

City of Maricopa
Conditional Use Permit Application



Applicant:

Private Motorsports Group, LLC

8902 E Via Linda, #110-152

Scottsdale, AZ 85258

Legal Representative:

Jordan Rose

Rose Law Group pc

7144 E. Stetson Drive

Scottsdale, Arizona 85251

480.505.3939

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Introduction

This application by Private Motorsports Group, LLC is for a Conditional Use Permit as allowed by Section 504.05 of the current City of Maricopa Zoning Ordinance (“Current Ordinance”) within the CI-2 Industrial Zone as well as allowed with a Use Permit by Section 1801 of the previous City of Maricopa Zoning Ordinance effective prior to December 2014 (The “Legacy Ordinance”). This request applies to the 280-acre property on the north side of State Route 238 between the Ralston Road and Warren Road alignments and identified by the Pinal County Assessor as parcel number 510-80-003-C (the “Property”). The Property is generally located about four miles west of State Route 347 (see Exhibit “A”).

Private Motorsports Group, LLC (“PMG”) is excited to bring a thrilling world class motorsports facility to the City of Maricopa, Arizona. APEX Motor Club (“APEX” or the “Club”) is an innovative business that will allow private members to enjoy a world-class driving experience along with the finest country club style amenities available. APEX will attract new investment, high-end consumers and tax revenues to the City.

PMG intends to develop a first rate motorsports club including up to 4.20 miles of premier racing surface, country club amenities, car condominiums, for-lease car storage units and a unique social setting. PMG will provide a club that gives automotive enthusiasts a social environment in which they can have unique automotive and motorsports experiences that are not normally available without such a venue. PMG’s inventive “garage area” will be similar to outdoor malls where club members may casually walk around and visit with other members, experiencing their vehicles and car culture. PMG plans to create the most premier motorsports experience in the Southwest.

Project amenities will include:

- **Race Track** – Initially with a curvaceous 2.27-mile track followed by a secondary 2.15-mile track which will be combinable to form a 4.20-mile race quality road course, PMG will provide APEX drivers with the opportunity to test their skills and experience the true capabilities of their cars on a safe, professionally-designed course created with the utmost attention to detail in road dynamics, track features and driver experience.
- **Clubhouse** – APEX will feature a high-quality clubhouse, where members can relax and socialize with each other. The facility will include motorsports TV programming throughout the clubhouse and include spaces for networking and work. The clubhouse will also feature a pro shop, where members may purchase apparel items and driving gear, and a snack bar with refreshments and light snacks.
- **Storage Garages** – APEX will offer up to 96 private ‘for-rent’ storage garages at the facility.
- **Garage Condominiums** – APEX will offer up to 168 garage units (to include some with premium track views) for sale. These car condominiums will provide complete autonomy to owners who may personalize and outfit them to their individual needs and tastes.
- **Kart Track** – APEX will also include a go-kart racing track to provide enthusiasts (adult and children) with yet another way to experience the thrill of driving in a safe, fun, and competitive environment.

- **Support Uses** – APEX will feature every amenity that owners of the finest automobiles would expect to find onsite, including fuel, basic maintenance services, cleaning and detail services, and general technical inspections.

Locational Attributes

The City of Maricopa is an ideal location for such a high quality motorsports facility. Currently, the Phoenix area is the largest metropolitan community without a premier private motorsports club. Yet when APEX Motor Club opens, the Phoenix Metropolitan Area will be the first in the country to have such a facility located within its geographic boundaries, as the clubs in other metropolitan areas are found anywhere from 50 to more than 140 many miles away (i.e., Autobahn Country Club, Chicago; Thermal Club, Los Angeles; Atlanta Motorsports Park, Atlanta; Monticello Motor Club, New York).

Due to its unique approach, APEX will be unlike anything proposed for the Phoenix Metropolitan Area. While a motorsports complex is currently being developed south of Casa Grande as part of a larger development to include a hotel, convention center and entertainment district, PMG's club will provide a more focused experience and will be significantly closer to the Phoenix Metropolitan Area. The Club is specifically targeted to motorsports enthusiasts and will be designed to create a private club social setting for such individuals.

The City of Maricopa is a prime market for such a club. As part of the Phoenix Metropolitan Area, Maricopa is home to and provides easy access to many professionals in the financial services, medical, technology, and construction industries as well as senior-level executives and retirees. Many of the area's winter residents are retired executives from other parts of the country. The Phoenix Metropolitan Area has some of the largest auto manufacturer fan clubs in the country, including Ferrari, Porsche, Lamborghini, Jaguar, Corvette and Mustang. Finally, Phoenix hosts several marquee auto entertainment events, including the Barrett-Jackson Collector Car Auction, Gooding and Company, RM Auctions, Russo and Steele, two (2) NASCAR races, one (1) NHRA event, one (1) Indy Race, and the Cars and Coffee and Saturday Night Cruise-In at the Pavilions. PMG is certain the Phoenix market can support the facility, and that demand in the City of Maricopa – only 30 miles from Phoenix Sky Harbor Airport – will be robust.

The property's location on State Route 238 within Maricopa means that nearly everyone who visits APEX will have the opportunity to frequent the cluster of businesses located in the area where the highway meets State Route 347. It is anticipated that these businesses will see a noticeable increase in revenues from those who stop to purchase food, fuel, or other goods on their way to or from the club.

Existing Zoning Rights

The site currently has CI-2 Industrial zoning, which per the Legacy Ordinance allows for the following related uses:

- Apparel store

- Amusement or recreational enterprise (outdoor) including archery range, miniature golf or practice driving or putting range, games of skill or science, pony riding ring without stables, swimming pool or commercial beach or bathhouse, tennis court
- Auction, public (no animals)
- Auditorium or assembly hall
- Auto rental garage
- Auto repair, mechanical or steam washracks, battery service (no body or fender work, painting or upholstery, except as incidental)
- Automobile or trailer assembling, painting, upholstering, rebuilding, reconditioning, sale of used parts, truck repair or overhauling, tire rebuilding or recapping, battery manufacture and the like.
- Bar, cocktail lounge, night club, tavern
- Barber or beauty shop
- Cafe, lunch room (provided no dancing is allowed and no alcoholic beverages sold except beer and wine)
- Cigar store
- Club: Athletic, private, social, sport or recreational (operated for profit) except sports stadium or field
- Garage equipment
- Gasoline service station (incidental repairing only) subject to the provisions of Section 2107
- Gift, curio, novelty, toy or hobby shop
- Hotel
- Ice cream store
- Motorcycle or motor scooter repair or storage
- Museum
- One-family dwelling unit, conventional construction, or manufactured home or mobile home as watchman or caretaker's quarters in conjunction with an established, permitted use.
- Refreshment stand
- Sale, rental or display of: Automobiles, recreational vehicles, travel trailers, motorhomes, and trailers
- Sporting goods, hunting and fishing equipment store

Note: This list is demonstrative only and in no means is intended to be exhaustive. Notwithstanding this application, PMG reserves all rights to use the property as allowed within all applicable codes.

Conditional Use Permit Request

While each of the above uses are allowed by right under the Legacy Ordinance, this conditional use permit request is for the following uses, which are consistent with those listed above, but are not explicitly allowed within the CI-2 zoning district:

- Heliport
- Race Tracks
- Restaurants

The Legacy Ordinance states in Section 2302 that Heliports and Race Tracks may be authorized “in a district from which they are prohibited by this Ordinance, when found to be in the interest of the public health, safety and general welfare of the community and surrounding areas.”

Furthermore, while “Restaurants” are not explicitly permitted within the CI-2 Industrial Zone, the Planning Commission may “deem [them] appropriate in the public interest” and may issue a conditional use permit allowing them to locate in the zoning district. Noteworthy, under the Current Ordinance restaurants are also allowed by Administrative Use Permit within the property’s GI General Industrial zoning district designation which is comparable to the existing CI-2 designation.

Proposed Conditional Use Permit meets the requirements of the Legacy Ordinance and the Current Ordinance

Section 1801(d) of the Legacy Ordinance states, “The Commission shall consider whether the use will create any foreseeable flood, traffic or health hazards or nuisances.” The following discussion will demonstrate that this proposal does not create any such hazards or nuisances. Furthermore, a Noise Study is being submitted with this application. The study confirms that none of the proposed uses on the site will create any such hazard or nuisance to the surrounding area.

Section 504.05 of the Current Ordinance allows the Planning and Zoning Commission to approve a Conditional Use Permit for land uses if certain tests are met. Again, the following discussion will demonstrate that the proposal meets or exceeds each required Use Permit test.

The proposed use is allowed within the applicable Zoning District and complies with all other applicable provisions of this Code and the Maricopa City Code;

As mentioned above, the Legacy Ordinance states in Section 2302 that Heliports and Race Tracks may be authorized “in a district from which they are prohibited by this Ordinance, when found to be in the interest of the public health, safety and general welfare of the community and surrounding areas.”

Airports and Heliports are also allowed with a Conditional Use Permit within the GI General Industrial district of the Current Ordinance, per table 205.02.

Furthermore, while “Restaurants” are not explicitly permitted within the CI-2 Industrial Zone, the Planning Commission may “deem [them] appropriate in the public interest” and may issue a conditional use permit allowing them to locate in the zoning district. However, restaurants are also allowed by Administrative Use Permit within the GI General Industrial zoning district designation under the Current Ordinance which is comparable to the existing CI-2 district.

Hence, these uses are allowed under both the Legacy Ordinance and the Current Ordinance.

Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan and/or policies that the City has adopted;

The PMG project – and the uses proposed herein – are entirely consistent with the goals and objectives of the land use chapter of the City of Maricopa general plan, with specific relevance to the following:

- “Goal 1: Achieve a balance in the community between jobs and housing.”
 - “Objective a: Support land use requests that improve the balance between housing and employment within the Maricopa Planning Area.”
 - *Comment: Many jobs will be created by APEX, allowing residents in Maricopa and the surrounding area to work closer to home.*
 - “Objective e: Encourage, through land use controls, the development of hospitality uses including hotels, resorts and restaurants.”
 - *Comment: The Club will attract new visitors to the City of Maricopa and may help spurn the development of additional hospitality uses within the community.*
- “Goal 4: Minimize conflicts between land uses.”
 - “Objective a: Address land use compatibilities and incompatibilities when considering zone changes and development approvals.”
 - *Comment: The PMG project is surrounded by primarily vacant land and agricultural uses in an area called out in the general plan for employment and related uses. As such, it is entirely compatible with existing and planned conditions.*
 - “Objective b: Establish adequate buffers and transitions that include open space and landscaping between substantially different land uses.”
 - *Comment: The project will feature adequate buffers achieved through landscaping, site plan layout, berming, and fencing.*
 - “Objective f: Seek appropriate buffers and land use transitions along Native American Community boundaries. Support lower density/intensity land uses along Native American Community boundaries.”
 - *Comment: The site plan is ‘low-density’ in nature and will be sensitive to the Gila River Indian Community lands to the north.*

The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the Zoning District where it is located and conform in all significant respects with the General Plan and with any other applicable plan or policies adopted by the City Council;

APEX Motor Club meets this requirement because:

- 1) Location: The site is in a primarily industrial/employment area located away from residential areas,

- 2) Size/Design: The site is appropriate for the proposed use, as it allows for the preservation of open space and mountain views,
- 3) Operating Characteristics: The Club will enable members to socialize, enjoy their vehicles, and enhance their skills in a safe environment.

In addition, the Property's General Plan land use categories of Employment and Commercial, along with the existing CI-2 zoning district itself, allow for a broad range of uses with the primary objective of promoting the economic development of the City of Maricopa. APEX is consistent with this purpose because it will attract members and visitors who will:

- 1) Make investments in the City of Maricopa through real property purchases (condominium garages),
- 2) Pay rental taxes on leased garages,
- 3) Pay fuel and transaction privilege taxes on eligible purchases on the property, and
- 4) Spend money at existing and future Maricopa businesses.

Importantly, the project will also create many new jobs for residents in and around the City of Maricopa.

In addition, economic development interests will be further served as APEX Motor Club gains national recognition and brings new attention to the City of Maricopa and its willingness to host this world-class facility.

The proposed project will not be injurious or detrimental to the property or improvements in the neighborhood or to the general welfare of the City, specifically:

1. The proposed use will not emanate any nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;

APEX Motor Club will comply with all applicable city codes and will not emanate any nuisances that are injurious or detrimental to the neighborhood or the general welfare of the city. The project's fencing and berms, intended primarily for security and safety, will also serve to buffer adjacent properties from any noise generated on site. The paved race tracks will keep dust and other potential issues to a minimum. PMG is committed to maintaining a safe and enjoyable environment on the property itself for its members and guests to enjoy, which in turn will ensure that surrounding properties are not impacted negatively in any way either.

It should be noted that the surrounding land uses include vacant desert land to the north, primarily vacant desert land to the west, an inactive landfill to the east, and farmed agricultural land to the south on the other side of State Route 238 and the noisy and

heavily used dual-track Union Pacific rail line (See Exhibit "B"). The PMG project will not have any negative impact on the surrounding properties or the community as a whole.

2. The proposed use will provide adequate control of disruptive behavior both inside and outside the premises, which may create a nuisance to the surrounding area or general public, where applicable;

As mentioned above, APEX Motor Club will be a premier members-only facility focused on creating and perpetuating a safe and enjoyable environment where club members and guests are able to develop their talents and fine tune their vehicles. An individual's well-being and security are key to accomplishing this mission and members and guests will be expected to follow safety rules and a club code of conduct, with disciplinary provisions that are enforceable by the club. Disruptive behavior will not be tolerated, and realistically speaking, is not expected to occur in this world-class facility.

3. The proposed use will not create any significant increase in vehicular or pedestrian traffic; and

While APEX Motor Club will certainly be a popular destination for residents of Maricopa and the Greater Phoenix area, the increase in traffic will not exceed what is anticipated for this area of the City and will be in-line with what might be predicted by the parcel's general plan and zoning designations. Per the City of Maricopa's Area Transportation Plan, State Route 238 is functioning as a Major Collector and is designated in the long-term as a Major Arterial with the expectation that currently has the capacity to absorb the traffic generated by this project.

Pedestrian traffic impacts are expected to be minimal given the destination nature of the facility and the fact that it is surrounded by primarily undeveloped land.

4. The proposed use will be compatible with existing uses and structures.

As mentioned above, the number of existing uses and structures in the vicinity is minimal. The surrounding land uses include vacant desert land to the north, primarily vacant desert land to the west, an inactive landfill to the east, and farmed agricultural land to the south on the other side of State Route 238 and the noisy and heavily used dual-track Union Pacific rail line. PMG's facility is compatible and will include adequate buffering, landscaping, berming, and fencing to ensure that it fits in well with the area both now and in the future.

Adequate public services and facilities and infrastructure are available to serve the proposed project

State Route 238 provides access to the site, which is located approximately four miles west of State Route 347. As mentioned above, the current configuration of the highway is anticipated to accommodate traffic generated by the project.

In regards to public safety, APEX is pleased to be served by the Maricopa Police Department and the Maricopa Fire Department.

For additional information see the Utilities and Infrastructure section of this narrative.

For Conditional Use Permits, that the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood and the community

The Club will bring great prestige and attention to the City of Maricopa. As such, the world-class facility will be a point of pride for city residents and officials. It is anticipated that the club will become a frequent destination for auto enthusiasts from not only Arizona but throughout North America. These visitors will frequent Maricopa businesses, generate sales tax revenues both on and off of the property, and will likely promote their activities and their location in Maricopa on social media sites with a worldwide reach.

PMG is designing the facility to be compatible with the surrounding neighborhood and community. Great care will be taken to ensure that APEX projects a feeling of high quality both within and without the facility. Landscaping, berming, fencing and the facility's internal layout will ensure compatibility with and desirability for surrounding neighborhoods and the community. Maricopa residents will be proud to have APEX Motor Club within the city.

Architecture and Design Details

The conceptual site plan for the project is driven (literally) by the track design. The goal from the beginning of the projects inception was for the track to be a special experience for the driver. This goal and how to effectively manage the bisecting wash through the site motivated many of the site planning decisions. The entry from Ralston Road cohesively fits with the track design, and with this entry alignment allows drivers to be funneled to the center of the track maximizing a track design with long straightaways. Additionally, this entry location keeps access as far east as possible and at an access point from SR 238 that has already been planned by both ADOT and the City of Maricopa. Entrance to the site will be controlled via a gated access at two locations off Ralston Road, with the entire site fenced on all sides. Visibility from SR 238 will be mitigated with the use of an eight (8) foot berm that will have some undulation to maintain a natural appearance and will run the entire length of the south property line. The center core development area of the project is focused on the club house building and flanking track side condominium buildings. To the east of these key buildings is a parking field that will be multi- purpose to

accommodate truck and trailers for race day vehicles and crew, a zone for tents on expo days, as well as general car and vehicle parking as necessary. Further to the east from the center club house there will be a general maintenance building, a fueling station for cars and vehicles, and then a block of non-track side car storage condominiums. To the north of the storage units are the karting center and related asphalt kart track/skid pad. This asphalt zone will be a multi propose area that will have various uses including space to set up multi-configurable kart tracks, a skid pad for cars use, and a defined area for helicopter landings.

The architecture for the project is based on an integration of industrial and desert forms to create a unique style and theme for the overall development. The concrete masonry elements of the building will have a desert stylized pattern that are juxtaposed with the metal panel, steel, and glass creating a comfortable contemporary feel for each of the buildings. The multi-purpose building will be the main club house, sales, and operations building until the other phases of the project are developed. The track side condominium buildings feature direct access to the track pit area with doors on both sides of the units. All of the track side condos feature elevated mezzanines. The club house will have features and amenities similar to that of a golf club house with track side viewing areas, and a second floor viewing deck to take advantage of track side views. As noted above, the architecture of the project integrates masonry as well as more traditional metal building materials to allow for both building types to reside on the project and be connected in color, material, and style. The other buildings located on the site plan beyond those provided in this submittal package will be designed and developed to be related to these key buildings and therefore in substantial conformance to these initial designs.

Utilities and Infrastructure

Domestic Water:

The domestic water service for the proposed buildings will be provided via a private water well and pump supply system. The pump will feed a domestic water main through the proposed developed site area. Building services will be provided from this main. It is anticipated that the well and pump will be located near the fire suppression reservoir to allow the well to fill the reservoir. However, the actual location may change pending further coordination with the well and pump consultant. The domestic water will also be used for landscaping.

Sanitary Sewer:

The sanitary sewer service for the proposed buildings will be provided via a private sewer septic system or leach field. A gravity collection main will be routed through the proposed developed site area to the leach field. Building services will be provided from this main. It is anticipated that the leach field or septic system will be located on the east side of the property. However, the actual location may change pending further coordination with the septic consultant.

Fire Suppression:

The developed site area fire suppression will be provided via a private fire system including a fire suppression reservoir, reservoir intake and pumps. The pumps will draw from the reservoir to supply a fire main throughout the developed site area. Building fire sprinkler services onsite fire hydrants will be provided from this main. Fire hydrants will be spaced approximately 300 feet apart throughout the portion of the developed site containing buildings and occupied structures. The reservoir will be located at the east end of the Phase II track section. It is anticipated that the pump station will be located near the domestic water pump facilities. However, the actual location may change pending further coordination with the well and pump consultant. Fire suppression for the race track portion of the project will be handled by mobile fire suppression units.

Stormwater Retention:

The required 100yr – 2hr stormwater retention will be provided via multiple surface retention basins throughout the site. Retention basins that store less than 12” of stormwater will not require mechanical bleed-off mechanisms. The retention basins at the southeast corner of the site will be maximized to the available storage area around the track as they will store runoff from the developed portion of the site. A proposed retention basin is anticipated at the northeast corner of the site to retain the proposed large paved apron planned at this location. The retention basins will not occupy more than 50% of the required front and side yard setback areas.

Off-Site Stormwater (Existing Wash)

Off-site stormwater flows enter the site from the southwest corner of the site and run northeast through the existing wash to the northeast corner of the site. This existing wash will be left relatively undisturbed, with the exception of the track crossings which will have culverts. It is anticipated that the majority of the flow will be contained within the existing channel, however there may be some areas where it overtops and may even wet the track. No racing would occur during these times. It is understood that the track will be cleaned prior to use.

The existing wash has been determined to be non-404 and therefore no additional 404 permits will be required.

Phasing of Development

PMG has engaged Phoenix-based general contractor LGE Design Build (“LGE”) to assist with the design, engineering and construction of the Club. LGE has a solid reputation as one of Arizona’s Top Design Build General Contractors and over the past 20 years, it has designed and built more than 18 million square feet and 800 projects in the commercial, hospitality, restaurant, retail and industrial sectors.

Motorsports Services International will assist in designing APEX's world-class motorsports experience in order to make APEX the most desirable road course and private motorsports club in the Southwestern United States.

APEX's development will be comprised of three phases:

PHASE I:

1. 2.27-mile track
2. 48 garages (condominiums) of 1,250 square feet each
3. Temporary Multi-Purpose Building

PHASE II:

1. 48 garages (condominiums) of 1,250 square feet each
2. Fuel Station
3. Tune Shop
4. Permanent Multi-Purpose Building

PHASE III:

1. 2.15-mile track
2. 24 garages (condominiums) of 1,250 square feet each
3. 48 garages (condominiums) of 625 square feet each
4. 96 garages (for-lease) of 625 square feet each
5. Clubhouse
6. Karting Complex

Conclusion

This Conditional Use Permit application meets all of the requirements of the Ordinance. PMG's facility, APEX Motor Club, will be an economic boon for the City of Maricopa and a point of great pride for the community. The project will quickly achieve a strong national reputation for quality and success. The world class nature of the track, the clubhouse, the garages, the kart track, the potential retail, and the supporting amenities will give auto enthusiasts from around Arizona an opportunity that is unmatched in other parts of the country. Current and future businesses along State Route 347 and State Route 238 will see increased income and the City of Maricopa will see a corresponding increase in tax revenues. The City of Maricopa will also become known as a welcoming host city and partner, and the many members and visitors to the APEX Motor Club will have a firsthand opportunity to experience all that the community has to offer. Because many of these individuals will be business owners and executives, it will not be surprising if additional business opportunities are created in the City of Maricopa as these individuals become acquainted with the terrific economic development prospects offered by doing business in the Maricopa area.

Exhibit A
Property Location

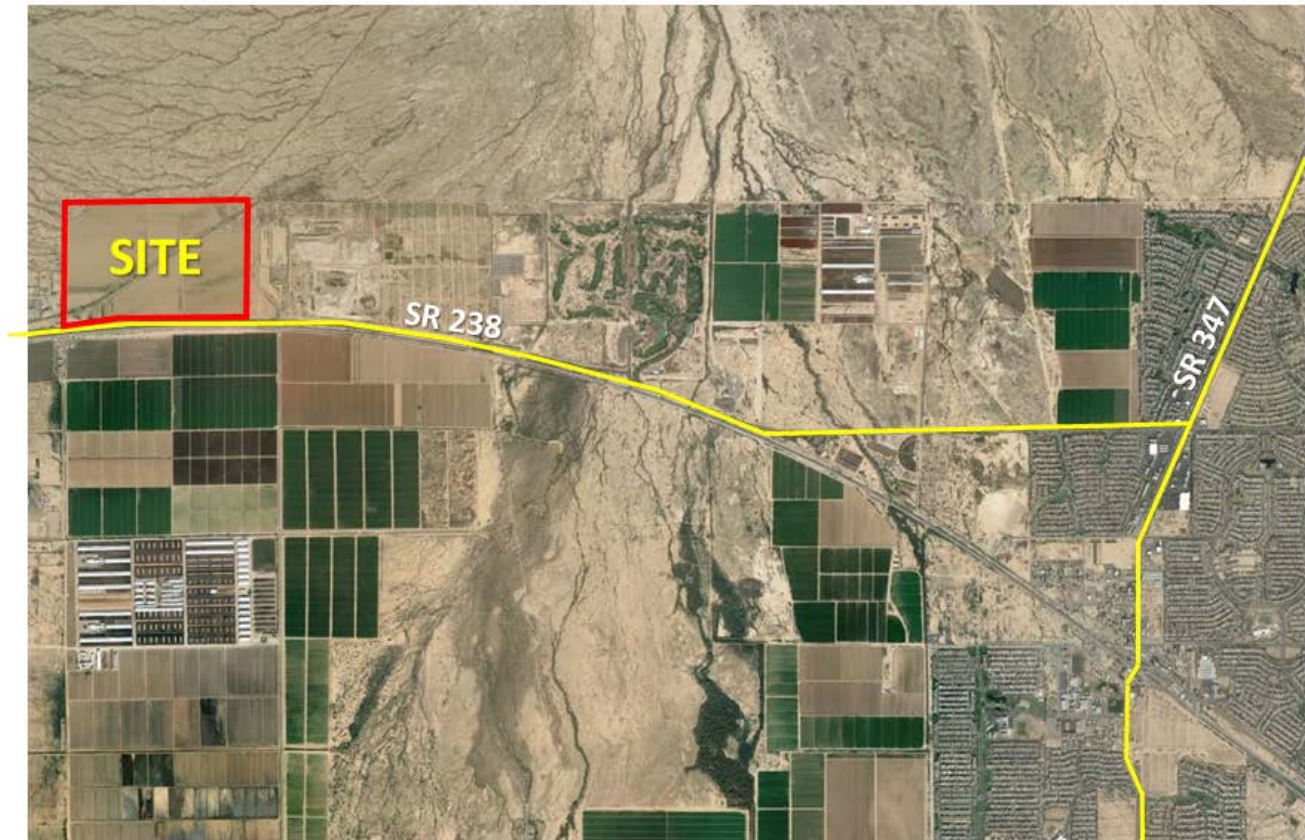


Exhibit B
Surrounding Land Use

