

**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 28, 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 results for the meeting is as follows:

RESULTS

9:00 AM

Approved w/ stips

1.

Application #: **ZA-361-12-8 (6-month review)**
Existing Zoning: A-1
Location: 4201 East University Drive
Quarter Section: 6-37(E10)
Proposal: Time Extension to Case ZA-159-11. Use permit to allow a medical marijuana dispensary facility. Time extension required.

Ordinance Sections: 307.A.12.
Applicant: Cecilia Wilson, Peace Relief
Representative: David Dow, Law Offices of David W. Dow
Owner: Cecilia Wilson, Peace Relief

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 180 days 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 180 days 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 Development Department in writing within 30 days of when there is a change in the operator or entity's name.

Approved w/ stips 2.

Application #: **ZA-389-12-8 (6-month review)**
 Existing Zoning: C-2
 Location: 1613 North 40th Street
 Quarter Section: 13-37(G10)
 Proposal: **1)** Time extension for ZA-202-11, a request for a use permit to allow a medical marijuana dispensary. **2)** Time extension for ZA-202-11, a variance to allow a medical marijuana dispensary to be 190 feet away from a residential district. Minimum 250 feet required.
 Ordinance Sections: 307.A.12. 307.A.12.
 Applicant: Lauren (Anton) Gooding AZ
 Compassionate Care
 Representative: Lindsay Schube, Gammage & Burnham, PLC
 Owner: Ramzi Dugum

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 form 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 180 days 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 180 days 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 Development Department in writing within 30 days of when there is a change in the operator or entity's name.

Approved w/ stips 3.

ZA-117-12-8 (6-month review)

Existing Zoning: A-1
Location: 201 South 36th Street
Quarter Section: 10-36(F10)
10-36(F10)
Proposal: 1) Variance to allow medical marijuana cultivation facility within 5280 feet of another facility of the same type. 5280 feet of separation required. 2) Variance to allow a medical marijuana dispensary within 5280 feet of another facility of the same type. 5280 feet of separation required. 3) Variance to allow a medical marijuana infusion facility within 5280 feet of another facility of the same type. 5280 feet of separation required. 4) Use permit to allow a medical marijuana cultivation facility. Use permit required. 5) Use permit to allow a medical marijuana dispensary. Use permit required. 6) Use permit to allow a medical marijuana infusion facility. Use permit required.
Ordinance Sections: 627.D.91.c 627.D.92.d. 627.D.93.b
627.D.91.a.
627.D.92.a. 627.D.93.a.
Applicant: Carsten Loelke, Natural Relief Clinic, Inc.
Representative: Carsten Loelke, Natural Relief Clinic, Inc.
Owner: J.J. Empire, LLC - Carsten Loelke

Stipulations:

- 1) The Use Permit(s) shall be review within 3 months.
- 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 180 days 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 180 days 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 Development Department in writing within 30 days of when there is a change in the operator or entity's name.

Approved w/ stips 4.

Application #: **ZA-242-18-4**
 Existing Zoning: R-5 SP
 Location: 30, 32, 38, 40 East Indianola Avenue and 4016 North 2nd Street
 Quarter Section: 16-28(H8)
 Proposal: **1)** Use Permit to allow a community residence center in R-5 zoning. Use Permit required. **2)** Use Permit to allow a hospice in R-5 zoning. Use Permit required. **3)** Use Permit to allow a nursing home in R-5 zoning. Use Permit required.
 Ordinance Sections: 618.D.2 618.D.12 618.D.16
 Applicant: Kirste Kowalsky, Withey Morris, PLC
 Representative: Kirste Kowalsky, Withey Morris, PLC
 Owner: 40 East Indianola Avenue, LLC
Stipulations:
1) Complete the Community Residence Center registration prior to occupancy. (Registration is not required in commercial zoning districts)
2) Obtain and maintain a license from either the Arizona Department of Health Services or City of Phoenix (whichever is applicable). If a license is not obtained within 1 year of the approval of this Use Permit, the Zoning Administrator shall schedule a revocation hearing for this Use Permit.
3) The Use Permit shall be reviewed within 1 year.
4) The applicant has 1 year to apply and pay for building permits.
5) The developer 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 (PHX) to future owners or tenants of the property.

Approved w/ stips 5.

Application #: **ZA-247-18-4**
 Existing Zoning: C-2 HRI TOD-1
 Location: 49 East Thomas Road
 Quarter Section: 14-28(G8)
 Proposal: Use permit to allow parking facilities as a

primary use. Use permit required.
Ordinance Sections: 662.F.1.g
Applicant: Maricela Nunez, LBA Realty
Representative: Charles Huellmantel, Huellmantel & Affiliates
Owner: LBA Realty Fund II Company VI, LLC

Stipulations:

- 1) 18 months to apply and pay for building permits.
- 2) General conformance to the site plan dated June 28, 2018.

Approved w/ stips 6.

Application #: **ZA-252-18-3**
Existing Zoning: C-2
Location: 1849 West Greenway Road
Quarter Section: 34-25(L7)
Proposal: Variance to reduce minimum parking requirements to 309 spaces. Minimum 346 parking spaces required.
Ordinance Sections: 702.C.Table
Applicant: Haim Elbaz, Kids Empire Phoenix, LLC
Representative: Veronica Becerra, Kids Empire Phoenix, LLC
Owner: Revesco (US) Properties of Greenway, LLL

Stipulations:

- 1) 6 months to apply and pay for building permits.
- 2) General conformance to the site plan dated June 28, 2018
In regards to the addition of new parking spaces to the rear of property.

Approved w/ stip 7.

Application #: **ZA-254-18-8**
Existing Zoning: R-3 SPVTABDO
Location: 3145 East Wier Avenue
Quarter Section: 4-34(E10)
Proposal: Variance to reduce the required lot width to 57 feet for 2 lots. Minimum 60 feet required.
Ordinance Sections: 615.B.Table B
Applicant: Fernando Saucedo, FA Home Solutions
Representative: Fernando Saucedo, FA Home Solutions
Owner: Fernando Saucedo, FA Home Solutions

Stipulation:

- 1) 6 months to complete the lot split process.

1:30 PM

Approved w/ stip 8.

Application #: **ZA-250-18-8**
Existing Zoning: R1-6

Location: 3525 East Flower Street
Quarter Section: 15-35(G10)
Proposal: Variance to reduce the required side yard setback (east) to 6 feet. Minimum 10 feet required.
Ordinance Sections: 613.B.Table B
Applicant: David and Sally Lindskoog
Representative: Stephen Sedor, Stephen E. Sedor, Architect, LLC
Owner: David and Sally Lindskoog

Stipulation:

1) 6 months to apply and pay for building permits.

Approved w/ stips 9.

Application #: **ZA-255-18-6**
Existing Zoning: R1-10
Location: 4708 North 41st Place
Quarter Section: 18-37(H10)
Proposal: Use permit to allow a closed projection to encroach 10 feet into the required rear yard setback. Maximum 5 feet encroachment without use permit.
Ordinance Sections: 701.A.3.a.(2).(d)
Applicant: Kirk Harmon, Dakotta Lands, LLC
Representative: Kirk Harmon, Dakotta Lands, LLC
Owner: Kirk Harmon, Dakotta Lands, LLC

Stipulations:

1) 6 months to apply and pay for building permits.
2) General conformance to the site plan dated June 28, 2018 in regards to the rear encroachment.

Approved w/ stip 10.

Application #: **ZA-256-18-2**
Existing Zoning: C-2 PCD NBCCPOD
Location: 35004 North North Valley Parkway
Quarter Section: 59-21(R6)
Proposal: 1) Use permit to allow outdoor dining as an accessory use to a restaurant within 500 feet of a residential district. Use permit required. 2) Use permit to allow outdoor alcohol consumption as an accessory use to a restaurant within 500 feet of a residential district. Use permit required.
Ordinance Sections: 623.D.157.c 623.D.157.c
Applicant: Michael Keltz, RKAA Architects
Representative: Michael Keltz, RKAA Architects
Owner: Walt Brown, BCB Group Investments, LLC

Stipulation:

1) 400 square feet permitted for patio space.

Approved w/ stips 11.

Application #: **ZA-258-18-6**
Existing Zoning: C-1, R1-6
Location: 1379 East Northern Avenue
Quarter Section: 24-30(J9)
Proposal: **1)** Use permit to extend a use which is permitted in a less restricted district (C-1) into a more restricted district (R1-6) to a maximum of 25 feet. Use permit required. **2)** Use permit to allow a drive-through facility with a queuing lane less than 300 feet from a residential zoning district as an accessory use to a restaurant. Use permit required. **3)** Variance to reduce the building setback adjacent to a street (14th Street) to 15 feet. Minimum 20 feet for up to 50% of the structure with a 25-foot average required. **4)** Variance to reduce the streetscape landscape setback (14th Street) to 5 feet. Minimum 20 feet for up to 50% of the structure with a 25-foot average required. **5)** Variance to reduce the building setback adjacent to a street (Northern Avenue) to 20 feet. Minimum 20 feet for up to 50% of the structure with a 25-foot average required. **6)** Variance to reduce the streetscape landscape setback (Northern Avenue) to 10 feet. Minimum 20 feet for up to 50% of the structure with a 25-foot average required. **7)** Variance to reduce the perimeter property line (south) landscape setback to 0 feet. Minimum 10 feet required.
Ordinance Sections: 307.A.8. 622.D.149.e 622.E.4.d 622.E.4.d 622.E.4.d 622.E.4.e 622.E.4.e
Applicant: Doug Bailey, DBCS
Representative: Doug Bailey,,DBCS
Owner: Doug Bailey, DBCS

Stipulations:

- 1) #7 denied as filed and approved to 3 feet.
- 2) General conformance to the site plan dated June 28, 2018 in regards to the setback request except for the southern property line.
- 3) 9 months to apply and pay for building permits.

Approved 12.

Application #: **ZA-286-17-7**

s/ stips

Existing Zoning: A-1
Location: 1801 South 35th Avenue
Quarter Section: 8-21(F6)
Proposal: **1)** Use Permit to allow a homeless shelter closer than 1,320 feet from a residential district. Minimum 1,320 feet separation required. **2)** Variance to allow an over height wall (6 feet) in the required street side setback (north). Maximum 40 inches allowed. **3)** Variance to allow an over height wall (6 feet) in the required street side setback (west). Maximum 40 inches allowed.

Ordinance Sections: 627.D.1 703.A.3.a 703.A.3.a
Applicant: Wendy Riddell, Berry Riddell, LLC
Representative: Wendy Riddell, Berry Riddell, LLC
Paul Gilbert, Beus Gilbert (Appellant Rep @ BOA)
Owner: Jay Cory, Phoenix Rescue Mission

Stipulations:

- 1)** The applicant must use DPS certified security personnel on the property on a daily basis, to establish a “law enforcement presence” visible to persons living and loitering in the area around the campus.
- 2)** Video cameras will be mounted atop the wall on the 35th Avenue-frontage of the property and will be continually activated to capture images of activities along 35th Avenue. The applicant will enroll in the Virtual Block Watch Program with the Phoenix Police Department.
- 3)** There will be no feeding, hydrating or counseling, whether by the Applicant’s employees or by those clients enrolled in a treatment program, administered to persons present on 35th Avenue outside the walls of Applicant’s property. Applicant affirmatively shall discourage settlement of homeless persons along 35th Avenue by communicating to those persons consistently that Applicant makes no services or goods available to the homeless community until (if ever) they become admitted into a PRM treatment program.
- 4)** There shall be a cap of 360 recovery program residents and no emergency shelter beds available for client use.
- 5)** There shall be hearing officer review one year from today, evaluating the continuing compliance with stipulations 2-4.
- 6)** The applicant shall send written notification per the notification requirements outlined in the zoning adjustment application handout, at least 15 calendar days prior to the scheduled review hearings, to all property owners within a 150-foot and registered neighborhood associations within 600-feet of the subject property.

Denied,

13.

Application #:

ZA-260-18-7

as filed

Existing Zoning: A-1
Location: 1801 South 35th Avenue
Quarter Section: 8-21(F6)
Proposal: Use permit to modify Stipulation 7 of ZA-286-17, to increase the number of recovery program residents from 250 to 400. Maximum 250 recovery program residents per ZA-286-17.

Ordinance Sections: 307
Applicant: Wendy Riddell, Berry Riddell, LLC
Representative: Wendy Riddell, Berry Riddell, LLC
Owner: Jay Cory, Phoenix Gospel Mission, Inc.

Stipulations:

- 1)** The applicant must use DPS certified security personnel on the property on a daily basis, to establish a “law enforcement presence” visible to persons living and loitering in the area around the campus.
- 2)** Video cameras will be mounted atop the wall on the 35th Avenue-frontage of the property and will be continually activated to capture images of activities along 35th Avenue. The applicant will enroll in the Virtual Block Watch Program with the Phoenix Police Department.
- 3)** There will be no feeding, hydrating or counseling, whether by the Applicant’s employees or by those clients enrolled in a treatment program, administered to persons present on 35th Avenue outside the walls of Applicant’s property. Applicant affirmatively shall discourage settlement of homeless persons along 35th Avenue by communicating to those persons consistently that Applicant makes no services or goods available to the homeless community until (if ever) they become admitted into a PRM treatment program.
- 4)** There shall be a cap of 360 recovery program residents and no emergency shelter beds available for client use.
- 5)** There shall be hearing officer review one year from today, evaluating the continuing compliance with stipulations 2-4.
- 6)** The applicant shall send written notification per the notification requirements outlined in the zoning adjustment application handout, at least 15 calendar days prior to the scheduled review hearings, to all property owners within a 150-foot and registered neighborhood associations within 600-feet of the subject property.

Approved w/ stips 14.

Application #: **ZA-261-18-2**
Existing Zoning: A-1 DVAO
Location: 1720 East Deer Valley Drive, Suite 101
Quarter Section: 43-31(N9)
Proposal: Use permit to allow a medical marijuana dispensary facility. Use permit required.
Ordinance Sections: 627.D.92

Applicant: Kristen Abelon, KMR Development, LLC
Representative: Kristen Abelon, KMR Development, LLC
Owner: Larry Marlin, Landmark Group, LLC

Stipulations:

1 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 180 days 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 180 days 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 Development Department in writing within 30 days of when there is a change in the operator or entity's name.

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 Angie Holdsworth at (602) 495- 5622, TTY: use 7-1-1. To request reasonable accommodations, please contact Angie Holdsworth at (602) 495-5622, TTY use 7-1-1.

June 28, 2018