

**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 **July 25, 2024 at 9:00 AM (Items 1-6) and 1:30 PM (Items 7-13)**

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-602-21-7 (1 Year Review of Use Permit)
Existing Zoning: A-2
Location: 2239 North Black Canyon Highway
Quarter Section: 14-23(G7) 13-23(G7)
Proposal:
 - 1) Time extension of ZA-588-20, use permit to allow a medical marijuana cultivation facility. Use permit required.
 - 2) Time extension of ZA-588-20, use permit to allow a medical marijuana infusion facility. Use permit required.
 - 3) Time extension of ZA-588-20, variance to allow a medical marijuana cultivation facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required.
 - 4) Time extension of ZA-588-20, variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required.
 - 5) Time extension of ZA-588-20, variance to allow a medical marijuana cultivation facility within 1,320 feet of a homeless shelter. Minimum 1,320 feet of separation required.
 - 6) Time extension of ZA-588-20, variance to allow a medical marijuana infusion facility within 1,320 feet of a homeless shelter. Minimum 1,320 feet of separation required.
 - 7) Time extension of ZA-588-20, variance to allow a medical marijuana cultivation facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required.
 - 8) Time extension of ZA-588-20, variance to allow a medical marijuana infusion facility within 1,000 feet of a residentially zoned district. Minimum 1,000 feet of separation required.
 - 9) Time extension of ZA-588-20, variance to allow a medical marijuana cultivation facility within 1,320 feet of a school. Minimum 1,320

feet of separation required.

10) Time extension of ZA-588-20, 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.93.a. 627.D.91.c 627.D.93.b.
627.D.91.e 627.D.93.d 627.D.91.d 627.D.93.c
627.D.91.e 627.D.93.d

Applicant: Theodore Pappas, MIOT Properties, LLC

Representative: David W. Dow, Dow Law Office

Owner: Saia Family 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.

Denied

2. Application #: ZA-475-24-3
Existing Zoning: R1-14
Location: 5412 East Charter Oak Road
Quarter Section: Q31-40(K11)
Proposal: 1) Use permit to allow an over height (20 feet) detached accessory structure (pool house) within the side yard (west) setback. Maximum 15 feet in height permitted.
2) Use permit to allow an over height (20 feet) detached accessory structure (pool house) within the rear yard (north) setback. Maximum 15 feet in height permitted.
Ordinance Sections: 706.B.2.b 706.B.2.b

		Applicant:	Kathy Clarke
		Representative:	Kathy Clarke
		Owner:	Jeffrey B. and Katherine K. Clarke
Approved w/stips	3.	Application #:	ZA-480-24-3
		Existing Zoning:	R1-10
		Location:	1745 East Hatcher Road
		Quarter Section:	Q27-31(J9)
		Proposal:	1) Use permit to allow over height retaining walls (6 feet) within 50 feet of the property line (east) of an unplatted parcel. Maximum 40 inches permitted. 2) Variance to allow over height retaining walls (6 feet) in the required front yard (north) setback. Maximum 40 inches permitted.
		Ordinance Sections:	703.A.4.c 703.A.4.d
		Applicant:	Joanne Brown
		Representative:	Joanne Brown
		Owner:	Joanne Brown
		Stipulations:	
			1) 1 year to apply for and obtain building permits.
			2) Per the location of the over height retaining walls as shown on site plan date stamped June 18, 2024.
Continued	4.	Application #:	ZA-484-24-1
		Existing Zoning:	RE-35
		Location:	4410 West Acoma Drive
		Quarter Section:	Q34-18(L6)
		Proposal:	1) Variance to allow an over height wall (8 feet) in the required rear yard (north) setback. Maximum 6 feet permitted. 2) Variance to allow an over height wall (8 feet) in the required side yard (east) setback. Maximum 6 feet permitted. 3) Variance to allow an over height wall (8 feet) in the required side yard (west) setback. Maximum 6 feet permitted.
		Ordinance Sections:	703.A.2.c 703.A.2.c 703.A.2.c
		Applicant:	Jose G. Aguirre, Architierra Design
		Representative:	Jose G. Aguirre, Architierra Design
		Owner:	Cesar Gonzalez
		Continued to September 5, 2024 at 9:00 AM.	
Approved w/stips	5.	Application #:	ZA-488-24-4
		Existing Zoning:	R1-10 HP
		Location:	119 East Alvarado Road
		Quarter Section:	Q13-28
		Proposal:	Variance to reduce the side yard (east) setback to 3 feet. Minimum 10 feet required.
		Ordinance Sections:	611.B.Table B

Applicant: Daniel Saari, Office of Desert Architecture, LLC
Representative: Daniel Saari, Office of Desert Architecture, LLC
Owner: Anjanette Fowler

Stipulations:

- 1) Per the setback reduction as shown on site plan date stamped June 21, 2024.
- 2) 1 year to apply for and obtain building permits.

Denied

6. Application #: ZA-494-24-7
Existing Zoning: R-4 SPVTABDO
Location: 5402 South 5th Street
Quarter Section: Q3-28(D8)
Proposal: Variance to reduce the minimum parking requirement to 9 spaces. Minimum 14 spaces required

Ordinance Sections: 702.C.Table
Applicant: Eduardo Coker
Representative: Eduardo Coker
Owner: Celer Logistics, LLC

1:30 PM

**Approved
w/stips**

7. Application #: ZA-122-24-8 (SIGN)
Existing Zoning: A-2 AIO RSIO
Location: 1735 East Maricopa Freeway
Quarter Section: Q7-31(E9)
Proposal: 1) Use permit to rebuild a non-conforming off-premise sign to a height of 67 feet. Use permit required.
2) Use Permit to rebuild two faces of a non-conforming off-premise sign to digital display. Use permit required.

Ordinance Sections: 705.2.B.4.b 705.2.G.4
Applicant: Paul Hickman, Clear Channel Outdoor
Representative: Taylor C. Earl, Earl & Curley
Owner: Eller Outdoor Advertising, Clear Channel Outdoor

Stipulations:

- 1) Install a Planning and Development Department design-approved, decorative pole cover on the rebuilt sign. Any access ladder, if included, shall be on the south or east side of the pole cover and concealed from eastbound traffic.
- 2) Install Planning and Development Department design-approved vertical louvers on both sign faces that effectively reduce digital image visibility for areas outside of eastbound and westbound Interstate 17 traffic. Prior to final inspection of the sign, effectiveness of vertical louvers to be verified via a sign inspection performed by Planning and Development Department (PDD) staff.
- 3) Electric service connections shall remain underground. If an opening in the required decorative pole cover for the electric service meter is needed, it shall be located on the south or east side of the pole cover.

- 4) Maximum sign height shall be 67 feet.
- 5) The applicant shall have 24 months to apply and pay for permits for the subject sign.

Approved w/stips	8.	Application #:	ZA-323-24-1 (SIGN)
		Existing Zoning:	C-2
		Location:	3510 West Cactus Road
		Quarter Section:	Q31-20(K6)
		Proposal:	Use permit to allow an electronic message display (EMD) on a ground sign. Use permit required.
		Ordinance Sections:	705.C.13
		Applicant:	Shirley Lam, Bootz and Duke Company
		Representative:	Chris Totton, Bootz and Duke Company
		Owner:	Paul Cantarella, Paulies Family Car Wash, Inc.
		Stipulations:	
			1) Sign design shall be in accordance with the sign drawings submitted to the Hearing Officer and date-stamped July 25, 2024.
			2) Maximum sign height shall be 7 feet.
			3) Electronic Message Display (EMD) panel illumination shall be shut daily at 6:00 PM.
			4) 12 months to obtain sign permits for the ground sign.
			5) Use permit valid for car wash use only.
			6) EMD change rate shall be once per 30 seconds.
Approved w/stips	9.	Application #:	ZA-391-24-8 (SIGN)
		Existing Zoning:	A-2 RSIOD
		Location:	1111 West Maricopa Freeway
		Quarter Section:	Q7-26(E8)
		Proposal:	1) Use permit to increase the height of a non-conforming off premise sign to 60 feet. Use permit required. 2) Use permit to rebuild non-conforming off premise sign 284 feet from a residential district. Use permit required. 3) Use permit to rebuild a non-conforming off premise sign with two digital faces. Use permit required. 4) Variance to reduce required spacing between off premise signs to 456 feet. 1,000 foot separation required.
		Ordinance Sections:	705.2.B.4.b 705.2.A.5 705.2.G.4. 705.2.B.2.
		Applicant:	Shawn Paulsen, Lamar Advertising
		Representative:	William F. Allison, Withey Morris Baugh, PLC
		Owner:	David Kibbee, Bixby Kibbee, LLC
		Stipulations:	
			1) Install a Planning and Development Department design-approved, decorative pole cover on the rebuilt sign. Any access ladder, if included, shall be on the south or east side of the pole cover and concealed from eastbound traffic.

- 2) If an opening in the required decorative pole cover for the electric service meter is needed, it shall be in a location approved by PDD.
- 3) Removal of all exterior catwalks and railings on the rebuilt sign structure.
- 4) Maximum sign height shall be 60 feet.
- 5) The applicant shall have 12 months to apply and pay for permits for the subject sign.
- 6) Vertical louvers or similar technology as approved by PDD to reduce visual impact.

**Approved
w/stips**

10. Application #: ZA-393-24-4 (SIGN)
 Existing Zoning: WU Code T6:HWR MT
 Location: 3150 North Central Avenue
 Quarter Section: Q15-27(G8)
 Proposal: Use Permit to allow a Major Amendment to the Park Central Comprehensive Sign Plan to allow relocation of one wall sign higher than 56 feet from the west facade to the south facade. Use permit required.
 Ordinance Sections: 704.E.2.d
 Applicant: Greg Fay, FHG Phoenix PC Owner, LLC
 Representative: William F. Allison, Withey Morris Baugh, PLC
 Owner: Greg Fay, FHG Phoenix PC Owner, LLC
Stipulations:
 - 1) For hi-rise signs (signs over 56 feet) that emit white light, prior to sign installation, a signed statement from the sign fabricator verifying correlated color temperature (in degrees Kelvin) lighting modules not exceeding 4,000K were used shall be submitted to the Planning and Development Department (PDD).
 - 2) The sign shall be automatically dimmed to a maximum of 80 Nits luminance at 10:30 daily until sunrise.
 - 3) Sign lighting dimmer setting values (required to dim the sign to a maximum of 80 NITS luminance (measured at the sign face) shall be verified by a qualified electrical engineer and submitted in writing to PDD prior to the final sign inspection.
 - 4) Adherence to the sign drawings, other than changes required to meet Zoning Code standards and ZAH0 stipulations is required.
 - 5) Submit a revised CSP document pages as needed for PDD approval incorporating the amendment and any stipulations of approval.
 - 6) 12 months to apply for and pay for sign permits.

**Approved
w/stips**

11. Application #: ZA-356-24-8
 Existing Zoning: A-2 RSIOD
 Location: 3585 South 28th Street
 Quarter Section: Q6-34(E10); Q6-33(E10)
 Proposal: Use permit to allow development within 500 feet of the Rio Salado Habitat Restoration Project. Use permit required.
 Ordinance Sections: Section 655.E.4 655.E.4

Applicant: Ray Young, CBRE Investment Management
Representative: Greg Rowan, Norris Design
Owner: Mary Lang, USLP Freeway, LP

Stipulations:

LANDSCAPING:

- 1) A minimum 20-foot-wide, average 30-foot, landscape setback shall be provided along 28th 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. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions.
- 2) A minimum 15-foot-wide landscape area shall be provided adjacent to the multi- use trail along the eastern portion of the site. 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.
- 3) A minimum 10-foot-wide landscape area shall be provided along the southern portion of the site. This landscape area shall be planted with minimum 2-inch caliper trees, planted 30 feet on center or in equivalent groupings, and five 5- gallon shrubs per tree, as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions.
- 4) A minimum 10-foot-wide landscape area shall be provided between the existing private drive (north) and proposed parking 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.
- 5) 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:

- 6) Outdoor storage, including truck parking areas, shall be screened by an 8-foot- tall wall where within 100 feet of 28th Street. This wall shall include a combination of 5 feet solid masonry material topped with 3 feet of wrought iron fencing. Where gates are provided for vehicular access, these gates shall be decorative and may include minor perforations to accommodate wind loads. The perforation shall not exceed 50% of the gate surface area.
- 7) Open view fencing or a combination of 5 feet solid masonry material topped with 3 feet of wrought iron material shall be used where oriented towards the multi- use trail along the eastern portion of the site. Fencing shall be considered open if a minimum of 75% is open, excluding pillars or piers.
- 8) Fencing and walls oriented towards a public street or trail 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.)

- 9) Outdoor lighting shall be provided within proximity to multi-use trail along eastern property line.
- 10) 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.
 - b. 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 a public street or multi-use trail.
- 11) 1 year to apply and pay for grading and drainage civil permit.

**Approved
w/stip**

12. Application #: ZA-460-24-3
Existing Zoning: R1-8
Location: 13839 North 12th Street
Quarter Section: Q33-30(L9)
Proposal: Use permit to use the Average Lot Development option. Use permit required.
Ordinance Sections: 612.B. Table B
Applicant: Brian Fracasse, Fracasse Architecture, Inc.
Representative: Alex Hayes, Withey Morris Baugh, PLC
Owner: 13839 N. 12th St, LLC
Stipulation:
1) 1 year to apply for and obtain permits.

Continued

13. Application #: ZA-495-24-7
Existing Zoning: C-3 HP ACOD
Location: 1009 North Grand Avenue
Quarter Section: Q11-26(F8)
Proposal:
1) Use permit to allow outdoor dining area to be 50% of the gross square footage of the primary building's ground level gross floor area. Use permit required to exceed 25%.
2) Use permit to allow outdoor dining as an accessory to a restaurant. Use permit required.
3) Use permit to allow the sale of alcoholic beverages as an accessory use to a restaurant. Use permit required.
Ordinance Sections: 669.E.2 669.C.1.f.(3) 669.C.1.f.(1).(a)
Applicant: Walter Sterling, Arizona Hospitality II, LLC
Representative: Mike Krentz, Davis
Owner: Walter Sterling, Arizona Hospitality II, LLC

Continued to September 5, 2024 at 1:30 PM.

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.

July 26, 2024