



City of Apache Junction

Development Services Department



PLANNING AND ZONING COMMISSION NEW BUSINESS ITEM STAFF REPORT

DATE: August 8, 2017

CASE NUMBER: CUP-6-17

REQUEST: A Conditional Use Permit (CUP) to allow explosive material to be stored in an ATF approved storage container at Western Industrial.

LOCATION: The subject site is located at 3640 S. Cactus Road, on the southwest corner of S. Cactus Road and E. 36th Avenue alignment (Assessor parcel #102-20-009E).

APPLICANT: Western Industrial, represented by Nate Shechter

PROPERTY OWNER: Desert Mesa Holdings LLC

**GENERAL PLAN/
ZONING DESIGNATION:** Designated "Community Commercial"; presently zoned B-5 (Industrial).

SURROUNDING USES:

NORTH: Vacant single-family residential property (zoned RS-GR);

SOUTH: Pinal County jurisdiction light industrial and warehouse (Pinal County zoned CI-1) properties;

EAST: Quail Run Manufactured Home Park (zoned MHP);

WEST: Pinal County jurisdiction light industrial and warehouse (Pinal County zoned CI-1) property.

BACKGROUND

The existing 2.5 acre developed site is currently used by Western Industrial as a corporate office for their construction management company. The company provides general contracting, services to mines, pipelines, welding, and industrial maintenance services. The site consists of a main office building, a storage warehouse, and construction yard for vehicles and materials. The property was annexed into the city from Pinal County in 2007 (AN-2-06 and Ordinance No. 1295) and developed the same year (see attached Aerial Map and Ordinance No. 1295). When the property was annexed into the City of Apache Junction the zoning was classified as CI-1, equivalent to the zoning under Pinal County jurisdiction. When the zoning ordinance was updated in 2014 the zoning district was re-designated from CI-1 to B-5.

PROPOSAL DESCRIPTION

This is a request by Western Industrial for a Conditional Use Permit (CUP) to store explosive material in a Federal Bureau of Alcohol, Tobacco, and Firearms (ATF) approved type 2 magazine storage container on the property at 3640 S. Cactus Road.

The request (see attached Narrative) consists of a storage container that meets ATF, National Fire Prevention Association (NFPA) and International Code Council (ICC) standards for safe storage that can hold up to a maximum of 125 pounds of explosive material. There will also be barricades around the magazine engineered to withstand force should a failure occur. Material will only be stored on an as-needed basis.

PLANNING STAFF ANALYSIS AND FINDINGS

The current zoning of the property is B-5 industrial and allows the current business use, the proposal to store an explosive type of material requires a CUP.

The submitted plans and narrative for the explosive magazine were sent to the fire district, police department and building official for review and comments. Fire district comments are still pending (see attached Review Comments). Upon approval of the CUP a further building permit will be required for the container, depending on further review, more materials might be required to meet building and fire codes.

The property is currently in compliance with all zoning and building regulations and does not have any violations. The retention basin to the rear of the property was recently re-engineered and re-configured to meet the City of Apache Junction engineering standards for grading and drainage. The proposed structure is located out of the retention basin area.

The term "explosive" is used but the material being stored requires an "ignitor," and that is being stored in a separate container. This type of material is used for fracturing to disrupt ground in order to dig and extract materials. The container being used is specific as hazardous material storage and will have inspections by Western Industrial and ATF. The container will be used specifically for this material, can only hold a certain amount, and will only hold material on an as-needed basis.

Possible conditions of approval:

1. Upon approval of the CUP, a building permit will be required for the magazine storage container and the barrier and must meet ATF, NFPA and ICC standards along with applicable inspections by the building inspector and fire marshal.
2. The Apache Junction Police Department shall inspect the magazine once it is in place, before explosives are stored at the site.
3. The commission shall reserve the right to revoke a CUP for noncompliance with any condition prescribed as part of the permit approval.

The city's zoning ordinance, Section 1-16-12(D)(3) (attached), is the section that lists the criteria or findings for conditional use permits in general. The CUP criteria which the commission should consider in evaluating any CUP request and staff's commentary on said criteria (in grey tone) relative to this request, for the commission's discussion and consideration are as follows:

Findings. A CUP may be granted upon a finding by the commission that the use covered by the permit, the manner of its conduct, and any structure involved will not be detrimental to persons residing or working in the area, to adjacent property, to the neighborhood, or to the public welfare in general. The burden

of proof for satisfying the aforementioned requirements shall rest with the applicant.

In arriving at the above determination, the commission shall consider but not be limited to the following factors:

- a) Adequacy of roadways, off-street parking, public facilities and services to accommodate the proposed use. (The site is located along a road used primarily for access to industrial properties. The site has all necessary services and since the use is for a private business, public access and improvements are not required. The proposed use will not affect roadways, parking, facilities or services).
- b) Negative impacts arising from the emission of odor, dust, gas, noise, lighting, vibration, smoke, heat, or glare. (The magazine storage container will house the material, shielding it from any type of negative impacts. The container will not produce any negative impacts).
- c) Contribution to the deterioration of the neighborhood or the negative impact of neighborhood property values. (The subject site is located in an industrial area with a RAD (Right-Away-Disposal) recycling facility to the west and two manufactured home parks to the east. There is no research to determine accurately if the area will have a negative impact).
- d) Compatibility with surrounding uses and structures. (Surrounding uses to the west and south are industrial uses and zoned industrial, these properties should not be negatively affected. The property to the north is zoned residential but is owned by the Horne Company and reserved for future expansion of auto dealerships or other general commercial uses. The manufactured home parks to the east are residential but are meeting distance requirements to the magazine storage container with a 590 feet distance between the container and closest structure).
- e) Conformance with the General Plan and City policies. (The General Plan designates the area as Community Commercial, but the majority of the properties within that area are zoned industrial. The use of the storage container to store explosive material is allowed subject to a CUP and appears to comply with the criteria for a CUP, as well as the criteria by ATF, NFPA, and ICC for an explosives storage container).

f) Screening and buffering of uses. (The current site is already developed and has a six (6) foot high wall surrounding the property with a gated entrance and security. The storage container will be located towards the rear of the property. The container itself will be required to meet the ability to store an explosive material and a barricade will also be placed. The container will not be able to be seen from the right-of-way on Cactus Road).

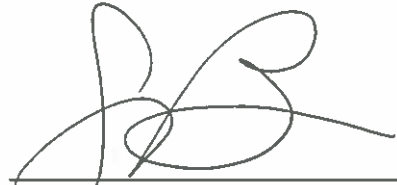
g) Unique nature of the property, use and/or development's physical characteristics. (The property only has access from S. Cactus Road and is not in a major flood zone).

PUBLIC NOTIFICATION

The CUP case was advertised in the paper for the P&Z Commission public hearing of August 22, 2017 and letters were mailed to all property owners within 300 feet of the site. The applicant sent out a notification letter to property owners describing the request (public participation letter attached). One owner to the south that operates the Central Arizona Council on Development Disabilities voiced concerns regarding explosive material being stored near their property and could potentially be a hazard. A full public participation summary will be provided at the public hearing.

P&Z PUBLIC HEARING ON AUGUST 22:

Tonight's item is for discussion purposes only, to introduce the item to the Commissioners and to give the Commissioners the chance to ask any initial questions or express any concerns. At the Commission public hearing on August 22, staff will present an updated staff report, with recommended conditions for the Commission to consider. We will recommend conditions to ensure safety of the surrounding properties and community.



Prepared by Stephanie Bubenheim
Assistant Planner

Attachments:

- Exhibit #1 - CUP-6-17 Application
- Exhibit #2 - CUP-6-17 Narrative
- Exhibit #3 - CUP-6-17 Aerial Map
- Exhibit #4 - CUP-6-17 Zoning Map
- Exhibit #5 - Public Participation
- Exhibit #6 - Review Comments
- Exhibit #7 - Site Plan, Grading & Drainage, Structural, Distances
- Exhibit #8 - Elevations
- Exhibit #9 - Ordinance No. 1295
- Exhibit #10 - Apache Junction City Code Section 1-16-12



EXHIBIT A: Planning and Zoning Application Form

Office Use Only: Filing Date 6/29/17
Staff S. Bubenheim
Fees Received 1200
Case CUP-6-17

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 3640 S. Cactus Rd ASSESSORS PARCEL NUMBER 102-20-0096A

GROSS AREA: 109,180 NET AREA _____ EXISTING ZONING _____

BRIEF DESCRIPTION OF THE PROPOSED PROJECT/USE:

Provide a site for barricading & storage of an explosives magazine

APPLICANT INFORMATION

Property Owner(s) Desert Mesa Holdings LLC
Address 3640 S Cactus Rd
Phone Number 480 396 7404 Fax Number 480 396 7405 Email nshechter@wire.co

Applicant Contact Person/Project Manager Nate Shechter
Address 3640 S Cactus Rd
Phone Number 480 396 7404 Fax Number 480 396 7405 Email nshechter@wire.co

Architect/Engineer _____
Address _____
Phone Number _____ Fax Number _____ Email _____

OWNERS SIGNATURE: [Signature] DATE: 6/12/17



Western Industrial Fracturing, is requesting a conditional use permit from the city of Apache Junction Arizona at 3640 S. Cactus Rd. The request for this permit is to support a new business "Western Industrial Fracturing." The request for this permit is so we may safely and legally store materials used for explosives and initiation devices in our ATF approved Type 2 magazine. The magazine is required by the ATF, NFPA and UBC for the safe storage of explosive materials and initiating devices. This magazine will also have barricades placed around the magazine to control any energy that may be released in a catastrophic event as supplemental protection for our property and the property of our neighbors. The quantity of material will not exceed 125 lbs.

The total content of the magazine is limited by the proximity of the magazine to other occupied structures. The magazine has a separate magazine attachment meeting ATF standards that allows for the separate storage of initiating devices (caps). These initiation devices are included in the total material allowed.

Explosive materials today are stable materials, this means that they need a high heat source such as a blasting cap to initiate the reaction of the material. Western Industrial does not have the intent to store material for the sake of storing material. Material will be ordered and used on an as needed basis. If the project exceeds the limits of our storage capability, Western Industrial Fracturing will seek other avenues for storage. The ability to store at our Apache Junction office allows for more efficient access to our work sites.

The barricade system that is around the magazine is engineered and designed to meet the forces exerted on the barricade should a catastrophic failure occur. This barricade system is a 12" thick double mat concrete floor and wall

Should the conditional use permit be approved, the magazine is required by the ATF to have inspections semi-annually and is also inspected by Western Industrial Fracturing on a weekly basis. This inspection includes inventory as well as the structure of the magazine and its barricades.

Design of the barricade system will direct any release of energy to be directed in an upward direction where the chance of falling roof material may occur. The walls are designed to withstand the outward force of any catastrophic failure based on the quantity stored.



300 Armag Avenue
Bardstown, KY 40004-2113
E-mail: info@armagcorp.com

C O R P O R A T I O N
Formerly Sam Nally Shop, Inc.
www.armagcorp.com

Phone: 502-348-3987
Toll Free: 800-443-9994
Fax: 502-348-4801

Type 2 Class ABC ATF spec 3"-lined magazine is constructed of:

- ¼" exterior steel plate
- Lined with (3) - 1" layers of hardwood throughout with additional 1/8" plywood on walls and ceilings
- ½" AC plywood over hardwood on floor
- secured with aluminum fasteners
- Additional vertical and horizontal standoff lattice strips on walls to prevent blocking of ventilation
- All non sparking interior
- Top mounted lifting attachments
- mounted on two 6" - 20# beam skids with 5" openings each end
- vent openings are double screened with expandable metal and aluminum bug screen
- exterior shielded with ¼" steel plate

- Doors are constructed of ¼" steel plate
- reinforced with 3/8" x 2" stiffeners
- lined with 3" hardwood and additional 1/8" plywood overlay
- (2) 14" greasable welded hinges each door with 1 ½" x 1 ½" hinge
- side security pin behind each hinge
- door opening is framed with 3" x 3" x ¼" angle
- door has top drip edge to prevent leakage
- each door has grounding bonding straps across one hinge
 - magazines with double doors are secured with additional lockable cam closure on active door and internal top and bottom aluminum cane bolts on secondary door

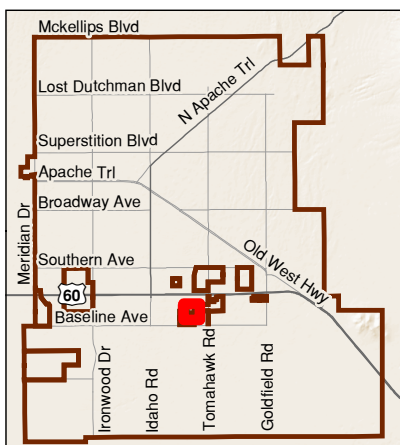
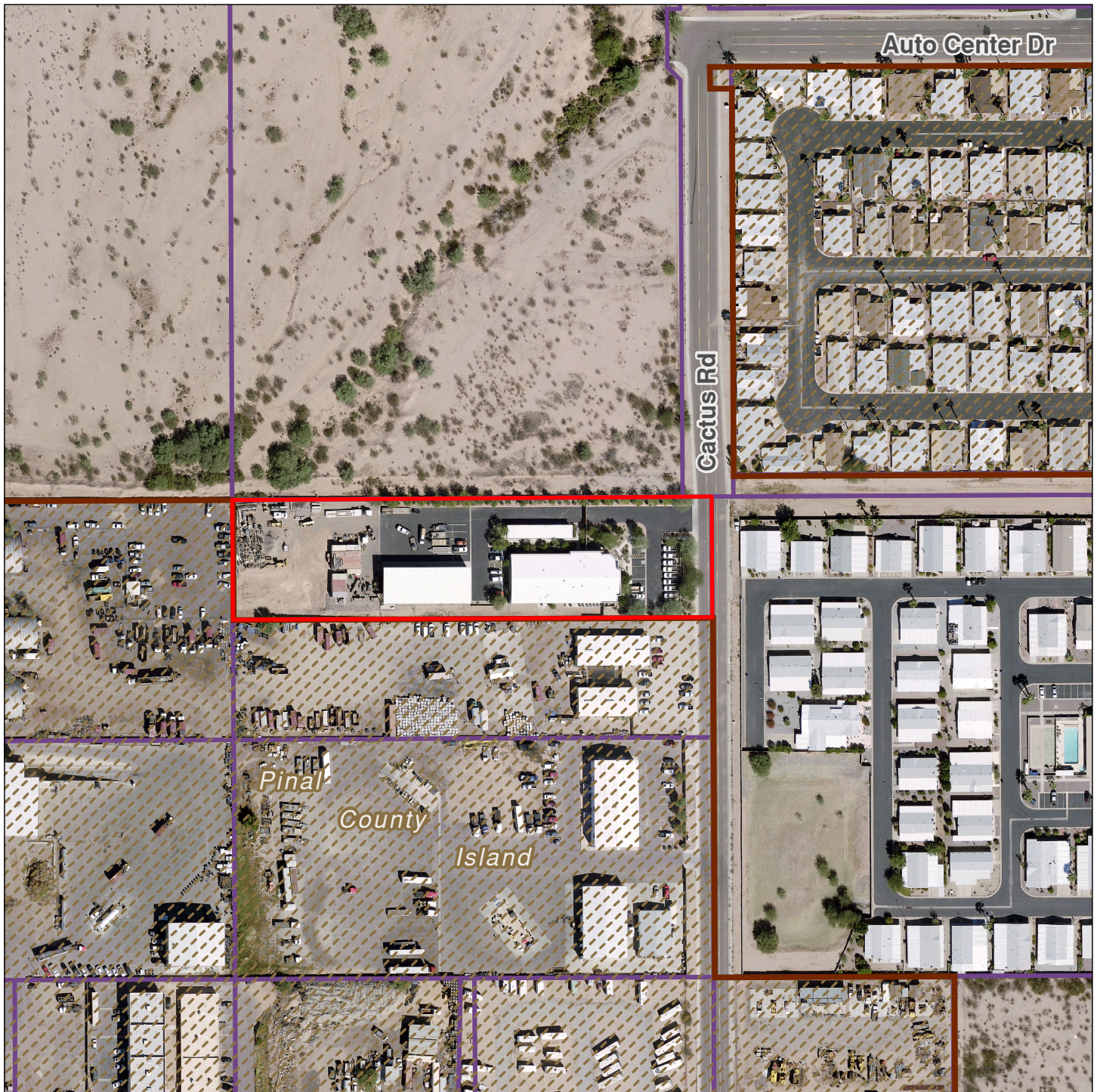
- Unit has (2) ¼" steel lock covers with side angle iron protection
- (2) ATF spec padlocks (7/16" hardened shackle, 5 tumbler keyway)

- Commercially sandblasted
- urethane exterior coating, approx. 8 mils DFT, color: WHITE

****We certify our magazines to meet or exceed ATF specifications****

A handwritten signature in black ink, appearing to read "Ronnie Clark", is written over a horizontal line.

Ronnie Clark
Sales Manager
ARMAG Corporation



City of Apache Junction Aerial Exhibit CUP-6-17

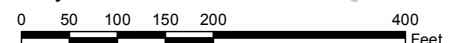
LEGEND

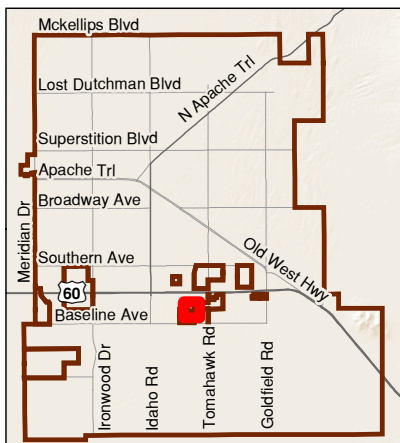
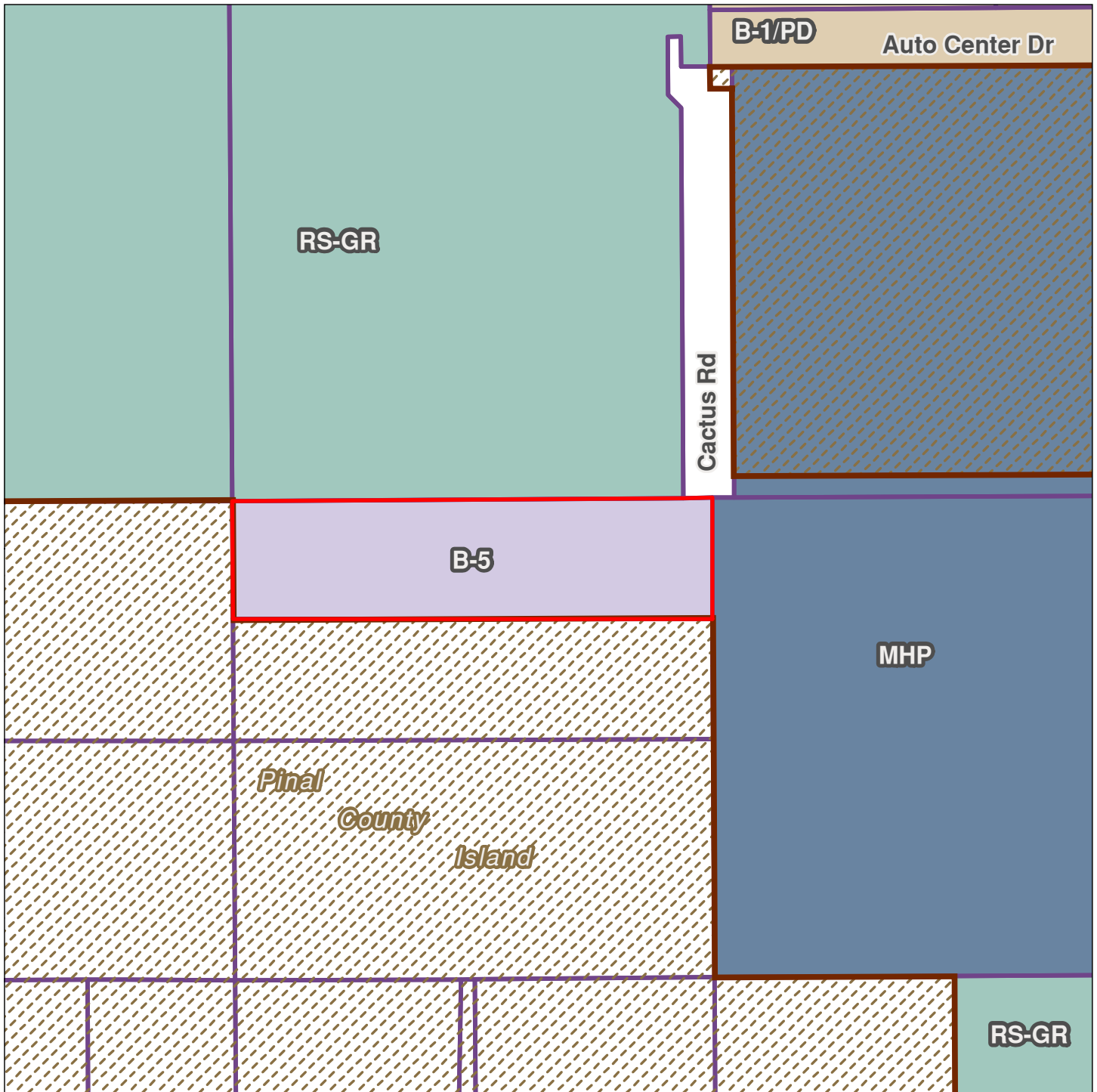
- Subject Site
- Parcel

DISCLAIMER: This exhibit was produced without benefit of a field survey and is not intended to represent a survey document of any kind. Distances shown hereon are approximate. Parcel lines shown hereon are approximate and may not reflect the exact position or alignment of parcel lines, roadway center lines, or easement lines.



July 24, 2017





City of Apache Junction Zoning Exhibit CUP-6-17

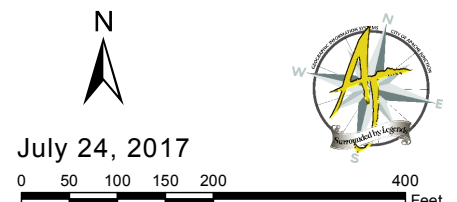
LEGEND

- Subject Site
- Parcel

Zoning

- B-1/PD
- MHP
- B-5
- RS-GR

DISCLAIMER: This exhibit was produced without benefit of a field survey and is not intended to represent a survey document of any kind. Distances shown hereon are approximate. Parcel lines shown hereon are approximate and may not reflect the exact position or alignment of parcel lines, roadway center lines, or easement lines.



July 19, 2017

To our valued neighbors,

Western Industrial has enjoyed our home here on Cactus with you now for the past 10 years. Time has gone quickly but not without changing our economy, our market and our business. We endeavor to be a good neighbor.

Today we reach out to you to let you know that Western Industrial has applied to the city of Apache Junction for a conditional use permit. The reason for the permit is to have the ability to store explosive materials that will assist in the growth of our business. The explosive magazine is to be placed in the back of our property surrounded by engineered reinforced concrete barricading. The magazine is 300' or more from any occupied structure around the Western Industrial property.

Based on the region and location, the magazine is limited by regulations to store less than 125 pounds of product at any time. The requirements of the Bureau of Alcohol Tobacco and Firearms requires inventory daily, and inspections of the structure and barricade on a weekly basis. The Bureau of Alcohol Tobacco and Firearms requires inspection if material is stored periodically without notice.

Western Industrial Fracturing invites your comments and questions. We are on the docket for the city of Apache Junction Planning and Zoning commission in August. Your comments are valuable to both Western Industrial and the City of Apache Junction. Please contact me if you have questions or comments. My contact information is below

Respectfully submitted,



Nate Shechter
Director of Safety and Compliance
480-396-7404 (Office)
480-396-7405 (Fax)
480-505-5309 (Direct)
520-907-6222 (cell)

Stephanie Bubenheim

From: Troy Mullender
Sent: Monday, July 17, 2017 1:19 PM
To: Stephanie Bubenheim
Subject: RE: CUP-6-17 Explosive Magazine Storage Review

I have inspected the magazine and was shown where it will be placed. It will be partially buried. There are cameras on the outside of the building where the magazine will be located and the building is alarmed. I was advised a limited amount of low grade explosive would be stored on site. The explosive is used to disrupt dirt to allow for easier digging.

The police department has no issue with this project as presented. The department would like to have an opportunity to inspect the property when the magazine is in place and before any explosive is stored at the site.

Troy

Troy Mullender
Captain Patrol Division
Apache Junction Police Department
300 E. Superstition Blvd.
Apache Junction, AZ 85119
Office Number 480.474.5459
Fax Number 480.474.5480



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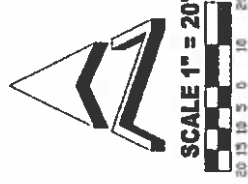
From: Stephanie Bubenheim
Sent: Thursday, July 06, 2017 11:11
To: Troy Mullender
Subject: RE: CUP-6-17 Explosive Magazine Storage Review

The submittal was a hard copy, I dropped it off in the City Clerk's mailroom, this was a heads up that it's coming!

Stephanie Bubenheim
Assistant Planner
City of Apache Junction
Development Services
300 E. Superstition Blvd.
Apache Junction, AZ 85119
480-474-5087
sbubenheim@ajcity.net

Office Hours

WESTERN INDUSTRIAL



RETENTION CALCULATIONS REVERSED

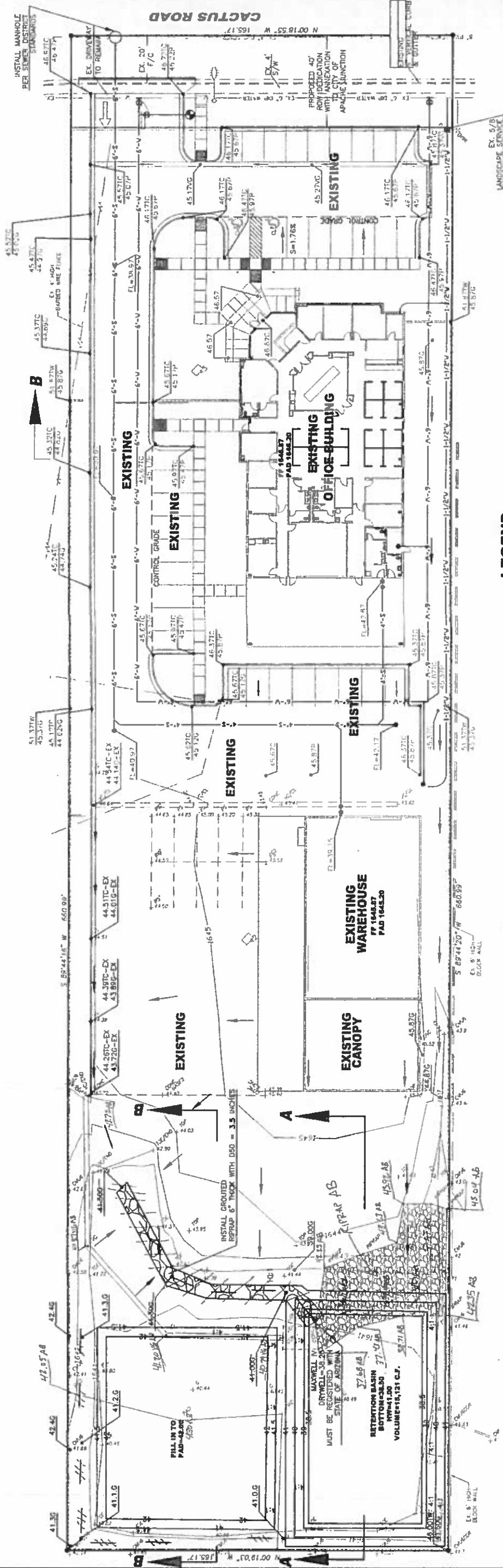
$V_{vol} = (C_{vol} - C_{ret}) \times P \times A \times 1.1$ where
 C_{vol} = 0.85 coefficient of runoff for Peak Development
 C_{ret} = 0.15 coefficient of runoff for Pre Development
 A = Area Sq. Ft.
 P = 1.1 = 10% excess of volume required
 P = 20 feet

ASBLL: $V_{vol} = (0.85 - 0.15) \times 20 \times (100 \times 180) \times 1.1$
 $= 14411 \text{ CF}$

$V_{max} = (C_{vol} - C_{ret}) \times P \times A \times 1.1$
 $= 14411 \text{ CF}$

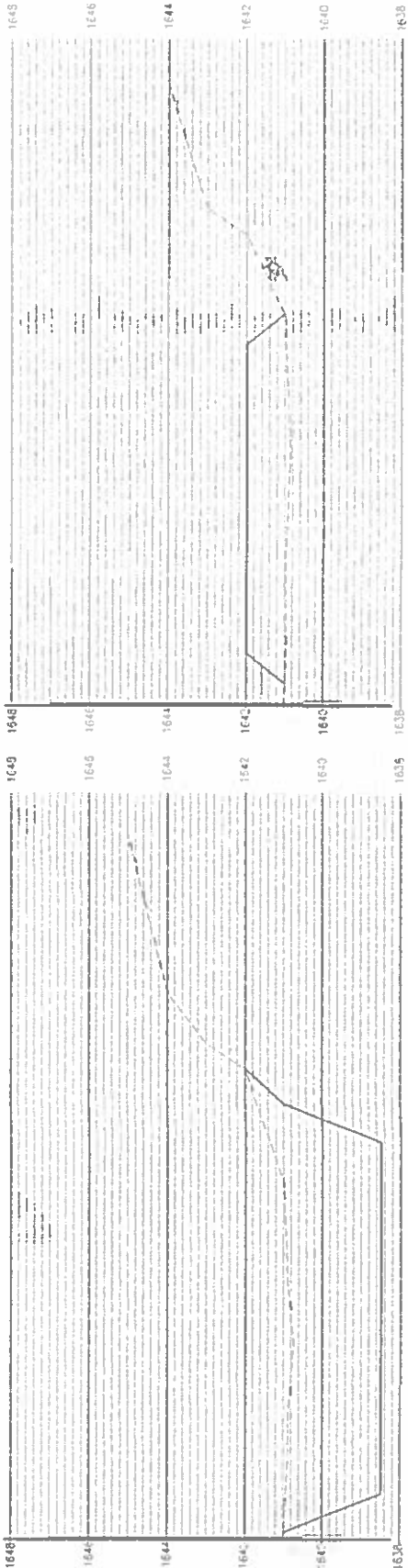
$V_{max} = (C_{vol} - C_{ret}) \times P \times A \times 1.1$
 $= 14411 \text{ CF}$

PROVIDE 10% EXCESS VOLUME FOR RETENTION GROUP INC. 10% EXCESS
TIME TO RAINFALL (10% EXCESS) = 10% EXCESS. USE ONE MAXWELL IN
DRAINAGE TO INSURE DRAINAGE.



LEGEND

- PROPERTY CORNERS
SET 1/2" REBAR #16097
UNLESS ANNOTATED
SEWER MANHOLE
- ELECTRIC BOX
- POWER POLE
- GUY WIRE
- CONCRETE
- AC PAVEMENT
- FINISH CONCRETE GRADE
- FINISH VALLEY GUTTER GRADE
- FINISH PAVEMENT GRADE
- EXIST. GROUND ELEV.
- STREET LIGHT



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VALLEY GUTTER &
REPAIR ONLY



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1-800-STAKE-IT
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2580 N. THUNDERBOLT CIRCLE #102
MESA, ARIZONA 85215
PHONE (480) 844-1808
FAX (480) 850-8453
E-MAIL: aec@allenconsulting.com

WESTERN INDUSTRIAL
GRADING AND DRAINAGE PLAN
3640 S. CACTUS RD.
REVISED RETENTION BASIN

SECTION A-A
N.T.S.

SECTION B-B
N.T.S.

NOTE
TOPO FURNISHED BY HESS-ROUNDTREE INC. FROM OWNER.

JOB NUMBER	1411	SHEET	2 OF 2	DATE	06-14-16
DRAWING	GRD				
DRAFTSMAN					
CHECKED BY					

GENERAL STRUCTURAL

**STRENGTHENING THE
CAPACITY OF THE
PRIVATE SECTOR**

BLAS-1 LOADINGS

100

CONCRETE:

SALES ON VARIOUS

CONVINCING CASE BY BILLY

EVERY DAY WE ARE ON

OFFICE OF THE ATTORNEY GENERAL

BRINING

ASTM A515 (F.Y. = 60,000)

CAST AGAINST AND FOR

UNLESS NOTED OTHERWISE

[illegible]

CONSTRUCTION

1995

—SOLID CIRCUIT ALL MA

THE NEW YORK TIMES

DRAWINGS. ALL CONN.

STRUCTURAL ENGINEERING

HOW IT WORKS

INSTRUMENTS

12/10/2011 10:57 AM

GROUP CONNECTIONS

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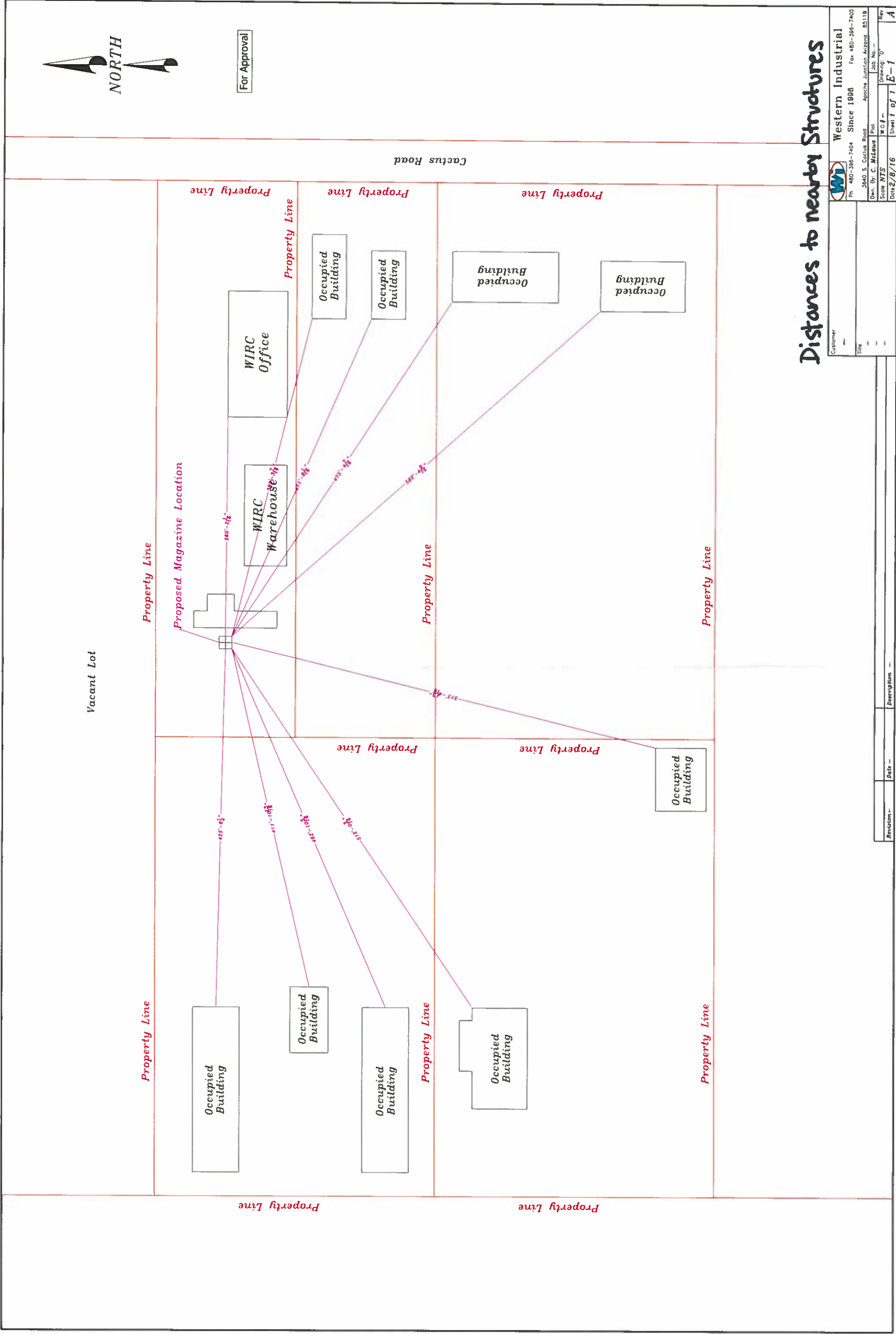
SECTION A-A
DATE: 10-1-00

Abstract

SECTION A-A
DATE: 10-1-00

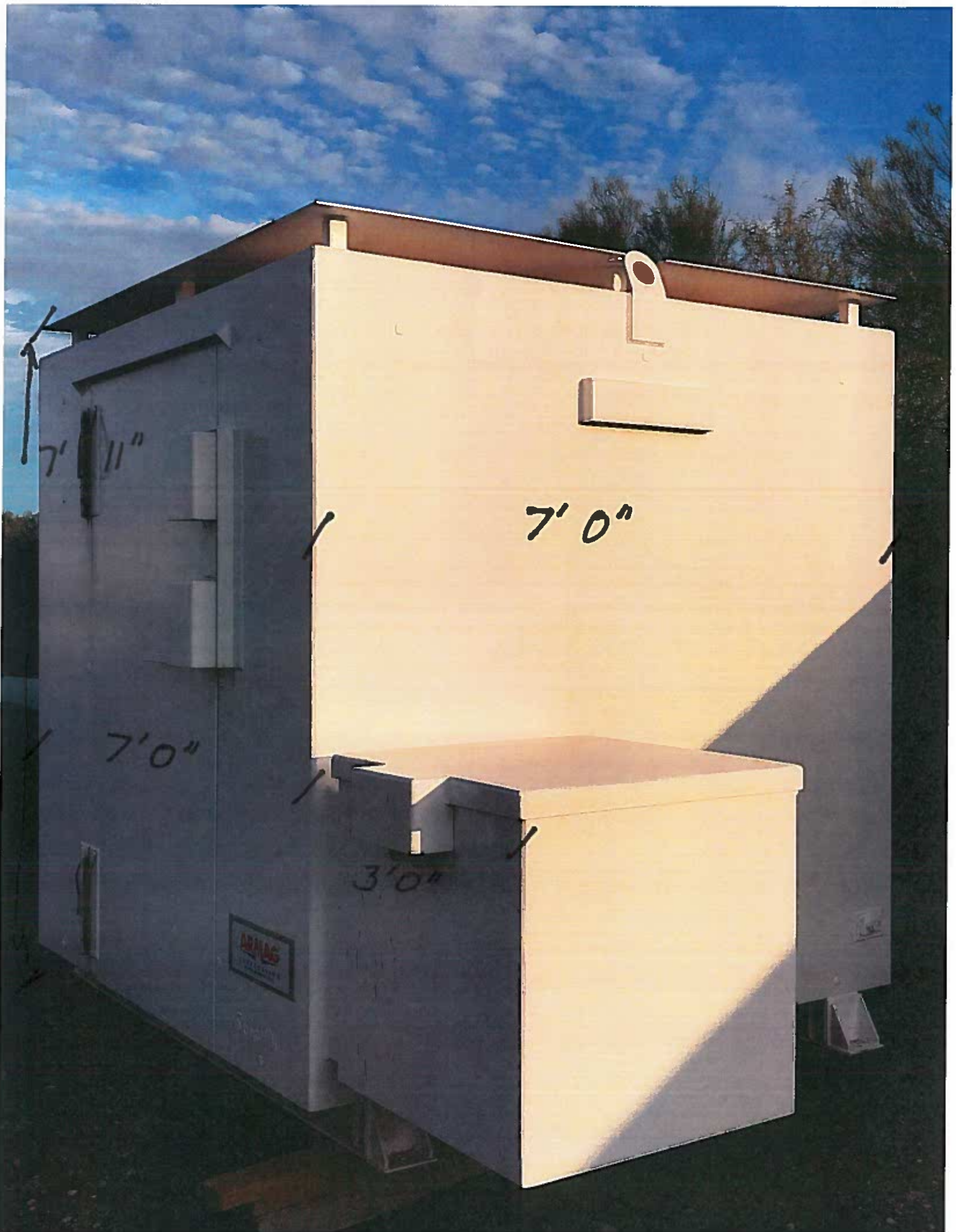
4 CHANNEL TO CONC. WALL CONNECTION

0-5
SHEET NO.



Distances to nearby Structures

Customer		Western Industrial	
Ph 480-396-7404		Fax 480-396-7403	
Since 1996		Apache Junction, Arizona 85119	
Dwn. By: C. McIlwaine		Job No. -	
Scale NTS		Drawing: 10"	
Date 2/8/16		Sheet 1 of 1	
Rev		A	





ORDINANCE NO. 1295

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF APACHE JUNCTION, PINAL COUNTY, ARIZONA, IN CASE AN-2-06, PURSUANT TO PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO, BY ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF APACHE JUNCTION; ADOPTING ZONING CLASSIFICATIONS FOR ANNEXED TERRITORY; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, a petition in writing, accompanied by a map or plot of said real property, having been filed and presented to the Mayor and Council of the City of Apache Junction, Arizona, signed by the owners of more than one-half in value of the real and personal property and more than one-half of the persons owning real and personal property as would be subject to taxation in the event of annexation within the territory and land hereinafter, is contiguous to the City of Apache Junction and not now embraced within its limits, requesting that property more particularly hereinafter described be annexed to the City of Apache Junction so as to embrace the same; and

WHEREAS, the Mayor and Council of the City of Apache Junction, Arizona, are desirous of complying with the petition and extending and increasing the corporate limits of the City of Apache Junction to include the described territory; and

WHEREAS, the petition sets forth a true and correct description of all the exterior boundaries of the entire area proposed to be annexed to the City of Apache Junction, and includes an accurate map of the proposed territory to be annexed; and

WHEREAS, no alterations increasing or reducing the proposed territory to be annexed have been made after the petition was signed by any owner of real and personal property in the proposed territory; and

WHEREAS, the provisions of A.R.S. § 9-471 and amendments thereto, have been fully observed, including, but not limited to, Council approval of a plan, policy, or

procedure to provide the annexed development with appropriate levels of infrastructure and services to serve anticipated new development within ten (10) years after the annexation becomes final; and

WHEREAS, proper and sufficient certification and proof of the foregoing facts are now on file in the office of the City Clerk of the City of Apache Junction, Arizona, together with a true and correct copy of the original petition referred to herein, which is on file in the office of the Pinal County Recorder.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

SECTION I: IN GENERAL

The following legally-described territory is, annexed to the City of Apache Junction, Arizona, and that the present corporate limits shall be extended and increased to include the following territory which is contiguous to the present City limits:

The North half of the North half of the Northeast quarter of the Southwest quarter of the Southeast quarter of Section 33, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona.

SECTION II: RECORDATION

That a copy of this ordinance, together with an accurate map of the territory hereby annexed to the City of Apache Junction, Arizona, certified by the Clerk of the City, attached hereto as Exhibit "A", be forthwith filed and recorded in the office of the County Recorder of Pinal County, Arizona.

SECTION III: ZONING CLASSIFICATION

The zoning classification for the above noted and described annexed territory is hereby adopted as shown on Exhibit "B" attached hereto and by this reference incorporated herein, and such zoning classification permits densities and uses no greater than those permitted by the County immediately before this annexation.

SECTION IV: REPEALING OF CONFLICTING ORDINANCES


All ordinances and part of ordinances and/or provisions of the Apache Junction City Code which are in conflict with the provisions of this ordinance are hereby repealed.

SECTION V: PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion of this ordinance 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 MAY, 2007.

SIGNED AND ATTESTED TO THIS 1ST DAY OF MAY, 2007.


DOUGLAS COLEMAN
Mayor

ATTEST:


KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:


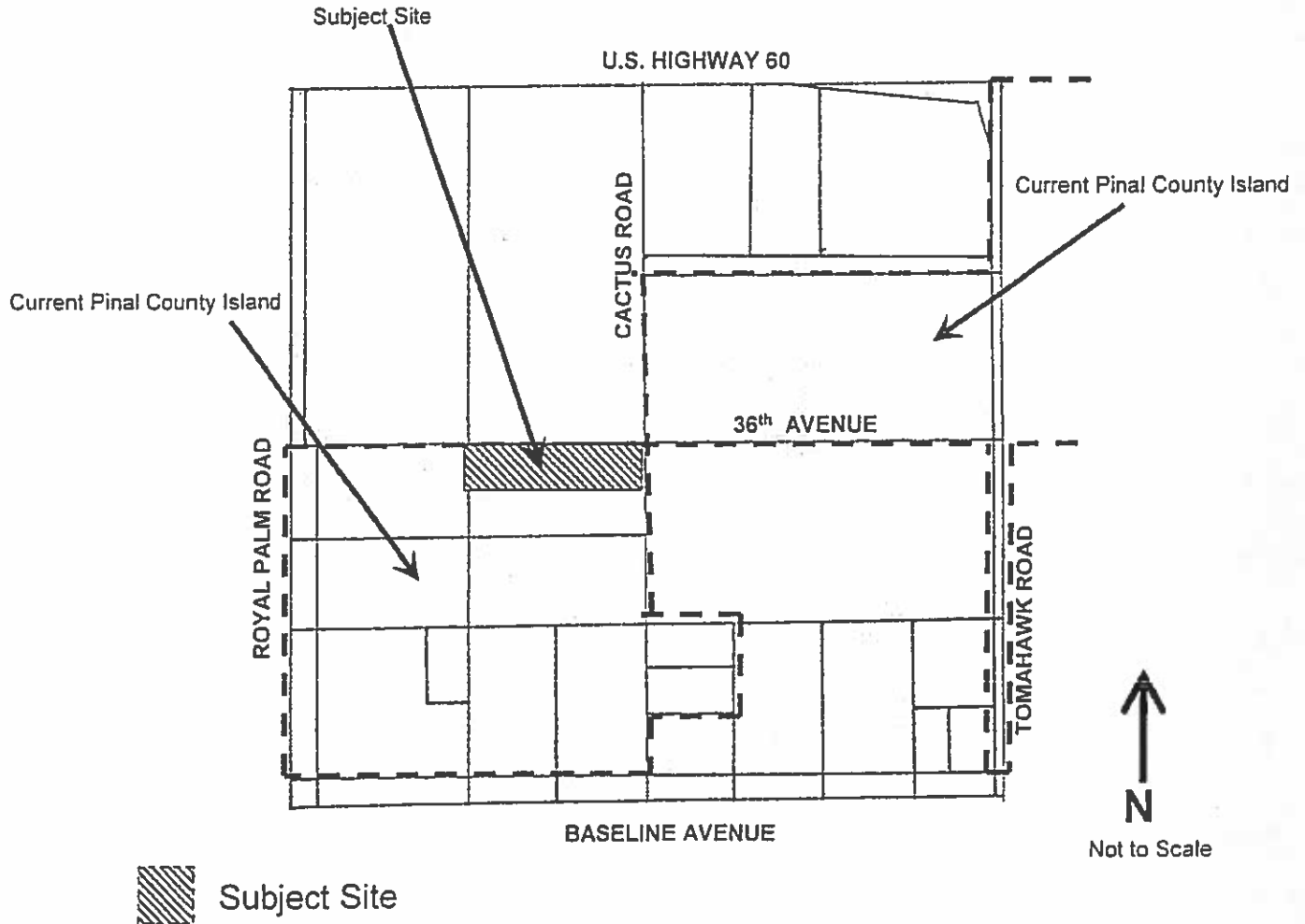
 4-24-07
RICHARD JOEL STERN
City Attorney

EXHIBIT A

MAP OF AREA TO BE ANNEXED

Case No. AN-2-06



***Excerpt from Pinal County Assessor Map 102-20**

LEGAL DESCRIPTION

The description of the territory proposed to be annexed, not already within the present limits of the City of Apache Junction and located in Pinal County, Arizona, is as follows:

The North half of the North half of the Northeast quarter of the Southwest quarter of the Southeast quarter of Section 33, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona.

EXHIBIT "B"

ZONING CLASSIFICATION FOR ANNEXED TERRITORY IN AN-2-06

The zoning district classification on the Zoning District Map, City of Apache Junction, Arizona, shall be amended by adopting and establishing a City of Apache Junction zoning district classification from the former Pinal County CI-1 (Light Industry and Warehouse) zone to the City of Apache Junction zoning classification of CI-1 (Light Industry and Warehouse) zone for the following legally described territory:

The North half of the North half of the Northeast quarter of the Southwest quarter of the Southeast quarter of Section 33, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona.

AFFIDAVIT REGARDING ANNEXATION AN-2-06

Personally appears before me, Kathleen Connelly, who, first being duly sworn, deposes and says as follows:

1. I make this affidavit of my own personal knowledge.
2. I am the duly appointed City Clerk of the City of Apache Junction, Arizona, and I am qualified to make this affidavit on behalf of and for the City.
3. I have made a diligent search of the records of the Office of the Clerk of the City and of the Office of the Pinal County Recorder for any annexation filing which might involve territory sought to be annexed in the City Annexation Petition, which is filed herewith, with exhibits, in the Office of the Pinal County Recorder.
4. I hereby affirm, pursuant to A.R.S. §9-471(A)(6), that no part of the territory for which the attached Annexation Petition is filed is already subject to an earlier filing for annexation.

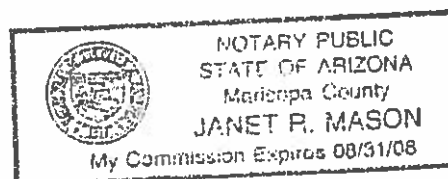
FURTHER AFFIANT SAYETH NOT.

Kathleen Connelly
Kathleen Connelly
City Clerk

SWORN TO AND SUBSCRIBED before me
this 24th day of April, 2007.

Janet R. Mason
Notary Public for the State of Arizona

My commission expires: 8-31-08



[Print](#)

Apache Junction, AZ Land Development Code

§ 1-16-12 CONDITIONAL USE PERMITS, ADMINISTRATIVE USE PERMITS AND BUILDING PERMITS.

(A) *Authorization and applicability.* It shall be unlawful to erect, construct, reconstruct, alter or change the structure, land and/or use of any property within the city without first obtaining the required building permit, administrative use permit, and/or conditional use permit from the Development Services Department.

(B) *Building permits.* The City of Apache Junction Building Official and the city's adopted building codes establish the requirements and procedures for building permits.

(C) *Administrative use permits.* An Administrative Use Permit ("AUP") may be approved by the Zoning Administrator following review of the application and a finding that the use and/or structure complies with specific standards specified for such use and/or structure in the Zoning Code. Uses and/or structures requiring approval of an AUP, along with permit approval criteria, are identified in Tables 5-1 and 5-3 (see Vol. II, §§ 1-5-1 and 1-5-3).

(D) *Conditional use permits.* Conditional uses are those uses that are generally compatible with the land uses permitted by right in a zoning district, but which require individual Planning and Zoning Commission review and Conditional Use Permit ("CUP") approval of their location, design, operation and configuration along with the imposition of conditions in order to ensure the appropriateness of the use at a particular location. Uses requiring a CUP are identified in Tables 5-1 and 5-3 (see Vol. II, §§ 1-5-1 and 1-5-3). The CUP application and process requirements are as follows:

(1) *CUP application.* An application for a CUP shall be filed with the Development Services Department in accordance with the "City of Apache Junction Conditional Use Permit Application Checklist" available at the Development Services Department.

(2) *CUP public hearing and notice.* The Commission shall hold a public hearing on any proposed CUP or CUP amendment, and provide the following notice. The failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the Commission or Council.

(a) *Newspaper publication.* Notice of the time, date and place of the hearing, including a general description of the matter to be considered and a general description of the area affected, shall be published in a newspaper of general circulation that is published or circulated in the community. The publication notice shall be at least 15 calendar days before the hearing, and shall be published as required by A.R.S. § 9-462.04, as amended.

(b) *Property posting.* The notice of public hearing shall be posted by the applicant in accordance with the instructions provided in the application form.

(c) *Mailing notice.* The city shall notice by first class mail each real property owner, as shown on the last assessment of the property, within 300 feet of the property subject to the CUP proposal.

(3) *Findings.* A CUP may be granted upon a finding by the Commission that the use covered by the permit, the manner of its conduct, and any structure involved will not be detrimental to persons residing or working in the area, to adjacent property, to the neighborhood, or to the public welfare in general. The burden of proof for satisfying the aforementioned requirements shall rest with the applicant. In arriving at the above determination, the Commission shall consider but not be limited to the following factors:

- (a) Adequacy of roadways, off-street parking, public facilities and services to accommodate the proposed use;
- (b) Negative impacts arising from the emission of odor, dust, gas, noise, lighting, vibration, smoke, heat or glare;
- (c) Contribution to the deterioration of the neighborhood or the negative impact on neighborhood property values;
- (d) Compatibility with surrounding uses and structures;
- (e) Conformance with the General Plan and city policies;
- (f) Screening and buffering of uses; and
- (g) Unique nature of the property, use and/or development's physical characteristics.

(4) *CUP modification of dimensional zoning standards.* When a proposed development exhibits unique characteristics related to land, topography, architectural style, scale, historical interest or other distinguishing feature that necessitates a measure of regulatory relief, CUP modification of certain dimensional zoning standards may be approved by the Commission in accordance with the findings described above in Vol. II, § 1-16-12(D)(3). The following dimensional zoning standards may be subject to this type of modification:

- (a) *Accessory dwelling units.* Accessory dwelling unit size and height standards required in Vol. II, § 1-6-19 of this Chapter may be modified.
- (b) *Accessory structures.* Accessory structure size, height, design and setback standards required in Vol. II, § 1-6-5 may be modified.
- (c) *Landscaping.* Landscaping size, type, amount and location standards required in Vol. II, Article 1-8 may be modified.
- (d) *Signs.* Sign size, type, amount and location standards required in Vol. II, Article 1-11 may be modified.

(5) *Expiration.* CUPs granted by the Commission shall be void if the use is not commenced within 12 months of the approval date or within the time stipulated by the Commission.

(6) *Revocation.* An approved CUP may be revoked by the Commission following public hearing and a finding that there has been material noncompliance with any condition prescribed in the permit and/or the use generates a demonstrated public safety, health or welfare concern.

(7) *Appeal and City Council review.* The approval or denial of a CUP by the Commission shall be final unless, within 20 calendar days from the date of the Commission's decision, the applicant or any persons aggrieved by the decision appeals the decision to the Council. The appeal shall be in writing, filed with the Development Services Department, and shall indicate

how the Commission was in error. The appeal shall be accompanied by a fee equal to 50% of the original filing fee. The appeal shall require a Council public hearing and notification provided in the same manner as required for the Planning and Zoning Commission hearing. The Council, at its public hearing, shall uphold, modify or overrule the decision of the Commission. The decision of the Council shall be final.

(Ord. 1402, passed 5-6-2014)