



Report to the Board of Adjustment

Prepared by the Maricopa County Planning and Development Department

Case: TU2018042 – Wildlife Reservation Temporary Events

Hearing Date: January 24, 2019

Supervisor District: 5

Applicant: Richard Mladick

Property Owner: Mladick II, LLC

Request: Temporary Use Permit (TUP) Extension to permit ongoing special/temporary events at a private park/private wildlife reservation (fishing lake) for a two year period per MCZO Art. 1302.2.9

Site Location: APN 400-46-007A @ 24445 W. Sunrise Dr. – Miller Rd. and Sunrise Dr., in the Buckeye area

Site Size: 5,227,200 sq. ft. (120 acres)

Current Use / Zoning: Vacant/Rural-43

Open Violation: **No Violation on property**

Citizen Support/Opposition: No known opposition

Findings: **Staff recommends approval of TUP request for 6 months**

Background:

1. **June 10, 2016:** The current owner took possession of the subject site via a Trustee's Deed recorded under docket **20160403518**.
2. **January 12, 2017:** The Board of Adjustments (BOA) approved TU2016033, a TUP to permit ongoing special/temporary events at a private park/private wildlife reservation (fishing lake) for a two year period.
3. **December 3, 2018:** The applicant filed TU2018042 requesting a two year extension.

Reviewing Agencies Comments:

4. **Engineering (Transportation, Drainage, and Flood Control):** No objection to the request, see attached memo dated January 10, 2019.
5. **Environmental Services Department (MCESD):** No objection to the request, see attached memo dated December 10, 2018.

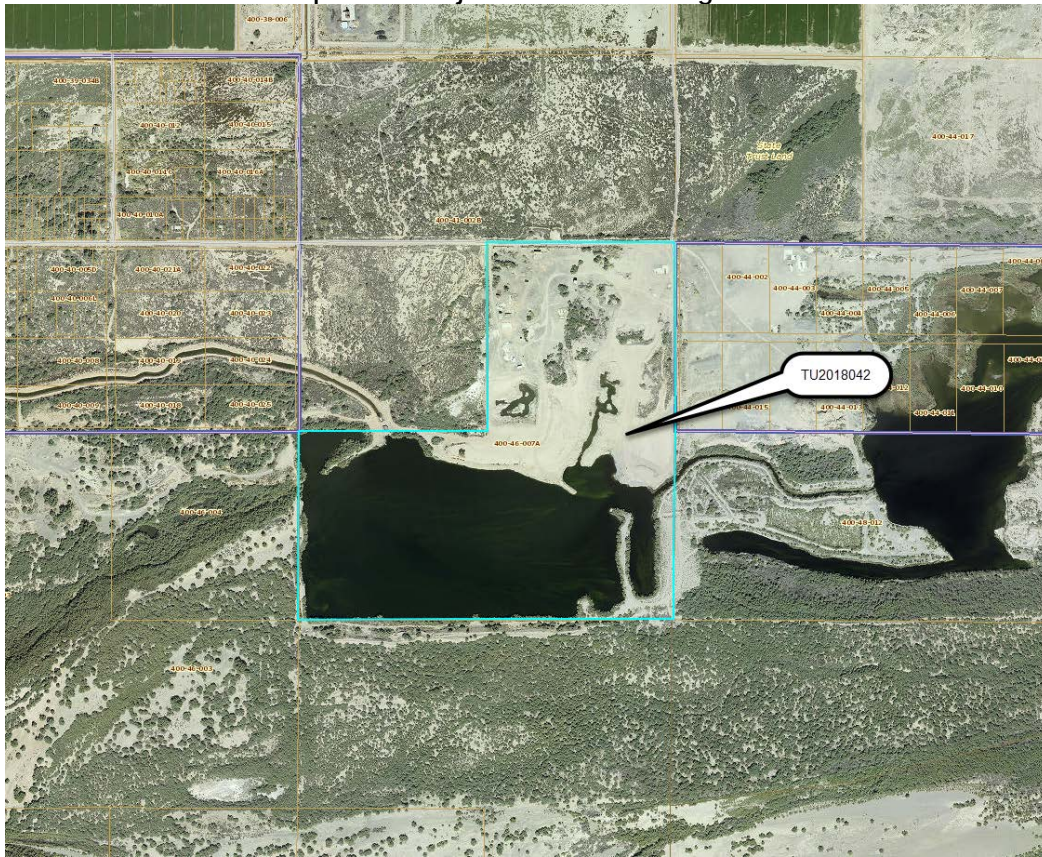
Existing On-Site and Surrounding Zoning/Land Use:

6. On-site: Rural-43 / Vacant
North: Sunrise Dr. then Rural-43 / Vacant
South: City of Buckeye Jurisdiction / Vacant
East: Rural-43 / Vacant
West: Rural-43 / Vacant

Site Analysis:

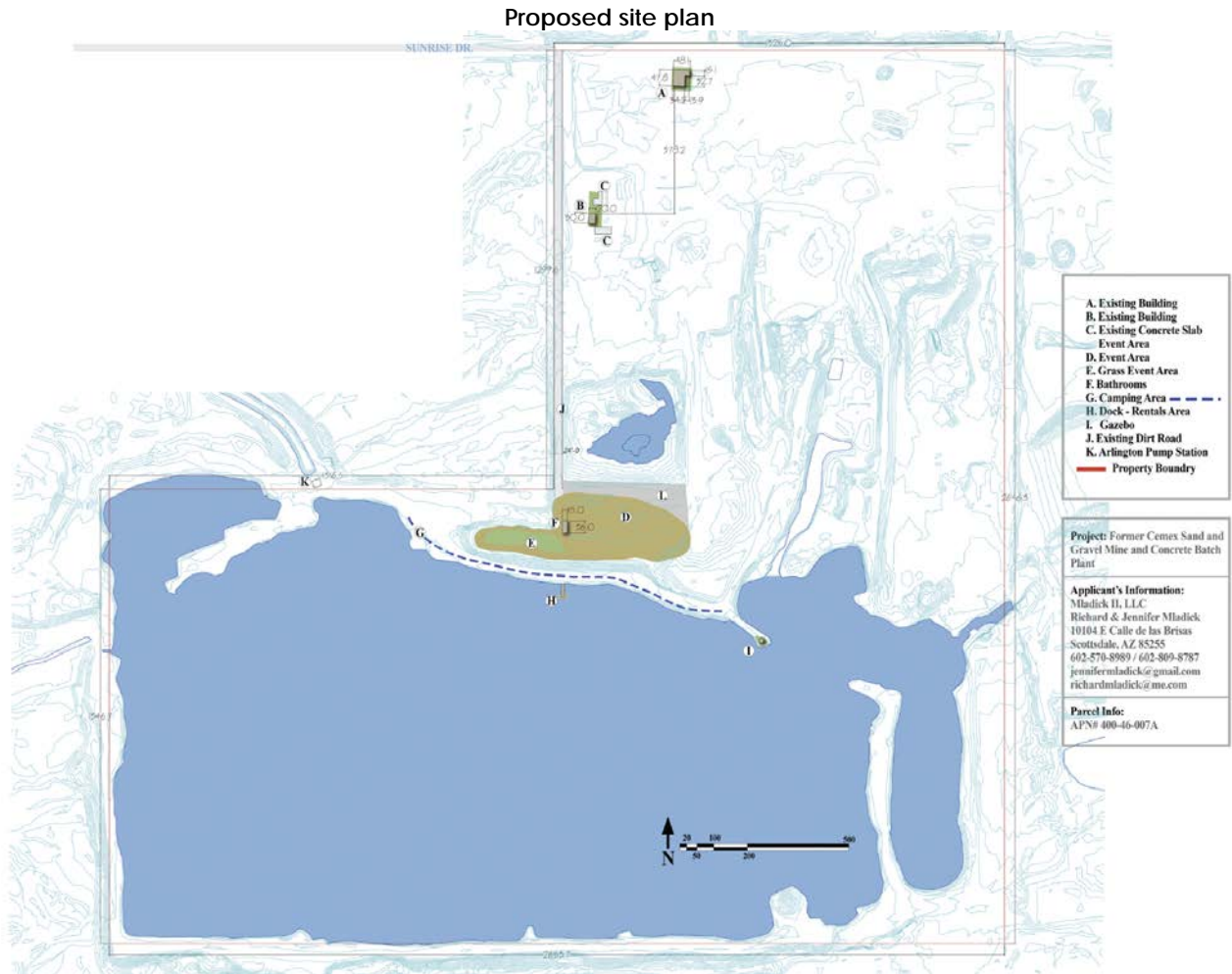
7. The subject site is a backwards 'L' shaped lot with a total area of 120 acres. Approximately half of the property is covered by a lake occupying the southwest portion of the site. The parcel is accessed via a graded dirt road connecting to Sunrise Drive to the north.
8. The subject site is located in an area in the southwestern portion of the County in the Buckeye area. The immediate area around the site has been developed through the lot splitting process although there are some recorded subdivisions in the general area. The subject property and the immediate area is zoned Rural-43 and is relatively undeveloped.
9. The applicant has filed for annexation and a Planned Area Development Overlay District with the City of Buckeye on December 13, 2018. Through coordination with City of Buckeye the timeframe for the proposed annexation is scheduled to be completed by June of 2019.
10. The previous TUP was approved by the BOA due to unusual nature of the request. There was no opposition to the original case. The current case was posted on December 21, 2018 for the required ten-day period. No opposition was received. However, because the original request was approved by the BOA it was determined that the extension request should be heard by the BOA.

Aerial photo of subject site & surrounding environs



Aerial photo of subject site





Staff Analysis:

11. The applicant has requested an extension of two years, however in discussions with the City of Buckeye the applicant has submitted the necessary paperwork for annexation and a Planned Area Development Overlay District. The timeline for approval is scheduled for June 2019. Because of the response from Buckeye and the timeline for annexation staff recommends a TUP extension of six months.
12. It is inappropriate for a permanently established use to be approved via a TUP. It is understood that permanent entitlement will be sought through the City of Buckeye. However, the property owner had the previous two years to seek annexation/entitlement and failed to do so, only filing a month prior to the TUP expiration. Having said this, the use seems appropriate with no adverse impact.

Recommendation:

13. Based upon what the applicant has submitted and the analysis in this report, staff recommends the Board **motion for Approval of TU2018042**, subject to the conditions 'a' – 'p':
 - a. Development of the site shall comply with the site plan, stamped received December 3, 2018, consisting of 81/2" x 14" pages, except as modified by any condition identified herein.

- b. Use of the site shall be in conformance with the Narrative Report consisting of 5 pages, stamped received December 3, 2018 except as modified by any condition identified herein.
- c. This Temporary Use Permit is authorized for **6 months** and shall expire on **July 24, 2019**. The Temporary Use Permit approval letter must be visibly displayed at the front of the property at all times. Failure to meet this display requirement shall result in revocation of the Temporary Use Permit if a Zoning Citation is issued.
- d. Temporary Use Permit shall not become effective upon approval and shall remain effective for six months.
- e. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with any condition.
- f. Approval of the Temporary Use is not an approval to construct. Prior to construction, development or use of the property, the applicant/owner shall obtain all necessary clearances and construction permits.
- g. All development and engineering design shall conform with the Drainage Regulation, Drainage Policies and Standards and current engineering policies, standards and best practices at the time of application for construction.
- h. Prior to zoning clearance approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire District, Department or Company servicing the site.
- i. The Temporary Use Permit letter must be visibly displayed at the front of the property at all times. Failure to meet this display requirement shall result in revocation of the Temporary Use Permit if a Zoning Citation is issued.
- j. Structures erected pursuant to an approved Temporary Use Permit shall not require a building permit if standing for a period not to exceed 96 contiguous hours. The responsible party shall provide the Affidavit of Structures for Temporary Events documentation, as specified in the Temporary Use Permit that said structures were erected and maintained subject to all applicable building safety codes and manufacturer's specifications. The documentation shall be provided to the Department within two working days following end of the special event to be filed with the Temporary Use Permit. Failure to provide the required documents will render the Temporary Use Permit null and void and constitute a zoning violation in accordance with Chapter 15 of the Maricopa County Zoning Ordinance.
- k. The Temporary Use must be removed at the end of the approved time period. All temporary structures must be removed, and the site returned to its original condition or better upon completion of each event. No structures shall be erected more than 72 hours before the start of the event from which this permit is issued. All structures shall be removed within 72 hours following the end of the event for which this permit is issued.

- l. Prior to any event, food concessions shall be permitted by Maricopa County Environmental Services Department (MCESD).
- m. Alcohol is not permitted on site unless a Liquor License is obtained through the Clerk of the Board.
- n. The applicant or property owner/s will be responsible for contacting their applicable emergency and fire protection agency for medical/emergency services and fire protection.
- o. The Temporary Event or Special Event shall adhere to the Board of Supervisors Resolution, December 1980 as applicable which establishes guidelines and conditions for temporary uses. The following conditions shall apply:
 - 1. At least one patrolman or security guard for every 500 persons in attendance.
 - 2. The applicant shall provide adequate ingress and egress to the premises and parking areas. Traffic guards shall be employed to insure orderly traffic movement and relieve traffic congestion onto public rights-of-way.
 - 3. The applicant shall provide an ample supply of water for drinking and sanitation purposes. The quality and quantity of water and location of facilities shall be approved by the Maricopa County Environmental Services Department.
 - 4. The applicant shall provide an ample supply of water for drinking and sanitation purposes. The quality and quantity of water and location of facilities shall be approved by the Maricopa County Environmental Services Department.
 - 5. Supplemental toilet facilities must be provided for every special event. At least one closed toilet facility marked MEN and at least one closed toilet marked WOMEN shall be provided. A toilet for each 40 males and for each 40 females expected to attend the event may be required; the number and location of toilets shall be approved by the Maricopa County Environmental Services Department.
 - 6. At least one trash can with 32 gallons capacity for every 25 persons expected to be in attendance shall be provided. Trash and refuse disposal shall be pursuant to procedures established by the Maricopa County Environmental Services Department.
 - 7. Temporary uses conducted after dark shall provide lighting to insure public areas are adequately illuminated. All outdoor lighting shall be shielded so that it is directed downward below the horizontal plane of the fixture and does not trespass onto adjacent properties.
 - 8. Temporary Use Permit has been approved to include overnight use, the applicant is required to provide overnight camping facilities and overnight areas as identified on the site plan. Any overnight use shall be approved by Maricopa County Environmental Services Department.

- p. The following Planning Engineering conditions shall apply:
1. According to the effective FIRM panel number 04013C2580L, dated 10/16/2013, the entire property is designated under Zone AE (floodplain & floodway) one percent annual change (100-year) special flood hazard areas (SFHA). **Any development on this property must obtain a Floodplain Use**
 2. Any development in a floodway must be reviewed to determine if the project will increase flood heights. An engineering analysis must be conducted before a permit can be issued. A record of the results of this analysis shall be part of the permit file, which can be in the form of a No-rise Certification.
 3. There shall be **no grading associated to this Temporary Use**. Engineered Grading and Drainage plans must be provided for all grading within this project and required permits shall be secured.
 4. Any work on the existing buildings, identified as "A" on the submitted exhibit, will require a permit. Improvement, modifications, additions, reconstruction or repairs that reach a fifty percent (50%) substantial improvement threshold based on the valuation of the structure, require that the entire building be brought into compliance with all Flood Control & Drainage Regulations.
 5. The portable restroom trailer, as identified on the submitted exhibit, shall be fully licensed and ready for highway use at all times. "Ready for highway use" shall be defined as the trailer being on wheels or a jacking system, being attached to the site only by quick disconnect type utilities/security devices, and having no permanent attached additions.
 6. The proposed temporary caretaker facility, as identified on the submittal exhibit and described in the narrative as recreational vehicle (RV), shall meet the following requirements: EV shall be on-site for fewer than 180 consecutive days at a time, and shall be fully licensed and ready for highway use at all times. "Ready for highway use" shall be defined as the trailer being on wheels or a jacking system, being attached to the site only by quick disconnect type utilities/security devices, and having no permanent attached additions. Otherwise, a Floodplain Use Permit will be required to show that the RV meets the elevation and anchoring requirements for mobile /manufactured homes, as described in the Floodplain Use Regulations for Maricopa County.
 7. Due to the floodway and floodplain on the property, it is recommended, if not already in place, to file an evacuation plan with Maricopa County Department of Emergency Management and any other responding jurisdictions. The plan should indicate escape routes and alternative vehicular access in case of a flooding event.

Attachments: Case Map (1 page)
Vicinity Map (1 page)
Application / Supplemental Questionnaire (6 pages)
Site Plan (1 page)
Engineering Comments (2 page)
MCESD Comments (1 page)
City of Buckeye E-mail (1 page)