

NOTICE OF PUBLIC MEETING ZONING ADJUSTMENT HEARING

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the **ZONING ADJUSTMENT HEARING OFFICER** and to the general public, that the **CITY OF PHOENIX ZONING ADJUSTMENT HEARING OFFICER** will hold a meeting open to the public on **May 12, 2022 9:00 AM (Items 1-7) and 1:30 PM (Items 8-15)**

Per the most recent social distancing guidelines from the federal government, no residents will be allowed to attend the meeting in-person.

OPTIONS TO ACCESS THE MEETING

- **Call-in to listen** to the live meeting: Dial **602-666-0783**, Enter meeting access code [25535234017#](tel:25535234017), and press # again when prompted for the attendee ID.
- **Observe the live meeting virtually**, by clicking on the following link and registering to join the meeting online:
<https://cityofphoenixpdd.webex.com/cityofphoenixpdd/onstage/g.php?MTID=e2b9a5e377ae3705f5f32e55dbf47fe76>
- **Submit a comment** on an agenda item:
 - At: zoning.adjustment@phoenix.gov
 - Indicate: Item Number and Case Number
- **Register to speak** on an agenda item:
 - At: zoning.adjustment@phoenix.gov
 - By: **48 hours prior to the start of the hearing**. Staff will make every effort to accommodate requests to speak submitted beyond the 48-hour period. Due to the added demands of facilitating the virtual environment for the public, applicants and other staff members, we cannot consider any request less than 6 business hours before the start of the meeting / hearing.
 - Indicate: Item Number and Case Number

Notes:

1. Agenda items may be taken out of order.
2. Comments may be limited due to time constraints and to ensure all viewpoints are heard.

The agenda for the meeting is as follows:

9:00 AM

1. Application #: ZA-267-15-3 (1 year review of use permit)
Existing Zoning: C-2
Location: 12620 North Cave Creek Road, Suite #10
Quarter Section: 31-32(K9)
Proposal: Use permit to allow non-profit medical marijuana dispensary. Use permit required.
Ordinance Sections: 623.D.122.a
Applicant: Tom Deschamps, Fort Consulting, LLC DBA Muv Dispensary

- Representative: Tom Deschamps, Fort Consulting, LLC DBA Müv Dispensary
 Owner: Roseann Chiulli
2. Application #: ZA-115-22-8
 Existing Zoning: C-1 BAOD
 Location: 2550, 2600, 2620, and 2624 East Baseline Road
 Quarter Section: 1-33(D9)
 Proposal: Use permit to allow a drive-through facility accessory to a restaurant (Popeyes) within 300 feet from a residential zoning district. Use permit required.
 Ordinance Sections: 622.D.150.e.(2)
 Applicant: Craig Baker, SBL Engineering, LLC
 Representative: Craig Baker, SBL Engineering, LLC
 Owner: Randell Raskin, Baseline 25, LLC
3. Application #: ZA-116-22-4
 Existing Zoning: R-3 HP CNSPD
 Location: 2322 North Richland Street
 Quarter Section: 14-29(G8)
 Proposal: **1)** Variance to reduce the side yard (south) setback to 4 feet. Minimum 10 feet required. **2)** Variance to reduce the rear yard (west) setback to 12 feet. Minimum 15 feet required.
 Ordinance Sections: 615.B.TableB 15.B.TableB
 Applicant: Rodney Sharrard, RS Architecture, LLC
 Representative: Rodney Sharrard, RS Architecture, LLC
 Owner: Ysidro and Sofia Zapata
4. Application #: ZA-117-22-7
 Existing Zoning: R-3 RSIOD
 Location: 4110 South 3rd Avenue
 Quarter Section: 5-27(E8)
 Proposal: **1)** Variance to reduce the interior property line (south) landscape setback to 0 feet. Minimum 5 feet required. **2)** Variance to reduce the front (east) building setback to 15 feet. Minimum 25 feet required. **3)** Variance to reduce the landscape setback adjacent to a public street right-of-way (3rd Avenue) to 15 feet. Minimum 25 feet required.
 Ordinance Sections: 703.B.3.b.(3) 615.B.TableB 703.B.3.a
 Applicant: Paul O'Connor, POCA Architecture
 Representative: Paul O'Connor, POCA Architecture
 Owner: Erica Barraza, Edee, LLC and, KC 2, LLC
5. Application #: ZA-118-22-2
 Existing Zoning: R1-14
 Location: 14014 North 62nd Street
 Quarter Section: 33-42(L12)

Proposal: 1) Variance to allow 36 percent lot coverage. Maximum 30 percent permitted. 2) Variance to reduce the required front (east) yard setback to 16 feet. Minimum 30 feet required.
Ordinance Sections: 607.B.5 607.B.2
Applicant: Erin & Chad Walter
Representative: Rod Jarvis, Earl & Curley
Owner: Erin & Chad Walter

6. Application #: ZA-124-22-4
Existing Zoning: R1-10 WSNSPD
Location: 505 East Missouri Avenue
Quarter Section: 19-28(H8)
Proposal: Variance to allow an over height wall (6 feet) in the required front yard (east) setback. Maximum 40 inches permitted.
Ordinance Sections: 703.A.2.a
Applicant: Steve Watson, True Performance Construction, Inc.
Representative: Nick Wood, Snell & Wilmer, LLP
Owner: John and Jane Doe

7. Application #: ZA-125-22-6
Existing Zoning: R1-14 ACSPD
Location: 5715 East Calle Tuberia
Quarter Section: 16-41(H11)
Proposal: Variance to reduce the required side yard setback (east) to 10 feet. Minimum 15 feet required.
Ordinance Sections: 606.B.3.a
Applicant: Jeff and Rebecca Collins
Representative: Jeff and Rebecca Collins
Owner: Jeff and Rebecca Collins

1:30 PM

8. Application #: ZA-113-22-1 (SIGN)
Existing Zoning: PUD
Location: 26390 North Norterra Parkway
Quarter Section: 48-22(P7) 48-23(P7)
Proposal: Use permit to adopt the Norterra Market Comprehensive Sign Plan. Use permit required.
Ordinance Sections: 705.E.2
Applicant: Andy Gibson, Bootz and Duke Sign Company
Representative: Kristi Trisko, Bootz and Duke Sign Company
Owner: Nalani Fakhouri, Smiths Food & Drug Centers, Inc.
US Real Estate Limited Partnership

9. Application #: ZA-126-22-3 (SIGN)
Existing Zoning: C-3
Location: 18444 North Cave Creek Road
Quarter Section: 38-32(M9)

Proposal: **1)** Use permit to convert an existing non-conforming sign to digital. Use permit required. **2)** Use permit to reduce off-premise sign separation from a residential district and residential use to 125 feet. Minimum 500 feet of separation required. **3)** Variance to reduce spacing between off-premise structures to 350 feet. Minimum 1,000 feet required.

Ordinance Sections: 705.2.G.4 705.A..5 705.2.B.2
Applicant: Outfront Media, LLC
Representative: Wendy Riddell, Berry Riddell, LLC
Owner: Member REI 18444, LLC

10. Application #: ZA-103-14-8 (1 year review of use permit)
Existing Zoning: A-2 RSIOD
Location: 2315 South 15th Avenue
Quarter Section: 7-26(E8)
Proposal: **1)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of the same type of use. Variance required. **2)** Use Permit to allow a medical marijuana cultivation facility. Use Permit required.

Ordinance Sections: 627.D.91.c 627.D.91.a
Applicant: Fred Petermann, Cold Fusion Lighting
Representative: Fred Petermann, Cold Fusion Lighting
Owner: Maschmeier Fuels, LLC

11. Application #: ZA-68-16-1 (1 year review of use permit)
Existing Zoning: C-2
Location: 4244 West Dunlap Avenue
Quarter Section: 27-19(J6)
Proposal: **1)** Use permit to allow a medical marijuana dispensary facility. Use permit is required. **2)** Variance to allow a medical marijuana dispensary within 1320 feet of a preschool. Minimum of 1320 feet of separation required.

Ordinance Sections: 623.D.122.a 623.D.122.g
Applicant: DRH Enterprises
Representative: Withey Morris, PLC
Owner: Angal Dunlap Properties, LLC

12. Application #: ZA-120-22-8
Existing Zoning: A-2
Location: 930 West Magnolia Street
Quarter Section: 7-26(E8)
Proposal: **1)** Time extension of ZA-185-21, use permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Time extension of ZA-185-21, variance to allow a medical marijuana cultivation 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.91.c.
Applicant: Tom Frenkel, 640 S. Smith, LLC nka 951 W. Watkins, LLC
Representative: David Dow, David Dow Law Office
Owner: 640 S. Smith, LLC nka 951 W. Watkins, LLC

13. Application #: ZA-121-22-2
Existing Zoning: C-2
Location: 2832 East Bell Road
Quarter Section: 37-34(M10)
Proposal: Use permit to allow a temporary use (outdoor fundraising events with amplified sound) for up to 36 months. Use permit required.

Ordinance Sections: 708.D.1
Applicant: Jody Boyd, The Singletons, Inc.
Representative: Jody Boyd, The Singletons, Inc.
Owner: The Singletons, Inc.

14. Application #: ZA-122-22-7
Existing Zoning: C-2 PCD
Location: 7719 West Lower Buckeye Road
Quarter Section: 6-10(E4)
Proposal: **1)** Time Extension for ZA-52-21, use permit to allow for a drive-through as an accessory use to a restaurant (Dunkin' Baskin Robbins) within 300 feet of a residential district. Use permit required. **2)** Time Extension for ZA-52-21, use permit to allow for outdoor dining as an accessory use to a restaurant (Dunkin' Baskin Robbins) within 500 feet of a residential district. Use permit required. **3)** Time Extension for ZA-52-21, variance to allow a 0 foot landscape setback (west) not adjacent to a street. Minimum 10 foot landscape setback required.

Ordinance Sections: 623.D.157.d.(2) 623.D.157.c 623.E.4.e
Applicant: Jason Rieke, Bar Napkin Productions, LLC
Representative: Paul Faust, ABDD AZ
Owner: Richard Hearn, Vestar Arizona LXI, LLC

15. Application #: ZA-123-22-2
Existing Zoning: C-2 DVAO, S-1 DVAO
Location: 21222 North Cave Creek Road
Quarter Section: 42-32(N9)
Proposal: **1)** Use permit to allow a drive-through facility as an accessory use to a restaurant (Whataburger) within 300 feet of a residential district. Use permit required. **2)** Use permit to allow an extension of a use which is permitted in a less restricted district into a more restricted district to a maximum of 25 feet. Use permit required. **3)** Variance to allow a 70 foot encroachment into a more restrictive zoning district. Maximum 25 feet encroachment allowed.

Ordinance Sections: 623.D.157.d.(2) 307.A.8 307.A.8
Applicant: Lucien El Asmar, Sustainability Engineering Group, LLC
Representative: Lucien El Asmar, Sustainability Engineering Group, LLC
Owner: Christine Augustine, JACA Properties, LLC

For further information please call Eric Morales, Planner II, Planning and Development Department at 602-262-7927 or to request a reasonable accommodation, please contact Les Scott at 602-376-3981, les.scott@phoenix.gov TTY: Use 7-1-1.

4/29/2022