



City of Apache Junction

Development Services Department



PLANNING AND ZONING COMMISSION PUBLIC HEARING STAFF REPORT

DATE: October 23, 2018

CASE NUMBER: CUP-5-18

REQUEST: A request for a conditional use permit to permit the parking of trucks, semi-trucks, busses and recreational vehicles, which are awaiting repair or pick-up, on a vacant, 0.91-acre property.

PROPERTY OWNER: W4A Operations LLC (d.b.a. Diesel Industries)

REPRESENTATIVE: Jack Gilmore, Gilmore Planning & Landscape Arch

LOCATION: The subject site is located in the W. 3000 block of W. 4th Avenue (Assessor parcel no. 101-06-006E).

**GENERAL PLAN/
ZONING DISTRICT:** Designated "Downtown Mixed Use"/Zoned Industrial by Planned Development ("B-5/PD")

**SURROUNDING
LAND USES:**

- NORTH: RV storage lot (zoned B-5/PD)
- SOUTH: McIlwain Addition Subdivision (RS-10M)
- EAST: Industrial lot (B-5/PD)
- WEST: Storage lot driveway and W4A (B-5/PD)

BACKGROUND

The subject site along with many other properties was rezoned in November of 2002, pursuant to city-initiated rezoning case PZ-4-02, Ordinance No. 1168 (attached). Approximately 80 acres of land, consisting of many lots between Meridian and Delaware, on the north and south sides of Apache Trail were rezoned to either commercial by planned development (now called B-1/PD) or industrial by planned development (now called B-5/PD). The intent of the rezoning was to preclude more MH park, RV park and storage lot businesses on the large vacant lots in this area, allowed under the old county-inherited zoning districts; and to create opportunities for retail, office and strip commercial shopping

Planning & Zoning – Building & Safety – Revenue Development

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developments, subject to unifying design and landscape standards. The area south of the Safeway shopping center, between Meridian and the Warner alignment was already zoned industrial, so Ordinance No. 1168 also recognized many of the pre-existing uses in that area, while calling for specific design, public improvements and landscape standards as those properties developed or redeveloped.

Ordinance No. 1168 facilitated the development of the Harley-Davidson store, the (former) Pinal County Federal Credit Union building, Starbucks/Jack In The box, the two strip centers just west of Delaware (Fatman's/Jimmy John's) and the redevelopment of the old K-Mart building and property into three new attractive businesses. Unfortunately, redevelopment of the W. 4th Avenue area has been much slower. Around 2005, W4A Operations (formerly called Romano and Son Trucking Company) moved into the old Hyder Air building at 3050 W. 4th Avenue. For various reasons, the property (and other properties occupied by the Romanos over the years) has never been developed as Ordinance No. 1168 intended (see Romano property timeline).

Then in 2013, after many citizen complaints about the Romano business moving around and occupying other lots in the neighborhood without any approvals; and after many attempts by staff to try to work with the Romanos to develop their properties in accordance with Ord 1168; Development Services staff met with the Romanos and both parties agreed to sign a friendly memorandum of understanding that the Romanos would not expand their business and use their other two lots (parcels 101-06-006C and 006E) until they were reviewed for compliance with city landscape and screening standards, at minimum (see memo of understanding attached). Soon afterward however, complaints came in again about the Romanos expanding their business to the lot to the east in particular, without any site improvement approvals and causing negative impacts in the neighborhood—which is all single-family residential on the south side of 4th Avenue. In fact, the adoption of the 2014 zoning ordinance required a CUP for the operation of outdoor businesses.

Finally in 2017, a new code compliance action was filed against the Romanos (see notice of violation letter dated October 17, 2017) and they were compelled to apply for a CUP or face court action. To help them in this endeavor, the Romanos hired planning consultant and landscape architect, Jack Gilmore.

PROPOSAL

Diesel Industries is located to the west of the subject parcel, across a 20-foot-wide strip of land that is owned by Blackmist Development, owners and operators of AJ RV and Boat Storage, which lies adjacent to and north of Diesel Industries. Diesel Industries is a large vehicle repair business. They work on trucks, semis, busses, RVs, etc. The subject property is the lot on which they keep vehicles which are awaiting repair or are waiting to be picked up.

The city's zoning ordinance requires a conditional use permit for businesses that propose "outdoor assembly, repair, manufacturing, processing and/or storage". Furthermore, the city's landscape and screening requirements apply to new development of commercial, industrial, institutional, subdivision, multi-family residential, manufactured home park and recreational vehicle park uses. Even if a vacant commercial or industrial-zoned lot is proposed to be put to a personal or business storage use, the landscape code applies.

Therefore, this CUP request is submitted and the property is proposed to be improved with landscaping and screening improvements in accordance with the submitted site and landscape plan (attached). Masonry walls exist on the east and north sides of the property. The proposed wall on the south side of the property facing 4th, will be placed at the setback line and landscape and irrigation improvements will be installed in front of the wall to create an aesthetic street presentation, facing the residential neighborhood. The lot will also be treated for dust control. Primary access to the Diesel Industries lots is from W. 4th Avenue, which has historically served both business and residential properties.

The applicants propose to comply with the city's code, but they are requesting up to a year to phase in the improvements. No buildings are proposed on the property at this time.

PLANNING STAFF ANALYSIS AND FINDINGS

Relationship to General Plan:

The General Plan shows this area to be a "downtown mixed use" opportunity area. The industrial zoning adjacent to the single-family residential zoning is not ideal and not really what is intended by downtown mixed use, but unfortunately, it predates

the city. No rezoning is involved, therefore this proposal does not conflict with the General Plan.

Zoning/Site Context:

The City's new zoning ordinance basically renamed the underlying zoning districts approved under Ord 1168. In general, the new code has gotten a little stricter in that a CUP is now required for outdoor storage uses. Since the property has not been lawfully developed with a viable licensed business for a long time (if ever), the CUP is appropriate and the provision of the landscape improvements will at long last start to implement to the intent of Ord 1168 on 4th Avenue. Staff has already communicated with the adjacent business owner to the east of the subject site about getting their CUP in process as well. Aesthetic and noise buffering improvements will also hopefully mitigate some of the neighborhood complaints.

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 applicant's justification of the criteria is in their attached narrative. Staff does not necessarily disagree with the applicant's review of the criteria, but we offer a few additional observations, as follows:

- a) Adequacy of roadways, off-street parking, public facilities and services to accommodate the proposed use. *[The property is accessed from 4th Avenue, which oddly serves residential and industrial uses right next to each other. The owners will need to be careful and sensitive to residential traffic when moving large vehicles back and forth from the repair lot to the storage lot. Vehicles approaching the site should be discouraged from driving through the residential neighborhoods and completely prohibited from using the alleys. It is important that a sufficiently wide gateway be provided to allow large vehicle turning movements into the storage lot. No business-related on-street parking is proposed nor should it be allowed.]*
- b) Negative impacts arising from the emission of odor, dust, gas, noise, lighting, vibration, smoke, heat or glare. *[Staff has received noise and vibration complaints about the site. Hopefully effective buffering and landscaping should mitigate some of those issues, but staff will also*

suggest reasonable hours of operation so that late night disturbances are precluded. Any future development and/or lighting will be subject to current development requirements, including dark sky requirements. Dust control is also required.]

- c) Contribution to the deterioration of the neighborhood or the negative impact on neighborhood property values. *[The owners will need to be vigilant about noise and other problems about which neighbors have complained in the past. If problems persist or worsen, the City may schedule the CUP for further review should the activity allowed under the CUP continue to be a neighborhood nuisance.]*
- d) Compatibility with surrounding uses and structures. *[Surrounding uses and properties to the west, east and north are already industrial, so those properties should not be negatively affected. Screening and landscaping buffers will be provided between the site and the residential properties to the south which have not existed in the past.]*
- e) Conformance with the General Plan and City policies. *[There are no General Plan issues. Operator sensitivity, reasonable and safe conduct of activities, and reasonable hours of operation should help head off most problems.]*
- f) Screening and buffering of uses. *[Staff is suggesting specific and general conditions under the Recommended Motion to mitigate perceived present and future negative impacts.]*
- g) Unique nature of the property, use and/or development's physical characteristics. *[The property does not appear to have any unique physical characteristics. The mix of land uses in the neighborhood is not ideal, but enhanced development requirements should improve compatibility. Future street improvements will help to resolve even more issues.]*

PUBLIC OUTREACH/INPUT

Public hearing notices were mailed to all property owners within 300 feet of the site. Comments and input have been sought. One neighbor called to say that she still had some concerns and may

attend the meeting to voice those concerns. The owner of the 20-foot strip separating the applicant's properties has unfortunately had some negative experiences with his neighbors. Staff and Mr. Gilmore spoke to him about a possible land swap to try and resolve some of the access and potential trespass issues, but he did not seem amenable to the idea at this time.

PLANNING DIVISION RECOMMENDATION

The Commission has the option to approve or deny the CUP. Denial means that the applicants would have to clear the lot and limit all of their business activity to the main business property at 3050 W. 4th Avenue, until the subject site can be more fully developed with buildings and other on-site and off-site improvements, or the business finds a more suitable location. Approval will allow for some mitigating improvements which could improve the relationship with the neighborhood, help the owners to grow their business and eventually allow them to provide for more permanent improvements on the property. Despite a history of noncompliance, Staff is amenable to giving the owners one more opportunity to properly improve the property and also to help implement the intent of Ordinance No. 1168. Noncompliance with CUP conditions gives the commission the authority to revoke the CUP, which is probably more effective than a new and long code compliance process.

RECOMMENDED MOTION

I move that the Planning and Commission (APPROVE/DENY) case CUP-5-18, a request for a conditional use permit by W4A Operations LLC, represented by Jack Gilmore, requesting to use their vacant B-5/PD-zoned property on W. 4th Avenue for the parking of trucks, semi-trucks, busses and recreational vehicles, which are awaiting repair or pick-up, incidental to their main large vehicle repair business at 3050 W. 4th Avenue, subject to the following conditions of approval:

- 1) Within six months of CUP approval, a properly constructed and located decorative 6-foot-tall masonry wall shall be constructed along the property's W. 4th Avenue frontage; and a 6-foot-tall chain link fence with desert tone vinyl or wooden slats shall be constructed along the property's west boundary as depicted in the concept plan submitted with case CUP-5-18 and subject to planning division review and approval.

- 2) Said masonry wall in condition #1 above shall reserve a proper gateway width to allow for adequate large vehicle turning movements into the property from W. 4th Avenue, subject to planning division and city engineer review and approval.
- 3) The slatted chain link fence in condition #1 above shall not allow or provide any east-west access gates or movement across the 20-foot strip of land owned by the owners of the AJ RV and Boat Storage business to the north of the site.
- 4) Within one year of CUP approval, outside of said masonry fence facing W. 4th Avenue, the property owner shall install landscaping and irrigation improvements in compliance with the city's "landscape code", Apache Junction City Code, Volume II, Land Development Code, Chapter 1, Zoning Ordinance, Article 1-8, Landscape Regulations, except that all required trees shall be 36-inch-box trees. Said landscape plan is subject to review and approval by the city's development services department planning division. All landscaping related equipment, including backflow preventers and meters shall be installed within the private property boundaries and not in the right-of-way.
- 5) Within one year of CUP approval, the subject site shall be treated for dust control in accordance with the options contained in the city's Engineering Guidelines for dust control mitigation, pursuant to Apache Junction City Code, Volume I, Chapter 9, Health and Sanitation, Section 9-1-3(B), Vehicles, Subsection 9-1-3(B)(6), or other solutions accepted by the development services engineer.
- 6) Within one year of CUP approval, a properly designed, 6-foot-tall, opaque, non-see-through access gate shall be installed in the front masonry fence. Said gate shall be kept closed after business hours.
- 7) The business owners shall ensure and take reasonable precautions that any outside activities are conducted in such a manner that minimize disturbance of neighboring residential properties. The business is prohibited from causing noise, vibration, bright lighting or other

negative neighborhood impacts between the hours of 10pm and 6am daily.

- 8) There shall be no outside and/or on-street parking of vehicles awaiting repair and/or customer pick-up.
- 9) This CUP approval incorporates by reference the submitted narrative and site plan submitted with case CUP-5-18, illustrating the proposed development and activity areas of the property. The property owner shall not deviate from said plans without the development services director's approval for minor changes, or the Planning and Zoning Commission's approval for major changes through a CUP amendment process.
- 10) Substantial increases in intensity and/or major changes to the CUP, in the opinion of the development services director, shall be defined as, but shall not be limited to: increases in traffic or traffic safety concerns; excessive noise; occupancy/capacity issues; further expansion of activity areas; increase in or violation of hours of operation; the quality of the property is diminished; the intent and character of the property or its operation is contrary to the intent and spirit of the CUP approval.
- 11) Proper building permits shall be obtained and inspections and approvals received for any building construction, electrical, plumbing, remodeling, signage, lighting or other property improvements which require permits, including the installation of cargo containers of accessory buildings larger than 120 square feet.
- 12) Pursuant to Apache Junction City Code, Volume II, Land Development Code, Chapter 1, Zoning Ordinance, Article 1-16, Administration, Section 1-16-12, Conditional Use Permits, Administrative Use Permits and Building Permits, Subsection 1-16-12(D)(5), Expiration, the applicant shall improve and begin operating the business in accordance with the submitted drawings, narrative and prescribed conditions of approval, within 12 months of the granting of the CUP or else the CUP shall become void.

- 13) Pursuant to Apache Junction City Code, Volume II, Land Development Code, Chapter 1, Zoning Ordinance, Article 1-16, Administration, Section 1-16-12, Conditional Use Permits, Administrative Use Permits and Building Permits, Subsection 1-16-12(D)(6), Revocation, the Planning and Zoning Commission shall reserve the right to reconsider the conditional use permit approval, at a new public hearing, for non-compliance with any condition prescribed as part of said CUP permit approval, including sign violations or safety problems.

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



Prepared by Rudy Esquivias
Senior Planner/Zoning Administrator

Attachments:

- Exhibit #1 - CUP-5-18 application, narrative and criteria compliance explanation
- Exhibit #2 - Ordinance No. 1168
- Exhibit #3 - 2013 Memorandum of Understanding
- Exhibit #4 - 2017 Notice of Violation
- Exhibit #5 - Romano Property Timeline
- Exhibit #6 - CUP-5-18 zoning and request map
- Exhibit #7 - CUP-5-18 site aerial
- Exhibit #8 - CUP-5-18 neighborhood aerial
- Exhibit #9 - Applicant's site plan and landscape plan



EXHIBIT A: Planning and Zoning Application Form

Office Use Only: Filing Date _____
Staff _____
Fees Received _____
Case _____

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 3000 Block W 4th Ave ASSESSORS PARCEL NUMBER 101-06-006E
GROSS AREA: 1.00 AC NET AREA .91 AC EXISTING ZONING B-5 / PD

BRIEF DESCRIPTION OF THE PROPOSED PROJECT/USE:

Request C.H.P. to allow parking of trucks as a primary use on subject property for Diesel Industries.

APPLICANT INFORMATION

Property Owner(s) W4A Operations, LLC (Sharon Romano)
Address 3014 E Rockledge Rd Phoenix AZ 85048
Phone Number 480 699 4155 Fax Number _____ Email sharonromano19@gmail.com

Applicant Contact Person/Project Manager Jack Gilmore - Gilmore Planning & LA
Address 2211 N 7th St. Phoenix AZ 85006
Phone Number 602 266 5622 Fax Number 602 266 5707 Email jgilmore@getgilmore.com

Architect/Engineer Gilmore Planning & Landscape Architecture
Address 2211 N 7th St. Phoenix AZ 85006
Phone Number 602 266 5622 Fax Number 602 266 5707 Email jgilmore@getgilmore.com

OWNERS SIGNATURE _____

DATE: 8/7/18

August 6, 2018

Mr. Rudy Esquivias
Zoning Administrator
City of Apache Junction
300 E. Superstition Blvd
Apache Junction, AZ 85119



**Re: Conditional Use Permit
COD2017-01113**

Dear Mr. Esquivias:

Our office has been retained by Sharon Romano, W4A Operations LLC, to assist with the preparation of a Conditional Use Permit (CUP) for property (APN 101-06-006E) located on the north side of W. 4th Avenue approximately 500' east of Meridian Road. This property is less than one acre at .91 acres and was cited by City of Apache Junction for not being in compliance with the City Code that requires a CUP for open truck parking in the B-5/PD zoning district.

W4A Operations LLC is currently operating a commercial truck servicing facility, Diesel Industries, on another 1.1 acres (APN 101-06-006A and 006C) that is located at 3090 W. 4th Avenue. This Diesel Industries facility is separated by a 20' parcel that is owned by Blacklist Development LLC. From the W. 4th Avenue frontage, this 20' wide parcel extends north approximately 300' to a larger area of the same parcel that is the A.J. RV & Boat Storage property. Please refer to the attached Site Plan that illustrates these parcel locations.

This application for a CUP requests the City's approval to permit the parking of trucks waiting for service, as well as for trucks that have been serviced and ready for pickup by costumers. The CUP will apply only to the east parcel. There are no structures proposed except for the front screen wall and security gate. The B-5/PD zoning requires a 20' setback for a 6' screen wall that must be landscaped. The attached Site Plan indicates the location of the screen wall and access gate. The 6' screen wall will be similar to the existing 6' wall that fronts onto the existing Diesel Industries property. This wall will use a split faced band to enhance the appearance and painted to match the existing wall. In addition, a new 6' chain-link fence will be installed along the west side of this parcel to complete the enclosure. The surface of this parking area will be dust proofed and a new landscape installed along the street frontage with an automatic irrigation system.

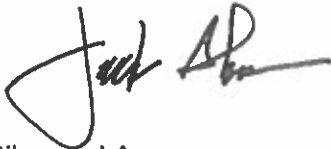
Diesel Industries is a relatively small operation with limited resources for any major improvements. The Owners are therefore requesting that these improvements be phased in over a twelve month period of time. The first phase could include the 6' screen wall and chain-link fence on the west property line that will effectively screen the truck parking from the street view. The second phase would complete the landscape installation and security gate, and the on-site dustproofing would complete the improvements.

Rudy Esquivias
CUP – Romano – Diesel Industries
August 6, 2018
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GILMORE

Rudy, I believe the Romano's are anxious to be able to operate their business and support the tax base for Apache Junction. Please call with any questions...

Best

A handwritten signature in black ink, appearing to read "Jack Gilmore". The signature is stylized with a large, looped "J" and a cursive "Gilmore".

Jack Gilmore, LA
Principal

cc: Sharon Romano
File

A handwritten signature in black ink, appearing to read "Jack Gilmore". The signature is stylized with a large, looped "J" and a cursive "Gilmore".

1. DESCRIPTION OF PROPOSAL

W4A Operations LLC owns and operates Diesel Industries, which specializes in maintenance and repair of diesel engines for large trucks, semi-trucks, busses, and recreational vehicles. Diesel Industries is located at 3090 W. 4th Avenue on 1.1 acres (APN 101-06-006A and 006C). The subject property (APN 101-06-006E) for this Conditional Use Permit (CUP) consists of 39,628.4sf or .91 acres, and is separated by a 20' wide parcel from their existing Diesel Industries business. This application for a CUP requests the City's approval to permit the parking of trucks for current and future customers waiting for service, as well as for trucks that have been serviced and ready for pickup. The CUP will apply only to the east parcel. There are no structures proposed except for the front screen wall and security gate.

Conditional Use Permit Approval Criteria

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

The only available access is from W. 4th Ave, which is a 24-26' wide paved street within an existing 60' right-of-way extending approximately 500 feet from Meridian Road. There is no curb, gutter, or sidewalk on either side. Previous discussions with Emile Schmid, City Engineer, established that this CUP would not require any off-sites at this time. This street will be part of a larger City initiated project to provide a "complete street" at a later date. There will be no parking on 4th Ave. All customer parking will occur on-site behind a 6' screen wall and new buffer landscape. Arizona Water Company has a service line in 4th Ave. This site will not require sewer service.

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

Diesel Industries is a relatively small business that does not generate any significant traffic. The nature of the business operations does not create any AM or PM peak period issues. Circulation is intermittent and restricted due to the size of the property. The parking area will be dustproofed to meet City Standards. Security will consist of an enclosed parcel with a secured gate off 4th Ave. There will be no night lighting.

- C.) Contribution to the deterioration of the neighborhood or the negative impact on neighborhood property values.

The north side of 4th Avenue is zoned B-5 for Light Industrial uses and Heavy Industrial uses as a Conditional Use. Diesel Industries has been in business since 2011. This north side of 4th Avenue has evolved somewhat with additional screen walls that have helped to mitigate views. However; this public street is also the boundary between existing single family residential (RS-10M) and the B-5 Industrial District. This CUP will include a new 6' decorative screen wall setback 20' from the ROW, which will be landscaped to meet City standards.



D.) Compatibility with surrounding uses and structures.

As stated above, 4th Avenue shares common access with two dissimilar land uses, where the north side of 4th Avenue is B5 Industrial, and the south side is RS-10M Single Family. The surrounding land uses and the potential impact can generally be described as follows:

West: Immediately west of this CUP site is a 20' wide parcel that extends from 4th Avenue 300' north to the A.J. RV & Boat Storage facility. This 20' wide drive will be separated by a new 6' chain-link fence that will effectively restrict any impact. This parcel is in-place to allow future access to the RV and Boat Storage should that business decide to activate a second point of access. Diesel Industries is located immediately west of this 20' wide drive. This narrow parcel is zoned B5.

North: Immediately north of the CUP site is A.J. RV & Boat Storage, a commercial operation with open storage for recreational vehicles and boats. There is an existing 6' screen wall that separates these properties. There is no anticipated impact. This Storage property extends west to Meridian Road and is zoned B-5.

East: Along the east side of the CUP site is Asphalt Quality Coat, a commercial asphalt company that shares a 6' screen wall with this CUP site. It has a 6' screen wall along 4th Avenue with a secured gate. It too is used for parking and storing equipment and construction material and is zoned B-5. Considering the similarity of proposed uses for parking, there are no anticipated impacts.

South: The south side of 4th Avenue is single family residential represented by a mix of mobile homes, modular homes, and more traditional stick-built residences. These lots do not front onto 4th Avenue. They are oriented east-west with front yards facing Smythe Drive or Cedar Drive. These residents may choose to access their neighborhood from the south or from 4th Avenue. It is this area south of 4th Avenue that may experience some impact. The existing businesses along the north side of 4th Avenue are forced to use this roadway, which in itself represents an impact because of the dissimilar land uses. Diesel Industries is not large operation with traffic that is intermittent through the day. The most expedient route for the trucks accessing this CUP site to do business with Diesel Industries is 4th Avenue. Southbound traffic is more problematic for truck traffic because of the extensive single family area that continues to Broadway Road. Residential scale streets in neighborhoods with children are a natural deterrent for truck traffic. Fortunately, these businesses that are situated along the north side of 4th Avenue are not large operations with large fleets of trucks, which would create more impacts.

The improvements associated with the CUP will contribute to improving the appearance along 4th Ave. Ideally, the City will be able to include 4th Ave in a Capital Improvement Projects Schedule that can complete the off-sites and streetscape, which will be the ultimate solution to improve the compatibility of these land uses.

E.) Conformance with the General Plan and city policies.

The General Plan has designated the area north of 4th Avenue as part of the 'Downtown Mixed Use' land use, and within the Character Area identified as the 'Central Business Area'. Although the General Plan is promoting a contemporary mixed use development program along the major, minor, and principal arterials, it also recognizes that there are 'Established Neighborhoods' located north and south of the Central Business Area along the Apache Trail that date back to the County's jurisdiction. This area along 4th Avenue is such a boundary between the Downtown Mixed Use and an Established Neighborhood Area. Because these land uses have been in place for many decades, establishing a program/policy for 'buffers' may be the most effective solution until the City can develop a more comprehensive plan.

F.) Screening and buffering of uses.

The B-5/PD zoning requires a 20' setback for a 6' screen wall that must be landscaped. The Site Plan included with this CUP Application indicates the location of the screen wall and access gate. The 6' screen wall will be similar to the existing 6' wall that fronts onto the existing Diesel Industries property. This wall will use a split faced band to enhance the appearance and painted to match the existing wall. The new landscape with street trees will substantially improve both the view along 4th Avenue as well as soften the view for the residents south of 4th Avenue.

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

The most unique feature is the 20' separation between Diesel Industries and this CUP parcel. The 20' wide drive extends 300' north to the A.J. RV & Boat Storage property whose main entrance is off Meridian Road. Over the past few years overtures have been to acquire and/or trade property that would allow W4A Operations LLC to have one contiguous parcel. A workable solution/compromise has not yet been feasible, but the effort will continue. The 20' driveway will be fenced limiting any cross-access. Diesel Industries customers will be required to drop off their trucks/vehicles within this CUP area. When Diesel Industries is ready to service the truck/vehicle, it must be moved from the CUP area onto 4th Avenue a distance of approximately 120' to the entrance drive for Diesel Industries. When finished, the truck/vehicle will be returned to the CUP area to await pickup by the customer.

The only other unique feature is the shared access along 4th Avenue for both Light Industrial and Single Family Residential properties, which has already been described above, C, D, E, and F.



ORDINANCE NO. 1168

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING THE APACHE JUNCTION CITY CODE, VOLUME II, LAND DEVELOPMENT CODE, CHAPTER 1, ZONING ORDINANCE, BY AMENDING THE ZONING DISTRICT MAP, CITY OF APACHE JUNCTION, ARIZONA, CHANGING THE ZONING DISTRICT CLASSIFICATIONS IN REZONING CASE PZ-4-02 FROM GR (GENERAL RURAL), TR (TRANSITIONAL ZONE), CB-2 (GENERAL BUSINESS ZONE), C-3 (GENERAL COMMERCIAL DISTRICT), AND CI-1 (LIGHT INDUSTRY AND WAREHOUSE ZONE) TO C-3/PD (GENERAL COMMERCIAL DISTRICT BY PLANNED DEVELOPMENT) AND CI-1/PD (LIGHT INDUSTRY AND WAREHOUSE ZONE BY PLANNED DEVELOPMENT); REPEALING ANY CONFLICTING PROVISIONS, AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Mayor and City Council are concerned about the economic growth of portions of the Meridian Redevelopment Area, and

WHEREAS, currently, the City Zoning Code allows for uses inconsistent with the economic growth of this corridor eastbound into the City; and

WHEREAS, Arizona Revised Statutes Annotated ("A.R.S.") §9-462.01(A) allows the legislative body of any municipality, by ordinance, in order to conserve and promote the public health, safety and general welfare, to regulate the use of land; and

WHEREAS, pursuant to A.R.S. § 9-462-01(A), on Tuesday, September 24, 2002, the Apache Junction Planning and Zoning Commission voted 4:1 to recommend to Council to rezone the land in question consistent with the terms set forth below

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

SECTION 1 IN GENERAL:

The zoning district classifications on the Zoning District Map, City of Apache Junction, Arizona, for the following described properties, be and hereby are amended as follows:

That the North half of the Northwest quarter of the Southwest quarter of Section 19, Township 1 North, Range 8 East of the Gila and Salt

River Base and Meridian, Pinal County, Arizona, be rezoned from CI-1 to C-3/PD; and that

the South half of the Northwest quarter of the Southwest quarter of Section 19, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, be rezoned from CI-1 to CI-1/PD; and that

the North 120' of the East 200' of the South 650' of the Northwest quarter of Section 19, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, be rezoned from GR to C-3/PD; and that

the North 300' of the East 200' of the South 650' of the Northwest quarter of Section 19, except the North 120' thereof, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, be rezoned from TR to C-3/PD; and that

the South 650' of the Northwest quarter of Section 19, except the North 300' of the East 200' and except the West 1.225' thereof, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, be rezoned from CB-2 to C-3/PD; and that

the West 1.225' of the South 650' of the Northwest quarter of Section 19, except the West 525' thereof, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, be rezoned from CI-1 to C-3/PD; and that

the North 200' of the West 525' of the South 650' of the Northwest quarter of Section 19, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, be rezoned from C-3 to C-3/PD; and that

the South 450' of the West 525' of the South 650' of the Northwest quarter of Section 19, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, be rezoned from CB-2 to C-3/PD.

The development and/or redevelopment of the above described properties shall be subject to the following Planned Development conditions:

- 1) Buildings shall be designed with "Southwest" architectural themes such as Spanish, Territorial, Pueblo, Santa Fe or Western to establish common architectural relationships with one another.
- 2) The palette of allowable colors shall include earth tones such as brown, tan, off-white, pale green, gray, and hues of pale yellow/ochre, flesh/light pink, and cream. Stronger colors such as red, blue, purple, turquoise, yellow, orange, peach and green shall be used as accent colors. Very dark, very light and chrome colors or reflective glass shall be avoided.
- 3) Attached and detached signage shall be incorporated into and/or designed to complement the colors and architectural style of the main building. Detached signs shall consist of low-profile, monument signs. No pole signs shall be allowed.
- 4) All lighting shall consist of low-pressure sodium fixtures and shall be designed to complement the southwestern flavor of the architecture. Lighting shall be designed to ensure a safe, comfortable environment for visitors and to allow appropriate surveillance by law enforcement personnel.
- 5) The maximum building height shall not exceed 35' to maintain a low-profile character and to preserve mountain views.
- 6) All construction shall be done in compliance with all applicable codes and ordinances as adopted in the Apache Junction City Code, Volume II, including, but not limited to, the Zoning Ordinance, the Uniform Building Code, Engineering Guidelines and the Uniform Fire Code (including, but not limited to, the provision of fire apparatus access roads, the marking of fire lanes and the provision of adequate water supplies, sprinkler systems and fire hydrants).
- 7) Council reserves the right to require cross access between neighboring developments as deemed necessary by the City Engineer.

- 8) The developers shall pay all applicable development fees prior to the issuance of building permits.
- 9) The property owners shall install any necessary on-site and off-site improvements, as determined by the City engineer, including but not necessarily limited to, paving, gutters, curbs, sidewalks, streetlights, fire hydrants, utilities and on-site retention or detention basins.

ALLOWED USES:

- 10) The following uses shall be permitted in the C-3/PD zoning district along the north and south sides of West Apache Trail in strip center developments only. Uses required to be located in a strip center that are proposed as stand-alone uses shall be subject to the Conditional Use Permit process.

Craft and Specialty Shop, Antique Store, Bakery and Delicatessen, Barber or Beauty Shop, Bicycle and Motorcycle Shop (service/repair must be conducted wholly within a completely enclosed building), Book Store (no adult materials), Apparel/Tailor Shop, Florist, Jewelry Sales and Repair, Package Liquor Sales, Photography Studio or Store, Postal Station (private), Shoe Sales, Shoe Repair, Government Branch Offices, Pet Shop, Print or Publishing Shop, and Filling Station (incidental to retail).

- 11) The following uses shall be permitted in the C-3/PD zoning district along the north and south sides of West Apache Trail as stand-alone uses and/or in strip retail developments as appropriate. Loading spaces and delivery vehicle parking for the following uses shall be located outside of the main public view:

"Big Box" Retail establishment, Art Gallery/Store, Bank, New Car Dealership/Repair Shop (service/repair must be conducted wholly within a completely enclosed building), Café/Lunch Room, Catering Service, Medical Clinic or Doctor's Office, Child Care/Nursery, Department/Variety Store, Pharmacy, New Appliance & New Furniture Sales Store, Grocery Store/Supermarket, Home Improvement Store, Hotel,

Library, Museum, Business, Professional or Semi-Professional Office, Photography Studio or Store, Sporting Goods, Movie Theatre (indoor), Restaurant, Pub or Nightclub (incidental to restaurant), Participant and Spectator Sports (indoor), Fitness Studio, Civic Center, Veterinarian (no boarding), Burglar Alarm Service, Newspaper Office, Recording Studio (no manufacturing), Ambulance Service, Radio and Television Station (no transmission towers), Building for Religious Uses, and Filling Station.

- 12) The following uses shall be permitted in the CI-1/PD zoning district north of W. 4th Avenue and south of the Safeway/K-Mart Shopping Center (specifically the properties located in the South ½ of the Northwest ¼ of the Southwest ¼ of Section 19).

All of the above listed uses intended for the C-3/PD zoning district along W. Apache Trail as well as the following uses when conducted within a fully enclosed building or screened by solid decorative masonry walls and view-concealing landscaping: Air Conditioning and Sheet Metal Shop, Manufactured Home Park, Retail Furniture Sales, Recreational Vehicle Storage and Contractor Storage Yard, Wholesale/Retail Contractor Supply Sales, Recycling Center, Lumber Sales, Plant Nursery, Used Car Dealership and Shop (service/repair must be conducted wholly within a completely enclosed building), Dry Cleaning Establishment, Sign Shop, Light Manufacturing/Assembling and Wholesaling (provided that such activity does not cause any sustained or unpleasant or unusual noises or vibrations, or noxious fumes or odors that interfere with the use and enjoyment of the surrounding property), Ceramic/Pottery Studio (using only previously prepared sand or pulverized clay and kilns fired only by gas or electricity), Veterinary Hospital (with boarding), Apartments, Condominiums and Townhouses.

- 13) Any request for deviation from the recommended allowed uses or design standards, with the exception of landscaping, shall require the processing of a Planned Development Major Amendment.

LANDSCAPE ISSUES:

- 14) All landscape plans must be prepared by an Arizona Registered Landscape Architect. The use of turf or lawn on site will be allowed as determined to be appropriate by the city's landscape plan reviewer. Written requests for minor deviations from the Streetscape Plant List (Attachment A) and the Apache Junction Preferred Plant List (Attachment B) shall be presented for administrative review to the Director of Development Services. All proposed plant substitutions must be low water consumptive, have year-round aesthetic value or resolve a hardship with regard to availability or placement.
- 15) Separation of properties shall be accomplished with landscaping and/or wrought iron fencing as opposed to solid masonry walls except where incompatible uses exist or where it is necessary to screen trash or stored materials. All material storage areas shall be placed behind the main building. Items or materials stacked higher than six feet shall be screened with trees and shrubs which effectively conceal the materials from view.
- 16) All irrigation backflow prevention equipment shall be caged for protection and shall be located so that adequate screening can be achieved.
- 17) Landscaping being proposed within, or visible from, the right-of-way, shall conform to the Apache Junction City Code, Volume II, Land Development Code, Chapter 6, Article 6-1, Landscaping and Screening Requirements, and shall include the following additional criteria:
 - A. Designs shall specify plants contained within the Streetscape Plant List only.
 - B. Thirty percent (30%) of required shrubs shall consist of the following plant types: Agave, Yucca, Opuntia and Dasylirion
 - C. Meandering sidewalks and contouring/mounding of

the ground, as well as clustering of trees and shrubbery, are required in the landscape design. Contoured areas, mounds and berming shall not exceed three feet (3') in height and shall have a slope ratio of no less than 6:1 and no more than 4:1.

- D. All trees shall be a minimum of 24-inch box. Plant sizes shall be determined based on standards contained in the Apache Junction City Code, Volume II, Land Development Code, Chapter 6, Article 6-1, Landscaping and Screening Requirements. Section 6-1-5(B) b & c.
- E. Inorganic ground cover shall consist of $\frac{3}{4}$ inch decomposed granite. The color of this material shall complement the proposed development and the adjacent property. Decorative boulders are strongly encouraged to be used in the landscape design.

- 18) Landscaping proposed for the remainder of the site, such as those areas not visible from the right-of-ways, shall be chosen from the attached City of Apache Junction's Preferred Plant List and shall conform to the Apache Junction City Code, Volume II, Land Development Code, Chapter 6, Article 6-1, Landscaping and Screening Requirements. The list does not imply that every plant listed is suited to every right-of-way or low water use landscape situation. It is the responsibility of the landscape designer, architect or contractor to determine which plants are suitable for a specific location and situation.

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, subsection, 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 19TH DAY OF NOVEMBER, 2002.


SIGNED AND ATTESTED TO THIS 20TH DAY OF NOVEMBER, 2002.


DOUGLAS COLEMAN
Mayor

ATTEST:


KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

 11-19-02
RICHARD JOEL STERN
City Attorney

STREETSCAPE PLANTS

Common Name

Scientific Name

Trees:

Acacia Species

Acacia stenophylla
Acacia farnesiana
Acacia pendula
Acacia salicina

Cercidium Species

Cercidium floridum
Cercidium praecox

Desert Willow

Ocotillo

Desert Ironwood

Texas Ebony

Chilean Mesquite

Chilopsis linearis
Fouquieria splendens
Olneya tesota
Pithecellobium Species
Prosopis chilensis

Shrubs:

Bougainvillea

Senna

Bird of Paradise

Desert Spoon

Plume Flower

Sage

Feather Bush

Desert Ruellia

Jojoba

Bougainvillea Species
Cassia Species
Caesalpinia Species
Dasyliroon Species
Justicia spicigera
Leucophyllum/Salvia Species
Lysiloma thomberi
Ruellia peninsularis
Simmondsia chinensis

Groundcover:

Indigo Bush

Lantana

Dalea Species
Lantana Species

Accents:

Cactus

Agave

Yucca

Cereus Species
Opuntia Species
Agave Species
Yucca Species

Ornamental Plants:

Creeping Vines

Muehlenbeckia

**CITY OF APACHE JUNCTION
PREFERRED PLANT PALETTE**

DATE: MAY 1, 2001

BOTANICAL NAME	COMMON NAME	COMMENTS
TREES		
ACACIA ABYSSINICA	ABYSSINICA ACACIA	GOOD STREET TREE (MEDIUM)
ACACIA FARNESIANA (SMALLI, MINUTA)	SWEET ACACIA	
ACACIA GREGGII	CATCLAW ACACIA	
ACACIA SALICINA	WILLOW-LEAF ACACIA	
ACACIA SCHAFFNERI	TWISTED ACACIA	
ACACIA STENOPHYLLA	SHOESTRING ACACIA	
ACACIA WILLARDIANA	PALO BLANCO	
CAESALPINIA CACALACO	CASCALOTE	
CERCIDIUM FLORIDUM	BLUE PALO VERDE	
CERCIDIUM MICROPHYLLUM	FOOTHILL PALO VERDE	
CERCIDIUM PRAECOX	PALO BREA	GOOD STREET TREE (MEDIUM)
CHAMAEROPS HUMILIS	MEDITERRANEAN FAN PALM	
CHILOPSIS LINEARIS 'LUCRETIA HAMILTON'	LUCRETIA HAMILTON DESER	WILLOW GOOD STREET TREE (SMALL))
DALBERGIA BISSOO	SISSOO TREE	GOOD STREET TREE (LARGE)
GEJERA PARVIFLORA	AUSTRALIAN WILLOW	
LYSILOMA MICROPHYLLA 'THORNBERRY'	DESERT FERN	
LYSILOMA CANDIDUM	BAJA LYSILOMA	
OLEA EUROPEA 'SWAN HILL'	SWAN HILL OLIVE	
OLNEYA TESOTA	IRONWOOD	
PISTACIA ATLANTICA	MT. ATLAS PISTACHE	
PISTACIA CHINENSIS	CHINESE PISTACHE	
PITHECELLOBIUM FLEXICAULE	TEXAS EBONY	
PITHECELLOBIUM MEXICANUM	PALO CHINO	
PITHECELLOBIUM PALLENS	APES-EARRING	
PITTOSPORUM PHILLYRAEODES	WILLOW PITTOSPORUM	
PROSOPIS ALBA	ARGENTINE MESQUITE	
PROSOPIS CHILENSIS	CHILEAN MESQUITE	
PROSOPIS GLANDULOSA	TEXAS HONEY MESQUITE	
PROSOPIS VELUTINA	VELVET MESQUITE	
QUERCUS VIRGINIANA 'HERITAGE'	HERITAGE LIVE OAK	GOOD STREET TREE (LARGE)
SCHINUS TEREBINTHIFOLIUS	BRAZILIAN PEPPER TREE	GOOD STREET TREE (SMALL))
SOPHORA SECUNDIFLORA	TEXAS MOUNTAIN LAUREL	
VITEX AGNUS-CASTUS	CHASTE TREE	
SHRUBS		
ACACIA NOTABILIS	NOTABLE ACACIA	
ASCLEPIAS LINARIA	PINE-LEAF MILKWEED	
ASCLEPIAS SUBULATA	DESERT MILKWEED	
CAESALPINIA		
CALLIANDRA ERIOPHYLLA 'HYBRID'	PINK FAIRY DUSTER	
CASSIA ARTEMISIODES	FEATHERY CASSIA	
CASSIA NEMOPHILA	DESERT CASSIA	
CASSIA PHYLLODINEA	SILVER-LEAF CASSIA	
CHRYSACTINIA MEXICANA	DAMIANITA	
CONVOLVULUS CNEORUM	BUSH MORNING GLORY	
CORDIA BOISSIERI	ANACAHUITA	
DALEA BICOLOR 'ARGYRAEA'	SILVER DALEA	
DALEA FRUTESCENS	BLACK DALEA	
DALEA PULCHRA	INDIGO BUSH	
DODONAEA VISCOSA	HOPBUSH	
EREMOPHILA	EMU BUSH	
FRAXINUS GREGGII	LITTLELEAF ASH	
JUSTICIA CALIFORNICA	CHUPAROSA	
JUSTICIA CANDICANS	RED JUSTICIA	
JUSTICIA SPICIGERA	MEXICAN HONEYSUCKLE	
LANTANA CAMARA	BUSH LANTANA	

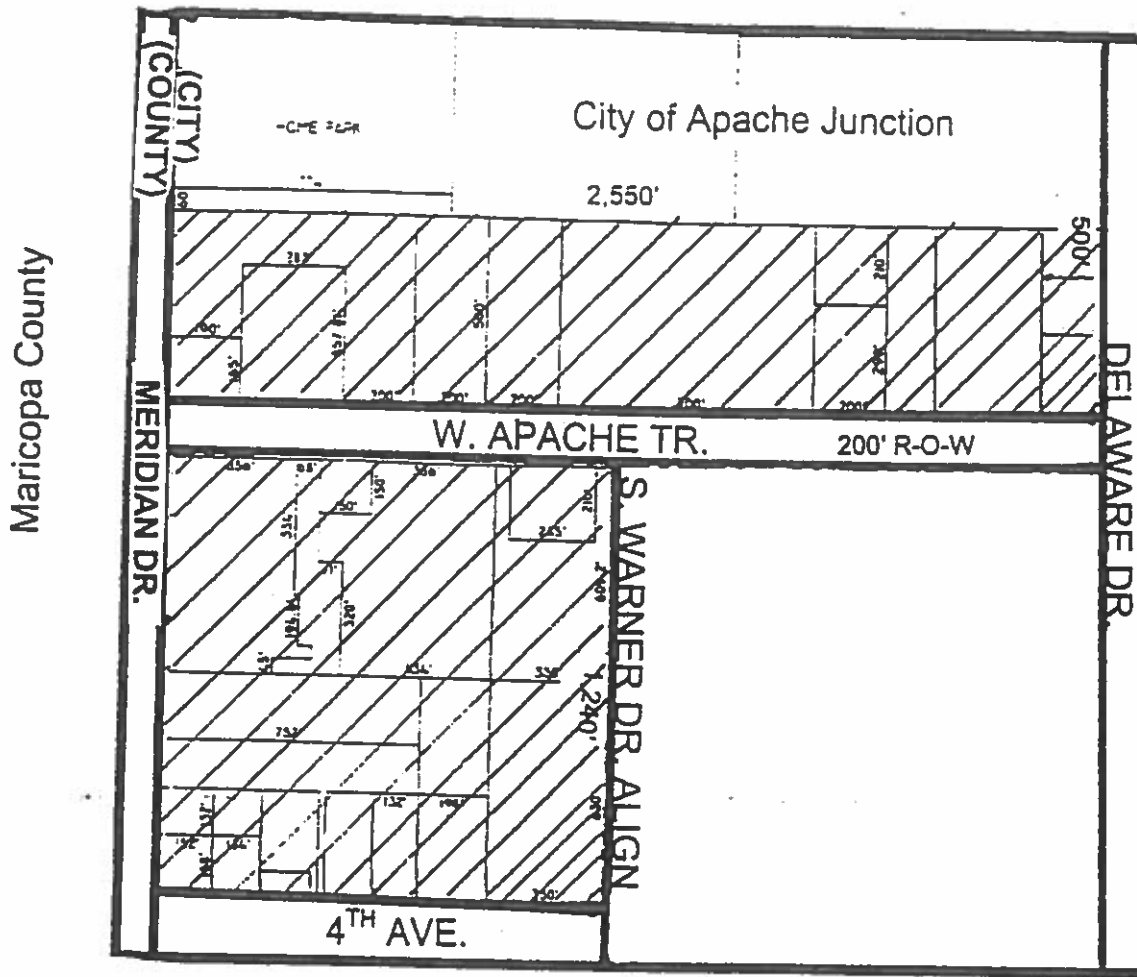
BOTANICAL NAME	COMMON NAME	COMMENTS
LARREA TRIDENTATA	CREOSOTE BUSH	
LEUCOPHYLLUM CANDIDUM	THUNDER CLOUD SAGE	
LEUCOPHYLLUM FRUTESCENS	TEXAS SAGE	
LEUCOPHYLLUM FRUTESCENS 'GREEN CLOUD'	GREEN CLOUD TEXAS SAGE	
LEUCOPHYLLUM FRUTESCENS 'COMPACTA'	COMPACT TEXAS SAGE	
LEUCOPHYLLUM LAEVIGATUM	CHIHUAHUA SAGE	
LEUCOPHYLLUM LANGMANNIAE	SIERRA MADRE SAGE	
LEUCOPHYLLUM PRUINOSUM	FRAGRANT SAGE	
LEUCOPHYLLUM ZYGOPHYLLUM	BLUE RANGER	
MYRTUS COMMUNIS	TRUE MYRTLE	
MYRTUS COMMUNIS 'BOETICA'	TWISTED MYRTLE	
MYRTUS COMMUNIS 'COMPACTA'	DWARF MYRTLE	
NANDINA DOMESTICA	HEAVENLY BAMBOO	
NERIUM OLEANDER SPP.	OLEANDER	
PLUMBAGO SCANDANS	PLUMBAGO	
PUNICA GRANATUM 'NANA'	DWARF POMEGRANATE	
ROSMARINUS OFFICINALIS	BUSH ROSEMARY	
RUPELLIA CALIFORNICA	SONORAN DESERT RUELLIA	
RUPELLIA PENINSULARIS	BAJA RUELLIA	
SALVIA GREGGII	AUTUMN SAGE	
SALVIA LEUCOPHYLLA	PURPLE SAGE	
SALVIA DORRII	DESERT SAGE	
SIMMONDSIA CHINENSIS	JOJOBA	
TECOMA STANS	YELLOWBELLS	
TECOMARIA CAPENSIS	CAPE HONEYSUCKLE	
THEVETIA PERUVIANA	YELLOW OLEANDER	
VAUQUELINIA CALIFORNICA AUCIFLORA	ARIZONA ROSEWOOD	
VAUQUELINIA CORYMBOSA ANGUSTIFOLIA	CHIHUAHUA ROSEWOOD	
GROUNDCOVERS		
ACACIA REDOLENS 'DESERT CARPET'	TRAILING ACACIA	
BACCHARIS 'CENTENNIAL'	CENTENNIAL BACCHARIS	
CONVOLVULUS MAURITANICUS	GROUND MORNING GLORY	
DALEA GREGGII	INDIGO BUSH	
GAZANIA RIGENS	TRAILING GAZANIA	
LANTANA MONTEVIDENSIS	TRAILING LANTANA	
MYOPORUM PARVIFOLIUM	MYOPORUM	
OENOTHERA BELANDIERI	MEXICAN EVENING PRIMROSE	
ROSMARINUS OFFICINALIS 'PROSTRATUS'	PROSTRATE ROSEMARY	
VERBENA PERUVIANA	PERUVIAN VERBENA	
VERBENA TENERA	MOSS VERBENA	
VERBENA RIGIDA	SANDPAPER VERBENA	
ACCENT PLANTS		
AGAVE AMERICANA	CENTURY PLANT	
AGAVE COLORATA	MESCAL CENIZA	
AGAVE PARRYI	PARRY'S AGAVE	
AGAVE VICTORIAE-REGINAE	ROYAL AGAVE	
AGAVE VILMORINIANA	OCTOPUS AGAVE	
AGAVE MURPHEYI	MURPHY'S AGAVE	
CARPOBROTUS CHILENSIS	CHILEAN ICE PLANT	
CARPOBROTUS EDULIS	HOTTENTOT FIG	
CEPHALOPHYLLUM AESTONII 'RED SPIKE'	RED SPIKE ICE PLANT	
DROSANTHEMUM SPECIOSUM	DEWFLOWER	
MALEPHORA CROCEA	GRAY ICE PLANT	
ALOE BARBADENSIS (VERA)	MEDICINAL ALOE	
ALOE FEROX	TREE ALOE	
ALOE SAPONARIA	TIGER ALOE	
ALOE STRIATA	CORAL ALOE	
BULBINE FRUTESCENS	BULBINE	
CARNEGIEA GIGANTEA	SAGUARO	
CEREUS HILDMANNIANUS	HILDMANN'S CEREUS	

BOTANICAL NAME	COMMON NAME	COMMENTS
ECHINOCACTUS GRUSONII	GOLDEN BARREL	
ECHINOCACTUS ENGELMANNII	ENGELMANN'S HEDGEHOG	
FEROCACTUS ACANTHODES	COMPASS BARREL	
FEROCACTUS WISLIZENII	FISHHOOK BARREL	
LOPHOCEREUS SCHOTTII	SENITA	
OPUNTIA ACANTHOCARPA	BUCKHORN CHOLLA	
OPUNTIA BASILARIS	BEAVERTAIL PRICKLY PEAR	
OPUNTIA BIGELOVII	TEDDY BEAR CHOLLA	
OPUNTIA ENGELMANNII	DESERT PRICKLY PEAR	
OPUNTIA FICUS-INDICA	INDIAN FIG	
OPUNTIA VIOLACEA	PURPLE PRICKLY PEAR	
PACHYCEREUS MARGINATUS	MEXICAN ORGAN PIPE	
STENOCEREUS THURBERI	ARIZONA ORGAN PIPE	
TRICHOCEREUS CANDICANS	ARGENTINE TRICHOCEREUS	
DASYLIRION ACROTRICHE	GREEN DESERT SPOON	
DASYLIRION WHEELERI	DESERT SPOON	
FOQUIERIA SPLENDENS	OCOTILLO	
HESPERALOE PARVIFLORA	RED HESPERALOE	
PEDILANTHUS MACROCARPUS	LADY SLIPPER	
NOLINA METAPENSIS	TREE BEAR GRASS	
YUCCA ALOIFOLIA	YUCCA	
YUCCA BACCATA	BANANA YUCCA	
YUCCA BREVIFOLIA	JOSHUA TREE	
YUCCA ELATA	SOAPTREE YUCCA	
YUCCA RIGIDA	BLUE YUCCA	
YUCCA ROSTRATA	BEAKED YUCCA	
ORNAMENTAL GRASSES		
MUHLENBERGIA CAPILLARIS	GULF MUHLY	
MUHLENBERGIA RIGIDA	DEER GRASS	
MUHLENBERGIA RIGENS	DEER GRASS	
PENNISETUM SETACEUM 'CUPREUM	PURPLE FOUNTAIN GRASS	
PENSTEMON SPP.	PENSTEMON	
PENSTEMON EATONII	FIRECRACKER PENSTEMON	
PENSTEMON PARRYI	PARRY'S PENSTEMON	
PENSTEMON PSEUDOSPECTABILIS	CANYON PENSTEMON	
PENSTEMON SUPERBUS	SUPERB PENSTEMON	
VINES		
ANTIGONON LEPTOPUS	QUEENS WREATH	
BOUGAINVILLEA SPP.	BOUGAINVILLEA	
CAMPIDIS RADICANS	COMMON TRUMPET CREEPER	
MACFADYENA UNGUIS-CATI	CAT'S CLAW	
MASCAGNIA LILACINA	PURPLE MASCAGNIA	
MERREMIA AUREA	YUCA	
PODRANEA RICASOLIANA	PINK TRUMPET VINE	
ROSA BANKSIAE	LADY BANK'S ROSE	

AJPLANTLIST.XLS

PZ-4-02

This is a city-initiated rezoning request for 32 parcels located in Section 19 on the South side of West Apache Trail between South Meridian Drive and the South Warner Drive alignment and on the North side of West Apache Trail between North Meridian and North Delaware Drives.



PROPERTIES TO BE INCLUDED IN REZONING PROCESS



MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF APACHE JUNCTION AND ROMANO TRUCKING

Intent and Purpose

This Memorandum of Understanding has been created to identify the permitted uses, structures, improvements and operations on Parcels A, B and C of Exhibit 1, and to provide a mutual understanding of requirements and expectations of the City of Apache Junction ("City") and Romano Trucking ("Romano").

Parcel A

Parcel A, located at 3090 W. 4th Avenue, shall remain vacant, and shall not be used for vehicle parking, inventory storage, debris storage or any other use without prior City approval. Any development on this property shall require additional site improvements in accordance with Ordinance 1168. Additionally, the property owner and/or tenant shall immediately remove all existing stockpiles of material and debris from the site.

Parcel B

Parcel B, located at 3050 W. 4th Avenue, shall be operated and used as follows:

- **Existing Building.** The existing building as depicted on Exhibit 1 may be used for truck repair and any other uses allowed in Ordinance 1168 (see Exhibit 2). Any reconstruction and/or expansion of this building shall require City review and approval, and shall also require additional site improvements in accordance with Ordinance 1168.
- **Canopy/Awning.** The existing canopy depicted on Exhibit 1 shall be used in accordance with Ordinance 1168. Any reconstruction and/or expansion of this canopy shall require City review and approval, and shall also require additional site improvements in accordance with Ordinance 1168.
- **Compressor/Generator.** The proposed compressor/generator as depicted on Exhibit 1 shall be allowed subject to approval of necessary building permit(s) by the City, if any.
- **Fuel Tank & Oil Recovery.** The proposed fuel tank and oil recovery area as depicted on Exhibit 1 shall be allowed subject to approval of necessary building permit(s) by the City, and necessary permits by the Apache Junction Fire District and Sewer District, if any.
- **Access Gate.** An access gate as depicted in Exhibit 1 shall be allowed subject to approval of necessary building permit(s) by the City, if any.
- **Screen Wall.** A 6-foot high screen wall shall be constructed along the east property line as illustrated in Exhibit 1. The screen wall shall be installed prior to final building/electrical inspection or within 6 months of building occupancy, whichever is less.

- Truck Parking Area. The parking area for trucks shall be allowed in the area depicted as "Truck Parking Area" in Exhibit 1.
- Future Development. Any future development or redevelopment on this property shall require additional site improvements in accordance with Ordinance 1168.

Parcel C

Parcel C, located east of 3050 W. 4th Avenue, shall remain vacant, and shall not be used for vehicle parking, inventory storage, debris storage or any other use without prior City approval. Any development on this property shall require additional site improvements in accordance with Ordinance 1168. Additionally, the property owner and/or tenant shall immediately remove all existing stockpiles of material and debris from the site.

Mutual Understanding

Both the City and Romano have reviewed and understand the foregoing requirements, and acknowledge that Romano shall be allowed to conduct business in accordance with the foregoing plan requirements, subject to no business activities being commenced prior to compliance with the requirements described above. Romano further understands that failure to comply with City requirements may result in revocation of the business license, subsequent code enforcement action and fines.

For the City:  Date: 6-17-13
Brad Steinke, Director of Development Services

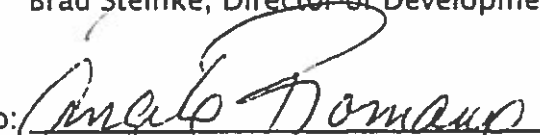
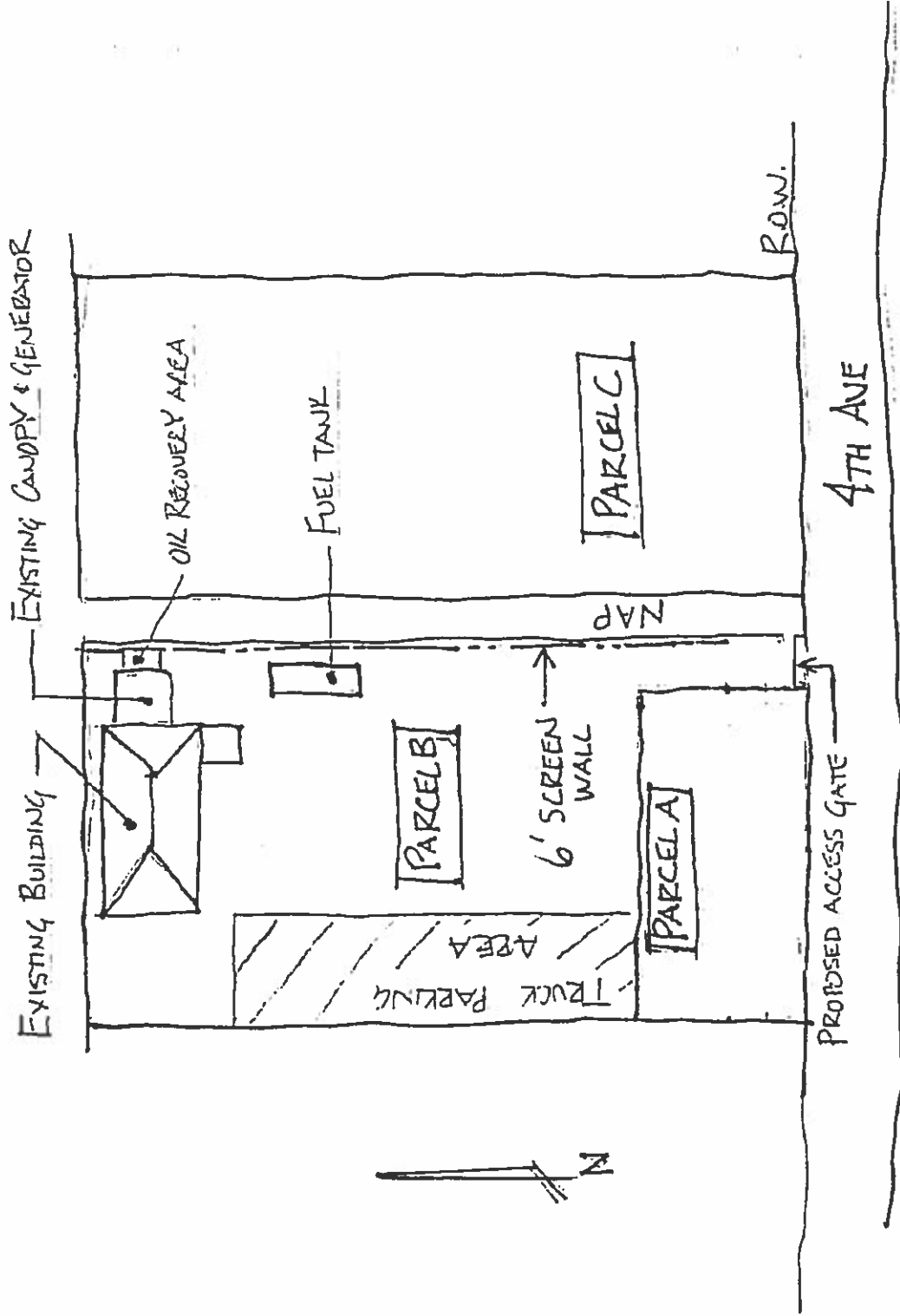
For Romano:  Date: 6/13/13
Angelo Romano

Exhibit 1





City of Apache Junction
Development Services Department



NOTICE OF ZONING VIOLATIONS

Sharon Romano/W4A Operations, LLC
3014 E. Rockledge Rd
Phoenix, AZ 85048

CODE CASES #COD2017-01112 and COD2017-01113

Date: October 17, 2017
Sent via Certified and Regular
US First Class Mail, Receipt Requested

Addresses of Properties in Violation:

Parcel 101-06-006C (3090 W 4th Ave) (COD2017-01112)

Parcel 101-06-006E (3000 Block of W 4th Ave) (COD2017-01113)

Parcel Numbers: 101-06-006C and 101-06-006E

Legal description of parcel 101-06-006C: S-100' OF W-143' OF W1/2 S1/2 S1/2 E1/2 W1/2 OF LOT 3 SEC 19-1N-8E EXC S-30' .23 AC

Legal description of parcel 101-06-006E: THE E/2 OF THE S/2 OF THE S/2 OF THE E/2 OF THE W/2 OF LOT 3 IN SEC 19-01N-08E, EXCEPT THE SOUTH - 30 FT AND EXCEPT THE W-20 FT ALSO EXCEPT THE EAST-11.42 FT THEREOF, 39,612.61 SQ FT, 0.91 AC

Owners of Record: Sharon Romano, W4A Operations, LLC

Tax Bill Mailing Address: 3014 E. Rockledge Rd. Phoenix, AZ 85048

The City of Apache Junction has adopted Ordinances addressing Health, Sanitation, and Property Maintenance Standards, in order to maintain the health, safety, morals, welfare and reasonable comfort of the citizens and inhabitants of the city. The City believes that addressing issues of property maintenance, outside storage, trash, inoperable vehicles, weeds and securing of vacant buildings will reduce the growth of slums, blight and crime. The applicable ordinances can be found in the City of Apache Junction, Volume I, City Code, Chapter 9, Health & Sanitation; and Apache Junction City Code, Volume II, Land Development Code, Chapter 1, Zoning Ordinance, which can be read here- http://www.amlegal.com/codes/client/apache-junction_az/.

The City has received complaints regarding conditions on the properties identified as *parcels #101-06-006C and 101-06-006E*. An Inspection by an Apache Junction Code Compliance Officer on *September 28, 2017* found violations of one or more of the following codes from the Apache Junction City Code (AJCC):

STATEMENT OF VIOLATIONS:

Specifically the following violations were found:

Violation 1. Parcels 101-06-006C and 101-06-006E have not been approved through the City's Conditional Use Permit ("CUP") process, to be operated as "contractor's office, shop and/or storage (indoor and/or outdoor)"—see Table 1-5-3 and footnote #4. This is a violation of Apache Junction City Code, Volume II, Land Development Code, Chapter 1, Zoning Ordinance, Article 1-5 Zoning Bulk and Use Regulations, Table 1-5-3, Non-Residential Use Regulations (see attached).

Violation 2: Parcels 101-06-006C and 101-06-006E have not gone through a "site plan review and approval process" pursuant to Apache Junction City Code, Volume II, Land Development Code, Chapter 1, Zoning Ordinance, Article 1-16 Administration, Section 1-16-9 Site Plan Review and Approval process (see attached).

CORRECTIVE ACTION:

Violation 1:

Remove, within 30 calendar days, all items, including all vehicles, equipment, vehicle parts, trailers, and other miscellaneous items from the properties and apply through the City's CUP process to use the properties as storage lots (see attached CUP application).

Violation 2:

Submit, within 30 calendar days, a site plan for the properties for staff's review and approval, as part of a CUP application.

COMPLIANCE DEADLINE:

The City's deadline for you to submit a complete CUP application, including fees and all required materials is 5p.m., November 16, 2017.

REINSPECTION DATE:

A City of Apache Junction Compliance Officer will perform a re-inspection to verify compliance on ***November 16, 2017***.

ADDRESS AND TELEPHONE NUMBER OF CITY REPRESENTATIVE:

Kimberly Wilson

300 E. Superstition Blvd.

Apache Junction, AZ 85119 (480) 474-5109 Email: kwilson@ajcity.net

Planning & Zoning – Building & Safety – Code Compliance - Revenue Development
300 E. Superstition Boulevard • Apache Junction, AZ 85119 • Ph: (480) 474-5156 • Fax (480) 982-7010

***Please note the following- Warning 1-** failure to comply- make requested corrections or abate the noted conditions may result in the filing of a civil or criminal misdemeanor case, depending on whether this violation is the first, second, third or fourth violation over a 24-month consecutive period.

****And please note the following- Warning 2-** failure to comply, failure to make requested corrections or abate the noted conditions, may result in an administrative or court abatement action by the City, for which the owner or responsible person will be financially liable through a lien process which may include foreclosure of the property.

The City appreciates your immediate attention to the matters noted in this Notice of Zoning Violations. Failure to abate or correct will result in the issuance of civil or criminal citation.

APPEAL RIGHTS:

Please note that you also have the right to appeal the Code Compliance Officer's/Zoning Administrator's decision to the city's Board of Adjustment and Appeals ("Board") within thirty (30) calendar days of this letter. To exercise this right, you must submit a complete appeal application form with all necessary supporting documentation and information (application form attached). A narrative specifying the grounds for the appeal, along with any evidence supporting the appeal, should also be included.

The non-refundable filing fee to appeal the Zoning Administrator's decision before the Board is \$500.00, with an additional deposit of \$500.00 due for advertising related expenses. The advertising deposit is partially refundable if the entire amount is not expended on advertising and public hearing mailings. The complete application packet and the accompanying fees must be submitted to the city's Development Services Department, 300 E. Superstition Blvd., Apache Junction, Arizona, 85119.

In most circumstances, an appeal to the Board stays all proceedings in the matter appealed. However, the applicant is encouraged to review A.R.S. Section 9-462.06 for more information regarding the circumstances of any appeal request. The Board shall affix a reasonable time for hearing the appeal, and shall give notice of the hearing by publication in a newspaper of general circulation and by posting such notice pursuant to state law.

The Board has the power to administer oaths and take evidence. The hearing is a quasi-judicial hearing, wherein the members act in the capacity as judges as well as fact-finders. The appellant may: 1) present evidence including any and all relevant documentation; 2) call upon witnesses to provide testimony on his or her behalf; 3) cross-examine all City witnesses; and 4) hire an attorney to represent his or her interests at the hearing. The Board may reverse, affirm, wholly or partly, or modify the Zoning Administrator's decision, and make such requirement, decision, or determination as necessary.

If you do retain an attorney, it is highly recommended that such person be licensed in the State of Arizona and be competent in the area of real property law.

To preserve his or her appellate rights, a person aggrieved by a decision of the Board must file within thirty (30) calendar days after the Board's decision, a complaint for special action in the Pinal County Superior Court challenging the Board's decision. This hearing will not be a new trial; rather, it will consist of a written decision made by a superior court judge based on the evidence and testimony submitted at the Board of Adjustment.

Please review the attached information. If you have any questions regarding the information required for the application, my contact information is provided below. I am also happy to meet with you prior to application submittal, to make sure you have a complete application.

Respectfully,

Kimberly Wilson
Senior Code Compliance Officer
300 E. Superstition Blvd.
Apache Junction, AZ 85119
480-474-5109
kwilson@ajcity.net

Attachments:

- Zoning Ordinance Table-1-5-3
- Zoning Ordinance Section 1-16-9
- Conditional Use Permit application
- Board of Adjustment and Appeals application

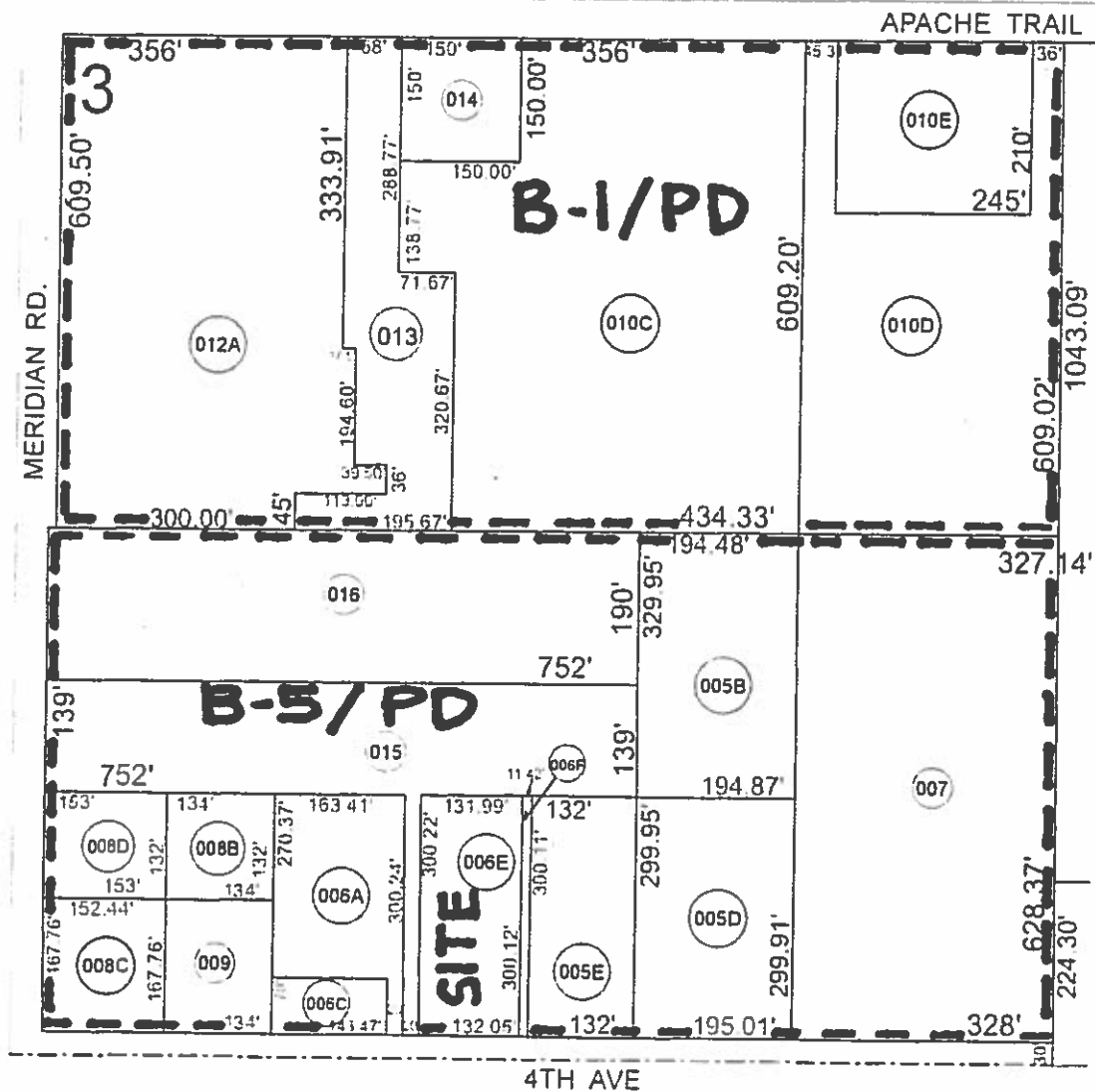
ROMANO PROPERTY VIOLATIONS TIMELINE

- Nov. 19, 2002 City approves Ordinance #1168, which rezoned and set Planned Development standards for properties in the "Meridian/Trail" area, including Romano property.
- June 1, 2005 PSRP-21-05 meeting held to discuss Romano business proposal. Romanos informed of city's development requirements for area, including landscape and screening requirements. Romanos turn in a very preliminary plan.
- June 21, 2005 Letter with detailed notes discussed at PRSP meeting is sent to Romanos, informing them in writing about city's development requirements and need for formal plan. Romanos never submit a development plan.
- Post 2005 City's applicability standards for landscape requirements change. Romanos not required to LS property, but future development of other properties is subject to development requirements.
- Post 2005 Complaints about Romano property operation are received by city, mostly about trespassing on and using neighbor's property to conduct their business activities.
- Feb. 23, 2010 Angry letter written to Mayor about activities on Romano properties and city's failure to improve 4th Avenue area as promised by rezoning. Romano business operations have expanded to properties to south and east with no city approvals or business licenses.
- 2009-'10 Romanos lose properties to foreclosure.
- Sept. 2011 City receives complaints that Romanos have moved their business two lots to east of former location. No city approvals or business license.
- Sept. 8, 2011 New business license issued to Romanos to conduct business on east property, but subject to them improving property to city standards. They never do.
- Sept. 22, 2011 New owner of former Romano properties complains Romanos are dumping and conducting activities on his properties.
- Mar. 1 2012 Meeting scheduled with Romanos to discuss issues with properties. Romanos did not show up.
- May 23, 2013 Staff meets with Romanos to discuss move back to old property.
- June 12, 2013 Staff meets with Romanos and a memorandum of understanding is signed allowing Romanos to move back to old lot, but not allowing expansion to other lots unless all city requirements are met.
- Post 2013 Romanos conduct outdoor business activities on additional lots without any city approvals.

Post 2013	Complaints continue about Romano properties to present.
2016-2017	Letters of violation are issued to Romanos.
2017	Romanos state they have hired an attorney. Staff offers to meet with them and their attorney. They offer to meet without attorney present. Staff decline.
Jan. 22, 2018	Staff meets with Romanos and City Prosecutor.
Feb. 2018	Romanos hire Jack Gilmore to help them put together CUP application. Jack tries to mitigate issue of neighbors' 20' strip of property between Romano's lot.
Aug. 2018	CUP application submittal received by Development Services.

CUP-5-18

CONDITIONAL USE PERMIT REQUEST BY W4A OPERATIONS LLC, TO PERMIT THE PARKING OF LARGE VEHICLES AWAITING REPAIR OR PICKUP ON A VACANT B-5/PD (INDUSTRIAL BY PLANNED DEVELOPMENT) ZONED PROPERTY IN THE 3000 BLOCK OF W. 4TH AVENUE.



"SITE" = SUBJECT PROPERTY

ZONING DISTRICTS = B-1/PD (GENERAL BUSINESS BY PLANNED DEVELOPMENT), B-5/PD (INDUSTRIAL BY PLANNED DEVELOPMENT)



NORTH

SITE AERIAL

APACHE JUNCTION AZ Internal GIS Viewer

City of Apache Junction



NEIGHBORHOOD AERIAL

APACHE JUNCTION^{A2} Internal GIS Viewer

City of Apache Junction

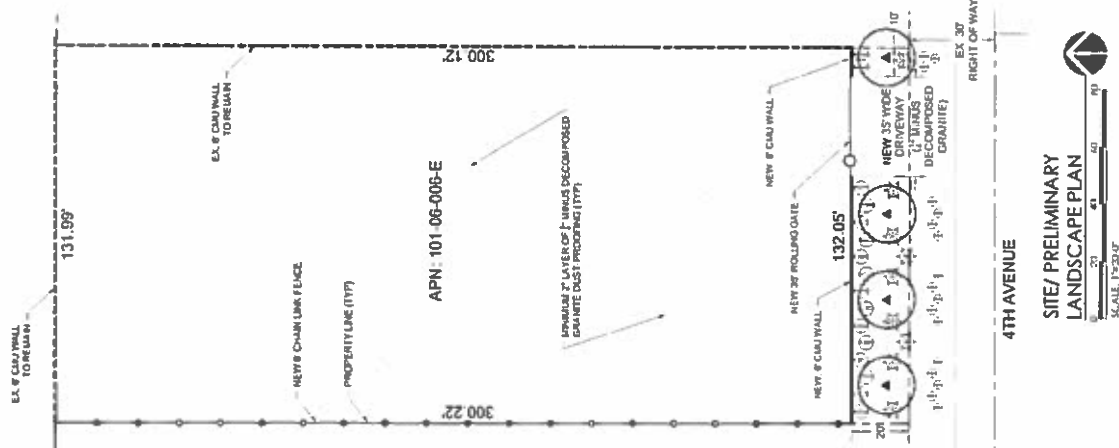
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NOTE:
1) TREE HEIGHTS AND CANOPIES WILL CORRELATE WITH "ARIZONA NURSERY ASSOCIATION SPECIFICATIONS" FOR THAT TYPE AND SIZE OF TREE
2) ALL LANDSCAPING SHALL BE SERVICED WITH A PERMANENT UNDERGROUND AUTOMATED IRRIGATION SYSTEM DESIGNED IN COMPLIANCE WITH THE "MINIMUM STANDARDS FOR LANDSCAPE IRRIGATION" BY THE ARIZONA CHAPTER, AMERICAN SOCIETY OF IRRIGATION ENGINEERS



SITE DATA
OWNER: W4A OPERATIONS LLC
SITE AREA: 0.91 AC
AP#: 1D1-06-006E
EX. ZONING: B-5/ PD (INDUSTRIAL)

SITE/ PRELIMINARY
LANDSCAPE PLAN