

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised June 13, 2023*

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 **May 25, 2023 9:00 AM (Items 1-6) and 1:30 PM (Items 7-8)**

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-267-15-3 (1-Year Review of Use Permit)
- Existing Zoning: C-2
- Location: 12620 North Cave Creek Road, Suite #10
- Quarter Section: 31-32(K9)
- Proposal: Use permit to allow non-profit medical marijuana dispensary. Use permit required.
- Ordinance Sections: 623.D.122.a
- Applicant: Tom Deschamps, Fort Consulting, LLC DBA MÜV Dispensary
- Representative: Tom Deschamps, Fort Consulting, LLC DBA MÜV Dispensary
- Owner: Roseann Chiulli, rjchiulli@q.com

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-367-21-8 (1-Year Review of Use Permit)
Existing Zoning: R-5, C-3, A-1
Location: 2305 East Jefferson Street
Quarter Section: 10-32(F9)
Proposal: **1)** Use Permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **3)** Variance to allow a medical marijuana cultivation facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. **4)** Variance to allow a medical marijuana cultivation facility within 1,320 feet of a school. Minimum 1,320 feet of separation required. **5)** Use permit to allow a medical marijuana infusion facility. Use permit required. **6)** Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **7)** Variance to allow a medical marijuana infusion facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required. **8)** Variance to allow a medical marijuana infusion facility within 1,320 feet of a school. Minimum 1,320 feet of separation required.
Ordinance Sections: 627.D.91.a 627.D.91.c 627.D.91.d 627.D.91.d 627.D.93.a 627.D.93.b 627.D.93.c 627.D.93.d
Applicant: RCH Wellness Center
Representative: Lindsay C. Schube, Gammage & Burnham, PLC
Owner: Power Equipment, 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.

Continued 3. Application #: ZA-148-23-3
 Existing Zoning: C-1
 Location: 1512 West Bell Road
 Quarter Section: 37-25(M7)
 Proposal: Use permit to allow a drive-through facility as an 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: Dan Hendrick
 Representative: Michele McCoy, FM Group, Inc.
 Owner: Bell Center, LLC
Continued to July 6, 2023 at 9:00 AM.

Denied 4. Application #: ZA-154-23-8
 Existing Zoning: R1-6
 Location: 7857 South 4th Avenue
 Quarter Section: 01-27(D8)
 Proposal: Variance to allow an over height wall (8 feet) in the rear yard setback (east) and side yard setback (south). Maximum 6 feet allowed.
 Ordinance Sections: 703.A.2.c
 Applicant: Carlos A. De La Cruz, W/K Land Company
 Representative: Peter Abraham
 Owner: Rex Walker, W/K Land Company

***Denied** 5. Application #: ZA-155-23-4
 Existing Zoning: R-3
 Location: 1731 East Earll Drive
 Quarter Section: 15-31(G9)
 Proposal: **1)** Variance to reduce the side setback (east) to 1 foot. Minimum 3 feet required. **2)** Variance to reduce the side setback (east) for a detached accessory structure to 1 foot. Minimum 3 feet required.

Ordinance Sections: 615.B.Table B 706.B

Applicant: Brendan Beggs

Representative: Brendan Beggs

Owner: Brendan Beggs

Taken out from under advisement on June 13, 2023 and denied.

**Approved
w/stip**

6. Application #: ZA-156-23-8
Existing Zoning: R-3 and R1-6
Location: 7850 and 8034 South Central Avenue
Quarter Section: 01-27(D8) 01-28(D8)
Proposal: **1)** Use permit to allow an extension of a use which is permitted in a less restricted district into a more restricted district to a maximum of 25 feet. Use permit required. **2)** Variance to allow an extension of a use which is permitted in a less restricted district into a more restricted district to a maximum of 32 feet. Maximum 25 feet permitted.
- Ordinance Sections: 307.A.8 307.A.8
Applicant: Lauren Proper Potter, Huellmantel & Affiliates
Representative: Lauren Proper Potter, Huellmantel & Affiliates
Owner: Nick Kerstner, Elevation Townhomes, LLC
- Stipulation:**
1) 24 months to apply and pay for building permits.

**Approved
w/stips**

- 1:30 PM**
7. Application #: ZA-472-22-8 (SIGN)
Existing Zoning: A-2
Location: 2544 East University Drive
Quarter Section: 7-33(E9)
Proposal: **1)** Use permit to increase the height of an off-premise sign to 65 feet. Use permit required. **2)** Use permit to convert one face of an off-premise sign to digital. Use permit required. **3)** Variance to reduce spacing between off-premise signs to 926 feet. Minimum 1,000 feet required.
- Ordinance Sections: 705.2.B.4.b 705.2.E.3 705.2.B.2
Applicant: Outfront Media, LLC
Representative: Cassandra Ayres, Berry Riddell, LLC
Owner: Airport Office Park, LLC
- Stipulations:**
1) Install a Planning and Development Department (PDD) design-approved decorative pole cover on the new off-premise sign. Access ladders, if any, shall be recessed into the pole cover and located on the south or east side of the pole cover and concealed from the eastbound traffic.
2) The maximum height of the new sign shall be 65 feet.
3) The applicant will obtain a demolition permit and prior to the final

inspection for the subject sign at 2544 East University Drive, the off-premise sign structure located at 2625 East University Drive, Sign Permit SGNP#94338, will be completely removed.

- 4) Electric service shall utilize underground connections to the off-premise sign where feasible as determined by the Planning and Development Department. Any approved above ground service lines shall be placed in electrical conduit.
- 5) The applicant shall have 12 months to pay for and obtain sign permits for the subject sign.

**Approved
w/stips**

8. Application #: ZA-146-23-7 (SIGN)
Existing Zoning: C-2
Location: 5921 West McDowell Road
Quarter Section: 12-14(G5)
Proposal: Use permit to rebuild a nonconforming off-premise sign to a height of 48 feet and adding two digital faces. Use permit required.
Ordinance Sections: 705.2.G.4
Applicant: Wendy Riddell, Berry Riddell, LLC
Representative: Wendy Riddell, Berry Riddell, LLC
Owner: Autozone Parts, Inc.

Stipulations:

- 1) Install a Planning and Development Department (PDD) design-approved decorative pole cover on the rebuilt sign. Any access ladder, if included, shall be on the west or south side of the pole cover.
- 2) The height of the rebuilt sign shall be no greater than 48 feet and each rebuilt sign face area shall not exceed 231 feet.
- 3) Electric service shall utilize underground connections to the off-premise sign where feasible as determined by the Planning and Development Department. Any approved above ground service lines shall be placed in electrical conduit.
- 4) The applicant shall have 12 months to pay for and obtain sign permits for the subject sign.
- 5) Install 3-foot wide visual screen along west edge of each sign face.

**ZONING ADJUSTMENT HEARING OFFICER: CRAIG TRIBKEN
PLANNER: ERIC MORALES, PLANNER III**

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.

June 13, 2023