

RESULTS OF PUBLIC MEETING BOARD OF ADJUSTMENT

Pursuant to A.R.S. Section 38-431.02, notice was hereby given to the members of the **BOARD OF ADJUSTMENT** and to the general public, that the **BOARD OF ADJUSTMENT** held a meeting open to public on **Thursday, January 5, 2023 at 12:00 p.m.**

Per the most recent guidelines from the federal government, the Board of Adjustment was held virtually, via a video conferencing platform.

The results of the meeting were as follows:

RESULTS

Approved A. Approval of Minutes – December 1, 2022

(James/Hill - Vote of 6-0) (Knight absent).

Approved B. Approval of Agenda – January 5, 2023

(James/Hill - Vote of 6-0) (Knight absent).

None C. Requests for Continuance and/or Withdrawal

D. Items for Consideration

**Overtaken
ZAH0**

1. Application #: **ZA-431-22-8**
 Existing Zoning: C-2
 Location: 3001 North 24th Street
 Quarter Section: 15-33(G9)
 Proposal: **1)** Use permit to allow a medical marijuana dispensary facility. Use permit required.
 2) Variance to allow a medical marijuana dispensary facility within 500 feet of a residentially zoned district.
 3) Variance to allow a medical marijuana dispensary 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.f, 623.D.124.h
 Applicant: 24 Thomas, LLC
 Representative: Nick Wood, Snell & Wilmer, LLP
 Larry Lazarus, Lazarus and Silvyn, PC

 Owner: 24 Thomas, LLC
 Appellant: Larry Lazarus, Lazarus and Silvyn, PC

Overtaken the Zoning Adjustment Hearing Officer's decision and approved the use permit and variances with the following stipulations:

Proposed 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 18 months 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 1 year of today's hearing. 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. There shall be a minimum of two (2) building mounted security cameras on all four sides of the building. Cameras on the east side of the building shall face the adjacent public alley.**
- 9. Customers shall not be permitted to wait for service outside of the building.**
- 10. Prior to commencement of operations, the applicant shall construct an open wrought iron fence on top of the existing solid wall located along the east property line. The total height of the wall/fence shall not exceed six (6) feet.**
- 11. Prior to commencement of operations, the applicant shall construct pole mounted lights to provide lighting within the**

parking areas, as approved by the Planning and Development Department.
12. Site access shall be limited to 24th Street only.

(Beuerlein/Cole - Vote of 6-0) (Knight absent).

E. Other Business

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| Updated | 2. Update on next Board of Adjustment agenda. |
| Updated | 3. Update on pending appeals of the Board of Adjustment. |
| No Action | 4. Q & A: Procedure and Process - Board of Adjustment case law. |
| No Action | 5. The Board may vote to go into Executive Session pursuant to A.R.S Section 38-431.03.A.3. for the purpose of receiving legal advice regarding any of the above Items A-E. |

Adjourned F. Adjournment

For further information, please call Julie Garcia in the Planning and Development Department at 602-495-7029 or contact us via electronic mail at pdd.boardofadjust@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, TTY: Use 7-1-1.

January 6, 2023