

ATTACHMENT D



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

To: City of Phoenix Planning Commission **Date:** February 27, 2025

From: Racelle Escolar, AICP
Principal Planner

Subject: ITEM NO. 10 (Z-SP-2-24-3) – APPROXIMATELY 125 FEET SOUTH OF THE SOUTHWEST CORNER OF CAVE CREEK ROAD AND HARTFORD AVENUE

The purpose of this memo is to recommend a modification to Stipulation 14 in response to updated comments from the Street Transportation Department and to convey additional opposition correspondence that has been received regarding this rezoning request.

Rezoning Case No. Z-SP-2-24-3 is a request to rezone 1.88 acres located approximately 125 feet south of the southwest corner of Cave Creek Road and Hartford Avenue from C-2 (Intermediate Commercial) to C-2 SP (Intermediate Commercial, Special Permit) for a Special Permit to allow a sales, parts and service dealership for new and used UTVs, ATVs, motorcycles, personal watercrafts, etc. and all underlying C-2 uses.

The Paradise Valley Village Planning Committee heard this request on February 3, 2025, and recommended approval, per the staff recommendation, by a vote of 13-0.

On February 13, 2025, the Street Transportation Department provided updated comments and requested a modification to Stipulation No. 14 to reflect the most up-to-date agreement with the applicant regarding the right-of-way easement.

Staff recommends approval, per the modified stipulations in **bold** font below:

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.

Enclosure:

Correspondence (16 pages)

SCOTT W. ANDERSON
2007 East Helena Drive
Phoenix, Arizona 85022

February 14, 2025

Dear Councilwoman Debra Stark:

It is my hope that the following is something you will support and advance to a council vote.

Re: A Stipulation request to be in conjunction with the City of Phoenix Special Permit Zoning (Case No. Z-SP-2-24-3). The applicant is RideNow PowerSports.

Currently, it is not possible for RideNow PowerSports to test-drive their vehicles in close proximity to the dealership without traveling on City streets. While this dealership sells both new and used all-terrain off-road type vehicles, most are new and consequently are either not yet licensed or not properly equipped to legally operate on City streets.

Rather than allowing potential customers of RideNow PowerSports to test drive vehicles capable of 60 to 80 MPH or more, the dealership has its employees do the driving while the potential customer goes along for the ride. The typical RideNow PowerSports prospective customer wants to see how fast the vehicle will go and how quickly it will accelerate to that high speed. A slow ride is not what this type of potential customer desires.

When considering the rationale of a stipulation, a person should ask themselves; if RideNow PowerSports is indeed obeying the city-street speed limit laws as well as requiring their test-ride vehicles to be street legal, why would they object to language that puts a Stipulation in writing? To make the proposed Stipulation as strong and enforceable as possible it could state that any violation by RideNow PowerSports may result in the rescission of the dealerships Special Permit.

Safety is my biggest concern, homeowners who have 25 MPH speed limits on their streets and 30 MPH on collector Streets like Grovers and 20th Street are not expecting to encounter vehicles traveling well over twice the legal speed limits. **Any of my neighbors in the area could be seriously injured or killed by one of these RideNow PowerSports vehicles going so fast.**

The solution is for RideNow PowerSports to permanently provide a close-by, remote test drive location where the vehicles can be operated at high speeds without endangering innocent people.

Respectfully,

Scott W. Anderson Home phone (602) 485-7819 and email at sw-anderson@cox.net

Case NO. Z-SP-2-24-3

FEB 24 2025

Planning & Development
Department

We, the undersigned, support an effort to control the speed of RideNow PowerSports vehicles traveling on our City of Phoenix streets.

Signature

Address

1) Scott K. Anderson 2007 E. Helena Dr.
Phoenix, AZ 85022

2) CK Anderson 2007 E. Helena Dr.
Phoenix, AZ 85022

3) Thien Tran 17437 N. 20th St Phx
AZ 85022

4) Lor Nguyen 17437 N. 20th St
Phx, AZ 85022

5) Scott Tran Phx, AZ 85022
17437 N. 20th St
17441 N 20th St
Phoenix, AZ 85022

6) [Signature] 17425 N. 20th

7) [Signature] PHX., AZ 85022

8) [Signature] 17425 N. 20th St
Phoenix, AZ 85022

Case No Z-SP-2-24-3

We, the undersigned, support an effort to control the speed of RideNow PowerSports vehicles traveling on our City of Phoenix streets.

Signature

Address

- 1) James B. Roda 2031 E. DANBURY RD.
PHOENIX, AZ 85022
- 2) Callahan Hansen 2028 E Danbury
PHX AZ 85022
- 3) Terry Lujano 2028 E Danbury rd 85022
PHOENIX AZ 85022
- 4) MANNY RAZO 2023 - E - DANBURY
PHX 85022
- 5) RICHARD McLANE 2019 E. DANBURY RD.
- 6) Yann Sleszynski 2020 Dove
Phoenix 85022
- 7) L. P. / Hotel 2020 Danbury Rd. 85022
- 8) Thomas Schell 17287 N. 21st St
Phoenix AZ 85022

Case No. Z-SP-2-24-3

We, the undersigned, support an effort to control the speed of RideNow PowerSports vehicles traveling on our City of Phoenix streets.

Signature

Address

- 1) Sam R. McBeal Phoenix AZ 85022
2124 E. Danbury Rd.
- 2) Roxanne Judd 2124 E. Danbury Rd
Phoenix, AZ 85022
- 3) Sydney Russell 2133 E DANBURY RD PHX
AZ
- 4) Barry P. Bodine 2133 E. Danbury Rd Phoenix AZ
85022
- 5) Erin J. Judd 2149 E Danbury rd PHX, AZ, 85022
- 6) Devon Ed 21 ''
- 7) Merica Alledge '' ''
- 8) Rhonda Montoya 2149 E. Danbury Rd.
Phoenix AZ 85022

CASE NO. Z-SP-2-24-3

We, the undersigned, support an effort to control the speed of RideNow PowerSports vehicles traveling on our City of Phoenix streets.

Signature

Address

1) Cruz VALENZUELA

17842 N 21st
PHX. AZ 85022

2) Virabit Lanza

2023 E. Libby St.
PHX. AZ 85022

3) Manuel Morales

2023 E. Libby St
PHX AZ 85022

Lesley Hernandez

4) Joshua

2023 E Libby St
PHX AZ 85022

5) Murphy

17822 N 20 PL
PHX AZ 85022

6) Carmelado

17818 N. 20 Pl.
PHX 85022

7) Juan A Pineda

17818 N. 20 Place
PHX. 85022.

8) Josh Jimenez

17814 N 20th place
PHX AZ
85022

CASE NO. Z-SP-2-24-3

We, the undersigned, support an effort to control the speed of RideNow PowerSports vehicles traveling on our City of Phoenix streets.

Signature

Address

- 1) Phyllis Ware 3107 E Michigan Ave. Phoenix ⁸⁵⁰³²
- 2) [Signature] 2034 E GROVERS AVE ^{PHX 85022} AZ
- 3) John M. Peterson 2040 E GROVERS AV.
- 4) Paul [Signature] 17802 N 21ST 85022
- 5) Javier Niebler 17815 N 21ST PHX AZ 85022
- 6) Omar Avce 17815 N 21ST PHX AZ 85022
- 7) [Signature]
- 7) 17827 N. 21st Phoenix AZ 85022
- 8) [Signature] 17827 N. 21st Phoenix AZ 85022

Case NO. Z-SP-2-24-3

We, the undersigned, support an effort to control the speed of RideNow PowerSports vehicles traveling on our City of Phoenix streets.

Signature

Address

1) Evan Reizo 17302 N. 22nd Way PhX

2) [Signature] 17150 N. 23rd St. 223

3) [Signature] 17321 N 22nd St Phoenix

4) [Signature] 17317 N 22nd Way, Phx

5) Jon Reizo 17302 N, 22nd Way

6) [Signature] 1945 E. Campo Bello Dr.

7) [Signature] 1945 E. Campo Bello Dr. Phoenix

8) Quachtemoc Lopez 1945 E-CAMPUBELLO DR.

Case No. Z-SP-2-24-3

We, the undersigned, support an effort to control the speed of RideNow PowerSports vehicles traveling on our City of Phoenix streets.

Signature

Address

1) Robert A. Hooper 17805 N. 20th St.
PHX, AZ # 85022

2) Beverly C. Broyles 17802 20th Pl. Phx AZ 85022

3) Matt Jones 17410 N. 22nd St. Phx, AZ 85022

4) Chris 2137 E. Campo Bello Dr.
Phoenix 85022

5) Steve 2126 E Campo Bello Dr.
PHX AZ 85022

6) Sandra A. Miloy 2121 E Campo Bello Dr.
PHX, AZ 85022

7) James S. Tindle 2121 E Campo Bello Dr.
Phoenix 85022

8) Jason Fiedenburg 17415 N. 20th St
85022

Case No. Z-SP-2-24-3

We, the undersigned, support an effort to control the speed of RideNow PowerSports vehicles traveling on our City of Phoenix streets.

Signature

Address

- 1) Bill Barte 2021 Helena Dr. Phoenix
85022
- 2) Kathy Barte 2021 Helena Dr. Phoenix
85022
- 3) Jack Sh. 2027 E Helena Dr, Phoenix
85022
- 4) Stephen Salter 2027 E Helena Dr, Phoenix
85022
- 5) GG 2039 E Helena Dr. Phoenix
85022
- 6) Raz 2039 E Helena Dr. Phoenix
85022
- 7) Supriya D 2041 E Helena Dr. Phoenix
AZ 85022
- 8) GGW 2123 E Helena Dr
Phoenix, AZ 85022

Case No. Z-SP-2-24-3

We, the undersigned, support an effort to control the speed of RideNow PowerSports vehicles traveling on our City of Phoenix streets.

Signature

Address

1) Paul Hunter 2114 E. Campo Bell, Phoenix, 85022

2) [Signature] 2049 E. Angela Drive, Phoenix, AZ 85022

3) Sharon Miller 2172 E. Angela Dr. Phoenix AZ 85022

4) [Signature] 2049 E. Angela Dr. Phoenix AZ 85022

5) Dan [Signature] 2122 E. Angela Dr., Phoenix, AZ 85022

6) [Signature] 17417 N. 20th St Phx AZ 85022

7) [Signature] 17417 N 20th St Phoenix AZ 85022

8) Kitty Newell 2017 E. Helena Dr. Phx AZ 85022

Case NO. Z-SP-2-24-3

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Signature

Address

1) Margan Rumore 2017 E. Helena Dr. Phx, AZ 85022

2) Rn Mule 2025 E. Helena Dr. Phx 85022

3) Laura Allen 2025 E. Helena Dr. Phx 85022

4) L. Myers 2031 E. Helena Dr. Phx 85022

5) S. White 2123 E. Helena Phx 85022

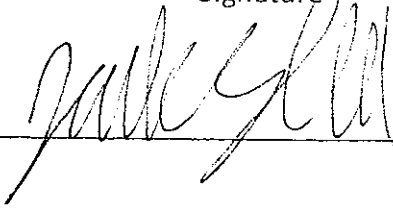
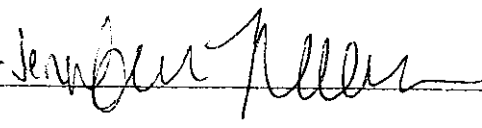
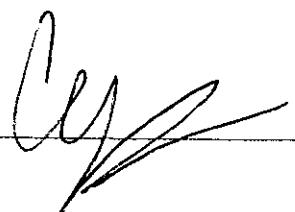
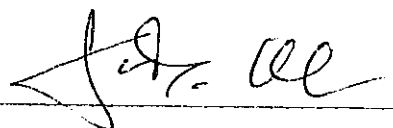
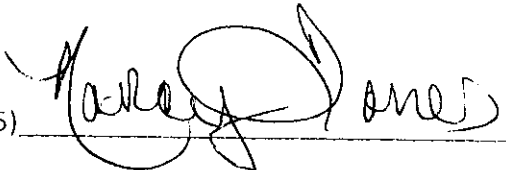
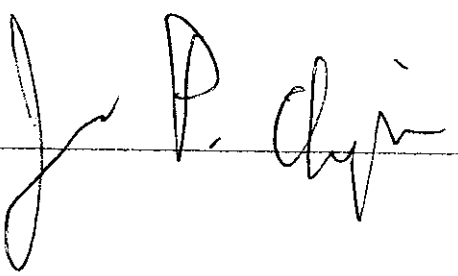


6) Orin Zhan 2108 E. Helena Dr. Phx 85022

7) Rhoa Do 2108 E. Helena Dr. Phoenix 85022

8) Kerin Do 2108 E. Helena Dr. Phoenix 85022

Case No. Z-SP-2-24-3

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- | | Signature | Address |
|----|---|---|
| 1) |  | 2107 E Helena Dr
Phoenix, AZ 85022 |
| 2) |  | 2013 E. Anderson Dr.
Phoenix AZ 85022 |
| 3) |  | 2021 E Anderson Dr.
Phoenix 85022 |
| 4) |  | 2029 E. ANDERSON
Phoenix, AZ. 85022 |
| 5) |  | 2047 E. Danbury Road
Phoenix, AZ 85022 |
| 6) |  | 2047 E. Danbury Rd
Phoenix AZ 85022 |
| 7) |  | 2040 E Danbury Rd
Phoenix, AZ 85022 |
| 8) |  | 2040 E Danbury Rd
Phoenix AZ 85022 |

Case No. Z-SP-2-24-3

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Signature

Address

1) Edgar C. Herrera

2045 E ANDERSON DR
PHX AZ 85022

2) Sherry K. Herrera

2045 E ANDERSON DR.

PHX AZ 85022

3) [Signature]

2006 E ANDERSON DR
PHX AZ, 85022

4) [Signature]

2000 E. ANDERSON DR
PHX, AZ 85022.

5) [Signature]

17421 N. 20th St
Phoenix Az
85022

17421 N. 20th St
Phoenix, AZ 85022

6) Patricia Anderson

2112 E. Danbury

7) Michelle Black

PHOENIX, AZ 85022

8) [Signature]

2148 E Danbury
PHX, AZ 85022

Case No. Z-SP-2-24-3

We, the undersigned, support an effort to control the speed of RideNow PowerSports vehicles traveling on our City of Phoenix streets.

Signature

Address Phoenix, AZ 85022

1) Ally Dink 2147 E. Dinkbury,

2) Janice C. Stell 17326 N. 23rd St Phx, 85022

3) Samuel M. Stell 17326 N. 23rd St. Phx 85022

4) [Signature] 17310 N 23rd St Phx, AZ 85022

5) [Signature] Nadia 17310 N 23rd St Phx, AZ 85022

6) [Signature] 2106 E Campo Bello Dr. Phx, AZ 85022

7) [Signature] " 2106 E Campo Bello Dr. Phx, AZ 85022 "

8) [Signature] " 2106 E Campo Bello Dr. Phx, AZ 85022 "

Case No. Z-SP-2-24-3

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Signature

Address

1) DAVE Schult 17207 W. 20th St PHX 85022

2) Jigana Novako via 2002 E Danbury
PHX, AZ, 85022

3) Jaymar Nbuonore 2002 E Danbury
PHX, AZ, 85022

4) Uwan White 2104 E. Danbury Rd
Phoenix, AZ 85022

5) Debley Wright 2104 E. Danbury Rd
Phoenix, AZ 85022

6) Shirley Hall 2103 E Danbury Rd
Phoenix, AZ 85022

7) Mhane 2108 E Danbury Rd
Phoenix, AZ 85022

8) _____

Please note: Change in Stipulation enforcement language marked in yellow.

CITY OF PHOENIX

FEB 25 2025

**Planning & Development
Department**

February 19, 2025

Dear Councilwoman Debra Stark:

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When considering the rationale of a stipulation, a person should ask themselves; if RideNow PowerSports is indeed obeying the city-street speed limit laws as well as requiring their test-ride vehicles to be street legal, why would they object to language that puts a Stipulation in writing?

We will leave it up to the City of Phoenix on how best to enforce this Stipulation.

Safety is our biggest concern, homeowners who have 25 MPH speed limits on their streets and 30 MPH on collector Streets like Grovers and 20th Street are not expecting to encounter vehicles traveling well over twice the legal speed limits. **Any of my neighbors in the area could be seriously injured or killed by one of these RideNow PowerSports vehicles going so fast.**

The solution is for RideNow PowerSports to permanently provide a close-by, remote test drive location where the vehicles can be operated at high speeds without endangering innocent people.

Respectfully submitted