

## ATTACHMENT D



### City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

**To:** City of Phoenix Planning Commission **Date:** April-June 5, 2025

**From:** Racelle Escolar, AICP  
Principal Planner

**Subject:** ITEM NO. 9 (Z-20-24-1) – APPROXIMATELY 40 FEET SOUTH OF THE SOUTHWEST CORNER OF 39TH AVENUE AND CACTUS ROAD

Rezoning Case No. Z-20-24-1 is a request to rezone 1.19 acres located approximately 40 feet south of the southwest corner of 39th Avenue and Cactus Road from C-2 SP (Intermediate Commercial, Special Permit) to C-3 (General Commercial) to allow for commercial uses.

The North Mountain Village Planning Committee (VPC) heard this request on February 19, 2025 and recommended denial, by a vote of 12-1-1. The request was continued at both the March 6 and April 3 Planning Commission (PC) hearings. During the VPC and PC meetings, members of the neighborhood expressed concerns regarding an increase in traffic and a potential increase in unhoused individuals in the area; and that the proposed commercial uses are in close proximity to a school, adding to traffic safety concerns.

The applicant has been working with the neighborhood and staff to address these concerns. Staff recommends the Commission include four additional stipulations requested by the applicant intended to address the concerns. Additionally, the applicant has updated the proposed building elevation to be more residential in character and include a large porch area for possible outdoor dining (see attached exhibit).

Staff recommends approval, per the modified stipulations in **bold** font below:

1. **THE BUILDING ELEVATIONS SHALL BE IN GENERAL CONFORMANCE WITH THE BUILDING ELEVATION DATE STAMPED JUNE 4, 2025, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
4. A minimum of 4 bicycle parking spaces shall be provided for each building
2. 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
- 3.

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
- ~~4.~~ 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.~~
- ~~5.~~ Where pedestrian walkways cross a vehicular path, the pathway shall be
- ~~6.~~ 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
- ~~7.~~ 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
- ~~8.~~ south side of Cactus Road.
- ~~8.~~ A minimum 6-foot-wide detached sidewalk separated by a minimum 10-foot-
- ~~9.~~ 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-
- ~~10.~~ 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
- ~~11.~~ 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
- ~~12.~~ 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
- ~~13.~~ 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-
- ~~14.~~ 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,
- ~~15.~~ 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
- ~~16.~~ 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
- ~~17.~~ 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
- ~~18.~~ 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

19. 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

20. 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

21. 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.
- 22. **SITE LIGHTING SHALL BE PROVIDED AT BUILDING ENTRANCES/EXITS AND IN THE PARKING AND REFUSE AREAS, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. ALL ON-SITE LIGHTING SHALL BE SHIELDED TO PREVENT DIRECT VISIBILITY OF THE LIGHT SOURCE FROM RESIDENTIAL PROPERTIES TO THE SOUTH.**
- 23. **VIDEO SURVEILLANCE SHALL BE MAINTAINED TO MONITOR ACTIVITIES IN AND AROUND THE STORE TO DISCOURAGE VAGRANCY AND UNLAWFUL ACTIVITIES.**
- 24. **AN "AUTHORITY TO ARREST" AGREEMENT SHALL BE COMPLETED AND MAINTAINED BY THE PROPERTY OWNER. THE AGREEMENT SHALL BE SIGNED AND DELIVERED TO THE PHOENIX POLICE DEPARTMENT.**
- 25. **"NO TRESPASSING" SIGNS SHALL BE POSTED PER PHOENIX CITY CODE ON THE EXTERIOR OF THE BUILDING IN BOTH ENGLISH AND SPANISH.**

**Exhibit:**

Building Elevation (rendering) date stamped June 4, 2025



ELEVATION STUDY  
39TH AVE. & CACTUS RD.

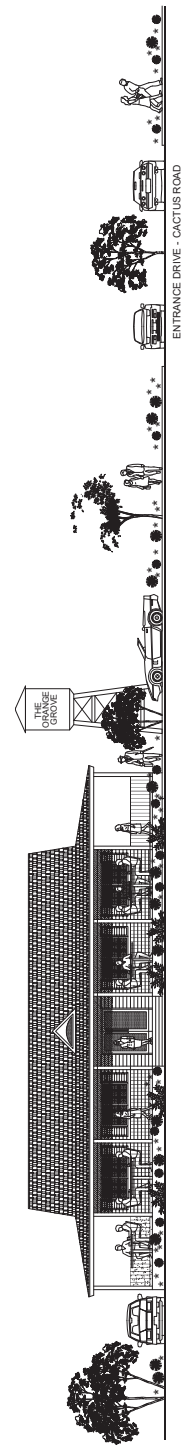
THE DESIGNER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE CITY OF PHOENIX. THE CITY OF PHOENIX SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE DESIGNER.

BUILDING ELEVATION  
SCALE: 1/8" = 1'-0"



DATE	6-25-25
SHEET	1
OF	1

CITY OF PHOENIX  
JUN 04 2025  
Planning & Development  
Department



NORTH ELEVATION  
SCALE: 1/8" = 1'-0"