

NOTICE OF PUBLIC HEARING 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** will hold a meeting open to the public on **January 4, 2018, at 9:00 a.m. located in Assembly Room C, Phoenix City Hall, 200 West Washington Street, First Floor, Phoenix, Arizona.**

Notes:

1. Agenda items may be taken out of order.
2. Anyone wishing to address an agenda item must complete a speaker card.
3. 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-489-17-7 (Sign) (Continued from 11/30/17)
Existing Zoning: DTC-Business Core
Location: 2 North Central Avenue
Quarter Section: 10-27(F8)
Proposal: **1)** Variance to allow adhesive vinyl graphics on the One Renaissance Square Towers. Banners or similar devices are allowed only with a use permit tied to a civic event. **2)** Use Permit for a major amendment to the One Renaissance Square Comprehensive Sign Plan. Use Permit required. **3)** Variance to allow a wall sign area installed over 56 feet to be 51 percent of the elevation to which it is attached. A maximum of 1 percent is allowed. **4)** Variance to allow high-rise wall signs to identify different occupants within each of the One Renaissance Square Towers. High-rise wall signs are limited to either identification of the building or one occupant per building. **5)** Variance to allow a maximum of 2.00 square feet of wall signage for each lineal foot of building elevation. Previous case (ZA-575-99-8) allowed wall sign criteria to exceed 1.25 square feet of signage for each lineal foot of building elevation.

Ordinance Sections: 1209.B.8.j 705.E.2 705.D.3.i 705.D.3.i.(4)
1209.B.8.a.(3).(A)

Applicant: Chris Scherf, Epic Sign Group
Representative: Phoenix RS One, LLC & Phoenix RS Two, LLC
Owner: Phoenix RS One, LLC & Phoenix RS Two, LLC

2. Application #: ZA-558-16-6 (1-year review)
Existing Zoning: C-2
Location: 8341 North 7th Street
Quarter Section: 25-29(J8)
Proposal: Variance to allow a tobacco oriented retailer to be located within 316 feet of a dependent care facility. Minimum 1,320 feet from a dependent care facility required.

Ordinance Sections: 623.D.193.b
Applicant: Joseph Barnett, Baxter's Cigars
Representative: Joseph Barnett, Baxter's Cigars
Owner: Hillary Feinberg, knaByggiP Properties, LLC.

3. Application #: ZA-513-17-2
Existing Zoning: RE-35
Location: 12209 North 65th Place
Quarter Section: 31-43(K12)
Proposal: Use permit to allow public assembly with vehicular access on a local or minor collector street. Use permit required.

Ordinance Sections: 608.E.6
Applicant: Jordan Vasbinder
Representative: Jordan Vasbinder
Owner: Scottsdale Worship Center, Inc.

4. Application #: ZA-555-17-6
Existing Zoning: R-4
Location: 410 North 53rd Street
Quarter Section: 11-40(F11)
Proposal: **1)** Variance to reduce front (east) setback to 15 feet. Minimum 20 feet required. **2)** Variance to reduce rear (west) setback to 6 feet. Minimum 15 feet required. **3)** Variance to reduce side (south) setback to 9 feet. Minimum 10 feet required.

Ordinance Sections: 617.B Table B 617.B Table B 617.B Table B
Applicant: Timothy Knight
Representative: Timothy Knight
Owner: Timothy Knight

5. Application #: ZA-566-17-7
Existing Zoning: PUD
Location: Southwest corner of North 67th Avenue and West McDowell Road

Quarter Section: 12-12(G4)
Proposal: Use permit to reduce parking 30% (593 spaces). Maximum reduction 15% (720 spaces) without use

- Ordinance Sections: permit.
 Applicant: 702.E.2.c
 Representative: Dennis Newcombe, Beus Gilbert, PLLC
 Owner: Paul E. Gilbert, Beus Gilbert PLLC
 Benjamin Swenson, SWC 67th Avenue, LLC
6. Application #: ZA-67-13-8 (1-year review for Use Permit)
 Existing Zoning: A-2
 Location: 4105 East Magnolia Street
 Quarter Section: 7-37(E10)
 Proposal: **1)** Use permit to allow a medical marijuana cultivation facility. Use permit required. **2)** Variance to allow a medical marijuana cultivation facility within 5,280 feet of another proposed medical marijuana facility. A medical marijuana cultivation facility shall not be located within 5,280 feet of another medical marijuana facility. **3)** Use permit to allow a medical marijuana infusion production facility. Use permit required. **4)** Variance to allow a medical marijuana infusion production facility within 5,280 feet of another proposed medical marijuana facility. A medical marijuana infusion production facility shall not be located within 5,280 feet of another medical marijuana facility.
- Ordinance Sections: 627.D.91.a. 627.D.91.c. 627.D.93.a. 627.D.93.b.
 Applicant: Patrick Romo, Phoenix Relief Center, Incorporated
 Representative: Patrick Romo, Phoenix Relief Center, Incorporated
 Jenifer Corey, Zoning Strategies
 Owner: Wade Smith, Smith Real Estate Investments, LLC
7. Application #: ZA-92-13-8 (1-year review for Use Permit)
 Existing Zoning: A-2 RSIOD
 Location: 2512 East Magnolia Street
 Quarter Section: 7-33(E9)
 Proposal: **1)** Use permit to allow medical marijuana cultivation. Use permit is required. **2)** Use permit to allow medical marijuana infusion. Use permit is required.
- Ordinance Sections: 627.D.91.a 627.D.91.b
 Applicant: Banyan Cultivation Management, LLC
 Representative: Kurt Merschman, Merschman Legal Group, PLLC
 Owner: Draft Horse Holdings, LLC
8. Application #: ZA-446-12-8 (1-year review for Use Permit)
 Existing Zoning: A-1
 Location: 14 South 41st Place
 Quarter Section: 10-37(F10)
 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 use permit for a medical marijuana facility. A medical marijuana dispensary shall not be located within 5,280 feet of another medical marijuana facility. **3)** Variance to allow a medical marijuana dispensary within 1,320 feet of a school (Gateway Early College High School). A medical marijuana dispensary shall not be located within 1,320 feet of a school.
- Ordinance Sections: 627.D.92.a. 627.D.92.d. 627.D.92.f.
 Applicant: Arizona Natures Wellness
 Representative: Adam Baugh, Withey Morris, PLC
 Owner: Shirley Bonafasi Living Trust/ EFG Management, LLC
9. Application #: ZA-459-12-8 (1-year review for Use Permit)
 Existing Zoning: A-1
 Location: 4116 East Superior Avenue
 Quarter Section: 6-37(E10)
 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 cultivation facility within 5,280 feet of another medical marijuana facility. A medical marijuana cultivation facility shall not be located within 5,280 feet of another medical marijuana facility. **4)** Variance to allow a medical marijuana infusion production facility within 5,280 feet of another medical marijuana facility. A medical marijuana infusion production facility shall not be located within 5,280 feet of another medical marijuana facility.
- Ordinance Sections: 627.D.91.a. 627.D.93.a. 627.D.91.c. 627.D.93.b.
 Applicant: Theodore C. Pappas, N+A Enterprises, LLC
 Representative: David W. Dow, Law Offices of David W. Dow
 Owner: Superior Industrial Center, LLC
- 1:30 PM**
10. Application #: ZA-571-17-2 (Sign)
 Existing Zoning: C-2
 Location: 4050 E Bell Road Phoenix, AZ
 Quarter Section: 37-37(M11)
 Proposal: Use Permit to rebuild an existing double faced nonconforming sign to digital and increase the height to 35 feet. Use Permit required.
- Ordinance Sections: 705.2.G.4
 Applicant: Tony Sawyer Clear Channel Outdoor
 Representative: Stephen C. Earl Earl, Curley & Lagarde

- Owner: Jack Carroll Bella SPE, LLC c/o Sperry Equities, LLC
11. Application #: ZA-493-17-6 (Continued from 11/16/17)
 Existing Zoning: RE-35 ACSPD CROD
 Location: 5200 East Camelback Road
 Quarter Section: 18-39(H11)
 18-40(H11)
 Proposal: Use permit to allow a wireless communication facility 114 feet from residential district. Use permit required to reduce setback to less than 150 feet.
 Ordinance Sections: 715.B.2.a(2).a.i
 Applicant: Declan Murphy, Coal Creek Consulting for Verizon
 Representative: Declan Murphy, Coal Creek Consulting for Verizon
 Owner: HC Royal Palms, LLC
12. Application #: ZA-565-17-3
 Existing Zoning: R1-10
 Location: 718 West Frier Drive
 Quarter Section: 24-26(J8)
 Proposal: Variance to reduce side setback (west) to 3 feet. Minimum 10 feet required.
 Ordinance Sections: 611.B Table A
 Applicant: Kathryn & Cody Rounds
 Representative: Kathryn & Cody Rounds
 Owner: Kathryn & Cody Rounds
13. Application #: ZA-568-17-8
 Existing Zoning: A-1
 Location: Southwest corner of 40th Street and University Drive
 Quarter Section: 6-36(E10)
 Proposal: **1)** Variance to permit open storage within 75 feet of a public street (Winslow Avenue and 40th Street). No storage is permitted within 75 feet of a public street. **2)** Variance to permit open storage to be 15 feet high. Open storage shall be no higher than 6 feet plus 1 foot in height for every additional 3 feet setback from a property line.
 Ordinance Sections: 627.F.2.b(3) 627.F.2.c(2)(b)(i)
 Applicant: Withey Morris, PLC
 Representative: Withey Morris, PLC
 Owner: Benjamin Johnson, DLH University, LLC
14. Application #: ZA-569-17-4
 Existing Zoning: C-3, R1-6 (approved P-1)
 Location: 520 North 35th Avenue
 Quarter Section: 11-20(F6)

- Proposal: **1)** Variance to reduce building setback along the north side to 10 feet. Minimum of 25 feet is required. **2)** Variance to reduce building setback along the east side to 8 feet. Minimum of 25 feet is required.
- Ordinance Sections: 623.E.4.d 623.E.4.d
 Applicant: Tim Rasnake, Archicon Architecture & Interiors, LC
 Representative: Tim Rasnake, Archicon Architecture & Interiors, LC
 Owner: Jaime Luz, Elvia D'Image Beauty College III, LLC
15. Application #: ZA-572-17-3
 Existing Zoning: C-1, R1-6 (approved C-2)
 Location: 20055 North 19th Avenue
 Quarter Section: 40-25(N7)
 Proposal: **1)** Use Permit to allow a drive through accessory to a restaurant within 300 feet of a residential zoning district. Use Permit required. **2)** Use Permit to allow outdoor dining accessory to a restaurant (The Human bean). Use Permit required.
- Ordinance Sections: 623.D.157.d(2) 623.D.157.c
 Applicant: Richard Reigle, Reigle & Associates
 Representative: Richard Reigle, Reigle & Associates
 Owner: Chris Johnson, Avalon Investments
16. Application #: ZA-573-17-8
 Existing Zoning: C-3 (TOD-1)
 Location: Approximately 190 feet east of the southeast corner of 12th Street and Van Buren Street.
- Quarter Section: 10-30(F9)
 Proposal: **1)** Variance to reduce the minimum building frontage as a percentage of a lot frontage not along a transit street along East Van Buren Street to 12 percent. Minimum 50 percent required. **2)** Variance to reduce the minimum building façade length fronting onto a street to 25 percent. 60 percent minimum windows for the primary building façade required.
- Ordinance Sections: 662.2.a.table 2 662.2.a
 Applicant: Peter Kramembuhl, Simon CRE Alpha II, LLC
 Representative: Tim Rasnake, Archicon Architecture + Interiors, LC
 Owner: Tsakiris Basilios & Mary Ann TR
17. Application #: ZA-574-17-6
 Existing Zoning: R1-6
 Location: 3822 North 32nd Way
 Quarter Section: 16-35(H10)
 Proposal: **1)** Variance to reduce the required east front yard setback to 10 feet. Minimum 20 feet required. **2)** Use

permit to allow a closed projection to encroach 9 feet in to the rear yard setback. Use permit required to encroach more than 5 feet. **3)** Variance to reduce the required north side yard setback to 2 feet. Minimum 3 feet required. **4)** Variance to reduce the required south side setback to 3 feet. Minimum 10 feet required.

Ordinance Sections: 613. Table B 613. Table B 613. Table B 613. Table B
Applicant: Robert Cronin
Representative: Robert Cronin
Owner: Shasta M. Smith

18. Application #: ZA-537-17-2 (Continued from 12/14/17)
Existing Zoning: C-2
Location: 18450 North 32nd Street
Quarter Section: 38-34(M10)
Proposal: **1)** Use permit to allow outdoor dining within 500 feet of a residential zone. Use permit required. **2)** Use permit to allow a drive-through within 300 feet of a residential zone. Use permit required.
- Ordinance Sections: 623.D.157.c 623.D.157.d.(2)
Applicant: Richard Reigle, Reigle & Associates
Representative: Richard Reigle, Reigle & Associates
Owner: WP Union Hills I, LLC c/o Avalon Investments

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.

This publication can be made available in alternate format upon request. Contact Tamra Ingersoll at (602) 534-6648, TTY: use 7-1-1. To request reasonable accommodations, please contact Tamra Ingersoll at (602) 534-6648, TTY use 7-1-1.

December 6, 2017