



City of Apache Junction

Development Services Department



PLANNING AND ZONING COMMISSION PUBLIC HEARING STAFF REPORT

DATE: October 25, 2016

CASE NUMBER: PZ-10-16

REQUEST: A Planned Development (PD) major amendment application requesting a permanent outdoor storage and sales lot for a new Shopper's Supply Store on a site previously approved for shops in a shopping center.

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), an approximately 9-acre property at the southeast corner area of W. Apache Trail and S. Ironwood Drive was rezoned from General Rural (GR) and General Business Zone (CB-2) to General Commercial District by Planned Development (C-3/PD) for a shopping center called Ironwood Crossings (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. The adoption of the city's new zoning ordinance and new zoning districts maps in May of 2014, renamed the zoning of the property to Old West Commercial by Planned Development ("B-2/PD"), but the PD plan and conditions of approval listed in Ordinance No. 842 are still in effect for the majority of the originally rezoned property.

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. In fact, the May 2014 zoning maps rezoned those parcels back to RVP and B-1, reflecting their existing uses.

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), both part of the Ironwood Crossings Shopping Center 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.

Concurrent with this PD amendment case, Shopper's Supply is processing their CUP case (CUP-2-16) for a temporary outdoor sales yard. If the CUP is approved by the P&Z Commission, Shopper's Supply will be able to immediately offer their customers all of their usual products and will allow them time to process this PD amendment for an outdoor sales yard with permanent improvements.

Case PZ-10-16 seeks approval to change the old plan of development for parcel 101-16-019B from a pad for the shops which were supposed to be developed to the east of the old Mega Foods store, to a permanent outdoor storage and 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 an 8-foot masonry perimeter wall, with wrought iron roll gates on the north and south sides of the yard. A permanent shade canopy will also be constructed on the east side of the building which will partially shade the yard and provide protection for various products. The sales yard will be surfaced with asphalt. The entire building and the yard enclosure will be painted with matching earth tone colors, in compliance with the city's commercial design guidelines. The building will be given a face lift and Shopper's Supply's corporate red color incorporated into the façade (see elevations).

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

Planning & Zoning – Building & Safety – Revenue Development

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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. Outdoor sales yards and/or garden centers often complement big box type businesses such as Wal-Mart, Lowes, Home Depot, etc. Outdoor sales is not necessarily the issue in this case. The zoning question for the Commission and Council involves trading the idea of additional shops pads, which were never realized, to a business use which has had good success in the community. The potential for an additional complementary business (or businesses) to the north of the proposed outdoor yard still exists, as a good portion of that lot is not proposed to be developed at this time (see aerial images).

All off-site improvements around the perimeter of the Ironwood Crossings Shopping Center were constructed when the Mega Foods store was originally developed, so no additional off-site improvements will be required. Screening and landscape improvements also surround the development site.

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.

Planned Development Request:

The proposed outdoor yard is located behind (to the south of) the auto parts business, so it is not immediately visible from the right-of-way, nor does it need to be. The architectural renderings show a design-unified building and yard. Staff believes the final product will be a positive improvement to the property.

At this time, the PD application does not identify, nor do we know of any plans for the rest of the lot to the north of the

yard, but staff will recommend that certain uses be precluded from locating on that lot as we have done with other planned development properties.

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 and PD amendment proposals. 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 PZ-10-16. If the Commission is desirous of approving this PD amendment, 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 PZ-10-16, a request for a Planned Development major amendment by the James P. Schmidt Revocable Trust, represented by Lance Baker, requesting to construct a permanent outdoor storage and sales yard for the relocation of the Shopper's Supply business, on part of a parcel which was previously planned for commercial shops, subject to the following conditions of approval:

- 1) The permanent outdoor +/-116' by 82' storage and sales yard for Shopper's Supply shall be developed in compliance with the site and elevation plans submitted with case PZ-10-16, to include an 8-foot-high decorative masonry wall enclosure with wrought iron roll gates on the north and south sides of the yard, an asphalt or concrete-surfaced yard and a new permanent shade canopy on the east side of the new Shopper's Supply Store.
- 2) The proposed exterior building improvements and the permanent outdoor sales yard improvements shall be

constructed within six months of PD plan approval or by April 25, 2017. All improvements shall comply substantially with the elevation and site plan drawings submitted with case PZ-10-16.

- 3) All construction and improvements related to the interior and/or exterior remodeling of the building and/or the sales yard shall be properly permitted and inspected as appropriate, including the possible installation of outdoor propane dispensing tanks, the shade structure and dark sky compliant lighting per Zoning Ordinance Article 1-10 Outdoor Lighting Regulations.
- 4) 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.
- 5) Future uses on the B-2/PD-zoned property shall include those uses normally allowed under the B-2 base zone, except for the following uses: pawn shop; tattoo and/or piercing establishment; RV or boat storage or other types of outdoor storage businesses; taxi or shuttle business; rescue mission, soup kitchen or homeless shelter; second-hand stores; used auto sales; auto or motorcycle repair shops; marijuana uses; or other uses determined by the Zoning Administrator to be incompatible with a retail/commercial/office strip center development.
- 6) Building signs and proposed new monument signs shall comply with the city's Zoning Ordinance Article 1-11 Sign Regulations and shall complement the architecture of the building, including style, color and materials, and shall be subject to Planning Staff review and approval.
- 7) Other businesses proposing to locate on the east end of the shopper's Supply property shall be required to comply with all provisions of this Planned Development zoning approval, at a minimum to include the construction of on-site and off-site improvements as required by the city's Engineers, the limited uses and unifying signage and design concepts and landscape improvements. Any future building shall incorporate similar or compatible architectural styling as the other buildings in the development and the city's Commercial Design Guidelines. Requested deviations from the provisions of this

ordinance or B-2 zone standards shall require a separate Planned Development amendment process.

- 8) The property owners shall draft and/or update any shared retention, drainage, parking, cross access and common area maintenance agreements (including on-site and perimeter landscape maintenance), to be agreed upon and executed between the property owners of the Ironwood Crossings development.



Prepared by Rudy Esquivias
Senior Planner/Zoning Administrator

Attachments:

- Exhibit #1 - PZ-10-16 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 - PZ-10-16 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

0% Use Only: Filing Date: 10-3-16
 Staff: RE
 Fees Received: 0
 Date: PL-10-16
PLN 2016-20057

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 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 Zoning |
| <input type="checkbox"/> Preliminary/Final Plat | <input checked="" 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:

~~TEMPORARY~~ OUTDOOR STORAGE AND SALES FOR SHOPPERS
 SUPPLY. FOR 6 MONTHS WHILE THE PD AMENDMENT IS
 PENDING. MASONRY WALL AND ASPHALT PAVING WITH GATES.

APPLICANT INFORMATION

Property Owner(s): SHOPPERS SUPPLY, JAMES P. SCHMIDT REVOCABLE TRUST
 Address: 2880 S. ALMA SCHOOL RD., CHANDLER, AZ 85286
 Phone Number: 55-571-9322 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: 10/3/2016

I/We certify that:

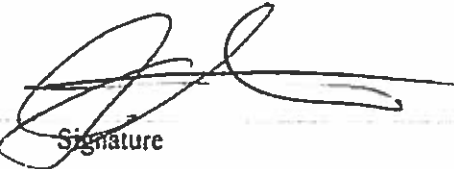
I/We are the owner(s) of the property described in this Planned Development Amendment/Time Extension/Pre-Plan Review application and have submitted copies of deeds or title reports as proof of ownership.

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

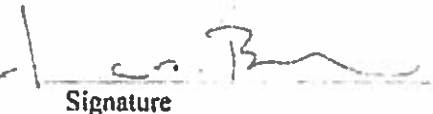
Signature

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

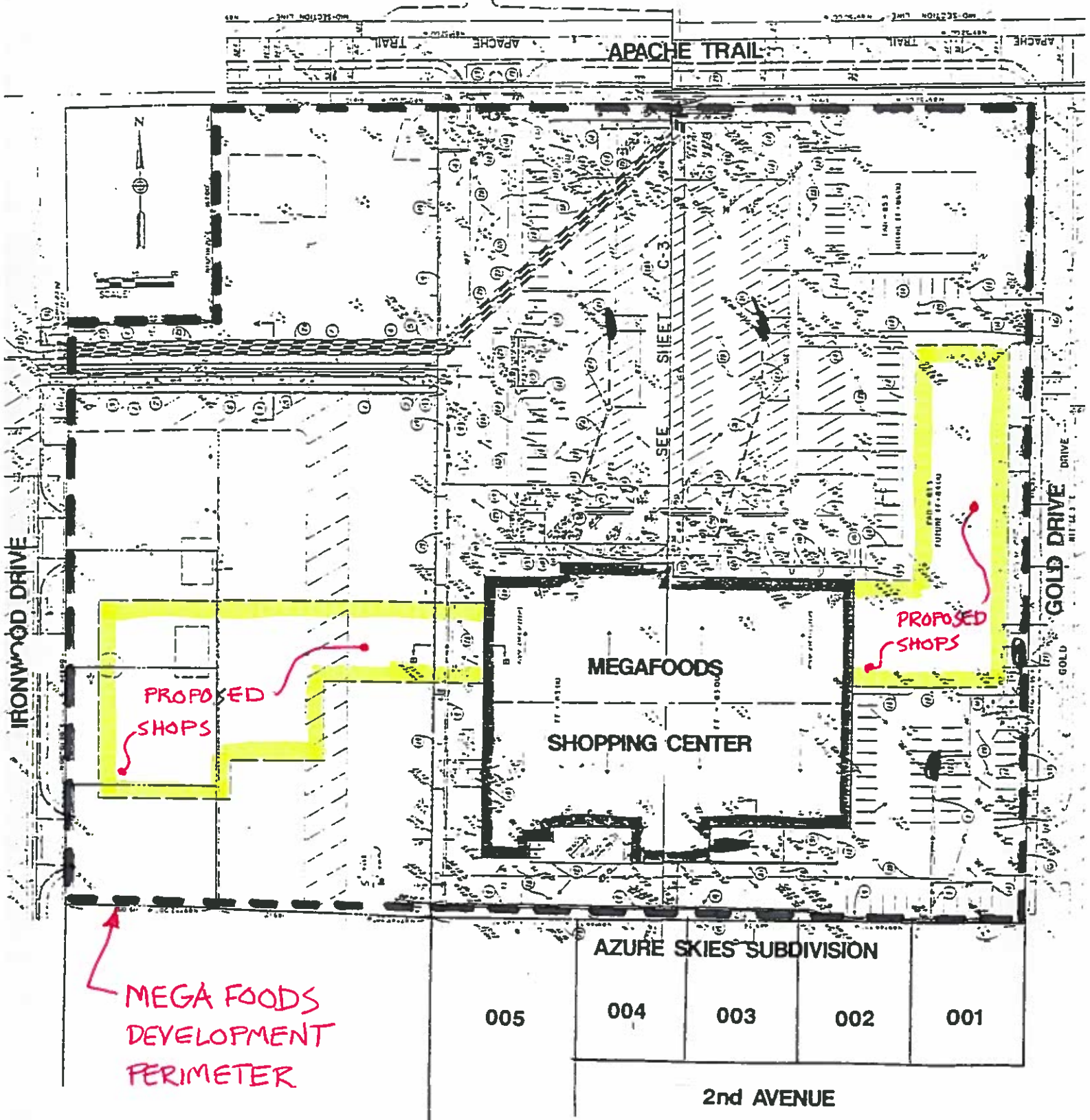
APPROVED AS TO FORM:



GLENN J. GIMBUT
City Attorney

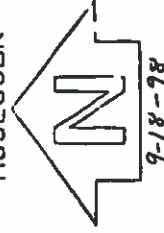
ORDINANCE NO. 842
PAGE THREE OF THREE

MEGAFOODS/IRONWOOD CROSSINGS

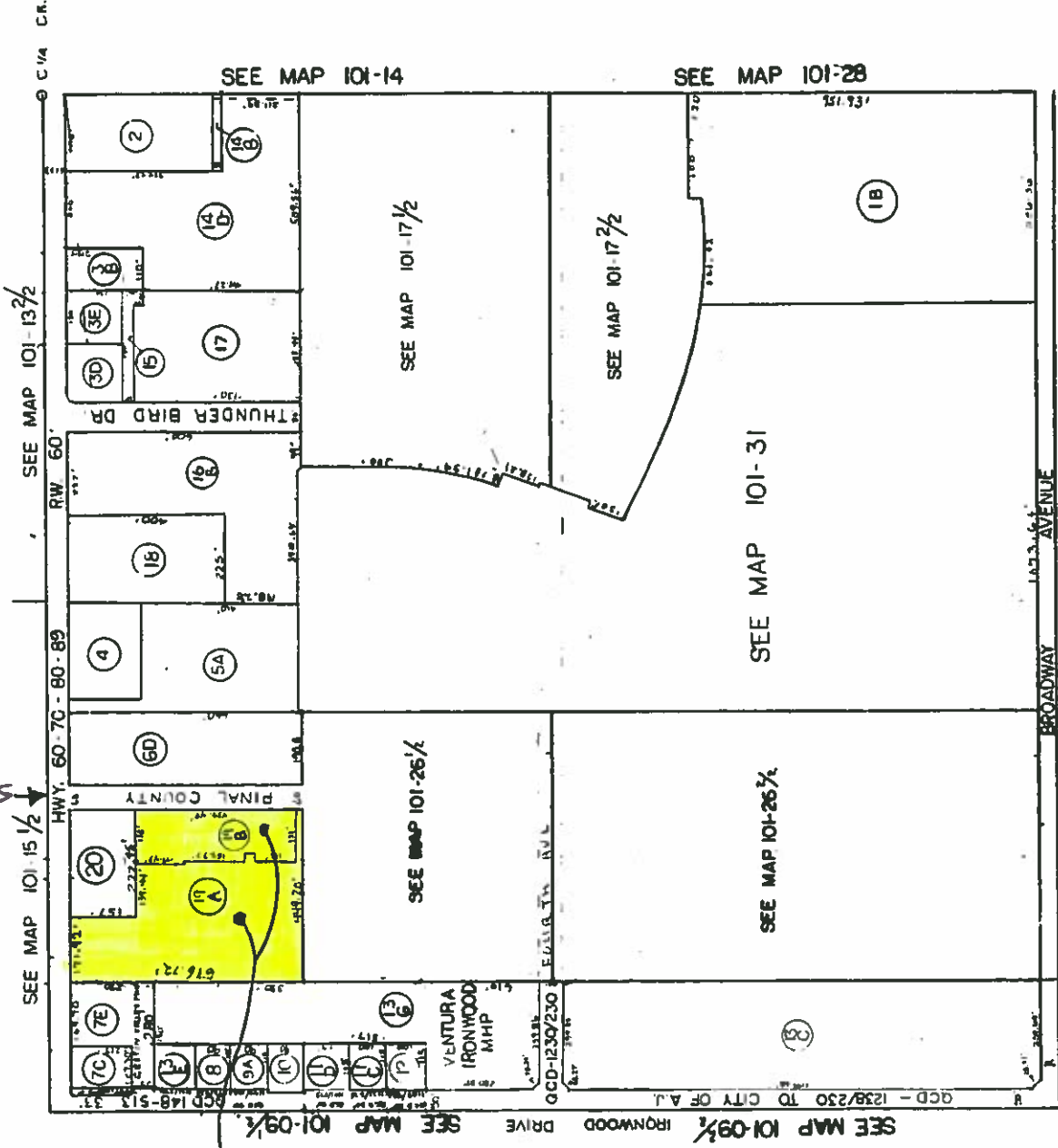


SEC. 20 SW
TN. 1N
RG. 8E
SCALE 1"=300'

PINAL COUNTY
ASSESSOR



S. GOLD DRIVE



SHOPPER'S
SUPPLY
PROPERTIES

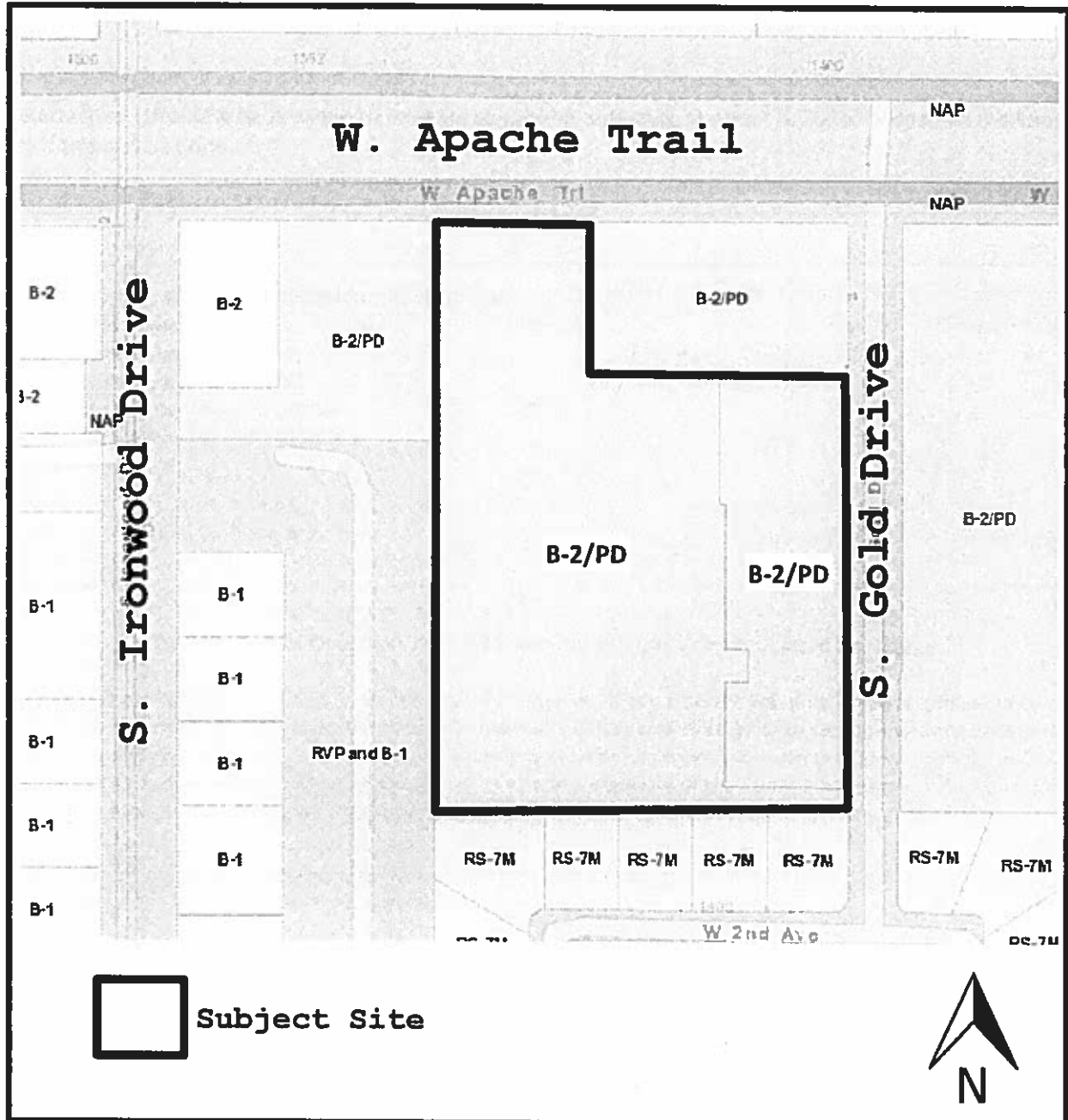
W-33' OF SW 4 QCD 148/513

SEE BOOK 102-08

PZ-10-16

Vicinity Map

Major Planned Development Amendment Request to Allow Permanent
Outside Sales in B-2/PD.





Google earth

feet
meters

900
200



PZ-10-16
AERIAL



