

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 **February 23, 2023 at 9:00 AM (Items 1-7) and 1:30 PM (Items 8-11)**.

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-195-14-7 (1-Year Review of Use Permit)
Existing Zoning: A-1
Location: 3333 South Central Avenue
Quarter Section: 6-28(E8)
Proposal: 1) Use permit to allow a medical marijuana cultivation facility in A-1 zoning district. Use permit is required. 2) Use permit to allow a medical marijuana infusion facility in A-1 zoning district. Use permit is required. 3) Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. 4) Variance to allow a medical marijuana infusion facility 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: Steve Cottrell, Curaleaf President of AZ Operations
Representative: Steve Cottrell, Curaleaf President of AZ Operations
Owner: Larry Lazarus, Lazarus & Silvyn, P.C.

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-567-15-7 (1-Year Review of Use Permit)
Existing Zoning: A-1 RSIOD
Location: 3333 South Central Avenue, 14 and 18 East Victory Street
Quarter Section: 6-28(E8)
Proposal: **1)** Use permit to allow a medical marijuana dispensary facility. Use permit required.
2) Variance to allow a medical marijuana dispensary within 5,280 feet of another medical marijuana facility. Minimum of 5,280 feet separation required.
Ordinance Sections: 627.D.92.a 627.D.92.d
Applicant: Steve Cottrell, Curaleaf President of AZ Operations
Representative: Steve Cottrell, Curaleaf President of AZ Operations
Owner: Larry Lazarus, Lazarus & Silvyn, P.C.
Walter Gilbert Esq., Gilbert Bird Law Firm

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.

Withdrawn to Amend	3.	Application #:	ZA-454-22-3 (Continued from January 12, 2023)
		Existing Zoning:	C-2
		Location:	2150 East Cactus Road, Suite 105
		Quarter Section:	31-32(L9)
		Proposal:	1) Variance to allow a tobacco oriented retailer (Smoke Buddies) to be located within 1,320 feet of a park. Minimum 1,320 feet separation required. 2) Variance to allow a tobacco oriented retailer (Smoke Buddies) within 500 feet of the same type of use. Minimum 500 feet of separation required.
		Ordinance Sections:	623.D.194.b 623.D.194.a
		Applicant:	Tiler Lott, Smoke Buddies
		Representative:	Jeffrey Beaman, Smoke Buddies
		Owner:	Redeemed Christian Church of God
Denied	4.	Application #:	ZA-506-22-3 (Continued from January 12, 2023)
		Existing Zoning:	R1-10 PCD
		Location:	4735 East Voltaire Avenue
		Quarter Section:	32-38(L11)
		Proposal:	1) Variance to reduce the side yard (west) setback for an open carport to 0 feet. Minimum 3 feet required. 2) Variance to allow an over height (7 feet) fence located in the side yard (west) setback. Maximum 6 feet allowed.
		Ordinance Sections:	701.A.3.a.(1).(b) 703.A.2.c
		Applicant:	Steve Hoffmann
		Representative:	Steve Hoffmann
		Owner:	Steve Hoffmann
Approved w/stips	5.	Application #:	ZA-24-23-8
		Existing Zoning:	C-1
		Location:	801 and 803 East Washington Street
		Quarter Section:	10-29(F8)
		Proposal:	Use permit to allow a temporary use (outdoor event with live amplified sound and a food truck) for up to 36 months. Use permit required.
		Ordinance Sections:	708.D.1
		Applicant:	Tania Torres, Torres Chacon Ventures, LLC / Torres Multicultural Communications
		Representative:	Carmela Ramirez, Torres Multicultural Communications
		Owner:	Tania Torres, Torres Chacon Ventures, LLC / Torres Multicultural Communications
		Stipulations:	
			1) 1 event in 2023 will be held on March 3, 2023 from 5:00 PM – 11:00 PM. Music shall stop no later than 10:00 PM.

- 2) In 2024, the second annual event will be held between February – April. Hours of operation will be limited to 5:00 PM – 11:00 PM. Music shall stop by 10:00 PM.
- 3) In 2025, the third annual event will be held between February – April. Hours of operation will be limited to 5:00 PM – 11:00 PM. Music shall stop by 10:00 PM.

**Approved
w/stip**

6. Application #: ZA-27-23-7
 Existing Zoning: DTC - Downtown Gateway
 Location: 777 North Central Avenue
 Quarter Section: 11-28(F8)
 Proposal: Variance to allow maneuvering to occur in the public right-of-way (east side alley). All maneuvering must be located on private property.
 Ordinance Sections: 702.A.1.b
 Applicant: Nick Benjamin, Vela Development Partners
 Representative: Mike Maerowitz, Esq., Snell & Wilmer, LLP
 Owner: 701 N Central Owner, LLC
Stipulation:
 1) 24 months to apply and pay for building permits.

**Approved
w/stip**

7. Application #: ZA-29-23-6
 Existing Zoning: R1-10
 Location: 3045 North Marigold Drive
 Quarter Section: 15-42(G12)
 Proposal: **1)** Variance to reduce the front yard (south, East Carnation Circle) setback to 7 feet. Minimum 25 feet required. **2)** Variance to reduce the required rear yard setback (north, North Marigold Drive) to 12 feet. Minimum 25 feet required.
 Ordinance Sections: 611.Table.B 611.B.Table B
 Applicant: Jessica Sarkissian, UpFront Planning, LLC
 Representative: Jessica Sarkissian, UpFront Planning, LLC
 Owner: Victor Gojcaj, MWM Vicsdale Magic, LLC
Stipulation:
 1) 90 days to apply and pay for building permits.

1:30 PM

**Approved
w/stips**

8. Application #: ZA-14-23-4 (SIGN)
 Existing Zoning: WU T6:HWR MT* Walkable Urb
 Location: 3105 North 3rd Avenue
 Quarter Section: 15-27(G8)
 Proposal: Use permit to adopt a major amendment to the Park Central Comprehensive Sign Plan. Use Permit required.
 Ordinance Sections: 705.E.2.d.
 Applicant: Lynton Smith, Din/Cal 4, Inc.
 Representative: William Allison, Withey Morris, PLC
 Owner: Stan Shafer, HPPC, LLC

Stipulations:

- 1) For signs over 56 feet in height that emit white light, prior to sign installation, a signed statement from the sign fabricator verifying correlated color temperature in degrees Kelvin lighting modules not exceeding 4,000K were used shall be submitted to Planning and Development Department.
- 2) Signs over 56 feet in height that emit white light shall be dimmed via an automatic timer to a maximum of 40 Nits (when measured at the sign face) daily from 10:00 PM until sunrise. Sign lighting dimmer values (required to dim the sign to a maximum of 40 Nits luminance shall be submitted in writing to Planning and Development Department prior to the final sign inspection.
- 3) Sign design shall be in accordance with the drawings date stamped February 23, 2023.
- 4) 36 months to pay for and obtain sign permits.
- 5) Signs higher than 56 feet that emit white light from sunset to 10:00 PM. Maximum luminance of 80 Nits when measured at the sign face.

Denied

9. Application #: ZA-600-22-7
Existing Zoning: R-3, A-1
Location: 370 North 21st Avenue
Quarter Section: 11-24(F7)
Proposal: Variance to reduce the side yard (north) setback to 0 feet for a detached accessory structure. Minimum 3 feet required.

Ordinance Sections: 706.B
Applicant: Randy Lee Munro
Representative: Randy Lee Munro
Owner: Randy Lee Munro

**Approved
w/stips**

10. Application #: ZA-25-23-6
Existing Zoning: C-2
Location: 717 East Glendale Avenue
Quarter Section: 22-29(I8)
Proposal: Use permit to allow a drive-through facility as an accessory use to a restaurant (Better Buzz Coffee Roasters) within 300 feet of a residential district. Use permit required.

Ordinance Sections: 623.D.157.d.(2)
Applicant: Chris Mendoza, Better Buzz Coffee Company, LLC
Representative: Chris Mendoza, Better Buzz Coffee Company, LLC
Owner: Greg R. Velasquez, Trustee of the C&G Velasquez Family Trust

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per site plan date stamped January 18, 2023, related to exiting from the drive-thru. All traffic exiting must be right turn only.

Approved w/stip 11. Application #: ZA-28-23-8
Existing Zoning: A-2
Location: 1510 West Lincoln Street
Quarter Section: 9-25(F7)
Proposal: Use permit to allow an 80-foot-tall building. Use permit required.
Ordinance Sections: 628.E.2.a
Applicant: Roberto Cordero, Cemex Construction Materials South, LLC
Representative: Timothy Poe, Civil and Environmental Consultants, Inc.
Owner: Cemex Construction Materials Pacific, LLC
Stipulation:
 1) 180 days to apply and pay for building permits.

ZONING ADJUSTMENT HEARING OFFICER: MICHAEL WIDENER
PLANNER: PETER KANN, 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.

February 24, 2023