



# *City of Apache Junction*

## *Development Services Department*



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

**DATE:** March 25, 2025

**CASE NUMBER:** P-24-69-CUP

**OWNER:** Empire Southwest, LLC

**APPLICANT:** Grant Taylor, Empire Southwest, LLC

**REQUEST:** A proposed Conditional Use Permit ("CUP") for approximately 6.31 net acres currently zoned B-5 (Industrial) to utilize the parcels as an outdoor storage facility.

**LOCATION:** The subject site is generally located at the southeast corner of 34th Avenue and Colt Road, within the Baseline Industrial Park, Lots 19, 20, 21, 22 and 23 (also known as parcels 102-56-0190, 102-56-0200, 102-56-0210, 102-56-0220 and 102-56-0230).

**GENERAL PLAN/  
ZONING DESIGNATION:** Light Industrial/Business Park; currently zoned Industrial ("B-5")

**SURROUNDING USES:**

North: Empire Southwest Service Facility zoned Industrial by Planned Development ("B-5/PD")

South: Industrial ("B-5")

East: General Rural Low Density Single-Family Detached Residential ("RS-GR")

West: Industrial ("B-5")

## **BACKGROUND**

Per historic Pinal County and city zoning records, Lot 19, 20, 21, 22 and 23 (also known as parcels 102-56-0190, 102-56-0200, 102-56-0210, 102-56-0220 and 102-56-0230), have been zoned Industrial (B-5) or an equivalent county Industrial zoning designation. The properties have never been developed.

Empire Southwest, LLC was granted a Conditional Use Permit ("CUP") for parcel 102-56-0210 (Lot 21) in 2020 to be used as an outdoor storage yard temporarily, with the intent of constructing buildings on all five (5) lots. These plans did not come to fruition and lots remain vacant. The CUP conditioned the use of the property as an outdoor storage yard for a maximum of five (5) years; As a result, the existing CUP expired on March 16, 2025.

On August 1, 2024, Grant Taylor with Empire Southwest, LLC, applied for a CUP to encompass all five (5) lots to utilize as an outdoor storage facility (application fees paid on August 15, 2024), with future plans to construct buildings on the lots being uncertain.

## **PROPOSALS**

P-24-69-CUP is a proposed Conditional Use Permit request to operate the parcels as an outdoor storage yard facility for business related equipment within the B-5 zoning district, per the land use requirements of the Zoning Ordinance.

The subject area consists of approximately 6.31 net acres, of which is surrounded by other industrial properties and industrial uses. All employee parking and equipment parking will be located on-site, inside of an eight-foot (8') concrete masonry unit ("CMU") wall, continuing the design of the current development located along the perimeter of 3215 South Winchester Road (APN 102-20-045C). Access into the storage yard is currently located on 34th Avenue and 36th Avenue.

## **PLANNING STAFF ANALYSIS**

*Relationship to the General Plan:*

The subject site is designated by the City's General Plan as "Light Industrial/Business Park and Industrial." The proposed use of the property as an outdoor storage yard is consistent with the current General Plan Designation.

### *Zoning/Site Context:*

The subject sites are privately-owned and surrounded by industrially zoned land to the north, west, and south and vacant residentially zoned land to the east. The property is currently zoned Industrial ("B-5").

### *Site Improvements:*

The applicant will be required to meet current minimum planting landscape requirements within the twenty-five-foot (25') landscape easement, wherever existing, and ten (10) feet where the easement does not exist. The lots will be required to be dust proofed with an approved dust proofing method. An eight-foot (8') wall will be built around the perimeter of the subject sites.

### *Public Input:*

The applicant sent out neighborhood meeting notification letters to property owners within a five hundred foot (500') radius, with invitations to discuss the proposal in person and also providing them with contact information to learn more about the project if they did not wish to attend. The advertised neighborhood meeting was held at the Apache Junction Multi-Generational Center on Tuesday August 20, 2024, at 6 PM. No property owners attended the meeting to express any comments or concerns regarding the proposal. The applicant's Public Participation Plan Report has been included as Exhibit #4.

Staff has not received any comments in person, via phone or by e-mail regarding the proposal at the time of this staff report.

### **FINDINGS OF FACT FOR CONDITIONAL USE PERMIT**

As required by the Apache Junction Zoning Ordinance, a Conditional Use Permit request may be approved by the Planning Commission after consideration has been given to seven different criteria. The criteria are outlined in the text below:

1. Adequacy of roadways, off-street parking, public facilities and services to accommodate the proposed use.

*Applicant Response:* Empire Southwest currently operates its rental operations of construction at the main facility located at 3215 S Winchester Rd. These parcels are only to be used as equipment storage. Access to the expanded yard would be through the existing gate located at the northwest corner of the yard space off of 34th

Avenue, with an additional entrance off of 36th Avenue to the south.

2. Negative impacts arising from the emission of odor, dust, gas, noise, lighting, vibration, smoke, heat or glare.

Applicant Response: Impacts due to transportation of large vehicles will cause disruptions in most of these aspects; however, the project proposes to enclose the lots with an eight-foot (8') masonry wall to mitigate the spread of odor, noise, lighting, and vibrations. This subdivision also has an extended landscape easement of twenty-five (25) feet to act as a buffer of potential noise. The lots will be covered in city approved dust control materials and be regularly maintained for the entirety of the use.

3. Contribution to the deterioration of the neighborhood or the negative impact on neighborhood property values.

Applicant Response: Empire Southwest's main facility is located at 3215 South Winchester Road and has had its rental operations of construction related equipment on this property since 2009. The property is surrounded by eight-foot (8') decorative masonry walls, with clean landscaped areas along the roadways, while also being surrounded by other Industrial-zoned properties.

4. Compatibility with surrounding uses and structures.

Applicant Response: The property is surrounded by industrial-zoned parcels, a number of which include outdoor storage yards.

5. Conformance with the General Plan and City policies.

Applicant Response: This site conforms to the 2020 General Plan designation of "Industrial" and the proposal will meet the requirements of the Apache Junction Zoning Ordinance for screening, landscaping, dustproofing and any required permits.

6. Screening and buffering of uses.

Applicant Response: The site will be enclosed by an eight-foot (8') masonry wall on the eastern boundary to match the existing walls of the development, as well as an eight-foot (8') masonry wall around the south and west perimeter. Landscaping will also be extended along Colt Road frontage and into both cul-de-sacs on 34th Avenue and 36th Avenue.

7. Unique nature of the property, use and/or development's physical characteristics.

Applicant Response: These parcels are zoned for industrial use and are currently vacant with no improvements or structures on the properties. They are well-positioned to be used for yard storage with landscaping and perimeter walls to assist with screening, just as proposed.

#### **PLANNING DIVISION RECOMMENDATION**

In review of the project proposal, the conditions of the subject site, and the conformance to the General Plan goals and policies that this development addresses, Staff recommends approval of the proposed Conditional Use Permit case P-24-69-CUP.

#### **RECOMMENDED MOTION FOR CONDITIONAL USE PERMIT**

I move that the Planning and Zoning Commission approve Conditional Use Permit Case P-24-69-CUP, a request by Grant Taylor of Empire Southwest, LLC for an outdoor storage yard facility located within the Baseline Industrial Park on Lots 19, 20, 21, 22 and 23, subject to the following conditions of approval:

- 1) The project shall be developed in compliance with the approved plans attached (Exhibit #3) and files associated with case P-24-69-CUP, all the provisions of the Zoning Ordinance, and City Codes applicable to this case.
- 2) All applicable permits shall be applied for, and plans shall be designed to current city codes prior to any construction.
- 3) All outdoor storage 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 eight-foot (8') CMU perimeter wall. The stacking of outdoor materials shall not exceed eight (8') feet in height.
- 4) Any future end user shall comply with Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, Section 1-5-3 Non-Residential Use Regulations.

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Prepared by Erika Hernandez  
Planner

Attachments:

- Exhibit #1 - Draft Resolution 25-05
- Exhibit #2 - Vicinity Map
- Exhibit #3 - Application Materials
- Exhibit #4 - Public Participation Report