape setback from the property line along Baseline Road to 39 feet. Minimum 50 feet required.

Ordinance Sections: 651.D.2.a
Applicant: Abraham Vazquez, Whataburger Real Estate
Representative: Jenifer Tedrick, Sustainability Engineering Group (SEG)
Owner: Baseline 25, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) General conformance to the setbacks reduction as shown on the site plan dated June 30, 2021, from Case No. ZA-346-21.

**Approved
w/stips**

5. Application #: ZA-537-22-3
Existing Zoning: C-1
Location: 3375 East Shea Boulevard
Quarter Section: 28-35(K10)
Proposal: **1)** Use permit to allow a drive-through facility accessory to a restaurant (Scooter's Coffee) within 300 feet from a residential zoning district. Use permit required. **2)** Variance to reduce the building setback (east) adjacent to public street (35th Street) to 17 feet. Minimum 25 feet required. **3)** Variance to reduce the landscape setback (east) adjacent to public street (35th Street) to 12 feet. Minimum 25 feet required. **4)** Variance to reduce the landscape setback (north) adjacent to public street (Shea Boulevard) to 12 feet. Minimum 25 feet required. **5)** Variance to reduce the minimum parking requirement to 75 spaces. Minimum 79 parking spaces required.
- Ordinance Sections: 622.D.150.e.(2) 622.E.4.d 622.E.4.e 622.E.4.e 702.C.Table
- Applicant: Ed Bull, Burch & Cracchiolo, P.A.
Representative: Ed Bull, Burch & Cracchiolo, P.A.
Owner: Alisa Devault-Maltby, CC Coffee, LLC
- Stipulations:**
- 1) 1 year to apply and pay for building permits.
 - 2) Per the setback reductions and drive through location as shown on the site plan dated November 7, 2022.
 - 3) A "No Left Turn" sign shall be posted on the driveway along Shea Boulevard.

**Approved
w/stips**

6. Application #: ZA-538-22-8
Existing Zoning: R-3
Location: 2930 East Coronado Road
Quarter Section: 13-34(G10)
Proposal: **1)** Variance to allow a lot with no public street frontage. Frontage on a public street is required. **2)** Variance to reduce the required side yard setback (southwest) to 1 foot. Minimum 10 feet required. **3)** Variance to reduce the required side yard setback (north) to 1 foot. Minimum 3 feet required.
- Ordinance Sections: 615.B.Table B 615.B.Table B 615.B.Table B
- Applicant: Ayali Delsole Cassel
Representative: Ayali Delsole Cassel
Owner: Ayali Delsole Cassel
- Stipulations:**
- 1) 1 year to apply and pay for building permits.
 - 2) Per the setback reductions as shown on the site plan dated November 8, 2022.
 - 3) The legal frontage of this lot shall be the southernmost perimeter measuring 20 feet in width.

Approved w/stips	7.	1:30 PM	
		Application #:	ZA-523-22-2 (SIGN)
		Existing Zoning:	C-2 PCD
		Location:	15600 North Scottsdale Road
		Quarter Section:	35-44(L12)
		Proposal:	Use permit to adopt a major amendment to the Kierland Comprehensive Sign Plan. Use permit required.
		Ordinance Sections:	705.E.2.d.
		Applicant:	Brian Greig, Image360Scottsdale
		Representative:	Andrew Chi, Andrew Chi Planning
		Owner:	William Corrigan, C&W Group, LLC
		Stipulations:	
			1) Adherence to the sign drawings shown in the Comprehensive Sign Plan amendment date stamped October 17, 2022.
			2) Submit a revised document as needed to the Planning and Development Department approval incorporating corrections requested by the Sign Section.
			3) 12 months to apply and pay for sign permits.
Approved w/stips	8.	Application #:	ZA-57-16-8 (1-Year Review of Use Permit)
		Existing Zoning:	A-1
		Location:	4116 East Superior Avenue
		Quarter Section:	6-37(E10)
		Proposal:	1) Use permit to allow a medical marijuana cultivation facility. Use permit is required. 2) Use permit to allow a medical marijuana infusion facility. Use permit is required. 3) Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required. 4) Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required.
		Ordinance Sections:	627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b
		Applicant:	Theodore C. Pappas, N and A Enterprises
		Representative:	Adam Baugh, Withey Morris PLC David Dow, Dow Law Office
		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**

9. Application #: ZA-409-22-7
Existing Zoning: DTC-Roosevelt South HP
Location: 822 North 6th Avenue
Quarter Section: 11-27(F8)
Proposal: Use permit to allow outdoor entertainment (amplified music) as an accessory use to a bar (Garden Bar Phoenix). Use permit required.
Ordinance Sections: 1204.D
Applicant: Kim and Kevin Haasarud Garden Bar PHX
Representative: Kim and Kevin Haasarud Garden Bar PHX
Owner: Kim and Kevin Haasarud Garden Bar PHX

Stipulations:

- 1) Outdoor entertainment permitted on Fridays and Saturdays until 10:00 PM and Sundays until 6:00 PM.
- 2) 1 year review.
- 3) 6 months to commence use.

**Approved
w/stip**

10. Application #: ZA-529-22-7
Existing Zoning: DTC-Evans Churchill West
Location: 50 East Pierce Street and 710 North 1st Street
Quarter Section: 11-27(F8)
Proposal: Variance to allow maneuvering in the right-of-way (alley). Maneuvering must be located on private property.
Ordinance Sections: 702.A.1.b
Applicant: CRG C/O Clayco, Inc
Representative: Manjula M. Vaz, Gammage & Burnham, PLC
Owner: Downtown Phx Resi Owner, LLC, C/O Clayco, Inc.

Stipulation:

- 1) 2 years to apply and pay for building permits.

Approved w/stips	11.	Application #:	ZA-530-22-7
		Existing Zoning:	A-1
		Location:	5110 West Van Buren Street
		Quarter Section:	11-16(F5)
		Proposal:	1) Variance to allow outdoor uses, outdoor storage, or open buildings 17 feet from a public street (Van Buren Street). Minimum 75 feet required. 2) Variance to reduce the front yard (south) setback to 17 feet. Minimum of 25 feet required. 3) Variance to allow outdoor uses, outdoor storage, or open buildings 30 feet from a public street (51st Avenue). Minimum 75 feet required.
		Ordinance Sections:	627.F.2.b.(3) 701.D.3.a 627.F.2.b.(3)
		Applicant:	Michael Mosharrafa, Cobblestone Auto Spa
		Representative:	Jesse Macias, M3 Design
		Owner:	Tom Reinhard
		Stipulations:	
			1) Per setback reductions as shown on the site plan dated November 2, 2022.
			2) 18 months to apply and pay for building permits.
Approved w/stips	12.	Application #:	ZA-540-22-1
		Existing Zoning:	C-2
		Location:	3233 West Peoria Avenue
		Quarter Section:	28-21(K6)
		Proposal:	1) Use permit to allow outdoor dining as an accessory to a restaurant (Dunkin') within 500 feet of a residential zoning district. Use permit required. 2) Use permit to allow a drive through facility accessory to a restaurant (Dunkin') within 300 feet of a residential zoning district. Use permit required.
		Ordinance Sections:	623.D.157.c 623.D.157.d
		Applicant:	SimonCRE Buddy III, LLC
		Representative:	Michele McCoy, FM Group, Inc.
		Owner:	SimonCRE Buddy III, LLC
		Stipulations:	
			1) General conformance to the site plan (page A1) dated and signed by the Hearing Officer.
			2) 18 months to apply and pay for building permits.
Approved w/stips	13.	Application #:	ZA-541-22-7
		Existing Zoning:	C-1 PCD
		Location:	2927 South 99th Avenue
		Quarter Section:	6-5(E2)
		Proposal:	Use permit to allow a drive-through facility accessory to a restaurant (Scooter's Coffee) within 300 feet from a residential zoning district. Use permit required.

Ordinance Sections: 622.D.150.e.(2)
Applicant: Milan Knezovich III, Desert Espresso Cafe, LLC
Representative: Michele McCoy, FM Group, Inc.
Owner: WND6, LLC

Stipulations:

- 1) The drive-through shall be in general conformance with the site plan dated and signed by the Hearing officer.
- 2) 1 year to apply and pay for building permits.

**Approved
w/stips**

14. Application #: ZA-552-22-3
Existing Zoning: C-1
Location: 10810 North Tatum Boulevard, Suite 107
Quarter Section: 29-38(K11)
Proposal: **1)** Use permit to allow sales of alcoholic beverages as an accessory to a restaurant (Nick's) Use permit required. **2)** Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a restaurant (Nick's). Use permit required. **3)** Use permit to allow outdoor recreation as an accessory to a restaurant (Nick's). Use permit required.
- Ordinance Sections: 622.D.150.a 622.D.150.d 622.D.150.d
Applicant: Jason Brody, Roxy's Paradise Inc dba Nick's
Representative: Jeffrey C. Miller, ALIC
Owner: 3503 RP Phoenix, LLC, Kite Realty Group, LP
- Stipulations:**
- 1) Patio area is limited to 350 square feet and shall be contained with a 42 inch barrier/screen.
 - 2) There shall be a clear view of the patio from the restaurant.
 - 3) The hours of the patio hours are limited to 9:00 PM Sunday to Thursday. Friday and Saturday is limited to 10:00 PM.
 - 4) The outdoor recreation shall have no more than 2 televisions and 1 small accessory speaker.

**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 Angie Holdsworth at 602-495-5622, angie.holdsworth@phoenix.gov TTY: Use 7-1-1.

December 23, 2022