



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Zoning Ordinance Text Amendment Z-TA-7-24-8 January 3, 2025

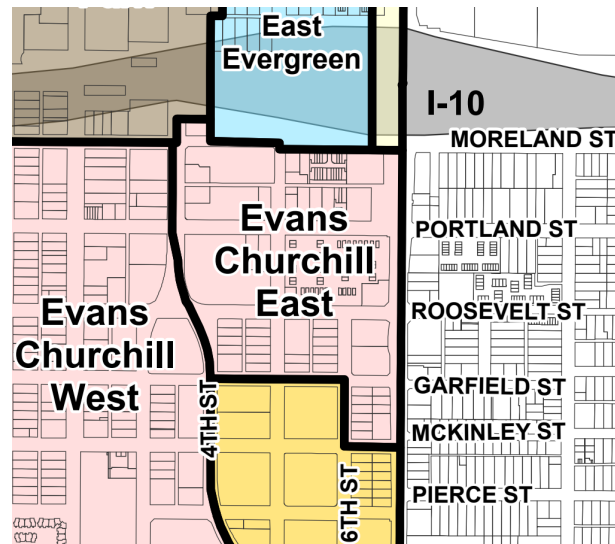
Application No. Z-TA-7-24-8: Amend Section 1203.C and 1203.D (Downtown Code, Land Use Matrix) of the Phoenix Zoning Ordinance to amend the Land Use Matrix to permit “Tobacco Oriented Retailer” as an accessory use to a restaurant within the Evans Churchill East Character Area, subject to conditions.

Staff Recommendation: Staff recommends approval of Z-TA-7-24-8 as shown in the recommended text in Exhibit A.

Background

This request is to amend the land use matrix in the Downtown Code to allow a tobacco oriented retailer as an accessory use to a restaurant in the Evans Churchill East Character Area. The Evans Churchill East Character Area is generally bounded by Moreland Street to the north, 3rd Street to the west, McKinley Street to the south, and 7th Street to the east, as shown on the map to the right.

The Evans Churchill East Character Area is intended to be a continuously evolving arts-oriented mixed-use community. Home to unique art galleries and trendy restaurants, the existing character consisting of arts-oriented uses coupled with various small businesses should be preserved and additional developments should be consistent with this character. New mixed-use development shares space with old bungalows and historic homes, and new live-work units provide additional commercial spaces to cater to the needs of artists. New pedestrian corridors create connectivity to surrounding destinations, such as the downtown ASU campus to the south and Hance Park to the north, while new open spaces will be added to serve the increasing number of new residents and create opportunities for public gatherings and art display.



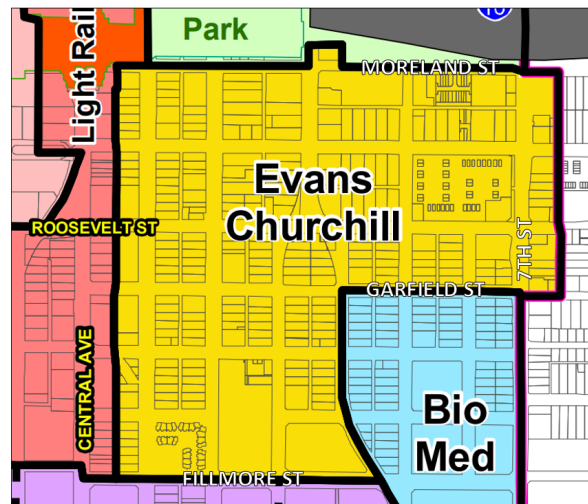
*Downtown Code Character Areas Map,
Source: Planning and Development
Department*

The land use matrix in the Downtown Code currently does not reference tobacco oriented retailer as a permitted use; therefore, it is not allowed anywhere within the Downtown Code area. This request was filed in relation to a restaurant at the northeast corner of 4th Street and Garfield Street, which intends to operate a hookah lounge accessory to the existing restaurant. The proposal would create a new row in the section of the land use matrix for accessory uses to a restaurant and note that a tobacco oriented retailer would be permitted with the following condition: “no sale or display of tobacco related products for off-site consumption.” The allowance would apply to the entire Evans Churchill East Character Area.

Background: Urban Form Project and the Downtown Code

The Downtown Urban Form Project was initiated in 2006. The Downtown Phoenix Plan is a product of the Downtown Phoenix Urban Form Project and was prepared to provide direction for implementation of the community vision for an active, pedestrian-oriented and sustainable Downtown. The Downtown Phoenix Plan was adopted by City Council in 2008 and served as a precursor to the Downtown Code, adopted in 2010, which is now Chapter 12 of the Phoenix Zoning Ordinance.

The area affected by the proposed text amendment is within the Evans Churchill Character Area in the Downtown Phoenix Plan, which was later split into two Character Areas in the Downtown Code. The plan states that the Evans Churchill Character Area will be a very dynamic mixed use neighborhood that continues to evolve as a significant arts-oriented community, and as the home to unique art galleries and trendy restaurants. The plan identifies a challenge for the area that adaptive reuse of existing historic single-family homes is key to maintaining the vibrant mix of uses and building types. As the area redevelops, efforts need to be made to ensure these structures and eclectic mix of uses they have fostered are preserved.



*Downtown Phoenix Plan Character Area Map,
Source: Planning and Development
Department*

Staff Analysis

The proposal will add the opportunity for a tobacco oriented retailer accessory to a restaurant in the Evans Churchill East Character Area. This will support an existing restaurant by allowing a hookah lounge at the location and could potentially support similar situations within the Character Area in the future. This will enhance the mix of uses in the surrounding area, which supports the vision of the area in the Downtown

Phoenix Plan as an eclectic mixed-use environment. The proposed condition listed in the land use matrix will ensure there are no tobacco oriented retailers that sell products for off-site consumption.

Conclusion

Staff recommends approval of Z-TA-7-24-8 to amend the land use matrix of the Downtown Code to permit a tobacco oriented retailer as an accessory use to a restaurant within the Evans Churchill East Character Area, subject to conditions, as shown in the recommended text in Exhibit A.

Writer

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January 3, 2025

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Exhibits

Exhibit A: Proposed Language

EXHIBIT A

Application No. Z-TA-7-24-8: Amend Section 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.

Staff Proposed Language That May Be Modified During the Public Hearing Process is as follows:

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 4-207, 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.
