



City of Apache Junction
Development Services Department



**PLANNING AND ZONING COMMISSION
PUBLIC HEARING ITEM**

DATE: September 25, 2018

CASE NUMBER: CUP-6-18

REQUEST: A Conditional Use Permit ("CUP") application requesting to allow for a 13 foot 4 inch tall "V" shaped E.M.D. monument sign set at the property line.

PROPERTY OWNER: Mountain View Lutheran Church AJ, Inc.

REPRESENTATIVE: Frank Quinn, Brilliant Led Signs, LLC

LOCATION: The subject site is located at 2122 S. Goldfield Road (Assessor parcel 103-21-032C)

**GENERAL PLAN/
ZONING DISTRICT:** Designated "Community Commercial"/Zoned Public Institutional by Planned Development ("PI/PD")

**SURROUNDING
LAND USES:**

- NORTH: Single Family Residences zoned General Rural Low Density Single-Family Detached Residential (RS-GR)
- SOUTH: Vacant commercial lot zoned (B-1) currently going through the General Plan Amendment (GPA) Process
- EAST: Vacant state land zoned (RS-54/PD)
- WEST: Single Family Residences zoned General Rural Low Density Single-Family Detached Residential (RS-GR)

BACKGROUND

The subject site is located at 2122 S. Goldfield Road, on the northwest corner of S. Goldfield Road and E. Old West Highway and is approximately 11.03 acres. The property's primary use is

a church located on the northeast side of the property and consists of three buildings with entrances and exits on Goldfield and Old West Highway.

Mountain View Lutheran Church AJ, Inc, the property owners have gone through various rezoning, lot combinations and revisions over the years. Ordinance No. 887 was the first rezoning case and it rezoned the property from Conventional Single-Family Homes (R1-43) to Residential Zone for a Child Day Care Center by Planned Development (CR-4/PD) for the purpose of operating a day care center. During this time, the property consisted of three separate parcels and the church owned and occupied the north 5 acre property. Between 1997 and 2000 the church bought and combined their land with the two southern parcels into what it is today. Next, Ordinance No. 1143 rezoned the combined property with two different zoning districts from Multi-Family Residence by Planned Development (CR-4/PD), General Commercial by Planned Development (C-3/PD) to Multiple-Family Residence Zone by Planned Development (CR-5/PD) for the use of a day care center, assisted living, independent living facilities, elementary school, and a new fellowship hall for the church. Lastly, Ordinance No. 1180 amended Ordinance No. 1143 to delete the proposed uses of a day care center, assisted living, independent living facilities and certain site and street improvements. Lastly, with the new zoning code adopted in 2014 the new zoning designation for this property was changed to Public Institutional by Planned Development (PI/PD) zone.

PROPOSAL

This is a request by Mountain View Lutheran Church AJ, Inc., represented by Frank Quinn of Brilliant Led Signs, LLC., requesting approval of a Conditional Use Permit ("CUP") to allow for a 13 foot 4 inch tall "V" shaped electronic messaging display ("E.M.D.") monument sign set at the south westerly property line, for the church located at 2122 S. Goldfield Road Apache Junction, AZ 85119, zoned Public Institutional by Planned Development (PI/PD). Attached are the applicant's project narrative, site plan, and elevations for the placement and justification of the sign.

PLANNING DIVISION ANALYSIS AND FINDINGS

In addition to the application form and the vicinity map of the property, attached please also find the city's sign code and the

applicant's narrative and drawings. Staff has highlighted the sections of the sign code which are most relevant to this CUP request. The applicant's narrative and plans are fairly self-explanatory and indicate the location and size of the proposed signs.

There are deviations from the city's sign code that prompted this CUP request, mainly the following:

- 1) With regard to monument signs, Mountain View Lutheran Church is requesting a "V" shaped sign that is not defined (therefore not outright allowed) in the code.
- 2) Additionally, they are requesting 16 inches more than the maximum allowed height for monument signs. The code only allows 12 feet in height and they are requesting a total of 13 feet 4 inches.
- 3) Lastly, Mountain View Lutheran Church is requesting that the sign have a 0 foot setback from the Old West Highway right-of-way line, as opposed to the required 5 foot required setback in the code.

Relationship to General Plan:

The city's 2010 General Plan Land Use Map shows this area as "community commercial". The "public and institutional" designation is intended to accommodate churches. However, the church is a pre-existing use allowed under a previous general plan and is in compliance with the current zoning district.

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. The 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 applicant's response: Mountain View Lutheran Church (MVLC) parcel itself is about 11 acres. Parcel's main roadways (Old West Highway & Goldfield Rd.) have a combined frontage of 1,470.23 ft. there is excessive amounts of off-street parking, roadways and facilities to accommodate this usage. 1-11-9 Special Sign Regulations (a) (1) the EMD falls below the 50% of the maximum allowed for freestanding/monument

sign. We are requesting 109 sq ft. of the 120' of allowable sign area. At this time we are not using any of our allowable signage on Goldfield.]

- b) Negative impacts arising from the emission of odor, dust, gas, noise, lighting, vibration, smoke, heat or glare. [The applicant's response: No negative impacts will be arising from the new digital sign. There is no emission of odor, dust, gas, noise, vibration, smoke, heat or glare. Light intensity will be factory set, and confirmed at install. 1-11-9 (b) (6) EMD will use only full color messaging and graphics. The messaging is for community events and information regarding worship times. There will be no flashing animation. 1-11-9 (11) (b) EMD illumination will not exceed a brightness level of 0.3 foot candles above ambient light at measured using a foot candles (lux) meter at a present distance depending on sign area. This level will be set at installation. EMD will not emit smoke, dust, gas, or any other chemical that would cause a negative impact surrounding neighborhood.]
- c) Contribution to the deterioration of the neighborhood or the negative impact on neighborhood property values. [The applicant's response: MVLC is a massive Church property 550.0' frontage on Old West Highway. The frontage on Goldfield Rd. is another 920.23' the sign installed on Old West Highway is far from any other property relative to most other commercial properties.]
- d) Compatibility with surrounding uses and structures. [The applicant's response: the sign structure is designed to be compatible with surrounding uses and structures. The monument base reflects aspects of the church's architecture. See elevation page.]
- e) Conformance with the General Plan and City policies. [The applicant's response: The sign conforms to the General Plan and city policies. The city code allows for (1) EMD sign on this property. The EMD conforms to 1-11-9 Special Sign Regulations for monument freestanding electronic changeable message signs.]
- f) Screening and buffering of uses. [The applicant's response: Not defined.]

- g) Unique nature of the property, use and/or development's physical characteristics. *[The applicant's response: not defined.]*

Staff generally agrees with the applicant's analysis of the CUP criteria. However, staff would like to note the deviations that this CUP request is making from the sign code. Apache Junction Zoning Ordinance Article 1-11: Sign Regulations Table 11-1: Permitted Sign Standards (attached) allows freestanding/monument signs up to 12 feet in height and a 5 foot setback. The applicant is requesting 13 feet 4 inches, a "V" shaped sign that is not addressed in the code, and a 0 foot setback. While the proposed sign is in accordance with Section 1-11-9: Special Sign Regulations regarding electronic signs it is not in conformance with freestanding/monument signs height and setback requirements.

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 yet to receive any inquiries on the proposal. The applicants also conducted their own mailing and report that there have been no responses. (See the attached Public Participation Summary)

PLANNING DIVISION RECOMMENDATION

Planning staff recommends partial approval of Mountain View Lutheran Church AJ, Inc's request for a conditional use permit. Due to the nature of the Old West Highway right-of-way being very wide, a "V" shaped sign set at a zero setback gives way for both east and west sides of traffic to view the sign more easily, and staff has no issue with it. However, in support of the city's sign code and for the purpose of fairness and consistency, staff recommends that the 12 foot height for the monument should be the maximum to stay consistent with the code.

Staff offers the following motion with conditions, for the Commission's consideration. The Commission may modify, add to or delete recommended conditions as they deem appropriate.

RECOMMENDED MOTION

I move that the Planning and Zoning Commission (APPROVE/DENY) case CUP-6-18, a request by Mountain View Lutheran Church AJ, Inc., represented by Frank Quinn of Brilliant Led Signs, LLC., requesting approval of a Conditional Use Permit ("CUP") to allow for a 13 foot 4 inch tall "V" shaped E.M.D. monument sign set at the property line, located at 2122 S. Goldfield Road Apache Junction, AZ 85119, zoned Public Institutional by Planned Development (PI/PD), subject to the following findings and conditions:

Findings:

- 1) Criteria D: Staff believes that due to the fact that the buildings are substantially set back from Old West Highway, and that Old West Highway is an unusually wide main arterial roadway, placing the proposed sign at a 0 foot setback and a "V" shaped is appropriate.
- 2) Criteria E: Even with the proposed sign deviating from what the code allows, staff believes the sign is not straying too far from the code and the requests are reasonable.
- 3) Criteria G: Due to the unique characteristics that the property and surrounding area provides, specifically the grade change off of Old West Highway and the fact that Old West Highway is an usually wide right-of-way, staff believes that having a 0 setback, "V" shaped is a reasonable request, but we believe a 12 foot height is reasonable and adequate.

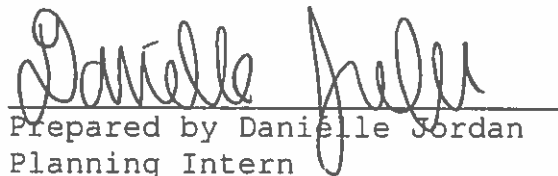
Conditions:

- 1) Approval is given for one 12 foot tall monument sign, set at the property line at natural grade, to be located at 2122 S. Goldfield Road in basic accordance with the drawings submitted with case CUP-6-18.
- 2) That the proposed sign be properly permitted and constructed as allowed in #1 above and as conceptually depicted in the site plan submitted with case file CUP-6-18, to include colors, textures, tones, architectural styling, heights, location and elevation concepts, all in

substantial compliance and as presented in this CUP application.

- 3) The applicant must submit a landscape plan to supplement the base of the sign at the same time the sign permit submittal.
- 4) The Planning and Zoning Commission shall reserve the right to reconsider or overturn the Conditional Use Permit approval, at a new public hearing, for non-compliance with any condition prescribed as part of said CUP-6-18 permit approval.
- 5) (Other reasons deemed appropriate by the Commission?)

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 (attached) .


Prepared by Danielle Jordan
Planning Intern

Attachments:

- Exhibit #1 - CUP-6-18 Application
- Exhibit #2 - CUP-6-18 Project narrative
- Exhibit #3 - CUP-6-18 Vicinity Map
- Exhibit #4 - CUP-6-18 Aerial Map
- Exhibit #5 - CUP-6-18 Zoning Map
- Exhibit #6 - Assessor Parcel Map 103-21
- Exhibit #7 - Public Participation Summary
- Exhibit #8 - Ordinance No. 887, 1143, 1180
- Exhibit #9 - Site Plan and Elevations
- Exhibit #10 - Table 11-1 Permitted Sign Standards
- Exhibit #11 - Section 1-11-9 Special Sign Regulations
- Exhibit #12 - Section 1-16-12 Conditional Use Permits



City of Apache Junction

Development Services Department
Conditional Use Permit Application



Exhibit A: Planning and Zoning Application Form

- Type of application:
- ☐ Residential use/extension/amendment
 - ☐ Non-residential use/extension/amendment
 - ☒ Comprehensive Sign Package
 - ☐ Landscape Ordinance Appeal

SITE INFORMATION

SITE ADDRESS/LOCATION: 2122 S Goldfield Rd Apache Junction Az 85119

ASSESSORS PARCEL NO: 10321032C

GROSS AREA: 11.03 NET AREA: 9270 EXISTING ZONING: PI/PD

LEGAL DESCRIPTION OF PROPERTY:

S-990' E1/2 SE SE SEC 27 EXC W-33' & E-33' EXC S-50' EXC 20 X 20 TRI SE COR EXC HWY R/4 300 SEC 27-1N-8E 11.03 AC

BRIEF DESCRIPTION OF THE PROPOSED PROJECT/USE FOR CONDITIONAL USE PERMIT REQUEST:

- 1) Requesting a new digital sign with a "V" footprint.
- 2) Sign height at 12' plus an embellishment of 11'6" in height to display the Cross.
- 3) Leading edge of the sign be placed on the property line, the sign is 78' from back of curb.

APPLICANT INFORMATION

Property Owner(s): Mountain View Lutheran Church AJ, INC.

Address: P.O. Box 868 Apache Junction Arizona 85117

Phone Number: 480-982-8266 Email:

Applicant Contact Person/Project Manager: Frank Quinn / Brilliant Led Sign, LLC.

Address: 2702 N. Ogden Road Suite #108 Mesa, Arizona 85215

Phone Number: 480-747-0763 Email frank@brilliantledsigns.com

For Dept Use only

PLN Number 2018-00049

Approved By: _____

Case Number 18-6-18

Date Submitted: 8/22/18

Date Approved: _____

Exhibit A: Planning and Zoning Application Form Continued

Architect/Engineer: Design by Brilliant LED Signs, LLC. Engineering provided by ASA

Address: 2702 N. Ogden Road Suite #108 Mesa, AZ 85215

Phone Number: 480-474-0763 Email: fmqdev@gmail.com

List all existing improvements/development on the property: Worship Center, Family Center, and Youth Center.

OWNERS SIGNATURE: X [Signature] VP DATE: X 8/08/2018

Submittal Documents (must be originals)

	Applicant*	Staff*
1. Exhibit A: Application Form	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Exhibit B: Owner Certification	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Exhibit C: Site Plan Checklist	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Applicable site plans, elevations, etc. (15 copies of each)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5. Exhibit D: Mailing Label Certification	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
6. Exhibit E: Public Participation Plan w/sample letter	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Exhibit F: Legal Advertising Fees signature	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
8. Exhibit G: Signed and notarized Proposition 207 Waiver	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
9. Narrative Of Proposed Request	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
10. Mailing labels (with Pinal County parcel map)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
11. Fees	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
12. Electronic PDF of all plans	<input type="checkbox"/>	<input type="checkbox"/>

Keep **Exhibit E (1):** Affidavit For Posting Conditional Use Permit. This form will be turned in when the sign is posted at the site after the Public Hearing date has been assigned.

* Please initial that the document(s)/form(s) are included with the application.

I/We certify that: Mountain View Lutheran Church AJ INC.

I/We have read the application instructions and have truthfully completed this application. I/We understand that this Permit is conditional upon time requirements, that the filing and investigation fee is non-refundable, and 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 Brilliant Led Sign, LLC 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 relation to this matter should be delivered to him/her.

Property Owner Name: Mountain View Lutheran Church AJ INC.

Signature: X. M. L. Inc. Inc., Vice President

Street Address: 2122 N. Goldfield Road Apache Junction

City, State, Zip : Apache Junction, AZ 85119

Telephone: 480-982-8266

Michael Louis McLane
Agent Name

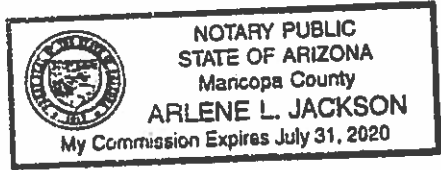
X Matt Whelan, Vice President
Signature

STATE OF ARIZONA)
) SS

COUNTY OF ~~PINAL~~ *Maricopa*

The foregoing instrument was acknowledged before me this 16th day of August, 20 18.

Michael L. McLane
Notary Public Green & Fach
My Commission Expires: 7-31-2020






BRILLIANT
LED SIGNS, LLC.

CHANGING WHAT THE EYES SEE.

NARRATIVE

BRILLIANT PYLON SIGN-TRIPLE INFINITY

BRIL- #9494A 3X INFINITY

9-10-18

Dear City of Apache Junction:

Mountain View Lutheran Church's new development includes the building of a new E.M.D. Sign on their south border. The church through the CUP process is asking for:

- 1) The sign to be placed of a V foot print. The property line, at 78', is extremely far back from Old West Highway. The V foot print would enable the on coming traffic to more easily read the sign.
- 2) The sign height to be 12' plus an additional 16" (only 15% of the sign height) of an embellishment area to display the cross.
- 3) The leading edge of the sign be allowed to be placed on the property line. The property line sits at an excessive 78' back from Old West Highway. Most signs are only 5' back from the property line and those property line are mostly 10'-20' R.O.W. from the back of curb.

This property has many unique conditions:

- 1) The curve in the road out front.
- 2) The off-set in elevation between the east and west bound lanes.
- 3) The vast size of the property apx 11.03 acres.
- 4) The frontage along Old West Highway is 550.00 feet.
- 5) The property line at 78' Back of Curb.

When all these special characteristics are taken into consideration we hope and pray, that at the public hearing, all will allow Mountain View Lutheran Church to be granted these three requests.

Thank you,

Frank M. Quinn
President
Brilliant LED Signs, LLC.
FMQ Development
310-570-3333
480-747-0763



Compliance and negative impact findings:

With regards 1-16-12(D)(3) please review the following findings:

- (a) Adequacy of roadways, off-street parking, public facilities and services to accommodate the proposed use

Findings:

MVLC parcel itself is about 11 acres. Parcel's main roadways (Old West Highway & Goldfield Rd) have a combined frontage of 1,470.23 ft. there is excessive amounts of off street parking, roadways and facilities to accommodate this usage.

1-11-9 Special Sign Regulations (a)(1) The EMD falls below the 50% of the maximum allowed for freestanding/monument sign. We are requesting 109 sq ft. of the 120' of allowable sign area. At this time we are not using any of our allowable signage on Goldfield.

- (b) No Negative impacts will be arising from the new Digital Sign. There is no emission of odor, dust, gas, noise, vibration, smoke, heat or glare. Light intensity will be factory set, and confirmed at install.

Findings:

1-11-9(B)(6) EMD will use only full color messaging and graphics. **The messaging is for community events and information regarding worship times. There will be no flashing animation.**

1-11-9(11)(b) EMD illumination will not exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area. **This levels will be set at installation.**

EMD will not emit smoke, dust, gas, or any other chemical that would cause a negative impact to surrounding neighborhood.

- c) There will be no deterioration of the neighborhood or the negative impact on neighborhood property values;

Findings:

1) MVLC is a massive Church property. 550.0' frontage on old west highway. the frontage on Goldfield Rd. is another 920.23' the sign installed on Old West Highway is far from any other property relative to most other commercial properties.

2) The sign structure is design to be compatibility with surrounding uses and structures;

3) The monument base reflect aspects of the church's architecture. See elevation page.

4) The Sign Conforms with the General Plan and city policies. The city code does allow for (1) EMD sign on this property

5) The EMD conforms to 1-11-8 Special Sign Regulations for monument free standing electronic changeable message signs.

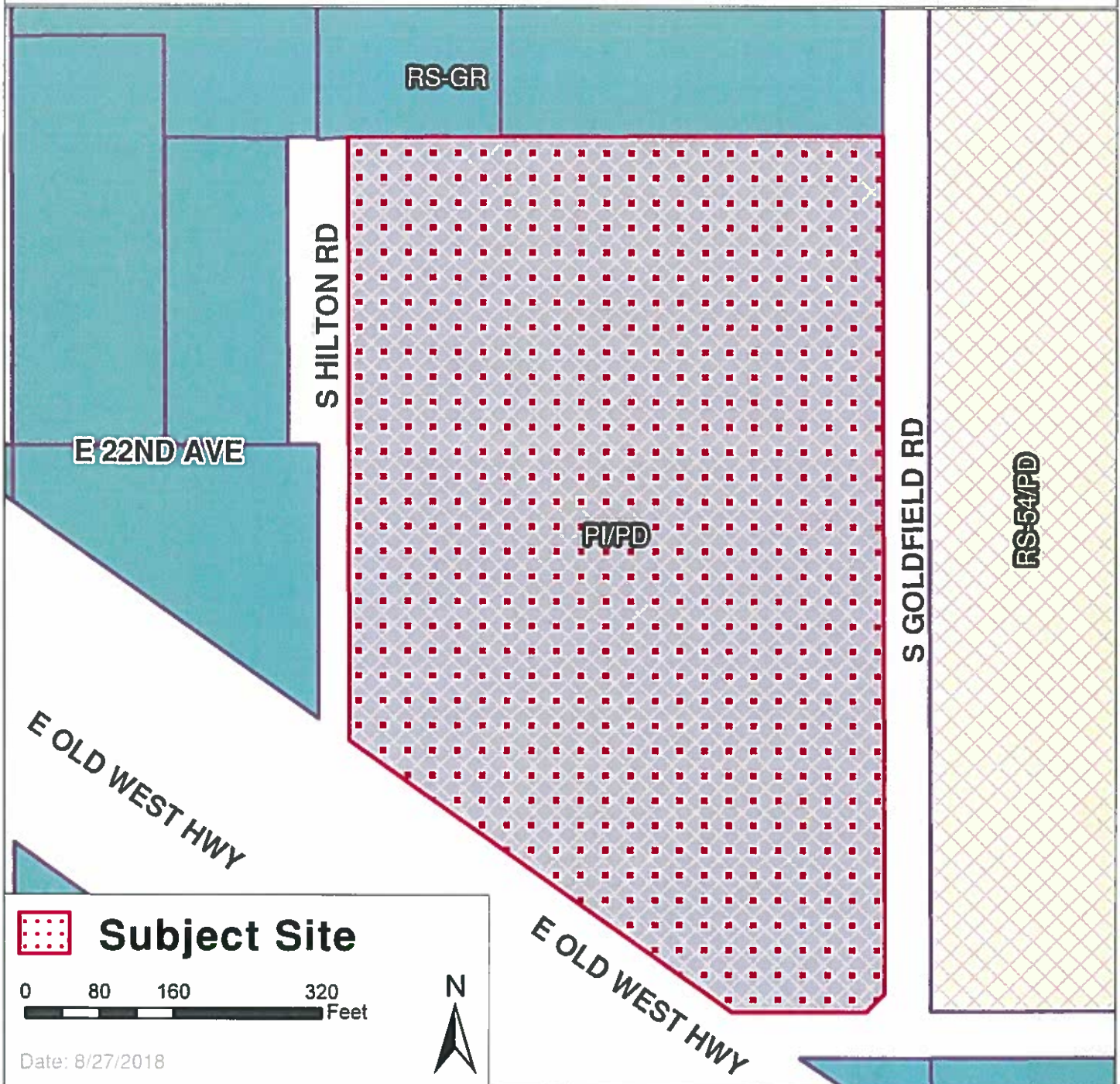
6) This new sign will provide a positive impact. The ultimate function of EMD is to inform all of the upcoming community events. MVLC opens it's facility to many other community and political functions.



Vicinity Map

CUP-6-18

Conditional Use Permit Request to allow
one 13 ft 4 in "V" shaped E.M.D.
monument sign set at the property line
at 2122 S. Goldfield Rd.





City of Apache Junction Aerial Exhibit CUP-6-18

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.

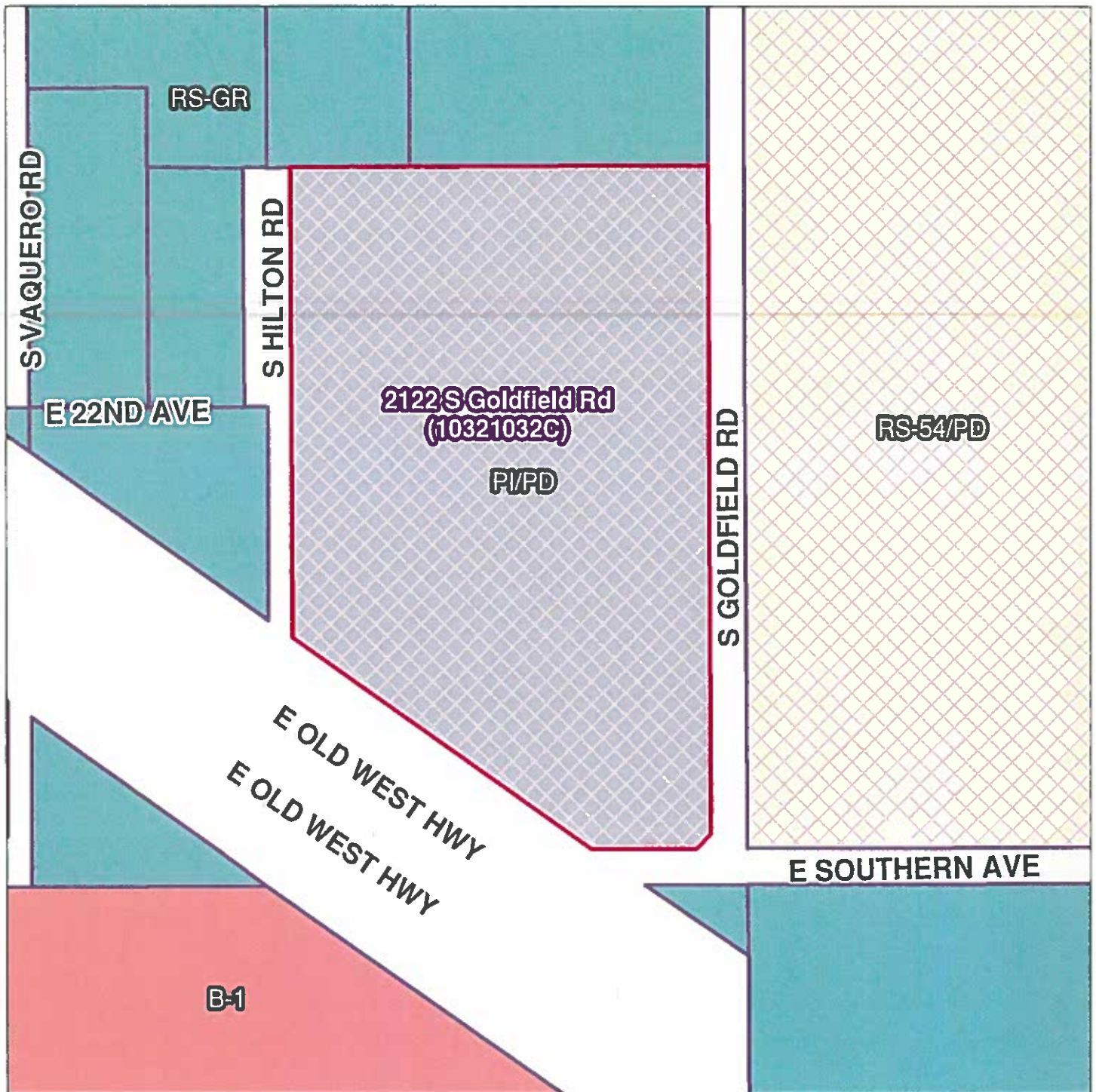


August 27, 2018

0 100 200 400 Feet



Created By Joseph Kiner



City of Apache Junction Zoning Exhibit CUP-6-18

LEGEND

- Subject Site
- Parcel
- Zoning**
- B-1
- RS-54/PD
- RS-GR
- PI/PD

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.



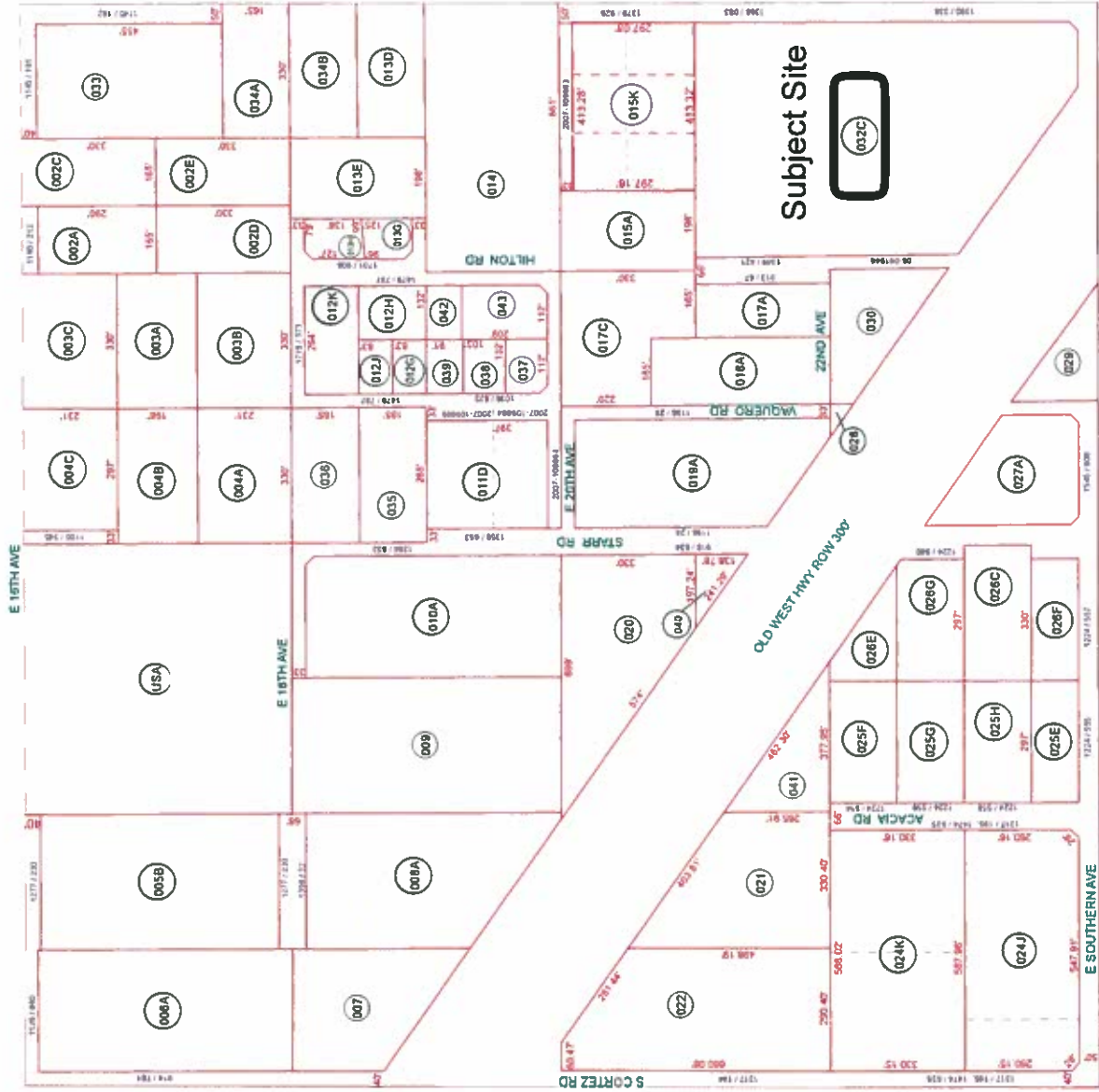
August 27, 2018

0 100 200 400 Feet



Created By Joseph Kiner

SEE MAP 103-18



SEE MAP 103-20_1

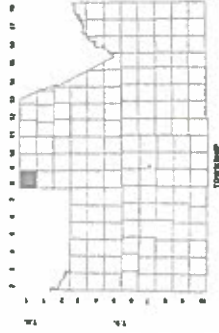
SEE MAP 103-01_1

BOOK - MAP

103-21

SE SEC. 27 T.01N. R.08E.

LOCATION MAPS



Revised: 05/19/2017

By: KG



PINAL COUNTY
with open opportunity

Pinal County Assessor

THIS MAP DOES NOT REPRESENT A SURVEY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA DELINEATED HEREIN, EITHER EXPRESSED OR IMPLIED BY PINAL COUNTY OR ITS EMPLOYEES. THIS MAP IS COMPILED FROM OFFICIAL RECORDS INCLUDING PLATS, SURVEYS, RECORDED DEEDS AND CONTRACTS, AND IS FOR INFORMATIONAL PURPOSES ONLY. IT IS NOT TO BE USED FOR THE PINAL COUNTY ASSESSOR'S OFFICE PURPOSES.



BRILLIANT
LED SIGNS, LLC.

CHANGING WHAT THE EYES SEE.

Phoenix: 480-747-0763 California: 310-570-3333

Manufacturer of high quality Outdoor and Indoor LED Displays, Inventor of Run Cool System. We now offer Partition control, Total control technology.

August 21, 2018

Re: CUP Permit, Mountain View Lutheran Church 2122 S. Goldfield Rd, Apache Junction, AZ 85119

Dear Neighbor,

An application has been filed with the City of Apache Junction for a Conditional Use Permit. Mountain View Lutheran is asking the City of Apache Junction to accommodate for the following:

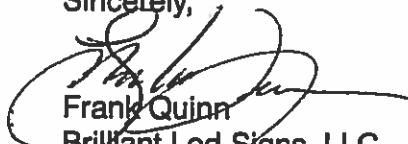
- 1) A new E.M.D. sign on their south border.
- 2) The sign to be placed at a "V" foot print. The property line, at 78', is extremely far back from Old West Highway. The "V" foot print would enable the on coming traffic to more easily read the sign.
- 3) The sign height to be 12' plus an additional 16" (only 15% of the sign height) of an embellishment area to display the cross.
- 4) The leading edge of the sign be allowed to be placed on the property line. The property line sits an excessive 78' back from Old West Highway. Most signs are only 5' back from the property line and those property lines are mostly 10'-20' R.O.W from the back of curb.

Please Note:

The colors, location and texture will compliment the existing building structures.
This sign will adhere to all building and electrical compliance codes.

This letter is being sent to you as part of the notification procedure. A copy of the proposed site plan and an illustration of the proposed digital sign have been included for your review. Should you have any questions regarding this matter, you may contact me at 310-570-3333.

Sincerely,


Frank Quinn
Brilliant Led Signs, LLC.
310-570-3333

2702 N. OGDEN RD. #108 MESA, ARIZONA 85215

ORDINANCE NO. 887

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 CASE PZ-10-93 FROM R1-43 (CONVENTIONAL SINGLE-FAMILY HOMES) TO CR-4/PD (RESIDENTIAL ZONE FOR A CHILD DAY CARE CENTER BY PLANNED DEVELOPMENT); 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 R1-43 (Conventional Single-Family Homes) to CR-4/PD (Residential Zone for a Child Day Care Center by Planned Development) for a 5-acre parcel located at the Northwest corner of E. 22nd Avenue and S. Goldfield Road, and legally described as:

The South half of the Northeast quarter of the Southeast quarter of the Southeast quarter of Section 27, Township 1 North, Range 8 East, Gila and Salt River Base and Meridian, Pinal County, Arizona;

EXCEPT the East 50 feet and the West 33 feet thereof for roadways and associated purposes per Docket 1368, Page 083 (50') and Docket 1389, Page 421 (33'), Pinal County Records.

Subject to the following stipulations:

1. Mountain View Lutheran Church shall present to the City's Planning Division adequate documentation regarding State approval to operate a day care center, before applying for a business license. If further improvements and/or building upgrades are determined necessary for the operation of the day care center, such improvements shall be subject to the normal Planned Development review process before application for building permits is made.
2. The property shall be developed within 24 months of rezoning approval or else the zoning may revert to its former classification per Section 19.011.4 of the Planned Development ordinance.
3. Any use or development of said property may be conditioned upon the provision of public improvements, a decorative masonry perimeter wall, and landscaping in accordance with the provisions of Article 19 of the Zoning Ordinance. The provisions of the Uniform Building Code and all other City Codes, policies, guides and standards shall apply and control all design and construction of improvements.

4. The preliminary and final plan approval, issuance of permits and development shall be conditioned upon site plan approval by the Development Coordinating Committee, as per the provisions of Article 19 of the Zoning Ordinance, including, but not limited to, the dedication of all rights-of-way and easements deemed necessary by the City prior to final plan approval.

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 MARCH, 1994.

SIGNED AND ATTESTED TO THIS 2ND DAY OF MARCH, 1994.


JEAN PERKINS
Mayor

ATTEST:


KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:


GLENN J. GRIBUT
City Attorney

ORDINANCE NO. 887
PAGE TWO OF TWO

ORDINANCE NO. 1143

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-08-00 AND ALLOWING A CHURCH AND RELATED USES AS A CONDITIONAL USE; 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 1 IN GENERAL

The zoning district classification on the Zoning District Map, City of Apache Junction, Arizona, for the parcels of land described as:

That portion of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 27, which lies North of the North right-of-way line of Old West Highway; and the South Half of the Northeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 27, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Apache Junction, Pinal County, Arizona;

be and hereby is amended from CR-4/PD (Multiple-Family Residence Zone by Planned Development), C-3/PD (General Commercial by Planned Development) and GR (General Rural) to CR-5/PD (Multiple-Family Residence Zone by Planned Development with a church and related uses allowed as a Conditional Use) subject to the following stipulations:

1. All development shall be done in compliance with all applicable Codes and Ordinances as adopted in the Apache Junction City Code, Volumes I and II, including all policies and standards adopted by the City of Apache Junction, but not limited to, the Zoning Ordinance, the Uniform Building Code, the Engineering Guidelines and the Landscaping and Screening Requirements, more particularly as detailed herein.

2. Substantial construction of the preliminary planned development plan must be completed within a 24-month period from the date of City Council approval of the rezoning request to CR-5/PD, Case No. PZ-08-00. If not, the zoning on the property may be subject to reversion to the original zoning classifications by City Council action, pursuant to the provisions of Arizona Revised Statutes Annotated (A.R.S.) §9-462.01.
3. The final planned development plan (including improvement and construction plans) shall be submitted within one year of the rezoning approval.
4. The final planned development plan shall be in substantial compliance with the preliminary planned development plan and elevations on the site plan on file with the Planning Division of the Apache Junction Development Services Department in Case File No. PZ-08-00, within one year of the rezoning approval.
5. The West 33 feet of the West half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter, less the right-of-way along Old West Highway, of Section 27, Township 1 North, Range 8 East, Gila and Salt River Base and Meridian, Pinal County, State of Arizona (identified as the adjacent half-width of right-of-way on Hilton Road starting at Old West Highway north to approximately a point 330 feet south of the north property line) must be dedicated to the City of Apache Junction.
6. The half-width rights-of-way on Old West Highway, Goldfield Road and Hilton Road adjacent to the property must be improved to the City Engineer's standards (to include paving, sidewalks, curbs, gutters, streetlights, fire hydrants, deceleration lanes, etc.).
7. All of the civil engineering requirements pursuant to the Apache Junction City Engineering Guidelines as adopted by City Council Resolution No. 95-16 and Ordinance No. 932 will apply to the project including, but not limited to, topography, grading and drainage, street improvement plans and a drainage report.

8. Appropriate development fees, as well as all other applicable fees, are due prior to the issuance of building permits.
9. All routes of access and proposed playground equipment must be barrier free and conform to current A.D.A. requirements and the U.S. Consumer Products Safety Commission 'Handbook for Public Playground Safety' on file with the Parks and Recreation Department of the City of Apache Junction.
10. The proposed development must comply with all requirements of the Apache Junction Fire District, including necessary fire hydrants, automatic fire sprinklers, and must provide a fire flow of at least 1,500 Gallons Per Minute ("GPM") for a 2-hour duration.
11. The senior independent-living facility must be setback at least 25 feet from the east right-of-way line along Hilton Road.
12. The proposed senior assisted-living facility, the senior independent-living facility, the private elementary school/fellowship hall and the day care/preschool facility must provide adequate outdoor seating and shade area along the entrance to these proposed buildings.
13. The development site must comply with all requirements outlined for a Planned Development pursuant to Article 19, Planned Development Zoning District of the Apache Junction City Code, Volume II, Land Development Code, Chapter 1, Zoning Ordinance, including at least twenty percent (20%) of the gross site be reserved for open space.
14. Salvaging of native vegetation shall be completed in accordance with the Plant Salvage Specifications utilized by the City's Park and Recreation Department. All significant stands of Saguaro cactus and native trees must be relocated on the development site, with development being designed around any significant native vegetation encouraged pursuant to Chapter III, Growing Smarter Elements, B Environmental Planning Element, Goal #3, Preserve and conserve native desert vegetation and wildlife habitats, from the City of Apache Junction General Plan, Resolution 94-34, adopted on November 2, 1999.

15. All structures on the development shall have stucco and/or decorative masonry on all exterior elevations. Each elevation shall provide visual variety through altering roof line angles/ heights, decorative architectural window treatments and/or other architectural features and building design that breaks up the building mass of each elevation. Roofing material shall have a complementing parapet to the exterior elevation, with metal and/or tile material used to provide visual variety and continuity among all buildings on the development site. Roof material and exterior walls shall be earth tone in color.

16. CPTED ("Crime Prevention Through Environmental Design") recommendations shall include:

- a. All bushes shall be trimmed to a height of less than three (3) feet.
- b. All tree branches shall be trimmed to a height no lower than seven (7) feet.
- c. All exterior lighting must be approved by CPTED.
- d. The exterior windows on both the senior assisted-living facility and independent-living facility shall have secondary locks.
- e. The exterior doors on the laundry room and kitchen in the senior assisted-living facility shall have deadbolts and peepholes.

17. Parish hall not to exceed 31 feet.

SECTION II. REPEALING ANY CONFLICTING PROVISIONS

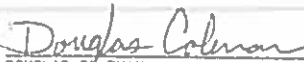
All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

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 7TH DAY OF NOVEMBER,
20 00.

SIGNED AND ATTESTED TO THIS 20TH DAY OF NOVEMBER, 2000.


DOUGLAS COLEMAN
Mayor

ATTEST:


KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

 10-31-00
RICHARD JOEL STERN
City Attorney

ORDINANCE NO. 1180

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, APPROVING A PLANNED DEVELOPMENT MAJOR AMENDMENT, CASE PZ-2-03, TO AMEND THE PLAN OF DEVELOPMENT FOR THE MOUNTAIN VIEW LUTHERAN CHURCH CAMPUS, A ±11 NET-ACRES CR-5/PD (MULTI-FAMILY RESIDENCE ZONE BY PLANNED DEVELOPMENT)-ZONED PROPERTY LOCATED AT THE NORTHWEST CORNER OF OLD WEST HIGHWAY AND SOUTH GOLDFIELD ROAD, PREVIOUSLY APPROVED BY CASE PZ-8-00, BY AMENDING ORDINANCE NO. 1143; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, on November 7, 2000, the Mayor and City Council approved Ordinance No. 1143 which rezoned the church property and approved a Planned Development plan for the property which featured a day care, assisted living, independent living facilities, elementary school, new fellowship hall, and site and street improvements for the entire ±11 net-acre site; and

WHEREAS, The Mountain View Lutheran Church desires to amend its plan by deleting the proposed day care, assisted living, independent living facilities, and certain site and street improvements more particularly described in Case PZ-2-03; and

WHEREAS, the Apache Junction Planning and Zoning Commission, at their meeting of April 22, 2003, recommended approval of the proposed amendments by a vote of 6-0-0.

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

SECTION 1 IN GENERAL:

That Ordinance No. 1143 be amended for the purpose of deleting the day care, assisted living, independent living facilities and certain site and street improvements for the Mountain View Lutheran Church located at the northwest corner of Old West Highway and South Goldfield Road. The amended planned development plan described herein and in Case PZ-2-03, features three structures, an existing sanctuary, an existing

administration building, a new fellowship hall/elementary school, and partial on-site and off-site site street improvements for the property legally described as:

The South half of the Northwest quarter of the Southeast quarter of the Southeast quarter and the Southeast quarter of the Southeast quarter of Section 27, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

EXCEPT the East 50 feet and the South 50 feet of the East half of the Southeast quarter of the Southeast quarter of Section 27, lying North of the Northeasterly Right-of-Way line of U.S. Highway 60; and a 20-foot cutoff more particularly described as follows:

COMMENCING at the Southeast corner of the East half of the Southeast quarter of the Southeast quarter of the Southeast quarter of Section 27;

thence North (assumed) a distance of 70 feet; thence West, a distance of 50 feet to the POINT OF BEGINNING;
thence Southwesterly approximately 28.28 feet to a point 50 feet North and 70 feet West of said Southeast corner;
thence East, a distance of 20 feet;
thence North, a distance of 20 feet to the POINT OF BEGINNING as deeded to the City of Apache Junction in Docket 1379, Page 925 and re-recorded in Docket 1390, Page 338; and

EXCEPT the East 50 feet of the South half of the Northeast quarter of the Southeast quarter of the Southeast quarter of Section 27 as conveyed to the City of Apache Junction in Docket 1368, Page 83; and

EXCEPT the West 33 feet of the South half of the Northeast quarter of the Southeast quarter of the Southeast quarter of Section 27 as conveyed to the City of Apache Junction in Docket 1389, Page 421; and

EXCEPT any portion lying within the Old West Highway right-of-way; and Except all coal, oil, gas and other mineral deposits as reserved in Patent from the United States of America recorded in Docket 672, Page 134 and in Docket 158, Page 487.

The conditions of approval are hereby amended as follows:

- 1) All other pertinent conditions of Ordinance No. 1143 are still in full force and effect.
- 2) The property shall be developed with the planned development and zoning deviations requested and in accordance with the configuration shown on the submitted development plan, in case file PZ-2-03, except as otherwise conditioned herein.
- 3) If in the future, it becomes feasible for the Church to substantially comply with the original plan under Case PZ-8-00, a Major Planned Development Amendment shall not be required. Any proposed use other than approved under Case PZ-8-00 of the remaining eleven (11) acre site must be approved through a Major Planned Development Amendment pursuant to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1 Zoning Ordinance, Article 19, Planned Development Zoning District, requiring public hearings before the Planning and Zoning Commission and City Council.
- 4) All construction shall be done in compliance with all applicable codes and ordinances, including the City of Apache Junction Zoning Ordinance, the Uniform Building Code, Engineering Guidelines and the Uniform Fire Code (including, but not limited to, the provision of sufficient fire apparatus access roads the marking of fire lanes and the provision of adequate water supplies, sprinkler systems and fire hydrants).
- 5) Areas indicated on the submitted development plan to be re-seeded with a native desert hydro-seed mixture shall not be graded or disturbed nor used for any other purpose until appropriate development plans for the remaining undeveloped portion of the site are approved.

SECTION II REPEALING ANY CONFLICTING PROVISIONS:

All ordinances and parts of ordinances in conflict with the provisions of this ordinance 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 portions thereof.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS 6TH DAY OF MAY, 2003.


SIGNED AND ATTESTED TO THIS 6TH DAY OF MAY, 2003.


DOUGLAS COLEMAN
Mayor

ATTEST:

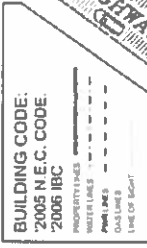

KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:


RICHARD JOEL STERN
City Attorney

ORDINANCE NO. 1180
PAGE 4 OF 4

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SCALE 1"=30'





BRILLIANT
LED SIGNS, LLC.

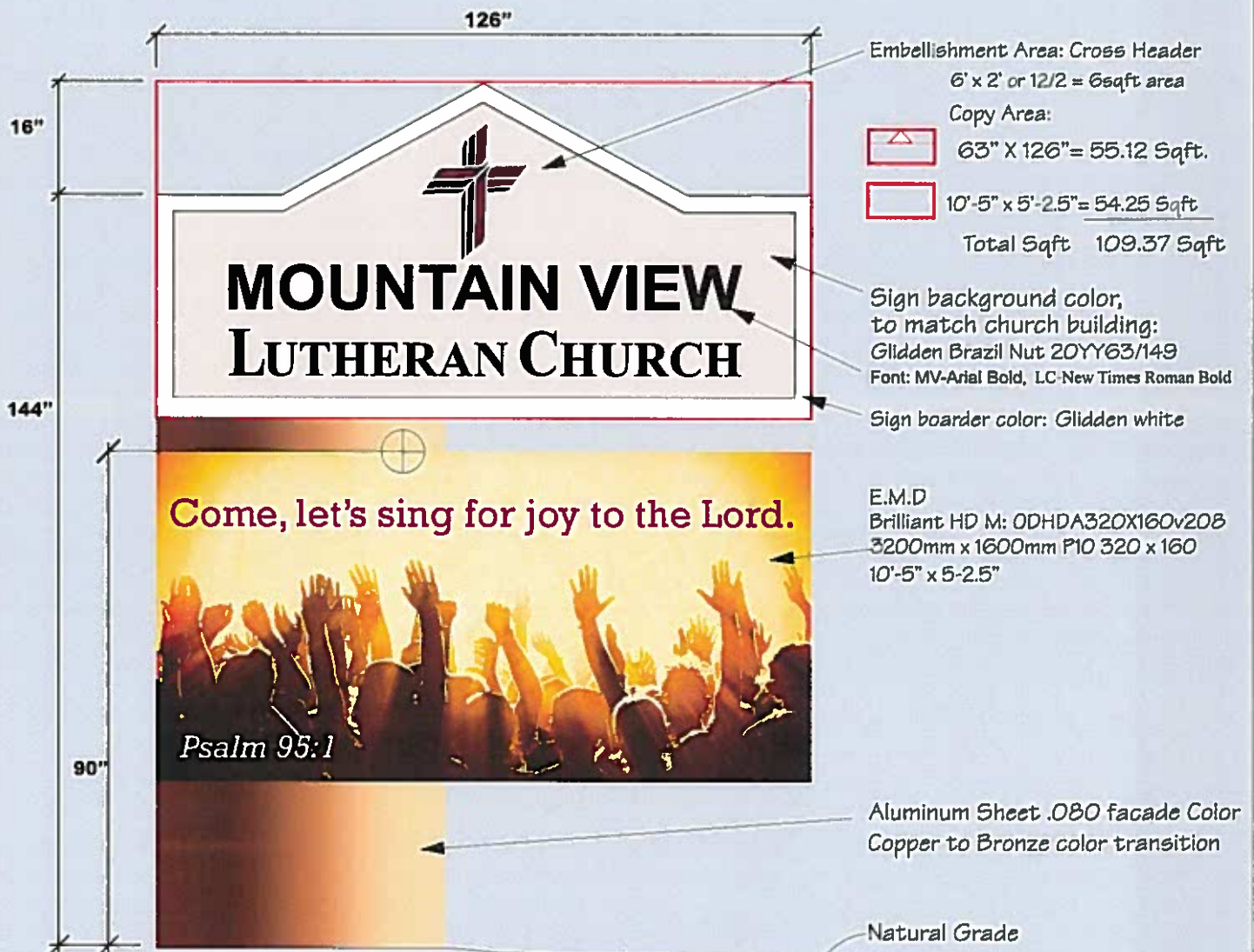
CHANGING WHAT THE EYES SEE.

ELEVATION

BRIL- #9494A 3X INFINITY

BRILLIANT PYLON SIGN-TRIPLE INFINITY

East Elevation





BRILLIANT
LED SIGNS, LLC.

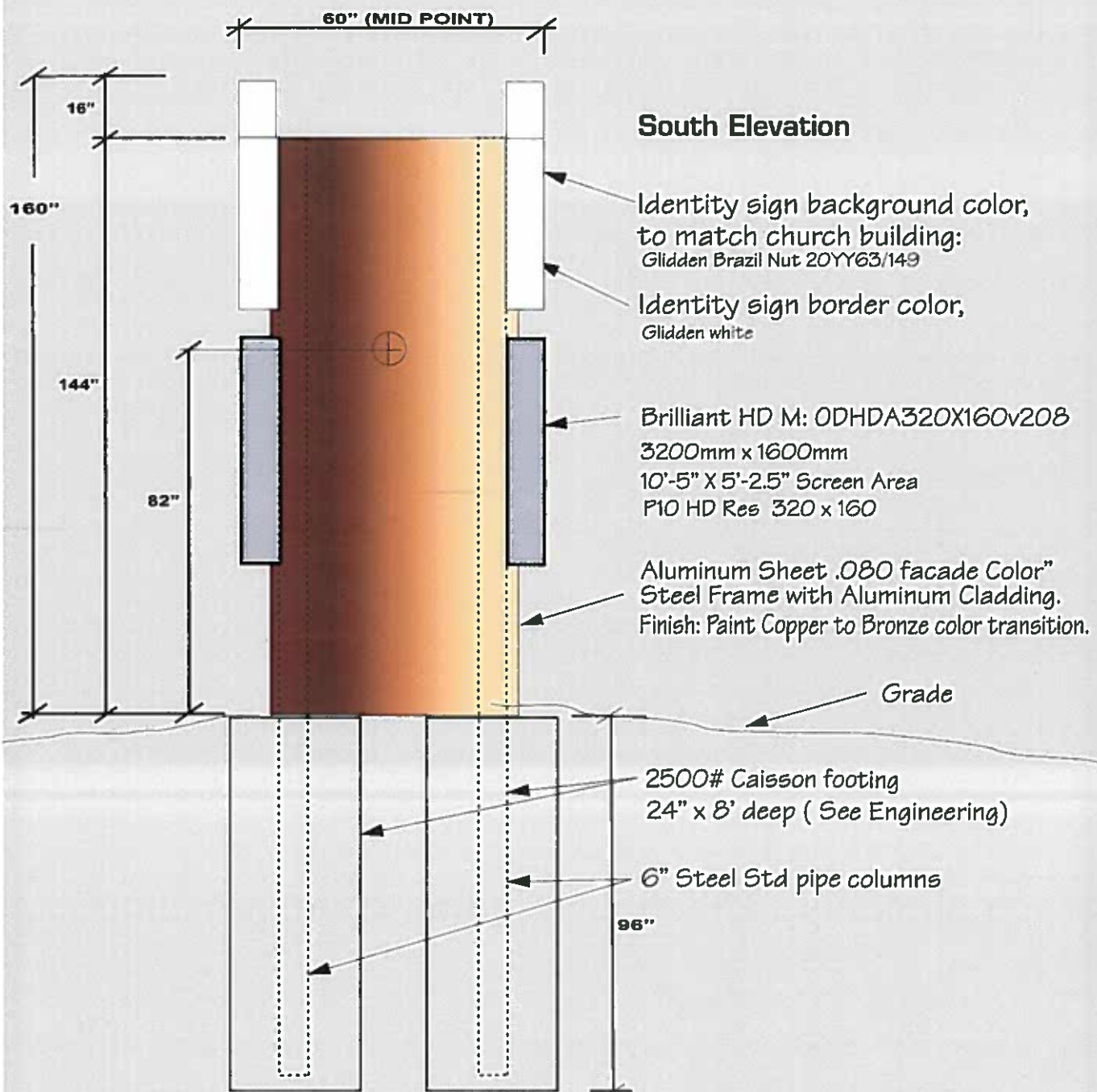
CHANGING WHAT THE EYES SEE.

ELEVATION

BRIL- #9494A 3X INFINITY

BRILLIANT PYLON SIGN-TRIPLE INFINITY

CROSS SECTION





BRILLIANT
LED SIGNS, LLC.

CHANGING WHAT THE EYES SEE.

FLOOR PLAN

BRIL- #9494A 3X INFINITY

BRILLIANT PYLON SIGN-TRIPLE INFINITY

FLOOR PLAN NOTES:

- (A) NEW WORK: A FREE STANDING SIGN, TO INCLUDE (2) ELECTRONIC MESSAGE BOARDS 3200MM X 1600MM BOARD. BACK TO BACK SCREENS, NEW CONCRETE FOOTING, STEEL STRUCTURE AND STEEL COLUMN. SEE ASA ENGINEER CALC'S.
- (I) PLAN VIEW OF MESSAGE BOARDS BACK TO BACK.
- (G) NEW ELECTRIC POWER AND DISCONNECT SWITCH(S) AS REQUIRED BY 2011 N.E.C. CODE.
- (K) NEW LANDSCAPE AREA WITH INDIGENOUS PLANT. 500 SQ FT.

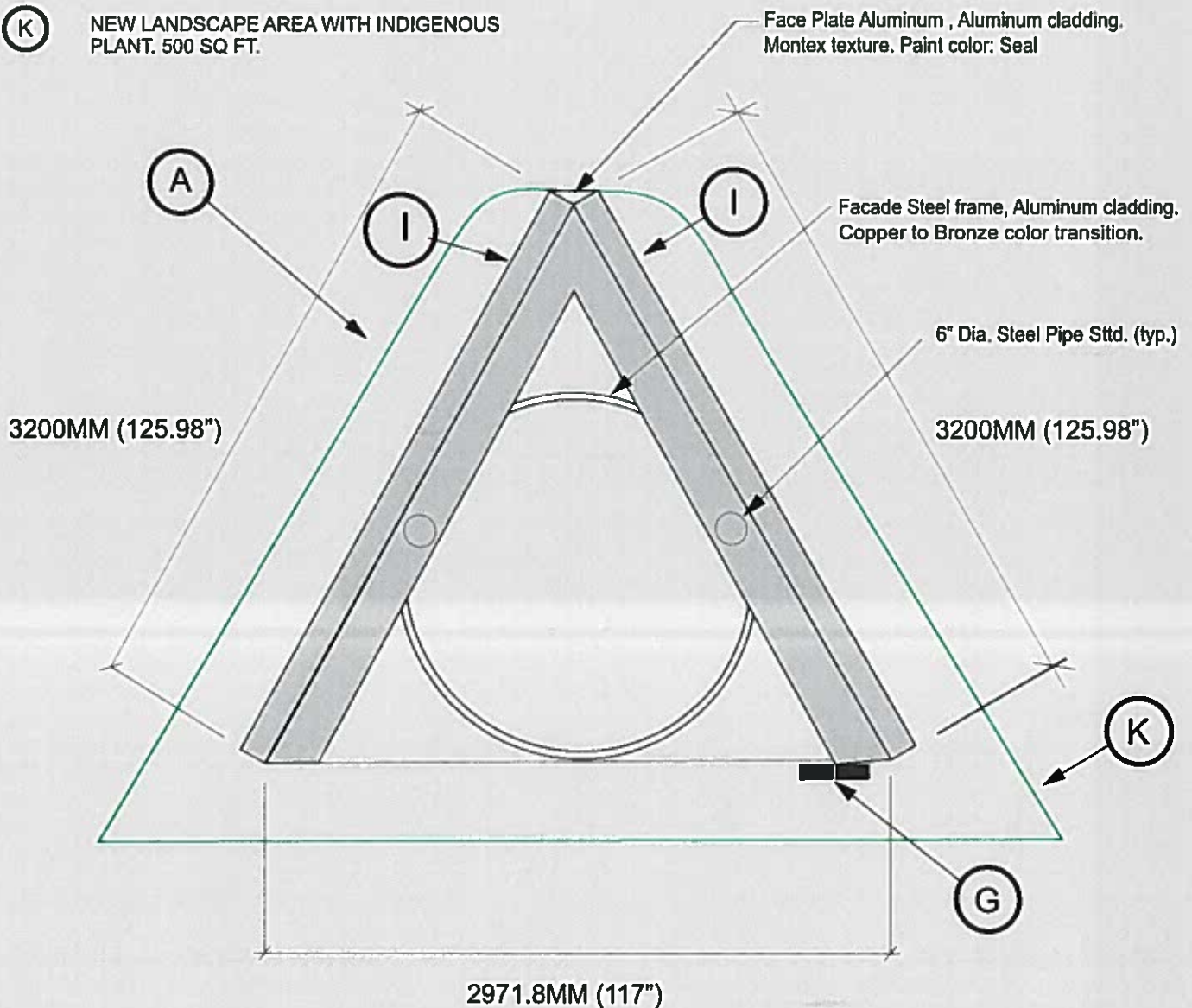


TABLE 11-1: PERMITTED SIGN STANDARDS

SIGN TYPE ¹	MAXIMUM SIGN SIZE ²	MAXIMUM SIGN HEIGHT ³	MAXIMUM QUANTITY	PERMIT NEEDED	PERMITTED LOCATION ⁴	DISPLAY PERIOD	DESIGN	ZONING DISTRICTS
Freestanding Signs (non-freeway frontage)	1 sf. per 1 lineal ft. of parcel frontage up to a 150 sq. ft. max.	12 ft.	1 sign per street frontage	AUP	Min. 5 ft. front, side and rear setback	Continuous	Monument or Post & Panel signs only. Addresses must be visible from ROW. See Article 1-13	Non-Residential Zones
Freestanding Signs (freeway frontage)	1 sf. per 1 lineal ft. of parcel frontage up to a 500 sf. max. for single tenant and 150 sf. for multi-tenant	25 ft. above grade of closest freeway lane.	1 sign per property	AUP	Min. 5 ft. front, side and rear setback.	Continuous	Monument and pylon signs only. Addresses must be visible from ROW. See Article 1-13	Non-Residential Zones
Wall Signs and Wall Murals	2 sf. per 1 lineal ft. of tenant frontage up to a 150 sq. ft. max. ⁵	No higher than building wall	3 signs/murals per tenant per street frontage	AUP	Building wall	Continuous	See Article 1-13	Non-Residential Zones
Hanging Signs	10 sf. ⁵	Min. 8 ft. clearance to ground and no higher than 1" floor.	1 hanging or projection sign per street frontage	AUP	Hanging either perpendicular or parallel to road	Continuous	See Article 1-13	Non-Residential Zones
Projecting Signs	10 sf. ⁵	Min. 8 ft. clearance to ground and no higher than 1" floor.	1 hanging or projection sign per street frontage	AUP	Hanging either perpendicular or parallel to road	Continuous	See Article 1-13	Non-Residential Zones
Window Signs	75% of window area	N/A	No limit	No	Inside of window	Continuous	N/A	Non-Residential Zones
Awning Signs	50% of awning area ⁵	N/A	No limit	AUP	On awning	Continuous	Non-Illuminated	Non-Residential Zones

10. Roof signs.
11. Discontinued and/or abandoned non-conforming signs.
12. Audible signs.
13. Digital projection signs.

1-11-8 PERMITTED SIGNS AND SIGN REGULATIONS.

- A. Permitted Signs. Table 11-1 sets forth the regulations regarding sign type, size, height, quantity, location and design.

1-11-9 SPECIAL SIGN REGULATIONS.

A. Manual Changeable Message Signs

1. Maximum Size. Fifty percent of the maximum size allowed for the freestanding/monument sign.
2. Maximum Height. In accordance with allowed freestanding/monument signs.
3. Maximum Quantity. One changeable message sign per property to be incorporated into the permitted freestanding/monument sign.
4. Location. Minimum 5 foot front, side and rear setback. The freestanding sign setback shall also comply with the City's intersection visibility requirements in § 1-6-13.
5. Zoning Districts Where Allowed. All non-residential zoning districts.
6. Design. The changeable letter sign shall be incorporated into a decorative monument base.
7. Commercial Message Content. The commercial message displayed on the sign shall directly relate to the business or businesses conducted on-site.
8. Illumination. Signs may be illuminated.
9. Permit Required. AUP

B. Electronic Changeable Message Signs

1. Maximum Size. Fifty percent of the maximum size allowed for the freestanding/monument sign.
2. Maximum Height. In accordance with allowed freestanding/monument signs.
3. Maximum Quantity. One changeable electronic message sign per property to be incorporated into the permitted freestanding/monument sign.
4. Location. Minimum 5 foot front, side and rear setback. The freestanding sign setback shall also comply with the City's intersection visibility requirements in § 1-6-13.
5. Zoning Districts Where Allowed. All non-residential zoning districts.
6. Display. Displays may use full color and animation, however, no flashing, rotating or strobe effects shall be allowed.
7. Design. The digital sign shall be incorporated into a decorative monument base.
8. Minimum Display Time. Static images shall last for at least 5 seconds before transitioning to another static message.
9. Transition Method and Duration. Such electronic message sign shall be limited to static displays, messages that appear or disappear from the display through dissolve, fade, travel, scroll or similar transitions and frame effects that have text, animated graphics or images that appear to move or change in size, or be revealed sequentially rather than all at once. The transition duration between messages shall not exceed one second.
10. Commercial Message Content. The commercial message displayed on the electronic/digital sign shall directly relate to the business or businesses conducted on-site.
11. Illumination Levels All electronic message signs shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with ambient light conditions.

No electronic message sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area. The measurement distance shall be calculated with the following formula: The square root of the product of the sign area and one-hundred. Example using a 12 square foot sign:

Light Meter Measurement Distance = Square Root of (12 sf x 100) = 34.6 feet

12. Permit Required. AUP

C. Political and Campaign Signs

1. Maximum Size. Sixteen square feet on residentially zoned property and thirty-two square feet on non-residentially zoned property and City rights-of-way.
2. Maximum Height. Six feet.
3. Maximum Quantity. No limit.
4. Location. Political signs placed in public rights-of-way shall not be hazardous to public safety, obstruct clear vision in the area or interfere with the requirements of the Americans with Disabilities Act, as determined by the City Engineer.

If the City Engineer deems that the placement of a political sign constitutes an emergency, City representatives may immediately relocate the sign. The City shall notify the candidate or campaign committee that placed the sign within twenty-four hours after the relocation.

If a sign is placed in violation of this section and the placement is not deemed to constitute an emergency, the City may notify the candidate or campaign committee that installed the sign. If the sign remains in violation at least twenty-four hours after the City notified the candidate or campaign committee, the City may remove the sign and shall contact the candidate or campaign committee to retrieve the sign within ten business days. After such time, the signs may be disposed of as the City deems fit.

5. Zoning Districts Where Allowed. All zoning districts.
6. Display Period. Political signs may be posted any time before a primary election, but must be removed within 15 calendar days after a primary election for candidates who do not advance to the general election. All candidate signs must be removed within fifteen days after the general election.
7. Information. The sign shall contain the name and telephone number of the candidate or campaign committee contact person.
8. Illumination. Signs shall not be illuminated.
9. Permit Required. No

D. Vehicle Signs

1. Sign Location on Vehicle. Vehicle signs may be placed along the body surface of the vehicle by means of painting, decal, magnetic attachment or adhesive vinyl film, or may be attached and secured to the body or bed of the vehicle in a manner deemed legal by the Arizona Department of Transportation for licensed street use.
2. Maximum Size.
 - a. Signs Attached by Painting, Decal, Adhesive and Magnetic Signs. The maximum size of these signs, which are self-attached to the vehicle, is limited to the surface area of the vehicle's body (i.e., hood, doors, fenders, and truck box).
 - b. Signs Attached with Hardware. The maximum size of these signs shall not exceed 15 square feet in size or extend higher than 2 feet above the top of vehicle.
3. Vehicle Parking. The vehicle shall be licensed and operable for use on a public road, and shall be parked within an approved parking space on the property of the business it is advertising. Vehicles with attached signs shall not be located in a manner that interferes with visual or physical access to adjacent businesses.
4. Zoning Districts Where Allowed. All non-residential zoning districts.
5. Illumination. Signs shall not be illuminated.
6. Permit Required. No

E. Billboards

1. New Billboards. No billboards shall be erected within the City limits, including along the freeway.
2. Existing Billboards. Existing billboards may be required to be removed as a condition of rezoning, subdivision plat or CUP approval.
3. Illumination. Billboards with existing external illumination deemed legal non-conforming by the Zoning Administrator shall be allowed. No new internal or external lighting of billboards shall be allowed.
4. Compliance with State Law. All existing billboard signs shall comply with applicable provision of A.R.S. 9-461, *et. seq.*

§ 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)