

ATTACHMENT B



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

***REVISED**

Staff Report: Z-20-24-1

February 10, 2025

North Mountain Village Planning Committee Meeting Date:

February 19, 2025

Planning Commission Hearing Date:

March 6, 2025

Request From:

R-O (Residential Office – Restricted Commercial) (1.19 acres)

Request To:

C-1 (Neighborhood Retail) (1.19 acres)

Proposal:

Commercial use (office and restaurant)

Location:

Approximately 40 feet south of the southwest corner of 39th Avenue and Cactus Road

Owner:

Odden Properties, LLC c/o Paul Johnson

Applicant:

Michael Scarbrough

Representative:

David Cisiewski

Staff Recommendation:

Approval, subject to stipulations

General Plan Conformity

General Plan Land Use Map Designation

Residential 3.5 to 5 dwelling units per acre

Street Map Classification

Cactus Road

Arterial

40-foot south half street

39th Avenue

Minor
Collector

30-foot west half street

CONNECT PEOPLE AND PLACES CORE VALUE; BICYCLES; DESIGN PRINCIPLE: Development should include convenient bicycle parking.

The proposal, as stipulated, will add bicycle parking to provide convenient opportunities for employees and visitors to secure their bicycles while on the site.

CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; DIVERSE NEIGHBORHOODS; LAND USE PRINCIPLE: Communities should consist of a mix of land uses to provide housing, shopping, dining and recreational options for residents.

The proposal will create additional retail options in the neighborhood at an appropriate

General Plan Conformity

location along an arterial roadway.

BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREE AND SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

The proposal, as stipulated, will add shade trees and landscaping on site, shading sidewalks and parking areas and reducing the urban heat island to make the area more walkable, bikeable, and sustainable.

C-1 (Neighborhood Retail)

<u>Standards</u>	<u>Requirements</u>	<u>Met or Not Met</u>
<i>Minimum Building Setbacks</i>		
Street	Average 25 feet, minimum 20 feet	Cactus Road: Not specified 39th Avenue: 25 feet (Met)
Not adjacent to street	West (adjacent to R-O zoning): minimum 0 feet	71 feet (Met)
	South (adjacent to R1-6 zoning): minimum 25 feet	66 feet (Met)
<i>Minimum Landscape Setbacks</i>		
Street	Average 25 feet, minimum 20 feet	Cactus Road: 33 feet (Met) 39th Avenue: 7 feet (Not Met)*
Not adjacent to street	West (adjacent to R-O zoning): minimum 10 feet	3 feet (Met)
	South (adjacent to R1-6 zoning): minimum 10 feet	6 feet (Not Met)*
Maximum Lot Coverage	50 percent	18.6 percent (Met)
Maximum Building Height	2 stories, 30 feet	1 story, 20 feet (Met)
Minimum Parking	30 spaces Office: 10 spaces (1 space per 300 square feet) Coffee shop: 20 spaces (1 space per 50 square feet, exclusive of kitchen, rest rooms, storage, etc.)	30 spaces (Met)

*Site plan revision or variance required.

Applicable Plans, Overlays, and Initiatives

[North Mountain Character Plan](#) – See Background Item No. 4.

[Tree and Shade Master Plan](#) – See Background Item No. 7.

[Complete Streets Guiding Principles](#) – See Background Item No. 8.

[Comprehensive Bicycle Master Plan](#) – See Background Item No. 9.

[Conservation Measures for New Development](#) – See Background Item No. 10.

[Transportation Electrification Action Plan](#) – See Background Item No. 11.

[Zero Waste PHX](#) – See Background Item No. 12.

Surrounding Land Uses and Zoning

	<u>Land Use</u>	<u>Zoning</u>
On Site	Vacant	R-O
South	Single-family residential	R1-6
West	Medical office and residential	R-O
East (Across 39th Avenue)	Park	R1-6
North (Across Cactus Road)	Police Station	R1-6 SP

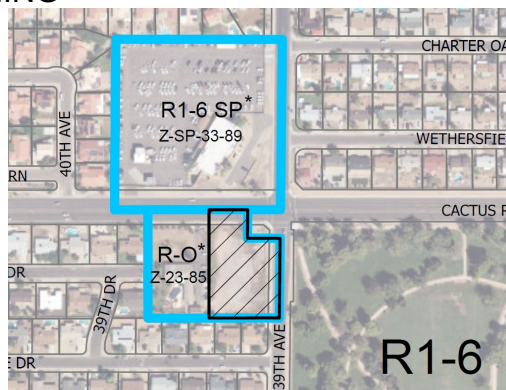
Background/Issues/Analysis

SUBJECT SITE

- This request is to rezone 1.19 acres located approximately 40 feet south of the southwest corner of 39th Avenue and Cactus Road from R-O (Residential Office – Restricted Commercial) to C-1 (Neighborhood Retail) to allow commercial uses (office and restaurant).

SURROUNDING LAND USES AND ZONING

- To the west is a medical office and a residence zoned R-O on the same parcel as the subject site. To the south are single-family homes zoned R1-6 (Single-Family Residence District). To the north, across Cactus Road, is a police station zoned R1-6 SP (Single-Family Residence District, Special Permit). To the east, across 39th

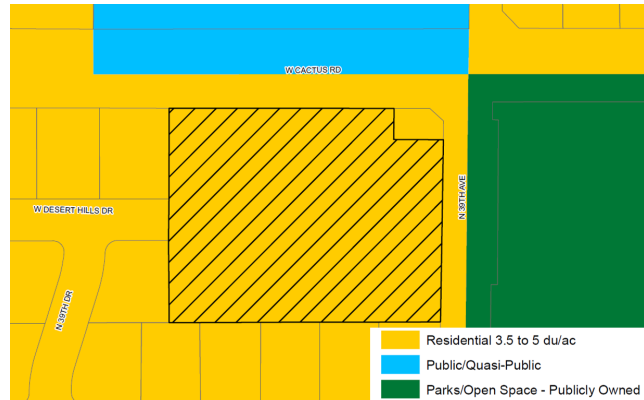


Aerial Zoning Map; Source: City of Phoenix

Avenue, is a park zoned R1-6.

GENERAL PLAN LAND USE MAP

3. The General Plan Land Use Map designation for the parcel containing the subject site and the surrounding parcels to the west and south is Residential 3.5 to 5 dwelling units per acre. To the north, across Cactus Road, is designated as Public/Quasi-Public. To the east, across 39th Avenue, is designated Parks/Open Space - Publicly Owned. The proposal for C-1 zoning is not consistent with the General Plan Land Use Map designation; however, a General Plan Amendment is not required as the site is under 10 acres.



4. North Mountain Character Plan

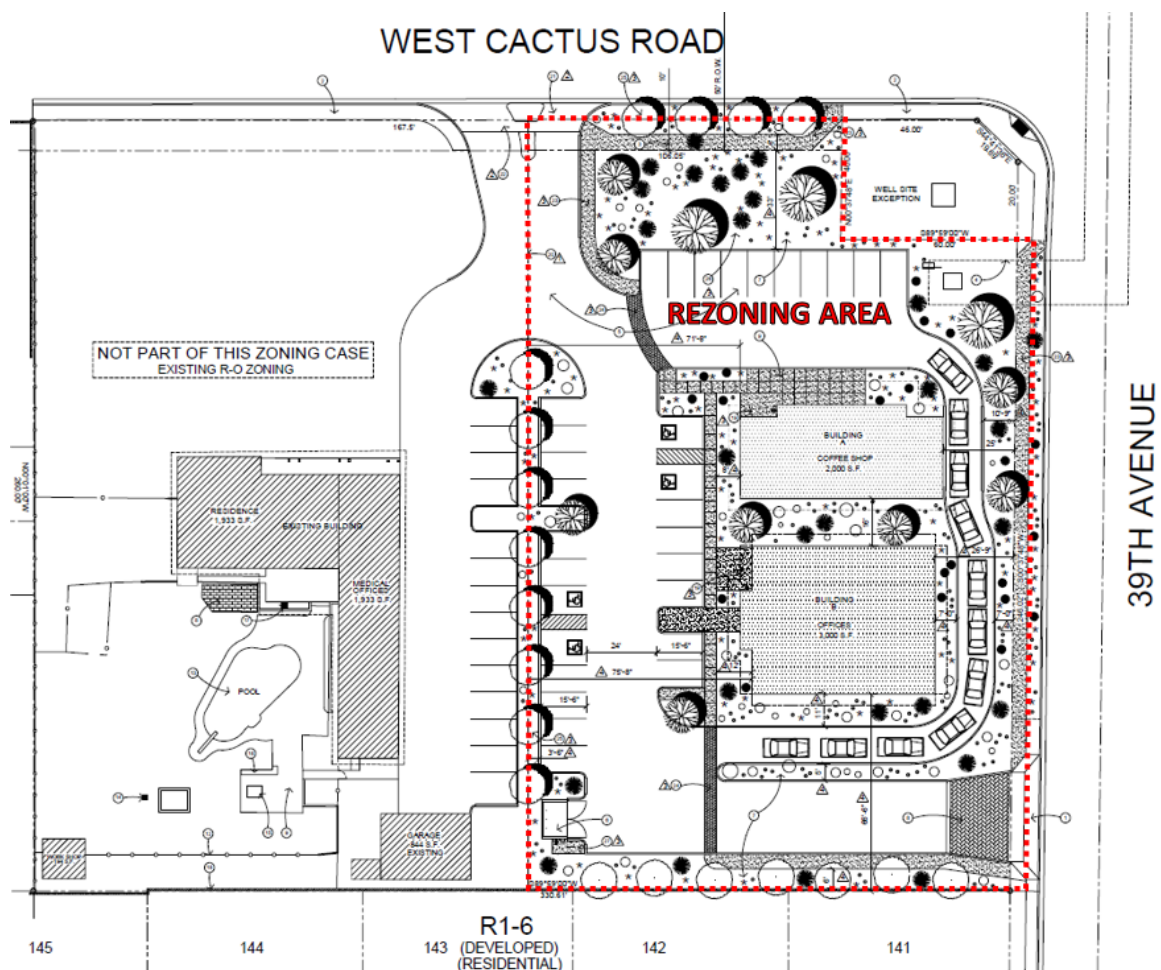
The North Mountain Village Character Plan was approved and adopted into the Phoenix General Plan through General Plan Amendment GPA-1-19. The proposed zoning advances these concepts by locating commercial uses along an arterial street that is sensitive to the character of the surrounding neighborhoods.

- Land Use Principle: Locate land uses with the greatest height and most intense uses within limits based on village character, land use needs, infrastructure and transportation system capacity.
- Design Principle: Create new development or redevelopment that is sensitive to the scale and character of the surrounding neighborhoods and incorporates adequate development standards to prevent negative impact(s) on the residential properties.

PROPOSAL

5. Site Plan

The applicant proposes to develop the subject site with a 2,000-square-foot coffee shop with a drive-through and a 3,000-square-foot office building. The conceptual site plan shows 30 parking spaces accessed from an expanded driveway on Cactus Road and a new driveway on 39th Avenue. The drive-through would require a use permit due to the proximity to a single-family residential district and a variance for the landscape setback adjacent to 39th Avenue and to the south; therefore, staff does not recommend general conformance to the site plan.



Conceptual Site Plan; Source: Applicant

6. Conceptual Building Elevations

The conceptual building elevations, attached as an exhibit, depict a one-story, 20-foot tall coffee shop and one-story, 16-foot tall office building. Staff does not recommend general conformance to the elevations. Design guidelines in the Zoning Ordinance will require that buildings contain multiple exterior accent materials that exhibit quality and durability.



Conceptual Building Elevations; Source: Applicant

STUDIES AND POLICIES

7. [Tree and Shade Master Plan](#)

The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City's planning and development process. Sidewalks on the street frontages should be detached from the curbs to allow trees to be planted on both sides of the sidewalk to provide thermal comfort for pedestrians and to reduce the urban heat island effect. The proposed development will provide shaded, detached sidewalks on Cactus Road and 39th Avenue, enhanced surface parking lot shading, and enhanced shade for pedestrian walkways. These are addressed in Stipulation Nos. 6, 8, 9, and 16.

8. [Complete Streets Guiding Principles](#)

In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. In order to facilitate multimodal transportation, the proposal will include bicycle parking, detached sidewalks, and pedestrian walkways with features contrasting them from drive aisles, as required in Stipulation Nos. 1, 2, 3, 5, 8, and 9.

9. [Comprehensive Bicycle Master Plan](#)

The City of Phoenix adopted the Comprehensive Bicycle Master Plan in 2014 to guide the development of its Bikeway System and supportive infrastructure. The Comprehensive Bicycle Master Plan supports options for both short- and long-term bicycle parking as a means of promoting bicyclist traffic to a variety of destinations. Stipulation Nos. 1 through 3 require bicycle parking, a bicycle repair

station, and electric bicycle chargers.

10. **Conservation Measures for New Development**

In June 2023, the Phoenix City Council adopted the Conservation Measures for New Development policy as part of a resolution addressing the future water consumption of new development (Resolution 22129). This resolution addresses the future water consumption of new development to support one of the City's Five Core Values in the General Plan which calls for Phoenix to "*Build the Sustainable Desert City*". The Conservation Measures for New Development policy includes direction to develop standards for consideration as stipulations for all rezoning cases that will address best practices related to water usage in nine specific categories. This is addressed in Stipulation Nos. 13 through 18.

11. **Transportation Electrification Action Plan**

In June 2022, the Phoenix City Council approved the Transportation Electrification Action Plan. The current market desire for the electrification of transportation is both a national and global phenomenon, fueled by a desire for better air quality, a reduction in carbon emissions, and a reduction in vehicle operating and maintenance costs. Businesses, governments and the public are signaling strong future demand for electric vehicles (EVs), and many automobile manufacturers have declared plans for a transition to fully electric offerings within the coming decade. This Plan contains policy initiatives to prepare the City for a future filled with more EVs, charging infrastructure and e-mobility equity, and outlines a roadmap for a five-step plan to prepare for the EV infrastructure needs of 280,000 EVs in Phoenix by 2030. One goal of the Plan to accelerate public adoption of electric vehicles through workplace, business, and multifamily charging infrastructure recommends a standard stipulation for rezoning cases to provide EV charging infrastructure. Stipulation No. 4 requires 5% of required parking spaces to be EV Ready.

12. **Zero Waste PHX**

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero-waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and expand its recycling and other waste diversion programs. Section 716 of the Phoenix Zoning Ordinance establishes standards to encourage the provision of recycling containers for multifamily, commercial and mixed-use developments meeting certain criteria. The application materials indicate the proposed development will provide recycling receptacles.

COMMUNITY CORRESPONDENCE

- *13. As of the writing of this report, staff has received two letters in opposition and seven letters in support of this request.

INTERDEPARTMENTAL COMMENTS

14. The Street Transportation Department commented that the development shall dedicate 50 feet of right-of-way along Cactus Road, provide detached sidewalks along both Cactus Road and 39th Avenue, underground all existing electric utilities within the public right-of-way, replace unused driveways with sidewalk, curb, and gutter, and construct all streets adjacent to the development. These are addressed in Stipulation Nos. 7 through 12.

OTHER

15. The site has not been identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, all ground disturbing activities must cease within 33-feet of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation No. 19.
16. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to final site plan approval. This is addressed in Stipulation No. 20.
17. Development and use of the site are subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments may be required.

Findings

1. The proposal is consistent with the character of the surrounding area.
2. The proposal will provide neighborhood retail and services to the surrounding area at an appropriate location.
3. The proposal, as stipulated, provides landscaping and shade to enhance the thermal comfort of users of the site and nearby areas.

Stipulations

1. A minimum of 4 bicycle parking spaces shall be provided for each building through Inverted U and/or artistic racks located near the building entrance and installed per the requirements of Section 1307.H of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.

2. A bicycle repair station (“fix it station”) shall be provided on the site. The station shall include but not be limited to: standard repair tools affixed to the station; a tire gauge and pump; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike, as approved by the Planning and Development Department.
3. A minimum of 1 of the provided bicycle parking spaces for each building shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
4. A minimum of 5% of the required parking spaces shall be EV Ready.
5. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.
6. All pedestrian pathways, including internal walkways and public sidewalks adjacent to the site, shall be shaded by a structure or landscaping, or a combination of the two to achieve a minimum of 75% shade, as approved by the Planning and Development Department.
7. A minimum of 50 feet of right-of-way shall be dedicated and constructed for the south side of Cactus Road.
8. A minimum 6-foot-wide detached sidewalk separated by a minimum 10-foot-wide landscape strip located between the back of curb and sidewalk shall be provided along the south side of Cactus Road, planted to the following standards, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center, or in equivalent groupings.
 - b. Shrubs, accents, and vegetative groundcovers maintained to a maximum height of 24 inches to achieve a minimum of 75% live coverage.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

9. A minimum 5-foot-wide detached sidewalk separated by a minimum 5-foot-wide landscape strip located between the back of curb and sidewalk shall be provided along the west side of 39th Avenue, planted to the following standards, as approved by the Planning and Development Department.

- a. Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center, or in equivalent groupings.
- b. Shrubs, accents, and vegetative groundcovers maintained to a maximum height of 24 inches to achieve a minimum of 75% live coverage.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

10. All existing electrical utilities within the public right-of-way shall be undergrounded, adjacent to the development. The developer shall coordinate with the affected utility companies for their review and permitting.
11. Unused driveways shall be replaced with sidewalk, curb, and gutter. Any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets shall be replaced. All off-site improvements shall be upgraded to be in compliance with current ADA guidelines.
12. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
13. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized, as approved or modified by the Planning and Development Department.
14. Natural turf shall only be utilized for required retention areas (bottom of basin, and only allowed on slopes if required for slope stabilization) and functional turf areas located on properties for uses such as parks, schools, and residential common areas, as approved by the Planning and Development Department.
15. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
16. A minimum of 25% of the surface parking areas shall be shaded, as approved by the Planning and Development Department. Shade may be achieved by structures or by minimum 2-inch caliper, drought tolerant, shade trees, or a combination thereof.
17. A minimum of two green infrastructure (GI) techniques for stormwater

management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low-Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.

18. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the City of Phoenix Businesses Water Efficiency Program for a minimum of 10 years, or as approved by the Planning and Development Department.
19. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
20. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

Writer

Anthony Grande

February 10, 2025

Team Leader

Racelle Escolar

Exhibits

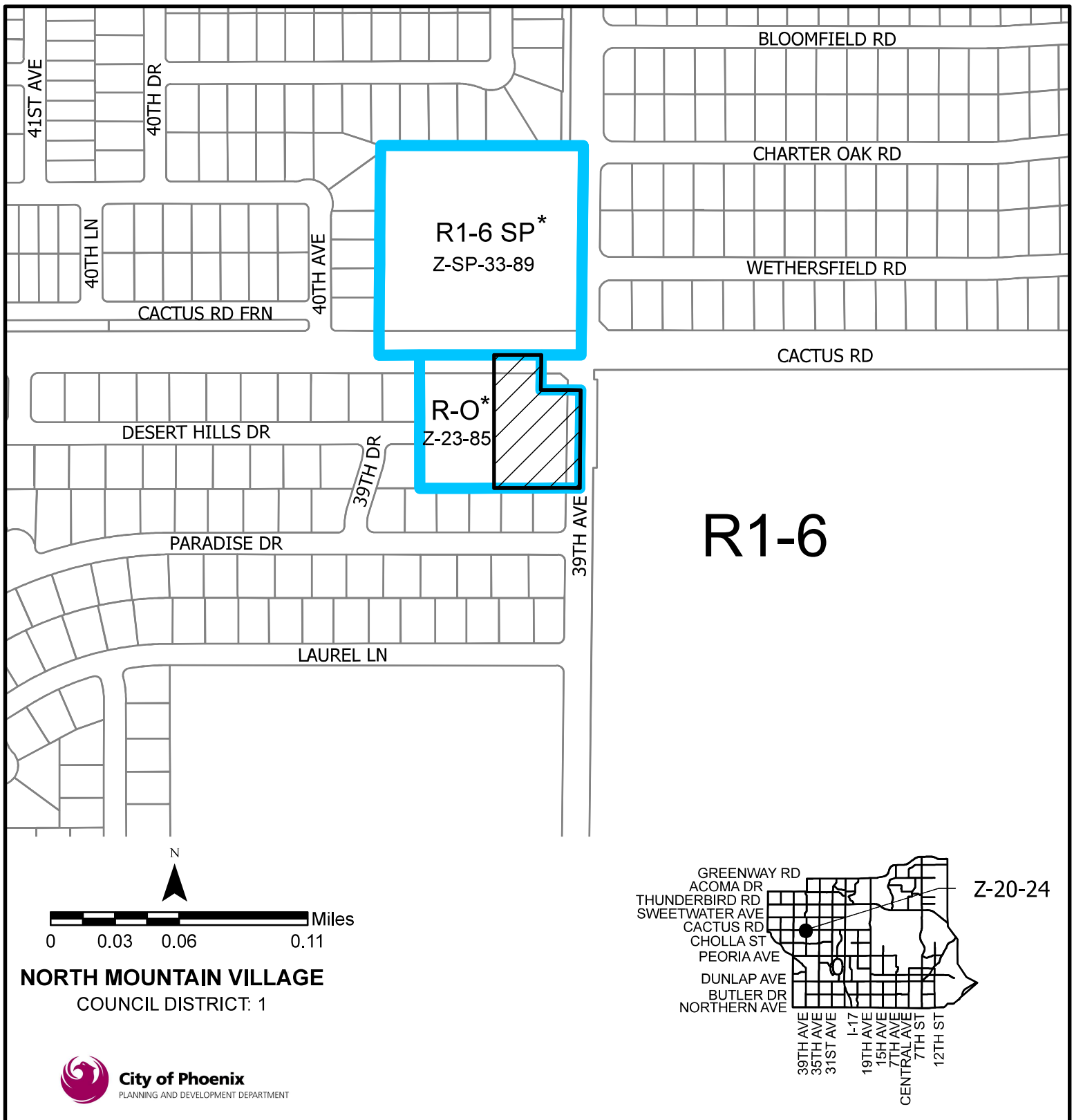
Zoning sketch map

Aerial sketch map

Conceptual Site Plan date stamped August 29, 2024

Conceptual Building Elevations date stamped August 9, 2024

*Community Correspondence (10 pages)



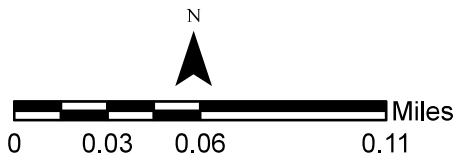
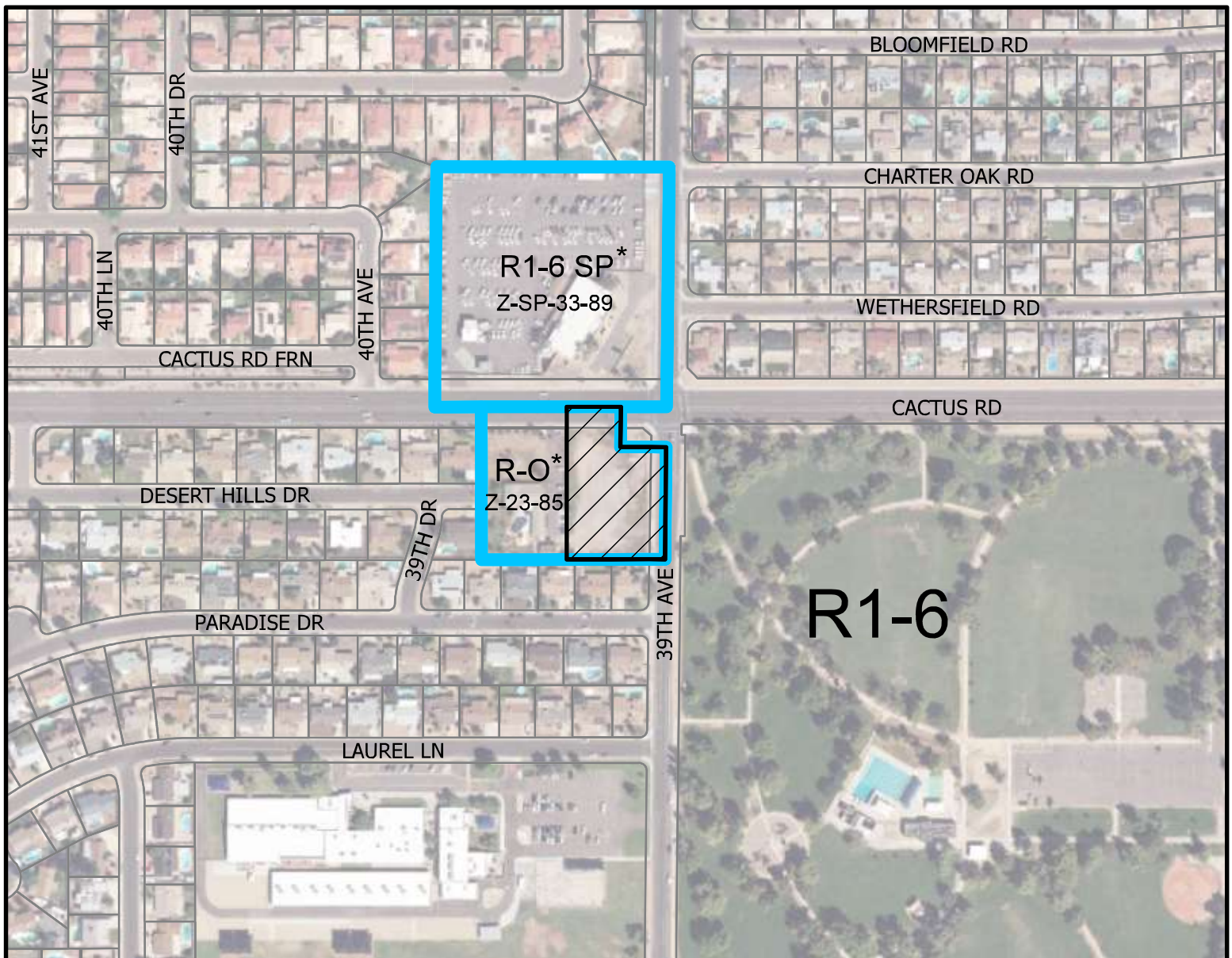
NORTH MOUNTAIN VILLAGE
COUNCIL DISTRICT: 1



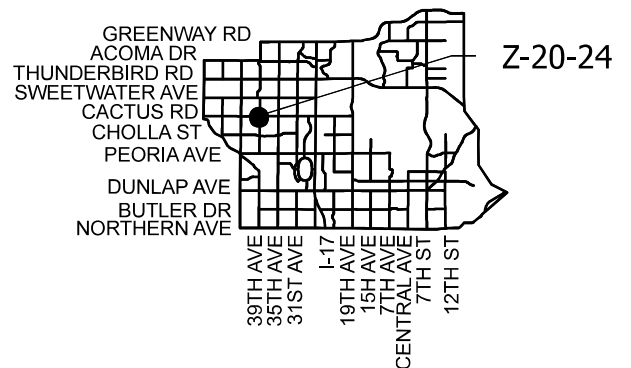
City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

APPLICANT'S NAME: 3k1 Consulting Services LLC		REQUESTED CHANGE:	
APPLICATION NO: Z-20-24		FROM: R-O (1.19 a.c.)	
DATE: 3/19/2024		TO: C-1 (1.19 a.c.)	
REVISION DATES:			
AERIAL PHOTO & QUARTER SEC. NO. QS 30-19			
ZONING MAP K-6			
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 1.19 Acres			
MULTIPLES PERMITTED R-O C-1		CONVENTIONAL OPTION 1 17	
		* UNITS P.R.D OPTION N/A 20	

* Maximum Units Allowed with P.R.D. Bonus



NORTH MOUNTAIN VILLAGE
COUNCIL DISTRICT: 1



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CONTRACTOR SHALL CHECK AND VERIFY ALL GRADES, CONDITIONS AND DIMENSIONS OF EXISTING UTILITIES, CONSTRUCTION, AND CONDITIONS MUST BE REPORTED IN WRITING TO THE ARCHITECT.

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UNITED STATES

SHEET	OF
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COPIES - 100

From: [Maria Avila](#)
To: [Anthony M. Grande](#)
Subject: CASE # Z 20-24 Rezoning 39th ave/cactus
Date: Monday, April 15, 2024 6:10:14 PM

Greetings Mr Grande,

We are the home owners of the property
3943 W Wethersfield Rd, our property backyard faces Cactus Rd. It was our intention to attend this meeting today April 15th, unfortunately we cashed a cold an are not feeling well.

We would like to start by saying that, hearing about a possible coffee shop opening across the street from us sounds exiting! Being owners of a small business our self's, we support local businesses!!

Despite the fact this is something new and existing for our community we do have some big concerns.

We have seen a huge increase on traffic in the mornings and afternoon. There is s high-school and a middle school just across from us. Parents trying to drop their kids at school has made a horrible impact in our street. There are days we can't even get out of our own driveway because people are using " Wethersfield rd" to skip traffic.
And have the audacity to get upset at us homeowners!

Can you just imagine the chaos once a coffee shop opens up??!!! how is traffic going to be directed??? There are kids walking to school in the mornings, crossing CACTUS Rd.. this street in the last 5yrs has gotten so dangerous to cross. People run red lights causing constants accidents and even going into our neighbors backyard.

Can the city do something about possible cheating the lights to lights that have arrows to help with traffic?? (Attaching ideas)

We also need and request some kind of sign that let's these people trying to skip traffic that our street of not a school zone area!!

What about limiting the speed zone?? Speed bumps on Cactus? SOMETHING to slow these humans!

We can't event walk to the park any longer with our feeling insecure crossing Cactus Rd/39th Ave.

Also, would like to petition to have the fence from 38th Ave to 39th Ave facing Cactus Rd to be painted. This wall has not been painting in the last 15 yrs! A fresh coat of paint would be wonderful specially if a new building is coming in.

We appreciate the opportunity we have to speak about our request and needs for our community. We as citizens and neighbors want the best for our children and community. Please consider our petition an concerns on your final hearing.

The Gomez Family

Joel, Marie and Emiliano

[Yahoo Mail: Search, Organize, Conquer \[mail.onelink.me\]](http://mail.onelink.me)

Chase Hales

From: Glenna Teel <teeltime@gmail.com>
Sent: Monday, April 22, 2024 4:45 PM
To: Chase Hales
Subject: Fwd: Chase Hales, City Planner re: #Z-20-24

----- Forwarded message -----

From: **Glenna Teel** <teeltime@gmail.com>
Date: Mon, Apr 22, 2024 at 4:40 PM
Subject: Chase Hales, City Planner re: #Z-20-24
To: <Zoning@phoenix.gov>

Hello Mr. Hales,

I am writing to voice my concern over Case # Z-20-24, the S.W. corner of 39th Ave and Cactus Rd. I understand that a request for rezoning has been made. I am against any rezoning of this land. I am very concerned about the impact this will have on our community due to the increased volume of traffic within the neighborhood. This is already a busy corner due to the PPD precinct, Tumbleweed elementary and Moon Valley H.S. This is especially true during the morning rush hour, and around 2:15 to 3:15. There has been talk of a drive thru coffee shop as one of the tenants. That will make things even more crowded during those times. The lines to this type of establishment often back up onto the city streets. This will create an unsafe environment for motorists and pedestrians. This will also be a problem with so many of our students walking to and from school. Impatient drivers are unsafe drivers and I am afraid that this will be creating a very hazardous situation for our walking students.

I am an original owner (1978) and our neighborhood has worked very hard to keep this a neighborhood not a commercial area and I would like to see it remain as such. There are plenty of available opportunities for retail on the corners of 35th Ave and 43rd Ave. we don't need to have anything like this on 39th Ave.

Thank you,
Glenna Teel
11622 N. 39th Drive
Phoenix, AZ 85029
602-550-7785

FEB 07 2025

Planning & Development
Department

LETTER OF SUPPORT

Project: Zoning Case # Z 20-24, property located at 3919 West Cactus Road Phoenix, Arizona.

I am a nearby property owner and after discussing the proposed rezoning application and new development with the landowner, I am in support of rezoning a portion of the property for a new office and retail building. I believe the proposed project will provide new amenities to the vacant property and have a positive impact upon the community.

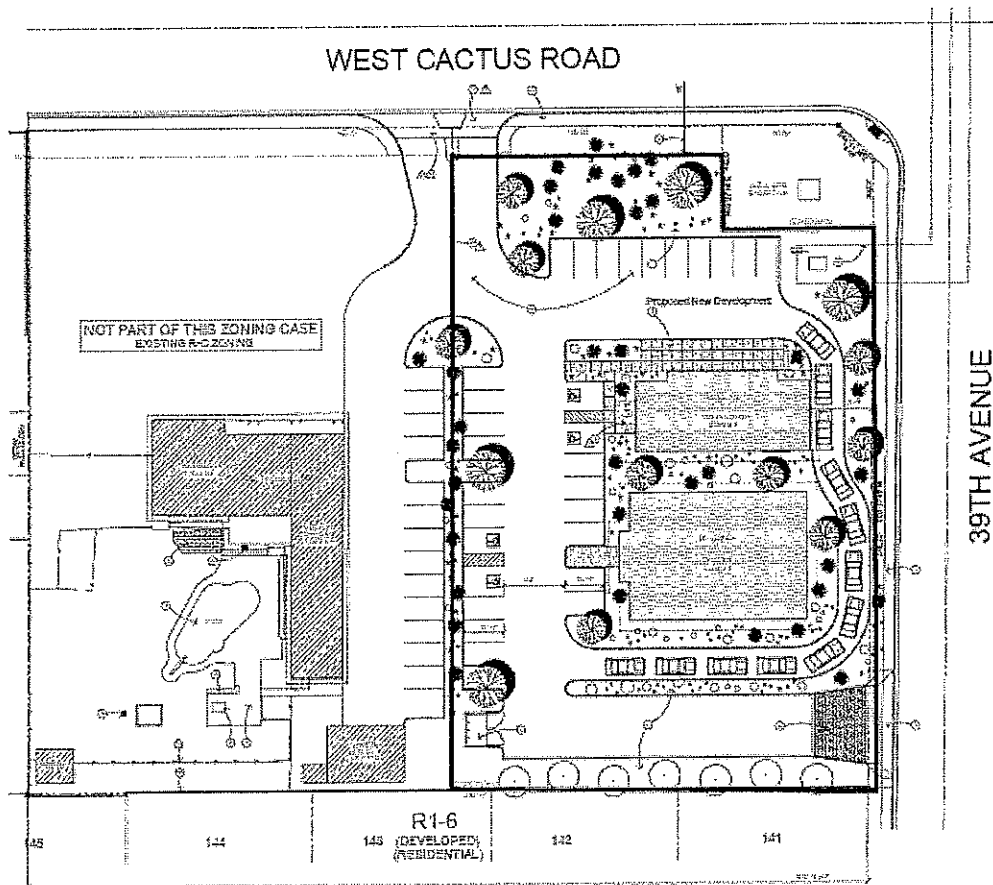
Name: LUIS CASTRO

Address: 3930 W PARADISE

Phoenix AZ 85079

Signature: [Signature]

Date: 04/2/2024



FEB 07 2025

Planning & Development
Department

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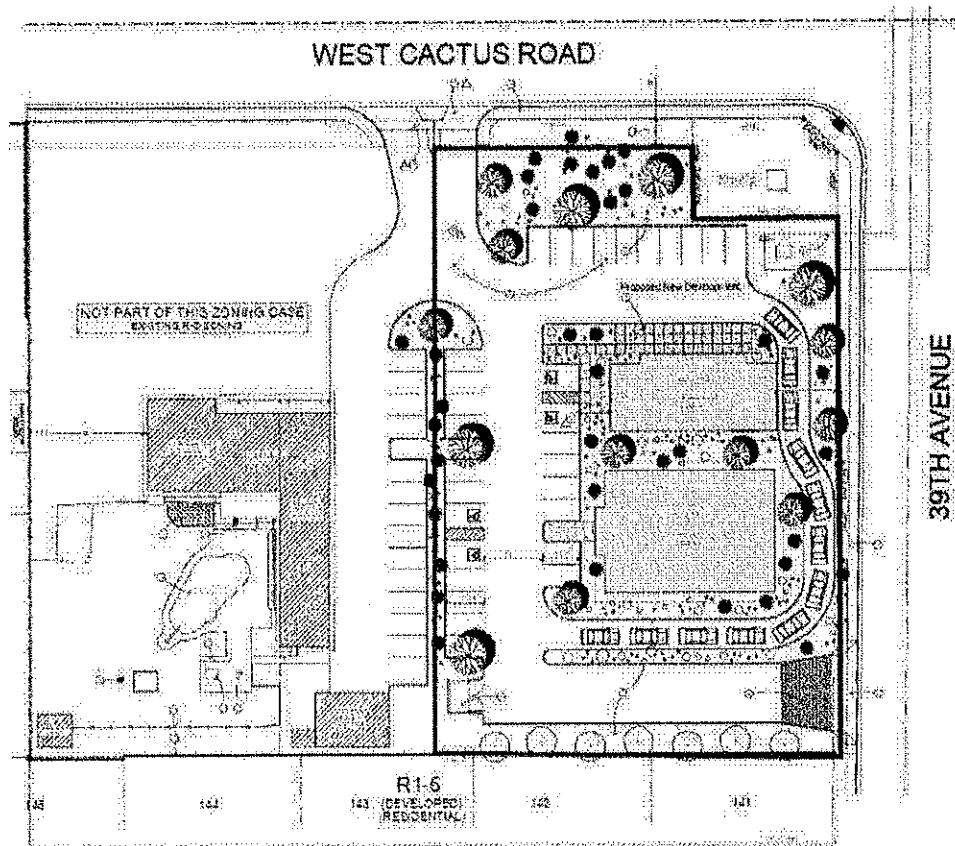
Name: Frank R. Jaramillo

Address: 3931 W. Desert Hills Dr.

Phoenix, AZ 85029

Signature: Frank R. Jaramillo

Date: 4/08/2024



FEB 07 2025

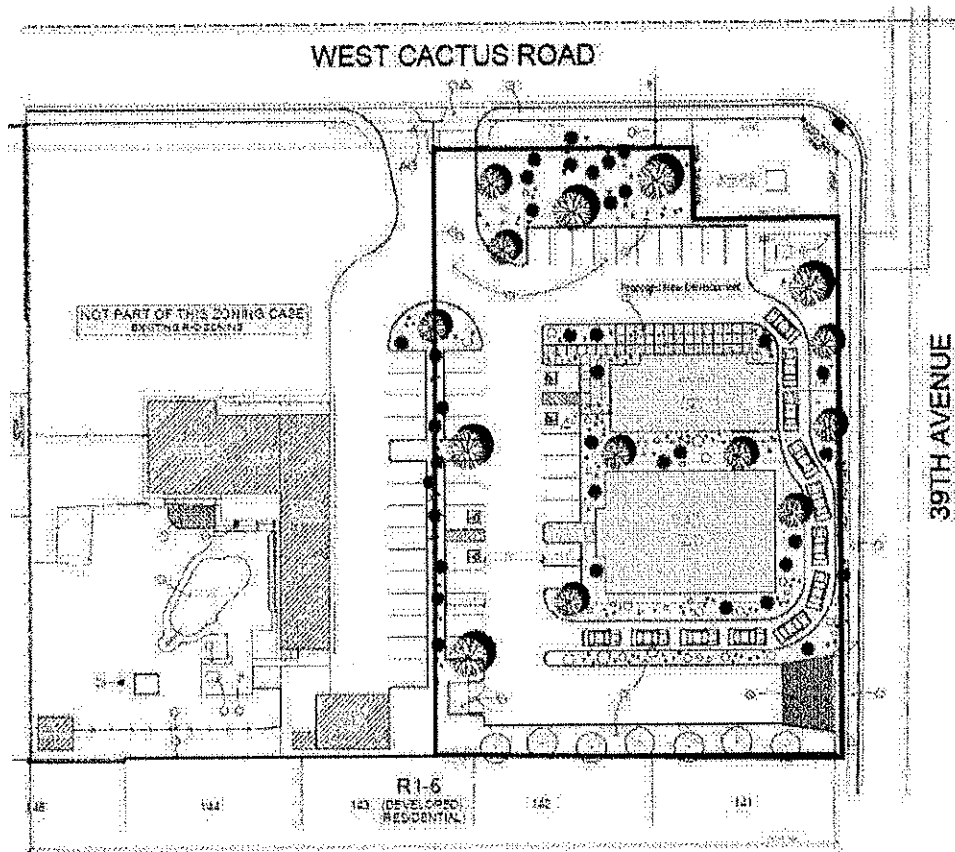
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Name: GLORIA JARAMILLO
Address: 3931 W DESERT HILLS DR
PHOENIX, AZ 85029
Signature: *G. Jaramillo*
Date: W-7-2024



FEB 07 2025

Planning & Development
Department

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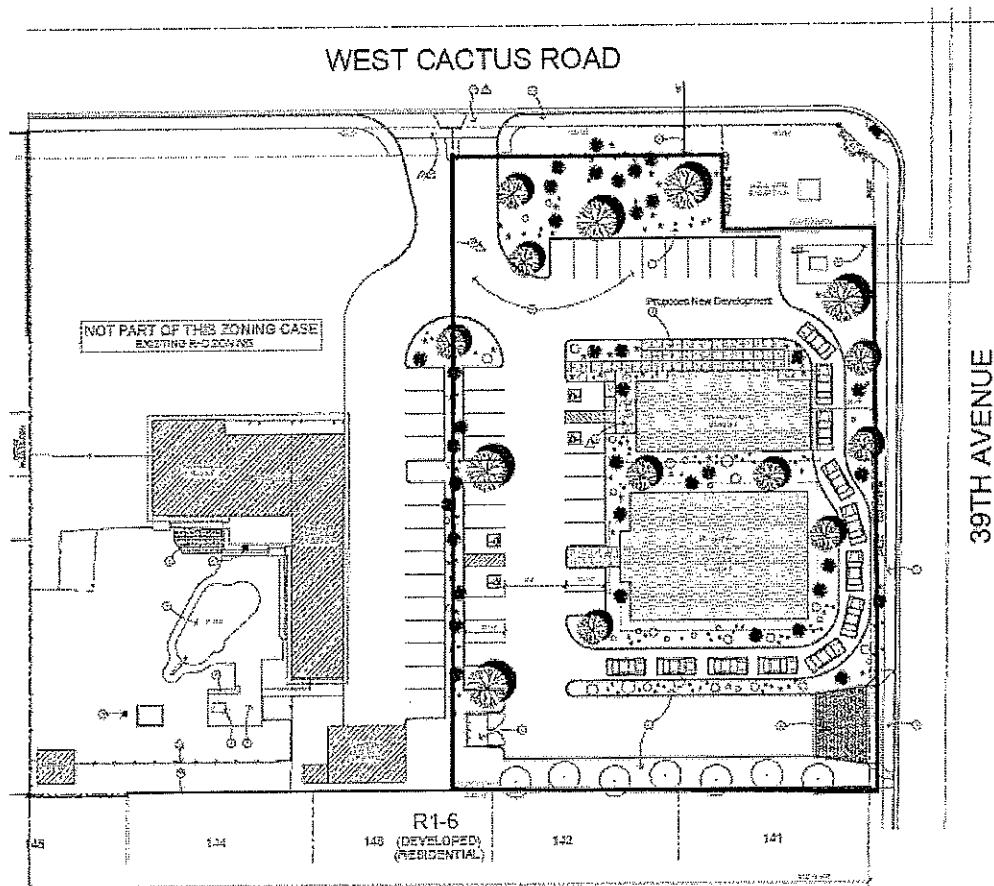
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Name: Kevin Groninger

Address: 3963 W. Desert Hills Dr

Signature: [Handwritten Signature]

Date: 1/9/2024



FEB 07 2025

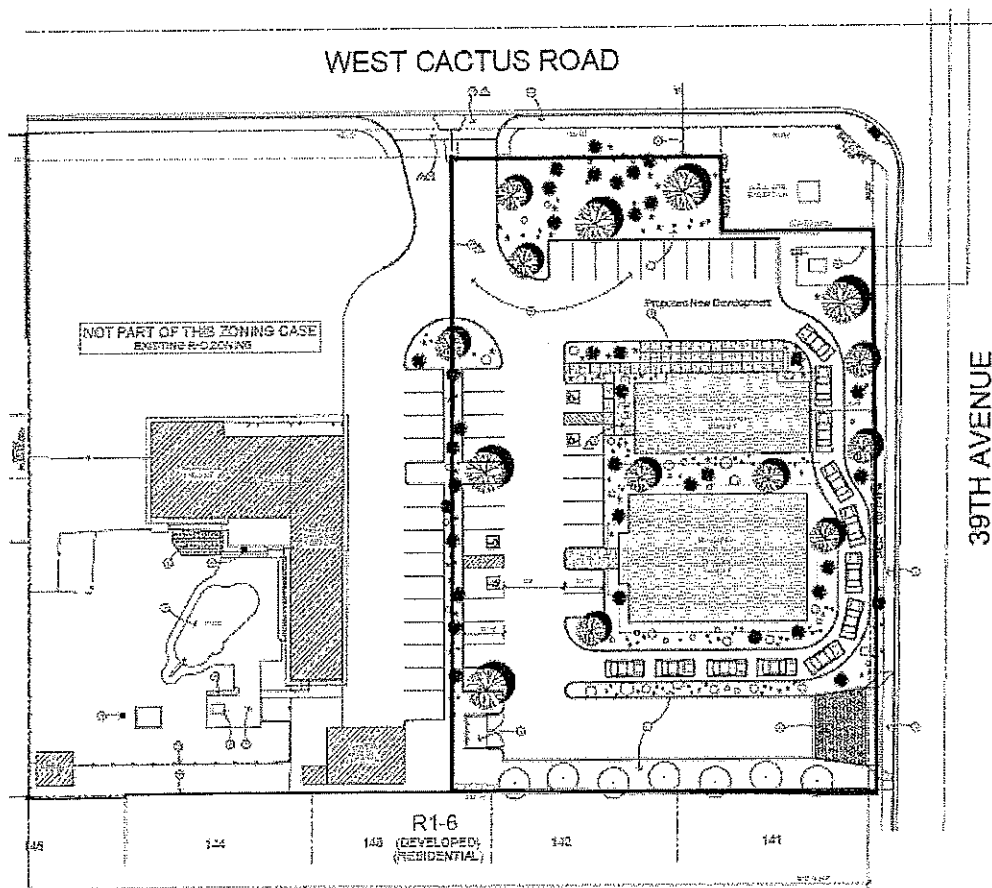
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Name: Samantha I Lopez
Address: 3941 W. Desert Hills Dr.
Phx Az. 85029
Signature: *Samantha I Lopez*
Date: 4/9/2024



FEB 07 2025

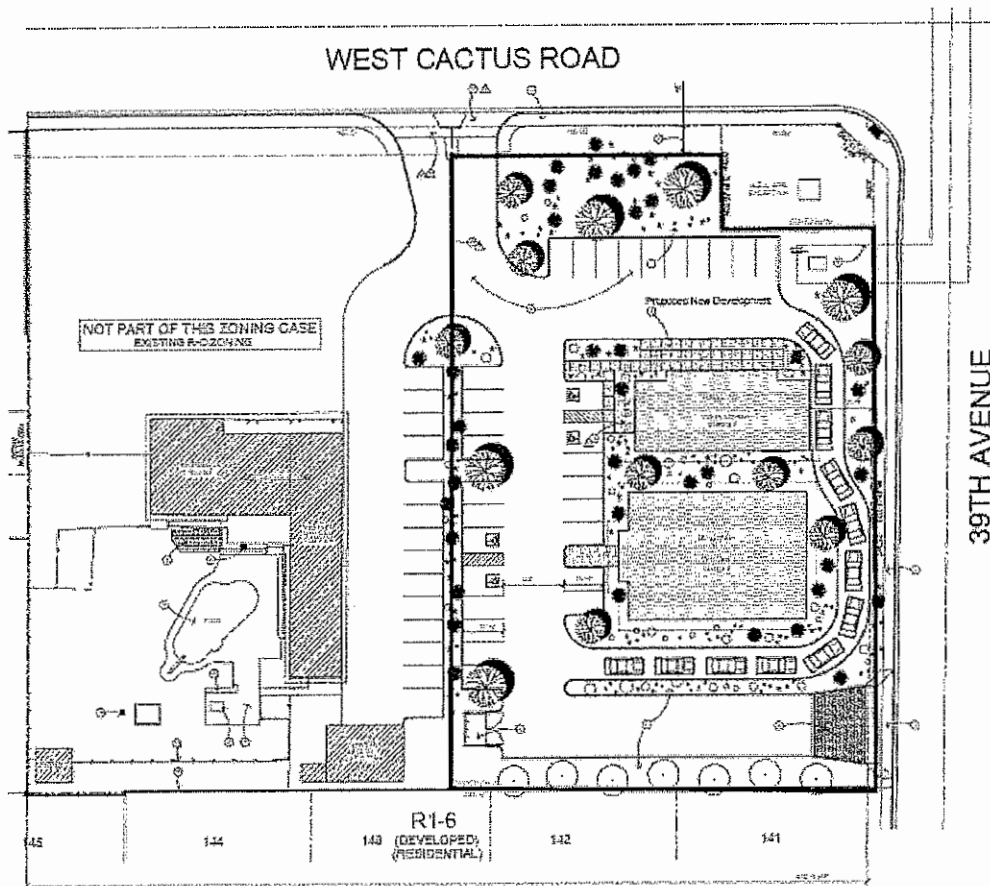
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Name: Yanet Rodriguez
Address: 3902 W Paradise Dr
Phoenix AZ 85029
Signature: [Signature]
Date: 4/8/2024



FEB 07 2025

Planning & Development
Department

LETTER OF SUPPORT

Project: Zoning Case # Z 20-24, property located at 3919 West Cactus Road Phoenix, Arizona.

I am a nearby property owner and after discussing the proposed rezoning application and new development with the landowner, I am in support of rezoning a portion of the property for a new office and retail building. I believe the proposed project will provide new amenities to the vacant property and have a positive impact upon the community.

Name: TERRELLA ETHELSON, M. 556 WHITE

Address: 4002 W. DESERT HIKAS DR.
PHX AZ 85029

Signature: Terrell Ethelson

Date: 4-8-24

