



Village Planning Committee Meeting Summary

Z-SP-2-24-3

Date of VPC Meeting	February 3, 2025
Request From	C-2
Request To	C-2 SP
Proposal	Special Permit to allow sales, parts and service dealership for new and used UTVs, ATVs, motorcycles, personal watercrafts, etc. and all underlying C-2 uses
Location	Approximately 125 feet south of the southwest corner of Cave Creek Road and Hartford Avenue
VPC Recommendation	Approval, per the staff recommendation
VPC Vote	13-0

VPC DISCUSSION:

Three members of the public registered to speak on this item.

Staff Presentation:

Matteo Moric, staff, presented an overview of the Special Permit rezoning case. Mr. Moric noted the location of the site and what the request was, and identified the surrounding land uses and zoning. Mr. Moric then shared General Plan Land Use information about the site such as the designation and the proposal not being consistent with it, however, Mr. Moric stated with it being less than 10 gross acres in size an amendment was not required. Mr. Moric then shared the site plan/landscape plan and highlighted the main components of the proposal. Mr. Moric showed pictures of the building elevations and stated there were no modifications proposed to these. Mr. Moric presented the staff findings, recommendation, and identified the recommended 19 stipulations. Mr. Moric noted the next steps and the hearing dates for the Planning Commission and City Council.

Applicant Presentation:

Ed Bull, representing the applicant with Burch & Cracchiolo, said he was working on behalf of RideNow Powersports. Mr. Bull stated the property had an operating business zoned C-2 and indicated it took some time investigating why this needed to go through this rezoning process. Mr. Bull said the site was originally built, developed, and

operated as a motorcycle store. Mr. Bull said his client and the predecessor sold ATV's, motorcycles and side-by-sides. Mr. Bull stated motorcycles could be sold in the C-2 zoning district without a Special Permit, but if ATV's or side-by-sides are sold there, the property needs C-2 plus a Special Permit. Mr. Bull said this is the same zoning you need for a car dealership. Mr. Bull said this business with its predecessor operated for a good number of years.

Mr. Bull noted that many of the recommended stipulations had to do with landscaping, trees and shrubs. Mr. Bull added this was an old commercial property with very little landscaping and would need to comply with the current code with landscaping along both street frontages. Mr. Bull said it had been challenging to keep landscaping on the property. Mr. Bull said there were questions about the parking along Hartford Street, but Mr. Bull believes this issue had been resolved. Mr. Bull said they tried to listen and changed some policies and practices to address concerns of the neighborhood. Mr. Bull said they were trying to keep a successful business going. Mr. Bull expressed his appreciation of working with staff on various plans for landscaping and felt all 19 stipulations were acceptable.

Questions from the Committee:

Diane Peterson noted there was a neighbor with concerns about test driving. **Mr. Bull** responded that the store manager talked with the neighbor, and said a neighbor was in attendance who had questions about test driving. Mr. Bull said it is not the case where customers test drive side-by-side out on the community streets. Mr. Bull said the insurance carriers would not allow for customers to test drive on city streets, and added employees are moving side-by-side from a separate storage lot. Mr. Bull mentioned that the store management has had conversations with their employees about the speed and conduct.

Eric Cashman asked if anything has changed for the business and asked if it's legal to ride the side-by-sides on streets, **Mr. Bull** said they are street legal, but they could not be driven on Cave Creek Road or Bell Road. Mr. Bull clarified they can be driven on a public street though, however, they do not let customers drive on the street. Mr. Bull said there is no change proposed for the site, but to follow all City rules, a Special Permit is required.

Mr. Bull believed this rezoning request would benefit the community and city with all the landscaping proposed. **Mr. Cashman** questioned where customers do go for the test driving. **Mr. Bull** emphasized that the customers do not test drive and the customers can either buy it or not.

Public Comment:

Scott Anderson stated the dealership has allowed vehicles to drive very fast down city streets. Mr. Anderson stated these vehicles have a potential speed of 60 to 80 miles per hour. Mr. Anderson explained that safety is the main concern, where any neighbor could be injured or killed. Mr. Anderson said that most of these vehicles did not have license plates so they should not be allowed on city streets. Mr. Anderson said he spoke with the store manager about why they don't have a remote test track without endangering

people in the streets. Mr. Anderson said he was in support of the Special Permit being passed with the condition these vehicles should not be allowed on city streets unless they are properly licensed. Mr. Anderson thought this was a good time for the business to consider a remote test driving track.

Gloria Pinkerton said she was a block watch leader and said she had met with several other block watch groups to work on creating a good neighborhood. Ms. Pinkerton said this coordination was to encourage businesses to care about the neighborhood. Ms. Pinkerton said the RideNow Powersports has been a business which has been taking care of the neighborhood for years, they have not had any issues with them, and added they maintain the trash from the transients and homeless. Ms. Pinkerton stated she was excited about the proposed trees and landscaping and was in support of the Special Permit. **Robert Goodhue** questioned if her or the people in the block watch experienced the vehicles being test driven in her neighborhood. Ms. Pinkerton said no, she did not notice ATV's being test driven except the ones in the neighborhood, where kids in the neighborhood owned ATV's.

Brent Huczel expressed concerns with trees growing into the powerlines and worried about a fire. **Eric Cashman** responded that the trees need to be cut back. Mr. Huczel wanted to know who was responsible for cutting the trees and felt trees should not be planted. Mr. Huczel believed the trees would be an invitation for vagrants.

Applicant Response to Public Comment:

Ed Bull said he appreciated the block watch's involvement and repeated that they were good neighbors, RideNow Powersports wants to continue to run a successful business in this location. Mr. Bull said he did not hear about problems with test driving until a week prior where city staff received a phone call. Mr. Bull reiterated that no customers are allowed to drive ATV's or side-by-sides on public streets and added if a service worker does take a service vehicle out, the manager would be very surprised if it happens anymore. Mr. Bull said they want to continue being a good neighbor, and said they do not have a location for a separate test track.

Mr. Cashman wanted to better understand the reason this case all started.

Mr. Bull said the issue goes back several years ago with the predecessor of the RideNow Powersports business. Mr. Bull stated the underlying owner owned a motorcycle shop and Mr. Bull believes a neighbor expressed concerns and called the city. Mr. Bull explained the Neighborhood Services Department came out and the prior business operator came to them, then the business sold to the current RideNow Powersports business. Mr. Bull noted through this process the owners learned that they needed a Special Permit.

Mr. Goodhue asked for clarification when vehicles are driven down the street, if they are driven by staff and if they have a temporary license plate.

Diane Peterson asked if anything notable had changed over the timeframe. **Mr. Bull** said he did not receive any correspondence on the issue and did not find out until a week ago after staff received a phone call and relayed the information to him.

Mr. Bull stated his office and the store manager promptly communicated with Mr. Anderson. Mr. Bull said the driving of these vehicles on the streets would be by the employees of the business, unless it is a motorcycle. Mr. Bull said they must follow all traffic laws including speed limits and he felt such a stipulation was not really a land use matter.

Ms. Peterson asked if assurances could be made. **Mr. Bull** said that he knew the store manager has provided his contact information to Mr. Anderson and contact information to his office was provided. Mr. Bull reminded the Committee that he never received a complaint until a week ago.

Chair Anita Mortensen suggested the concerned neighbor could contact the block watch or local police department to monitor the activities as well.

Floor/Public Discussion Closed: Motion, Discussion, and Vote.

MOTION

Robert Gubser motioned to recommend approval of Z-SP-2-24-3 per the staff recommendation. **Roy Wise** seconded the motion.

VOTE

13-0; motion to recommend approval of Z-SP-2-24-3 per the staff recommendation passed with Committee members Balderrama, Cashman, Goodhue, Gubser, Hall, Mazza, Peterson, Soronson, Sparks, Timm, Wise, Knapp, and Mortensen in favor.

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

None.