

STAFF ANALYSIS

REQUEST

PUBLIC HEARING: CUP17-01: Rose Law Group on behalf of Apex Private Motorsports Group LLC, is requesting a use permit per as required per the entitled Zoning District, CI-2 Sec. 1801 of the pre-existing Zoning Code, to operate a motorsports facility on 280 acres of land located at the Northwest corner of Ralston Road and State Route 238. DISCUSSION AND ACTION.

RECOMMENDATION

Staff recommends approval of case # CUP17-01, subject to the conditions of approval stated in this staff report, and as amended by the Planning and Zoning Commission.

COUNCIL PRIORITIES AND/OR THEMES ADDRESSED

- Transportation Connectivity
- Quality of Life
- Economic Sustainability
- Managing the Future
- Public Safety

APPLICANT

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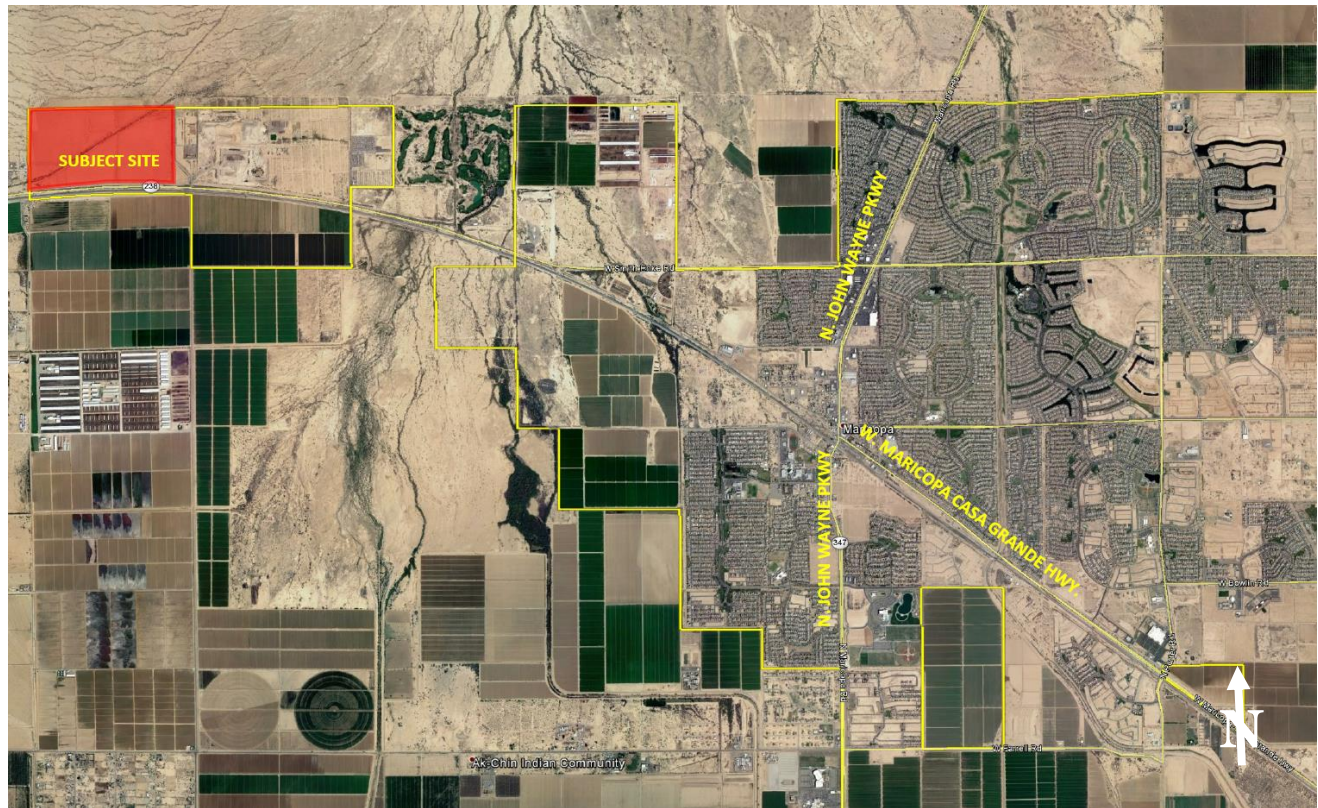
HISTORY

- 1963: County Board of Supervisors approves rezoning from General Rural (GR) to Industrial (CI-2) Zone, case # PZ-07-63.
- 2007 On April 9, 2007, City Council approves annexation petition that includes the subject property.

SITE DATA:

Site Area:	280 Gross Acres
Current Land Use:	Vacant
Existing Zoning:	CI-2 (Industrial Zone)
Existing General Plan Land Use:	Employment and Commercial
Flood Zone:	Not within a floodplain
Parcel #	510-79-003C and 002C

SITE CONTEXT/AERIAL:



SURROUND LAND USE AND ZONING:

Direction	Existing Zoning	Existing Use
North	N/A	Gila River Reservation
East	CI-2 Zoning	Landfill facility
South	Pinal County	Farmland
West	Pinal County	Industrial businesses

STAFF ANALYSIS

Rose Law Group on behalf of Apex Motorsports is requesting an Industrial Use Permit (Conditional Use Permit) to operate a motorsport facility. An Industrial Use Permit is required in accordance with previous Zoning Code, Article 18, Sec. 1801(d). The property was rezoned in 1963 as part of a mass rezoning request from General Rural (GR) to Industrial Zoning (CI-2) to serve several large feed lots. The property was then incorporated into the City's jurisdiction in 2007 as part of annexation petition request ANX06-02.

When the City of Maricopa adopted its current Zoning Code in 2014, the adoption did not re-designate existing zoning districts to the compatible zoning districts in the new zoning code. Instead property owners retained their current zoning district under the previous zoning code; however, all development and improvement standards such as lighting, parking, screening, landscaping, etc., are regulated under the new Zoning Code. During this time of transition, property owners are encouraged to rezone their properties to the applicable zoning district within the new Zoning Code. The only instance where the applicant will be required to rezone is when the proposed use is not a

permitted use listed under the previous Zoning Code, and the applicant is forced to rezone to an applicable zoning district that will allow such a use.

In the case of Apex Motorsports, a racetrack type of use is listed as a permitted use within the previous Zoning District of CI-2 Article 18. However, per Sec. 1801 (d) an Industrial Use Permit (IUP) is required to be heard by the Planning and Zoning Commission and City Council and shall consider if the use will create any **foreseeable flood, traffic, health safety hazards or nuisances**. This request is being processed through a Conditional Use Permit (CUP), which is the most compatible zoning application for the City of Maricopa, however being reviewed with a level of scrutiny as an IUP. The process of the IUP is an addition to the city's site plan review process (Development Review Permit), which will be presented for review and approval at a later date.

The motorsport facility will include a 4.20-mile race track course, clubhouse facility, storage garages for rent, garage condominiums, and go-kart racing track. For further information on the proposed facility please refer to Exhibit A – Narrative.

Per previous Zoning Code, Article 18, Sec. 1801 (d) the following items were required to be submitted by the applicant:

1. Application and concept site plan.
2. A public notice published in a newspaper of general circulation.
3. Site posting on the property of the scheduled public meetings.
4. The applicant held a neighborhood meeting to further solicit input on the request, per the City's Zoning Code, Sec. 502.05 (B).

In reviewing the CUP request, the following items were reviewed to assure that the use will not generate flooding, traffic, or create any health safety hazards or nuisances to the area.

1. **Planning Maricopa (General Plan):** The subject site is surrounded with Employment designation with the exception of a small portion on the Northeast corner of Warren Road and Maricopa Casa-Grande Hwy which is designated as Commercial. Staff has no objection not including a commercial/retail component as staff intends to re-designate the Northeast corner to Employment as part the next General Plan Update (refer to Exhibit D, Land Use Map Site Location). In addition, the following are goal and objective have been identified as applicable to the request.

A. **Land Use Goal B1.2:** *Develop Maricopa as a collection of villages and districts with distinct community names, themes, and unique character to reflect the variety of character, culture, and history that makes each area of Maricopa unique.*

a. **Objective B1.2.1:** *Proactively manage future development and partner with developers to create distinctive communities.*

Other recreation type activities have naturally located in this general area such as the skydiving operation west of the site, and Southern Dunes Golf course located just east of this proposed site. With the addition of a motorsports facility, the area has the potential to become a recreation activity corridor attracting other similar type businesses.

2. **Site Design:** Site concept layout shows the race track spread out throughout the entire site. Landscape buffer strips are shown on the perimeter of the property, per the submitted

conceptual site plan. Site fencing standards will restrict chain link fencing along the public ROW, per the City's Zoning Code development regulations. Adhering to the city's buffer landscape requirements with dense vegetation and fencing standards, and by providing a decorative fencing material other than chain link fencing will help ~~deter~~ mitigate any nuisance sounds generated from the use (Refer to Exhibit B, Conceptual Site Plan).

3. **Sound Study:** Per Zoning Code, Sec. 408.05 (C) the use of automobiles creating unnecessary grating, grinding, rattling or other noise is prohibited if exceeds the maximum decibel levels. To further understand how far noise is generated from such use, the applicant has submitted a third party noise study to address the concern of potential noise impact. Based on the findings, no nuisance noise will be generated to nearby existing and planned residential developments (refer to Exhibit E, Sound Study).

4. **Preliminary Drainage:**

The Engineering Division has reviewed the preliminary design and is satisfied with the initial methods by leaving the existing wash in place and providing numerous retention basins, the drainage for the site should be an acceptable engineered solution. Final drainage report and drainage plans will be reviewed and approved as part of the next development stage, Development Review Permit application.

5. **Preliminary Traffic Data:**

The Engineering Division does not anticipate major issues regarding traffic congestions. A right turn only lane is already in place and the applicant has indicated that they will provide a left turn lane onto Ralston Road. This should satisfy the traffic requirements for the site. Additional half street dedications and improvements will be needed for Ralston Road, Warren Road, and State Route 238. Also, a second point of access will be needed as the current site plan shows two entrances, but both are located off of Ralston Road.

6. **Technical Advisory Committee Review:**

The application was presented to the TAC on March 7, 2016. No major comment or concerns were made during the review.

PUBLIC NOTIFICATION/COMMENTS

Notification letters were sent out to property owners within 300 feet of the property letters advertising the proposed request and scheduled public meetings. Public notice signs were also posted on the property and a legal notice was published in the Maricopa Monitor and Casa Grande Dispatch ~~also~~ advertising the public meeting date and times (refer to Exhibit C, Citizen Participation Report).

At the time of writing this report, staff has not received any form of objection to the use request, with the exception of Waste Management noticing and the applicant of their entitled right of the nearby land use (refer to Exhibit C).

CONCLUSION

Staff has determined, based on the stated facts and criteria, that a recommendation of approval for Conditional Use Permit (CUP) 17-01 be submitted to City Council for their consideration. Subject to the following conditions listed below, and as amended by the Planning and Zoning Commission.

1. Application for Development Review Permit shall be submitted and reviewed in accordance with Article 505 Development Review Permit, and any other applicable sections of the current Zoning Code of the city such as but not limited to, Lighting, Landscaping, Parking, Screening, and Performance Standards.
2. The development shall adhere to all applicable current sections within the city's Subdivision Ordinance and/or subsequent standards City adopts if the site is developed in several phases in the future.
3. If, and when the city initiates a mass rezoning of properties to comply with the current Zoning Code (adopted 2014), the applicant shall be willing to participate and comply in the rezoning process of the property to a comparable zoning district of the city's new Zoning Code.
4. All public roadway dedications and infrastructure improvements for Ralston Road, Warren Road, and State Route 238, shall be in accordance with the current City of Maricopa standards and/or subsequent standards that are developed by the City, and as approved by the Director of Public Works or City Engineer and installed by the developer.
5. The applicant shall submit and secure all required applications, plans supporting documents submittals, approvals and permits from the applicable federal, state, county and any other agencies as applicable.
6. The development and operation of the proposed Facility shall be in accordance with all applicable Arizona Department of Environmental Quality (ADEQ) requirements, if applicable, and other regulatory agencies rules and regulations.
7. The applicant/property owner shall have met and complied with all applicable fire codes under the IFC 2012, including amendments, as well as related National Fire Protection Agency (NFPA) guidelines, to the satisfaction of the Maricopa Fire Department.

Exhibit A – Narrative

Exhibit B – Conceptual Site Plan

Exhibit C – Citizen Participation Report

Exhibit D – Land Use Map, Site Location

Exhibit E – Sound Study

Exhibit F – Renderings

-- End of staff analysis --

