



# City of Apache Junction

## Development Services Department



### CITY COUNCIL STAFF MEMO

**Date:** January 16, 2024

**To:** Honorable Mayor and City Council Members

**Through:** Bryant Powell, City Manager  
Rudy Esquivias, Development Services Director  
Sidney Urias, Planning Manager

**From:** Nick Leftwich, Planner

**Subject:** Report regarding the Dec. 5, 2023 direction to staff regarding the Apache Junction City Code, Volume II, Zoning Ordinance § 1-16-12 (D), relating to Apache Junction Planning and Zoning Commission's approval authority for conditional use permits

#### **Background**

On December 5, 2023, the City Council held a discussion regarding the regulations of the Apache Junction City Code, Volume II, Zoning Ordinance § 1-16-12 Conditional Use Permits, Administrative Use Permits and Building Permits (D) Conditional Use Permits, in which the Council issued a direction to staff to look into the ordinance language and return at a future meeting with potential text amendment options that address the Council's concerns regarding the authority on land use decisions given to the Planning and Zoning Commission.

Planning Staff has reviewed the matter and provides the following options, and seeks further direction to staff to initiate a Zoning Ordinance text amendment:

-*Option 1:* A proposed amendment of Article 1-5: Zoning Bulk and Use Regulations land use tables which currently determine which uses are permitted by right in each zoning district and which uses require Conditional Use Permit (CUP) approval. This amendment would modify the existing land use tables to change what kinds of uses are approvable by CUP and Planning and Zoning Commission oversight, so that more impactful, sensitive land use changes are subject to City Council approval.

-*Option 2:* A proposed amendment of the Article 1-16: Administration, § 1-16-12 Conditional Use Permits, Administrative Use Permits and Building Permits, (D) Conditional



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Use Permits regulations that would require City Council approval for CUPs.

Staff respectfully recommends Option 1, as we believe there are uses within the Article 1-5: Zoning Bulk and Use Regulations land use tables that do not fit the standard criteria of conditional uses, such as multi-family residential development in commercial zoning districts, and by modifying the table these uses can be aligned to different zoning designations so that, for example, if a commercial property were to be considered for multi-family residential development it would need to receive rezoning approval through the city council. This approach also maintains the standard usage of CUPs for lesser items like minor landscaping or sign code deviations, without requiring all CUPs to go through additional public hearings at with the City Council.

*Nick Leftwich*

Prepared by Nicholas Leftwich  
Planner

Attachments:

-§ 1-16-12 Conditional Use Permits, Administrative Use Permits and Building Permits