

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 **June 5, 2025, at 9:00 AM (Items 1-8) and 1:30 PM (Items 9-15). Located in Assembly Room C, Phoenix City Hall, 200 West Washington Street, First Floor, Phoenix, Arizona 85003**

The results of the meeting were as follows:

**RESULTS
Approved
w/stips**

9:00 AM

1. Application #: ZA-715-20-3 (1 Year Review of Use Permit)
Existing Zoning: C-3
Location: 701 East Dunlap Avenue
Quarter Section: 26-29(J8)
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 facility within 1,320 feet of a school. Minimum 1,320 feet of separation required.
 - 4) Variance to allow a medical marijuana dispensary facility within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required.
 - 5) Variance to allow a medical marijuana dispensary facility within 1,320 feet of a dependent care facility. Minimum 1,320 feet of separation required.
 - 6) Variance to allow a medical marijuana dispensary facility 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
623.D.124.h 623.D.124.g 623.D.124.g
- Applicant: Lindsay Schube, Gammage & Burnham, PLC
- Representative: Lindsay Schube, Gammage & Burnham, PLC
- Owner: MCR Dunlap, 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) Deletion of BOA stipulation #8 for physical security on site.

**Approved
w/stips**

2. Application #: ZA-519-22-8 (1 Year Review of Use Permit)
 Existing Zoning: C-3
 Location: 3155 East McDowell Road
 Quarter Section: 12-34(G10)
 Proposal:
 - 1) Time extension for ZA-480-21, use permit to allow a medical marijuana dispensary. Use permit required.
 - 2) Time extension for ZA-480-21, variance to allow a medical marijuana dispensary within 500 feet of a residentially zoned district. Minimum 500 feet of separation required.
 - 3) Time extension for ZA-480-21, variance to allow a medical marijuana dispensary within 1,320 feet of a place of worship. Minimum 1,320 feet of separation required.
- Ordinance Sections: 623.D.124.a 623.D.124.f 623.D.124.h
- Applicant: Nature's Healing Center, Inc.
- Representative: Justin M. Brandt, Bianchi & Brandt
- Owner: Greta Brandt, Zone Land 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**

3. Application #: ZA-251-25-6
Existing Zoning: R1-10
Location: 205 West San Juan Avenue
Quarter Section: Q20-27(I8)
Proposal: Variance to reduce the required side yard setback (west) to 7 feet. Minimum 10 feet required.

Ordinance Sections: 611.B.Table B
Applicant: William Leipart, WI3 Designs
Representative: Justin Caine, Caine & Co.
Owner: Joseph Lijek
Stipulations:
1) 1 year to apply and pay for permits.
2) Per site plan date stamped May 1, 2025.

**Approved
w/stips**

4. Application #: ZA-275-25-8
Existing Zoning: R-5 RSIOD
Location: 1618 East Wood Street
Quarter Section: Q5-31(E9)
Proposal: 1) Variance to reduce front yard setback (south) to 10 feet. Minimum 20 feet required.
2) Variance to reduce the perimeter building setback (south) to 10 feet. Minimum 20 feet required
3) Variance to reduce the required landscape setback (east) to 0 feet. Minimum 5 feet required.
4) Variance to reduce the required landscape setback (north) to 2 feet. Minimum 5 feet required.
5) Variance to reduce the required combined depth of the parking space and the drive aisle to 41 feet. Minimum 43 combined feet required.

Ordinance Sections: 618.B.Table B 702.B.2.b.(5) 703.B.3.a 703.B.3.b.(3) 703.B.3.b.(3)
Applicant: Michael Prefling, Prefling Engineering
Representative: Michael Prefling, Prefling Engineering
Owner: Ivan Herrera, Pacific Heights Investments, LLC
Stipulations:
1) 1 year to apply and pay for permits.
2) Per site plan date stamped April 16, 2025.

Continued 5. Application #: ZA-306-25-6
Existing Zoning: C-1 PCD
Location: 3131 East Lincoln Drive
Quarter Section: Q21-34
Proposal: 1) Time extension of ZA-26-25, use permit to allow outdoor dining as an accessory to a restaurant (Starbucks). Use permit required.
2) Time extension of ZA-26-25, use permit to allow a drive-through facility accessory to a restaurant (Starbucks) within 300 feet from a residential zoning district. Use permit required.
Ordinance Sections: 622.D.150.d; 622.D.150.e.(2)
Applicant: Bryan Wright, Kimley-Horn
Representative: Jeffrey Spencer, Starbucks
Owner: 32nd & Lincoln Holdings, LLC
Continued to August 14, 2025 at 9:00 AM.

Approved w/stips 6. Application #: ZA-325-25-3
Existing Zoning: R-4
Location: 810 East Alice Avenue
Quarter Section: Q26-29
Proposal: Variance to reduce the required rear yard setback (north) to 10 feet. Minimum 15 feet required.
Ordinance Sections: 617.B.Table B
Applicant: Paul O'Connor, POCA Architecture + Design, LLC
Representative: Paul O'Connor, POCA Architecture + Design, LLC
Owner: Pouya Sardari, NEO Classic Home, LLC
Stipulations:
1) 18 months to apply and pay for building permits.
2) Per site plan date stamped April 29, 2025.

Approved w/stips 7. Application #: ZA-334-25-6
Existing Zoning: RE-24
Location: 5615 North 45th Street
Quarter Section: Q20-38
Proposal: 1) Variance to allow an over height fence (7 feet) within the required side yard setback (south). Maximum 6 feet permitted.
2) Variance to allow an over height fence (7 feet) within the required side yard setback (east). Maximum 6 feet permitted.
Ordinance Sections: 703.A.2.c 703.A.2.c
Applicant: Nico Fricchione
Representative: Steve Berg, Shenandoah Homes
Owner: Nico Fricchione
Stipulations:
1) 1 year to apply and pay for permits.
2) Per site plan date stamped May 1, 2025.

**Approved
w/stips**

8. Application #: ZA-335-25-8
Existing Zoning: A-2 RSIO
Location: 727 West Magnolia Street
Quarter Section: Q7-26
Proposal: Use permit to allow development within 500 feet of the Rio Salado Habitat Restoration Project.
Use permit required.
Ordinance Sections: 655.E.4
Applicant: Patrick Hallman, C & H Associates, LLC
Representative: Patrick Hallman, C & H Associates, LLC
Owner: Gabriel and Gary Yagudayev, Magnolia Street, LLC

Stipulations:

LANDSCAPING

- 1) A minimum 18-foot-wide landscape setback shall be provided along Magnolia Street including 13 feet on the property and 5 feet on the public right of way. 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 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

- 3) Outdoor storage and service areas shall be screened from view along Magnolia Street by a minimum 6-foot-tall solid wall. 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.
- 4) Outdoor storage and service areas located within 50 feet of the public alley south of the property shall be screened by a minimum 6-foot-tall solid wall or fence.
- 5) Existing chain-link fencing along Magnolia Street shall be removed.
- 6) Fencing and walls oriented towards a public street shall have a finished appearance and contain decorative elements including not 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.)

- 7) Outdoor site lighting shall be fully shielded.
- 8) 18 months to commence the use.

1:30 PM

**Approved
w/stips**

9. Application #: ZA-226-25-2 (SIGN)
Existing Zoning: CP/BP-DRSP

Location: 5665 East Mayo Boulevard
 Quarter Section: Q39-42(M11,N11)
 Proposal: Use permit for a major amendment to add two wall signs over 56 feet in height to the Desert Ridge Comprehensive Sign Plan. Use permit required.
 Ordinance Sections: 705.E.2.d
 Applicant: Jared Segel, Associated Sign Company
 Representative: Jared Segel, Associated Sign Company
 Owner: Ryan Smith, RI Phoenix Owner, LLC.

Stipulations:

- 1) Sign design and location shall be in accordance with the sign drawings submitted to the Hearing Officer and date-stamped June 5, 2025.
- 2) Maximum sign height shall be 62 feet (east & west elevation).
- 3) Maximum square footage shall be 128.5 square feet (east & west elevation) for the wall signs above 56 feet of height.
- 4) All wall signs 50 feet or over in height shall be automatically dimmed to a maximum of 80 Nits luminance at 10:30 PM daily until sunrise. 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.
- 5) Prior to issuance of sign permits, submittal of revision pages for the Desert Ridge CSP document in accordance with any case-related, staff comments/corrections or Zoning Adjustment Hearing Officer stipulations.
- 6) 12 months to pay for and obtain sign permits.

**Approved
w/stips**

10. Application #: ZA-16-23-4 (1 Year Review of Use Permit)
 Existing Zoning: C-2 and P-1
 Location: 3243 North 3rd Street
 Quarter Section: 15-28(G8)
 Proposal: 1) Use permit to allow outdoor recreation (Patron Dancing/Amplified Music/DJ's/Live Bands/Stage) as an accessory use to a restaurant (Ocotillo Restaurant) within 500 feet of a residential zoning district. Use permit required.
 2) Use permit to allow patron dancing as an accessory use to a restaurant (Ocotillo). Use permit required.
 Ordinance Sections: 623.D.157.c 623.D.157.b
 Applicant: Fae Sowders, Bergin, Frakes, Smalley & Oberholtzer
 Representative: Mitchell Willard, Bergin, Frakes, Smalley & Oberholtzer
 Owner: Jonathan E. Labahn, Urban-Flower, LLC

Stipulations:

- 1) Deletion of stipulations: 3, 8, 10, 15 and 16
- 2) Subject to the outdoor area as shown on the site plan submitted and date stamped April 27, 2023.
- 3) Outdoor recreation activities (Patron Dancing/ Amplified Music/ DJ's/ Live Music /Stage) and indoor patron dancing shall be

limited to 10:00 a.m. to 9:00 p.m. Sunday through Thursday, and 10:00 AM. to 10:00 PM. Friday and Saturday.

- 4) The outdoor area shall be sufficiently illuminated and contained to discourage any unlawful activity.
- 5) Lighting shall comply with all applicable City of Phoenix light-spillage standards and be shielded downward and away from the adjacent properties. Flashing/strobe type lighting is prohibited.
- 6) The stage at the southeast corner of the outdoor area shall be used for all live entertainment. Bands are limited to four performers, including a vocalist.
- 7) Sound levels from within the main building and/or the outdoor area shall not exceed 55 dBa as measured at the property lines at any time.
- 8) All outdoor speakers shall be oriented toward the middle of the outdoor area, and away from the property lines. No speakers shall be positioned within 10 feet of the walls of the outdoor area.
- 9) The restaurant will identify a designated contact person for sound complaints. The contact person's name and contact information will be posted on the restaurant's website. The name of the contact person will also be registered with the City Planning and Development Department.
- 10) Should sound levels exceed the allowable 55 dBa, or upon receiving a complaint, the designated contact person will immediately record the sound levels at all locations (stipulation #9) and take appropriate action to reduce sound levels to the allowable limit.
- 11) All restaurant employees will receive training on sound level limitations and allowable hours for outdoor recreation activities. The training will include the restaurant's sound control plan and how to operate the sound control system.
- 12) Restaurant management will request bus drivers to park away from the residential areas and not allow motors to idle.

Withdrawn	11. Application #:	ZA-351-24-4 (1 Year Review of Use Permit)
	Existing Zoning:	A-1
	Location:	2503 West McDowell Road
	Quarter Section:	Q12-23(G7)
	Proposal:	1) Time extension for ZA-140-23, use permit to allow a medical marijuana dispensary facility. Use permit required. 2) Time extension for ZA-140-23, use permit to allow a medical marijuana cultivation facility. Use permit required. 3) Time extension for ZA-140-23, use permit to allow a medical marijuana infusion facility. Use permit required. 4) Time extension for ZA-140-23, variance to allow a medical marijuana dispensary facility within 5,280 feet of a similar use. Minimum 5,280 feet of separation required. 5) Time extension for ZA-140-23, variance to allow a medical marijuana cultivation facility within 5,280 feet of a similar use. Minimum 5,280

		feet of separation required.
		6) Time extension for ZA-140-23, variance to allow a medical marijuana infusion facility within 5,280 feet of a similar use. Minimum 5,280 feet of separation required.
	Ordinance Sections:	627.D.92.a 627.D.91.a 627.D.93.a 627.D.92.d 627.D.91.c 627.D.93.b
	Applicant:	2439 & 2503 W McDowell, LLC
	Representative:	Lindsay C. Schube, Gammage & Burnham, PLC
	Owner:	2439 & 2503 W McDowell, LLC
Approved w/stips	12. Application #:	ZA-258-25-6
	Existing Zoning:	R-3
	Location:	2645 East Glenrosa Avenue
	Quarter Section:	Q17-33(H9)
	Proposal:	1) Variance to reduce the perimeter landscape setback (north) to 15 feet. Minimum 20 feet required. 2) Variance to reduce the perimeter building setback (south) to 10 feet. Minimum 15 feet required
	Ordinance Sections:	615.B.Table B 703.B.3.a
	Applicant:	Marty Hall
	Representative:	Marty Hall
	Owner:	John Hansen
	Stipulations:	
		1) 2 years to pay and apply for building permits.
		2) Per site plan date stamped April 29, 2025.
Approved w/stips	13. Application #:	ZA-269-25-1
	Existing Zoning:	C-2
	Location:	1710 West Happy Valley Road
	Quarter Section:	Q47-25(O7)
	Proposal:	1) Variance to reduce the required building setback (west) to 8 feet. Average of 25 feet, minimum 20 feet permitted for up to 50% of structure, including projections, required. 2) Variance to reduce the required landscape setback (west) to 8 feet. Average of 25 feet, minimum 20 feet permitted for up to 50% of structure, including projections, required. 3) Variance to reduce the required building setback (north) to 5 feet. Minimum 10 feet required. 4) Variance to reduce the required landscape setback (north) to 5 feet. Minimum 10 feet required. 5) Use permit to allow outdoor dining as an accessory use to a restaurant within 500 feet of a residential district zoning line. Use permit required. 6) Use permit to allow a drive-through facility as an accessory use to a restaurant within 300 feet

of a residential district zoning line. Use permit required.

7) Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a restaurant within 500 feet of a residential district zoning line. Use permit required.

Ordinance Sections: 623.E.4.d 623.E.4.e 623.E.4.d 623.E.4.e
623.D.157.c 623.D.157.d.(2) 623.D.157.c
Applicant: Charles Eckert, Red Hawk Development Corporation
Representative: Charles Eckert, Red Hawk Development Corporation
Owner: 1710 WHVR, LLC

Stipulations:

- 1) 1 year to pay and apply for building permits.
- 2) Per site plan date stamped May 23, 2025.

**Approved
w/stips**

14. Application #: ZA-320-25-4
Existing Zoning: C-2 TOD-1
Location: 111 East Camelback Road
Quarter Section: Q18-28
Proposal: Use permit to allow for outdoor dining as an accessory use to a restaurant (Urban Fraiche) with alcoholic beverage consumption. Use permit required.

Ordinance Sections: 662.F.1.d
Applicant: Kevin McDaniels, Kenzy Architects
Representative: Kevin McDaniels, Kenzy Architects
Owner: Brent Makaus, PCM Investments, LLC

Stipulations:

- 1) 6 months to commence use.
- 2) Per site plan date stamped May 23, 2025.

**Approved
w/stips**

15. Application #: ZA-336-25-6
Existing Zoning: C-2
Location: 2411 East Indian School Road
Quarter Section: Q16-33
Proposal: 1) Variance to reduce the landscape setback (north) adjacent to a public street (Indian School Road) to 15 feet. Minimum average 25 feet required.
2) Variance to reduce the landscape setback (south) adjacent to R-3 zoning district to 0 feet. Minimum average 10 feet required.
3) Variance to allow no parking lot area landscaping. Minimum 10% required.

Ordinance Sections: 623.E.4.e 623.E.4.e 623.E.4.e
Applicant: Michael Shay Gau, Tortoise Parking, LLC
Representative: William Allison, Withey Morris Baugh, PLC
Owner: Michael Shay Gau, Tortoise Parking, LLC

Stipulations:

- 1) 2 years to apply for and pay for building permits.
- 2) Parking screen wall on Indian School Road frontage per the

Planning and Development Department.

- 3) 1 tree per 20 feet of frontage (3 trees) plus 1 additional tree in the area north of the building on the east property line.
- 4) Per site plan date stamped May 1, 2025.

ZONING ADJUSTMENT HEARING OFFICER: BETTY DRAKE
PLANNER: GREGORY HARMON, 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 Saneeya Mir, 602-686-6461, Saneeya.Mir@phoenix.gov TTY: Use 7-1-1.

June 6, 2025