NOTICE OF RESULTS
ZONING ADJUSTMENT HEARING
***Revised June 18, 2013**

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 **May 23, 2013, at 9:00 a.m. located in Assembly Room C, Phoenix City Hall, 200 West Washington Street, First Floor, Phoenix, Arizona.**

The results for the meeting were as follows:

RESULTS

9:00 AM

Approved w/ stips 1.

Application #:	ZA-138-13-2
Existing Zoning:	C-2
Location:	4815 East Carefree Highway
Quarter Section:	58-39(R11)
Proposal:	Use permit to allow a medical marijuana dispensary. Use permit required.
Ordinance Sections:	623.D.100.a.
Applicant:	Lenn Pritchard, Natural Pain Solutions
Representative:	Lenn Pritchard, Natural Pain Solutions
Owner:	Woodman-Osborne Carefree, LLC

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 for a medical marijuana use. 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 and pay 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.

Approved w/ stips 2.

Application #:	ZA-70-13-7 (Continued from 4/11/13)
Existing Zoning:	A-2

Location:	2111 West McDowell Road
Quarter Section:	12-24(G7)
Proposal:	**1)** Use permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Use permit to allow a medical marijuana infusion production facility. Use permit required. **3)** Variance to allow a medical marijuana facility within 5,280 feet of another medical marijuana facility. Minimum separation of 5,280 feet.
Ordinance Sections:	627.D.91.a. 627.D.93.a. 623.D.122.e.
Applicant:	Steven Shapiro
Representative:	Steven Shapiro
Owner:	Steven Shapiro

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 for a medical marijuana use. 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 and pay 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 .

7) No exterior signage identifying the medical marijuana facility.

8) Revocation for ZA-17-11 shall be scheduled prior to operation of this facility.

Approved w/ stips

3.

Application #:	ZA-139-13-6
Existing Zoning:	C-2
Location:	6933 North 7th Street
Quarter Section:	22-29(I8)
Proposal:	Use permit to allow outdoor alcohol consumption as an accessory to a restaurant within 500 feet of residential zoning. Use permit required.
Ordinance Sections:	623.D.156.c.

Applicant:	Nathan Warren, Hopper Sierra Bonita Grill, LLC dba Sierra Boni
Representative:	Nicholas C. Guttilla, Guttilla Murphy Anderson
Owner:	Nathan Hopper, PCG, LLC

Stipulations:

1) Employees must have unobstructed views into the patio area to monitor patron activities.

2) The patio area will have adequate lighting and a containment wall or fence to prevent the unlawful removal of alcohol.

3) The hours for use of the outdoor patio area will be no earlier than 6:00 a.m. and no later than 2:00 a.m.

***Denied**

4.

Application #:	ZA-140-13-8
Existing Zoning:	A-1 CMOD
Location:	815 West Madison Street
Quarter Section:	10-26(F8)
Proposal:	**1)** Use permit to allow bar and cocktail lounge. Use permit is required. **2)** Use permit to reduce parking requirements within the Infill Incentive District. Use permit required.
Ordinance Sections:	646.G.1.a. 702.E.9.b.
Applicant:	Michael J. Curley Earl, Curley & Lagarde, P.C.
Representative:	Michael J. Curley Earl, Curley & Lagarde, P.C.
Owner:	Ian Likwarz FOB Trader, LLC

Taken out from under advisement on June 18, 2013 and denied.

Approved w/ stips

5.

Application #:	ZA-141-13-8
Existing Zoning:	A-2 RSIOD
Location:	Approximately 675 feet west of the northwest corner of Elwood and 28th Street
Quarter Section:	6-33(E9)
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:	Jennifer Boblick, Sender Associates, Chtd.
Representative:	Jennifer Boblick, Sender Associates, Chtd.
Owner:	Equity Development, Inc.

Stipulations:

1) Front yard setbacks per the Commerce Park/General

Commerce Park standards shall apply to the frontage on Elwood Street. The required street side setback on Elwood Street shall be an average of 30 feet.

2) Landscaping standards for the setbacks shall meet the requirements of Commerce Park/General Commerce Park District (626.H.2.a), as approved by the Planning and Development Department.

3) That any new landscaping materials within the landscaped setbacks shall be limited to those listed on the Rio Salado Plant List.

4) Two years to apply and pay for building permits.

5) No animals over three hundred pounds and specifically no lions or tigers of any size.

Continued

6.

Application #:	ZA-79-13-2 (Continued from 4/11/13)
Existing Zoning:	RE-35
Location:	6923 East Larkspur Drive
Quarter Section:	31-44(K12)
Proposal:	**1)** Variance to reduce the side yard setback (west side) to 4 feet 6 inches. Minimum 20 feet required. **2)** Variance to reduce the rear yard setback to 15 feet 2 inches. Minimum 40 feet required. **3)** Variance to increase lot coverage to 31.9 percent. Maximum 25 percent lot coverage allowed.
Ordinance Sections:	609.B.Table B 609.B.Table B 609.B.Table B
Applicant:	Michael Curley, Earl Curley & Lagarde, P.C.
Representative:	Michael Curley, Earl Curley & Lagarde, P.C.
Owner:	Anita Schuchman

Continued to June 27, 2013 at 9:00 a.m.

#1 Approved w/ stip

#2 Withdrawn

7.

Application #:	ZA-88-13-3 (Continued from 4/11/13)
Existing Zoning:	PSC
Location:	1543 East Bethany Home Road
Quarter Section:	20-30(I9)
Proposal:	**1)** Use permit to allow a drive-through accessory to a restaurant. Use permit required if the queuing lane for the drive-through facility is less than 300 feet from a residential district zoning line. **2)** Variance to reduce the required queuing length for a restaurant drive-through. Minimum length

			required is 150 linear feet.
		Ordinance Sections:	622.D.146.e. 702.B.6.c.
		Applicant:	Chris Cooper a.d. Arizado, Inc
		Representative:	Jim Riley, Dunkin Donuts
		Owner:	Cameron Cook ,Louis Maxey (RGM Corner LLC)
		Stipulation:	
		1) 180 days to apply and pay for building permits.	
Denied	8.	Application #:	ZA-91-13-2 (Continued from 4/11/13)
		Existing Zoning:	R1-14
		Location:	15630 North 43rd Street
		Quarter Section:	35-37(L10)
		Proposal:	Use permit to allow a public assembly residential use (school) with vehicular access on local or minor collector street. Use permit required if located on a local or minor collector street.
		Ordinance Sections:	606.A.20.
		Applicant:	Jennifer Maher, E.S.T.E.E.M. Foundation
		Representative:	Jennifer Maher, E.S.T.E.E.M. Foundation
		Owner:	Steve and Charlotte Mosley
***Denied**	9.	Application #:	ZA-98-13-4 (Continued from 4/18/13)
		Existing Zoning:	R-3
		Location:	5223 North 17th Avenue
		Quarter Section:	19-25(H7)
		Proposal:	Variance to increase fence height to 6 feet within required front yard setback. Maximum 40 inches allowed.
		Ordinance Sections:	703.A.2.a.
		Applicant:	Emad Jasem
		Representative:	Bob Whaley
		Owner:	Emad Jasem
		Taken out from under advisement on June 18, 2013 and denied.	
		1:30 PM	
Approved w/ stip	10.	Application #:	ZA-148-13-4 (Sign)
		Existing Zoning:	C-1
		Location:	650 East Osborn Road
		Quarter Section:	16-28(H8)
		Proposal:	Use permit to establish the Old School 07 Comprehensive Sign Plan. Use permit required.
		Ordinance Sections:	705.E.2.

		Applicant:	David Wetta, Wetta Ventures, LLC
		Representative:	Thomas Martin, TMPDC
		Owner:	David Wetta, Wetta Ventures, LLC
		Stipulation:	
		1) 180 days to apply and pay for permits.	
Approved w/ stips	11.	Application #:	ZA-128-13-5 (Sign)
		Existing Zoning:	C-2
		Location:	4210 West Glendale Avenue
		Quarter Section:	23-19(I6)
		Proposal:	Use permit for an electronic message display as part of a permitted sign. Use permit required.
		Ordinance Sections:	705.C.13.
		Applicant:	Scott Mehlhoff, Identity Sign Group, Inc.
		Representative:	Mel Corley, For Your Sign Permit Needs
		Owner:	F&S Management IIII, LLC
		Stipulations:	
		1) Limited to on-premise messages only.	
		2) Sign to be extinguished between 8:00 p.m. – 7:30 a.m.	
Denied	12.	Application #:	ZA-130-13-6
		Existing Zoning:	C-2
		Location:	4902 East Warner Road Suite 10
		Quarter Section:	07-39(B11)
		Proposal:	**1)** Use Permit to allow a medical marijuana dispensary. **2)** Variance to allow a medical marijuana dispensary within 825 feet of a school/day care (Child Time). Minimum 1,320 feet separation required. **3)** Variance to allow a medical marijuana dispensary within 5,280 feet of another medical marijuana facility. Minimum 5,280 feet separation required. **4)** Variance to allow a medical marijuana dispensary within 140 feet of a residence district (PAD). Minimum 250 feet separation required
		Ordinance Sections:	623.D.122.a. 623.D.122.g. 623.D.122.e. 623.D.122.f.
		Applicant:	Mike Richards, Nature's Healing Center, Inc.
		Representative:	David Dow
		Owner:	Blackacre Realty, LP
		Taken out from under advisement on May 29, 2013 and denied.	

Continued 13.

Application #:	ZA-142-13-5
Existing Zoning:	C-2
Location:	2360 West Northern Avenue
Quarter Section:	25-23(J7)
Proposal:	**1)** Variance to reduce the average landscape setback along a street to 18 feet 6 inches. Minimum 25 feet average required. **2)** Use permit to allow a drive-through accessory to a restaurant within 300 feet of residential zoning. Use permit required if less than 300 feet from residential zoning.
Ordinance Sections:	623.E.4.e. 623.D.156.d.(2)
Applicant:	Tim S Ward, Level4 Studio, LLC
Representative:	Doug Himmelberger, DeRito Partners
Owner:	Iver Bowden, DP89, LLC

Continued to May 30, 2013 at 1:30 p.m.

Approved w/ stips 14.

Application #:	ZA-147-13-2
Existing Zoning:	S-1 NBCCPOD
Location:	27420 North Valley Parkway
Quarter Section:	50-24(P7)
Proposal:	Use permit to allow wireless communication facility on a residentially zoned property that is designated for public or quasi-public space. Use Permit Required.
Ordinance Sections:	715.B.2.a.(3).(a)
Applicant:	James Walz, FM Group INC
Representative:	James Walz, FM Group INC
Owner:	Central Arizona Project

Stipulations:

1) Per site plan approved by the Zoning Administrator.

2) 180 days to apply and pay for building permits.

Approved 15.

Application #:	ZA-149-13-4
Existing Zoning:	R-5 RI
Location:	1645 East Thomas Road
Quarter Section:	14-31(G9)
Proposal:	Use permit to reduce parking requirements within the infill development incentive district. Use permit required.
Ordinance Sections:	702.E.9.b
Applicant:	Dan Richards Cabana Thomas LLLP
Representative:	Michael Curley Earl, Curley, Lagarde

		Owner:	Dan Richards Cabana Thomas LLLP
Approved w/ stips	16.	Application #:	ZA-161-13-7
		Existing Zoning:	R1-6
		Location:	Northeast corner of 43rd Avenue and South Mountain Avenue
		Quarter Section:	01-19(D6)
		Proposal:	Variance to reduce total side yard setbacks to 10 feet. 13 feet minimum required.
		Ordinance Sections:	613.B. Table A.
		Applicant:	Charles Hare, Beazer Homes AZ
		Representative:	Jason B Morris, Withey Morris, PLC
		Owner:	Frank J Walter III, Crown-Phoenix Artesa I, LLC

Stipulations:

1) 18 months to apply and pay for building permits.

2) Reduction in setbacks shall apply to a maximum of 70% of the lots.

ZONING ADJUSTMENT HEARING OFFICERS: MICHAEL WIDENER AND TERESA HILLNER, PLANNER III
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. This electronic mail address will not accommodate zoning enforcement/violation complaints.