

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised December 30, 2024*

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to 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 **November 26, 2024, at 9:00 AM (Items 1-3) and 1:30 PM (Items 4-8) located in Assembly Room C, Phoenix City Hall, 200 West Washington Street, First Floor, Phoenix, Arizona.**

The results of the meeting were as follows:

RESULTS
Approved
w/stips

9:00 AM

1. Application #: ZA-725-24-5
- Existing Zoning: C-2
- Location: 2175 North 83rd Avenue
- Quarter Section: Q13-9(G3)
- Proposal:
 - 1) Use permit to allow a medical marijuana dispensary facility. Use permit required.
 - 2) Variance to allow a medical marijuana dispensary facility within 5,280 feet of the same type of use. Minimum 5,280 feet of separation required.
 - 3) Variance to allow a medical marijuana dispensary facility within 500 feet of a residentially zoned district. Minimum 500 feet of separation required.
- Ordinance Sections: 623.D.124.a 623.D.124.e 623.D.124.f
- Applicant: Michelle Green, Lazarus & Silvyn P.C.
- Representative: Larry Lazaus, Lazarus & Silvyn P.C.
- Owner: James Kaufman, 2175 N 83rd, 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 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.
- 8) The applicant shall notify the Planning and Development Department upon issuance of the Approval to Operate (ATO). Within 90 days following the issuance of the ATO, the applicant shall complete revocation of the use permits approved in Zoning Adjustment Case Numbers: ZA-517-15, ZA-587-16, ZA-34-18 and ZA-98-19.
- 9) Per site plan date stamped October 1, 2024 as it relates to the proposed addition.

**Approved
w/stips**

2. Application #: ZA-779-24-8
 Existing Zoning: R-3 CCSIOD
 Location: 1345 and 1341 West Papago Street
 Quarter Section: Q8-26(F8)
 Proposal: 1) Variance to reduce the required lot width (lot 1) to 51 feet. Minimum 60 feet required.
 2) Variance to reduce the required lot width (lot 2) to 52 feet. Minimum 60 feet required.
 Ordinance Sections: 615.B.Table B 615.B.Table B
 Applicant: Manuel Inurriaga P.E.
 Representative: Manuel Inurriaga P.E.
 Owner: Manuel, Ernesto Inurriaga, Ofelia Delfin, MFD Construction, LLC
Stipulations:
 1) 1 year to apply and pay for building permits.
 2) Per the site plan date stamped October 28, 2024.

***#1 and 5
Denied
#2 and 3
Denied as
Filed
#4
Approved
w/stips**

3. Application #: ZA-780-24-8
 Existing Zoning: C-3 RSIOD
 Location: 4040 South 16th Street
 Quarter Section: Q5-30(E9)
 Proposal: 1) Variance to reduce the streetside (Wood Street) building setback to 0 feet. An average of 25 feet is required, minimum of 20 feet permitted for up to 50 percent of structure, including projections.
 2) Variance to reduce the streetside (16th Street) building setback to 0 feet. An average of 25 feet is required, minimum of 20 feet permitted for up to 50 percent of structure, including projections.
 3) Variance to reduce the streetside (16th Street) landscape setback to 0 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent of structure, including projections.
 4) Variance to reduce the streetside (Wood Street) landscape setback to 0 feet. An average of 25 feet is required, minimum of 20 permitted for up to 50 percent of structure, including projections.
 5) Variance to reduce the required parking to 27 spaces. Minimum 43 spaces required.

Ordinance Sections: 624.E.4.d 624.E.4.d 624.E.4.e 624.E.4.e
702.C.Table

Applicant: Jordan Greenman, Greenman Law

Representative: Jordan Greenman, Greenman Law

Owner: Brian Madrigal, Sierra Luna, LLC

Taken out from under advisement on December 30, 2024 and decided on as follows:

- 1) 1 year to apply and pay for building permits.
- 2) Per the setback reductions as shown on the site date stamped October 28, 2024.
- 3) #2 approved for a minimum 16-foot building setback along 16th Street for the existing building addition.
- 4) #3 approved for a minimum 10-foot landscape setback along 16th Street.
- 5) Existing covered patios on north and south sides of building must be removed.

1:30 PM

**Approved
w/stips**

4. Application #: ZA-750-24-5 (SIGN)
Existing Zoning: PUD
Location: 2209 North 99th Avenue
Quarter Section: Q14-5(G2)
Proposal: Use permit to adopt the Sheely Center Comprehensive Sign Plan. Use permit required.
Ordinance Sections: 705.E.2
Applicant: Ana Jones, Trademark Visual, Inc.
Representative: Ana Jones, Trademark Visual, Inc.
Owner: Sheely Ted/ETAL, Chuck Mackie, IDM Companies

Stipulations:

- 1) Sheely Center Comprehensive Sign Plan (SCCSP) shall be in accordance with the drawing's date stamped October 31, 2024 unless otherwise stipulated.
- 2) Submit a revised "final" version of the (SCCSP) to the Planning and Development Department incorporating all stipulations of approval related to changes to sign design in the CSP and any staff comments/corrections (size, types or locations) within 60 days from the date of the hearing and prior to the requests for any sign permits for the project.
- 3) 1 year to pay for and obtain sign permits.
- 4) No sign permits shall be approved prior to final site plan and building elevation approval.
- 5) Additional monument or directional signs require additional approvals.
- 6) Window signs / graphics shall meet City of Phoenix requirements.
- 7) All pad, hotel signage, and freeway pylon require additional approvals.

**Approved
w/stips**

5. Application #: ZA-764-24-5 (SIGN)
Existing Zoning: PUD PCD
Location: 9410 West Thomas Road

Quarter Section: Q15-6(G3)
Proposal: 1) Use Permit for an off-premise sign with electronic message displays. Use Permit required.
2) Use permit to increase the height of an off-premise sign to 70 feet. Use permit required.
Ordinance Sections: 705.2.E.3 705.2.B.4
Applicant: John F. Long Properties, LLLP
Representative: Chip Tolleson, CT MGMT
Owner: John F. Long Properties, LLLP

Stipulations:

- 1) 1 year to pay for and obtain building permits.
- 2) The Algodon Center monument sign and off-premise sign shall be in accordance with the site plan and elevation drawings date stamped October 18, 2024.
- 3) Maximum height of the rebuilt off-premise sign shall be 70 feet.
- 4) Off-premise sign illumination shall be extinguished daily at 11:00 PM via an automatic timer.
- 5) Electrical service connections shall be underground. If an opening is required in the decorative pole cover for the electric service meter, it shall be located on the west or north side of the pole cover.
- 6) Catwalks and/or railings shall not be installed on the outside or exterior side of the sign faces.
- 7) Install a Planning and Development Department design-approved metallic screen treated with a graffiti resistant coating on the open end of the V-shaped sign.

**Approved
w/stips**

6. Application #: ZA-654-20-8 (1-Year Review of Use Permit)
Existing Zoning: A-2 RSIOD ANIZO
Location: 2424 South 24th Street
Quarter Section: 7-32(E9)
Proposal: 1) Use permit to allow Medical Marijuana Cultivation facility. Use permit required.
2) Use permit to allow Medical Marijuana Infusion facility. Use permit required.
3) Use permit to allow Medical Marijuana Dispensary. 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 of separation required.
5) Variance to allow a medical marijuana infusion facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required.
6) Variance to allow a medical marijuana dispensary facility within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required.
Ordinance Sections: 627.D.91.a 627.D.92.a 627.D.93.a 627.D.91.c 627.D.91.d 627.D.93.b
Applicant: Michelle Gabriel, A&R Consultants, LLC

Representative: Lindsay Schube, Gammage & Burnham, PLC
Owner: Michelle Gabriel, A&R Consultants, 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 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**

7. Application #: ZA-741-24-3
Existing Zoning: C-2 HGT/WVR DNS/WVR
Location: 12425 North 19th Avenue
Quarter Section: Q30-25(K7)
Proposal: 1) Use permit to allow over height retaining walls (5 feet) within 50 feet of the property line of an unplatted parcel. Maximum 40 inches permitted.
2) Variance to reduce the building setback (east) adjacent to a single-family zoning district to 30 feet. Minimum 50 feet required for 2 stories.
3) Variance to reduce the streetscape landscape setback along Cactus Road (south) to 5 feet. An average of 25 feet for structures not exceeding two stories or 30 feet, minimum 20 feet permitted for up to 50 percent of the frontage.
Ordinance Sections: 703.A.4.c 623.E.4.d 623.E.4.e
Applicant: Phoenix Rehab Campus, LLC
Representative: Ryan Mahar, CD&E
Owner: PHNXLAND I, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) General conformance to the site plan date stamped October 22, 2024.

**Approved
w/stips**

8. Application #: ZA-756-24-7
Existing Zoning: A-1
Location: 3045 South 35th Avenue
Quarter Section: Q6-21(E6)
Proposal: 1) Variance to reduce the front yard setback to 0 feet. Minimum of 25 feet required.
2) Variance to allow an over height fence (8 feet) within the required front yard setback (west). Maximum 40 inches permitted.
3) Variance to permit open storage to be 12 feet high. Open storage shall be no higher than 6 feet plus 1 foot in height for every additional 3 feet setback from a property line.
4) Variance to eliminate the screening requirement for 15 gallon trees spaced no more than 25 feet apart and with an adequate watering system within 150 feet of public streets (35th Avenue). Fifteen gallon trees required.
Ordinance Sections: 701.D.3.a 703.A.3.a 627.F.2.c(2)(b)(i) 627.F.2.c.(2).(b).(ii)
Applicant: Jordan Greenman, Greenman Law
Representative: Jordan Greenman, Greenman Law
Owner: Jim Anderson, LOA 5 LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per site plan date stamped November 5, 2024 with regards to the front yard over height wall, open storage, and screening eliminated.
- 3) A minimum 10 foot wide landscape area shall be provided along 35th Avenue immediately west of the proposed 8 foot wall. The landscape area shall include 2 inch caliper trees, planted 30 feet on center or in equivalent groupings, with five-5 gallon shrubs per tree as approved by the Planning and Development Department. Where utility conflicts exist, the developer shall work the City staff on alternative solutions.
- 4) Outdoor storage of building materials, finished products, construction equipment and trucks shall be screened by and 8 foot tall decorative masonry wall along the front property line. The wall shall be designed with decorative elements to reduce the visual height and length of the wall as approved the Planning and Development Department. Vehicular access gates shall be decorative and may have perforations not to exceed 50% of the gate surface.

**ZONING ADJUSTMENT HEARING OFFICER: FRANK DOLASINSKI
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.

December 30, 2024