

NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
**Revised November 13, 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 **October 17, 2024, at 9:00 AM. (Items 1-8) and 1:30 PM (Items 9-14). 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-122-16-1 (1 Year Review of Use Permit)
- Existing Zoning: A-1 DVAO (Area 1 & 2)
- Location: 1225 West Deer Valley Drive
- Quarter Section: 42-26(N8)
- Proposal: 1) Time Extension for ZA-69-15, a time extension of ZA-340-14 a use permit to allow a medical marijuana infusion facility. Use permit required.
2) Time Extension for ZA-69-15, a time extension of ZA-340-14 a variance to allow medical marijuana infusion facility within 5,280 feet of the same type of use. Minimum separation of 5,280 feet required.
- Ordinance Sections: 627.D.93.a 627.D.93.b
- Applicant: Imran Mirza, Seed Capital, LLC
- Representative: Imran Mirza, Seed Capital, LLC
- Owner: Imran Mirza, Seed Capital, 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-123-16-1 (1 Year Review of Use Permit) Existing Zoning: A-1 DVAO (Area 1 & 2) Location: 1225 West Deer Valley Drive Quarter Section: 42-26(N8) Proposal: 1) Time Extension for ZA-50-15, a time extension of ZA-278-14, a use Permit to allow a medical marijuana cultivation facility. Use Permit required. 2) Time Extension for ZA-50-15, a time extension of ZA-278-14, a variance to allow a medical marijuana cultivation facility within 5,280 feet of the same type of use. Minimum separation of 5,280 feet required. Ordinance Sections: 627.D.91.a 627.D.91.c Applicant: Imran Mirza, Seed Capital, LLC Representative: Imran Mirza, Seed Capital, LLC Owner: Imran Mirza, Seed Capital, 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-169-16-4 (1 Year Review of Use Permit) Existing Zoning: C-2 Location: 2626 West Indian School Road Quarter Section: 17-23(H7) Proposal: 1) Use permit to allow a medical marijuana dispensary facility. Use permit required. 2) Variance to allow a medical marijuana dispensary facility within 1 mile of another medical marijuana use.

- 3) Variance to allow a medical marijuana dispensary facility within 500 feet of R-4 and R-4A residential zoning districts.
- 4) Variance to allow a medical marijuana dispensary facility within 1,284 feet of a school. 1,320 feet is required between a medical marijuana dispensary facility and a school.
- 5) Variance to allow a medical marijuana dispensary facility within 1,320 feet of a place of worship.

Ordinance Sections: 623.D.122 623.D.122.e 623.D.122.f 623.D.122.g 623.D.122.h

Applicant: Adam Baugh, Withey Morris, PLC

Representative: Adam Baugh, Withey Morris, PLC

Owner: ACFC 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**

- 4. Application #: ZA-370-23-4 (1 Year Review of Use Permit)
- Existing Zoning: R1-6 HP
- Location: 2702 North Dayton Street
- Quarter Section: 14-29(G8)
- Proposal: Use permit for official approval of a home occupation (Federal Firearms License). Use permit required.
- Ordinance Sections: 608.E.3.h.(5)
- Applicant: Jack Rainey, Copper State Gun Company, LLC
- Representative: Jack Rainey, Copper State Gun Company, LLC
- Owner: Jack Rainey, Copper State Gun Company, LLC

Stipulations:

- 1) No storage or delivery of firearms, ammunition, explosive materials and related products to the site.
- 2) No fabrication of firearms or related products.
- 3) No onsite sales or displays of firearms.
- 4) No signage.
- 5) 1 year review of use permit.

**Approved
w/stips**

5. Application #: ZA-626-24-4
Existing Zoning: C-2
Location: 1617 East Thomas Road
Quarter Section: Q14-31(G9)
Proposal: 1) Use permit to allow a drive-through facility as an accessory use to a restaurant (Black Rock Coffee) within 300 feet of a residential district. Use permit required.
2) Use permit to allow outdoor dining as an accessory use to a restaurant (Black Rock Coffee) within 500 feet of a residential zoning district. Use permit required.
3) Variance to reduce the streetscape landscape setback (north) to 0 feet. Average 25 feet, minimum 20 feet permitted for up to 50% of the frontage.
Ordinance Sections: 623.D.157.d.(2) 623.D.157.c 623.E.4.e
Applicant: Tony Pallotta, Black Rock Store Operations, LLC
Representative: Steven Bowser, Helix Engineering, LLC
Owner: Jordan Sharf, Thomas 16, LLC

Stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Per the location of the drive-through, outdoor dining, and the reduction of the streetscape landscape setback shown on the site plan date stamped August 29, 2024.

**Approved
w/stip**

6. Application #: ZA-667-24-4
Existing Zoning: C-2
Location: 1626 North 7th Street
Quarter Section: Q13-28(G8)
Proposal: Use permit to allow a tattoo shop (Blind Tiger Tattoo, LLC). Use permit required.
Ordinance Sections: 623.D.187
Applicant: Eric James, Blind Tiger Tattoo, LLC
Representative: Eric James, Blind Tiger Tattoo, LLC
Owner: Steven K. Meade, Sunrise Point Financial, LLC

Stipulation:

- 1) 1 year to initiate operation.

**Approved
w/stips**

7. Application #: ZA-671-24-4
Existing Zoning: C-1, R-5
Location: 1302 West Indian School Road
Quarter Section: Q17-26(H8)

Proposal: Use permit to allow second hand or used merchandise sales. Use permit required.
Ordinance Sections: 622.D.154.c
Applicant: George Pasquel III, Withey Morris Baugh, PLC
Representative: George Pasquel III, Withey Morris Baugh, PLC
Owner: Alona Hassid, Western Imperial 2000, LLC

Stipulations:

- 1) No outdoor display, processing, or storage of merchandise.
- 2) Outdoor lighting and cameras will be installed.
- 3) A 6 foot wall from the northeast corner of the building extended along the east property line to the north property line unless otherwise provided by the adjacent residential property to the east.
- 4) 1 year to apply and pay for building permits.

Continued 8. Application #: ZA-672-24-2
Existing Zoning: RE-35
Location: 11042 North 64th Street
Quarter Section: Q29-42(K12)
Proposal: 1) Use permit to allow an over height (18 feet) accessory structure (RV garage) within the required rear yard (west) setback. Maximum 15 feet allowed.
2) Use permit to allow an over height (18 feet) accessory structure (RV garage) within the required side yard (south) setback. Maximum 15 feet allowed.
Ordinance Sections: 706.A.4.b 706.A.4.b
Applicant: Craig Elwood, Absolute Quality Construction, LLC
Representative: Craig Elwood, Absolute Quality Construction, LLC
Owner: Craig Elwood, Absolute Quality Construction, LLC

Continued to November 21, 2024 at 1:30 PM.

1:30 PM

***Denied** 9. Application #: ZA-568-24-4 (SIGN)
Existing Zoning: R-5
Location: 717 West Glendale Avenue
Quarter Section: Q22-26(I8)
Proposal: Use permit for a ground sign with EMD. Use permit required.
Ordinance Sections: 705.C.13
Applicant: Amanda Lauridsen, Precise Sign, Co.
Representative: James Carpentier, International Sign Association
Owner: Mandalene Mirkhah, Saguaro Dental Investments, LLC

Taken out from under advisement on November 13, 2024 and denied.

***Approved w/stips** 10. Application #: ZA-610-24-7 (SIGN)
Existing Zoning: DTC-Downtown Gateway & DTC-Evans Churchill West
Location: 50 East Fillmore Street

Quarter Section: Q11-28(F8)
Proposal: Use permit to adopt the Sol Modern Comprehensive Sign Plan. Use permit required.
Ordinance Sections: 705.E.2
Applicant: Patrick Tennant, SmithCraft Signs
Representative: Patrick Tennant, SmithCraft Signs
Owner: Jack Ryden, 601 Central OZ Owner, LLC

Taken out from under advisement on November 13, 2024 and approved with the following stipulations:

- 1) The Sol Modern Comprehensive Sign Plan (SMCSP) shall be in accordance with the drawing's date stamped Oct. 15, 2024 unless otherwise stipulated.
- 2) Prior to installation of high-rise signs (signs above 56 feet in height) which emit white light, the fabricator shall submit to the Planning and Development Department (PDD) a signed statement verifying that no correlated color temperature (in degrees Kelvin) lighting modules exceeding 4,000 K were used.
- 3) High-rise signs (signs above 56 feet in height) which emit white light, shall be dimmed via automatic timer to a maximum of 80 Nits luminance (measured at the sign face) daily from 10:30 PM to sunrise. Sign lighting dimmer values (required to dim the sign face to a maximum of 80 Nits luminance) shall be submitted to the PDD prior to final sign inspection.
- 4) The Primary and Secondary Monument signs shall be internally illuminated.
- 5) Submit a revised "final" version of the (SMCSP) to the PDD 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 request for any sign permits.
- 6) 12 months to pay for and obtain sign permits.

Approved 11. Application #: ZA-623-24-3
Existing Zoning: RH PCD, PCD
Location: 11111 North 7th Street
Quarter Section: Q30-29(K8)
Proposal: Use permit to modify Stipulation No. 4 of Case No. ZA-29-96, to not require the equestrian center be available for evening use by employees of the hotel. The equestrian center required to be available for evening use by employees of the hotel per ZA-29-96.
Ordinance Sections: 307.A
Applicant: 11111 North 7th Street DE, LLC
Representative: John Rentz, Boxer Property
Owner: 11111 North 7th Street DE, LLC

Approved w/stips 12. Application #: ZA-625-24-4
Existing Zoning: C-1
Location: 1739 West Glendale Ave

Quarter Section: Q22-25(17)
Proposal: Use permit to allow a drive-through facility as an accessory use to a restaurant (Angie's Prime Grill) within 300 feet of a residential district. Use permit required.
Ordinance Sections: 622.D.150.e.(2)
Applicant: Rosa Morquecho, Rogue Architects
Representative: Rosa Morquecho, Rogue Architects
Owner: Steve Julius, SD Glendale, LLC

Stipulations:

- 1) Subject to the site plan date stamped September 5, 2024 as it relates to the drive-through location.
- 2) 1 year to commence use.

**Approved
w/stip**

13. Application #: ZA-662-24-1
Existing Zoning: R1-18 PRD
Location: 23636 North 66th Lane
Quarter Section: Q45-13(O4)
Proposal: Time extension for ZA-302-23, variance to reduce the common area requirement for the PRD to 0%. Minimum 5% of gross area required.
Ordinance Sections: 610.B.Table
Applicant: Burnin Sky Ranch, LLC, Carnes Construction Group
Representative: Jessica Sarkissian, Upfront Planning & Entitlements, LLC
Owner: Carnes Family Trust, Burnin Sky Ranch, LLC

Stipulation:

- 1) 1 year to apply and pay for building permits.

**Approved
w/stip**

14. Application #: ZA-669-24-8
Existing Zoning: WU Code T5:3 GW
Location: 2501 East Van Buren Street
Quarter Section: Q10-33 (F9)
Proposal: Time extension for ZA-404-22, variance to reduce the required parking spaces to 66. Minimum 78 spaces required.
Ordinance Sections: 702.C Table
Applicant: Bradley Pickering, MO 25, LLC
Representative: Michael Maerowitz, Snell & Wilmer, LLP
Owner: Bradley Pickering, MO 25, LLC

Stipulation:

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

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.

November 13, 2024