

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 **May 18, 2023 9:00 AM (Items 1-6) and 1:30 PM (Items 7-11)**

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-15-19-4 (1-Year Review of Use Permit) |
| | Existing Zoning: | A-1 |
| | Location: | 2960 Grand Avenue |
| | Quarter Section: | 15-22(G7) |
| | Proposal: | 1) Time extension for ZA-295-18, use permit to allow a medical marijuana cultivation facility. Use permit required. 2) Time extension for ZA-295-18, use permit to allow a medical marijuana infusion facility. Use permit required. 3) Time extension for ZA-295-18, variance to allow a medical marijuana cultivation facility less than 5,280 feet from another medical marijuana facility. Minimum 5,280 feet of separation required. 4) Time extension for ZA-295-18, variance to allow a medical marijuana infusion facility less than 5,280 feet from another medical marijuana facility. Minimum 5,280 feet of separation required. |
| | Ordinance Sections: | 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b |
| | Applicant: | R Gary Mesch, Lily Green Management, LLC |
| | Representative: | R Gary Mesch, Lily Green Management, LLC |
| | Owner: | James & Barbara Knight, Greater Century Holdings, 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	2.	Application #:	ZA-129-22-6 (1-Year Review of Use Permit)
		Existing Zoning:	PSC, R1-6
		Location:	4747 East Elliot Road
		Quarter Section:	05-38(C11)
		Proposal:	1) Use permit to allow a pet care facility. Use permit required. 2) Variance to reduce the required setback from a residential district to 1 foot for a pet care facility. Minimum 100 feet required.
		Ordinance Sections:	622.D.131.a 622.D.131.d
		Applicant:	Henry Jennings, Surfing Pup Ahwatukee, LLC
		Representative:	William Allison, Withey Morris, PLC
		Owner:	WF Ahwatukee Mercado, LLC, Westwood Financial
Approved w/stip	3.	Application #:	ZA-141-23-8
		Existing Zoning:	MUA
		Location:	Southeast corner of 32nd Street and Baseline Road
		Quarter Section:	01-35(D10)
		Proposal:	1) Use permit request to allow a drive-through facility accessory to a restaurant (Pad B). Use permit required. 2) Use permit request to allow outdoor dining accessory to a restaurant (Pad B). Use permit required. 3) Use permit request to allow outdoor recreational uses (outdoor speakers) accessory to a restaurant (Pad B). Use permit required. 4) Use permit request to allow outdoor dining accessory to a restaurant (Shop A). Use permit required. 5) Use permit request to allow outdoor recreational uses (outdoor speakers) accessory to a restaurant (Shop A). Use permit required. 6) Variance to reduce the minimum open space to 12 percent. A minimum of 25 percent required.
		Ordinance Sections:	649.D.11.e 649.D.11.d 649.D.11.d 649.D.11.d 649.D.11.d 649.J.9
		Applicant:	Mike Hills, PHNX Design, LLC
		Representative:	Jason Hersker, Capital Asset Management

Owner: Baseline 32 Land, LP

Stipulation:

- 1) 1 year to apply and pay for building permits.

**Approved
w/stips**

4. Application #: ZA-133-23-8
Existing Zoning: R1-6
Location: 2832 North 28th Place
Quarter Section: 14-34(G10)
Proposal: **1)** Variance to reduce the required lot width (lot 1) to 52 feet. Minimum 60 feet required.
2) Variance to reduce the required lot width (lot 2) to 52 feet. Minimum 60 feet required.
3) Variance to allow 50% lot coverage (lot 1). Maximum 40% lot coverage permitted.
4) Variance to reduce the side yard setback (north) to 2 feet (lot 1). Minimum 3 feet required.
5) Variance to reduce the side yard setback (south) to 6 feet (lot 1). Minimum 10 feet required.

Ordinance Sections: 613.B.Table B 613.B.Table B 613.B.Table B 613.B.Table B 613.B.Table B
Applicant: Hector Medina
Representative: Hector Medina
Owner: Hector Medina

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per setback reduction for lot 1 as shown on the site plan date stamped April 3, 2023.

**Approved
w/stip**

5. Application #: ZA-143-23-2
Existing Zoning: PSC
Location: 4843 East Greenway Road
Quarter Section: 34-39(L11)
Proposal: Variance to reduce the setback to 140 feet from a residential district to allow a bar (Grapes & Hops Wine Bar & Shops) within 300 feet of a residential zoning district. Minimum 300 foot setback required.

Ordinance Sections: 637.B.5.c
Applicant: Jennifer Rogers, Grapes and Hops
Representative: Akram Rosheidat, MRT Design, LLC
Owner: Erik Litwin, Zanpro, LLC (Lease)

Stipulation:

- 1) 1 year to apply and pay for building permits.
- 2) Approved to reduce setback to 140 feet from a residential district to allow a bar.

**Approved
w/stips**

6. Application #: ZA-144-23-2
Existing Zoning: C-1, C-2, R-3
Location: 2700 East Greenway Parkway
Quarter Section: 35-33(L9)

Proposal: 1) Variance to reduce the front (south) building setback to 10 feet. Minimum 25 feet required.
 2) Variance to reduce the rear (north) building setback to 12 feet. Minimum 15 feet required.
 3) Variance to reduce the landscape setback requirement along Greenway Parkway to 10 feet. Minimum 25 feet required.

Ordinance Sections: 615.B.TableB 615.B.TableB 703.B.3.a

Applicant: Mike Hudson, RA, Atmosphere Architects

Representative: Dave Zellner, Atmosphere Architects

Owner: 2700 Greenway Investco, LLC

Stipulations:

1) 1 year to apply and pay for building permits.
 2) Per setback reduction as shown on the site plan date stamped April 12, 2023.

1:30 PM

Continued 7. Application #: ZA-578-22-4 (SIGN) (Continued from April 6, 2023)

Existing Zoning: C-3 General Commercial, TOD-1

Location: 4210 North Central Avenue

Quarter Section: 17-27(H8)

Proposal: 1) Use permit to convert the north face of a nonconforming off-premise sign to digital. Use permit required. 2) Use permit to reduce minimum spacing from a residential use for a nonconforming off-premise sign to 77 feet. Use permit required.

Ordinance Sections: 705.2.G.4 705.2.A.5

Applicant: Jacob Zonn, Becker Boards Small, LLC

Representative: Jacob Zonn, Becker Boards Small, LLC
 Garry Hays

Owner: 2JW Investments, LLC

Continued to June 22, 2023 at 1:30 PM.

Approved w/stips 8. Application #: ZA-130-23-4 (SIGN)

Existing Zoning: C-2 PSC

Location: 4338 West Thomas Road

Quarter Section: 15-18(G6)

Proposal: Variance to increase the wall sign area to 147 square feet. Maximum 110 square feet permitted.

Ordinance Sections: 705.D.1 Table D-1

Applicant: Bujak Properties III, West Valley OBGYN

Representative: Helen Brach & Bujak, West Valley OBGYN-
 Bujak Properties

Owner: Helen Brach & Bujak, West Valley OBGYN-
 Bujak Properties

Stipulations:

1) Sign design shall be in accordance with the sign drawings date stamped May 18, 2023.

2) 12 months to obtain sign permits for the wall signs.

**Approved
w/stips**

9. Application #: ZA-98-19-7 (1-Year Review of Use Permit)
Existing Zoning: C-2
Location: 2175 North 83rd Avenue
Quarter Section: 13-9(G3)
Proposal: Time extension of ZA-34-18, use permit to allow a medical marijuana dispensary facility. Use permit required
Ordinance Sections: 623.D.124.a.
Applicant: Steve Cottrell, CLF AZ Management, LLC
Representative: Larry Lazarus, Lazarus, Silvyn & Bangs, PC
Owner: Gilbert Bird Law Firm

Stipulations:

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- 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**

10. Application #: ZA-59-23-3 (Continued from March 23, 2023)
Existing Zoning: C-2
Location: 3217 East Shea Boulevard, Suite 1
Quarter Section: 28-35(K10)
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 residential zoning district. Minimum 500 feet of separation required.

Ordinance Sections: 623.D.124.a 623.D.124.f
Applicant: M. Ryan Hurley, CSF Retail, LLC
Representative: Lindsay Schube, Gammage & Burnham
Owner: BRF Enterprises, LLC

Stipulations:

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- 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/stip**

11. Application #: ZA-147-23-7
Existing Zoning: CP/GCP
Location: 301 North 45th Avenue
Quarter Section: 11-18(F6)
Proposal: Variance to allow an over height wall (8 feet) within the required street front setback. Maximum 40 inches permitted.
Ordinance Sections: 703.A.3.a
Applicant: Michael Van Omen, Deutsch Architecture Group
Representative: Willie and Abby Itule
Owner: Willie and Abby Itule

Stipulation:

- 1) 1 year to apply and pay for building permits.

**ZONING ADJUSTMENT HEARING OFFICER: JON FROKE
PLANNER: PETER KANN, PLANNER II**

For further information, please call Eric Morales, Planner III, 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.

May 19, 2023