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 **January 10, 2013, at 9:00 a.m. 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

9:00 AM

Approved / stips	1.	Application #:	ZA-442-12-6 (Sign)
		Existing Zoning:	C-2
		Location:	5640 North 7th Street
		Quarter Section:	20-28(I8)
		Proposal:	**1)** Use permit to establish The Yard Comprehensive Sign Plan. Use permit required. **2)** Variance to allow a sign to be erected upon a roof of a building. No signs allowed to be erected upon or project through the roof of any building.
		Ordinance Sections:	705. E.2. 705.B.3.f.
		Applicant:	Adam Baugh Withey Morris PLC
		Representative:	Adam Baugh Withey Morris PLC
		Owner:	WDP 7th St, LLC

Stipulations:

1) **General conformance to Comprehensive Sign Plan submitted with the request.**
2) **180 days to apply and pay for sign permits.**

Approved / stips	2.	Application #:	ZA-343-12-4 (Sign) (Continued from 11/20/12)
		Existing Zoning:	C-2 TOD-1 WSNSPD
		Location:	2 East Camelback Road
		Quarter Section:	19-28(H8)
		Proposal:	**1)** Variance to increase maximum logo height for wall signs to 2 feet 8 inches on the south and west elevations. Maximum 12 inch height allowed. **2)** Variance to increase maximum letter height for wall signs to 1 foot 11 inches

			on the south and west elevations. Maximum 12 inch height allowed. **3)** Variance to extend wall sign closer than half the vertical height of the letters to the roofline. Wall signs required to extend no closer than half the vertical height of the letters employed to a roofline.
		Ordinance Sections:	662.K.1.b., 662.K.1.b., 662.K.1.c.
		Applicant:	Thomas and King, Inc
		Representative:	Mike Donada, Action Signs & Lighting
		Owner:	Uptown Plaza Associates, LLC
		Stipulations:	
		1) 90 days to apply and pay for sign permits.	
		2) General conformance to plans submitted with the application.	
Approved / stips	3.	Application #:	ZA-381-12-6 (Continued from 11/29/12)
		Existing Zoning:	RE 24 ACSPD
		Location:	4637 North Launfal Avenue
		Quarter Section:	18-39(H11)
		Proposal:	Variance to reduce the lot widths of two lots to 120.64 feet each. Minimum lot width required is 130 feet.
		Ordinance Sections:	606.B.1
		Applicant:	Derald & Elizabeth May
		Representative:	Lloyd Fox, Long Realty The Fox Group
		Owner:	Derald & Elizabeth May
		Stipulations:	
		1) 19 foot maximum building height on both lots.	
		2) One year to complete lot split.	
		3) 6 months to apply and pay for building permits after lot split.	
Approved / stips	4.	Application #:	ZA-426-12-7
		Existing Zoning:	A-1
		Location:	1434 North 26th Avenue
		Quarter Section:	12-23(G7)
		Proposal:	**1)** Use permit to allow a medical marijuana dispensary. Use permit required. **2)** Variance to allow a

			medical marijuana dispensary within 5,280 feet of another approved medical marijuana facility. A minimum distance of 5,280 feet is required from another medical marijuana facility.
		Ordinance Sections:	627.D.92.a 627.D.92.c.
		Applicant:	Mark Steinmetz
		Representative:	Withey Morris PLC
		Owner:	Velocity Commercial, LLC

Use Permit Stipulations:

1) **No Use Permit or Variance application fees are refundable.**
2) **That the Use Permit shall be reviewed within 365 days of the issuance of the Arizona Department of Health Services license for a medical marijuana use**
3) **Obtain a license for medical marijuana use from the Arizona Department of Health Services. If no license is granted within 180 days of the approval of this Use Permit, the Zoning Administrator shall schedule a revocation hearing for this Use Permit.**
4) **That the applicant has 180 days to apply for building permits.**
5) **That the applicant shall submit a security plan approved by the Arizona Department of Health Services to the Planning and Development Department.**
6) **That the applicant shall notify in writing the areas Police Precinct Commander of establishing such facility. Notice of this contact shall be submitted in writing to the Planning and Development Department.**

Variance Stipulations:

7) **That in the event that the location of the adjacent medical marijuana facility is not granted a license by the Arizona Department of Health Services, the separation requirement shall revert to the standards of the zoning ordinance.**

Approved / stips	5.	Application #:	ZA-428-12-8
		Existing Zoning:	C-1 ACSBO
		Location:	924 East Roosevelt Street
		Quarter Section:	12-29(G8)
		Proposal:	**1)** Use permit to allow sales of alcoholic beverages at a restaurant (Welcome Diner). Use permit required. **2)** Use permit to

			allow outdoor alcoholic beverage consumption at a restaurant (Welcome Diner). Use permit required.
		Ordinance Sections:	622.D.144.a, 622.D.144.d
		Applicant:	Sloane Mcfarland, Welcome Tenth Street LLC.
		Representative:	Matt Personne, Martha and Mary
		Owner:	Robert & Diana Young

Stipulations:

1) **Employees must have a clear view of the area in order to supervise activities and/or be present while patrons are at the business.**
2) **Area be sufficiently lit and contained to discourage any unlawful activities. Precinct commander or designee will approve lighting, containment area and security personnel at their discretion.**
3) **"No trespassing" signs must be posted and an authority to arrest for trespassing form must be signed to deter loitering.**
4) **Hours of operation of outdoor area 7:00 a.m. - 11:00 p.m. Sunday through Thursday and 7:00 a.m. - midnight Friday and Saturday.**
5) **6 months to apply and pay for building permits.**

Approved / stips	6.	Application #:	ZA-430-12-6
		Existing Zoning:	RE-35 SP
		Location:	4700 East Warner Road
		Quarter Section:	07-38(B11)
		Proposal:	Time extension for ZA-453-11 a variance to reduce parking to 71 spaces where 96 spaces are required
		Ordinance Sections:	307. A.12.
		Applicant:	Robert Blakesley, Ahwatukee Board of Management, Inc.
		Representative:	Susan Billings, Elevated Design Studio, LLC
		Owner:	Ahwatukee Board of Management, Inc.

Stipulations:

1) **One year to apply and pay for building permits.**

Approved / stips	7.	Application #:	ZA-432-12-3
		Existing Zoning:	C-2
		Location:	2637 and 2643 East Greenway

		Road
	Quarter Section:	34-33(L9)
	Proposal:	**1)** Use permit to allow a pet care facility (Home Fur Good Animal Rescue and Placement). Use permit required. **2)** Variance to allow an outdoor animal exercise run to be located less than 100 feet (35 feet proposed) from a residential district. Minimum 100 feet required.
	Ordinance Sections:	622.D.126.a, 622.D.126.d
	Applicant:	Loretta Isaac, Home Fur Good Animal Rescue and Placement
	Representative:	Bill Richards, Home Fur Good Animal Rescue and Placement
	Owner:	Stephen Commercial LLC-c/o Patricia Cain

Stipulations:

1) **Outdoor area no closer than 45 feet from residential to the south.**
2) **Exercise area no larger than 60x25.**
3) **Exercise area to be shaded.**
4) **6 months to apply and pay for building permits.**
5) **Review use permit in one year.**
6) **General conformance to site plan signed and dated by Zoning Adjustment Hearing Officer.**

Approved / stips	8.	Application #:	ZA-433-12-4
		Existing Zoning:	C-2, P-1
		Location:	1003 East Indian School Road
		Quarter Section:	16-29(H8)
		Proposal:	**1)** Use permit to allow a stage or performance area larger than 80 square feet accessory to a restaurant. Use permit required if over 80 square feet. **2)** Use permit to allow patron dancing accessory to a restaurant. Use permit required. **3)** Use permit to allow outdoor dining accessory to a restaurant within 500 feet of a residential district. Use permit required if located within 500 feet of a residential district. **4)** Use permit to allow outdoor alcoholic

			beverage consumption accessory to a restaurant within 500 feet of a residential district. Use permit required if located within 500 feet of a residential district.
		Ordinance Sections:	623.D.154.a., 623.D.154.b., 623.D.154.c., 623.D.154.c.
		Applicant:	Morales Mexican Food, LLC
		Representative:	David Dow, Law Offices of David W. Dow
		Owner:	Genibels-3, LLC
		Stipulations:	
		1) Per site plan dated 1/10/13.	
		2) Stage limited to 100 square feet.	
		3) Outdoor area hours 10:00 a.m. to 2:00 a.m.	
		4) 6 months days to apply and pay for building permits.	
		1:30 PM	
Approved / stips	9.	Application #:	ZA-429-12-6
		Existing Zoning:	R1-10
		Location:	229 West Vista Avenue
		Quarter Section:	24-27(J8)
		Proposal:	Use permit to allow the main building to project more than five feet (11 feet) into the required rear yard for no more than one-half the maximum width of the structure. Use permit required for a projection greater than five feet.
		Ordinance Sections:	701.A.3.a.(2).(d)
		Applicant:	Amir Kazz, Kazz Group Design
		Representative:	Amir Kazz, Kazz Group Design
		Owner:	Nationstar Mortgage LLC
		Stipulations:	
		1) Per site plan dated 1/10/2013.	
		2) 6 months to apply and pay for building permits.	
Approved / stips	10.	Application #:	ZA-434-12-8
		Existing Zoning:	R1-14 BAOD
		Location:	Approximately 600 feet east of the southeast corner of 28th Street and Baseline Road
		Quarter Section:	01-34(D10)
		Proposal:	Time extension request for ZA-470-08: Variance requested to increase lot coverage to 33

		percent. Maximum 25 percent allowed. Previously approved to 31 percent.
	Ordinance Sections:	307. A.12.
	Applicant:	Crown-Phoenix Blossom Hills II, LLC
	Representative:	Nick Wood, Esq. Snell & Wilmer, LLP
	Owner:	Crown-Phoenix Blossom Hills II, LLC Tousa Recovery Acquisition ,LLC c/o Gibson, Dunn & Crutcher, LLP

Stipulations:

1) **Two years to apply and pay for building permits.**
2) **No two story structures shall be constructed along the south property line of the subdivision (lots 8 through 18).**
3) **Property owner shall record a Notice to prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Phoenix Sky Harbor International Airport to future owners or tenants of the property.**
4) **Lot coverage maximum of 31%.**

Approved / stips 11.

Application #:	ZA-435-12-7
Existing Zoning:	C-2 HGT/WVR DNS/WVR
Location:	Northwest corner of 79th Avenue and Encanto Boulevard
Quarter Section:	14-9(G3)
Proposal:	Time extension for ZA-461-09, a variance to reduce the perimeter setback to 11 feet along 79th Avenue and 15 feet along Encanto Boulevard. Minimum 20 foot perimeter setback required when adjacent to public street.
Ordinance Sections:	307. A.12.
Applicant:	Paul Gilbert, Beus Gilbert PLLC
Representative:	Paul Gilbert, Beus Gilbert PLLC
Owner:	79th & Encanto LLC, Columbia Group, Ltd

Stipulations:

1) **For three years to apply and pay for building permits.**
2) **Per site plan dated 12/12/07.**

Approved 12.

Application #:	ZA-436-12-2

/ stips		Existing Zoning:	PSC
		Location:	16900 North Tatum Boulevard
		Quarter Section:	36-38(M11)
		Proposal:	**1)** Use permit to allow sales of alcoholic beverages accessory to a restaurant. Use permit required. **2)** Use permit to allow outdoor dining accessory to a restaurant. Use permit required. **3)** Use permit to allow outdoor alcoholic beverage consumption accessory to a restaurant. Use permit required.
		Ordinance Sections:	622. D.144.a., 622.D.144.c., 622.D.144.c.
		Applicant:	Tim Rasnake, Archicon, Architecture & Interiors, L.C.
		Representative:	Tim Rasnake, Archicon, Architecture & Interiors, L.C.
		Owner:	Tatum Venture LLC
		Stipulations:	
		1) Per site plan dated 12/5/2012.	
		2) Outdoor area hours 5:00 a.m. to midnight.	
		3) 6 months to apply and pay for building permits.	
Approved / stips	13.	Application #:	ZA-438-12-6 (Sign)
		Existing Zoning:	C-2
		Location:	7030 North 7th Street
		Quarter Section:	23-28(I8)
		Proposal:	Variance to decrease the required spacing between ground signs to 5 feet. Minimum 100 feet spacing required.
		Ordinance Sections:	705.D.
		Applicant:	Robert Kelly, Results Only LLC
		Representative:	Robert Kelly, Results Only LLC
		Owner:	Robert Kelly, Results Only LLC
		Stipulations:	
		1) Per sign plan dated 11/5/2012.	

ZONING ADJUSTMENT HEARING OFFICER: RAY JACOBS, AICP
PLANNER: EDWARD KEYSER

For further information, please call Ed Keyser, Planner II, Planning and Development Department at 602-495-0382, or contact via electronic mail at zoning@phoenix.gov.

This electronic mail address will not accommodate zoning enforcement/violation complaints.

For reasonable accommodations, call Nici Browe at Voice/602-495-0256 or the City TTY/602-534-5500 as early as possible to coordinate needed arrangements.

January 10, 2013