

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised January 23, 2025*

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 **December 19, 2024, at 9:00 AM. (Items 1-5) and 1:30 PM (Items 6-13). Located in Assembly Room C, Phoenix City Hall, 200 West Washington Street, First Floor, Phoenix, Arizona 85003**

The results of the meeting were as follows:

RESULTS

- | | | |
|-------------------|---|---|
| *Continued | 1. 9:00 AM | |
| | Application #: | ZA-313-12-8 (1-Year Review of Use Permit) |
| | Existing Zoning: | A-1 |
| | Location: | 4116 East Superior Avenue, Suite 4D |
| | Quarter Section: | 6-37(E10) |
| | Proposal: | 1) Time extension for ZA-41-12. Use permit to allow a medical marijuana cultivation facility and infusion production facility. Time extension required.
2) Variance to allow a medical marijuana infusion production facility within 5,280 feet of another medical marijuana facility. Variance required if located within 5,280 feet of another medical marijuana facility.
3) Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Variance required if located within 5,280 feet of another medical marijuana facility. |
| | Ordinance Sections: | 307.A.12. 627.D.93.b. 627.D.91.c. |
| | Applicant: | Ted Pappas, N+A Enterprises, LLC |
| | Representative: | David Dow |
| | Owner: | Superior Industrial Center, LLC |
| | Taken out from under advisement on January 23, 2025 and continued to March 6, 2025 at 1:30 PM. | |
| *Continued | 2. | |
| | Application #: | ZA-57-16-8 (1-Year Review of Use Permit) |
| | Existing Zoning: | A-1 |
| | Location: | 4116 East Superior Avenue |
| | Quarter Section: | 6-37(E10) |
| | Proposal: | 1) Use permit to allow a medical marijuana cultivation facility. Use permit is required.
2) Use permit to allow a medical marijuana infusion facility. Use permit is required.
3) Variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required.
4) Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required. |

Ordinance Sections: 627.D.91.a 627.D.93.a 627.D.91.c 627.D.93.b
Applicant: Theodore C. Pappas, N and A Enterprises
Representative: Adam Baugh, Withey Morris PLC
David Dow, Dow Law Office
Owner: Superior Industrial Center, LLC

Taken out from under advisement on January 23, 2025 and continued to March 6, 2025 at 1:30 PM.

**Approved
w/stips**

3. Application #: ZA-409-22-7 (1-Year Review of Use Permit)
Existing Zoning: DTC-Roosevelt South HP
Location: 822 North 6th Avenue
Quarter Section: 11-27(F8)
Proposal: Use permit to allow outdoor entertainment (amplified music) as an accessory use to a bar (Garden Bar Phoenix). Use permit required.
- Ordinance Sections: 1204.D
Applicant: Kim and Kevin Haasarud, Garden Bar PHX/Si
Representative: Kim and Kevin Haasarud, Garden Bar PHX/Si
Owner: Kim and Kevin Haasarud, Garden Bar PHX/Si
- Stipulations:**
- 1) Outdoor entertainment permitted on Wednesday – Saturday until 10:00 PM and Sunday until 6:00 PM.
 - 2) 1 year review from the commencement of the use.

**Approved
w/stips**

4. Application #: ZA-797-24-7
Existing Zoning: DTC-Roosevelt South HP
Location: 822 North 6th Avenue
Quarter Section: Q11-27(F8)
Proposal: Use permit to allow outdoor liquor service as an accessory use to a restaurant. Use permit required.
- Ordinance Sections: 1204.D
Applicant: Taylor Earl, Earl & Curley, PC
Representative: Taylor Earl, Earl & Curley, PC
Owner: EQ Sixth and Roosevelt, LLC, Chuckie Duff
- Stipulations:**
- 1) Outdoor liquor service areas shall be limited to the existing outdoor dining areas and the new area in the front yard as depicted on the exhibit date stamped November 20, 2024.
 - 2) All on-site lighting is to be shielded to prevent direct visibility of the light source from adjacent property.
 - 3) Trash pickup and deliveries shall be limited to between 7:00 AM and 6:00 PM, Monday through Friday.
 - 4) The hours of operation for the use permit (for outdoor alcohol service) shall be limited to 9:00 AM to 10:00 PM Sunday through Thursday and 9:00 AM to midnight Friday and Saturday.
 - 5) The applicant has 12 months to commence use.
 - 6) The business shall designate a primary point of contact for the Roosevelt Action Association and a copy of the primary contact person's name and phone number shall be provided to the Planning and Development Department for inclusion in the case file.

- 7) The applicant shall be available to meet with the Roosevelt Action Association each year if invited by the Roosevelt Action Association to address neighborhood concerns with the ongoing operation of the business. The applicant and the Roosevelt Action Association may utilize email correspondence in lieu of a meeting if mutually accepted by both sides.
- 8) The use permit shall be reviewed in 1 year. Subsequent to use commencement.
- 9) The applicant shall develop a neighborhood parking plan to address overflow parking within 180 days and share a copy with the Roosevelt Action Association.

**Approved
w/stip**

5. Application #: ZA-814-24-6
 Existing Zoning: C-1
 Location: 1215 East Missouri Avenue, Suite 1
 Quarter Section: Q19-30(H9)
 Proposal: Use permit to allow packaged liquor sales accessory to a convenience market (Charcuterie Creative) located within 300 feet from a residential district. Use permit required.
 Ordinance Sections: 622.D.102.a
 Applicant: Holly Hutton, The Charcuterie Creative, LLC
 Representative: Holly Hutton, The Charcuterie Creative, LLC
 Owner: Roxana Nighswonger, Moulin Investments, LLC
Stipulation:
 1) 90 days to commence use.

**Approved
w/stips**

- 1:30 PM**
 6. Application #: ZA-792-24-5 (SIGN)
 Existing Zoning: A-1
 Location: 4143 North 43rd Avenue
 Quarter Section: Q17-19(H6)
 Proposal: Use permit for a ground sign with electronic message displays (EMD). Use permit required.
 Ordinance Sections: 705.C.13
 Applicant: Phong Le, Vietnamese United Baptist Church
 Representative: Sheila Glover, Naturalite Neon
 Owner: Vietnamese United Baptist Church
Stipulations:
 1) Sign design and general sign location shall be in accordance with the sign drawings submitted to the Hearing Officer and date-stamped December 19, 2024.
 2) Maximum sign height shall be 12 feet.
 3) Sign illumination shall be automatically shut off daily at 10:00 PM via an automatic dimming device.
 4) 12 months to obtain sign permits for the ground sign.

**Approved
w/stips**

7. Application #: ZA-812-24-8 (SIGN)
 Existing Zoning: C-2 BAOD
 Location: 325 East Baseline Road
 Quarter Section: Q01-28(D8)

Proposal: Use permit to allow an electronic message display (EMD) on a ground sign. Use permit required.
 Ordinance Sections: Section 705.C.13; 705.C.13
 Applicant: Michelle Santoro, Gammage & Burnham, PLC
 Representative: Lindsay C. Schube, Gammage & Burnham, PLC
 Owner: MPHC Holdings

Stipulations:

- 1) Sign design and general sign location shall be in accordance with the sign drawings submitted to the Hearing Officer and date-stamped December 19, 2024.
- 2) Maximum sign height shall be 12 feet.
- 3) Sign illumination shall be automatically shut off daily at 10 p.m. via an automatic dimming device.
- 4) 12 months to obtain sign permits for the ground sign.

**Hearing
Held
Revocation
Requested**

8. Application #: ZA-210-14-1(1-Year Review of Use Permit)
 (Continued from November 7, 2024)
 Existing Zoning: A-1 DVAO
 Location: 24905 North 7th Avenue
 Quarter Section: 46-27(O8)
 Proposal: Use Permit to allow a Medical Marijuana Dispensary. Use Permit required.
 Ordinance Sections: 627.D.92.a
 Applicant: Lindsay Schube, Gammage & Burnham
 Representative: Lindsay Schube, Gammage & Burnham
 Owner: Wayne Howard, Happy Valley II, LLC

**Approved
w/stip**

9. Application #: ZA-556-22-6 (1-Year Review of Use Permit)
 Existing Zoning: C-2
 Location: 5709 North 7th Street
 Quarter Section: 20-29(I8)
 Proposal: Use permit to allow a drive through facility accessory to a restaurant within 300 feet from a residential zoning district. Use permit required
 Ordinance Sections: 623.D.157.d.2
 Applicant: Mike Hudson, Atmosphere Architects
 Representative: Nico Fricchione, Oneten Rei
 Owner: Gary Hewson, Hewson 75th Street, LLC

Stipulation:

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

**Approved
w/stips**

10. Application #: ZA-696-24-3
 Existing Zoning: C-2
 Location: 18403 North 19th Avenue
 Quarter Section: Q38-25(M7)
 Proposal: Variance to allow a drive-through window for the sale of alcohol (X.O. Liquor, Beer, Wine, Smoke, & Vape Shop) within 300 feet of a residential zoning district. Minimum 300 feet required.
 Ordinance Sections: 622.D.102.b

Applicant: Madison Leake, Burch & Cracchiolo, P.A.
Representative: Madison Leake, Burch & Cracchiolo, P.A.
Owner: Martel Delly, M & M Distribution, LLC

Stipulations:

- 1) 1 year to apply for and obtain building permits.
- 2) Per the location of the pickup window as shown on site plan date stamped November 7, 2024.

**# 1, 2, 3 and
4 Approved
5, 6 and 7
Denied as
Filed
Subject to
Stipulations**

11. Application #: ZA-808-24-7
Existing Zoning: DTC-Evans Churchill West
Location: 1115 North 2nd Street
Quarter Section: Q12-28(G8)
Proposal: 1) Use permit to allow a bar (Pemberton PHX). Use permit required.
2) Use permit to allow outdoor liquor service accessory to a bar (Pemberton PHX). Use permit required.
3) Use permit to allow liquor service accessory to a restaurant (Pemberton PHX). 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) Use Permit to allow outdoor entertainment Monday through Thursday, between 7:00 AM and 12:00 AM. Outdoor entertainment permitted on Friday through Sunday only. Use Permit required.
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: Jonathan Vento, True North Holdings, LLC
Representative: Michael Maerowitz, Snell & Wilmer, LLP
Owner: Jonathan Vento, True North Holdings, LLC

It was taken out from under advisement on January 22, 2025 and decided on as follows:

- 1) 1 year to apply and pay for building permits.
- 2) 9-month review.
- 3) Pemberton Business Management shall be responsible for all activities at the site, including amplified sound, live entertainment, and security.
- 4) Pemberton Business Management shall provide property owners within 300 feet and neighborhood associations within 600 feet, the current contact information (name, telephone and email) of daytime and evening premises managers Management must respond to identified concerns within 7 business days. Changes to management shall require new notifications to be delivered withing

15 days. Evidence of completion, including a copy of the letter/mailling lists shall be submitted to the Planning and Development Department for inclusion in the case file.

- 5) The employees must have a clear view of all outdoor and entertainment areas in order to supervise the activities and be present while patrons utilize the outdoor area.
- 6) "No Trespassing" signs must be conspicuously posted on all sides of the property.
- 7) An Authority to Arrest form (ATA) must be submitted/maintained with the City of Phoenix Central City Police Precinct.
- 8) The total number of speakers shall not exceed 27.
- 9) Speakers are not permitted within 20 feet of the west property line and 10 feet of the south and east property lines. All speakers shall be oriented toward the interior of the site.
- 10) Amplified sound and loudspeakers limited to 1:00 PM to 11:00 PM on Sunday through Thursday and 9:00 AM to 12:00 AM on Friday and Saturday.
- 11) The sound / noise levels, measured at the west, south, or east property line, shall not exceed 55 dBa. An occurrence where the sound level increases up to 60 dBa for five continuous seconds or less shall not be deemed a violation of this stipulation as long as there are no more than five occurrences within an hour-long interval.
- 12) Flashing or strobe type lighting is prohibited.
- 13) Live entertainment and/or stages are allowed on Friday & Saturday only. Hours are limited to 9:00 AM to 12:00 AM.
- 14) Live performances and/or stages are not permitted within 50 feet of the west property line.

**Approved
w/stips**

12. Application #: ZA-815-24-5
Existing Zoning: R-3
Location: 2527 West Oranewood Avenue
Quarter Section: Q23-23(I7)
Proposal: 1) Variance to reduce the open space requirement to 4 percent. Minimum 5 percent required.
2) Use permit to use the Planned Residential Development (PRD) option. Use permit required.
Ordinance Sections: 615.Table B 615.Table B
Applicant: Edmir Dzuda, E-Project, LLC
Representative: Leonard Saguid, E-Project, LLC
Owner: Joel Velasco, 1Twenty Electric, LLC
Stipulations:
1) 1 year to apply for and obtain building permits.
2) Per the open space reduction as shown on site plan date stamped November 21, 2024.

**Approved
w/stip**

13. Application #: ZA-819-24-1
Existing Zoning: RE-35
Location: 4942 West Greenway Road
Quarter Section: Q35-17(L5)

Proposal: 1) Variance to reduce the minimum lot width to 123 feet (Lot 1). Minimum 150 feet of width required.
2) Variance to reduce the minimum lot width to 123 feet (Lot 2). Minimum 150 feet of width required.

Ordinance Sections: 609.B.Table 609.B.Table

Applicant: Gloria Almaguer

Representative: Gloria Almaguer

Owner: Gloria Almaguer, Maria Jacobo, Jose Sanchez

Stipulation:
1) 6 months to complete lot split process.

ZONING ADJUSTMENT HEARING OFFICER: CRAIG STEBLAY
PLANNER: DOMINIC AMODIO, PLANNER II

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.

January 24, 2025