

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised November 20, 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 **November 9, 2023 9:00 AM (Items 1-7) and 1:30 PM (Items 8-16)**.

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/stip

- | | 9:00 AM | |
|----|---------------------|---|
| 1. | Application #: | ZA-410-23-8 |
| | Existing Zoning: | C-2 |
| | Location: | 4445 East Thomas Road (126-08-128) |
| | Quarter Section: | Q14-38(G11) |
| | Proposal: | 1) Use permit to allow outdoor dining as an accessory use to a restaurant (Hawaiian Bros) within 500 feet of a residential zoning district. Use permit required. 2) Use permit to allow a drive through facility as an accessory to a restaurant (Hawaiian Bros) within 300 feet from a residential zoning district. Use permit required. |
| | Ordinance Sections: | 623.D.157.c 623.D.157.d.(2) |
| | Applicant: | Tim Flynn, Stine Enterprises |
| | Representative: | Joshua Molter, Excel Engineering |
| | Owner: | NNN Reit, Inc. |
| | Stipulation: | |
| | | 1) 1 year to apply for and obtain building permits. |
| 2. | Application #: | ZA-411-23-2 |
| | Existing Zoning: | R1-8, FH (pending R-3) |
| | Location: | 2233 West Sonoran Desert Drive |
| | Quarter Section: | Q54-23(Q7) |
| | Proposal: | 1) Variance to allow 26 feet of building height at 15 feet of building setback adjacent to a single family zoning district (north). Minimum 21 feet required. 2) Variance to allow 26 feet of building height at 15 feet of building setback adjacent to a single family zoning district (south). Minimum 21 feet required. |
| | Ordinance Sections: | 615.B.Table B 615.B.Table B |
| | Applicant: | Kurt Waldier, Beus Gilbert McGroder, PLLC |
| | Representative: | Paul Gilbert, Beus Gilbert McGroder, PLLC |
| | Owner: | John Boniface, Sonoran Reems Holdings, LLC |
| | Stipulation: | |
| | | 1) 18 months to apply for and obtain building permits. |

- Approved w/stips**
3. Application #: ZA-422-23-4
Existing Zoning: WU Code T6:HWR MT
Location: 3110 North Central Avenue
Quarter Section: Q15-27(G8)
Proposal: Use permit to allow outdoor alcoholic beverage service with outdoor dining (Thai Basil). Use permit required.
Ordinance Sections: 1306.1 Table
Applicant: Nuntakarn Puripatipan
Representative: Nuntakarn Puripatipan
Owner: HPPC, LLC
Stipulations:
1) 60 days to commence use.
2) Per the location of the outdoor dining area on site plan date stamped October 5, 2023.
3) Front windows are to be cleaned and removed of advertisement or banners that obstruct the owners or employees view of trespassers, loiters, and other criminal activities occurring outside the establishment.
4) The owners will maintain a current authority to arrest with the Phoenix Police Department with "No Trespassing" signs posted per Phoenix City Code on the exterior of the building in both English and Spanish.
- Approved w/stip**
4. Application #: ZA-451-23-4
Existing Zoning: R-3
Location: 4239 North 20th Street
Quarter Section: Q17-32(H9)
Proposal: Time extension for ZA-406-22, a variance to reduce the required side yard (south) setback to 5 feet. Minimum 10 feet required.
Ordinance Sections: 615.B.Table B
Applicant: Graham Reilly
Representative: Graham Reilly
Owner: Graham Reilly and Mandalene Mirkhah
Stipulation:
1) 1 year to apply for and obtain building permits.
- Approved w/stips**
5. Application #: ZA-454-23-3
Existing Zoning: R1-18
Location: 10621 North 43rd Street
Quarter Section: Q29-37(K10)
Proposal: Variance to reduce the required rear yard (south) setback to 20 feet. Minimum 30 feet required.
Ordinance Sections: 610.B.Table
Applicant: William Browning
Representative: Timothy Cullen
Owner: William Browning

Stipulations:

- 1) 1 year to apply for and obtain building permits.
- 2) Per the location of the addition on site plan date stamped October 23, 2023.

**Approved
w/stip**

6. Application #: ZA-456-23-8
Existing Zoning: R-5 RI
Location: 1426 East Adams Street
Quarter Section: Q10-30(F9)
Proposal: Variance to allow maneuvering within an alleyway (north). All maneuvering must be located entirely on private property.
Ordinance Sections: 702.A.1.b
Applicant: David Rush
Representative: Drew Bryck
Owner: Sandeep Iyer

Stipulation:

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

**Approved
w/stips**

7. Application #: ZA-460-23-4
Existing Zoning: Ind. Pk.
Location: 3801 North 43rd Avenue
Quarter Section: Q16-19(H6)
Proposal: Use permit to allow the sale of alcoholic beverages as an accessory use to a restaurant (La Pasadita Hot Dogs). Use permit required.
Ordinance Sections: 626.E.2.k.(1)
Applicant: Rocio G. Rodriguez, La Posadita Hot Dogs, LLC
43 Ave.
Representative: Isai Lopez, La Posadita Hot Dogs
Owner: Joel Espinoza, Wholesale Direct Real Estate, LLC

Stipulations:

- 1) 60 days to commence use.
- 2) Store windows are to be clean and free of any obstructions so that employees can have a clear view of the parking lot area.
- 3) The property is to be sufficiently lighted, front and rear, to discourage any unlawful activity including alcohol violations and any other illegal activity from occurring outside the business.
- 4) Applicant shall post signs as permitted and required under applicable City Code and State Statutes warning that "No Loitering" and/or "No Trespassing" is permitted upon the property
- 5) Applicant shall complete "authority to arrest" forms which will provide enforcement during non-business hours. "No Trespassing" signs will be posted in both English and Spanish.

1:30 PM

**Approved
w/stips**

8. Application #: ZA-384-23-4 (SIGN)
Existing Zoning: C-3
Location: 710 East Indian School Road

Quarter Section: 705.C.13
Proposal: Use permit to allow an electronic message display (EMD) on two ground signs. Use permit required.
Ordinance Sections: 705.C.13
Applicant: Gary Spinner, Pearsons Sign, Co.
Representative: Gary Spinner, Pearsons Sign, Co.
Owner: Jeff Kost, Indian School Equities, LLC

Stipulations:

- 1) Per the sign drawings date stamped November 9, 2023.
- 2) 1 year to apply for and obtain building permits.

**Approved
w/stips**

9. Application #: ZA-302-12-1 (1-Year Review of Use Permit)
Existing Zoning: A-1 DVAO1 DVAO2
Location: 21617 North 9th Avenue, Suite 100
Quarter Section: 42-26(N8)
Proposal: **1)** Use Permit to allow a medical marijuana cultivation facility. Use Permit required. **2)** Use Permit to allow a medical marijuana dispensary facility. Use Permit required. **3)** Variance to allow a medical marijuana cultivation facility 800 feet from another medical marijuana facility. Minimum 5,280 feet required. **4)** Variance to allow a medical marijuana dispensary facility 800 feet from another medical marijuana facility. Minimum 5,280 feet required.
Ordinance Sections: 627.D.93 627.D.93 627.D.91.c 627.D.91.c
Applicant: Gina Berman, The Giving Tree Wellness Center of North
Representative: Lindsay C. Schube, Gammage & Burnham, PLC
Owner: Paola Tulliani

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 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.

**Approved
w/stips**

10. Application #: ZA-431-12-1 (1-Year Review of Use Permit)
Existing Zoning: A-1 DVAO
Location: 21411 North Central Avenue
Quarter Section: 43-28(N8)
Proposal: **1)** Use Permit to allow a medical marijuana cultivation facility. Use permit required.
2) Variance to allow a medical marijuana cultivation facility within 3,600 feet of a medical marijuana dispensary. A minimum distance of 5,280 feet is required from another medical marijuana facility.
Ordinance Sections: 627.D.91.a. 627.D.91.c.
Applicant: Luke Flood, Curaleaf
Representative: Larry Lazarus, Lazarus and Silvyn PC
Owner: EMM RE MGMT., 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 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.

**Approved
w/stips**

11. Application #: ZA-125-13-1 (1-Year Review of Use Permit)
Existing Zoning: C-2, C-2 HR approved
Location: 10040 North Metro Parkway
Quarter Section: 28-21(K7) 28-21(K6) 28-22(K7) 28-22(K6)
Proposal: **1)** Use Permit to allow a medical marijuana dispensary. Use Permit required. **2)** Variance to allow a medical marijuana dispensary to be within 1,320 feet of a school. 1,320 feet is the minimum spacing required.
Ordinance Sections: 623.D.122.a 623.D.122.g
Applicant: Ronnie Kassab, Dreem Green, Inc.
Representative: Lindsay C. Schube, Gammage & Burnham, PLC
Owner: J + M Management, 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 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.

***Approved
w/stips**

12. Application #: ZA-166-19-7 (1-Year Review of Use Permit)
Existing Zoning: DTC-West Evans Churchill HP
Location: 1121 North 2nd Street
Quarter Section: 12-28(G8)
Proposal: **1)** Use permit to allow a bar (Pemberton House). Use permit required. **2)** Use permit to allow outdoor liquor service accessory to a bar. Use permit required. **3)** Use permit to allow liquor service accessory to a restaurant. Use permit required. **4)** Use permit to allow alcohol sales and service within 300-feet of a church in an

entertainment district. Use permit required.

5) Use permit to allow outdoor entertainment (amplified music or loudspeakers) between the hours of 7:00 AM and 12:00 AM on Friday through Sunday. Use permit required. **6)** Use permit to allow outdoor entertainment between the hours of 7:00 AM and 12:00 AM on Friday through Sunday. Use permit required.

7) Variance to allow outdoor entertainment Monday through Thursday, between 7:00 AM and 12:00 AM. Outdoor entertainment permitted on Friday through Sunday only.

Ordinance Sections: 1204.D.Table 1204.D.Table 1204.D.Table
307.A.17.a 1204.C.5 1204.C.18 1204.C.16

Applicant: Nick Wood, Snell & Wilmer, LLP

Representative: Nick Wood, Snell & Wilmer, LLP

Owner: True North Holdings, LLC

Taken out from under advisement on November 20, 2023 and approved with the following stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) General conformance to the location of the outdoor patio space as shown on the site plan signed and dated May 30, 2019.
- 3) The employees must have a clear view of the area in order to supervise the activities and or be present while patrons utilize the outdoor area.
- 4) The area be sufficiently illuminated and contained to discourage any unlawful activity. The precinct commander, or his designee, may approve lighting containment area and security personnel at their discretion.
- 5) Outside speaker volume to be kept at a reasonable level.
- 6) "No trespassing" signs must be posted and an authority to arrest trespassers form be signed to deter loitering/unwanted guests inside the surrounding the establishment.
- 7) 2-month review.
- 8) Noise level not to exceed 55 decibels at the property line.
- 9) Amplified sound and loudspeakers limited to 1:00 PM to 12:00 AM on Sundays.

***Approved
w/stips**

13. Application #: ZA-17-21-7 (1-Year Review of Use Permit)
Existing Zoning: DTC-Evans Churchill West ACOD
Location: 1109 and 1115 North 2nd Street
Quarter Section: 12-28(G8)
Proposal: **1)** Use permit to allow a farmer's market with food or beverage dispensed from a vehicle. Use permit required. **2)** Use permit to allow a temporary use for up to 36 months. Use permit required.

Ordinance Sections: 1204.C.26.b 708.D.1
Applicant: Nate Sonoskey, True North Studio
Representative: Nick Wood Esq., Snell & Wilmer, LLP
Owner: Jonathon Vento, True North Holdings, LLC

Taken under advisement. It was taken out from under advisement on November 20, 2023 and approved with the following stipulations:

- 1) Maximum 16 food trucks allowed. 10 affixed and 6 moveable.
- 2) No more than 4 food trucks allowed in the parking area adjacent to the alley.
- 3) 2-month review.
- 4) The hours of operation shall be limited to Monday through Saturday, 7:00 AM and 12:00 AM and Sunday from 1:00 PM to 12:00 AM for the amplified sound and loudspeakers.
- 5) The temporary events are limited to:
 - Farmers market
 - Outdoor liquor consumption and outdoor dining
 - Outdoor cooking
 - Community and private events
 - The grow house
 - Movie Screen area
 - Fitness uses on the outdoor lawn
 - Outdoor games
 - Outdoor display of crafts and items for sale
 - Outdoor Entertainment

**Approved
w/stips**

14. Application #: ZA-343-23-1 (Continued from September 28, 2023)
Existing Zoning: C-2, PSC
Location: Southeast corner of 35th Avenue and Union Hills Drive
Quarter Section: 38-21(M6)
Proposal: **1)** Variance to reduce the building setback (east) to 2 feet from a boundary of the PSC zoning district. Minimum 25 foot setback required. **2)** Variance to reduce the building setback (south) to 0 feet from a boundary of the PSC zoning district. Minimum 25 foot setback required. **3)** Variance to reduce the building setback adjacent to the PSC zoning district to 0 feet. Minimum 10 foot setback required. **4)** Variance to reduce the perimeter landscape setback adjacent to the PSC zoning district to 0 feet. Minimum 10 foot setback required.
Ordinance Sections: 637.C.3 637.C.3 623.E.4. Table 623.E.4.e
Applicant: Jill Kaiser, Land Development Consultants c/o Circle K
Representative: David Cisiewski, Land Development Consultants c/o Circle K
Owner: 35th Avenue and Union Hills Property
I.S. Lincoln Oaks Limited Partnership
I.S. Three Austin/Hunter's Ridge Limited

Stipulations:

- 1) 2 years to apply for and obtain building permits.
- 2) Per the location of site access points on site plan date stamped August 22, 2023.

Approved w/stips 15. Application #: ZA-452-23-6
Existing Zoning: C-2 SP HGT/WVR
Location: 800 East Camelback Road
Quarter Section: Q19-29(H8)
Proposal: Use permit to allow a temporary use (outdoor event with reduced parking) for up to 36 months. Use permit required.
Ordinance Sections: 708.D.1
Applicant: Jillian Absalom
Representative: Jillian Absalom
Owner: Bull Earnhardt
Stipulations:
1) 1 event per calendar year.
2) Valet service required.
3) Outdoor entertainment and amplified sound will end at 11:30 PM.

Approved w/stip 16. Application #: ZA-464-23-8
Existing Zoning: R1-6
Location: 2329 and 2327 North 29th Street
Quarter Section: Q14-34(G10)
Proposal: **1)** Variance to allow a minimum lot width (Lot No. 1) of 50 feet. Minimum lot width of 60 feet required. **2)** Variance to allow a minimum lot width (Lot No. 2) of 50 feet. Minimum lot width of 60 feet required.
Ordinance Sections: 613.B.Table B 613.B.Table B
Applicant: Jared Lineberger, JCL Design Build. LLC
Representative: Jared Lineberger, JCL Design Build. LLC
Owner: F&F 2 LLC
Stipulation:
1) 60 days to finalize the lot split process.

ZONING ADJUSTMENT HEARING OFFICER: JON FROKE
PLANNER: ERIC MORALES, PLANNER III

For further information please call Eric Morales, Planner III, Planning and Development Department at 602-262-7927 or via electronic mail at zoning.adjustment@phoenix.gov. To request a reasonable accommodation, please contact Teleia Galaviz at 602-291-2559, teleia.galaviz@phoenix.gov TTY: Use 7-1-1.

November 20, 2023