



City of Apache Junction
Development Services Department



**PLANNING AND ZONING COMMISSION
PUBLIC HEARING STAFF REPORT**

DATE: May 9, 2023

CASE NUMBERS: P-22-126-PZ "WW Clyde/Blount Contracting"

OWNERS: WW Clyde/Blount Contracting

APPLICANT: Joey Gimbut, EPS Group Inc.

REQUEST: Proposed Planned Development ("PD") Rezoning APNs 103-19-021A, 103-19-023A, 103-19-0300, 103-19-029D, and 103-19-0550, zoned General Commercial ("B-1") and Business Park by Planned Development ("B-4/PD") to B-4/PD in order to construct a new office building and to allow the storage/maintenance of construction equipment and materials.

LOCATION: The property is generally located near the southeast corner of Vista Road and 12th Avenue.

ZONING DESIGNATION: B-4/PD and B-1

SURROUNDING USES: North: RS-GR
South: Old West Highway & B-5
East: RS-GR
West: B-1

BACKGROUND

The WW Clyde/Blount Contracting subject site is comprised of APNs 103-19-021A (+/- 7 acres), 103-19-023A (+/- 2.5 acres), 103-19-0300, 103-19-029D, and 103-19-0550.

The approximately 7-acre site (APN 103-19-021A) was formerly the site of a nonconforming auto-wrecking business. Sometime between 2014 and 2015, the property was sold and cleared of the nonconforming use. In 2019, a rezoning request was approved, Case No. PZ-4-18 (Ordinance No. 1471) and rezoned to Business Park by Planned Development ("B-4/PD") for the development of a light industrial, commercial condominium project. Although this project was approved by City Council, it was never developed.

The approximate 2.5-acre site (APN: 103-19-023A) was rezoned in 1985 to General Commercial, and between 2006 and 2007 the property was sold to Blount Contracting, where they established their current business at 1353 S. Vista Road. According to the Pinal County Assessor Site, Blount Contracting subsequently purchased APNs 103-19-0300 and 103-19-029D around 2016.

The remainder of the properties, APNs 103-19-0300, 103-19-029D, and 103-19-0550 have been historically vacant.

In 2020, Blount Contracting merged with WW Clyde and the company decided to expand their existing facility at 1353 S. Vista Road to include all parcels originally owned by Blount Contracting. In April 2022, WW Clyde/Blount Contracting submitted a pre-application request proposing a new office building. A formal rezoning application was submitted in December 2022.

PROPOSALS

This is a proposed rezoning by WW Clyde/Blount Contracting of approximately 15 acres near the southeast corner of Vista Road and 12th Avenue (APNs: 103-19-021A, 103-19-023A, 103-19-0300, 103-19-029D, and 103-19-0550) from General Commercial ("B-1") and Business Park by Planned Development ("B-4/PD") to Business Park by Planned Development ("B-4/PD") in order to construct a new, additional office building and allow the storage/maintenance of construction equipment and materials.

This request also includes a minor general plan amendment of approximately 8 acres (APNs: 103-19-023A, 103-19-0300, 103-19-029D, 103-19-0550, and 103-19-0550) from Commercial to Light Industrial/Business Park and Industrial.

PLANNING STAFF ANALYSIS

Relationship to General Plan:

Parcel No. 103-19-021A is currently zoned Business Park by Planned Development.

Parcel Numbers 103-19-023A, 103-19-0300, 103-19-029D, and 103-19-0550 are zoned General Commercial and the applicant is requesting a Minor General Plan Amendment of these parcels from Commercial to Light Industrial/ Business Park.

Zoning/Site Context:

The approximate 15-acre property is surrounded by residential properties on the north and east, commercial property to the west, and Old West Highway and industrial property to the south.

Planned Development Zoning:

There are no Zoning Ordinance deviations being requested as a part of the rezoning.

Infrastructure Improvements:

1. **Sewer:** This project is required to connect to sewer.
2. **Roadway Improvements:**

12th Avenue: The existing thirty-three foot (33') Federally Patented Easement will be dedicated to the City as Right-of-Way, and 18' of pavement shall be installed as requested by the City Engineer. A 20'x20' cutoff corner shall be provided at the corner of 12th Ave. and Vista Rd.

Vista Road: The existing thirty-three foot (33') Federally Patented Easement will be dedicated to the City as Right-of-Way.

Wickiup Road: The existing thirty-three foot (33') Federally Patented Easement will be dedicated to the City as Right-of-Way.

Public Input:

Neighborhood meeting notification letters were sent from the applicant to all property owners within a 500-foot radius. On February 1, 2023, a neighborhood meeting took place in the Apache Junction Multi-Generational Center. A total of seven (7) people attended the meeting. Residents expressed concerns regarding noise, hours of operation, environmental concerns, and lighting. The full final participation report is attached.

Staff received one (1) call regarding this rezoning request. They had questions regarding the current zoning on the property and expressed concerns regarding the request for a 24-hour operation. This individual also attended the neighborhood meeting.

FINDINGS OF FACT

As required by the Apache Junction Zoning Ordinance, a Planned Development request may be approved by the City Council after consideration has been given to three different criteria. The criteria is outlined in the text below:

- 1. That a better design cannot be achieved by applying the strict provisions of the underlying zoning district.**

Applicant Response: The site is currently zoned B-1 and B-4/PD. Strict adherence to the current zoning districts would not allow the site to be developed in a cohesive manner. Approval of the zone change to B-4/PD will allow the site to be designed to harmonize, work with, and minimize impacts and disturbances to adjacent land uses. In addition, approval of the B-4/PD district will allow for building placement, street alignments, and open spaces to be designed efficiently and to provide compatibility with the surrounding area.

- 2. That strict adherence to the provisions of the zoning ordinance is not required in order to ensure the health, safety and welfare of the inhabitants of the proposed development.**

Applicant Response: Strict adherence to the provisions of the zoning ordinance is not required in order to ensure the health, safety, and welfare of the inhabitants of the proposed development. The site exceeds code requirements with wide private drives that efficiently circulate throughout the site,

sufficient parking that exceeds minimum requirements, and paving and landscaping to reduce dust pollution.

3. That strict adherence to the ordinance is not required to ensure that property values of adjacent properties will not be reduced.

Applicant Response: Strict adherence to the ordinance is not required in order to ensure that property values of adjacent properties will not be reduced. The site is able to meet and exceed all building setbacks and proposes structures over 120' away from the nearest property line. Additionally, the developer intends to build 8' walls to mitigate any operational noise as well as security lighting to ensure the safety of the area.

FINDINGS OF FACT FOR MINOR GENERAL PLAN AMENDMENT

As required by the Apache Junction General Plan, a Minor General Plan request may be approved by the City Council after consideration has been given to specific criteria. The criteria is outlined in the text below:

1. Whether the amendment proposes a land use designation that the Land Use Plan Map does not adequately provide optional sites to accommodate.

Applicant Response: The project site is optimal for the proposed use as it is currently an existing operation. Approval of these requests will allow the current owner to expand the successful business as well as securing the property with walls and lighting.

2. Whether the amendment constitutes an overall improvement to the General Plan, will not solely benefit a particular landowner or owners at a particular point in time, and is consistent with the overall intent of the 2020-2050 General Plan.

Applicant Response: The site is within Growth Area #4 of the Old West Highway Corridor and is consistent with the overall intent of the 2020-2050 General Plan, which seeks to increase the city's financial sustainability, encourages infill development, and supports sustainable growth. The proposed expansion to an existing business park operation is consistent with these goals as well as with adjacent land uses in the area.

3. Whether the proposed amendment is justified by an error in the 2020-2050 General Plan as originally adopted.

Applicant Response: The proposed amendment is not a result of an error on the 2020-2050 General Plan but is being requested in order to accommodate a requested zone change for a business park facility.

4. Whether the proposed change is generally consistent with goals, objectives, and other elements of the 2020-2050 General Plan.

Applicant Response:

a. Be considerate of the rural character of the City.

The proposed site meets the code setback requirements as well as arranging structures within the site to be over 120' away from all property lines.

b. Provide a balance of uses throughout the community.

This request will bring balance to the community as it will establish a cohesive zoning and land use designation on the property, allowing the current owner to expand the business, secure the site, and improve the property.

c. Revitalize older neighborhoods and downtown.

The proposed site is within the Old West Highway Corridor growth area that is surrounded by existing residential properties, commercial, and industrial/business park uses. Approval of these requests will allow the existing business to expand, will secure the property with walls and lighting, and will improve the area with necessary on- and off-street improvements such as curb, gutter, and landscaping.

d. Encourage and promote sustainable land use development.

The proposed site will encourage and promote sustainable land use development since it will establish a cohesive zoning and land use designation on the site. In addition, development of the site will allow for improvements to the area both on- and off-site.

- e. Provide equal protection of existing aggregate and residential development.

This request will not impose on any existing aggregate and residential development as the site is currently zoned for both commercial and business park uses. Approval of the zone change will establish a business park zone over the entire site.

5. Whether the proposed change is justified by a change in community conditions or neighborhood characteristics since adoption of the Plan.

Applicant Response: *This request is justified by a change in community conditions as the business is successful and is in need of expansion, security, and site improvements. Approval of these requests will allow the property owner to complete the necessary steps to put this site to further contributing use.*

6. Whether the amendment will adversely impact a portion of, or the entire community by:

- a. **Significantly altering acceptable existing land use patterns, especially in established neighborhoods.**

Applicant Response: *This development does not propose any significant land use alterations. A portion of the site is currently zoned B-4/PD and the remaining site is zoned B-1. Approval of this request will rezone the entire site to a cohesive B-4/PD designation.*

- b. **Significantly reducing the housing to jobs balance in the Planning Area.**

Applicant Response: *This development will not reduce the housing to jobs balance, as it currently operates as a commercial development.*

- c. **Substantially decreasing existing and future water supplies.**

Applicant Response: *This development will not negatively impact the existing and future water supply.*

- d. **Replacing employment with residential uses.**

Applicant Response: *This development does not propose any residential uses.*

- e. Requiring additional and more expensive improvements to infrastructure systems and/or proximity to municipal facilities and/or services than are needed to support the prevailing land uses and which, therefore, may impact the level of service for existing and proposed developments in other areas.**

Applicant Response: This development will provide the required improvements to the on- and off-site infrastructure as required by the City of Apache Junction.

- f. Increasing traffic (without mitigation measures) on existing roadways beyond the planned level of service, and that negatively impact existing and planned land uses.**

Applicant Response: This development does not negatively affect planned levels of traffic service. All required mitigation efforts will be met, such as providing a deceleration lane off of Old West Highway, providing two improved access points off of 12th Avenue, and maintaining the existing access easement for the residents along the eastern property line.

- g. Affecting the existing character (i.e., visual, physical and functional) of the immediate area.**

Applicant Response: This development will improve the existing character with curbs, gutter, landscaping, lighting, walls, and surfacing.

- h. Increasing the exposure of residents to aviation generated noise, safety and/or flight operations.**

Applicant Response: This site will not have any aviation uses or flight operations.

- i. Materially diminishing the environmental quality of the air, water, land, or cultural resources.**

Applicant Response: This development will not diminish the environmental quality and proposes an 8' CMU wall for security and noise mitigation.

- j. Significantly altering recreational amenities such as open space, parks, and trails.**

Applicant Response: This development will not have any impact on any existing or future recreational amenities.

PLANNING DIVISION RECOMMENDATION

Staff has expressed concerns regarding the location of this industrial business directly adjacent to a low-density residential area. Primary areas of concern included outdoor storage of materials, access to the property, noise pollution during late/early hours of the night, and light pollution. Throughout the review process, Staff worked with the applicant to help mitigate these concerns.

Outdoor Storage

Although Blount Contracting has existed at 1353 S. Vista Road since 2015, the business has expanded over time. This expansion, which has included merging with WW Clyde, has caused the improper storage of large equipment and materials onto neighboring properties also owned by WW Clyde/Blount Contracting.

The applicant is proposing an 8' perimeter wall to assist in screening the outside storage of materials and equipment related to the business. A majority of the materials will be stored just north of the new office building. Large equipment/vehicles will be stored in designated parking areas located east of the building.

In addition to the wall, the applicant will install the required 10' landscape buffer outside the proposed wall. This landscape buffer will include 36" box trees, which are a larger size than the minimum size currently required in the City's Landscape Regulations.

Access

Staff, as well as neighboring residents, have expressed concerns regarding access to the property along 12th Avenue and has requested that Old West Highway be used as the main ingress/egress point for large vehicles and equipment and that 12th Avenue be primarily utilized by personal, staff vehicles.

The applicant is proposing to construct a new driveway and deceleration lane along Old West Highway, which will serve as the primary ingress/egress point for large vehicles. Although,

it should be noted that the applicant still intends to use 12th Avenue for occasional access to the property, as the median separating Old West Highway poses a challenge for large vehicles travelling east to turn around and enter the property.

Fueling Station

At the neighborhood meeting, residents expressed concerns with the location of the proposed fueling station. They were worried about possible environmental impacts, as well as possible noise during refueling. Staff had similar concerns with the original location of the fueling station and recommended that the applicant move the station further west onto the property in order to create a larger buffer between the station and neighboring residential properties.

The applicant has complied with Staff's request and has relocated the fueling station towards the center of the property as seen on the Site Plan (attached).

Noise Pollution

Neighbors have expressed concerns regarding onsite noise during the late hours of the night/early hours of the morning. The noise is primarily due to the movement of large equipment and vehicles.

Staff is recommending that large vehicles and equipment be staged in a way that prevents the backward movement of these vehicles and equipment outside of standard business hours. The applicant has also provided a Field Noise Measurement Summary Report (attached) to demonstrate that the idling engine noise and general movement of their vehicles were compliant with the City's Noise Ordinance.

It should be noted that backup alarm safety signals, which can often be heard as a beeping sound when large vehicles and equipment move backwards, were not included in this report as "safety signals, warning devices and emergency pressure relief valves" are exempt from the Noise Ordinance provisions.

Light Pollution

Upon initial review of the applicant's photometric plan, staff had concerns with pole lights being proposed along the eastern edge of the property. Staff was concerned about possible light pollution onto neighboring residential properties, particularly when onsite activity is present during late evening and early morning hours.

Staff requested that the lights along the eastern property line be removed and relocated to a more central location on the property. This would allow the property to remain well-lit for employees, while reducing the potential for light trespass onto residential properties. The applicant has complied with this request.

Due to these changes, Staff is supportive of the proposed project subject to the proposed conditions of approval.

RECOMMENDED MOTION FOR PLANNED DEVELOPMENT REZONING

I move that the Planning and Zoning Commission recommend to the Apache Junction City Council the (APPROVAL/DENIAL) of case P-22-126-PZ, a Planned Development Rezoning request by WW Clyde/Blount Contracting, represented by Joey Gimbut of EPS Group Inc., from Business Park by Planned Development ("B-4/PD") and General Commercial ("B-1") to Business Park by Planned Development ("B-4/PD") in order to construct a new office building and to permit the storage/maintenance of construction equipment and materials on the five (5) properties located near the southeast corner of 12th Avenue and Vista Road, and a Minor General Plan Amendment of Pinal County Assessor Parcel Numbers 103-19-023A, 103-19-0300, 103-19-029D and 103-19-0550 from Commercial to Light Industrial/Business Park, subject to the following conditions of approval:

STANDARD CONDITIONS

- 1) The development shall reflect substantial compliance and consistency with the city's zoning ordinance and the planned development presented with the site plan in case P-22-126-PZ and P-22-128-DR, incorporated by reference herein, and as otherwise specified through these conditions of approval, to include layout, elevations, setbacks, public and private rights-of-ways, perimeter walls, landscaping and other improvements.

- 2) Street improvements include but not necessarily limited to, extension of pavement and the provision of sidewalk, curb, gutter, streetlights, underground utilities, fire hydrants, landscaping shall be required as part of this planned development project, and subject to review and approval by the city engineer.
- 3) All applicable permits shall be applied for and plans shall be designed to current city codes prior to any lot grading or construction on the lots. Inclusively, all applicable development fees, including public art fees, shall be paid at the time of first permit issuance.
- 4) All perimeter walls/fences, and interior/exterior landscaping within and immediately adjacent to the proposed development, shall be owned and maintained in good condition at all times by the property owners.
- 5) The developer's engineer shall meet the civil engineering improvement plans and document requirements, as outlined in the previously provided pre-application and rezoning review comments and in accordance of the city's approved engineering standards that are in effect at the time of plan submittal.
- 6) Major deviations or proposed changes from the original plans associated with this case will require a major planned development amendment. The Director or their designee shall interpret the proposed modification to be significant/major if, in the Director or Designee's opinion, the quality of project design is diminished, the types of proposed land uses are significantly altered and/or the overall character of the project is contrary to the intent and spirit of the original City Council PD ordinance approval.
- 7) The subject property shall be substantially developed within two (2) years of the rezoning effective date of Ordinance No. 1535, with a possible one (1) year time extension at the discretion of the Development Services Director, or the plan may be subject to reversion by City Council legislative action pursuant to Apache Junction City Code, Volume II, Land Development Code, Chapter 1, Zoning Ordinance, Article 1-16 Administration, Section 1-16-6(H)(1)(b). For the purpose of this rezoning approval, substantial development shall be evidenced by application

for, and receipt of, valid building permits for architecture, all necessary on-site and off-site engineering, and site grading.

PROJECT SPECIFIC CONDITIONS

- 1) A lot combination of parcels 103-19-021A, 103-19-023A, 103-19-0300, 103-19-029D and 103-19-0550 shall be completed and recorded prior to the issuance of building permits.
- 2) The existing utility easements located within the extinguished Federally Patented Easements that run north/south through the center of the property shall be extinguished prior to the issuance of building permits for the new office building. All additional utility easements shall be extinguished prior to the issuance of building permits for structures proposed within an existing utility easement.
- 3) The existing Federally Patented Easements along Vista Road, 12th Avenue, and Wickiup Road shall be dedicated to the City as requested by the City Engineer.
- 4) A right-turn deceleration lane shall be provided along Old West Highway as shown on the site plan and requested by the City Engineer.
- 5) The lease of the existing billboard along Old West Highway shall not be renewed at the end of its current term.
 - a. Applicant or their representative or successor in interest shall provide to billboard Lessee by certified return receipt 1st class US Mail or registered mail Notice of Termination of Lease no later than December 1, 2023 with the Termination of the Lease being effective on March 17, 2024.
 - b. Applicant shall also provide the Development Services Department with a copy of this notice. Applicant in this notice shall also state that the billboard located on Pinal County Assessor Parcel #103-19-03006 shall be removed in its entirety, inclusive of all support structures, illumination facilities and connections, service ladders and appurtenances and ancillary equipment, no later than March 31, 2024.

- 6) A minimum 8' high, decorative wall shall be installed around as depicted on the site plan provided in Case No. P-22-126-PZ.
- 7) A maximum of five (5) cargo containers shall be allowed on the property for the permanent storage of equipment and materials onsite. All cargo containers must be painted a consistent desert tone color, remain rust free, meet setback requirements, and be located behind the proposed 8' wall. A request for additional containers shall require an administrative review and approval by the Development Services Director or Designee.
- 8) Standard hours of operation shall be limited from 6am-7pm. All routine outdoor maintenance of vehicles and equipment onsite shall only be performed during standard business hours. Any business conducted outside of standard business hours shall ensure compliance with Apache Junction City Code, Volume I, Code of Ordinances, Chapter 11, Noise.
- 9) All outdoor storage of materials, equipment, and vehicles (with the exception of personal vehicles parked by staff in designated parking spaces) shall be properly screened from all dedicated right-of-way and remain behind the 8' perimeter wall. The stacking of materials shall not exceed 8' in height.
- 10) All equipment and vehicles expected to be used/moved onsite and outside of standard business hours shall be staged by end of business the previous day in a way that eliminates the backward motion of vehicles and equipment.
- 11) The proposed fuel station shall be located in the location as shown on the site plan submitted to Staff on 3/22/23.
- 12) All outdoor lighting shall be dark sky compliant and installed in the locations proposed on the Photometric Plan provided to Staff on 3/22/23.
- 13) Landscaping, planted within a minimum 10-foot-deep strip inside the net property line (but outside of required walls) along the perimeters of the property. Screening and irrigation improvements shall be provided in compliance with the city's landscape and screening requirements contained in Apache Junction City Code, Volume II, Land Development Code, Chapter 1, Zoning Ordinance, Article 1-8,

Landscape Regulations. All trees shall be a minimum of 36" box.

Kelsey Schattnik

Prepared by Kelsey Schattnik
Senior Planner

Attachments:

Exhibit #1 - P-22-126-PZ Project Narrative
Exhibit #2 - P-22-126-PZ Aerial Map
Exhibit #3 - Site Plan
Exhibit #4 - P-22-126-PZ Elevations
Exhibit #5 - P-22-126-PZ Preliminary Landscape Plan
Exhibit #6 - P-22-126-PZ Final Participation Report
Exhibit #7 - Environmental Noise Study