

## ATTACHMENT E

### REPORT OF PLANNING COMMISSION ACTION March 6, 2025

ITEM NO: 10	
	DISTRICT NO.: 3
SUBJECT:	
Application #:	Z-SP-2-24-3
Location:	Approximately 125 feet south of the southwest corner of Cave Creek Road and Hartford Avenue
From:	C-2
To:	C-2 SP
Acreage:	1.88
Proposal:	Special Permit to allow sales, parts and service dealership for new and used UTV's, ATV's, motorcycles, personal watercrafts, etc. and all underlying C-2 uses.
Applicant:	Ed Bull, Burch & Cracchiolo, P.A
Owner:	Schauwecker Family Revocable Trust
Representative:	Ed Bull, Burch & Cracchiolo, P.A

#### **ACTIONS:**

Staff Recommendation: Approval, per the staff memo dated February 27, 2025.

Village Planning Committee (VPC) Recommendation:

**Paradise Valley** 2/3/2025 Approval, per the staff recommendation. Vote: 13-0.

Planning Commission Recommendation: Approval, per the staff memo dated February 27, 2025.

#### **Motion Discussion:**

Chairperson Busching asked a question of staff regarding whether stipulations could be included to address opposition concerns regarding on-site vehicle testing and compliance with speed limits and road laws.

Ms. Racelle Escolar responded that we are not able to include a stipulation requiring that vehicle testing occur offsite, as all stipulations must be applicable to the subject property of the rezoning case. With regards to requiring compliance with speed limits and road laws when testing vehicles, that would fall to the Police Department to enforce.

Motion details: Vice-Chairperson Boyd made a MOTION to approve Z-SP-2-24-3, per the staff memo dated February 27, 2025.

Maker: Vice-Chairperson Boyd  
Second: Matthews  
Vote: 6-1 (Jaramillo)  
Absent: Gorraiz, Read  
Opposition Present: Yes

#### **Findings:**

1. The proposal is compatible with adjacent land uses and zoning.

2. The proposal is providing enhanced landscaping and shade.
3. As stipulated, the proposal supports efforts from various plans, policies, and initiatives, including the Tree and Shade Master Plan, the Complete Streets Guiding Principles, the Comprehensive Bicycle Master Plan, the Transportation Electrification Action Plan, the Phoenix Climate Action Plan, and Conservation Measures for New Development.

Stipulations:

1. The maximum area for outdoor display of vehicles built to carry passengers or cargo shall be 3,100 square feet and shall be clearly identified on the site plan, as approved by the Planning and Development Department.
2. The maximum parking or staging area for vehicles built to carry passengers or cargo needing repair shall be 4,000 square feet and shall be clearly identified on the site plan, located within a screened area setback a minimum of 185 feet from the north property line and a minimum of 200 feet from the east property line, as approved by the Planning and Development Department.
3. The required perimeter landscape areas, and the perimeter landscape areas as depicted on the conceptual landscape plan date stamped January 9, 2025, shall be replenished with minimum 2-inch caliper, large canopy, shade trees, planted 20 feet on center or in equivalent groupings, and a minimum of five 5-gallon shrubs per tree, as approved by the Planning and Development Department.
4. The existing retention basin, as depicted on the site plan date stamped January 10, 2025, shall be replenished with minimum 2-inch caliper, large canopy, shade trees, planted 20 feet on center or in equivalent groupings, and a mixture of shrubs, accents, and vegetative groundcovers evenly distributed throughout the landscape area to achieve a minimum of 50% live coverage, as approved by the Planning and Development Department.
5. All uncovered surface parking lot areas shall be landscaped with minimum 2-inch caliper, single-trunk, large canopy, shade trees. Existing surface parking landscape planters shall be replenished with minimum 2-inch caliper, single-trunk, large canopy, shade trees and five 5-gallon shrubs per tree. Landscaping shall be dispersed throughout the parking area and achieve 25% shade, as approved by Planning and Development Department.
6. All bicycle parking spaces and pedestrian pathways, including sidewalks, shall be shaded by a structure, landscaping, or a combination of the two to provide a minimum of 75% shade, as approved by the Planning and Development Department.
7. Bicycle parking spaces shall be provided per the requirements of Section 1307.H of the Phoenix Zoning Ordinance through Inverted U and/or artistic racks located near the building entrance and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
8. A minimum of one of the provided bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.

9. A minimum of 5% of the required parking spaces shall include Electric Vehicle (EV) Installed Infrastructure, as approved by the Planning and Development Department.
10. 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.
11. Provide a landscape irrigation plan that includes zones to establish the amount of irrigation to apply based on maturity and type of the landscaping. Irrigation should be applied efficiently based on the maturity and need for the vegetation.
12. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the Phoenix Water Efficiency Checkup program for a minimum of 10 years, or as approved by the Planning and Development Department.
13. Upon complete redevelopment or development that modifies the cumulative floor area of the building by 2,000 square feet or more, including demolition, building additions, and new building(s) or structure(s), from that depicted on the site plan date stamped January 10, 2025, all existing overhead utilities adjacent to the development, within the public right-of-way, and on site shall be undergrounded. The developer shall coordinate with all affected utility companies for their review and permitting.
14. The developer may submit a request to the Street Transportation Department to enter into an agreement, for their consideration, allowing the use of nonstandard materials within the existing 25-foot right-of-way easement on Cave Creek Road. Consideration of the agreement shall be contingent upon, at a minimum, the following items:
  - a. The property owner assuming financial responsibility for maintenance, repair, and replacement of any encroachment within the existing roadway easement along Cave Creek Road.
  - b. The property owner assuming financial responsibility for the removal of any encroachment if future dedications and improvements to Cave Creek Road are required by the Street Transportation Department.
  - c. The property owner obtaining all necessary entitlements and setback requirements as prescribed by the Zoning Ordinance.
  - D. PERMANENT STRUCTURES OR WALLS ARE PROHIBITED WITHIN THE RIGHT-OF-WAY EASEMENT.
15. The existing streetscape beginning at the back of curb shall be replenished with the landscaping listed below along Cave Creek Road and shall provide sidewalks a minimum of 75% shade, as approved by the Planning and Development Department.
  - a. Minimum 2-inch caliper, single-trunk, large canopy, shade trees, planted 20 feet on center, or in equivalent groupings.

- b. A mixture of shrubs, accents, and vegetative groundcovers with a maximum mature height of two feet evenly distributed throughout the landscape area to achieve a minimum of 75% live coverage.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

- 16. Unused driveways shall be replaced with sidewalk, curb, and gutter. Also, any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets shall be replaced and all off-site improvements shall be upgraded to be in compliance with current ADA guidelines.
- 17. All streets within and adjacent to the development shall be constructed with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
- 18. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
- 19. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

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