



Village Planning Committee Meeting Summary Z-237-M-85-2

Date of VPC Meeting	January 6, 2026
Request From	C-1 PCD and C-1 PCD (Approved C-2 PCD)
Request To	C-2 PCD
Proposal	Major Amendment to the Tatum Ranch PCD to allow a commercial center, including a billiards hall within an existing restaurant
Location	Southeast corner of Cave Creek Road and Desert Willow Parkway
VPC Recommendation	Approval, per the staff recommendation, with an additional stipulation
VPC Vote	8-2

VPC DISCUSSION:

Committee Member Gary Kirkilas joined the meeting during this item, bringing the quorum to 10 members.

Four members of the public registered to speak on this item in opposition. One member of the public registered in opposition but did not wish to speak.

Staff Presentation:

Adrian Zambrano, staff, provided an overview of Rezoning Case No. Z-237-M-85-2, including the location of the request, surrounding land uses and zoning, and the General Plan Land Use Map designation. Mr. Zambrano summarized the request and displayed the site plan and elevations, noting that no changes are proposed to the existing commercial center, other than to add a billiards hall within an existing restaurant. Mr. Zambrano stated that the request has received 69 letters of support and one letter of opposition and summarized concerns. Mr. Zambrano shared the staff findings and stated that staff recommends approval, subject to stipulations. Mr. Zambrano shared the recommended stipulations and upcoming hearing schedule.

Applicant Presentation:

Alex Hayes, with Withey Morris Baugh, PLC, introduced himself and provided an overview of the site. Mr. Hayes stated that the site, Tuscany Village Center, currently

has a mix of C-1 and C-2 zoning. Mr. Hayes stated that this request would clean up the zoning on the site. Mr. Hayes noted that no changes are proposed to the site plan or as-built condition. Mr. Hayes discussed previous operations of the business and noted that Cactus Racks is the new owner. Mr. Hayes stated that a billiards hall is not permitted in the C-1 zoning district, but it is permitted in the C-2 zoning district. Mr. Hayes discussed zoning history of the site. Mr. Hayes summarized community input, noting that there has been significant support for the proposal. Mr. Hayes stated that several of the potential C-2 uses that neighbors are concerned with cannot realistically locate on the site due to separation requirements.

Questions from Committee:

Committee Member Richard Carlucci asked how long the business had previously been operating as a billiards hall. **Mr. Hayes** responded that Cactus Racks is not operating as a billiards hall currently until the rezoning case is completed. Mr. Hayes added that it was previously operating as a billiards hall before the ownership changed. Committee Member Carlucci asked for clarification that the previous business owner was operating the billiards hall without the proper zoning, and the new owners are wanting to operate it legally. Mr. Hayes responded affirmatively. Mr. Hayes stated that it is currently being operated as a restaurant with pool tables, but the business cannot charge for the pool tables due to how the City defines a billiards hall. Committee Member Carlucci asked how long it had previously been operating as a billiards hall. Mr. Hayes responded that it had been operating for about three years. Committee Member Carlucci asked how many billiard tables are in the restaurant now. Mr. Hayes responded that there are 14 tables. Committee Member Carlucci asked how many more tables could be added. Mr. Hayes responded that no more tables could be added.

Committee Member George Birchby asked if there are plans for changes to the restaurant's license. **Mr. Hayes** responded that the business has a restaurant license and they may pursue a bar license. Mr. Hayes noted that it would not be a significant change from the previous operation. Committee Member Birchby asked for clarification on what series license the business would be pursuing. Mr. Hayes responded that they would pursue a Series 7 Beer and Wine Bar license.

Vice Chair Louis Lagrave stated that he is not concerned with the billiards hall. Vice Chair Lagrave asked if an adult bookstore could be located on the site with C-2 zoning. **Mr. Hayes** responded that it could not. Vice Chair Lagrave asked if an adult novelty store could be located on the site with C-2 zoning. Mr. Hayes responded that he does not believe so, noting that it may require a Use Permit.

Mr. Zambrano responded that all adult uses have the same separation requirements from schools, residential zoning, and other uses. Mr. Zambrano stated that the site would be too close to those uses to allow adult uses.

Mr. Hayes stated that there is a preschool within the Tuscany Village Center.

Committee Member Mark Warren stated that proximity to schools would also preclude tobacco-oriented retailers from locating within the commercial center.

Committee Member Birchby stated that there are two educational facilities within the commercial center.

Vice Chair Lagrave stated that there are educational facilities there now, but that does not mean they will stay there. Vice Chair Lagrave stated that there is a school on Desert Willow Parkway to the west, but he is not sure if it is within the separation distance. **Mr. Hayes** responded that it is located within the 1,320 feet separation requirement for adult uses. Mr. Hayes added that the separation requirement for medical marijuana uses is also 1,320 feet from schools.

Committee Member Warren asked if future uses would have to be approved by the Committee, such as a self-service storage warehouse. **Mr. Zambrano** responded that uses that require a Special Permit would be reviewed by the Committee through the rezoning process. Mr. Zambrano added that uses that require a Use Permit would not be heard by the Committee, but rather by the Zoning Adjustment Hearing Officer.

Chair Steven Bowser asked how the process would work if someone applies for a medical marijuana business within this commercial center. **Mr. Hayes** responded that they would submit plans and apply for permits, and the Planning and Development Department would review them against the Zoning Ordinance and find that they are not meeting the separation requirements. Mr. Hayes added that the site is also too close to residential zoning to allow those uses.

Committee Member Barbara Reynolds asked if the business operation would be more of a restaurant. **Lynn Prehm**, with Cactus Racks, responded that it is currently being operated as a full restaurant and they are not changing that. Ms. Prehm stated that they have no desire to get rid of their Series 12 Restaurant license.

Committee Member Birchby asked for clarification that Cactus Racks does not intend to change their license. **Ms. Prehm** responded that they are looking to get a legal Series 7 license for the pool table side. Ms. Prehm stated that a restaurant cannot have more than 30 percent of its floor space used for any entertainment use, such as billiard tables or a dance floor. Ms. Prehm stated that in order for the billiards hall to be legal, they have to obtain a Series 7 license. Ms. Prehm added that their lease precludes the business from being open past 10 p.m. Committee Member Birchby asked for clarification if the business is open until 9 p.m. during the week. Ms. Prehm responded that they are open until 10 p.m., and until 9 p.m. on Sundays.

Public Comments:

Ross Johnson introduced himself as a nearby neighbor in the Tatum Ranch community, opposed to the request. Mr. Johnson expressed concerns of potential incompatible C-2 zoning uses, noting that it does not seem certain whether or not the uses would be permitted on the site. Mr. Johnson listed C-2 uses that would be of concern, noting that they would negatively impact the community. Mr. Johnson stated that this request would be a short-term gain for one establishment that could have long-term ramifications for the whole community. Mr. Johnson added that he wishes the best for the Cactus Racks business and wants them to thrive; however, if the business is not

successful, then the community would be stuck with the C-2 zoning. Mr. Johnson discussed the character of the community. Mr. Johnson acknowledged that a portion of the site is already zoned C-2 and stated that it does not need to be expanded as currently proposed. Mr. Johnson noted that the site was not originally commercially zoned and was likely not commercially zoned for a reason. Mr. Johnson stated that the unique character of the village should be considered, as referenced in the Village Planning Handbook. Mr. Johnson stated that the support is likely from the pool league but noted that he has nothing against them. Mr. Johnson stated that it does not bother anyone that there is a mix of C-1 and C-2 zoning and they would like to preserve that. Mr. Johnson expressed concerns with the potential for future increase in traffic, density, noise, odor, and blight. Mr. Johnson expressed concerns with impact to the character and lifestyle of the community. Mr. Johnson concluded that the whole site does not need to be rezoned to C-2.

Vince Byron introduced himself as a nearby neighbor in the Tatum Ranch community, opposed to the request. Mr. Byron stated that he is not opposed to the billiards hall. Mr. Byron stated that he did not understand that the existing C-2 zoning covered entire buildings and parking areas, noting that he thought it was specific to suites. Mr. Byron stated that he does not support rezoning the entire site to C-2. Mr. Byron expressed concerns with there being no opportunity for community input for future potential C-2 uses. Mr. Byron stated that he would support continuing to rezone on a case-by-case basis so community voices can be heard.

Scott Uthe introduced himself as a nearby neighbor in the Tatum Ranch community, opposed to the request. Mr. Uthe stated that the character of the Desert View Village is defined as family-oriented neighborhoods and low-intensity development. Mr. Uthe stated that the Village Planning Handbook emphasizes compatibility with adjacent residential areas to protect neighborhood character. Mr. Uthe expressed concerns with other higher-intensity commercial uses that would be allowed under C-2 zoning. Mr. Uthe expressed concerns with increased traffic, noise, and blight. Mr. Uthe stated that the current zoning already allows reasonable business activity without undermining the stability of nearby residential neighborhoods. Mr. Uthe clarified that he does not have any issues with the billiards hall. Mr. Uthe stated that he wants Desert Willow Parkway to remain a safe street. Mr. Uthe stated that the surrounding property owners will be impacted on a more permanent basis than a tenant that may be limited in duration.

Kay Newberg introduced herself as a nearby neighbor, opposed to the request. Ms. Newberg expressed concern with rezoning the entire site. Ms. Newberg stated that if Cactus Racks moves out of the commercial center, it could open the door to many other uses. Ms. Newberg shared the character of the area. Ms. Newberg clarified that she is not concerned about the restaurant or billiards hall, but she is concerned with the potential C-2 uses that would be permitted. Ms. Newberg suggested to reduce the rezoning boundary to the section needed for the business.

Applicant Response:

Mr. Hayes stated that part of the commercial center is already zoned C-2. Mr. Hayes noted that it is a nice commercial center and a nice area, and practically speaking, the

undesirable C-2 uses would not be able to locate in the center. Mr. Hayes added that many of the uses of concern would require additional public hearing approval. Mr. Hayes noted that the site is too close to residential zoning to allow adult or medical marijuana uses. Mr. Hayes added that there are likely a number of C-2 zoned properties within a mile radius of the site that have not seen the types of uses that residents are concerned with. Mr. Hayes added that the owner of the commercial center has every incentive to keep good uses in the center. Mr. Hayes stated that C-2 zoning is needed for the billiards hall that is proposed for Cactus Racks, which everyone supports. Mr. Hayes added that individual suites cannot be rezoned, so the entire building and parking area would have to be rezoned, which would leave a small portion of the site zoned C-1. Mr. Hayes stated that C-2 zoning already exists on the site and those uses of concern have not been seen. Mr. Hayes stated that it is an appropriate use and appropriate zoning district for the location. Mr. Hayes stated that it is not likely that there will be additional traffic or more intense uses.

Committee Discussion:

Chair Bowser asked for clarification that Stipulation No. 5 would only be applicable if the existing buildings are torn down and the site is redeveloped, or buildings are expanded or added to a certain threshold. **Mr. Zambrano** responded affirmatively. Chair Bowser asked for clarification that the stipulation would apply no matter who the tenant is, as long as the threshold is met. Mr. Zambrano responded affirmatively. Chair Bowser asked for clarification that the stipulation runs with the land if it were to redevelop. Mr. Zambrano responded affirmatively.

Committee Member Birchby asked how the proposal would impact pickup for the educational facilities on the site. Committee Member Birchby expressed concerns with people smoking outside of the billiards hall next to the educational facilities. Committee Member Birchby asked how the billiards hall will handle parking. **Mr. Hayes** responded that the restaurant is already operating and people can go outside and smoke a cigarette. Mr. Hayes added that there are multiple restaurants in this commercial center. Mr. Hayes stated that parking is per City Code in the center. Mr. Hayes stated that the hours would not overlap with pickup times for the educational facilities. Mr. Hayes stated that the business has not experienced any conflict with those uses in the commercial center and they do not expect to.

Committee Member Warren asked for clarification that the C-2 uses of concern would be permitted in the existing C-2 zoning area on the site, except they are not permitted due to the proximity to the school and residential zoning. **Mr. Zambrano** responded affirmatively, noting that they would not be permitted due to the separation requirements, without additional public hearings.

Vice Chair Lagrave stated that there is room for expansion near the southeast side of the site. Vice Chair Lagrave stated that he would be fine with rezoning the building, but not the entire site.

Mr. Zambrano stated that the southeast corner of the site is desert open space and is stipulated to be preserved, per Stipulation No. 4.

Vice Chair Lagrave stated that the surface parking area near the southeast side of the site could be redeveloped and could bring undesirable C-2 uses.

Committee Member Carlucci stated that he understands that an individual suite cannot be rezoned, noting that if only the building and associated parking area is rezoned, it would only leave the buildings at the southwest corner of the site zoned C-1. Committee Member Carlucci asked how the rezoning boundary would look like if it was only the building that was rezoned. **Mr. Zambrano** responded that the boundary would need to include the building, parking areas, and street right-of-way.

Committee Member Jason Israel stated that rezoning a portion of the site to C-2 would result in a similar condition as rezoning the entire site to C-2.

Committee Member Gary Kikilas asked if there is a creative way to include certain stipulations to mitigate the undesirable C-2 uses.

Committee Member Birchby asked if it is possible to keep the site zoned as C-1 and include stipulations to accomplish what the business wants. **Mr. Hayes** responded that C-2 zoning is needed for the billiards hall. Committee Member Birchby asked if the business would have to cease operations if C-2 zoning is not granted.

Committee Member Warren stated that they would not be able to charge for more than six billiard tables due to the limitations of their zoning and license.

Committee Member Reynolds stated that the Zoning Ordinance could be changed to allow the billiards hall. **Mr. Hayes** responded that a change to the Zoning Ordinance would require a Text Amendment, which is a major effort.

Vice Chair Lagrave stated that his biggest concern is potential development. **Mr. Hayes** asked if it would be helpful to add a stipulation that any building expansion would be required to come back to the Committee for approval. Vice Chair Lagrave responded affirmatively.

Committee Member Israel referenced the proposed commercial center at the southwest corner of Black Mountain Boulevard and Deer Valley Drive (Companion Case Nos. GPA-DSTV-2-23-2, GPA-DSTV-3-23-2, and Z-39-23-2), noting that there was a provision for a maximum area of an individual suite. Committee Member Israel asked if C-2 zoning includes this provision. **Mr. Zambrano** responded that this provision may have been a stipulation specific to that zoning case.

Vice Chair Lagrave added that this case prohibited car washes. Vice Chair Lagrave stated that the only reason the Committee was able to prohibit car washes on that case was because the site was located within the Desert Ridge Specific Plan.

Mr. Zambrano stated that beyond the Desert Ridge Specific Plan, the only way to prohibit uses would be through a Planned Unit Development (PUD).

Vice Chair Lagrave asked if the Committee could stipulate that any future building expansions be reviewed and approved by the Committee. **Mr. Hayes** responded that they are not currently stipulated to conformance with the current site plan. Mr. Hayes stated that they could stipulate conformance with the site plan, so if the center were to redevelop, the stipulation would have to be amended through the Planning Hearing Officer (PHO) public hearing process, which could include the Committee's review and approval at the Chair's discretion.

Committee Member Warren asked for clarification that conformance to the site plan would require the footprint to stay the same unless a change comes back to the Committee for approval. **Mr. Hayes** responded affirmatively.

Chair Bowser stated that the stipulation could be substantial conformance to the site plan, which would require any changes to the building footprint to come back through the public hearing process.

Committee Member Carlucci asked where all the items under Stipulation No. 5 come from. **Mr. Zambrano** responded that these items are standard improvements that would be expected of any new development. Mr. Zambrano clarified that those improvements would only be applicable for redevelopment of the site or building expansion beyond a certain threshold. Committee Member Carlucci asked what type of cost-benefit analysis was done to support the stipulation. Mr. Zambrano responded that a cost-benefit analysis is not typically done for stipulations. Mr. Zambrano reiterated that these stipulations are standard stipulations that would be seen for any new development. Mr. Zambrano stated that due to proportionality, these improvements are not expected for an individual business like Cactus Racks. Mr. Zambrano stated that if the owner of the commercial center decides they want to expand the buildings, if the expansion goes beyond the stipulated threshold, then those improvements would be required as part of the expansion or redevelopment.

Committee Member Reynolds asked if there are any plans proposed. **Mr. Zambrano** responded that currently there are not.

Committee Member Warren stated that if the stipulation for substantial conformance to the site plan is added, then there could not be any future building expansion or redevelopment of the site without first coming back through the public hearing process for approval.

Chair Bowser clarified that Stipulation No. 5 would remain. Chair Bowser asked for clarification that if a developer was proposing a brand new development and rezoning a site from S-1 to C-2, they would see these stipulations. **Mr. Zambrano** responded affirmatively.

Committee Member Warren stated that if the stipulation for substantial conformance to the site plan is added, then Stipulation No. 5 could not be triggered without first coming back through the public hearing process for approval.

Mr. Hayes stated that if the site was redeveloped in the future, the owner would have to go through the Planning Hearing Officer public hearing process to modify the stipulation to a new date stamped site plan and would have to comply with Stipulation No. 5.

Committee Member Kirkilas asked for clarification if stipulations could be added to rule out the undesirable C-2 uses. **Mr. Zambrano** responded that stipulations cannot restrict certain uses in conventional zoning.

MOTION – Z-237-M-85-2:

Vice Chair Lagrave made a motion to recommend approval of Z-237-M-85-2, per the staff recommendation, with an additional stipulation. **Committee Member Warren** seconded the motion.

VOTE – Z-237-M-85-2:

8-2; the motion to recommend approval of Z-237-M-85-2, per the staff recommendation, with an additional stipulation passes with Committee Members Carlucci, Israel, Kirkilas, Kollar, Warren, Younger, Lagrave and Bowser in favor and Committee Members Birchby and Reynolds opposed.

VPC RECOMMENDED STIPULATIONS:

- 1. THE DEVELOPMENT SHALL BE IN SUBSTANTIAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED OCTOBER 3, 2025, AS MODIFIED BY THE FOLLOWING STIPULATIONS, AND AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**
- 4.2. All buildings shall exhibit a cohesive architectural theme and style with buildings on the entire site.
- 2.3. All on site lighting shall be a maximum of 15 feet in height including lamp, pole, and base.
- 3.4. There shall be a minimum 205-foot setback, measured from the centerline of Cave Creek Road, for the Cave Creek Road scenic corridor.
- 4.5. The area identified as “Desert Open Space Tract B” along the south side of the site, as depicted on the site plan date stamped October 3, 2025, shall be preserved in an undisturbed natural state.
- 5.6. Upon complete redevelopment or upon site plan approval and permit issuance for any new building(s) or structure(s) or expansion of existing buildings by at least 25% of the floor area, as shown on the site plan date stamped October 3, 2025, the following shall apply:
 - a. The maximum building height shall be 23 feet, as approved by the Planning and Development Department.

- b. Where pedestrian pathways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrasts parking and drive aisle surfaces, as approved by the Planning and Development Department.
- c. Bicycle parking shall be provided, consistent with Section 1307.H of the Phoenix Zoning Ordinance.
- d. A bicycle repair station ("fix it station") shall be provided and maintained on site. The bicycle repair station ("fix it station") shall be provided in areas of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include, but not be limited to, standard repair tools affixed to the station, a tire gauge and pump affixed to the base of the station or the ground, and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
- e. A minimum of 10% of the provided bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.
- f. A minimum of 10% of the required parking shall include EV Installed infrastructure, as approved by the Planning and Development Department.
- g. 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.
- h. A leak detection device shall be installed for the irrigation system of landscape areas larger than 10,000 square feet.
- i. A minimum of 25% of the 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 at maturity, or a combination thereof. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (Smart Controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.
- j. All bicycle infrastructure 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.

- k. A minimum of 65 feet of right-of-way shall be dedicated and constructed for the east side of Cave Creek Road.
- l. A minimum 6-foot-wide detached sidewalk, separated by a minimum 10-foot-wide landscape strip located between the back of curb and sidewalk, shall be constructed along the east side of Cave Creek Road, adjacent to the development, and shall comply with the following standards, as approved by the Planning and Development Department.
 - i. Minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant, shade trees, planted 20 feet on center, or in equivalent groupings, on both sides of the sidewalk to achieve a minimum of 75% shade.
 - ii. A mixture of drought-tolerant shrubs, accents, and vegetative groundcovers, maintained to a maximum height of two feet, evenly distributed throughout the landscape areas 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.

- m. A minimum of 40 feet of right-of-way shall be dedicated and constructed for the south side of Desert Willow Parkway.
- n. A minimum 6-foot-wide detached sidewalk, separated by a minimum 8-foot-wide landscape strip located between the back of curb and sidewalk, shall be constructed along the south side of Desert Willow Parkway, adjacent to the development, and shall comply with the following standards, as approved by the Planning and Development Department.
 - i. Minimum 2-inch caliper, single-trunk, large canopy, drought-tolerant, shade trees, planted 20 feet on center, or in equivalent groupings, on both sides of the sidewalk to achieve a minimum of 75% shade.
 - ii. A mixture of drought-tolerant shrubs, accents, and vegetative groundcovers, maintained to a maximum height of two feet, evenly distributed throughout the landscape areas 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.

- 6-7. Natural turf shall only be utilized in required retention areas (bottom of basin, and only allowed on slopes if required for slope stabilization) and functional turf areas, as approved by the Planning and Development Department.

- ~~7.8.~~ 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.
- ~~8.9.~~ 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.

STAFF COMMENTS REGARDING VPC RECOMMENDATION & STIPULATIONS:

Staff has no comments.