

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 **September 7, 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-150-13-7 (1-Year Review of Use Permit)
Existing Zoning: A-2
Location: 1101 North 21st Avenue
Quarter Section: 12-24(G7)
Proposal:
1) Use permit to allow medical marijuana cultivation facility. Use permit required.
2) Variance to allow medical marijuana cultivation facility within 3,800 feet of another medical marijuana cultivation facility. Minimum of 5,280 feet of separation required.

Ordinance Sections: 627.D.91.a 627.D.91.c
Applicant: Chris Pellegrini, CMS Ventures
Representative: Shawn Falconbridge, CMS Ventures
Owner: James Harrison Jr., Phoenix Freeway Partners, 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 1 year 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 prior to the commencement of operations. 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-542-14-7 (1-Year Review of Use Permit)
Existing Zoning: A-2
Location: 1101 North 21st Avenue
Quarter Section: 12-24(G7)
Proposal: **1)** Use permit to allow a medical marijuana infusion facility. Use permit required.
 2) Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum of 5,280 feet of separation required.
Ordinance Sections: 627.D.93.a 627.D.93.b
Applicant: Chris Pellegrini, CMS Ventures
Representative: Shawn Falconbridge, CMS Ventures
Owner: James Harrison Jr., Phoenix Freeway Partners, 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 1 year 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 prior to the commencement of operations. 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 3. Application #: ZA-141-21-7 (1-Year Review of Use Permit)
Existing Zoning: A-2
Location: 1102 North 21st Avenue
Quarter Section: 12-24(G7)
Proposal: **1)** Use permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Use

permit to allow a medical marijuana infusion facility. Use permit required. **3)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet required from another medical marijuana facility. **4)** Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet required from another medical marijuana facility.

Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b
 Applicant: Madison 3, LLC
 Representative: Lindsay Schube, Gammage & Burnham, PLC
 Owner: JRM 11, 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 1 year 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 prior to the commencement of operations. 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**

4. Application #: ZA-198-23-3
 Existing Zoning: S-1
 Location: 13841 North 12th Street
 Quarter Section: 33-30(L9)
 Proposal: **1)** Variance to reduce the required side yard setback (north) for a detached accessory structure to 26 feet. Minimum 50 feet required.
2) Variance to reduce the required side yard setback (south) for a detached accessory structure to 10 feet. Minimum 50 feet required.
3) Variance to reduce the rear yard (east)

			setback for a detached accessory structure to 1-foot. Minimum 50 feet required. 4) Variance to allow 24% lot coverage. Maximum 20% allowed.
		Ordinance Sections:	603.B.3 603.B.3 603.B.3 603.B.4
		Applicant:	Kevin Kierce
		Representative:	Kevin Kierce
		Owner:	Kevin Kierce
		Stipulations:	
			1) Apply and pay for building permits within 90 days.
			2) All improvements on property as shown on the plan date stamped July 31, 2023 are within property boundaries.
Denied	5.	Application #:	ZA-212-23-6 (Continued from July 20, 2023)
		Existing Zoning:	R1-6
		Location:	1035 East Ocotillo Road
		Quarter Section:	22-29(I8)
		Proposal:	1) Variance to allow an over height fence (5 feet) in the required front yard (north) setback. Maximum height of 40 inches permitted. 2) Variance to allow a detached accessory structure within the required front yard (north) setback. Detached accessory structures not permitted within the required front yard setback.
		Ordinance Sections:	703.A.3.a 706.A
		Applicant:	Fred Stern, Fred Stern Architect
		Representative:	Fred Stern, Fred Stern Architect
		Owner:	Yosi Dror
Approved w/stip	6.	Application #:	ZA-317-23-8
		Existing Zoning:	DTC-Warehouse
		Location:	22 East Buchanan Street
		Quarter Section:	9-28(F8)
		Proposal:	Use permit to allow outdoor liquor service accessory to an assembly use/bar (Z Golf). Use permit required.
		Ordinance Sections:	1204.D.Table
		Applicant:	Z Golf Food & Beverage Services, LLC, The Croft Downtown by Wedgewood Weddings
		Representative:	Andrea Lewkowitz, Lewkowitz Law Office, PLC
		Owner:	22 Buchanan, LLC
		Stipulation:	
			1) "No Trespassing" signs must be posted and an authority to arrest trespassers form be signed to deter loitering/unwanted guests inside and surrounding the establishment.
Continued	7.	Application #:	ZA-319-23-3
		Existing Zoning:	C-2
		Location:	3202 East Cactus Road
		Quarter Section:	31-35(K10)

Proposal: 1) Use permit to allow a drive through facility as an accessory to a restaurant (Burger King) within 300 feet from a residential zoning district. Use permit required. 2) Variance to reduce the landscape setback (west) adjacent to a public street (32nd Street) to 7 feet. Minimum average 25 feet required. 3) Variance to reduce the landscape setback (south) adjacent to a public street (Cactus Road) to 11 feet. Minimum average 25 feet required.

Ordinance Sections: 623.D.157.d.(2) 623.E.4.e 623.E.4.e

Applicant: Michael Benning, SKETCH Architecture Company

Representative: Michael Benning, SKETCH Architecture Company

Owner: Ron Broatch, KRAF, Inc.

Continued to October 19, 2023 at 9:00 AM.

1:30 PM

**Approved
w/stips**

8. Application #: ZA-298-23-1 (SIGN)

Existing Zoning: R1-6

Location: 11415 North 35th Avenue

Quarter Section: 30-21(K6)

Proposal: Use permit to allow an electronic message display (EMD) on a ground sign. Use permit required.

Ordinance Sections: 705.C.13

Applicant: Gary Martiniak, Equity Sign Group

Representative: Gary Martiniak, Equity Sign Group

Owner: Burton Vankirk, Westtown First Southern Baptist Church

Stipulations:

- 1) Sign design shall be in accordance with the sign drawings reviewed by the Hearing Officer and date stamped September 7, 2023.
- 2) The Electronic Message Display (EMD) panel shall not be illuminated between 9:30 PM and sunrise.
- 3) 12 months to obtain sign permits for the ground signs.

Denied

9. Application #: ZA-316-23-2

Existing Zoning: R1-8 PCD

Location: 6216 East Crocus Drive

Quarter Section: 33-42(L12)

Proposal: Variance to allow a commercial vehicle with a gross vehicle weight rating of 16,500 pounds on a residential lot. Commercial vehicle with a gross vehicle weight rating of more than 15,000 pounds is not permitted on a residential lot.

Ordinance Sections: 702.F.1.e

Applicant: Harrison Stone

Representative: Harrison Stone
Owner: Harrison Stone

Continued 10. Application #: ZA-318-23-7
Existing Zoning: DTC-Evans Churchill West ACSBO
Location: 201 East Roosevelt Street
Quarter Section: 11-28(F8)
Proposal: Use permit to allow outdoor entertainment (amplified music or loudspeakers) until 10:00 PM on Sundays, 11:00 PM Mondays through Thursdays and until 12:00 AM on Friday through Saturday. Use permit required.

Ordinance Sections: 1204.C.5
Applicant: Wilderness DTPHX
Representative: AMG II, LLC dba Colliers
Owner: 201 Roosevelt, LLC, C/O AMG II, LLC dba Colliers

Continued to October 19, 2023 at 1:30 PM.

Approved w/stips 11. Application #: ZA-314-23-8
Existing Zoning: A-1 TOD-2
Location: 2312 East Washington Street
Quarter Section: 10-32(F9)
Proposal: **1)** Time extension for ZA-271-22, use permit to allow a medical marijuana dispensary facility. Use permit required. **2)** Time extension for ZA-271-22, a variance to allow a medical marijuana dispensary facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required. **3)** Time extension for ZA-271-22, a variance to allow a medical marijuana dispensary facility within 500 feet of a residentially zoned district. Minimum 500 feet of separation required. **4)** Time extension for ZA-271-22, a variance to allow a medical marijuana dispensary facility within 1,320 feet of a school. Minimum 1,320 feet of separation required.

Ordinance Sections: 627.D.92.a. 627.D.92.d 627.D.92.e. 627.D.92.f.
Applicant: 2312 Washington, LLC
Representative: Joseph Urtuzuastegui III, Winsor Law Group, PLC
Owner: 2312 Washington, 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 6 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 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.

ZONING ADJUSTMENT HEARING OFFICER: MICHAEL WIDENER
PLANNER: KIM STEADMAN, 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.

September 8, 2023