

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 **December 29, 2022 at 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-313-12-8 (1-Year Review of Use Permit)
Existing Zoning: A-1
Location: 4116 East Superior Avenue, Suite 4D
Quarter Section: 6-37(E10)
Proposal: **1)** Time extension for ZA-41-12. Use permit to allow a medical marijuana cultivation facility and infusion production facility. Time extension required. **2)** Variance to allow a medical marijuana infusion production facility within 5,280 feet of another medical marijuana facility. Variance required if located within 5,280 feet of another medical marijuana facility. **3)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Variance required if located within 5,280 feet of another medical marijuana facility.
- Ordinance Sections: 307.A.12. 627.D.93.b. 627.D.91.c.
Applicant: Ted Pappas, N+A Enterprises, LLC
Representative: David 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**

2. Application #: ZA-544-22-8
 Existing Zoning: A-2 SPVTABDO
 Location: 5020 South 16th Street
 Quarter Section: 4-30(E9)
 Proposal: **1)** Variance to eliminate the rear (west) setback for open uses (truck driving school) adjacent to a residential district to 20 feet. Minimum 150 feet required. **2)** Variance to allow an outdoor use (truck driving school) within 20 feet of a public street. Minimum 75 feet from public street required.
 Ordinance Sections: 628.E.2.b.(2) 628.E.2.b.(3)
 Applicant: Paul Almond, AlmondADG
 Representative: Paul Almond, AlmondADG
 Owner: Jimmy Armstrong
Stipulations:
 - 1) 1 year to apply and pay for building permits.
 - 2) Landscaped areas at the west end of the property shall be increased to 30 feet in width with a minimum of six trees that will grow to a minimum of 20 feet in height when mature. A minimum of 50% of planter areas shall include live plantings.
 - 3) An 8 foot high solid masonry wall shall be provided along the north from the west property line to the existing building on the property adjacent to the north.
 - 4) An 8 foot high solid masonry wall shall be provided along the south from the west property line to the students parking area.
 - 5) The beeping from trucks in reverse shall be turned off.

**Approved
w/stip**

3. Application #: ZA-545-22-3
 Existing Zoning: PUD
 Location: Northeast corner of 9th Street and Greenway Parkway
 Quarter Section: 36-29(M8)
 Proposal: Variance to allow maneuvering to occur in the public right-of-way (Phelps Road). All maneuvering must be located on private property.
 Ordinance Sections: 702.A.1.b
 Applicant: Jimmy McCloskey, Embrey Partners
 Representative: Michael Maerowitz, Snell & Wilmer, LLP
 Owner: Donald Valk

Stipulation:

- 1) 1 year to pay and obtain building permits.

**Approved
w/stip**

4. Application #: ZA-554-22-1
Existing Zoning: S-1
Location: 3549 West McArthur Drive
Quarter Section: 50-20(P6)
Proposal: Variance to reduce the side yard (west) setback for an accessory structure to 10 feet. Minimum 50 feet required.

Ordinance Sections: 603.B.3
Applicant: Joseph P Giuliano
Representative: Joseph P Giuliano
Owner: Joseph P Giuliano

Stipulation:

- 1) 1 year to pay and obtain building permits.

**Approved
w/stips**

5. Application #: ZA-555-22-7
Existing Zoning: S-1 (Approved C-2)
Location: 5120 West Southern Avenue
Quarter Section: 3-16(D5)
Proposal: Use permit to allow a car wash in an open building. Use permit required.

Ordinance Sections: 623.D.41
Applicant: Michael Mosharrafa, Cobblestone Auto Spa
Representative: Jesse Macias, M3 Design
Owner: BH Properties Management Inc
Laveen 51 2019 LLC

Stipulations:

- 1) 18 months to pay and obtain building permits.
- 2) Lighting, architecture, landscaping, and signage shall be in conformance with the approved stipulations in case Z-22-03-7.
- 3) Trees shall be provided in all planting areas at 30 feet on center or an equivalent grouping. All landscaping areas shall have a minimum of 50% live plant materials.

**Approved
w/stip**

6. Application #: ZA-560-22-4
Existing Zoning: C-1 CNSPD, C-2 CNSPD, P-1 CNSPD
Location: 1310 East McDowell Road
Quarter Section: 13-30(G9)
Proposal: Use permit to allow a community residence center in the C-1 zoning district. Use permit required.

Ordinance Sections: 622.D.38
Applicant: Denisa Istrate, Konetexture, LLC
Representative: Denisa Istrate, Konetexture, LLC
Owner: Roberta Abdallah, RA Investment Group, LLC

Stipulation:

- 1) 1 year to pay and obtain building permits.

		1:30 PM	
Withdrawn to Amend	7.	Application #:	ZA-446-22-7 (Continued from November 3, 2022)
		Existing Zoning:	DTC-West Evans Churchill
		Location:	1005 North 2nd Street
		Quarter Section:	12-29(G8)
		Proposal:	1) Use permit to allow outdoor liquor service as an accessory to a bar/restaurant. Use permit required. 2) Variance to reduce the minimum building setback along Roosevelt Street to 0 feet. Minimum 5 feet required.
		Ordinance Sections:	1204.D 1215.F
		Applicant:	Federales , Federales Phoenix, LLC
		Representative:	Noel J. Griemsmann, Snell & Wilmer
		Owner:	HSG Roosevelt & 2nd Street LLC
Under Advisement	8.	Application #:	ZA-543-22-4
		Existing Zoning:	C-2
		Location:	5121 West Thomas Road
		Quarter Section:	14-16(G5)
		Proposal:	1) Time extension for ZA-505-21, Use permit to allow package liquor sales as a primary use within 300 feet of a residential district. Use permit required. 2) Time extension for ZA-505-21, Use permit to allow a drive-through window for the sale of alcohol within 300 feet of a residential district. Use permit required.
		Ordinance Sections:	622.D.102.a 622.D.102.b
		Applicant:	Thomas S. Maroun, Esq.
		Representative:	Thomas S. Maroun, Esq.
		Owner:	Zabeeta Investments, LLC
Approved w/stip	9.	Application #:	ZA-548-22-8
		Existing Zoning:	R-3
		Location:	3809 East Earll Drive and 3815 East Earll Drive
		Quarter Section:	15-36(G10)
		Proposal:	Variance to allow a minimum lot width of 55 feet (Lot 1 & 2). Minimum lot width of 60 feet required.
		Ordinance Sections:	615.B.Table B
		Applicant:	Winnie Tang, MetroTown Assets Management, LLC
		Representative:	Winnie Tang, MetroTown Assets Management, LLC
		Owner:	Metrotown Assets Management
		Stipulation:	
			1) 1 year to pay and obtain building permits.

**#1
Approved
w/stips**

**#2 and #3
Denied as
Filed**

10. Application #: ZA-551-22-7
Existing Zoning: A-1
Location: 2525 North 27th Avenue
Quarter Section: 14-23(G7)
Proposal: **1)** Variance to reduce the front yard setback to 5 feet. Minimum of 25 feet required. **2)** Variance to reduce the required total landscaped area between property lines and abutting public right-of-way to 5 feet. Minimum 8 feet times the lot frontage required. **3)** Variance to reduce the surface parking lot landscape to 0 percent. Minimum 5 percent required.
Ordinance Sections: 701.D.3.a 701.D.3.a.(1).(a) 507 Tab A.II.A.6.1.1
Applicant: Elias Flake, deTodo Architecture, LLC
Representative: Elias Flake, deTodo Architecture, LLC
Owner: Allied Tube and Conduit Corporation
Stipulations:
1) Landscape and maintain 5 foot area along 27th Avenue plus the area between the property line and the sidewalk. (Total planter width of 7 to 8 feet).
2) Within the 27th Avenue frontage planter add 4 low water use shade trees to the existing trees and those shown on the City of Phoenix landscape plan date stamped November 17, 2022. Additional tree varieties to be compatible with the existing and proposed Cascalote and Arizona Ash.
3) At both ends of each row of covered parking (with the exception of the northmost end of the parking row on 27th Avenue) provide a landscaped and irrigated planter including a minimum of 50% living vegetation per Section 507 Tab A.II.A3.1.14. Next to the guard house near the south end of the property, provide landscaping flanking it on both sides.
4) 1 year to apply and pay for permits.

**Approved
w/stips**

11. Application #: ZA-556-22-6
Existing Zoning: C-2
Location: 5709 North 7th Street
Quarter Section: 20-29(I8)
Proposal: Use permit to allow a drive through facility accessory to a restaurant within 300 feet from a residential zoning district. Use permit required
Ordinance Sections: 623.D.157.d.2
Applicant: Mike Hudson, Atmosphere Architects
Representative: Nico Fricchione, Oneten Rei
Owner: Gary Hewson, Hewson 75th Street, LLC
Stipulations:
1) 1 year to pay and obtain building permits.
2) 1 year review with a focus on the queuing lane.

**Approved
w/stips**

12. Application #: ZA-558-22-7
Existing Zoning: C-2, P-1
Location: 2445 North 32nd Street

Quarter Section: 14-35(G10)
Proposal: **1)** Variance to reduce the landscape setback (north) adjacent to a public street to 0 feet. Minimum average 25 feet required. **2)** Variance to reduce the landscape setback (west) adjacent to a public street to 5 feet. Minimum average 25 feet required.
Ordinance Sections: 623.E.4.e 623.E.4.e
Applicant: William McArdle, AG Holdings, LLC
Representative: Lindsay Schube, Gammage and Burnham
Owner: William McArdle, AG Holdings, LLC
Stipulations:
1) 1 year to pay and obtain building permits.
2) During plan review provide additional landscaping along Sheridan as feasible.

Approved w/stip 13. Application #: ZA-561-22-5
Existing Zoning: C-2
Location: 6104 North 27th Avenue
Quarter Section: 21-22(I7)
Proposal: Use permit to allow package liquor sales as an accessory use to a convenience market (JC Convenience Store) within 300 feet of a residential district. Use permit required.
Ordinance Sections: 622.D.102.a
Applicant: J&J Dreamwork, LLC
Representative: Andrea Lewkowitz, Lewkowitz Law Office, PLC
Owner: EMIP, LLC
Stipulation:
1) 1 year to commence the use.

Approved w/stip 14. Application #: ZA-562-22-4
Existing Zoning: C-2
Location: 4102 North 27th Avenue, 4108 North 27th Avenue
Quarter Section: 17-22(H6)
Proposal: Use permit to allow the sales of package liquor as an accessory to a convenience market within 300 feet of a residential zoning district. Use permit required.
Ordinance Sections: 622.D.102.a
Applicant: Jassa Enterprises, LLC
Representative: Andrea Lewkowitz, Lewkowitz Law Office
Owner: Jassa Enterprises, LLC
Stipulation:
1) 6 months to commence the use.

ZONING ADJUSTMENT HEARING OFFICER: BETTY DRAKE
PLANNERS: PETER KANN, PLANNER II AND KIM STEADMAN, 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 Angie Holdsworth at 602-495-5622, angie.holdsworth@phoenix.gov TTY: Use 7-1-1.

December 30, 2022