

**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 **October 10, 2024, at 9:00 AM (Items 1-8) and 1:30 PM (Items 9-16). 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-502-16-4 (1 Year Review of Use Permit)
Existing Zoning: A-2
Location: 2902 and 2908 West Virginia Avenue
Quarter Section: 14-22(G7)
Proposal: 1) Time extension for ZA-432-15, a use permit to allow a medical marijuana cultivation and infusion facility.
2) Time extension for ZA-432-15, a variance to allow a medical marijuana cultivation and infusion facility within 1,017 feet of another medical marijuana facility.
Ordinance Sections: 307.A.12 307.A.12
Applicant: American Green, Inc.
Representative: David Williams
Owner: S&S Holdings, 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 2. Application #: ZA-85-17-1 (1 Year Review of Use Permit)
Existing Zoning: C-2 MR
Location: 20224 North 27th Avenue
Quarter Section: 41-22(N7)
Proposal: Use Permit to allow a medical marijuana dispensary. Use Permit required.
Ordinance Sections: 623.D.122.a
Applicant: Curtis Devine, Devine Holdings
Representative: Ronnie Kassab, A & R Consultants, LLC DBA JARS Cannabis
Owner: Lindsay C. Schube, Gammage & Burnham, PLC
Jatin Daas, AZE Real Estate, 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 3. Application #: ZA-483-17-8 (1 Year Review of Use Permit)
Existing Zoning: C-3
Location: 3411 East Corona Avenue
Quarter Section: 4-35(E10)
Proposal: Time extension for ZA-427-16, a use permit to allow a medical marijuana dispensary. Use permit required.
Ordinance Sections: 623.D.122.a
Applicant: Jon Pilkington, TruMed

Representative: Lindsay C. Schube, Gammage & Burnham, PLC
Owner: Corona 3411, 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**

4. Application #: ZA-295-20-5 (1 Year Review of Use Permit)
Existing Zoning: C-2
Location: 2444 West Northern Avenue
Quarter Section: 25-23(J7)
Proposal: 1) Use Permit to allow a nonprofit medical marijuana dispensary. Use permit required.
2) Variance to allow a nonprofit medical marijuana dispensary within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet of separation required.
3) Variance to allow a medical marijuana dispensary to be located less than 500 feet from a residentially zoned property. Minimum 500 feet of separation required.
4) Variance to allow a nonprofit medical marijuana dispensary to be located less than 1,320 feet from a school. Minimum 1,320 feet of separation required.
5) Variance to allow a nonprofit medical marijuana dispensary to be located less than 1,320 feet from a place of worship. Minimum 1,320 feet of separation required.

Ordinance Sections: 623.D.124.a 623.D.124.e 623.D.124.f 623.D.124.g
623.D.124.h
Applicant: Verde Natural Health, LLC
Representative: David Cisiewski, Esq., Law Office of David
Cisiewski, PLLC
Owner: Ialenti, 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/stip**

5. Application #: ZA-456-21-1 (1 Year Review of Use Permit)
Existing Zoning: C-1
Location: 4220 West Northern Avenue, Suite 103 & 104
Quarter Section: 25-19(J6)
Proposal:
1) Use permit to allow outdoor dining within 500 feet of a residential district zoning line. Use permit required.
2) Use permit to allow outdoor alcohol consumption within 500 feet of a residential district zoning line. Use permit required.
3) Use permit to allow outdoor recreation within 500 feet of a residential district zoning line. Use permit required.
4) Use permit to allow patron dancing. Use permit required.
5) Use permit to allow live entertainment. Use permit required.
Ordinance Sections: 622.D.143.c 622.D.143.c 622.D.143.c 622.D.143.b 622.143.a.(1)

Applicant: Theresa Miller, Ocho Rios Kerk Spot
Representative: Theresa Miller, Ocho Rios Kerk Spot
Owner: Mahendra Kardani

Stipulation:

- 1) Live entertainment shall end by midnight on Friday and Saturday, limited to 11:00 PM on Sunday through Thursday.

- Withdrawn** 6. Application #: ZA-310-23-7 (1 Year Review of Use Permit)
Existing Zoning: C-2
Location: 4908 West Baseline Road
Quarter Section: 1-17(D5)
Proposal: 1) Use permit to allow a medical marijuana dispensary facility. Use permit required.
2) Variance to allow a medical marijuana dispensary facility within 500 feet of a residentially zoned district. Minimum 500 feet of separation required.
3) Variance to allow a medical marijuana dispensary within 1,320 feet of a public park. Minimum 1,320 feet of separation required.
Ordinance Sections: 623.D.124.a 623.D.124.f 623.D.124.g
Applicant: Michelle Santoro, Gammage & Burnham, PLC
Representative: Lindsay Schube, Gammage & Burnham, PLC
Owner: All Other Property, LLP
- Approved w/stip** 7. Application #: ZA-563-24-2
Existing Zoning: C-2
Location: 3301 East Bell Road Phoenix
Quarter Section: Q36-35(M10)
Proposal: Use permit to allow a pet care facility (Hounds Town). Use permit required.
Ordinance Sections: 622.D.131.a
Applicant: John Pons, HT Arizona, LLC
Representative: Heidi Short, Lewis Roca
Owner: Marni Retail Partners, LLC
Stipulation:
1) 1 year to apply for and obtain building permits.
- Approved w/stips** 8. Application #: ZA-660-24-4
Existing Zoning: R1-6 HP
Location: 2939 North 17th Avenue
Quarter Section: Q15-25(G7)
Proposal: Variance to reduce the side yard (south) setback for an accessory dwelling unit to 0 feet. Minimum 3 feet required.
Ordinance Sections: 706.A.4.a.(2)
Applicant: Kevin R. Connors
Representative: Kevin R. Connors

Owner: Kevin R. Connors

Stipulations:

- 1) Reduction only applies to the existing garage as shown on site plan date stamped September 13, 2024.
- 2) 1 year to apply for and obtain building permits.

1:30 PM

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|----------------------------|-----|--|---|
| Denied | 9. | Application #:
Existing Zoning:
Location:

Quarter Section:
Proposal:

Ordinance Sections:
Applicant:
Representative:
Owner: | ZA-628-24-6
C-1 PCD
3113, 3115, and 3165 East Lincoln Drive, 6232 North 32nd Street
Q21-34(I10)
1) Time extension for ZA-322-23, use permit to allow outdoor dining as an accessory use to a restaurant (Starbucks). Use permit required.
2) Time extension for ZA-322-23, use permit to allow a drive-through facility accessory to a restaurant (Starbucks) within 300 feet from a residential zoning district. Use permit required.
622.D.150.d 622.D.150.e.(2)
Lincoln View Plaza, LLC / 32nd-Medley, LLC
Stephen W. Anderson, Gammage & Burnham, PLC
Lincoln View Plaza, LLC / 32nd-Medley, LLC |
| Denied | 10. | Application #:
Existing Zoning:
Location:

Quarter Section:
Proposal:

Ordinance Sections:
Applicant:
Representative:
Owner: | ZA-629-24-6
C-1 PCD
3113, 3115, and 3165 East Lincoln Drive, 6232 North 32nd Street
Q21-34(I10)
Time extension for ZA-321-23, use permit to reduce parking up to 25 percent based on a shared parking model. Use permit required.
702.E.2.c.
Lincoln View Plaza, LLC / 32nd-Medley, LLC
Stephen W. Anderson, Gammage & Burnham, PLC
Lincoln View Plaza, LLC / 32nd-Medley, LLC |
| Approved
w/stip | 11. | Application #:
Existing Zoning:
Location:
Quarter Section:
Proposal:

Ordinance Sections:
Applicant:
Representative:
Owner: | ZA-658-24-8
DTC-Evans Churchill East HP
1117 North 5th Street
Q12-28(G8)
Variance to allow maneuvering in the right-of-way (alley). Maneuvering must be located on private property.
702.A.1.b
Lauren Proper Potter, Huellmantel & Affiliates
Lauren Proper Potter, Huellmantel & Affiliates
Roberto A. Miranda, PLLC |

Stipulation:

- 1) 2 years to apply for and obtain building permits.

**Approved
w/stips**

12. Application #: ZA-661-24-5
Existing Zoning: R1-6
Location: 3643 West Glendale Avenue
Quarter Section: Q22-20(I6)
Proposal: Variance to allow an over height fence (6 feet) in the required front yard setback (north). Maximum 40 inches permitted.

Ordinance Sections: 703.A.2.a
Applicant: Taddele Londako, El-Bethel Evangelical Ethiopian Missionary Church
Representative: Taddele Londako
Owner: Taddele Londako, El-Bethel Evangelical Ethiopian Missionary Church

Stipulations:

- 1) 1 year to apply for and obtain building permits.
- 2) Fence will be setback 4 feet from the property line. In between the fence and the property line the area must be landscaped with 3 inch caliper trees every 20 feet as well as any other landscaping suggested by the Planning and Development Department only along the front property line.
- 3) Landscaping shall have automatic irrigation.

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.

October 10, 2024