

**NOTICE OF RESULTS**  
**ZONING ADJUSTMENT HEARING**  
*\*Revised July 18, 2024*

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 **July 2, 2024 at 9:00 AM (Items 1-3) and 1:30 PM (Items 4-10)**

***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**

- |                  |                |    |                                                                       |                                                                                                                              |
|------------------|----------------|----|-----------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| <b>*Approved</b> | <b>9:00 AM</b> | 1. | Application #:                                                        | ZA-341-24-2 (Continued from June 13, 2024)                                                                                   |
|                  |                |    | Existing Zoning:                                                      | R1-10                                                                                                                        |
|                  |                |    | Location:                                                             | 6127 East Carolina Drive                                                                                                     |
|                  |                |    | Quarter Section:                                                      | Q35-42(L12)                                                                                                                  |
|                  |                |    | Proposal:                                                             | Revocation of ZA-553-22, use permit to allow a home occupation (cooking school) that generates traffic. Use permit required. |
|                  |                |    | Ordinance Sections:                                                   | 307.A.7.g                                                                                                                    |
|                  |                |    | Applicant:                                                            | City of Phoenix, Planning and Development Department                                                                         |
|                  |                |    | Representative:                                                       | City of Phoenix, Planning and Development Department                                                                         |
|                  |                |    | Owner:                                                                | Connie Kircher, Love Nest Trust                                                                                              |
|                  |                |    | <b>Taken out from under advisement on July 18, 2024 and approved.</b> |                                                                                                                              |
| <b>Continued</b> |                | 2. | Application #:                                                        | ZA-21-24-3                                                                                                                   |
|                  |                |    | Existing Zoning:                                                      | C-2                                                                                                                          |
|                  |                |    | Location:                                                             | 3230 East Thunderbird Road                                                                                                   |
|                  |                |    | Quarter Section:                                                      | Q33-35(L10)                                                                                                                  |
|                  |                |    | Proposal:                                                             | Use permit to allow a temporary use (recruitment special events) for up to 36 months. Use permit required.                   |
|                  |                |    | Ordinance Sections:                                                   | 708.D.1                                                                                                                      |
|                  |                |    | Applicant:                                                            | American Legion Pat Tillman Post #117                                                                                        |
|                  |                |    | Representative:                                                       | Amy Nations, Arizona Liquor Industry Consultants                                                                             |
|                  |                |    | Owner:                                                                | Oakmark 51, LLC                                                                                                              |
|                  |                |    | <b>Continued to August 8, 2024 at 1:30 PM.</b>                        |                                                                                                                              |
| <b>Continued</b> |                | 3. | Application #:                                                        | ZA-286-24-8                                                                                                                  |
|                  |                |    | Existing Zoning:                                                      | R-5                                                                                                                          |
|                  |                |    | Location:                                                             | 6623 South 23rd Place                                                                                                        |
|                  |                |    | Quarter Section:                                                      | Q2-32(D9)                                                                                                                    |
|                  |                |    | Proposal:                                                             | Variance to reduce the front (west) building setback to 19 feet. Minimum 20 feet required.                                   |
|                  |                |    | Ordinance Sections:                                                   | 618.B.Table B                                                                                                                |

Applicant: Rusty Catania

Representative: Rusty Catania

Owner: Rusty Catania

**Continued to August 8, 2024 at 9:00 AM.**

**1:30 PM**

**Approved  
w/stips**

4. Application #: ZA-277-20-4 (1 Year Review of Use Permit)  
Existing Zoning: A-2  
Location: 2825 West Thomas Road  
Quarter Section: 14-22(G7)  
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) Use permit to allow a medical marijuana infusion facility. Use permit required.  
4) 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.  
5) Variance to allow a medical marijuana cultivation facility within 1,320 feet of a place of worship. Minimum 1,320 feet required from a place of worship.  
6) Variance to allow a medical marijuana dispensary within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet required from another medical marijuana facility.  
7) Variance to allow a medical marijuana dispensary within 1,320 feet of a place of worship. Minimum 1,320 feet required from a place of worship.  
8) 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.  
9) Variance to allow a medical marijuana infusion facility within 1,320 feet of a place of worship. Minimum 1,320 feet required from a place of worship.  
Ordinance Sections: 627.D.91.a 627.D.92.a 627.D.93.a 627.D.91.c 627.D.91.f 627.D.92.d 627.D.92.g 627.D.93.b 627.D.93.e  
Applicant: Brian Greathouse, Burch & Cracchiolo, PA  
Representative: Brian Greathouse, Burch & Cracchiolo, PA  
Owner: Chris Arnold, MRM Investments Limited Partnership

**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**

5. Application #: ZA-198-24-5 (Continued from May 30, 2024)  
Existing Zoning: C-2  
Location: 8216 West Thomas Road  
Quarter Section: Q15-9(G3)  
Proposal: Variance to reduce the building setback (east) to 10 feet. Average 25 feet required, minimum 20 feet permitted for up to 50% of the structure.  
Ordinance Sections: 623.E.4.d  
Applicant: Kristopher Ontiveros, 312 Architect and Design  
Representative: Saul R. Aranda  
Owner: Saul R. Aranda  
**Stipulations:**  
1) 1 year to apply for and obtain building permits.  
2) Per the setback reductions as shown on site plan date stamped April 4, 2024.

**Approved  
w/stips**

6. Application #: ZA-309-24-8 (Continued from May 30, 2024)  
Existing Zoning: A-1 RSIOD, A-2 RSIOD  
Location: 113 West Watkins Street  
Quarter Section: Q7-27(E8)  
Proposal: Use permit to allow development within five hundred (500) feet of the Rio Salado Habitat Restoration Project. Use permit required.  
Ordinance Sections: 655.E.4  
Applicant: Jeff Baran, Link Logistics Real Estate  
Representative: Mike Maerowitz, Snell & Wilmer, LLP  
Owner: B9 Central Watkins, LLC

## **Stipulations:**

### **LANDSCAPING**

- 1) A minimum 20-foot-wide landscape setback shall be provided along Watkins Street. This landscape setback shall be planted with minimum 2-inch caliper trees, planted 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree, as approved by the Planning and Development Department.
- 2) A minimum 20-foot-wide, average 30-foot, landscape setback shall be provided along the proposed Riverview Drive. This landscape setback shall be planted with minimum 2-inch caliper trees, planted 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree, as approved by the Planning and Development Department.
- 3) The area between the southern boundary of Riverview Drive and the southern property line (abutting the Rio Salado Habitat Restoration Area) shall be a landscaped area, adjacent to the Rio Salado Habitat Restoration Area. This landscape area shall be planted with minimum 2-inch caliper trees, planted 20 feet on center or in equivalent groupings, and five 5-gallon shrubs per tree, as approved by the Planning and Development Department. This area shall be maintained by the property owner(s) of the property subject to this request.
- 4) Plant materials in the landscape area south of Riverview Drive shall be limited to those listed on the "Approved Plants and Top Dressing Application for Development Adjacent to the Rio Salado" plant list, or their equivalents, a copy of which is available at the Phoenix Planning and Development Department, as approved by the Planning and Development Department. Where shrubs are provided, a minimum of 10% of the required shrubs, shall be a native milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.

### **SCREENING AND STORAGE**

- 5) Building elevations oriented towards Central Avenue, Watkins Streets or Riverview Drive shall not include loading bays.
- 6) Except for walls used to screen loading areas, open fencing comprised of wrought iron or other similar material or combination thereof, shall be used if greater than 4 feet tall, and if installed within 100 feet of a public street, trail, or Rio Salado Habitat Restoration Area. Fencing shall be considered open if a minimum of 75% is open, excluding pillars or piers.
- 7) Outdoor storage and loading areas shall be set back a minimum of 100 feet from a public street or Rio Salado Habitat Restoration Area and screened by a minimum 8-foot-tall solid masonry wall. Where metal gates are provided for vehicular access, minor perforation may occur to accommodate wind loads. The perforation shall not exceed 50% of the gate surface area.
- 8) Gabion walls shall be used to screen vehicular headlights where within 100 feet of a public street.
- 9) Fencing and walls oriented towards a public street, trail, or Rio Salado Habitat Restoration Area, shall have a finished appearance and contain decorative elements including but not limited to adobe, glass, metal (including rusted metal), stone

- (stone veneer), wood, or other material consistent with a natural environment, as approved by the Planning and Development Department. ENVIRONMENTAL MITIGATIONS (TRAFFIC, EMISSIONS, HEAT, GLARE, OTHER AREA IMPACTS, ETC.)
- 10) All uncovered surface parking lot areas, except for loading dock and truck parking areas, shall be landscaped with minimum 2-inch caliper drought-tolerant shade trees. Landscaping shall be dispersed throughout the parking areas and achieve an overall 25% shade at maturity, as approved by Planning and Development Department.
  - 11) A minimum of one public pedestrian pathway shall be provided from Riverview Drive to the adjacent Rio Salado Habitat Restoration Area, as approved or modified by the Planning and Development and Parks and Recreation Department. This pathway shall be a minimum of 12 feet in width and include a minimum 500 square foot pedestrian overlook area. This pathway and lookout area shall be maintained by the owner(s) of the property subject to this request.
  - 12) A public multi-use trail or pedestrian pathway connecting Watkins Street and Riverview Drive shall be constructed within a non-exclusive easement and designed in accordance with the MAG supplemental detail as per Section 429 and as approved by or modified by the Planning and Development Department. Where conflicts or restrictions exist, the developer shall work with the Site Planning section on an alternate design through the technical appeal process. This pathway shall be maintained by the property owner or property owner's association.
  - 13) Outdoor site lighting shall conform to the following standards as approved or modified by the Planning and Development Department:
    - a. Outdoor lighting shall be fully shielded where within 100 feet of Riverview Drive and/or Rio Salado Habitat Restoration Area.
    - b. Bollard lighting or other pedestrian-scale lighting should be utilized in areas with high-pedestrian concentrations such as building entrances or other areas within close proximity to a public street.
    - c. Light posts (excluding street lights) shall be a nonreflective color/finish and not exceed a maximum height of 15 feet where within 100 feet of Riverview Drive and/or Rio Salado Habitat Restoration Area.
    - d. Light color temperature shall not exceed 3,000 degrees Kelvin where within 100 feet of Riverview Drive and/or Rio Salado Habitat Restoration Area.
  - 14) The developer shall construct a minimum 12-foot-wide detached sidewalk along the south side of Riverview Drive between Central Avenue and 2nd Avenue alignment, and between the 3rd Drive alignment and 5th Avenue, as approved by the Planning and Development Department.
  - 15) A minimum eight-foot-wide landscape strip shall be located between the new sidewalks and back of curb and shall include minimum 2-inch caliper shade trees, planted a minimum of 20 feet on center, or equivalent groupings, along both sides of the

sidewalk, as approved by the Planning and Development Department. Landscaping within the landscape strip shall adhere to the “Approved Plants and Top Dressing Application for Development Adjacent to the Rio Salado” plant list, or their equivalents. This excludes the area abutting the retaining wall condition along the south side of Riverview Drive as shown in the site plan date stamped April 18, 2024.

- 16) The developer shall work with the Street Transportation Department to design, fund, and construct buffered bicycle lanes along Riverview Drive between Central Avenue and 5th Avenue. The design shall include a vertical delineating element separating the traffic lane and bicycle lane, as approved by the Planning and Development and Street Transportation Departments.
- 17) On-street parking shall be prohibited on Riverview Drive between 5th Avenue and Central Avenue.
- 18) The developer shall design, fund, and install pedestrian crosswalks with activated warning devices connecting across Watkins Street and Riverview Drive via the north-south pedestrian pathway using the safest and more direct route, as approved by the Street Transportation Department.
- 19) A minimum of ten bicycle parking spaces shall be provided through Inverted U and/or artistic racks located near each building on the site. These spaces shall be located near entrances and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department.
- 20) 2 years to apply and pay for building permits.

|                         |    |                     |                                                                                                                                                                                                                                                |
|-------------------------|----|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Denied</b>           | 7. | Application #:      | ZA-293-24-5                                                                                                                                                                                                                                    |
|                         |    | Existing Zoning:    | R-3                                                                                                                                                                                                                                            |
|                         |    | Location:           | 2217 West Hayward Avenue                                                                                                                                                                                                                       |
|                         |    | Quarter Section:    | Q24-24(J7)                                                                                                                                                                                                                                     |
|                         |    | Proposal:           | Variance to allow a minimum lot width of 55 feet. Minimum lot width of 60 feet required.                                                                                                                                                       |
|                         |    | Ordinance Sections: | 615.B. Table B                                                                                                                                                                                                                                 |
|                         |    | Applicant:          | Kristopher Ontiveros, 312 Architect and Design                                                                                                                                                                                                 |
|                         |    | Representative:     | David Tipei, 42nd Street Creta, LLC                                                                                                                                                                                                            |
|                         |    | Owner:              | 42nd Street Creta, LLC                                                                                                                                                                                                                         |
| <b>Approved w/stips</b> | 8. | Application #:      | ZA-338-24-6                                                                                                                                                                                                                                    |
|                         |    | Existing Zoning:    | R1-6 CEPCSP                                                                                                                                                                                                                                    |
|                         |    | Location:           | 2414 East Meadowbrook Avenue                                                                                                                                                                                                                   |
|                         |    | Quarter Section:    | Q18-33(H9)                                                                                                                                                                                                                                     |
|                         |    | Proposal:           | 1) Variance to reduce the side setback (north) for a detached accessory structure to 0 feet. Minimum 3 feet required.<br>2) Variance to reduce the side setback (south) for a detached accessory structure to 2 feet. Minimum 3 feet required. |
|                         |    | Ordinance Sections: | 706.B.3                                                                                                                                                                                                                                        |

Applicant: Matthew Butler  
Representative: Matthew Butler  
Owner: Matthew Butler

**Stipulations:**

- 1) Per the setback reductions as shown on site plan date stamped June 3, 2024.
- 2) 1 year to apply for and obtain building permits.

**Approved  
w/stips**

9. Application #: ZA-407-24-3  
Existing Zoning: C-1 PCD, C-2 PCD  
Location: 12010 North Tatum Boulevard  
Quarter Section: Q30-38(K11)  
Proposal: Use permit to allow a car wash in an open building. Use permit required.  
Ordinance Sections: 623.D.41  
Applicant: Brooke Burdge, Esencia, LLC  
Representative: Brooke Burdge, Esencia, LLC  
Owner: Jackson's Food Store, Inc.

**Stipulations:**

- 1) 18 months to apply for and obtain building permits.
- 2) Per landscaping as shown on the stie plan date stamped June 3, 2024.

**Approved  
w/stips**

10. Application #: ZA-444-24-7  
Existing Zoning: S-1 (Approved C-2)  
Location: 5120 West Southern Avenue  
Quarter Section: Q3-16(D5)  
Proposal: Time extension for ZA-555-22, use permit to allow a car wash in an open building. Use permit required.  
Ordinance Sections: 623.D.41  
Applicant: Jesse Macias, M3 Design  
Representative: Jesse Macias, M3 Design  
Owner: Cobblestone Phoenix Propco, LLC

**Stipulations:**

- 1) 18 months to apply for and obtain building permits.
- 2) Subject to original stipulations from ZA-555-22.

**ZONING ADJUSTMENT HEARING OFFICER: FRANK DOLASINSKI**  
**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](mailto:zoning.adjustment@phoenix.gov). To request a reasonable accommodation, please contact Teleia Galaviz at 602-291-2559, [teleia.galaviz@phoenix.gov](mailto:teleia.galaviz@phoenix.gov) TTY: Use 7-1-1.

July 18, 2024