

ATTACHMENT D

REPORT OF PLANNING COMMISSION ACTION March 6, 2025

ITEM NO: 3	
	DISTRICT NO.: 8
SUBJECT:	
Application #:	Z-TA-7-24-8
Request:	Text amendment to amend the Downtown Code to permit "Tobacco Oriented Retailer" as an accessory use to a restaurant within the Evans Churchill East Character Area, subject to conditions.
Location:	Evans Churchill East Character Area
Proposal:	Amend Sections 1203.C and 1203.D (Downtown Code, Land Use Matrix) of the Phoenix Zoning Ordinance to amend the Land Use Matrix to permit "Tobacco Oriented Retailer" as an accessory use to a restaurant within the Evans Churchill East Character Area, subject to conditions.
Applicant:	Maggie Dellow, Snell & Wilmer, LLP
Owner:	Daniel Bateman, Art Colony, LLC
Representative:	Michael Maerowitz, Snell & Wilmer, LLP

ACTIONS:

Staff Recommendation: Approval, as shown in the recommended text in Exhibit A of the Staff Report.

Village Planning Committee (VPC) Recommendation:

Central City 1/13/2025 Information only.

Central City 2/10/2025 Approval, per the staff recommendation. Vote: 10-0.

Planning Commission Recommendation: Approval, per the Central City Village Planning Committee recommendation.

Motion Discussion: N/A

Motion details: Vice-Chairperson Boyd made a MOTION to approve Z-TA-7-24-8, per the Central City Village Planning Committee recommendation.

Maker: Vice-Chairperson Boyd
Second: James
Vote: 6-0-1 (Matthews abstaining)
Absent: Gorraiz, Read
Opposition Present: No

Proposed language:

Amend Chapter 12, Section 1203.C (Land Use Matrix) and 1203.D (Land Use Conditions) as follows:

C. Land Use Matrix.

LAND USE KEY: p=permitted use, pc=permitted with conditions (see numbered footnote for conditions), up=use permit, sp=special permit, np=not permitted

* = For properties within the Arts, Culture, and Small Business Area (see map in Section 1202.G), please refer to the additional regulations outlined in Section 1207.C. If a regulation of Section 1207.C conflicts with the provisions of this Land Use Matrix, the more permissive regulation shall apply.

Note: Alcohol sales and service on properties within an Entertainment District designated by the City Council pursuant to Section 4-20Z, Arizona Revised Statutes, must also comply with Section 307(A)(17) of the Zoning Ordinance.

D. **Land Use Conditions.** The following shall apply to uses that are permitted with conditions (pc) as indicated with a number that corresponds with the Land Use Matrix in Section 1203.C:

32. Home Occupations, subject to the provisions of Section 608.E.27. Properties subject to the provisions of Arts, Culture, and Small Business Area have additional permissions, as outlined in Section 1207.M.

33. NO SALE OR DISPLAY OF TOBACCO RELATED PRODUCTS FOR OFF-SITE CONSUMPTION.

This publication can be made available in alternate format upon request. Please contact Saneeya Mir at 602-686-6461, saneeya.mir@phoenix.gov, TTY: Use 7-1-1.