

**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 **May 2, 2024 9:00 AM (Items 1-7) and 1:30 PM (Items 8-12)**

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-1-16-7 (1 Year Review of Use Permit) |
| | Existing Zoning: | A-2 |
| | Location: | 2 North 35th Avenue |
| | Quarter Section: | 10-20(F6) |
| | Proposal: | 1) Use permit to allow a medical marijuana cultivation facility. Use permit is required.
2) Use permit to allow a medical marijuana dispensary facility. Use permit is required.
3) Use permit to allow a medical marijuana infusion facility. Use permit is required.
4) Variance to allow a medical marijuana cultivation facility within 750 feet of a residentially zoned district. 1,000 feet separation is required between cultivation facility and residentially zoned districts.
5) Variance to allow a medical marijuana infusion facility within 750 feet of a residentially zoned district. 1,000 feet is required between infusion facility and residentially zoned districts. |
| | Ordinance Sections: | 627.D.91.a 627.D.92.a 627.D.93.a 627.D.91.d 627.D.93.c |
| | Applicant: | Benjamin Graff, Quarles & Brady, LLP |
| | Representative: | Benjamin Graff, Quarles & Brady, LLP |
| | Owner: | Yavapai Herbal Services, Inc. |

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**

2. Application #: ZA-96-24-4 (Continued from March 21, 2024)
- Existing Zoning: C-2
- Location: 3822 and 3830 North 7th Street
- Quarter Section: Q16-28(H8)
- Proposal:
 - 1) Time extension for ZA-84-23, use permit to allow a medical marijuana dispensary. Use permit required.
 - 2) Time extension for ZA-84-23 variance to allow a medical marijuana dispensary within 5,280 feet of the same type of use. Minimum 5,280 feet of separation required.
 - 3) Time extension for ZA-84-23, variance to allow a medical marijuana dispensary within 500 feet of a residentially zoned district. Minimum 500 feet of separation required.
 - 4) Time extension for ZA-84-23, variance to allow a medical marijuana dispensary within 1,320 feet of a preschool. Minimum 1,320 feet of separation required.
 - 5) Time extension for ZA-84-23, variance to allow a medical marijuana dispensary within 1,320 feet of a learning center. Minimum 1,320 feet of separation required.
- Ordinance Sections: 623.D.124.a 623.D.124.e 623.D.124.f 623.D.124.h 623.D.124.h
- Applicant: David E. Richert, Richert & Associates
- Representative: David E. Richert, Richert & Associates
- Owner: Judy Onghai, Special Situations Value Investing, LLC, Michael Onghai, Looksmart Group, Inc.

Stipulation:

- 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.

Continued 3. Application #: ZA-614-23-6
Existing Zoning: R1-6
Location: 4135 East Glenrosa Avenue
Quarter Section: Q17-37(H10)
Proposal: Variance to reduce the rear yard (south) setback to 1 foot for detached accessory structures. Minimum 3 feet required.

Ordinance Sections: 706.B.3
Applicant: Luis Ibarra for Territorial L&L Construction
Representative: Luis Ibarra for Territorial L&L Construction
Owner: Daniel Rothenberg and Lissa Lazar
Continued to June 13, 2024 at 9:00 AM.

Denied 4. Application #: ZA-144-24-8
Existing Zoning: C-2
Location: 1812 West Baseline Road
Quarter Section: Q1-25(D7)
Proposal: Use permit to allow outdoor recreation (outdoor fitness) as an accessory use to a fitness center (EoS Fitness) within 500 feet of a residential district. Use permit required

Ordinance Sections: Ordinance Section 623.D.157.c
Applicant: Barclay Group
Representative: Alan Beaudoin, Norris Design
Owner: GAINS (AZ) LLC, a Delaware Limited Liability Company

Approved 5. Application #: ZA-185-24-7
Existing Zoning: A-2 RSIOD, C-3 RSIOD, R-5 RSIOD
Location: 4001 South 15th Avenue and 4300 South 10th Avenue
Quarter Section: Q5-26(E8)

		Proposal:	Use permit to allow a temporary use (storage of equipment, vehicles, and related materials) for up to 36 months. Use permit required.
		Ordinance Sections:	708.D.1
		Applicant:	Christopher Smith
		Representative:	Christopher Smith
		Owner:	Fisher Sand and Gravel Company
Approved	6.	Application #:	ZA-211-24-8
		Existing Zoning:	RE-35
		Location:	10828 South 26th Avenue
		Quarter Section:	Q05-23(C7)
		Proposal:	Variance to reduce the required side yard (west) setback to 20 feet. Minimum 40 feet required.
		Ordinance Sections:	609.B.Table
		Applicant:	Francisco Bobadilla, Crux Solutions, LLC
		Representative:	Francisco Bobadilla, Crux Solutions, LLC
		Owner:	Domenico Cavallo, Colliano Trust
Approved w/stips	7.	Application #:	ZA-246-24-4
		Existing Zoning:	A-1
		Location:	1736, 1738, 1746 West Latham Street
		Quarter Section:	Q12-25(G7)
		Proposal:	1) Variance to allow outdoor uses, outdoor storage, or open buildings 29 feet from a public street (18th Avenue). Minimum 75 feet required. 2) Variance to allow outdoor uses, outdoor storage, or open buildings 0 feet from a public street (Latham Street). Minimum 75 feet required.
		Ordinance Sections:	627.F.2.b.(3) 627.F.2.b.(3)
		Applicant:	Denise Taniyama, Morales Artistic Wrought Iron, LLC
		Representative:	Jeff Stephens AIA, NCARB, Searer, Robbins, & Stephens, Inc.
		Owner:	MT Real Estate Investment, LLC
		Stipulations:	
			1) Apply and pay for building permits within 1 year.
			2) Per the requests for the outdoor uses, storage, or open building locations shown on the site plan date stamped March 27, 2024.
		1:30 PM	
Approved w/stips	8.	Application #:	ZA-156-24-6 (SIGN)
		Existing Zoning:	C-3
		Location:	5150 East Van Buren Street
		Quarter Section:	Q11-39(F11)
		Proposal:	Use permit to allow an electronic message display (EMD) on a ground sign. Use permit required.

Ordinance Sections: 705.C.13
Applicant: Gary Spinner, Pearson's Sign Company
Representative: Gary Spinner, Pearson's Sign Company
Owner: Circle K Stores Inc.

Stipulations:

- 1) Sign design and sign general location shall be in accordance with the sign drawings submitted to the Hearing Officer and date stamped May 2, 2024.
- 2) 12 months to obtain sign permits for the ground sign.

**Approved
w/stips**

9. Application #: ZA-160-24-6 (SIGN)
Existing Zoning: Black Canyon/Maricopa Freeway Specific Plan - Segment 22
Location: 15175 South 50th Street
Quarter Section: Q010-39(A11)
Proposal: Use permit to adopt the Converge Logistics Center Comprehensive Sign Plan. Use permit required.

Ordinance Sections: 705.E.2
Applicant: Julie Kulka, Airpark Signs & Graphics
Representative: Julie Kulka, Airpark Signs & Graphics
Owner: Alex Boles, PR VWP Kyrene, LLC Via West Group

Stipulations:

- 1) Revise ground sign designs to more closely match building architecture, materials, textures and colors in accordance with Planning and Development Department staff review comments.
- 2) Submittal of a revised 'final' version of the CSP document to the Planning and Development Department incorporating any ZAH0 stipulations of approval and related changes to sign designs contained in the CSP, and any staff comments/corrections within 60 days from the date of the hearing and prior to the issuance of any sign permits for the project.
- 3) 12 months to pay for and obtain sign permits.

Continued

10. Application #: ZA-62-24-3
Existing Zoning: R1-10
Location: 11011 North 38th Street
Quarter Section: Q29-36(K10)
Proposal: Variance to reduce the side yard (south) setback to 5 feet. Minimum 10 feet required.

Ordinance Sections: 611.B.Table B
Applicant: David Schwinghamer, Third Dimension Design
Representative: David Schwinghamer, Third Dimension Design
Owner: James Wernau

Continued to June 13, 2024 at 1:30 PM.

**Approved
w/stip**

11. Application #: ZA-249-24-8
Existing Zoning: R-4 CCSIO
Location: 822 South 4th Avenue

Quarter Section: Q9-27(F8)
Proposal: 1) Time extension for ZA-447-22, variance to reduce the landscape setback requirement along public facing street (Hadley Street) for parking and driveway to 0 feet. Minimum 10 feet required.
2) Time extension for ZA-447-22, variance to reduce the interior property line (north) landscape setback to 2 feet. Minimum 5 feet required.
Ordinance Sections: 703.B.3.a; 703.B.3.b.(3)
Applicant: Jeff Wagner, Wagner Architects, LLC
Representative: Jeff Wagner, Wagner Architects, LLC
Owner: Keith Grayson, Eco Properties LLC
Stipulation:
1) 6 months to apply and pay for building permits.

**Approved
w/stips**

12. Application #: ZA-278-24-7
Existing Zoning: DTC-West Evan Churchill ACOD
Location: 801 North 2nd Street
Quarter Section: Q11-28(F8)
Proposal: Use permit to allow a temporary use (outdoor entertainment) for up to 36 months. Use permit required.
Ordinance Sections: 708.D.1
Applicant: EQ Second & Mckinley, LLC
Representative: Taylor C. Earl, Earl, Curley & Lagarde, P.C.
Owner: EQ Second & Mckinley, LLC
Stipulations:
1) 1 year to commence use / have the first event.
2) No more than 7 events that include an extension of premise for liquor and amplified music per year.
3) No more than 22 events per year.

**ZONING ADJUSTMENT HEARING OFFICER: CRAIG TRIBKEN
PLANNER: NATASHA HUGHES, 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.

May 3, 2024