



City of Apache Junction

Development Services Department



PLANNING AND ZONING COMMISSION PUBLIC HEARING STAFF REPORT

DATE: October 25, 2016

CASE NUMBER: CUP-2-16

REQUEST: A Conditional Use Permit (CUP) application requesting the allowance of a temporary outdoor sales yard, for up to 6 months, for the relocation of the Shopper's Supply business.

PROPERTY OWNER: James P. Schmidt Revocable Trust

REPRESENTATIVE: Lance Baker, Architect, Synectic Design Inc.

LOCATION: The subject site is located at 1477 W. Apache Trail (Assessor parcel nos. 101-16-019A & 019B)

**GENERAL PLAN/
ZONING DISTRICT:** Designated "Downtown Mixed Use"/Zoned Old West Commercial by Planned Development ("B-2/PD")

**SURROUNDING
LAND USES:**

- NORTH: Various commercial lots (zoned B-2/PD)
- SOUTH: Azure Skies Subdivision (RS-7M)
- EAST: Medical and commercial dev. (B-2/PD)
- WEST: RV park and businesses lots (B-2/PD, B-1 & RVP)

BACKGROUND

Pursuant to rezoning case PZ-9-92, Ordinance No. 842 (attached), the subject site was originally planned to be developed with a shopping center (see conceptual PD site plan). The Ironwood Crossings Shopping Center was to include a Mega Foods store, adjacent shops buildings to the west and east sides of Mega Foods and two out parcels were also designated; one where the O'Reilly Auto Parts business is presently located and another never-developed parcel directly east of the Shell Gas Station. The old Mega Foods building and the auto parts store building were the only businesses developed in the shopping center.

Mega Foods operated on the property for a few years and was eventually replaced with a Food City store, which operated for many years. The auto parts store building also changed hands a couple of times over the years with two or three different auto parts businesses operating out of it. Unfortunately, the shops buildings were never realized; and, on the west side of the Mega Foods building, those parcels were never even successfully consolidated to be part of the shopping center. That is why the north end of the VIP RV Park and the other small business parcels along Ironwood are still there.

PROPOSAL

Shopper's Supply came into the community in 2011. Their store was located at 3003 W. Apache Trail, next to the existing 99-Cent Only Store (both part of the old K-Mart building). Shopper's Supply has done well and would like to relocate to a larger facility and have their own property, thus they seized this opportunity now that Food City has decided to close its doors. They have acquired the former Food City parcel and the parcel directly east of it, approximately 5.38 combined acres (see Assessor's map attached) and both zoned B-2/PD.

Shopper's Supply would like to move into their new building as soon as possible. They are trying to be open for business next month, November 2016. Part of their business is their outdoor sales yard, like the one they had at their former location. At the new site, the outdoor sales area is technically located on the separate parcel east of the old Food City building. Under the PD conceptual plan approved under Ordinance No. 842, that parcel was designated for future shops.

In order to be "up and running" as soon as possible and after consulting with City staff, it was determined that Shopper's Supply basically needed to do three things: 1) apply for a Conditional Use Permit ("CUP") to have a temporary (6 months maximum) outdoor sales yard pursuant to Zoning Ordinance Section 1-6-23 Temporary Uses and Structures; 2) apply for a Planned Development major amendment to change the former plan of development for that portion of the property (parcel 101-16-019B) from future shops to a permanent, improved, outdoor, fenced-in sales yard; and 3) apply through the Pinal County Assessor's Office to combine the two parcels which Shopper's Supply purchased into one parcel. Of course any interior or exterior remodeling, tenant improvements, or future construction will be subject to proper permits and inspections.

Case CUP-2-16 seeks to establish a temporary sales yard on the east side of the new Shopper's Supply building (see attached plans). On the south portion of what was the future shops building pad, Shopper's Supply is proposing to enclose a +/-116' by 82' yard, with privacy-screened chain link fencing, and dust-proofed with stabilized decomposed granite. They also plan to use event tent types of structures as temporary shade canopies under which to store items along the east wall of the building. The temporary storage and sales yard area is presently the dirt pad which is just north of the paved parking area on the east side of the building. All off-site improvements around the perimeter of the Ironwood Crossings Shopping Center were constructed when the Mega Foods store was originally developed.

PLANNING DIVISION ANALYSIS AND FINDINGS

Relationship to General Plan:

The city's 2010 General Plan shows this area to be designated as "Downtown Mixed Use", which is intended to create developments which ideally may include residential, commercial, industrial and recreational uses. This is not a mixed use proposal, but the property itself was rezoned PD in compliance with a former city General Plan for a more conventional shopping center concept. The Downtown Mixed Use concept can and should be applied to the remaining vacant parcels along W. Apache Trail and in the downtown core area, but is arguably difficult to apply to existing developments.

Zoning/Site Context:

The city's new Zoning Ordinance allows outdoor sales businesses such as car lots, outright in the B-2 base zone. The outdoor sales yard is not incompatible with a big box type of use such as the garden centers one sees adjacent to stores such as Wal-Mart, Lowes, Home Depot, etc. So, the outdoor sales lot is not the issue in this case. The CUP in this case is to allow a temporary, minimally improved facility on what is presently an individual lot, which is proposed to be improved with full permanent improvements such as paving, masonry perimeter fencing, wrought iron gates, and a permanent shade structure within six months. Commercial zoned properties exist to the west, north and east of the site. There are 6-foot-high masonry walls separating the site from adjacent residential uses and no negative neighborhood impacts are anticipated in relation to the daytime outdoor sales activity. The city has received no complaints about the former Shopper's Supply site.

Evaluation of Criteria for a CUP:

Section 1-16-12-D-3 of the Zoning Ordinance establishes certain land use-related criteria for the Commission to consider when evaluating Conditional Use Permits. Staff's analysis of said criteria, with regard to this use, is as follows:

- a) Adequacy of roadways, off-street parking, public facilities and services to accommodate the proposed use. *[The site is located along a major commercial corridor in the heart of the city. The surrounding streets and access points are fully improved and the site has all necessary services. On-site improvements such as paved parking, perimeter and parking lot landscaping and on-site drainage and retention structures have all been constructed.]*
- b) Negative impacts arising from the emission of odor, dust, gas, noise, lighting, vibration, smoke, heat or glare. *[The temporary outdoor sales lot should not produce any negative odors, gas, smoke, heat or glare. Dust will be mitigated with a decomposed granite surface. Any outdoor lighting is subject to dark sky regulations.]*
- c) Contribution to the deterioration of the neighborhood or the negative impact on neighborhood property values. *[From our experience with the existing Shopper's Supply store, staff expects no negative neighborhood impacts from this use. If problems emerge, the City may bring the CUP back for further review, additional mitigating conditions or reconsideration at a future public hearing should any activity allowed under the CUP become a neighborhood nuisance.]*
- d) Compatibility with surrounding uses and structures. *[Surrounding uses to the west, north and east are zoned commercial, so those properties should not be negatively affected. Screening, landscaping and a distance buffer is already provided between the proposed sales lot and the residential properties to the south.]*
- e) Conformance with the General Plan and City policies. *[Given the existing development and the approved PD zoning, we do not believe the CUP request is in conflict with the General Plan. The city is happy to see businesses--especially employment generating and sales tax generating businesses--succeed, flourish and grow in the community.]*

- f) Screening and buffering of uses. *[Perimeter property screening and buffering is in place; the temporary sales yard will have its own screen fence; and permanent masonry and wrought iron screening improvements which will complement the building are planned. See concept elevations.]*
- g) Unique nature of the property, use and/or development's physical characteristics. *[There do not appear to be any unique or unusual physical property characteristics. It seems an appropriate use for a major commercial corner.]*

PUBLIC INPUT

Public hearing notices were mailed to all property owners within 300 feet of the site and the case was also advertised in the newspaper. Comments and input have been sought. Staff has received one phone call from a neighbor in the Azure Skies neighborhood to the south of the site. He wanted a little more information about the CUP proposal. He expressed no objections or concerns with the development. No other comments or calls from neighbors have been received.

PLANNING DIVISION RECOMMENDATION

Planning Staff recommends approval of case CUP-2-16. If the Commission is desirous of approving this CUP, then Staff recommends that the conditions listed under the Recommended Motion be attached to said approval. The Commission may modify, add to or delete recommended conditions as they deem appropriate.

RECOMMENDED MOTION

I move that the Planning and Commission (APPROVE/DENY) case CUP-2-16, a request for a Conditional Use Permit by the James P. Schmidt Revocable Trust, represented by Lance Baker, requesting the allowance of a temporary outdoor sales yard, for up to 6 months, for the relocation of the Shopper's Supply business, subject to the following conditions of approval:

- 1) The temporary outdoor +/-116' by 82' sales yard for Shopper's Supply shall be developed in compliance with the site plan submitted with case CUP-2-16, to include a privacy-screened chain link fence, a yard treated with decomposed granite for dust-proofing purposes and fire

rated/resistant temporary shade canopies along the east building wall.

- 2) The conditional use permit for the temporary sales yard approved under case CUP-2-16 is valid for up to six months from the date of approval and shall expire on April 26, 2017.
- 3) The property owners/applicants shall process through the city's Development Services Department, a Planned Development ("PD") major amendment application for a permanent outdoor sales yard for Shopper's Supply.
- 4) Subject to City Council approval of a PD major amendment, the temporary sales yard shall be redeveloped into a permanently improved facility within 6 months of this CUP approval or no later than April 25, 2017. If for any reason the PD amendment is not approved, the outdoor sales use must be discontinued beginning April 26, 2017, and all temporary structures associated therewith be removed from the property.
- 5) All construction and improvements related to the interior or exterior remodeling of the building and/or the temporary sales yard shall be properly permitted and inspected as appropriate, including the possible installation of outdoor propane dispensing tanks, fire rated/resistant shade canopies and dark sky compliant lighting per Zoning Ordinance Article 1-10 Outdoor Lighting Regulations.
- 6) The property owners/applicants shall also achieve the combination of parcels 101-16-019A and 019B through Pinal County's lot combination process prior to April 26, 2017.
- 7) The Planning and Zoning Commission shall reserve the right to reconsider the Conditional Use Permit approval at a new public hearing, for non-compliance with any condition prescribed as part of said CUP-2-16 permit approval and/or if the use proves to be a demonstrated hazard or nuisance.

The Commission's decision is final, unless an aggrieved individual or party appeals said decision (in writing, with reasons and accompanied by all applicable appeal fees) to the City Council within 20 calendar days of the Commission action, and in accordance with the applicable procedures set forth in the Apache Junction Zoning Ordinance, Section 1-16-12.



Prepared by Rudy Esquivias
Senior Planner/Zoning Administrator

Attachments:

- Exhibit #1 - CUP-2-16 application
- Exhibit #2 - Approved Ordinance No. 842
- Exhibit #3 - Approved PD conceptual site plan of Ironwood Crossings Shopping Center
- Exhibit #4 - Assessor's map of subject properties
- Exhibit #5 - CUP-2-16 Vicinity and Zoning Map
- Exhibit #6 - Aerial images of subject site
- Exhibit #7 - Proposed elevations for new Shopper's Supply
- Exhibit #8 - Shopper's Supply site plans



EXHIBIT A: Planning and Zoning Application Form

Office Use Only: Filing Date 10/3/11
 Staff RE
 Fees Received ☒
 Case CUP-2-16
PLN 2016-0009

TYPE OF APPLICATION

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Abandonment (Plat/Easement/ROW) | <input type="checkbox"/> Board of Adjustment |
| <input type="checkbox"/> Cargo Container Permit | <input type="checkbox"/> Certificate of Legal Nonconformity | <input checked="" type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Development Agreement | <input type="checkbox"/> Development Plan Review | <input type="checkbox"/> General Plan Amendment |
| <input type="checkbox"/> Lot Splits, Joins & Adjustments | <input type="checkbox"/> Ordinance Text Amendment | <input type="checkbox"/> Planned Development Rezoning |
| <input type="checkbox"/> Preliminary/Final Plat | <input type="checkbox"/> Preliminary Development Review | <input type="checkbox"/> Sign Permit |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Temporary Use Permits | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> Other _____ | | |

SITE INFORMATION

SITE ADDRESS/LOCATION 1477 W. APACHE TRAIL ASSESSORS PARCEL NUMBER 10116019A, 10116019B
 GROSS AREA: 5.38 acres NET AREA _____ EXISTING ZONING B2-PD

BRIEF DESCRIPTION OF THE PROPOSED PROJECT/USE:

TEMPORARILY OUTDOOR STORAGE AND SALES FOR SHOPPERS
SUPPLY FOR 6 MONTHS WHILE THE PD AMENDMENT IS
PROCESSED.

APPLICANT INFORMATION

Property Owner(s) SHOPPERS SUPPLY, JAMES P. SCHMIDT REVOCABLE TRUST
 Address 2880 S. ALMA SCHOOL RD., CHANDLER, AZ 85286
 Phone Number 55-591-9322 Fax Number _____ Email tylers@shoppersfarmstore.com

Applicant Contact Person/Project Manager LANCE BAKER
 Address 1111 W. UNIVERSITY DR. # 104, TEMPE, AZ 85281
 Phone Number 480.948.9211 Fax Number 480.948.9766 Email lbaker@sdiaz.us

Architect/Engineer SYNETHIC DESIGN INC.
 Address 1111 W. UNIVERSITY DR. # 104
 Phone Number 480.948.9766 Fax Number 480.948.9211 Email lbaker@sdiaz.us

OWNERS SIGNATURE: _____

DATE: 10/3/2011

I/We certify that:

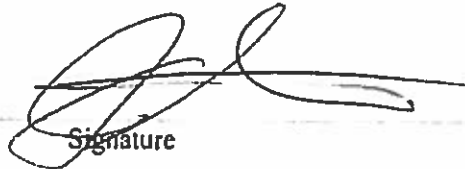
I/We are the owner(s) of the property described in this Planned Development Amendment/Time Extension/Pre-Plan Review application and have submitted copies of deeds or title reports as proof of ownership.

I/We have read the application instructions and have truthfully completed this application and understand that the City has the option of either approval or denial of this request following conduct of a Public Hearing.

I/We, being the owner(s) of the property in this application, have appointed LANCE A BAKER, AIA as my/our representative agent. I/We have authorized him/her to do whatever is necessary to have this request considered favorably by the City of Apache Junction and agree that all correspondence relating to this matter should be delivered to him/her.

PLEASE PRINT

James Schmidt
Property Owner Name


Signature

Street Address

City, State, Zip

Telephone

Property Owner Name


Signature

Street Address

City, State, Zip

Telephone

LANCE A. BAKER
Agent Name


Signature

1111 W. University Dr. #104
Street Address

Tempe. AZ 85281
City, State, Zip

480 948. 9766
Telephone

ORDINANCE NO. 842

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA ZONING ORDINANCE, BY AMENDING THE ZONING DISTRICT MAP, CITY OF APACHE JUNCTION, ARIZONA, CHANGING THE ZONING DISTRICT CLASSIFICATION IN REZONING CASE PZ-92-09 FROM GENERAL RURAL (GR) AND GENERAL BUSINESS (CB-2) TO GENERAL COMMERCIAL BY PLANNED DEVELOPMENT (C-3/PD); REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THAT:

SECTION I IN GENERAL

The zoning district classification on the Zoning District Map, City of Apache Junction, Arizona, be and hereby is amended from General Rural (GR) and General Business (CB-2) to General Commercial by Planned Development (C-3/PD) for the following described parcel:

That part of Southwest Quarter of Section 20, Township 1 North, Range 8 East, Gila and Salt River Base and Meridian, Pinal County, Arizona;

Beginning at a point on the Arizona Department of Transportation centerline of Apache Trail from which the West Quarter corner of Section 20 bears North 0°01'20", a distance of 12.50'; thence South 0°01'20" West along the West line of the Southwest Quarter of Section 20, a distance of 217.00'; thence, South 89°52'00" East a distance of 50.00' to the true point of beginning; thence, continuing:
South 89°52'00" East a distance of 110.30'; thence,
North 0°01'20" East a distance of 167.00'; thence,
South 89°52'00" East along the right-of-way line of Apache Trail a distance of 619.12'; thence,
South 0°00'35" West a distance of 616.49'; thence,
North 89°49'32" West a distance of 449.56'; thence,
North 87°43'20" West a distance of 165.12'; thence,
North 89°52'00" West a distance of 115.00'; thence,
North 0°01'20" East a distance of 443.00' to the true point of beginning.

STIPULATIONS:

- 1) That the final planned development plans and the development of the property conform substantially to the approved preliminary plans except as otherwise noted.

2. That a right-exit-only lane at the center entrance of the shopping center on Apache Trail be added to the development plans;
3. That the final landscaping plans, to include a masonry wall on the south side of the project and appropriate methods of landscaping on the remaining perimeter of the project, be approved by the Planning Division Manager or the City Council.
4. That the east and south elevations of the shopping center be revised to the satisfaction of the Planning Division Manager or the City Council.
5. That detached and attached signage for this shopping center be approved by the Planning Division Manager or the City Council.
6. That any land splits of this site be approved by the Development Services Director or the City Council.
7. That an additional 17 feet of right-of-way be dedicated to the City for parcels 7E and 10.
8. That an 8-foot utility easement along the south and east boundaries of the Texaco property be dedicated to the Salt River Project.
9. That the final planned development plans be submitted to the City and construction commenced within one year of City Council approval of the rezoning and the preliminary planned development plans; or the zoning will automatically revert to its prior classification, unless an extension is granted by the City Council.

SECTION II REPEALING ANY CONFLICTING PROVISIONS

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

SECTION III PROVIDING FOR SEVERABILITY

If any section, sub-section, sentence, phrase, clause or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion thereof.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS 1ST DAY OF SEPTEMBER, 1992.

SIGNED AND ATTESTED TO THIS 2ND DAY OF SEPTEMBER, 1992.



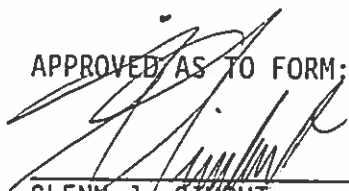
THOMAS DAMIANO
Mayor

ATTEST:



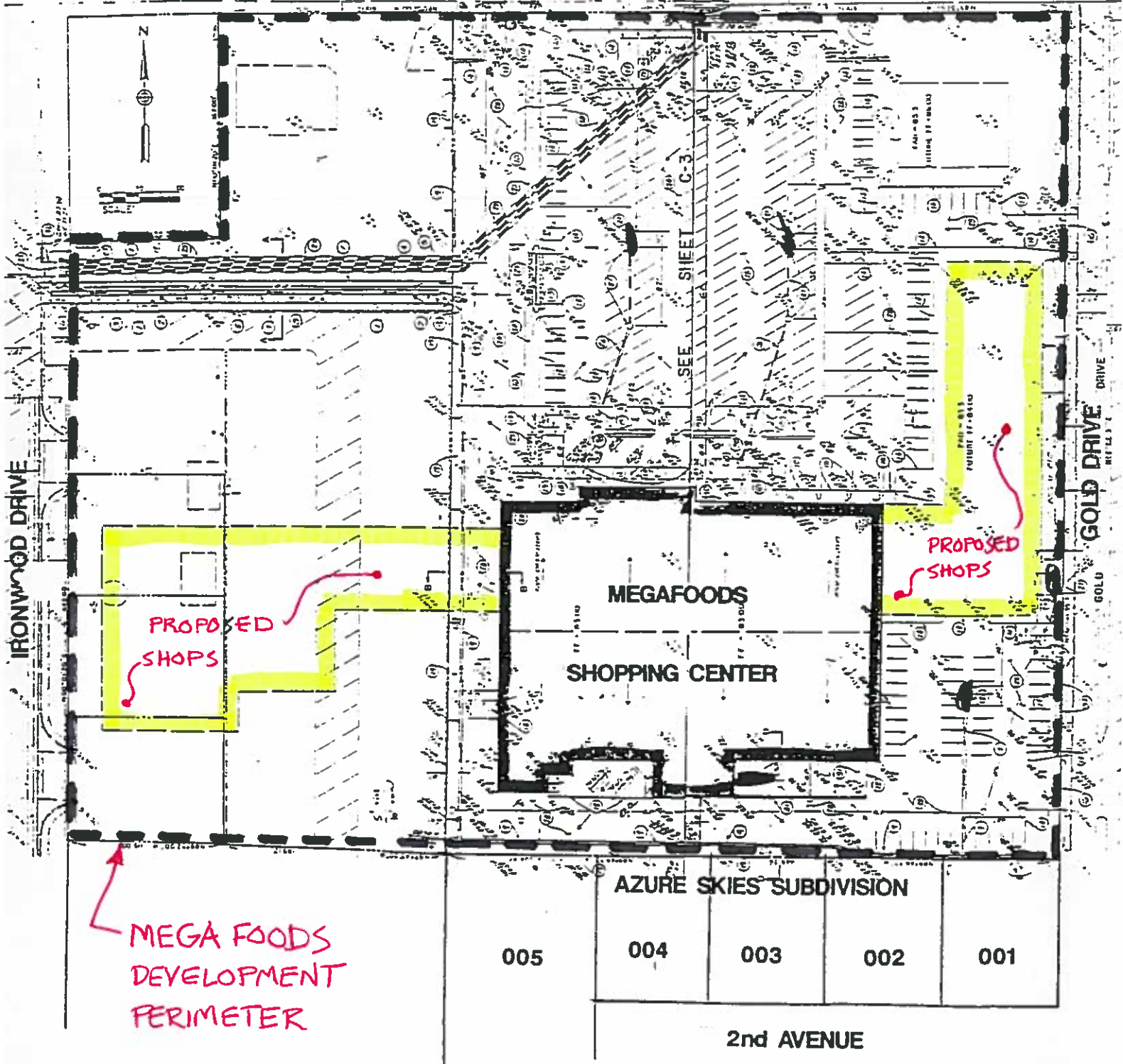
KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:



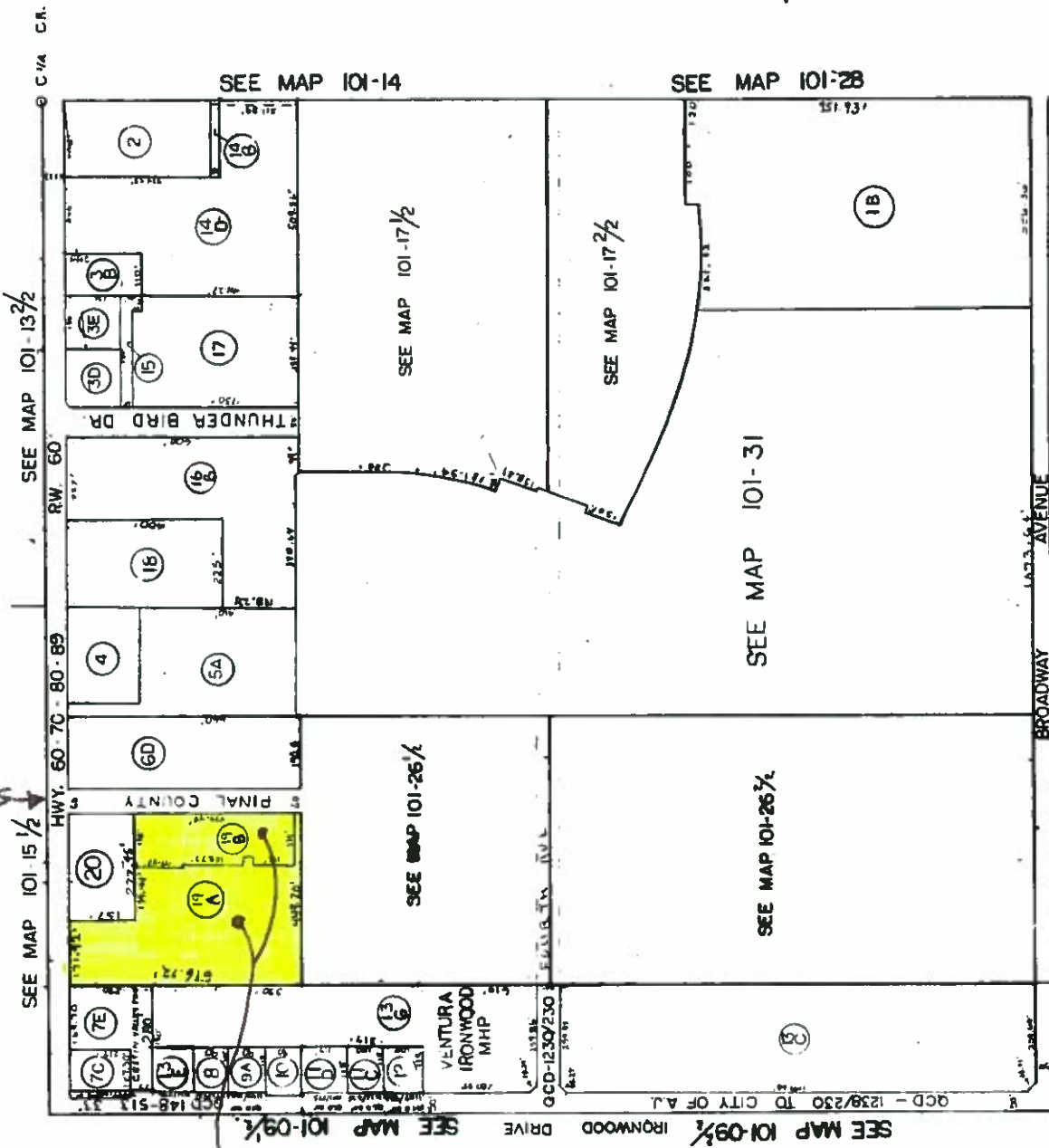
GLENN J. GIMBUT
City Attorney

APACHE TRAIL



5. Gold Drive

SHOPPER'S
SUPPLY
PROPERTIES



SEC. 20 SW
TN. 1N
RG. 8E
SCALE 1"=300'

PINAL COUNTY
ASSESSOR



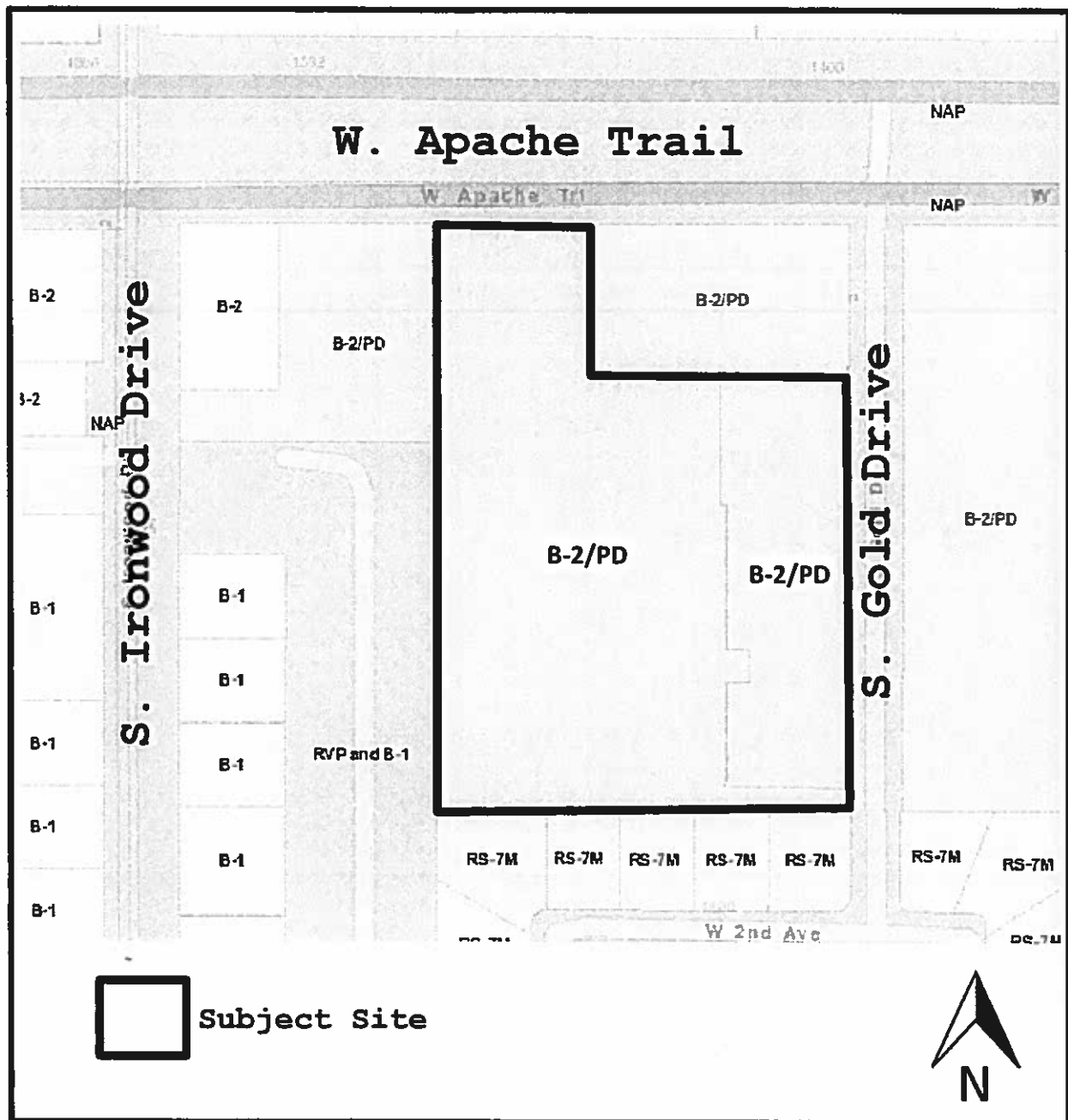
W-33' of SW 4 QCD 148/513

SEE BOOK 102-08

CUP-2-16

Vicinity Map

Conditional Use Permit Request to Allow Temporary Outside Sales
in B-2/PD.





Google earth

feet
meters

200 900



CUP-2-16
AERIAL

