

## ATTACHMENT E

### REPORT OF PLANNING COMMISSION ACTION August 4, 2022

ITEM NO: 18	
	DISTRICT NO.: 6
SUBJECT:	
Application #:	Z-TA-2-22-6
Location:	Northeast corner of Central Avenue and Butler Drive
Proposal:	Amend Chapter 6, Section 650.D. (Permitted Accessory Uses) and 650.E (Prohibited Uses) of the Zoning Ordinance to allow package liquor retail sales and general retail sales as accessory uses to a restaurant in the Historic Canal-Side Restaurant Overlay District
Applicant:	Brian Greathouse, Burch & Cracchiolo, PA
Owner:	Chris Hinkson, HH-Skyline Pads, LLC
Representative:	Brian Greathouse, Burch & Cracchiolo, PA

#### **ACTIONS:**

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

Village Planning Committee (VPC) Recommendation:

**North Mountain** 6/15/2022 Information only.

**North Mountain** 7/20/2022 Approval, per the staff recommendation. Vote: 12-0.

Planning Commission Recommendation: Approval, per the North Mountain Village Planning Committee recommendation.

Motion Discussion: N/A

Motion details: Commissioner Gaynor made a MOTION to approve Z-TA-2-22-6, per the North Mountain Village Planning Committee recommendation.

Maker: Gaynor  
Second: Johnson  
Vote: 9-0  
Absent: None  
Opposition Present: No

Findings: The proposed text amendment would allow package liquor retail sales and general retail sales as accessory uses to a restaurant.

**Proposed Language:**

**Amend Chapter 6, Section 650.D (Permitted Accessory Uses) to read as follows:**

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D. **Permitted Accessory Uses.** Land in the HCRO district may be used as permitted accessory uses, incidental to and on the same zoning lot as a primary restaurant use, for the following:

1. Customer parking lot, provided that customers are cleared from the parking lot no later than 1:30 a.m.
2. Indoor music, provided that the music is limited to recorded music or one acoustic (unamplified) musician, such as a pianist.
3. Parking lot maintenance and trash collection, provided that these activities shall not occur between the hours of 1:00 a.m. and 7:00 a.m.
4. Sale of alcoholic beverages for consumption on-site.
5. Outdoor dining, provided that the outdoor dining shall not extend to the hours between 10:00 p.m. and 7:00 a.m.
6. Reception or banquet use of the restaurant.
7. PACKAGE LIQUOR RETAIL SALES.
8. GENERAL RETAIL SALES.

**Amend Chapter 6, Section 650.E (Prohibited Uses) to read as follows:**

E. **Prohibited Uses.** Land in the HCRO district shall not be used for the following uses, whether primary or accessory:

1. Patron dancing, including as part of reception or banquet uses.
- ~~2. Package liquor retail sales.~~
- ~~3~~ 2. Drive-through and drive-in facilities.
- ~~4~~ 3. Outdoor uses and/or displays, except as otherwise specifically provided in Section 650.
- ~~5~~ 4. Playing of music, live or recorded, in an outdoor dining area.
- ~~6~~ 5. Parking structure.

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