

CITY OF PHOENIX

JUL 17 2026

Planning & Development
Department



THE ORCHARD CASE NO. Z-55-26-6

LOCATED APPROXIMATELY 120 FEET NORTH OF THE
NORTHWEST CORNER OF 12TH STREET AND GLENN DRIVE

DATE OF INITIAL SUBMISSION: APRIL 20, 2026
SECOND SUBMITTAL DATE: JUNE 5, 2026
THIRD SUBMITTAL DATE: JULY 17, 2026

A Planned Unit Development (“PUD”) is intended to be a stand-alone document of zoning regulations for a particular project. Provisions not specifically regulated by the PUD are governed by the Zoning Ordinance. A PUD may include substantial background information to help illustrate the intent of the development. The purpose and intent statements are not requirements that will be enforced by the City. The PUD only modifies Zoning Ordinance regulations and does not modify other City Codes or requirements. Additional public hearings may be necessary, such as, but not limited to, right-of way abandonments.

Principals and Development Team

Owner

Treeline Orchard LLC
8710 N Thornydale Road, Ste 120
Tucson, AZ 85742

Operator

Luci's Urban Concepts
7100 N 12th Street, Building 2
Phoenix, AZ 85020
www.lucisurbanconcepts.com



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A. PURPOSE AND INTENT

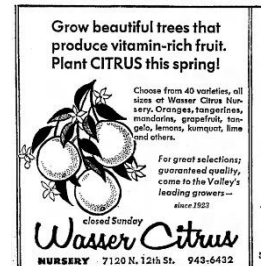
A1: Project Overview and Goals

The subject of this request is the property located at 7100 North 12th Street in Phoenix, Arizona (referred to in this document as the “Property”). Colloquially known as “the Orchard”—the Property includes “Luci’s at the Orchard” and “Orchard Tavern” consisting of a cafe, restaurant, gift shop and ice cream shop operation, as well as “Orchard Events & Catering” all of which are co-located within two (2) former residential structures dating back to the 1920s and 1960s (Exhibit 1).



Long before Luci’s leasing of the Property, the former owner/developer purchased the Property in 2008, and later rezoned the Property from R1-6 Single Family Residential District (“R1-6”) to Commercial C-1 District – Neighborhood Retail (“C-1”) (Exhibit 2) in 2012 via Case Z-22-12-6 in order to permit an adaptive reuse project which would establish a prospective dual restaurant, retail and small office operation within the existing structures. At that time they had no identified operators for the proposed uses. This rezoning was approved by the City Council via Ordinance G-5752 on November 7, 2012, subject to certain speculative stipulations that attempted to provide mitigation of possible operational externalities that could occur with C-1 zoning (Exhibit 3). While well intended, some of these stipulations were not necessary nor appropriate for implementation at the Property due to the final operator being Luci’s, which is a neighborhood-focused, family-friendly environment.

While the surviving structures on the property were residential prior to their adaptive reuse, the Orchard property has a rich history of commercial use as a citrus nursery dating back more than 100 years. That commercial use later became a permissible non-conforming use when the property was annexed by the City of Phoenix in 1959 and given R1-6 zoning status.



In 2016, the final tenant improvements were completed by the current operator, (“Luci’s Urban Concepts”) and four (4) distinct restaurant and retail concepts opened for business including: Luci’s at the Orchard (a café and gift shop with breakfast/lunch service), Splurge (ice cream shop), The Orchard Tavern (weekend brunch with dinner focus), and Orchard Events & Catering (catering and onsite special event management) (collectively, “Luci’s”). With 10 years of successful enterprising, Luci’s has become a beloved staple and trusted gathering place for the surrounding neighborhood and the City at large.



Due to the adaptive reuse nature of the Project, a number of variances and Use Permits were identified and later processed via Case ZA-416-12-6 by the former property owner (Exhibit 4). Both cases were also approved speculatively and prior to commencement of Luci's operations on the Site. As speculative cases, these approvals included specific stipulations which were never intended for Luci's unique business use and therefore significantly and unreasonably limit Luci's operations in such ways as restricting outdoor speakers and outdoor dining areas, as well as requirements to provide valet parking and to gate the parking area; standards which are inappropriate to apply to the Luci's uses and their updating is necessary for the continued successful facilitation operations.

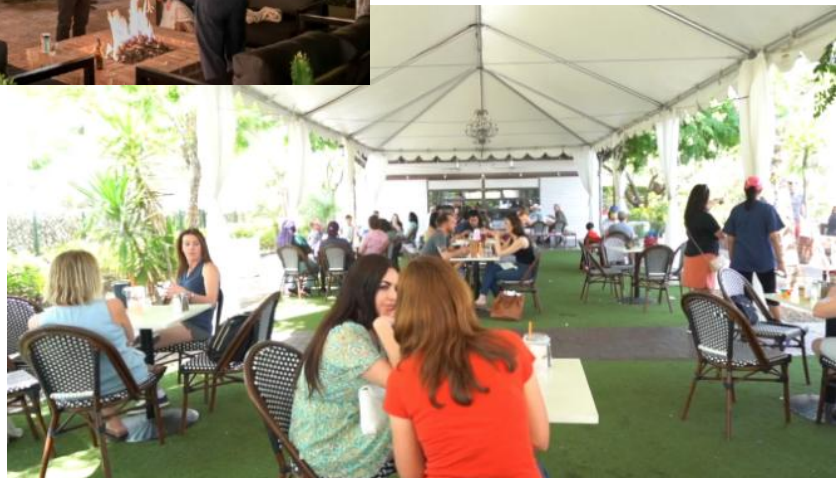
For example, during the COVID-19 pandemic, the outdoor dining area was expanded by 488 square feet under the Governor's emergency orders. Due to the successful integration of this area into Luci's operations, the permanent patio expansion was requested and approved via Use Permit ZA-204-22-6 (Exhibit 6), however, the stipulations approved via this case, which accounts for Luci's specific operational characteristics, are markedly different from those approved in the original speculative cases and even conflict with those approvals.

In order to best accommodate existing operations, ensure long-term compatibility with the surrounding residential neighborhood, and to "clean-up" and consolidate zoning entitlements, Luci's proposes a rezoning of the Property from its current C-1 designation to Planned Unit Development ("PUD") to impose specific development, design, and performance standards which will better regulate this long-standing use and increase compatibility with the surrounding neighborhood through enforced sound mitigation efforts and speaker setback standards. These standards will apply to different operators, ensuring no matter who is operating at the Property, they will operate within the four corners of this PUD and its requirements. The modern development standards herein effectively replace the outdated speculative zoning stipulations which were never intended to regulate Luci's specifically. In other words, the proposed PUD provides "best fit" zoning and land use regulations which is necessary to accommodate this uniquely situated, one-of-a-kind land use.



The Property is currently developed with two (2) former residential structures which are adaptively reused in a manner which retains residential charm and compatibility with the surrounding neighborhood while facilitating restaurant, café, and market retail operations. The open space between these two structures is designed to accommodate and encourage outdoor dining and gathering among patrons. The former rear yards of the residential properties have been converted to accommodate on-site parking for commercial operations.

While the buildings exist today and the approval of this PUD does not precede any planned redevelopment of the Property, any future remodeling or expansions will meet the requirements of Section 507 Tab A of the Zoning Ordinance. This will help achieve harmony and a cohesive aesthetic by drawing design influence from the area and from surrounding existing residential development.



B. LAND USE PLAN

B1. Proposed Land Use Categories

The project is a planned retention of an existing restaurant and retail development located on an approximately 1.82-net acre site, transitioning the Property from C-1 to PUD to establish specific land use regulations, tailored to the unique Luci's concept, which provide for greater compatibility with the surrounding neighborhood.

B2. Conceptual Site Plan Summary

As shown on the proposed site plan (Exhibit 8), the Property is developed with 8,407 square feet of restaurant, bar, and retail market space within former residential structures, improved outdoor open space for dining and recreation as well as 102 surface parking spaces which encircle the Property. The Property is accessed via two (2) existing full access driveways at 12th Street, a collector road per the City's adopted Street Classification Map.

C. LIST OF USES

C1. Permitted Uses

The City of Phoenix Zoning Administrator may issue interpretations for land uses that are analogous to those listed in this Section, as authorized by Zoning Ordinance Section 307.A.3.

- All primary land uses and approved accessory uses permitted in the Commercial C-1 District – Neighborhood Retail per Section 622.D ([Exhibit 9](#)), except for those uses specifically modified under Section C1 and prohibited under Section C3 below.
- Restaurants, subject to the following conditions or limitations:
 - Security cameras shall be installed on the Property with 24/7 surveillance. The location of security cameras shall be in general conformance with the configuration depicted in [Exhibit 10](#).
 - Hours of operation shall be limited to 7:00am through 10:00pm Sunday through Thursday and 7:00am through 11:00pm Fridays, Saturdays and during holiday weekends. Business deliveries of food and goods may occur no earlier than 6:00am daily.
 - Sales of alcoholic beverages shall be permitted.
 - Outdoor dining and outdoor alcoholic beverage consumption accessory to a restaurant shall be permitted subject to the following regulations:
 - Outdoor dining and alcoholic beverage consumption areas shall be located as generally depicted in [Exhibit 11](#).
 - The outdoor dining area will have adequate lighting, signage, and contiguous or intermittent barriers to prevent unlawful removal of alcohol. Signage shall be posted wherever the barrier is not contiguous. Barriers may consist of: environmental barriers such as vegetation (cacti, hedges, potted plants, etc.); fixed structures such as walls; fencing; barricades; cordons; or any combination thereof which clearly demarcates the alcohol consumption area.
 - The outdoor dining area shall be configured in such a way as to provide employees unobstructed views into the patio areas to monitor patron activities.
 - Outdoor recreation accessory to a restaurant, including speaker use and amplification of sound, shall be permitted subject to the following regulations:
 - Amplified noise emitted on site shall not be excessive in nature.
 - Decibel level shall not exceed 55 dBA at received properties ([Exhibit 12](#)).
 - Amplified sound shall be managed by a volume limit controller to monitor and control the speaker volume ensuring levels do not exceed the maximum limit permitted.
 - Outdoor amplified sound shall not be permitted outside of the hours of 7:00am through 9:00pm, Sunday through Thursday and 7:00am through 10:00pm Fridays and Saturdays.
 - Noise mitigation and management shall include the use of small and/or directional speakers, acoustic sound panels, thick layered acoustic sound curtains, or other physical barriers.
 - No outdoor speaker shall be located within 75' of the north and south property lines, nor within 130' of the west property line as depicted in [Exhibit 12](#).
 - All speakers shall direct amplified sound internal to the Property and shall be aimed at a point to minimize the amount of affected sound.
 - Restaurant management shall provide property owners within 300 feet and neighborhood associations within 600 feet by U.S. Mail the current contact information (name, telephone, and email) of premises management for the

purpose of addressing issues related to site operations and noise. Notice shall be provided upon PUD approval and following subsequent change in contact information.

- Indoor music or entertainment accessory to a restaurant shall be permitted subject to the following regulations:
 - The stage or performance area shall be a maximum of 80 square feet unless a use permit is obtained.
 - Decibel level shall not exceed 55 dBA at received properties.
- Patron dancing as an accessory use to a restaurant.
- Special events shall be permitted as an accessory use to a restaurant subject to the following conditions:
 - Special events shall be limited to the hours of 4:00pm through 10:00pm daily.
 - Special event attendance shall not exceed 150 guests.
 - Valet parking shall be provided at all events of 100 guests or more.
 - During special events, maximum occupancy including event guests and restaurant customers/employees shall not exceed 270.
- Drive-through as an accessory use to a restaurant shall be permitted subject to the following conditions and performance standards:
 - Point of service must include a service window or door.
 - Use service window or door shall be restricted to hand-off/pick-up of orders previously placed by customers online and/or by phone.
 - Service window or door shall be located on vehicle's passenger side door.
 - Service window or door shall be in conformance with the location illustrated in Exhibit 13.
 - Menu signage and speakers are prohibited.
 - Limit 1 drive-through facility within boundaries of this PUD.
 - Pick-up only signage shall be installed at entrance of queuing lane.
 - Queuing length shall be no greater than 75' and no more than 3 vehicles may queue at a single time.
- Liquor, Package Retail Sales as an accessory use to restaurant shall be permitted subject to the following conditions:
 - Selling and display space for alcoholic beverages shall be limited to a maximum of twenty percent (20%) of total selling space.
 - All displays of alcoholic beverages shall be located a minimum of five (5) feet from the entrance to the primary use.
 - Drive-through windows for the sale of alcohol are not permitted.
- Retail Sales
- Convenience Market (Small Retail Space)
 - Liquor, Package Retail Sales as an accessory use to the Convenience Market shall be permitted subject to the following conditions:
 - Selling and display space for alcoholic beverages shall be limited to a maximum of twenty percent (20%) of total selling space.
 - All displays of alcoholic beverages shall be located a minimum of five (5) feet from the entrance to the primary use.
 - Drive-through windows for the sale of alcohol are not permitted.

C2. Temporary Uses

- All temporary uses as would otherwise be applicable to the C-1 district shall comply with Section 708 of the Phoenix Zoning Ordinance except as amended herein.
- Special Event Tents subject to the following conditions:
 - No special event tent shall be erected for more than 180 continuous days.
 - Setback shall comply with Section D1.

C3. Prohibited Uses

- Adult bookstores, adult novelty stores, adult theatres, adult live entertainment establishments, erotic dance or performance studios
- Automobile Parts and Supplies, New Retail and Wholesale
- Data Centers
- Fabrication
- Gas Stations
- Hospitals
- Manufacturing
- Nonprofit medical marijuana dispensary
- Outdoor cooking
- Service Stations, Automotive
- Veterinarian Offices
- Veterinarian Hospitals
- All uses not expressly permitted in Section C1 are prohibited

D. DEVELOPMENT STANDARDS

The following development standards apply to the existing adaptive reuse restaurant, retail sales, and associated approved accessory uses as generally depicted by the site plan enclosed in Exhibit 8. In the event the adaptive reuse site is demolished and redeveloped with an alternative use, the development standards of Commercial C-1 District – Neighborhood Retail, Section 622 of the City of Phoenix Zoning Ordinance shall apply.

D1. Development Standards	D1. Development Standards	
	a. Minimum Lot Width/Depth	No standard
	b. Minimum Building Setbacks	
	East (Perimeter)	40'
	North (Perimeter)	25'
	South (Perimeter)	45'
	West (Perimeter)	130'
	Interior	0'
D2. Streetscape Standards	c. Maximum Building Height	26'-4"
	d. Water Tower Height	29'-6"
	e. Maximum Lot Coverage	50%
	f. Minimum Building Separation	Per Building Code
	D2. Streetscape Standards	
	a. 12 th Street ¹	<u>Detached sidewalk width:</u> minimum 6-feet <u>Landscape strip located between back of curb and sidewalk:</u> minimum 10-feet <u>Landscape strip planting standards:</u> The streetscape zone shall be landscaped with a minimum of 2" caliper trees to be planted 25' on center or in equivalent groupings, except where utility conflicts exist. Minimum of five (5) 5-gallon drought resistant shrubs per tree (maximum 24" tall at maturity) to be planted at grade. Minimum 50% living groundcover

¹ Upon exterior structural and/or site modifications, resulting in ground disturbance exceeding 2,000 square feet or more, the adjacent right-of-way shall be brought into compliance with the minimum 40-foot right-of-way dedications and design standards for a Collector E cross-section as identified in the Streetscape Standards Table, as required by Section 31-91 of the City Code.

	coverage, excluding areas within utility clearance zones. <u>Sidewalk tree shade coverage:</u> 75% <u>Utility Conflict Resolution:</u> Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment.
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D3. Landscape Standards Table

D3. Landscape Standards	
a. Minimum Landscape Setbacks	
East (Perimeter)	0'
North (Perimeter)	6'
South (Perimeter)	6'
West (Perimeter)	10'
Interior	0'
b. East (Perimeter)	<u>Landscaping:</u> New landscaping shall include a minimum of 2" caliper trees to be planted 25' on center or in equivalent groupings, except where utility conflicts exist. Minimum of five (5) 5-gallon drought resistant shrubs per tree (maximum 24" tall at maturity) to be planted at grade. Minimum 50% living groundcover coverage, excluding areas within utility clearance zones.
c. North (Perimeter)	<u>Landscaping:</u> New landscaping shall include a minimum of 2" caliper trees to be planted 25' on center or in equivalent groupings, except where utility conflicts exist. Minimum of five (5) 5-gallon drought resistant shrubs per tree (maximum 24" tall at maturity) to be planted at grade. Minimum 50% living groundcover coverage, excluding areas within utility clearance zones.
d. South (Perimeter)	<u>Landscaping:</u> New landscaping shall include a minimum of 2" caliper trees to be planted 25' on center or in equivalent groupings, except where utility conflicts exist. Minimum of five (5) 5-gallon drought resistant shrubs per tree (maximum 24" tall at maturity) to be planted at grade. Minimum 50% living groundcover coverage, excluding areas within utility clearance zones.
e. West (Perimeter)	<u>Landscaping:</u> New landscaping shall include a minimum of 2" caliper trees to be planted 25' on center or in equivalent groupings, except where

	utility conflicts exist. Minimum of five (5) 5-gallon drought resistant shrubs per tree (maximum 24" tall at maturity) to be planted at grade. Minimum 50% living groundcover coverage, excluding areas within utility clearance zones.
f. Onsite Landscaping	Landscape treatment must be used for the entire site exclusive of building(s) and pavement for vehicular use.
g. Plant Palette	Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized.

D4. Parking Standards

D4. Parking Standards	
a. Minimum Vehicle Parking ²	<u>Restaurant</u>: 1 parking space per 63 square feet of dining area (including indoor and outdoor dining/sales) exclusive of kitchen, restrooms, storage, etc. <u>Retail Establishment</u>: 1 space per 300 square feet of sales floor area. <u>All Other Uses or If Site is Redeveloped to Remove Adaptive Reuse Structures</u>: Per Section 702.C.
b. Off-Street Loading Spaces	None required, except that if site is redeveloped in such a way that removes the existing adaptive reuse structures, new development shall provide loading spaces per Section 702.H.
c. Bicycle Parking	Bicycle parking shall be in conformance with Section 1307.
d. Electric Vehicle Charging	None required, except that if site is redeveloped in such a way that removes the existing adaptive reuse structures, new development shall provide 5% EV capable parking.

² Required parking shall comply with the shared parking model approved in the January 29, 2026 Parking Statement prepared by CivTech, enclosed as Exhibit 14.

D5. Fences/Walls

Except as modified herein, fences and wall shall comply with Ordinance Section 703.

D6. Shade

Shading, which may be architectural, vegetative or any combination thereof, shall be provided at a minimum of 75% for all new public pathways, and 75% for all new private pathways. All shade calculations shall be based on the analysis of summer solstice at noon.

New bicycle parking shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shading.

For new parking areas, a minimum of 25% any such 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.

Utility Conflict Resolution: Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment

E. DESIGN GUIDELINES

E1. Design Guidelines

E1. Design Guidelines

Any new development, including additions to the existing structures as well as to any redevelopment of the Property, shall comply with Ordinance Section 507 Tab A.

E2. Landscape Design Guidelines

E2. Landscape Design Guidelines

a. Uniform Streets Landscaping Design	New landscaping shall comply with Section 623.E.5 & 703 of the Zoning Ordinance. <u>Utility Conflict Resolution:</u> Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment
b. Uniform Perimeter Landscaping Design	New landscaping shall comply with Section 623.E.5 & 703 of the Zoning Ordinance. <u>Utility Conflict Resolution:</u> Where utility conflicts exist, the developer shall work with the Planning and Development Department on alternative design solutions consistent with a pedestrian environment
C. Natural Turf Limit	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.

F. SIGNS

F1. Permitted Signs

F1. Permitted Signs

Signage shall comply with Section 705 of the Zoning Ordinance.

G. SUSTAINABILITY

G1. City-Enforced Standards

G1. City-Enforced Standards

The following are standards that are measurable and enforceable by the City and will be provided:

- As encouraged by Reimagine Phoenix, recycling receptacles will be provided.
- Dual Glaze Windows with High Performance Low-e Glazing.
- All primary site lighting will be LED lighting.
- Provide water efficient landscaping (drought tolerant plants).
- Utilize a drip irrigation system with a 'smart' controller to minimize water waste.
- Provide 25% shade on new private sidewalks within the development.
- Salvage and reuse of existing trees is strongly encouraged.
- Electric vehicle charging as noted herein.
- A minimum of two green stormwater infrastructure (GSI) elements for stormwater management shall be implemented, as approved or modified by the Planning and Development and/or Street Transportation departments. This includes but is not limited to stormwater harvesting basins, bioswales, permeable pavement, etc., per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management.
- Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the Business Water Efficiency Program for a minimum of 10 years, or as approved by the Planning and Development Department.

G2. Developer-Enforced Standards

G2. Developer-Enforced Standards

The following are sustainability practices that are highly encouraged and planned to be utilized but which are not enforceable by the City:

- Utilize low water usage plumbing fixtures.
- Encourage the design of buildings' HVAC systems to eliminate the usage of CFC's and CFC based refrigerants.
- Encourage the use of water-based adhesives on all VCT and vinyl flooring to minimize VOC off gassing.
- Lower flow toilets
- Reduce heat island effect through desert adapted landscaping, and vegetation to include shrubs, etc.
- Consider use of grey water or condensate to supplement potable irrigation water.

H. INFRASTRUCTURE

H1. Grading and Drainage

H1. Grading and Drainage

The Property is an existing adaptive reuse development situated on former residential sites originally developed in the 1920s and 1960s. The PUD rezoning is intended to establish best fit” zoning and land use regulations which is necessary to accommodate this one-of-a-kind land use; existing stormwater and drainage systems will not be impacted by this PUD. While not contemplated at this time, any areas of future redevelopment will be designed to provide necessary on-site retention in accordance with the requirements of the City of Phoenix.

Upon redevelopment requiring demolition of existing improvements on the site, a minimum of two green stormwater infrastructure (GSI) elements for stormwater management shall be implemented, as approved or modified by the Planning and Development and/or Street Transportation departments. This includes but is not limited to stormwater harvesting basins, bioswales, permeable pavement, etc., per the Greater Phoenix Metro Green Infrastructure and Low Impact Development Details for Alternative Stormwater Management.

H2. Water & Wastewater

H2. Water and Wastewater

Public water and sewer infrastructure exists in the adjacent public road and is assumed to be of sufficient capacity to service the existing development. Infrastructure improvements will be constructed as deemed necessary by the City of Phoenix Planning and Development staff at time of civil design and permit review for any improvements or redevelopment onsite.

H3. Circulation Systems

Access to the Property is provided by two full-movement driveways along 12th Street, located at both the northeast and southeast corners of the Property. These driveways accommodate a two-way drive aisle which encircles the Property and provides access to ample parking in the rear of the site, behind the existing development..

Redevelopment of the internal circulation and parking are not contemplated with the approval of this PUD.

H4. Complete Streets

The City of Phoenix Complete Streets Design Guidelines include a number of suggestions for new development. The approval of this PUD does not precede redevelopment of this Property. However, in the event of redevelopment, the following considerations will be applicable:

- *Shade should be a primary technique in projects to reduce ambient temperatures and reduce direct sunlight exposure for pedestrians and cyclists.*

Upon redevelopment, new public pathways will provide a minimum 75% shade along the public sidewalk through street trees, which will create a more comfortable pedestrian environment and better support the many residents in the area who chose to walk to and from neighborhood destinations.

- *Reduce streets' rate of heat absorption by maximizing tree canopy cover, reducing asphalt, and using high reflectivity materials or lighter colors.*

Upon redevelopment, landscaping will be chosen to maximize tree canopy cover and therefore reduce heat absorption on site.

I. COMPARATIVE ZONING STANDARDS

I. Comparative Zoning Standards Table

Standards	C-1 Standards	Proposed PUD Standards
a. Minimum Lot Depth/Width	None	None
b. Minimum Building Setbacks (Perimeter)		
12 th Street (East)	25'	40'
Perimeter (West)	25'	130'
Perimeter (North)	25'	25'
Perimeter(South	25'	45'
c. Minimum Landscape Setbacks (Perimeter)		
12 th Street (East)	25'	0'
Perimeter (West)	10'	10'
Perimeter (North)	10'	6'
Perimeter(South	10'	6'
d. Maximum Building Height	30' and 2 stories; 56' and 4 stories permitted with a height waiver.	26'-4"
e. Maximum Lot Coverage	50%	50%

J. LEGAL DESCRIPTION

Per the property deed recorded with the Maricopa County Recorder's Office - MCR 2022054779

A portion of the Southwest quarter of Section 4, Township 2 North, Range 3 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

BEGINNING at the South quarter corner of said Section 4;

THENCE North 1 degrees 16 minutes 00 seconds West along the North-South mid-section line of said Section 4, a distance of 659.44 feet;

THENCE South 89 degrees 59 minutes 08 seconds West along the South line of the Northeast quarter of the Southeast quarter of the Southwest quarter of said Section 4, a distance of 33.01 feet to the true POINT OF BEGINNING of the herein described parcel;

THENCE continuing South 89 degrees 59 minutes 08 seconds West and along said South line, a distance of 301.21 feet;

THENCE North 1 degrees 12 minutes 11 seconds West along the West line of the East half of the Northeast quarter of the Southeast quarter of the Southwest quarter of said Section 4, a distance of 251.41 feet;

THENCE North 89 degrees 59 minutes 45 seconds East along the South line of the North 408 feet of the East half of the Northeast quarter of the Southeast quarter of the Southwest quarter of said Section 4, a distance of 116.10 feet;

THENCE North 1 degrees 16 minutes 00 seconds West along the West line of the South 200 feet of the North 408 feet of the East 217.8 feet of the North half of the Southeast quarter of the Southwest quarter of said Section 4, a distance of 20 feet;

THENCE North 89 degrees 59 minutes 45 seconds East along the North line of the South 20 feet of the South 200 feet of the North 408 feet of the East 217.81 feet of the North half of the Southeast quarter of the Southwest quarter of said Section 4, a distance of 184.33 feet;

THENCE South 1 degrees 16 minutes 00 East parallel with and 33.00 feet West of the North-South-Mid-Section line of said Section 4, a distance of 271.36 feet to the true POINT OF BEGINNING.

EXHIBIT 1



**SNELL
& WILMER**

1 East Washington Street, Suite 2700, Phoenix, AZ 85004



Aerial Map

Exhibit A

7100 N 12th St

April 2026

EXHIBIT 2



**SNELL
& WILMER**

1 East Washington Street, Suite 2700, Phoenix, AZ 85004

Current Zoning Map

Exhibit E

7100 N 12th St

April 2026

EXHIBIT 3



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

November 8 2012

Ben Patton
Ridenour, Hinton & Lewis
201 North Central Avenue, Suite #3300
Phoenix AZ 85004

Dear Applicant

RE Z-22-12-6 – Approximately 500 feet north of the northwest corner of 12th Street
and Glendale Avenue

Please be advised that the Phoenix City Council in accordance with the provisions of
Section 506 of the Zoning Ordinance as amended, has on November 7 2012 approved
Zoning Ordinance # G-5752

Development and use of the site is subject to compliance with all applicable codes and
ordinances

Sincerely,

Larry Tom
Principal Planner

Attachment Signed Ordinance

- c Venue Projects LLC 748 West Pierce Street Suite B Phoenix AZ 85007
File
Aracely Herrera, PDD–Planning–PC Planner (Electronically)
Lilia Olivarez PDD–Planning–PC Secretary (Electronically)
Jacob Zonn, PDD–Planning–Village Planner (Electronically)
David Miller PDD–GIS (Electronically)
Sandra Hoffman PDD–Development (Electronically)
Penny Parrella City Council (Electronically)

ORDINANCE G 5752

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX ARIZONA PART II CHAPTER 41 THE ZONING ORDINANCE OF THE CITY OF PHOENIX BY AMENDING SECTION 601 THE ZONING MAP OF THE CITY OF PHOENIX CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-22-12-6) FROM R1-6 (SINGLE-FAMILY RESIDENCE) TO C-1 (NEIGHBORHOOD RETAIL)

WHEREAS on June 5 2012, the City of Phoenix Planning and Development Department received in compliance with the requirements of the City of Phoenix Zoning Ordinance Section 506 a written request for rezoning from Ben Patton Ridenour Hinton & Lewis, having authorization to represent the owner Venue Projects LLC of an approximately 2.02 acre property located approximately 500 feet north of the northwest corner of 12th Street and Glendale Avenue in a portion of Section 4, Township 2 North Range 3 East as described more specifically in Attachment A attached hereto and incorporated herein by this reference and

WHEREAS, pursuant to A.R.S. § 9-462.04 the Planning Commission held a public hearing on October 9 2012, and at this hearing recommended that the City Council approve this rezoning request with the recommended staff conditions as modified and,

WHEREAS the City Council at their regularly scheduled meeting held on November 7 2012, has determined that in accordance with A R S § 9 462 01 F this rezoning request with the appropriate site specific requirements provided in Section 2 is consistent with and conforms to the General Plan, will conserve and promote the public health safety and general welfare and should be approved subject to the conditions herein

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows

SECTION 1 The zoning of an approximately 2 02 acre property located approximately 500 feet north of the northwest corner of 12th Street and Glendale Avenue in a portion of Section 4 Township 2 North Range 3 East as described more specifically in Attachment A is hereby changed from 'R1 6 (Single-Family Residence) to C-1 (Neighborhood Retail) and that the Planning and Development Director is instructed to modify The Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Attachment B

SECTION 2 The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-22-12-6 on file with the Planning and Development Department Due to the site s specific physical conditions and the use district applied for by the applicant this rezoning is subject to the following stipulations violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance

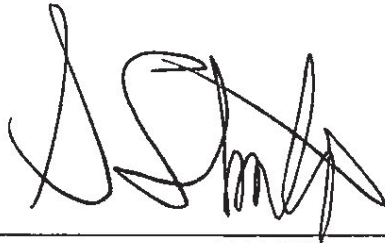
- 1 The development shall be in general conformance to the site plan and elevations date stamped August 23, 2012 as approved by the Planning and Development Department with substantial conformance to

- a The maximum building height shall not exceed 26 feet 4 inches. The accessory water tower structure may not exceed a maximum height of 29 feet 6 inches.
 - b The building setback shall be 128 feet along the west property line.
 - c The building setback shall be 44 feet along the east property line.
 - d The building setback shall be 22 feet along the north property line.
 - e The building setback shall be 40 feet along the south property line.
- 2 The landscape shall be in general conformance to the landscape plan dated August 29, 2012, as approved by the Planning and Development Department.
 - 3 Any lighting installed along the western perimeter of the parking area shall be no higher than 6 feet, as approved by the Planning and Development Department.
 - 4 Screening of the trash receptacles shall include architectural features that complement the building elevations, as approved by the Planning and Development Department.
 - 5 A seven-foot sidewalk easement shall be dedicated for the west half of 12th Street, as approved by the Street Transportation and Planning and Development Departments.
 - 6 The developer shall replace any existing broken or out-of-grade curb and sidewalk on the project site, as well as any new curb or sidewalk damaged during construction.
 - 7 The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscape and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
 - 8 Low scale lighting shall be used for the entire property to insure minimum light pollution, reduce glare and minimize light trespass onto neighboring properties. All exterior lighting is to be directed downward, recessed or shielded. Any lighting installed along the perimeter of the parking area shall be no higher than six feet, as approved by the Planning and Development Department.

- 9 The hours of operation shall be from 7 00 a m – 10 00 p m
Sunday – Thursday and 7 00 a m – 11 00 p m Friday and
Saturday Delivery shall be limited to the above hours of operation
This stipulation shall be enforced as part of the use permit approval
for a restaurant
- 10 There shall be no outdoor amplified music
- 11 The applicant shall submit a revised traffic impact study to the
Street Transportation Department and Planning and Development
Department prior to preliminary site plan approval The applicant
shall be responsible for any dedications and required improvements
as recommended by the approved traffic study as approved by the
Street Transportation Department and the Planning and
Development Department
- 12 The property shall be gated during non-business hours to limit
vehicle access to the site

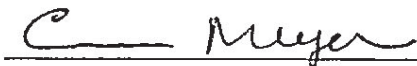
SECTION 3 If any section subsection sentence clause phrase or
portion of this ordinance is for any reason held to be invalid or unconstitutional by the
decision of any court of competent jurisdiction such decision shall not affect the validity
of the remaining portions hereof

PASSED by the Council of the City of Phoenix this 7th day of November
2012



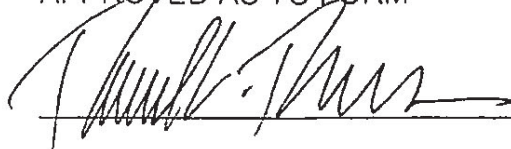
MAYOR

ATTEST

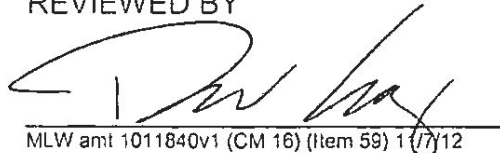


City Clerk

APPROVED AS TO FORM

 Acting City Attorney *MLW*

REVIEWED BY

 City Manager
MLW am1 1011840v1 (CM 16) (Item 59) 1/7/12

Attachments

- A - Legal Description (2 Pages)
- B Ordinance Location Map (1 Page)

ATTACHMENT A

LEGAL DESCRIPTION FOR Z-22 12-6

PARCEL NO. 1 (A P N 160 28 085F)

THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4 TOWNSHIP 2 NORTH RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN MARICOPA COUNTY ARIZONA

EXCEPT THE NORTH 408 00 FEET AND

EXCEPT THE EAST 33 00 FEET AND

EXCEPT THE FOLLOWING DESCRIBED PARCEL

THAT PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4 TOWNSHIP 2 NORTH RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN MARICOPA COUNTY ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 408 00 FEET WITH THE WEST LINE OF THE EAST 33 00 FEET OF THE SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4

THENCE SOUTH 01 DEGREES 16 MINUTES 00 SECONDS EAST ALONG SAID WEST LINE A DISTANCE OF 104 00 FEET TO A POINT

THENCE NORTH 53 DEGREES 33 MINUTES 29 SECONDS WEST A DISTANCE OF 40 44 FEET TO A POINT

THENCE NORTH 89 DEGREES 57 MINUTES 11 SECONDS WEST ALONG A LINE PARALLEL WITH THE SOUTH LINE OF THE NORTH 408 00 FEET OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4 A DISTANCE OF 128 00 FEET TO A POINT,

THENCE NORTH 01 DEGREES 16 MINUTES 00 SECONDS WEST ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4 A DISTANCE OF 80 00 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 408 00 FEET OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 4

THENCE SOUTH 89 DEGREES 57 MINUTES 11 SECONDS EAST ALONG SAID SOUTH LINE A DISTANCE OF 160 00 FEET TO THE POINT OF BEGINNING

PARCEL NO 2 (A P N 160-28 085G)

THAT PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE
SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4,
TOWNSHIP 2 NORTH RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND
MERIDIAN MARICOPA COUNTY ARIZONA DESCRIBED AS FOLLOWS

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 408 00
FEET WITH THE WEST LINE OF THE EAST 33 00 FEET OF SAID SOUTHEAST
QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4

THENCE SOUTH 1 DEGREE 16 MINUTES 00 SECONDS EAST ALONG SAID WEST
LINE A DISTANCE OF 104 00 FEET TO A POINT

THENCE NORTH 53 DEGREES 33 MINUTES 29 SECONDS WEST A DISTANCE OF
40 44 FEET TO A POINT

THENCE NORTH 89 DEGREES 57 MINUTES 11 SECONDS WEST ALONG A LINE
PARALLEL WITH THE SOUTH LINE OF THE NORTH 408 00 OF SAID SOUTHEAST
QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4 DISTANCE OF 128 00
FEET TO A POINT

THENCE NORTH 1 DEGREE 16 MINUTES 00 SECONDS WEST ALONG A LINE
PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER OF THE
SOUTHWEST QUARTER OF SECTION 4 A DISTANCE OF 80 00 FEET TO A POINT
ON THE SOUTH LINE OF THE NORTH 408 00 FEET OF SAID SOUTHEAST
QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4

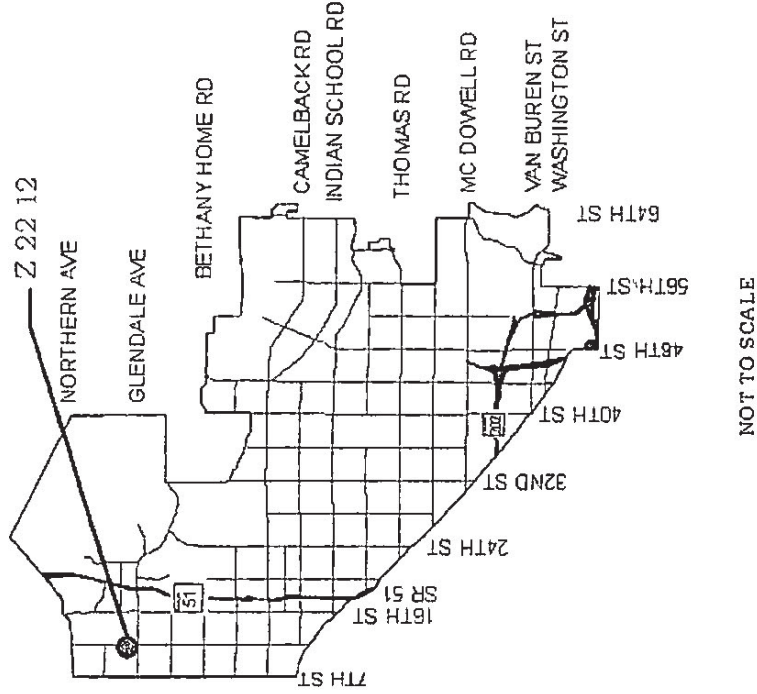
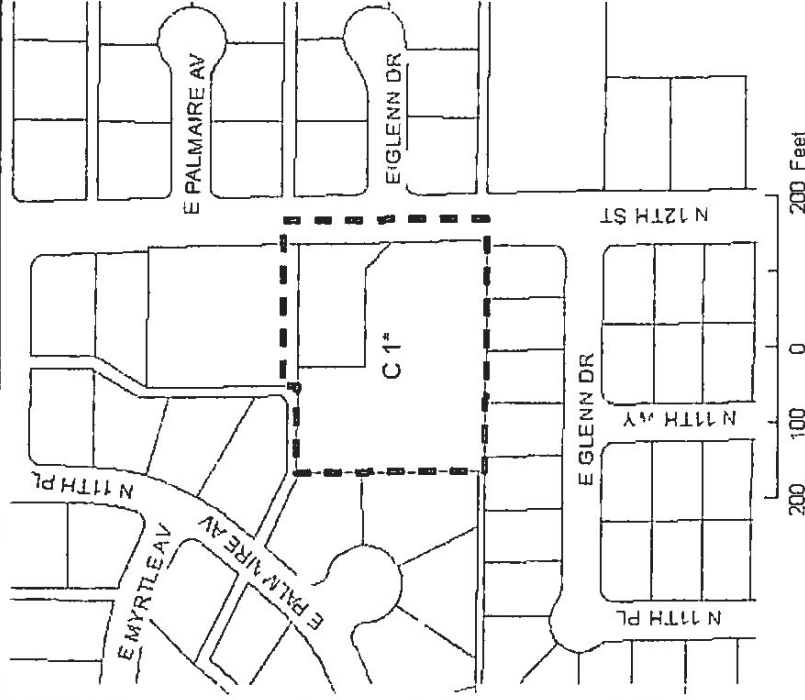
THENCE SOUTH 89 DEGREES 57 MINUTES 11 SECONDS EAST ALONG SAID
SOUTH LINE A DISTANCE OF 160 00 FEET TO THE POINT OF BEGINNING

ORDINANCE LOCATION MAP

ATTACHMENT B

Zoning Case Number Z 22 12 6
Zoning Overlay N/A
Planning Village Camelback East

ZONING SUBJECT TO STIPULATIONS *
SUBJECT AREA - - - - -



NOT TO SCALE



Drawn Date 10/08/12

Map Document N:\PDF_Map\Ordinance_Map\2012

EXHIBIT 4

Application #: ZA-416-12-6 - APPROVED / STIPULATIONS
Existing Zoning: C-1
Location: Approximately 615 feet north of the northwest corner of 12th Street and Glendale Avenue
Quarter Section: 23-29(18)
Proposal: 1) Use permit to allow sale of alcoholic beverages accessory to a restaurant. Use permit required. 2) Use permit to allow outdoor dining accessory to a restaurant. Use permit required. 3) Use permit to allow outdoor alcoholic beverage consumption accessory to a restaurant. Use permit required. 4) Variance to reduce the north landscape setback to 6 feet. Minimum 10 feet required. 5) Variance to reduce the south landscape setback to 6 feet. Minimum 10 feet required. 6) Variance to delete the landscaped setback along 12th Street. An average of 25 feet is required, minimum 20 feet permitted for up to 50 percent of the frontage. 7) Variance to reduce the drive aisle width to 24 feet. The combined depth of the parking space and the aisle width shall equal 62 feet for a double loaded aisle and 43 feet for a single loaded aisle. 8) Variance to allow a 6-foot high screen wall and trash enclosure within the required front yard (building and landscape setback along 12th Street). Maximum 40 inches permitted within or bounding the required front yard for lots fronting on a public street.
Ordinance Sections: 622.D.144.a. 622.D.144.d. 622.D.144.d. 622.E.4.e. 622.E.4.e. 622.E.4.e. 702.B.2.b.(5) 703.A.3.a.
Applicant: Shady Lane Investors, LLC
Representative: Lorenzo G. Perez / Venue Projects, LLC
Owner: Shady Lane Investors, LLC

ZONING ADJUSTMENT HEARING OFFICERS: MICHAEL WIDENER
PLANNER: RACELLE ESCOLAR

Speaking in favor

Speaking in opposition

Speaking in interest

DECISION: This request for use permits and variances was approved with the following stipulations:

- 1) Employees must have unobstructed views into the patio areas to monitor patron activities.
- 2) The patio areas will have adequate lighting and a containment wall or fence to prevent the unlawful removal of alcohol.

- 3) The hours of operation shall be from 7:00 a.m. to 10:00 p.m. Sunday – Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday. Delivery shall be limited to the above hours of operation.
- 4) No outdoor speaker use or amplifiers.
- 5) Valet parking will be provided at no cost to customers.
- 6) Property shall be gated during non-business hours when first restaurant is open for business to the public.
- 7) Shall maintain revocable permit and the trees until the city revokes it.
- 8) 18 months to apply and pay for building permit.
- 9) Variance to reduce drive aisle widths shall apply to drive aisles on the south of property and west of the buildings on the subject site.

FINDINGS OF FACT: The application for use permits is approved, as I find in their regard that with the condition of installing a gate impairing entry when the businesses are not operating, the proposed restaurant will not have a materially adverse impact on the surrounding neighborhood or properties, should not materially impact pedestrian or vehicular traffic counts, given the applicant's proximity to a collector street (12th Street), will not contribute to the diminution of property values, and will not otherwise violate the zoning ordinance of the City of Phoenix and other applicable ordinances. With respect to the variances application, I find the special circumstance to be that preservation of the historic character and unique architecture of the buildings to be incorporated into the development project, along with the preservation of the current site mature landscape palette, imposes constraints on the access to and interior to the site as well as the ease of providing conventional drive aisle widths. The city's requirement for 12th Street dedication effectively forces the elimination of the required landscape setback on that street's frontage in order not to compromise the traffic flow interior to the site. These are not self-imposed hardships; they are concessions made in order to maintain the overall character of the site. I further find that the variances' granting is necessary for the preservation and enjoyment of substantial property rights of the applicant. Finally, with regard to the variances requested, I find the impact on the surrounding area or upon neighbors is negligible, given the nature of the project as small restaurants and a neighborhood gathering place. I note the neighbors supported the request for the trash enclosure variance, thus this variance is clearly not adversely impactful on the neighborhood.

SUMMARY:

Upon request, this publication will be made available within a reasonable length of time through appropriate auxiliary aids or services to accommodate an individual with a disability. This publication may be made available through the following auxiliary aids or services: large print, Braille, audio tape or computer diskette. Contact Nici Browe, 602-495-0256/v or 534-5500 TTY.

EXHIBIT 5

EXHIBIT 6

Application #: ZA-204-22-6 – APPROVED / STIPULATIONS
Existing Zoning: C-1
Location: 7100 North 12th Street
Quarter Section: 23-29(18)
Proposal: 1) Use permit to allow outdoor dining as an accessory to a restaurant (Luci's at the Orchard). Use permit required. 2) Use permit to allow outdoor alcoholic beverage consumption as an accessory use to a restaurant (Luci's at the Orchard). Use permit required.
Ordinance Sections: 622.D.150.d 622.D.150.d
Applicant: Elder Contracting, LLC
Representative: Shyann Keeney, Elder Contracting, LLC
Owner: Lorenzo Perez, Shady Lane Investors, LLC

ZONING ADJUSTMENT HEARING OFFICER: FRANK DOLASINSKI
PLANNER: ERIC MORALES, PLANNER II

Speaking in favor was Ken Schnitzer.

DECISION: This request for use permits was approved with the following stipulations:

- 1) 1 year to apply and pay for building permits.
- 2) Hours of operation on the patio shall be limited to 6:00 AM – 10:00 PM.

FINDINGS OF FACT: The applicant has operated this restaurant with outdoor dining and alcohol beverage consumption since 2012. During the recent Coronavirus Pandemic (2019-2021), the City and State allowed restaurants with outdoor dining service to temporarily expand their outdoor dining operations. The owners of Luci's at the Orchard extended the area of their outdoor service by 488 square feet, to accommodate the needs of the community during the pandemic period. The applicant is requesting that the additional covered outdoor dining area be allowed on a permanent basis. The additional outdoor dining area is adjacent to the previously approved outdoor dining area (ZA-416-12-6), which is at the front of the building and approximately 60 feet from the adjacent collector street (12th Street). The restaurant and convenience market buildings will mitigate any noise from escaping the property to the north and west. The subject site is surrounded by single family development. As mentioned, the use of the property for a restaurant and small convenience market has existed on this site for many years. The proposed extension of outdoor dining and alcoholic consumption will not cause an adverse impact on the adjacent property or properties in the area.

1. The use will not cause a significant increase in vehicular or pedestrian traffic in the adjacent residential areas. The restaurant is community oriented with many patrons using alternate modes of travel.
2. Emission of odor, dust, gas, noise, vibration, smoke, heat, or glare will not exceed the ambient condition.

3. The use will not contribute in a measurable way to the deterioration of the area or the lowering of property values.
4. The use will be in compliance with all provisions of the Zoning Ordinance and the laws of the City of Phoenix.

There was no opposition to these requests.

SUMMARY: Mr. Schnitzer said the request was to allow the existing patio to remain. He noted that the patio had been present for some time but a portion of it had not been permitted through the previous use permit approval on the site. He noted that they wanted to build a cover and permanent fencing but the small portion of the patio that had not been approved was holding up their permit process. There was discussion about a temporary patio during the Covid period.

Mr. Dolasinski approved the requests as noted above.

This publication can be made available in alternate format upon request. To request a reasonable accommodation, please contact Leslie Scott at 602-376-3981, leslie.scott@phoenix.gov TTY: Use 7-1-1.

ZA CASE NO: 204-22-6

Date: 6/30/22 9:48am

Zoning Administrator Action

Appeal Date:

☒ Approved ☐ Denied ☐ Denied, as filed ☒ Stipulations

☐ Under Advisement ☐ Withdrawn ☐ Other
☐ Cont: _____

STIPULATIONS:

1) 1 year to apply and pay for building permits.

2) Hours of operation on the patio shall be limited to 6:00AM - 10:00PM.

Must appeal by July 15, 2022.

6-30-22

DATE

Frank Dolasinski

BY

ZONING ADMINISTRATOR

☐ Support Present

☐ Opposition Present

STIPULATIONS MET:

YES/NO

EXHIBIT 7

EXHIBIT 8

PARKING NOTES:

1. ALL PARKING SPACES SHALL BE DESIGNED TO ACCOMMODATE A MINIMUM OF 16'0" CLEARANCE FOR THE VEHICLE AND THE DRIVING SURFACE. ALL PARKING SPACES SHALL BE DESIGNED TO ACCOMMODATE A MINIMUM OF 16'0" CLEARANCE FOR THE VEHICLE AND THE DRIVING SURFACE. ALL PARKING SPACES SHALL BE DESIGNED TO ACCOMMODATE A MINIMUM OF 16'0" CLEARANCE FOR THE VEHICLE AND THE DRIVING SURFACE.

CONTACT INFORMATION:

PROJECT DATA:
 PROJECT NO: 26000119
 DRAWN BY: SEF
 DATE: 04/17/26
 CAD SAVED FILE: ORCHARD PHOENIX
 PRELIMINARY DOCUMENT
 SHEET NUMBER: S.1

PLAN NOTES:

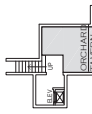
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PROJECT NO: 26000119
 DRAWN BY: SEF
 DATE: 04/17/26
 CAD SAVED FILE: ORCHARD PHOENIX
 PRELIMINARY DOCUMENT
 SHEET NUMBER: S.1

3 VICINITY MAP

3 VICINITY MAP
 SCALE: 1/8"=1'-0"

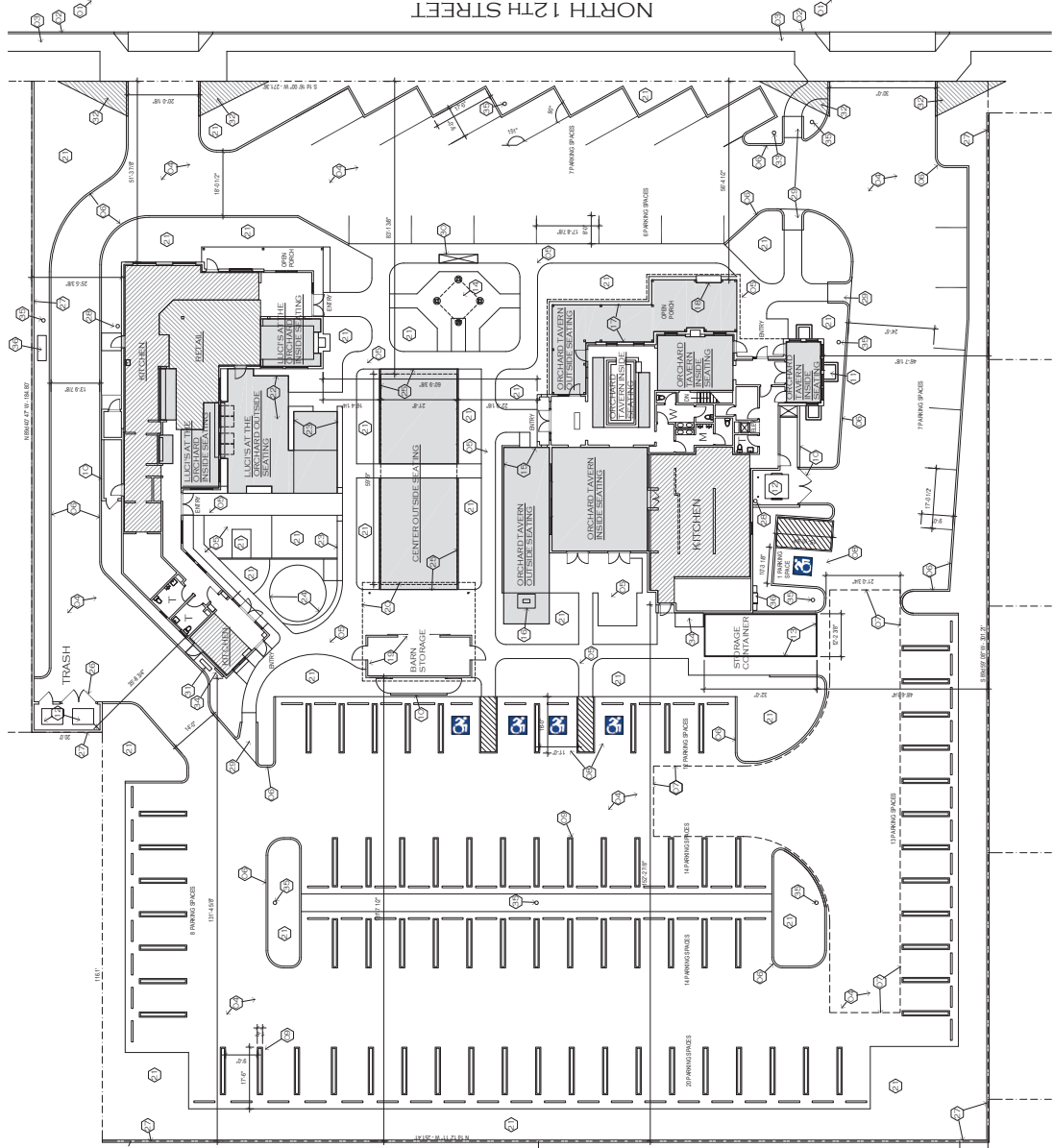


2 BASEMENT

2 BASEMENT
 SCALE: 1/8"=1'-0"

1 SITE PLAN

1 SITE PLAN
 SCALE: 1/8"=1'-0"



SITE PLAN

S.1

EXHIBIT 9

C-1 Permitted Uses

C. Permitted Uses—Residential.

1. Single-family residential uses, but only within Single-Family Infill (SFI) Subdivisions developed per the provisions of Section 608.I, including use permit approval where applicable.
2. All other residential uses other than single-family, as permitted in the R-5 district.
3. Adult day care home and center.
4. Boarding house, subject to a use permit.
5. Community residence center, subject to a use permit.
6. Group home, subject to a use permit.
7. Nursing home, subject to a use permit.

D. Permitted Uses—Non-Residential. All non-residential uses permitted in the R-5 district; and in addition the following:

1. Adjusters, Insurance
2. Reserved.
3. Antique Shop
4. Army and Navy Goods, Retail Sales, New
5. Art Gallery, Commercial Sales
6. Artist Supplies, Retail
7. Auctioneer's Office (only)
8. Auto Title Loan Establishments, subject to the following limitations:
 - a. Shall not be located within 1,320 feet of the same type of use. This distance shall be measured from the exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted.
 - b. Auto title loan establishments combined with nonchartered financial institutions must meet the spacing requirements of Section 622.D.115.
9. Automated Collection Center, subject to the following limitations:
 - a. The use shall not be located closer than 75 feet to a residential zoning district.
 - b. No processing may occur.
 - c. The use shall be incorporated into a closed building.
10. Automobile Parts and Supplies, Retail
11. Baby Shops
12. Bakers and Baked Goods, Retail Sales
13. Banks and Trust Companies
14. Barbers
15. Beauty Shops
 - a. Massage therapy, performed by a licensed massage therapist, is permitted as an accessory use subject to obtaining a use permit in accordance with the standards and procedures of Section 307.
16. Bicycles, New and Used, Retail Sales and Repairs
17. Bingo, subject to a use permit
18. Bird Sales, Retail
19. Reserved.
20. Bonding Companies
21. Booksellers and Rentals, except adult bookstores
22. Braces, Orthopedic, Sales Retail

23. Brokerage House
24. Building and Loan Associations
25. Butcher Shops (no slaughtering)
26. Camera Shops
27. Candy Shops, Retail
28. Canvas Goods Sales, Retail
29. Caterers
30. Cesspool Builders and Service, Offices Only
31. Charitable Institutions, Offices Only
 - a. Bingo may be operated as an accessory use on the premises of the institution for no more than two (2) days a week.
 - b. Bingo may be operated on the premises for more than two days a week with a use permit.
32. Christian Science Reading Rooms
33. Cleaning and Dyeing Outlets
 - a. Stipulations:
 - (1) All activity except loading and unloading restricted to a closed building.
 - (2) All solvents and other agents shall be of coated solvent type and noncombustible and nonexplosive and shall require approval of the City Fire Marshal; and same shall not emit odors, smoke or noise beyond the lot boundaries.
 - (3) Only cleaning machines with self-contained power transmissions shall be permitted. The capacity of all machines within any one establishment shall not exceed a total of three hundred (300) pounds per hour, according to the manufacturer's rating.
34. Clothing, Retail Sales
35. Coin Dealers
36. Collection Agencies
37. Community Garden. Accessory sales of products cultivated on site within ten days of harvesting subject to approval of a use permit pursuant to Section 307. On-site operational conditions and improvements may be stipulated as a condition of use permit approval.
38. Reserved.
39. Confectioneries, Retail Sales
40. Contractor's Offices
41. Costume Rentals
42. Crockery Sales, Retail
43. Curio Shops
44. Dairies, Retail Sales of Products
45. Delicatessens
46. Delivery Service Office
47. Department Stores
48. Desks, Sales, Retail
49. Detective Agencies
50. Draperies, Sales
51. Dressmakers, Custom
52. Driving Schools, Auto

53. Drugs, Retail Sales
54. Dry Cleaning Outlet, Not Plants
55. Dry Goods
56. Electric Light and Power Company Offices
57. Electrical Appliances, Retail Sales and Service
58. Employment Agencies, not Including Day Labor Hiring and Transportation Centers
59. Entertainment Bureaus
60. Environmental Remediation Facility, subject to obtaining a use permit in accordance with the provisions of Section 307
61. Express Companies, Offices Only
62. Family Game Center, subject to a use permit
63. Farmers Market, subject to the following conditions:
 - a. Obtaining an administrative temporary use permit (ATUP) in accordance with the provisions of Section 708 if no food or beverage is dispensed from a vehicle.
 - b. Obtaining a use permit in accordance with the provisions of Section 307 if food or beverage is dispensed from a vehicle.
 - c. On-site operational conditions and improvements may be stipulated as a condition of an ATUP or use permit approval.
64. Finance Companies and Loan Offices
65. Fish Markets, Retail Sales
66. Florists, Retail Sales
67. Freight Traffic Service Offices
68. Furnaces, Display and Sales, Retail
69. Furniture, Display and Sales, Retail
70. Furs, Retail Sales and Repairing
71. Gas Appliances, Retail Sales and Service
72. Gas Companies' Offices
73. Gas Stations with one closed automatic car wash bay subject to the following limitations:
 - a. Hours of operation are limited from 7:00 a.m. to 8:00 p.m. daily and doors to the bay shall be closed during non-operating hours.
74. Gift Shops
75. Groceries, Retail Sales
76. Reserved.
77. Hardware, Retail Sales (New)
78. Hat Cleaners and Renovators
79. Health Food Products, Retail Sales
80. Heating and Ventilating Sales, Retail
81. Hemstitching
82. Hobby Goods Stores
83. Hospice, subject to a use permit
84. Hospital Service Organizations
85. Hospital, subject to a use permit. The following shall be permitted as accessory uses:
 - a. Recreational vehicle parking. Recreational vehicle parking stalls shall be located no less than 60 feet from the hospital perimeter boundary, and be delineated on a site plan. Recreational vehicle parking areas are subject to an approved parking plan for new facilities, or an amended parking plan for existing facilities.

b. Helistop, subject to the following regulations and conditions:

(1) The hospital shall be licensed by the State of Arizona either as a "general hospital" or as a "specialty hospital—children's," and for a minimum of 50 beds.

(2) A letter from the Phoenix Aviation Department that articulates concurrence that the following items have been addressed:

(a) Compliance with the Federal Aviation Administration Advisory Circular No. 150/5390-2C "Helistop and Heliport Design," or subsequent revisions to this advisory circular.

(b) Submission of the "Notice of Landing Area Proposal" Federal Aviation Form 7480-1 and a letter of determination with no objection from the FAA.

(3) A helicopter sitting on the touchdown pad of a helistop or heliport shall emit a maximum noise level of no greater than 90 dB(A) at the boundaries of the lot or parcel containing the nearest residential use. Noise will be measured with an IEC (International Electrotechnical Commission) or ANSI S1.4-1971 (American National Standards Institute) Type 1 sound level meter with A-weighted impulse response.

86. House Furnishings, Retail Sales

87. Ice, Package, Sales

88. Ice Cream Shops

89. Imported Goods, Retail Sales

90. Indexing Systems and Supplies, Retail Sales

91. Indian Goods, Retail Sales

92. Interior Decorators, Display, Retail Sales and Fabrication, Custom

93. Jewelers, Retail Sales and Repairs, Gem Stone Repair and Cutting

94. Labor Unions, Offices

95. Laboratories, Clinical and Dental

96. Laundries, Collecting Shops

97. Laundries, Self-Help, Hand

98. Lawn Furniture, Retail Sales

99. Libraries, Private, Rental

100. Linens, Retail Sales

101. Linoleum Sales, Retail

102. Liquor, Package Retail Sales, subject to the following conditions or limitations:

a. Package liquor sales as a primary use or as an accessory use to a convenience market shall require a use permit in accordance with the standards and procedures of Section 307 if the lot or parcel on which the use is conducted is less than three hundred (300) feet from a residential district, including undeveloped or residentially developed R-5 property. The use permit shall specifically address noise from the use, including parking lot noise, screening of lighting from vehicle headlights and light standards on site, parking access, and access to adjacent neighborhoods but shall not address issues which are the purview of the Arizona Department of Liquor Licenses and Control, such as the number of liquor licenses in the area. Package liquor sales as an accessory use to other uses shall not require a use permit.

b. Drive-through windows for sale of alcohol shall be located at least three hundred (300) feet from a residential district, including undeveloped or residentially developed R-

5 property, and shall have primary access to a major arterial or arterial street.

c. Retail sales of liquor as an accessory use shall be subject to the following conditions:

(1) Selling and display space for alcoholic beverages shall be limited to a maximum of twenty percent (20%) of total selling space.

(2) All displays of alcoholic beverages shall be located a minimum of five (5) feet from the entrance to the primary use.

103. Lunch Rooms

104. Magazines, Retail Sales, except adult bookstores

105. Market, Stock and Bond

106. Merchandise Brokers Office and Display

107. Messenger Service

108. Reserved.

109. Milk Distributing Stations, Retail

110. Milliners, Custom and Retail Sales

111. Motor Freight Co., Offices Only

112. Musical instruments, equipment and related products, including but not limited to sound systems, retail sales, and used sales, rentals and repairs as accessory uses.

113. Needlework

114. Newspaper Advertising Sales Office

115. Nonchartered Financial Institutions, subject to the following limitations:

a. Shall not be located within 1,320 feet of the same type of use or an auto title loan establishment. This distance shall be measured from the exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted.

b. Shall not be located within 500 feet of a residential use. This distance shall be measured from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the parcel boundary of the residential use.

116. Newspaper Distribution Center with management offices, subject to the following limitation:

a. A use permit shall be obtained in accordance with the standards and procedures of Section 307.

117. Notions, Retail Sales

118. Novelties, Retail Sales

119. Nursery School

120. Reserved.

121. Nut Shop

122. Office Furniture Equipment and Supplies, Retail Sales and Showroom

123. Offices including those requiring use permits in R-5

124. In conjunction with office complexes with a gross leasable area of fifty thousand (50,000) square feet or more, a conference and reception center and health/recreation facilities may be established, provided the following requirements are met:

a. Access to the site is to be an arterial or collector street as defined on the street classification map.

b. Sales of alcoholic beverages permitted as an accessory use to a conference and reception center upon compliance with the following conditions:

(1) The securing of a use permit from the Zoning Administrator or Board of Adjustment.

- (2) Approval by the Zoning Administrator or the Board of Adjustment of a specific floor plan for the area in which alcohol is to be served.
 - (3) All alcoholic beverages shall be sold only for consumption on the premises.
 - c. Outdoor dining permitted as an accessory use to a conference and reception center upon compliance with the following conditions:
 - (1) The securing of a use permit from the Zoning Administrator or Board of Adjustment.
 - (2) Approval by the Zoning Administrator Board of Adjustment of a plan indicating the area for outdoor dining.
 - (3) All alcoholic beverages shall be sold only to patrons seated at tables and only for consumption on the premises. No outdoor bars, patron dancing, or live entertainment shall be permitted.
 - d. The conference and reception center may not exceed twenty percent (20%) of the total gross leasable area of the office complex.
 - e. A health/recreation facility, which is limited to employees within the office complex, may not exceed ten percent (10%) of the total gross leasable area of the office complex.
125. Outdoor Sales of Food Items: Outdoor sales of food items shall be permitted as an accessory use to retail grocery sales as follows, with no more than one entity selling such items permitted at any one time:
- a. Outdoor chili roasting, subject to obtaining a use permit under Section 307 and the following limitations:
 - (1) All roasted chilies sold must be consumed off site.
 - (2) Sales must be conducted by employees of the retail grocery store.
 - (3) Sales area must be located within 20' of the front door and not in the parking lot, or as approved by the Zoning Administrator.
 - (4) Sales limited to the hours of 12:00 noon to 8:00 p.m. each day.
 - (5) Payment for product must occur indoors.
 - (6) Employees preparing the food product shall have a food safety permit.
 - (7) Equipment used for food preparation shall be immobile during operation. Plans for the use of equipment that is fueled by gasoline, propane or similar form of fuel must be approved by the Fire Department.
 - b. The preparation of food items outdoors, other than roasted chilies, will be permitted for no more than 3 months per year on any site, subject to the following limitations:
 - (1) All food products sold must be consumed off site.
 - (2) Sales must be conducted by employees of the retail grocery store.
 - (3) Sales area must be located within 20' of the front door and not in the parking lot, or as approved by the Zoning Administrator.
 - (4) Sales limited to the hours of 12:00 noon to 8:00 p.m. each day.
 - (5) Payment for product must occur indoors.
 - (6) Employees preparing the food product shall have a food safety permit.
 - (7) Equipment used for food preparation shall be immobile during operation. Plans for the use of equipment that is fueled by gasoline, propane or similar form of fuel must be approved by the Fire Department.
 - c. The sale of packaged food items that are not prepared on site shall be permitted for no more than 3 months on any site, subject to the following limitations:
 - (1) Sales shall be limited to nonprofit organizations or other recognized

community entities raising funds for non-personal purposes. No sales by individuals or for personal gain shall be permitted.

(2) Sales limited to the hours of 8:00 a.m. to 10:00 p.m. each day.

(3) Sales areas shall be limited to the private walkway areas adjacent to the building and not in the parking lot.

(4) Sales must be conducted with written permission of grocery store owner or his duly designated representative. No direct light, sound, smoke or odor caused by any food processed or sold on site shall be broadcast beyond the property boundaries. The outdoor sales operation shall not be visible from any adjacent residential area.

126. Paint and Varnish, Retail Sales

127. Painting Equipment and Supplies, Retail Sales

128. Parking Lots, Customer (Section 702)

129. Pet Day Care Facility, Indoor Only, subject to the following limitation:

a. Operation shall be limited to the hours between 6:00 a.m. and 10:00 p.m.

b. The average noise level, measured at the property line, shall not exceed fifty-five dB (one LDN) when measured on an "A weighted" sound level meter and according to the procedures of the Environmental Protection Agency.

130. Pet Day Care Facility, With Outdoor Accessory Uses, subject to the following limitations:

a. A use permit shall be obtained in accordance with the standards and procedures of Section 307.

b. Shall be constructed so that direct unaccompanied access by animals to outside areas of the buildings is not allowed.

c. Animals must be accompanied by a facility employee or pet owner at all times when outside the building. All walks and exercise periods must take place on facility grounds.

d. When located adjacent to a residential district, every building and every outdoor animal exercise run shall be set back at least one hundred feet from any lot line abutting such residential district.

e. A solid masonry wall or fence seven feet in height shall be constructed along the perimeter of all outdoor runs unless otherwise restricted in this Ordinance.

f. Solid waste shall be removed from outdoor exercise areas every five hours at a minimum during time periods when these areas are in use.

g. The average noise level, measured at the property line, shall not exceed fifty-five dB (one LDN) when measured on an "A weighted" sound level meter and according to the procedures of the Environmental Protection Agency.

h. Operation shall be limited to the hours between 6:00 a.m. and 10:00 p.m.

i. Some review period of the use permit may be established should a neighborhood protest occur at the use permit hearing.

131. Pet Care Facility, subject to the following limitations:

a. A use permit shall be obtained in accordance with the standards and procedures of Section 307.

b. Shall be constructed so that direct unaccompanied access by animals to outside areas of the buildings is not allowed.

c. Animals must be accompanied by a facility employee or pet owner at all times when outside the building. All walks and exercise periods must take place on facility grounds.

d. When located adjacent to a residential district, every building and every outdoor animal exercise run shall be set back at least one hundred feet from any lot line abutting such residential district.

e. A solid masonry wall or fence seven feet in height shall be constructed along the perimeter of all outdoor runs unless otherwise restricted in this Ordinance.

f. Solid waste shall be removed from outdoor exercise areas every five hours at a minimum during time periods when these areas are in use.

g. The average noise level, measured at the property line, shall not exceed fifty-five dB (one LDN) when measured on an "A weighted" sound level meter and according to the procedures of the Environmental Protection Agency.

132. Pet Grooming

133. Pet Shops, Retail Sales Only

134. Pharmacy

135. Philatelist (Stamps)

136. Phonograph Records, Sales, Retail

137. Photographers, Commercial Studios

138. Photographic Equipment and Supplies, Retail Sales

139. Picture Framing, Custom

140. Pipe Line Companies, Offices Only

141. Plant Nurseries (permitted as an outdoor use subject to a use permit)

142. Pottery, Retail Sales

143. Private clubs, lodges and community organizations qualifying by law as a nonprofit entity which may conduct activities open to the public and may have their facilities available to the public for functions not involving members, with access from an arterial or collector street as designated on the Street Classification Map, subject to the following conditions or limitations:

a. Music or entertainment shall be permitted subject to the following regulations:

(1) The stage or performance area shall be a maximum of 80 square feet unless a use permit is obtained pursuant to Section 307.

(2) The noise level, measured at any point on the received property, shall not exceed 55 dBA unless a use permit is obtained. An occurrence where the sound level increases up to 60 dBA for five continuous seconds or less shall not be deemed a violation of this section as long as there are no more than five occurrences within an hour-long interval.

(3) Nothing in this section shall be construed to include an adult use.

b. Patron dancing shall be permitted only upon securing a use permit pursuant to Section 307.

c. Outdoor recreation uses, outdoor dining, and outdoor alcoholic beverage consumption shall be permitted as accessory uses only upon securing a use permit, if within 500 feet of a residential district zoning line. This distance shall be measured from the exterior wall of the building or portion thereof in which the business is conducted or proposed use is to be conducted closest to the residential district zoning line.

d. Any bar or cocktail lounge which exceeds 5,000 square feet in gross floor area and is located on a lot or parcel within 300 feet of a residential district shall be permitted only upon securing a use permit. This distance shall be measured from the exterior wall of the building or portion thereof in which the business is conducted or proposed use is to be conducted closest to the residential district zoning line.

e. Outdoor food preparation and cooking shall be permitted as an accessory use subject to the following conditions:

- (1) Securing a use permit pursuant to Section 307.
- (2) The regularly used cooking area inside the establishment shall be of equal or greater size than the outdoor cooking area.
- (3) The outdoor cooking area shall be located within 50 feet of a building entrance from where the restaurant is operated. This distance shall be measured from the appliance in the outdoor cooking area closest to the building entrance from where the restaurant is operated.
- (4) The outdoor cooking area shall be set back a minimum of 300 feet from a residential district. This distance shall be measured from the appliance in the outdoor cooking area closest to the residential district zoning line.

144. Publicity Service

145. Publishers' Offices

146. Radio and Television, Retail Sales and Service

147. Railroad Agents

148. Range and Stoves, Retail Sales and Service

149. Refrigerators, Retail Sales and Service

Editor's note—Ord. No. G-5380, § 1, adopted June 3, 2009, effective July 3, 2009, set out provisions to delete Section 622.D.138. Inasmuch as said ordinance pertains to recovery homes, at the editor's discretion, it is determined that the intent of said section was to delete Section 622.D.142 and renumber subsequent subsections.

150. Restaurants, subject to the following conditions or limitations:

a. Sales of alcoholic beverages shall only be permitted upon securing a use permit which shall include approval of a specific floor plan for the restaurant facility, detailing areas where alcohol may be served.

b. Music or entertainment shall be permitted subject to the following regulations:

(1) The stage or performance area shall be a maximum of 80 square feet unless a use permit is obtained.

(2) The noise level, measured at any point on the received property, shall not exceed 55 dBA unless a use permit is obtained. An occurrence where the sound level increases up to 60 dBA for five continuous seconds or less shall not be deemed a violation of this section as long as there are no more than five occurrences within an hour long interval.

(3) Nothing in this section shall be construed to include an adult use.

c. Patron dancing shall be permitted only upon securing a use permit.

d. Outdoor dining, outdoor recreation uses, and outdoor alcoholic beverage consumption shall be permitted as accessory uses only upon securing a use permit.

e. Drive-through facilities as an accessory use to a restaurant, subject to the following conditions:

(1) Access to the site is to be from an arterial or collector street as defined on the street classification map.

(2) Securing a use permit if the queuing lane for the drive-through facility is less than 300 feet from a residential district zoning line. This distance shall be measured from the point of the queuing lane closest to the residential district zoning line.

f. Outdoor food preparation and cooking shall be permitted as an accessory use subject to the following conditions:

- (1) Securing a use permit.
- (2) The regularly used cooking area inside the establishment shall be of equal or greater size than the outdoor cooking area.
- (3) The outdoor cooking area shall be located within 50 feet of a building entrance from where the restaurant is operated. This distance shall be measured from the appliance in the outdoor cooking area closest to the building entrance from where the restaurant is operated.
- (4) The outdoor cooking area shall be set back a minimum of 300 feet from a residential district. This distance shall be measured from the appliance in the outdoor cooking area closest to the residential district zoning line.

151. Rug Sales

152. School for Mentally or Physically Handicapped

153. Schools: Barber, Beauty, Business, Dancing, Data Processing, Insurance, Martial Arts, Modeling, Real Estate and Stenographic.

154. Second Hand or Used Merchandise Sales, subject to the following conditions or limitations:

- a. No merchandise shall be received and/or processed for sale at another site; and
- b. That no such use is located on a lot with a property line within 1,320 feet, measured in a straight line in any direction, of the lot line of another such use regardless of the zoning district.
- c. A use permit shall be obtained in accordance with the standards and procedures of Section 307; and
- d. The applicant shall provide the following additional information in conjunction with the use permit application:
 - (1) A survey of second hand or used merchandise sales uses within one mile of the proposed location shall be provided on a form provided by the Planning and Development Department and approved prior to submittal for a change of use to the second hand or used merchandise facility.
 - (2) Evidence that notice of the date, time, place and nature of the request has been sent by first class mail to each real property owner, as shown on the last assessment of the property, within 300 feet of the subject property.
 - (3) Evidence that notice of the date, time, place and nature of the request has been sent to all homeowners' associations registered with the City located within one mile of the subject property.
 - (4) It shall be the responsibility of the applicant to comply with the provisions of Section 622.D.154, and to provide the City with evidence of such compliance pursuant to Section 622.D.154.b. Failure to comply with these provisions shall be grounds for revocation of the use permit.

155. Self-Service Laundry

156. Service Stations, Automobile (corner lots only in C-1)

- a. Propane Retail Sales permitted as an accessory use.

157. Sewing Machines, Household Sales and Service

158. Shoe Repairing

159. Sporting Goods, Retail Sales

- 160. Stamp Dealers
- 161. Stationers, Retail Sales
- 162. Surgical Supplies, Retail Sales
- 163. Tailors, Custom
- 164. Tanning Salon
 - a. Massage Therapy, performed by a licensed massage therapist, is permitted as an accessory use, subject to obtaining a use permit in accordance with the standards and procedures of Section 307.
- 165. Tapestries
- 166. Tea Room
- 167. Teaching of Fine Arts
- 168. Temporary Environmental Remediation Facilities subject to a use permit if within 300 feet of residential zoning districts. Screening will be required and cannot be chain link or chain link with slats.
- 169. Tents and Awnings, Retail Sales
- 170. Theatrical Agencies
- 171. Toys, Retail Sales
- 172. Travel Bureau
- 173. Vacuum Cleaners, Retail Sales
- 174. Variety Stores, Retail
- 175. Veterinary Offices, Indoors, subject to the following stipulations:
 - a. They shall be so constructed and operated as to prevent objectionable noise and odor outside the walls of the office.
 - b. Keeping or boarding of animals shall not occupy more than 25 percent of the gross floor area of the office.
 - (1) There shall be no outdoor kennels or runs.
 - (2) There shall be no direct outside exit from any room containing kennels.
- 176. Veterinary Offices, with outdoor accessory uses, subject to the following limitations:
 - a. A use permit shall be obtained in accordance with the standards and procedures of Section 307.
 - b. Shall be constructed so that direct unaccompanied access by animals to outside areas of the buildings is not allowed.
 - c. Animals must be accompanied by a facility employee or pet owner at all times when outside the building. All walks and exercise periods must take place on facility grounds.
 - d. When located adjacent to a residential district, every building and every outdoor animal exercise run shall be set back at least 100 feet from any lot line abutting such residential district.
 - e. A solid masonry wall or fence seven feet in height shall be constructed along the perimeter of all outdoor runs unless otherwise restricted in this section.
 - f. Solid waste shall be removed from outdoor exercise areas every five hours at a minimum during time periods when these areas are in use.
 - g. The average noise level, measured at the property line, shall not exceed 55 dB (one LDN) when measured on an "A weighted" sound level meter and according to the procedures of the Environmental Protection Agency.
 - h. Operation shall be limited to the hours between 6:00 a.m. and 10:00 p.m.
 - i. Some review period of the use permit may be established should a neighborhood

protest occur at the use permit hearing.

177. Wall Paper, Sales and Display

178. Watches, Sales and Repairing

179. Weaving, Handicraft, Custom

180. Reserved.

Editor's note—Ord. No. G-5329, § 12, adopted March 4, 2009, effective April 3, 2009, set out provisions to delete Section 622.D.168. Inasmuch as said ordinance pertains to wireless communications, at the editor's discretion, it is determined that the intent of said section was to delete Section 622, subsection 172.

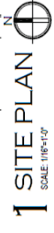
181. Health Club, Fitness Center

EXHIBIT 10

[illegible]

EXHIBIT 11

**OUTDOOR DINING
PERMITTED**



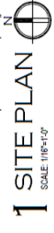
LIQUOR LICENSE
AREA

EXHIBIT 12

Speaker Plan



- No speaker shall be located within 75' of the north and south property lines, nor within 140' of the west property line.
- Decibel level shall not exceed 55 dBa at received properties.
- Amplified sound shall be managed by a volume limit controller to monitor and control the speaker volume ensuring levels do not exceed the 55dBa.
- All speakers shall direct amplified sound internal to the Property and shall be aimed at a point to minimize the amount of affected sound.
- Outdoor amplified sound shall not be permitted outside of the hours of 7:00am through 9:00pm Sunday through Thursday and 7:00am through 10:00pm Fridays and Saturdays.

EXHIBIT 13

PICK-UP
WINDOW/DOOR
LOCATION

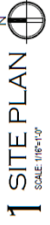


EXHIBIT 14



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

February 13, 2026

Dawn Cartier
CivTech Inc.
10605 North Hayden Road, Suite 140
Scottsdale, AZ 85260

RE: Review of Parking Study for The Orchard Phoenix

Dear Ms. Cartier

The purpose of this letter is to confirm that I have reviewed the submitted Parking Study for The Orchard Phoenix. I am in acceptance with the findings of the study. Let me know if you have any questions.

Sincerely,

Derek Fancon

Derek Fancon, P.E.
Technical Lead, Traffic Division

C: Donald Gerkin
David Neal



January 29, 2026

Luci's Urban Concepts, LLC
Kenneth F. Schnitzer
7100 N. 12th Street, Bldg. one
Phoenix, AZ 85020



RE: PARKING STATEMENT FOR THE ORCHARD PHOENIX PROJECT—7100 N 12TH STREET, PHOENIX, ARIZONA

Dear Mr. Schnitzer:

Thank you for retaining CivTech to provide a parking statement for existing site of The Orchard Phoenix consisting of two restaurants with outdoor patios, retail, and entertainment land uses. No changes to any land uses are proposed.

The following describes what each building is proposed of:

- **Luci's at the Orchard:**
 - o **Indoor Seating** consists of 524 square feet (SF).
 - o **Outdoor Seating** consists of 912 SF.
 - o **Retail** consists of 691 SF.
- **Orchard Tavern:**
 - o **Indoor Seating** consists of 1,726 SF.
 - o **Outdoor Seating** consists of 1,436 SF.
- **The Center Activity Space (Tent/Barn)** consists of 1,278 SF.

Currently, 102 parking spaces are at the project site. All parking at the Project is shared parking. The site plan is included as **Attachment A**.

SHARED PARKING MODEL

"Shared parking is defined as a parking space that can be used to serve two or more individual land uses without conflict or encroachment". The opportunity to implement shared parking is the result of two conditions:

- Variations in the peak accumulation of parked vehicles as the result of different activity patterns of adjacent or nearby land uses (by hour, by day, etc.).
- Relationships among land use activities that result in people's attraction to two or more land uses on a single auto trip to a given area or development.

This evaluation was prepared using parking time of day (TOD) assumptions as defined by the Urban Land Institute (ULI). The ULI shared parking model represents a realistic expectation of parking demand by considering a multitude of factors that impact individual parking behaviors and more recent surveys on anticipated parking rates. The City of Phoenix Parking Requirements, as provided in the *City of Phoenix Zoning Ordinance* Section 702, were referred to for the Project. The complete shared parking model using rates from the City of Phoenix Zoning Ordinance and TOD percentages as presented in the *ULI Shared Parking, Third Edition* is included as **Attachment B**.

ADAPTIVE REUSE REDUCTION

The Orchard Phoenix project was developed on two historic existing buildings and property. The term "Adaptive Reuse" is defined in the *City of Phoenix Zoning Ordinance* Section 702.E.8 as a building at least twenty-five years of age, the Project is of non-residential use or is a mix of residential and non-residential uses within the same buildings, and the size of the building does not exceed 5,000 square feet. Per the Ordinance, off-street parking reduction of requirements encourages re-investment in established neighborhoods, promotes neighborhood preservation, revitalizes neighborhoods and endorses sustainability. Parking reductions per the ordinance can be interpreted from the following:

1. If the subject parcel is within one thousand three hundred twenty feet (1,320') of a public parking lot or garage, any parking spaces in excess of those already dedicated or designated toward other uses may be counted for up to fifty percent (50%) of required parking; or
2. If the subject parcel is within one thousand three hundred twenty feet (1,320') of a light rail station, a maximum reduction of fifty percent (50%) of required parking is permitted; or
3. If the subject parcel is within one thousand three hundred twenty feet (1,320') of a city owned park and ride facility, a maximum reduction of fifty percent (50%) of required parking is permitted; or
4. If the use is an outdoor dining area accessory to a restaurant, outdoor dining areas up to a maximum of five hundred (500) square feet and not exceeding twenty five percent (25%) of the primary building's ground level gross floor area, shall not be subject to additional required parking.

The Orchard Phoenix qualifies for the reduction related to the outdoor dining areas. Parking reductions of 25% of the primary building's ground level gross floor area or a maximum of 500 SF is to be applied to the outdoor dining area square footage.

EMPLOYEE PARKING

The Orchard Phoenix development was able to provide CivTech with employee transportation mode split. Mondays through Thursdays, it is expected that 6 employees drive to work and 3 employees bike, bus, or rideshare to work. On Fridays, it is expected that 7 employees drive to work and 4 employees bike, bus, or rideshare to work. On Sundays, it is expected that 13 employees drive to work and 7 employees bike, bus, or rideshare to work.

Since employee parking needs are known for The Orchard Phoenix, CivTech has reduced the City of Phoenix rates, considering a ratio of employee to visitor parking spaces from the *ULI Shared Parking, Third Edition*.

RESTAURANT HOURS

The Orchard Phoenix development was able to provide CivTech with current hours for each part of the development. Since Time of Day % of peak is considered as part of the Shared Parking Analysis, it is assumed that parking is not required when the business is closed. The various land use hours are as described in the following.

- Luci's at the Orchard
 - Monday-Sunday 7 AM-4 PM
- Orchard Tavern
 - Monday-Thursday 3 PM-10 PM
 - Friday 3 PM-11 PM
 - Saturday 9 AM-11 PM
 - Sunday 9 AM-10 PM

ALTERNATE MODE & TRANSPORTATION NETWORK COMPANIES (TNCs)

Alternate mode reductions traditionally encompass public transportation, private ride hailing and shuttles. TNC Reductions are based on a site's ability to attract Transportation Network Companies (TNCs). Modern examples of TNCs include Uber, Lyft, ridesharing. Alternate mode is represented as "Alt." in the shared parking model. In consideration of the bike lanes within the vicinity of The Orchard Phoenix on 12th Street, and the surrounding residential uses, it is assumed that a minimum of 10% alternate mode of reduction is expected. TNC reductions have not yet been considered for the site, however, ridesharing is expected during the evening at Orchard Tavern.

DEVELOPMENT PARKING CALCULATIONS

A breakdown of the land use and base shared parking required for the development utilizing City of Phoenix parking rates with ULI time of day percentages is provided in **Attachment B**.

The Orchard Phoenix currently supplies 102 parking spaces. In consideration of the Adaptive Reuse reductions and alternate mode reductions, during the Peak parking scenario of 8:00 PM on a weekend a demand of 74 parking spaces is expected. On the next page, **Table 1** summarizes the calculations for the Shared Parking analysis.

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Table 1 – Shared Parking Calculations Summary

Building	Land Use	Quantity	Unit	Base Rate	Per	Base Requirement Spaces	Alternate Mode	COP Reduction (1)~	Parking Requirements w/ Reductions		Parking Required at Peak
									Weekday	Weekend	
Luci's at the Orchard	Restaurant (Indoor)*	524	SF	20.00	1 KSF	10.5	10%	0	8.27	8.27	0.00
	Restaurant (Outdoor)*	912	SF	20.00	1 KSF	18.2	10%	500.00	6.50	6.51	0.00
	Retail	691	SF	3.33	1 KSF	2.3	10%	0	1.67	1.66	0.00
Orchard Tavern	Restaurant (Indoor)*	1,726	SF	20.00	1 KSF	34.5	10%	0	27.23	27.25	27.25
	Restaurant (Outdoor)*	1,436	SF	20.00	1 KSF	28.7	10%	500.0	14.77	14.78	14.78
The Tent/Barn	Entertainment	1,278	SF	20.00	1 KSF	25.6	10%	0	20.16	20.18	18.16
Employee	Weekday	9	Emp	-	-	-	36%	0	7.00		
	Weekend	20	Emp	-	-	-	35%	0	13.00		13.00

(1) Section 702 E. 8. C. (4): If the use is an outdoor dining area accessory to a restaurant, outdoor dining areas up to a maximum of five hundred (500) square feet and not exceeding twenty five percent (25%) of the primary building's ground level gross floor area, shall not be subject to additional required parking.

(2) COP does not have Weekday vs weekend rates, but ULI does. The goal is to remove the employee count from the COP base rates as an employee count is already established. ULI rates were utilized to create a ratio for reference to get COP rates without employees.

* Analysis only considers the seating area, does not analyze entire building area for parking purposes. Luci's at the Orchard is 2,384 square feet, including the kitchen, retail, and indoor seating. Orchard Tavern is 2,522 square feet, including the kitchen and indoor seating.

~ Reduction based upon entire building area.

CONCLUSIONS

From the above, the following can be concluded:

- The analysis within this document was prepared using methods as defined by the Urban Land Institute (ULI). Time-of-day percentages published in the ULI Shared Parking Manual and parking rates as presented in the *City of Phoenix Zoning Ordinance* Section 702 were utilized to analyze each land use within The Orchard Phoenix development.
- **The Orchard Phoenix** currently supplies 102 parking spaces. In consideration of the Adaptive Reuse reductions and alternate mode reductions, during the Peak parking scenario of 8:00 PM on a weekend a demand of 74 parking spaces is expected. This allows for 28 excess spaces during the peak demand.
- The 102 spaces provided equate to a 15% reduction from the base City of Phoenix calculated parking.
- Valet parking at the site is not needed, during the typical day the site will have 28 excess parking spaces.

Thank you for allowing CivTech to assist you on this project. Please contact me with any questions you may have on this shared Parking Statement.

Sincerely,

CivTech



Dawn Cartier, P.E., PTOE
President

Attachments (2)

- A. Site Plan
- B. ULI Shared Parking Model

ATTACHMENT A

SITE PLAN

ATTACHMENT B

SHARED PARKING MODEL

Luci's at the Orchard													
Restaurant (Indoor) *				Restaurant (Outdoor) *				Retail					
Shared Parking Use:				Visitor		Visitor		Visitor					
Gross Size				524.0 SF		912.0 SF		691.0 SF					
COP Adjustment				0.00 Phoenix		500.00 Phoenix		0.00 Phoenix					
Location Setting				General Urban/Suburban		General Urban/Suburban		General Urban/Suburban					
Weekday Rate Methodology				Phoenix Code		Phoenix Code		Phoenix Code					
Weekend Rate Methodology				Phoenix Code		Phoenix Code		Phoenix Code					
Weekday TOD Methodology				ULI Shared Parking 3rd Edition		ULI Shared Parking 3rd Edition		ULI Shared Parking 3rd Edition					
Weekend TOD Methodology				ULI Shared Parking 3rd Edition		ULI Shared Parking 3rd Edition		ULI Shared Parking 3rd Edition					
Net Size				524 SF		412 SF		691 SF					
Weekday Parking Rate				17.53	per	1000 sf GFA	17.53	per	1000 sf GFA	2.69	per	1000 sf GFA	
Weekend Parking Rate				17.54	per	1000 sf GFA	17.54	per	1000 sf GFA	2.67	per	1000 sf GFA	
Weekday Req. Spaces				8.27 Spaces		6.50 Spaces		1.67 Spaces					
Weekend Req. Spaces				8.27 Spaces		6.51 Spaces		1.66 Spaces					
Weekday Adjustments				IC 0%		Alt. 10%	IC 0%		Alt. 10%	IC 0%		Alt. 10%	
Weekend Adjustments				IC 0%		Alt. 10%	IC 0%		Alt. 10%	IC 0%		Alt. 10%	
PERIOD:				Weekday		Weekend		Weekday		Weekend		Weekend	
				% of Peak	# of Spaces	% of Peak	% of Peak	# of Spaces	% of Peak	% of Peak	# of Spaces	% of Peak	# of Spaces
6:00 AM				25%	2.1	10%	25%	1.6	10%	1%	0.0	1%	0.0
7:00 AM				50%	4.1	25%	50%	3.2	25%	5%	0.1	5%	0.1
8:00 AM				60%	5.0	45%	60%	3.9	45%	15%	0.3	30%	0.5
9:00 AM				75%	6.2	70%	75%	4.9	70%	35%	0.6	50%	0.8
10:00 AM				85%	7.0	90%	85%	5.5	90%	60%	1.0	70%	1.2
11:00 AM				90%	7.4	90%	90%	5.8	90%	75%	1.3	90%	1.5
12:00 PM				100%	8.3	100%	100%	6.5	100%	100%	1.7	95%	1.6
1:00 PM				90%	7.4	85%	90%	5.8	85%	100%	1.7	100%	1.7
2:00 PM				50%	4.1	65%	50%	3.2	65%	95%	1.6	100%	1.7
3:00 PM				45%	3.7	40%	45%	2.9	40%	85%	1.4	95%	1.6
4:00 PM				0%	0.0	0%	0%	0.0	0%	0%	0.0	0%	0.0
5:00 PM				0%	0.0	0%	0%	0.0	0%	0%	0.0	0%	0.0
6:00 PM				0%	0.0	0%	0%	0.0	0%	0%	0.0	0%	0.0
7:00 PM				0%	0.0	0%	0%	0.0	0%	0%	0.0	0%	0.0
8:00 PM				0%	0.0	0%	0%	0.0	0%	0%	0.0	0%	0.0
9:00 PM				0%	0.0	0%	0%	0.0	0%	0%	0.0	0%	0.0
10:00 PM				0%	0.0	0%	0%	0.0	0%	0%	0.0	0%	0.0
11:00 PM				0%	0.0	0%	0%	0.0	0%	0%	0.0	0%	0.0
12:00 AM				0%	0.0	0%	0%	0.0	0%	0%	0.0	0%	0.0

Notes

City of Phoenix does not have different rates for Weekday vs Weekend

Zeroed out time when the establishment is closed

Used ULI TOD

* Analysis only considers the seating area, does not analyze entire building area for parking purposes. Luci's Restaurant is 2,384 square feet, including the kitchen, retail, and indoor seating. The Orchard Tavern is 2,522 square feet, including the kitchen and indoor seating.

Orchard Tavern															
Restaurant (Indoor)*															
Restaurant (Outdoor)*															
The Tent/Barn															
Entertainment															
Visitor															
Shared Parking Use:				Visitor				Visitor				Visitor			
Gross Size				1,726.0 SF				1,436.0 SF				1,278.0 SF			
COP Adjustment				0.00 Phoenix				500.00 Phoenix				0.00 Phoenix			
Location Setting				General Urban/Suburban				General Urban/Suburban				General Urban/Suburban			
Weekday Rate Methodology				Phoenix Code				Phoenix Code				Phoenix Code			
Weekend Rate Methodology				Phoenix Code				Phoenix Code				Phoenix Code			
Weekday TOD Methodology				ULI Shared Parking 3rd Edition				ULI Shared Parking 3rd Edition				ULI Shared Parking 3rd Edition			
Weekend TOD Methodology				ULI Shared Parking 3rd Edition				ULI Shared Parking 3rd Edition				ULI Shared Parking 3rd Edition			
Net Size				1,726 SF				936 SF				1,278 SF			
Weekday Parking Rate				17.53	per	1000 Unit	17.53	per	1000 Unit	17.53	per	1000 Unit	17.53	per	1000 Unit
Weekend Parking Rate				17.54	per	1000 Unit	17.54	per	1000 Unit	17.54	per	1000 Unit	17.54	per	1000 Unit
Weekday Req. Spaces				27.23 Spaces				14.77 Spaces				20.16 Spaces			
Weekend Req. Spaces				27.25 Spaces				14.78 Spaces				20.18 Spaces			
Weekday Adjustments				IC 0%		Alt. 10%	IC 0%		Alt. 10%	IC 0%		Alt. 10%	IC 0%		Alt. 10%
Weekend Adjustments				IC 0%		Alt. 10%	IC 0%		Alt. 10%	IC 0%		Alt. 10%	IC 0%		Alt. 10%
PERIOD:				Weekday	# of Spaces	% of Peak	Weekday	# of Spaces	% of Peak	Weekday	# of Spaces	% of Peak	Weekday	# of Spaces	% of Peak
Hours Beginning															
6:00 AM				0%	0.0	0%	0.0	0%	0.0	0%	0.0	0%	0.0	0%	0.0
7:00 AM				0%	0.0	0%	0.0	0%	0.0	0%	0.0	0%	0.0	0%	0.0
8:00 AM				0%	0.0	0%	0.0	0%	0.0	0%	0.0	0%	0.0	0%	0.0
9:00 AM				0%	0.0	0%	0.0	0%	0.0	0%	0.0	0%	0.0	0%	0.0
10:00 AM				0%	0.0	0%	0.0	0%	0.0	0%	0.0	45%	9.1	25%	5.0
11:00 AM				0%	0.0	15%	4.1	0%	0.0	15%	2.2	65%	13.1	65%	13.1
12:00 PM				0%	0.0	50%	13.6	0%	0.0	50%	7.4	85%	17.1	85%	17.2
1:00 PM				0%	0.0	55%	15.0	0%	0.0	55%	8.1	95%	19.2	90%	18.2
2:00 PM				0%	0.0	45%	12.3	0%	0.0	45%	6.7	100%	20.2	95%	19.2
3:00 PM				40%	10.9	45%	12.3	40%	5.9	45%	6.7	95%	19.2	95%	19.2
4:00 PM				50%	13.6	45%	12.3	50%	7.4	45%	6.7	90%	18.1	90%	18.2
5:00 PM				75%	20.4	60%	16.4	75%	11.1	60%	8.9	70%	14.1	95%	19.2
6:00 PM				95%	25.9	90%	24.5	95%	14.0	90%	13.3	60%	12.1	100%	20.2
7:00 PM				100%	27.2	95%	25.9	100%	14.8	95%	14.0	45%	9.1	95%	19.2
8:00 PM				100%	27.2	100%	27.3	100%	14.8	100%	14.8	0%	0.0	90%	18.2
9:00 PM				100%	27.2	90%	24.5	100%	14.8	90%	13.3	0%	0.0	65%	13.1
10:00 PM				95%	25.9	90%	24.5	95%	14.0	90%	13.3	0%	0.0	10%	2.0
11:00 PM				75%	20.4	90%	24.5	75%	11.1	90%	13.3	0%	0.0	0%	0.0
12:00 AM				25%	6.8	50%	13.6	25%	3.7	50%	7.4	0%	0.0	0%	0.0

The Orchard		Totals/Averages									
Employee											
Employee											
Shared Parking Use:											
Gross Size											
COP Adjustment											
Location Setting											
Weekday Rate Methodology											
Weekend Rate Methodology											
Weekday TOD Methodology											
Weekend TOD Methodology											
Net Size											
Weekday Parking Rate											
Weekend Parking Rate											
Weekday Req. Spaces											
Weekend Req. Spaces											
Weekday Adjustments											
Weekend Adjustments											
PERIOD:											
Hours Beginning											
6:00 AM		100%	7.0	100%	13.0	12.5%	10.7	15.8%	14.5	14.2%	Provided 102
7:00 AM		100%	7.0	100%	13.0	16.9%	14.5	18.3%	16.8	16.4%	
8:00 AM		100%	7.0	100%	13.0	18.8%	16.1	22.0%	20.1	19.8%	
9:00 AM		100%	7.0	100%	13.0	21.8%	18.7	26.4%	24.2	23.7%	
10:00 AM		100%	7.0	100%	13.0	34.6%	29.6	35.5%	32.5	31.9%	
11:00 AM		100%	7.0	100%	13.0	40.5%	34.6	51.5%	47.2	46.3%	
12:00 PM		100%	7.0	100%	13.0	47.4%	40.6	73.7%	67.5	66.2%	
1:00 PM		100%	7.0	100%	13.0	48.0%	41.1	74.7%	68.5	67.2%	
2:00 PM		100%	7.0	100%	13.0	42.2%	36.1	68.0%	62.3	61.1%	
3:00 PM		100%	7.0	100%	13.0	59.6%	51.0	63.9%	58.6	57.4%	
4:00 PM		100%	7.0	100%	13.0	53.9%	46.1	54.6%	50.1	49.1%	
5:00 PM		100%	7.0	100%	13.0	61.5%	52.6	62.6%	57.4	56.3%	
6:00 PM		100%	7.0	100%	13.0	68.9%	59.0	77.5%	71.0	69.6%	
7:00 PM		100%	7.0	100%	13.0	67.8%	58.1	78.7%	72.1	70.7%	
8:00 PM		100%	7.0	100%	13.0	57.2%	49.0	79.9%	73.2	71.8%	
9:00 PM		100%	7.0	100%	13.0	57.2%	49.0	69.8%	63.9	62.7%	
10:00 PM		100%	7.0	100%	13.0	54.8%	46.9	57.7%	52.8	51.8%	
11:00 PM		100%	7.0	100%	13.0	45.0%	38.5	55.5%	50.8	49.8%	
12:00 AM		100%	7.0	100%	13.0	20.4%	17.5	37.1%	34.0	33.3%	
						69%	59.0				

8:00 PM

74

on Weekends.

80%

73.2