



City of Apache Junction

Development Services Department



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PLANNING AND ZONING COMMISSION PUBLIC HEARING STAFF REPORT

DATE: September 8, 2020

CASE NUMBER: PZ-6-20, "1081 S. Meridian"

APPLICANT: ME Investment Group, Inc.
Represented by Reese Anderson and Jon Gillespie of Pew & Lake, PLC

REQUEST: Proposed planned development major amendment of the 0.28 acre property currently zoned B-1/PD (General Commercial/Planned Development) to expand the palette of uses on the property.

LOCATION: Property is located south of the southeast corner of Broadway Avenue and Meridian Drive, Pinal County Assessor parcel number 102-33-020.

**GENERAL PLAN/
ZONING DESIGNATION:** Commercial; currently zoned B-1/PD (General Commercial/Planned Development).

SURROUNDING USES: North: Residential Property, zoned RS-7M;
South: Residential Property, zoned MHP;
East: Residential Property, zoned RS-7M;
West: Unincorporated Maricopa County

BACKGROUND

Before the new zoning ordinance was adopted in May of 2014, the property was zoned C-1/PD (Neighborhood Commercial/Convenience Zone by Planned Development). The property has been developed with commercial uses since prior to the city's March 1985 zoning ordinance. The property was first rezoned to a commercial district in 1995 under case PZ-2-95 and Ordinance No. 927. Ordinance No. 927 approved a rezoning from TH (Trailer Homesite) to C-1 (Neighborhood Commercial/ Convenience Zone) to allow the use of a beauty shop on the property and resolve non-conforming use issues.

The property underwent a second rezoning case, PZ-8-04 and Ordinance No. 1207, to include a planned development. Ordinance No. 1207 was approved in September of 2004 and re-designated the property from C-1 to C-1/PD. The planned development included a small courtyard office complex with a small pallet of office related uses permitted. Landscaping requirements, street improvements, a 6 foot high wall, and a private access way for the property east of the site to and from Meridian Drive were also included as part of the planned development.

For reasons unknown the development plan fell through and the same owner/applicant later requested to abandon the approved planned development and propose a wider pallet of uses. Case PZ-5-05 and Ordinance No. 1232 were approved in June of 2005. Ordinance No. 1232 repealed Ordinance No. 1207 and established a wider pallet of uses that still met the requirements of low intensity neighborhood commercial. The Ordinance also approved any future expansion or reconstruction of the existing structure to require a major planned development amendment. The applicant was required to install a 3 foot high parking wall with landscaping and paved access from S. Meridian Drive which was done.

With the adoption of the city's new zoning ordinance and zoning district maps in May 2014, the property was inadvertently rezoned to RS-7M, a zoning designation for residential lots with a minimum lot size of 7,000 square feet, instead of B-1/PD (the current equivalent to the C-1/PD zoning district); thus taking away the planned development, potential commercial development opportunities on the property, and making the existing business use on the property legal non-conforming. In 2016, the property underwent a city initiated corrective rezoning, case PZ-9-16 and

Ordinance no. 1436, in order to re-assign the appropriate zoning district and re-establish the pallet of uses originally approved on the commercial property.

In February 2020, the current property owner, Mike Tadevossian, represented by Reese Anderson and Jon Gillespie of Pew & Lake PLC, expressed concerns about the limited uses allowed on the property and requested a planned development major amendment in order to expand the allowable uses on the property.

PROPOSALS

PZ-6-20 is a proposing a planned development major amendment of 0.28 acres currently zoned B-1/PD (General Commercial/Planned Development). The applicant is proposing to expand the current palette of uses allowed on the property.

PLANNING STAFF ANALYSIS

Relationship to General Plan:

The subject site is designated by the city's General Plan as "Medium Density Residential".

Zoning/Site Context:

The 0.28 acres is a privately-owned piece of land surrounded by residentially zoned land on all sides.

Planned Development Zoning:

The applicant is not asking for any deviations from the Zoning Ordinance, however, Staff is still recommending a Planned Development zoning with a limited palette of uses for the property, in order to minimize negative impacts on the surrounding residential neighborhood.

Infrastructure Improvements:

Utilities are already provided to the location by AZ Water Company, SRP, Southwest Gas, Mediacom, and Centurylink.

The 50' right-of-way along Meridian Drive has already been dedicated to the city.

There are no onsite improvements proposed at this time. Onsite improvements will depend on the future owner of the property and their proposed use.

Public Input:

Neighborhood meeting notification letters were sent from the applicant to all property owners within a 300-foot radius. Two neighbors reached out to the applicant with concerns that a medical marijuana shop would be an allowed use on the property. The applicant assured them that this would not be an allowed use. Another neighbor had concerns regarding access to their property. They were informed that no site improvements were planned at this time, and that access to their property would not be impacted. The complete Final Participation Report is attached.

The city has also sent out public hearing notices noting the time, place and proposed request.

Staff received one phone call from a neighbor regarding the rezoning request. They wanted to know what kind of development was being proposed for the site.

Staff and the applicants have worked together to create a palette of expanded uses. Many negative or incompatible uses have been excluded and some uses possibly allowed by Conditional Use Permit ("CUP"). We are mostly in agreement, except for the allowance of vape shops, cleaning, landscaping and exterminating services, and machinery and equipment rental (indoor/outdoor). Staff believes that vape shops and machinery and equipment rental (indoor/outdoor) should not be permitted, and that cleaning, landscaping, and exterminating services be allowed by CUP.

FINDINGS OF FACT

As required by the Apache Junction Zoning Ordinance, a Planned Development request may be approved by the City Council after consideration has been given to three different criteria. The criteria is outlined in the text below:

1. That a better design cannot be achieved by applying the strict provisions of the underlying zoning district.

Response: Staff is requesting a Planned Development be kept in place in order to exclude a palette of potentially negative or neighborhood incompatible uses for the center.

2. That strict adherence to the provisions of the zoning ordinance is not required in order to ensure the health, safety and welfare of the inhabitants of the proposed development.

Response: with a limited palette of uses more safeguards should be provided to the neighborhood to preserve quality of life.

3. That strict adherence to the ordinance is not required to ensure that property values of adjacent properties will not be reduced.

Response: Any proposed expansions or new uses will require normal zoning review and approval processes to implement the PD and/or additional qualitative property improvement.

PLANNING DIVISION RECOMMENDATION

Staff respectfully recommends to the Commission that they include the following conditions of approval as part of a favorable recommendation to the City Council. As always, Commissioners may recommend changes or additional conditions which they feel will improve the development plan.

RECOMMENDED MOTION FOR PLANNED DEVELOPMENT REZONING

I move that the Planning and Zoning Commission recommend to the Apache Junction City Council the (APPROVAL/DENIAL) of case PZ-6-20, a planned development major amendment request by Reese Anderson and Jon Gillespie of Pew & Lake PLC, to amend the planned development of 0.27 acres in order to expand the uses allowed, located south of the southeast corner of Broadway Avenue and Meridian Drive, subject to the following conditions of approval:

- 1) Future redevelopment or expansions of more than 50% square footage must meet the site improvement requirements as outlined in the city's Engineering Standards.
- 2) Once a use is established on the property, the property owner shall improve any necessary rights-of-way on Meridian Drive and conduct any off and onsite improvements, as

required by the City Engineer, in accordance with the city's Engineering Guidelines for the property.

- 3) New plantings along Meridian Drive should follow the approved landscape plan from PZ-5-05.
- 4) Landscape, screening and irrigation improvements, shall be provided in compliance with the city's landscape and screening requirements contained in Apache Junction City Code, Volume II, Land Development Code, Chapter 1, Zoning Ordinance, Article 1-8, Landscape Regulations. All required trees shall be 24" box and all required shrubs shall be 5-gallon in size.
- 5) All applicable permits shall be applied for and plans shall be designed to current City codes prior to any lot grading or construction on the lots. Inclusively, all applicable development fees shall be paid at the time of permit issuance.
- 6) All mechanical equipment shall be screened and not be seen from any street on any of the four sides.
- 7) Any future monument sign shall complement the architecture of the buildings, including style, color and materials, and shall be subject to Planning Staff review and approval.
- 8) The following uses shall be a permitted use by right:
 - a. New Vehicle Sales/Service/Repair
 - b. Automotive Parts and Accessory Sales
 - c. Furniture and Home Furnishing Sales
 - d. Electronics and Appliance Sales/Repair
 - e. Building Materials and Supplies Sales (indoors)
 - f. Lawn and Garden Equipment/Supply Sales
 - g. Grocery Stores
 - h. Convenience Stores
 - i. Specialty Retail Stores
 - j. Health, Pharmacy and Personal Care Sales
 - k. Clothing and Accessories
 - l. Jewelry, Luggage and Leather Sales
 - m. Sporting Goods, Hobby, Books and Music Sales
 - n. Florist and Novelty Gift Sales
 - o. Office Supply Sales
 - p. Pet and Pet Supply Sales
 - q. Art and Craft Sales

r. Electronic Shopping and Mail-Order Sales
 s. Bakery Sales (baking for store sales only)
 t. Printing Shop
 u. Finance and Insurance Office/Sales/Exchange
 v. Banks and Credit Unions
 w. Financing Sales
 x. Securities/Commodities Office/Sales/Brokers
 y. Real Estate Office, Agents and Brokers
 z. Vehicle Rental and Leasing
 aa. Machinery and Equipment Rental (indoor)
 bb. Legal and Accounting
 cc. Engineering/Surveying
 dd. Architectural Planning and Design
 ee. Consulting
 ff. Advertising and Public Relations
 gg. Photography
 hh. Veterinary
 ii. All Types of Schools
 jj. Educational Support Services
 kk. Physicians, Dental and Health Practitioners
 ll. Outpatient Care Centers
 mm. Medical and Diagnostic Labs
 nn. Home Health Care Services
 oo. Ambulatory Health Care Services
 pp. Blood and Organ Banks
 qq. General Medical and Surgical Hospitals
 rr. Psychiatric and Substance Abuse Facilities
 ss. Nursing and Residential Care Facilities
 tt. Individual and Family Care Services
 uu. Vocational Rehab Services
 vv. Child Day Care Services
 ww. Museums and Historical Sites
 xx. Limited Service Restaurant
 yy. Delicatessen
 zz. Caterers
 aaa. Confectionary and Ice Cream Sales
 bbb. Electronic Equipment Maintenance and Repair
 ccc. Furniture Repair and Maintenance
 ddd. Footwear and Leather Goods Repair
 eee. Personal and Household Goods Repair
 fff. Laundry and Dry Cleaning Services
 ggg. Hair, Nails and skin Care Services
 hhh. Photo Services
 iii. Religious and Fraternal Organizations
 jjj. Social Advocacy Organizations
 kkk. Humans Rights Organizations

- lll. Conservation Organizations
 - mmm. Business and Professional Organizations
 - nnn. Labor Organizations
 - ooo. Political Organizations
 - ppp. Government Offices and Courts
 - qqq. Ancillary Manufacturing
 - rrr. Contractors Office, Shop and/or Storage (indoors)
 - sss. Craftsman and Artisan (indoors)
 - ttt. Newspaper, Periodical and Book Publishing
 - uuu. Broadcasting and Recording
 - vvv. Telecommunications
 - www. Data Processing
 - xxx. Office Administration Services
 - yyy. Employment Services
 - zzz. Business Support Services
 - aaaa. Travel Services
 - bbbb. Investigation and Security Services
 - cccc. Assisted living Facility
 - dddd. Solar Panels
- 9) The following uses shall be permitted subject to a Conditional Use Permit ("CUP"):
- a. General Automotive Repair;
 - b. Used Vehicle Sales/Service Repair;
 - c. Taxi and Limousine Service;
 - d. Boat, ATV & Motorcycle Sales/Service;
 - e. Nursery/Greenhouse with On-Site Sales;
 - f. Car Washes;
 - g. Pet Care;
 - h. Postal, Courier, and Delivery Service;
 - i. Cleaning, Landscaping and Exterminating Services.
- 10) The following uses shall not be permitted therein:
- a. Recreational Vehicle service, sales, or repair;
 - b. Manufactured/Mobile Home Sales;
 - c. Machinery and Equipment Rental (Indoor/Outdoor)
 - d. Building Materials and Supplies Sales (Indoors and/or Outdoors);
 - e. Feed and Fertilizer Sales;
 - f. Department Stores;
 - g. Shopping Centers;
 - h. Beer, Wine and Liquor Sales;
 - i. Gasoline Stations;
 - j. Gasoline Stations with Convenience Store;

- k. Department Stores and Warehouse Clubs;
- l. Used Merchandise Sales;
- m. Tobacco Sales;
- n. Pawn Shops;
- o. Check Cashing Store;
- p. Community Food and Relief Services;
- q. Performing Arts Facility;
- r. Hotels, Motels, and Bed & Breakfast Inns;
- s. Recreational Vehicle Parks and Campgrounds;
- t. Full Service Restaurants;
- u. Drinking Places (serving alcohol);
- v. Tattoo Services;
- w. Death Care Services;
- x. Cemeteries and Crematories;
- y. Animal Hospitals and Kennels;
- z. Contractors office, shop and/or storage (Indoors and/or Outdoors);
- aa. Craftsman and Artisan (Indoors or Outdoors);
- bb. Medical Marijuana Facilities;
- cc. Vape Shops;
- dd. And other uses similar to those listed above determined by the Zoning Administrator to be incompatible with the use of the overall property; and which determination may be appealed to the Board of Adjustment by any aggrieved individual.

Kelsey Schattnik

Prepared by Kelsey Schattnik
Planner

Attachments:

- Exhibit #1 - PZ-6-20 Application
- Exhibit #2 - Project Narrative
- Exhibit #3 - Aerial Exhibit
- Exhibit #4 - Ordinance no. 927
- Exhibit #5 - Ordinance no. 1207
- Exhibit #6 - Ordinance no. 1232
- Exhibit #7 - Ordinance no. 1402
- Exhibit #8 - Ordinance no. 1436

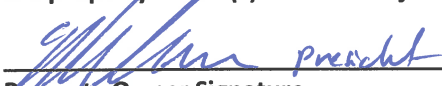
Exhibit #9 - PZ-5-05 Approved Landscape Plan
Exhibit #10 - Final Participation Report



City of Apache Junction
Development Services Department
300 E. Superstition Blvd.
Apache Junction, AZ 85119
(480) 474-5083



REZONING APPLICATION

SUBJECT INFORMATION	
PROJECT NAME: 1081 S. Meridian	
PROPERTY ADDRESS: 1081 S. Meridian Dr. Apache Junction, AZ 85120	ASSESSOR'S PARCEL NO. 102330200
ACREAGE: 0.28 acres	CURRENT ZONING DISTRICT: B1/PD PROPOSED ZONING DISTRICT: B1/PD
EXISTING GENERAL PLAN DESIGNATION: Commercial	
PROPERTY OWNER	
NAME: ME INVESTMENT GROUP INC.	
MAILING ADDRESS: 1910 S. Priest Dr. # 103 Tempe, AZ 85281	
EMAIL: opusins@gmail.com	TELEPHONE: 480-461-4670
APPLICANT	
NAME: Reese Anderson (Pew & Lake, PLC) JON GILLESPIE	
MAILING ADDRESS: 1744 S. Val Vista Dr. #217 Mesa, AZ 85204	
EMAIL: reese.anderson@pewandlake.com; jon.gillespie@pewandlake.com	TELEPHONE: 480-461-4670
OWNER AUTHORIZATION	
I hereby certify that the above information is correct, and that I am authorized to file an application on said property, being either the owner or authorized agent to file on behalf of the owner. Anyone applying without authorization from the property owner(s) shall be subject to penalty under all applicable laws.	
 Property Owner Signature	<u>6-2-2020</u> Date
 Applicant Signature	<u>6-8-2020</u> Date
REZONING REVIEW TIMEFRAME	
ADMINISTRATIVE COMPLETENESS REVIEW: 5 DAYS	REVIEW OF SUBMITTAL: 30 DAYS

1081 S. Meridian Dr.

Rezoning Project Narrative

Approximately 500 feet south of SEC Meridian Drive and Broadway Avenue



Owner

ME Investment Group Inc.
1910 S. Priest Dr.
Apache Junction, AZ 85120

Legal Representative

Pew & Lake, P.L.C.
1744 South Val Vista Drive
Suite 217
Mesa, Arizona 85204
480.461.4670
Reese Anderson
reese.anderson@pewandlake.com

June 8, 2020

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1. Introduction

Pew & Lake, PLC is pleased to submit this project narrative in support of a Planned Development Major Amendment on the 0.28 acre parcel located at 1081 S. Meridian Dr. and identified as Pinal County parcel number 102-33-0200. The request is a rezone from B-1/PD to B-1/PD to update the available uses on site. Expanding the available uses to closer align with the uses otherwise available to all other properties with B-1 zoning. This change will incentivize new development on this underutilized parcel. The property is outline in red on the aerial below.

Figure 1 – Site Aerial



2. Request

Our request to the City of Apache Junction is:

- 1) Amending Ordinance No. 1232 (Case PZ-5-05) and providing a revised pallet of allowed uses on the property.

3. Existing Site Conditions and Relationship to Surrounding Properties

The existing site maintains a 512 sq. ft. building and is otherwise vacant and unremarkable in its topography. The site is bound on the north and east by individual manufactured homes, on the south by the Klahanne Park Senior Manufactured Home Community, and on the west by Meridian Drive and then conventional single-family residential homes. As noted, the site is located along Meridian Drive which is a major arterial road and recommended in the General Plan for 4 lanes, plus turn lanes. Table 1 below shows the existing uses, General Plan Designations and Zoning Classifications for surrounding parcels.

Table 1 – Existing and Surrounding Land Use Context

	General Plan Designation	Zoning	Existing Use
Project Site	Commercial*	B-1/PD	Vacant
North	Medium Density Residential	RS-7M	Manufactured Housing
East	Medium Density Residential	RS-7M	Manufactured Housing
South	High Density Residential	MHP	Senior Manufactured Housing
West	Neighborhood (City of Mesa)	R1-8 (Maricopa County)	Meridian Drive; Single Family Residential

* Discussion with City staff to clarify the general plan designation may be necessary because the future land use map boundary line appears to cover the subject property.

4. Existing General Plan Designation and Zoning Classification

The site currently is designated as Medium Density Residential (maximum of 10 units/acre) in the General Plan and classified as General Commercial with a Planned Development Overlay (B-1/PD) in the Zoning Ordinance.

Figures 2 and 3 on the next page show the existing general plan and zoning maps, respectively.

Figure 2 – City of Apache Junction General Plan Map

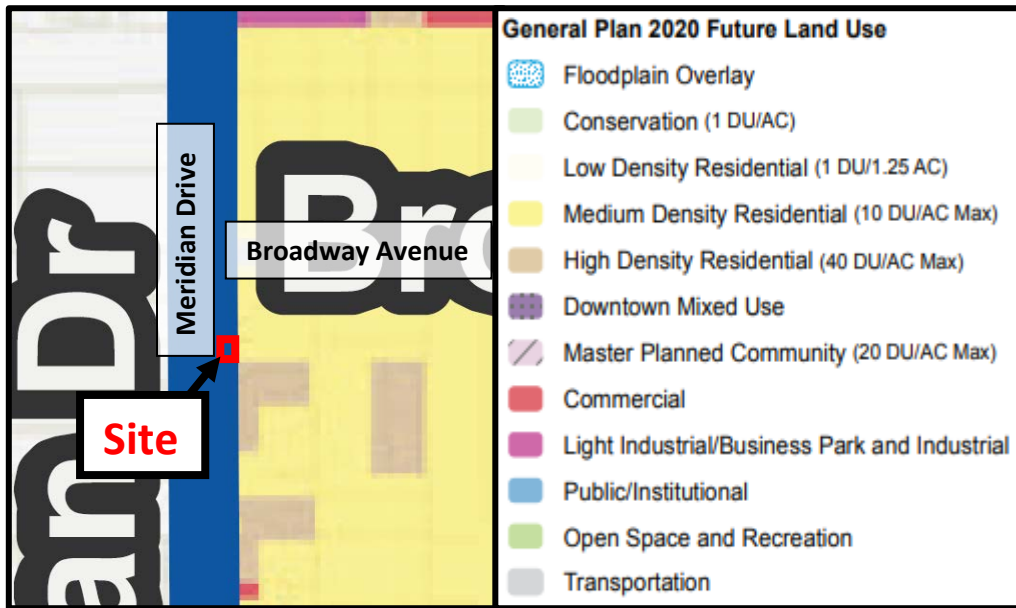
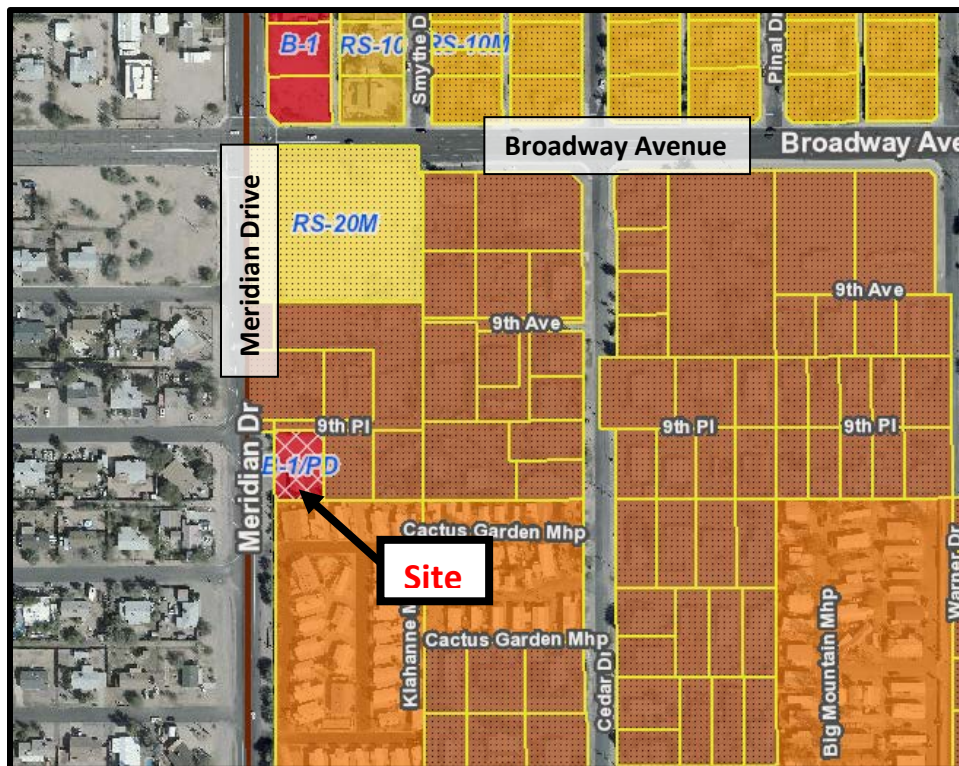


Figure 3 – City of Apache Junction Zoning Map



5. Background

Pursuant to case PZ-2-95 the parcel was rezoned from Trailer Homesite to C-1. Later, under PZ-8-04, the property was conditionally rezoned from C-1 to C-1/PD.

Ordinance No. 1232 (PZ-5-05) was adopted on June 21, 2005 to amend the Plan of Development which existed under PZ-8-04. This Ordinance No. 1232 provided for a limited use pallet which the property owner at the time had determined was sufficient for their purposes of selling the parcel.

On September 20, 2016, Ordinance No. 1436 was adopted which corrected an error of the City which showed the parcel as being zoned RS-7M. Inasmuch as Ordinance No. 1436 refers to Ordinance No. 1232, it is presumed that this rezoning request would apply in place of Ordinance No. 1232.

6. Project Description

At this time, no specific use or user is proposed; nor are any improvements to the site contemplated by this application. Rather, this limited request envisions allowing additional appropriate uses, which can serve the local and regional market. This change will allow the property owner to further its efforts to redevelop the site to meet market demands. The site is located along an arterial road which supports the reasonable request for an expansion of the allowed uses. In this area, there are other nearby commercial uses which justifies this request as not being out of character with this area of the City.

The available uses on site will be updated to more closely reflect the B-1 zoning district with the following notable exceptions, which would not be permitted: Department Stores; Beer, Wine and Liquor Sales; Gasoline Stations; Full-service Restaurants; Pawn Shops; Tattoo Parlors; and Animal Hospitals.

Below are the applicants proposed uses for this property, which are organized by: (i) uses allowed by right, (ii) uses allowed subject to a Conditional Use Permit, and (iii) uses not allowed. If a use is not included on these lists then the availability of that use would be determined under the existing zoning ordinance utilizing the B-1 or comparable zoning district.

Uses Permitted by Right

New Vehicle Sales/Service/Repair
 Used Vehicle Sales/Service/Repair
 Automotive Parts and Accessory Sales
 Furniture and Home Furnishing Sales
 Electronics and Appliance Sales/Repair
 Building Materials and Supplies Sales (Indoors)
 Lawn and Garden Equipment/Supply Sales
 Grocery Stores
 Convenience Stores
 Specialty Retail Stores
 Health, Pharmacy and Personal Care Sales

Clothing and Accessories
Jewelry, Luggage and Leather Sales
Sporting Goods, Hobby, Books and Music Sales
Florist and Novelty Gift Sales
Office Supply Sales
Pet and Pet Supply Sales
Art and Craft Sales
Electronic Shopping and Mail- Order Sales
Bakery Sales (baking for store sales only)
Printing Shop
Finance and Insurance Office/Sales/Brokers
Banks and Credit Unions
Financing Sales
Securities/Commodities Office/Sales/Exchanges
Real Estate Office, Agents and Brokers
Vehicle Rental and Leasing
Machinery and Equip. Rental (Indoor)
Legal and Accounting
Engineering/Surveying
Architectural
Planning and Design
Consulting
Advertising and Public Relations
Photography
Veterinary
All Types of Schools
Educational Support Services
Physicians, Dental and Health Practitioners
Outpatient Care Centers
Medical and Diagnostic Labs
Home Health Care Services
Ambulatory Health Care Services
Blood and Organ Banks
General Medical and Surgical Hospitals
Psychiatric & Substance Abuse Facilities
Nursing and Residential Care Facilities
Individual and Family Care Services
Vocational Rehab Services
Child Day Care Services
Museums and Historical Sites
Limited Service Restaurants
Delicatessen
Caterers
Confectionary and Ice Cream Sales
General Automotive Repair
Electronic Equipment Maintenance & Repair
Business Equipment Maintenance and Repair
Furniture Repair and Maintenance

Footwear and Leather Goods Repair
 Personal and Household Goods Repair
 Laundry and Dry Cleaning Services
 Hair, Nails and Skin Care Services
 Photo Services
 Religious and Fraternal Organizations
 Social Advocacy Organizations
 Human Rights Organizations
 Conservation Organizations
 Business and Prof. Organizations
 Labor Organizations
 Political Organizations
 Government Offices and Courts
 Ancillary Manufacturing
 Contractors office, shop and/or storage (indoors)
 Craftsman and Artisan (Indoors)
 Taxi and Limousine Service
 Newspaper, Periodical and Book Publishing
 Broadcasting and Recording
 Telecommunications
 Data Processing
 Office Administration Services
 Employment Services
 Business Support Services
 Travel Services
 Investigation and Security Services
 Assisted Living Facility
 Solar Panels
 Vape Shops

Permitted Uses Subject to a Conditional Use Permit

Boat, ATV & Motorcycle Sales/Service
 Nursery/Greenhouses with On-Site Sales
 Medical Marijuana Facilities
 Machinery and Equipment Rental (Indoor/Outdoor)
 Car Washes
 Pet Care
 Postal, Courier and Delivery Service
 Cleaning, Landscaping and Exterminating Serv.

Nonpermitted Uses

RV Sales/Service/Repair
 Manufactured/Mobile Home Sales
 Building Materials and Supplies Sales (Indoors and/or Outdoors)
 Feed and Fertilizer Sales
 Department Stores

Shopping Centers
 Beer, Wine and Liquor Sales
 Gasoline Stations
 Gasoline Stations with Convenience Store
 Department Stores and Warehouse Clubs
 Used Merchandise Sales
 Tobacco Sales
 Pawn Shops
 Check Cashing Store
 Community Food and Relief Services
 Performing Arts Facilities
 Hotels, Motels, and Bed & Breakfast Inns
 RV Parks and Campgrounds
 Full Service Restaurants
 Drinking Places (serving alcohol)
 Tattoo Services
 Death Care Services
 Cemeteries and Crematories
 Animal Hospitals and Kennels
 Contractors office, shop and/or storage (indoors and/or outdoors)
 Craftsman and Artisan (Indoors or outdoors)

7. Future Plan of Development

Future development/redevelopment of the site would be subject to typical B-1 development standards.

8. Compliance with General Plan

It is somewhat unclear from the City of Apache Junction Future Land Use Map whether the site is designated Commercial or Medium Density Residential. The proposed development complies with the vision, objectives, and guidelines of the General Plan, in the following ways:

- Attract all types of quality private investment that will add value and bring diversification to current and future residents of Apache Junction as a great place to live, work and play (Economic Development, Goal 5.1)
Expanding the available uses will allow the market to determine a use which will maximize sales tax receipts which the City relies on because it does not have a property tax.
- Continue to strengthen and advocate for economic development opportunities that considers current conditions, existing needs, business threats and opportunities, and solution oriented deliverables that will strengthen existing businesses. (Economic Development, Goal 5.6)
The property is already zoned for B-1 uses and the proposed PD amendment will modernize the limited use pallet to meet existing market demands and provide a use which is compatible with the surrounding land use context.

- Provide a balance of uses throughout the community (Land Use Element, Goal 11.2)
The limited use pallet took into consideration the prohibition of uses which already proliferate the City of Apache Junction. The recommended list of uses balances the currently existing market demand and services already provided in the City.

9. Planned Development

As discussed in the Apache Junction Zoning Ordinance, the purpose of the Planned Development Overlay District (PD) is to allow site flexibility which may not otherwise be allowed through conventional base zoning. The intent of this district is to enable development which is compatible with land uses in the vicinity. There are no development standard deviations proposed for the site and any development will be required to meet typical standards in the B-1 zoning district.

The PD development tool enables the City to promote the most appropriate use of this parcel and provide for the unified control of land development. Commercial zoning districts such as B-1, B-5 and RVP zoning districts are located all along the Meridian arterial in addition to primarily high-density residential districts such as RS-20M and MHP. The proposed limited B-1 uses proposed for the site recognize and respect the development patterns in this area.

10. Public Utilities and Services

Utilities are provided as listed below. Road dedication and necessary utility infrastructure improvements are already in place. The applicant is continuing to analyze the available services and connections, but its preliminary assessment reveals there will be adequate capacity to service the proposed uses on site.

- Water: Apache Junction Water Utilities Community Facilities District
- Sewer: Superstition Mountain Community Facilities District
- Electric: Salt River Project
- Gas: Southwest Gas
- Telecommunications: Cox Communications; CenturyLink; Mediacom
- Police: Apache Junction Police Department
- Fire: Superstition Fire and Medical District
- Schools: Brinton Elementary School; Cactus Canyon Junior High School; Apache Junction High School

11. Public Participation

A neighborhood meeting can be held for this proposal if planning staff requires. Moving ahead, the development team is committed to continuing public outreach throughout the entitlement process.

12. Conclusion

The property has been vacant for many years and will remain so unless the available uses are expanded. If approved, the request would allow for new development which is consistent and harmonious with the surrounding uses and zoning designations. The request will not interfere with the City of Apache Junction's economic or planning vision for the area. The applicant and owner look forward to receiving input on these uses which envision utilizing this vacant, in-fill piece to facilitate growth in the City of Apache Junction.

1081 S. Meridian Dr.
Approximately 500 feet south of SEC
Meridian Drive and Broadway Avenue
Public Participation Plan
June 8, 2020

Purpose:

The purpose of the Public Participation Plan is to provide the City of Apache Junction staff with information regarding the efforts made by the applicant to inform citizens and property owners in the vicinity concerning the applicant's request to the City of Apache Junction for the following:

- 1) Amending Ordinance No. 1232 (Case PZ-5-05) and providing a revised pallet of allowed uses on the property.

By providing opportunities for citizen participation, the applicant will ensure that those affected by this application will have an adequate opportunity to learn about and comment on the proposed plan.

Contact Information:

Those coordinating the Public Participation activities are as follows:

Reese Anderson
Pew & Lake, PLC.
1744 S. Val Vista Drive, Suite 217
Mesa, AZ 85204
(480)461-4670 (office)
(480)461-4676 (fax)
reese.anderson@pewandlake.com

Jon Gillespie
Pew & Lake, PLC.
1744 S. Val Vista Drive, Suite 217
Mesa, AZ 85204
(480)461-4670 (office)
(480)461-4676 (fax)
jon.gillespie@pewandlake.com

Actions:

In order to provide effective citizen participation in conjunction with this application, the following actions will be taken to provide opportunities for feedback from surrounding property owners:

1. Public notification requirements for rezoning will be met including posting of the site and mailing a letter to 1) all property owners within 300' of the subject property. Additionally, the Apache Junction Unified School District and any other interested parties will be notified.
2. An e-mail distribution list will be collected with the names and email addresses of any individuals who calls to inquire about the project in an effort to have continued dialogue regarding changes, if any, to the proposal.

3. If requested by staff, a neighborhood meeting can be held with property owners, citizens and interested parties to discuss the proposed project. The notification list for the neighborhood meeting will include 1) all property owners within 300' of the subject property. Additionally, the Apache Junction Unified School District and any other interested parties will be notified. A total of 14 notification letters would be anticipated to be sent as reflected on the attached mailing list and notification map.

Project Schedule:

Pre-Submittal Conference - N/A

Formal Application – June 8, 2020

Neighborhood Meeting – TBA, if necessary

Follow-Up Submittal - TBA

Planning Commission Hearing #1- TBA

Planning Commission Hearing #2- TBA

City Council Introduction- TBA

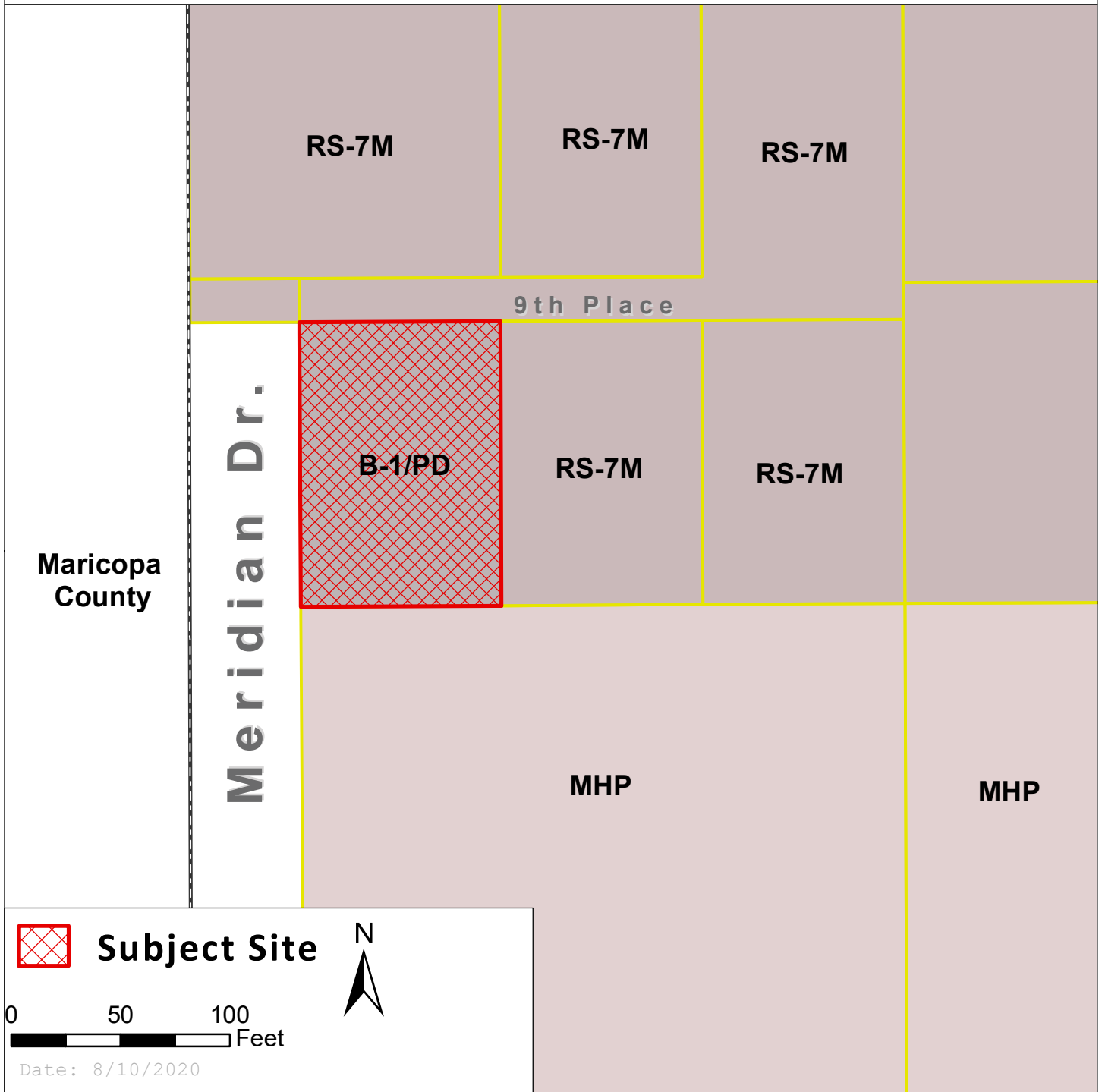
City Council Final Action- TBA



Vicinity Map

PZ-6-20

Planned Development Major Amendment
to expand the allowable uses on the property
located at 1081 S. Meridian Drive.



ORDINANCE NO. 927

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-2-95 FROM TH (TRAILER HOMESITE ZONE) TO C-1 (NEIGHBORHOOD COMMERCIAL/CONVENIENCE DISTRICT); 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, for the parcel of land described as:

Part of the West half of the Northwest quarter of the Northwest quarter of the Northwest quarter of Section 30, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Apache Junction, Pinal County, Arizona, more particularly described as follows:

BEGINNING at the Southwest corner of said West half of the Northwest quarter of the Northwest quarter of the Northwest quarter of Section 30, the true point of beginning; thence due East 144 feet; thence due North 130 feet; thence due West 144 feet; thence due South 130 feet to the true point of beginning;

be and hereby is amended from TH (Trailer Homesite Zone) to C-1 (Neighborhood Commercial/Convenience District).

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, 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 16TH DAY OF MAY, 1995.

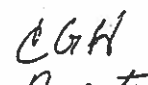
SIGNED AND ATTESTED TO THIS 22ND DAY OF MAY, 1995.



JEAN PERKINS
Mayor

ATTEST:


KATHLEEN CONNELLY
City Clerk


Deputy Clerk

APPROVED AS TO FORM:



GLENN J. GIMBUT
City Attorney

ORDINANCE NO. 1207

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-8-04 FROM C-1 (NEIGHBORHOOD COMMERCIAL/CONVENIENCE DISTRICT) TO C-1/PD (NEIGHBORHOOD COMMERCIAL/CONVENIENCE DISTRICT BY PLANNED DEVELOPMENT); REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, on June 22, 2004, the Apache Junction Planning and Zoning Commission, voted 5 to 0 (unanimously) to recommend approval of the request for rezoning, Case PZ-8-04, to change the zoning district classification from C-1 (Neighborhood Commercial/Convenience District) to C-1/PD (Neighborhood Commercial/Convenience District by Planned Development).

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, for the parcel of land legally described as:

Part of the West half of the Northwest quarter of the Northwest quarter of the Northwest quarter of Section 30, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, more particularly described as follows:

Beginning at the Southwest corner of above, the true point of beginning; thence due East 144 feet; thence North 130 feet; thence due West 144 feet; thence due South 130 to the point of beginning; except the West 50 feet thereof;

be and hereby is amended from C-1 (Neighborhood Commercial/Convenience

District) to C-1/PD (Neighborhood Commercial/Convenience District by Planned Development). subject to the following stipulations:

- 1) That the proposed development be similar to the conceptual site plan submitted with the application in Case PZ-8-04. The office use, building design, materials, massing, and the courtyard concept shall be included in the final building design.
- 2) The following uses shall be allowed on the subject site: administrative and professional services, business support services, insurance and real estate services, medical services, professional/semi-professional offices, or similar. No other uses are permitted
- 3) The entrance driveways may be located within 16 feet of the property line. The north access way shall be 20 feet minimum in width to provide access for fire equipment to the rear of the property.
- 4) The private access way on the site's northern boundary shall be surfaced with asphalt extending from Meridian Drive to the eastern edge of the property.
- 5) The final project design will provide for no less than 11 parking spaces.
- 6) The site shall be screened on the north, east, and south with a 6 foot high masonry wall. The wall shall be stuccoed and painted to complement the main building.
- 7) Landscaping shall be provided in all areas shown in the concept plan, with plant counts that meet the minimums required. The east and south 10 foot landscaped yard requirements are waived. The number of plants that would be required within the deleted 10 foot areas shall be reasonably accommodated with the planters and/or shall be provided elsewhere on the site. All mature trees (24 inch box) and shrubs (5 gallon) shall be provided. Front-yard retention will be allowed.

- 8) Prior to any development on the site, the developers shall dedicate and improve, to the City Engineer's standards, any necessary rights-of-way; both internal and external to the site. Said improvements may include, but are not necessarily limited to, the provision of curbs, gutters, sidewalks, driveways, streetlights, and retention basins.
- 9) 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 the Landscape and Screening Requirements. 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.
- 10) Any future developers shall pay all applicable development fees prior to the issuance of building permits.
- 11) 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, 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).
- 12) The requirement to install a street light and the requirement to underground the existing utility lines along Meridian Drive is waived for this project.

SECTION II: REPEALING ANY CONFLICTING PROVISIONS

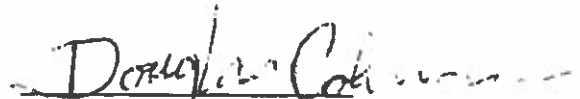
All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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 7TH DAY OF SEPTEMBER, 2004.


SIGNED AND ATTESTED TO THIS 16TH DAY OF SEPTEMBER, 2004.


DOUGLAS COLEMAN
Mayor

ATTEST:


KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:


9.10.04
RICHARD J. STERN
City Attorney

ORDINANCE NO. 1232

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, APPROVING A PLANNED DEVELOPMENT MAJOR AMENDMENT, CASE PZ-5-05, A REQUEST BY E. BOYCE JASPER TO AMEND THE PLAN OF DEVELOPMENT BY ABANDONING THE EXISTING PLAN IN CASE PZ-8-04, BY REPEALING ORDINANCE NO. 1207 AND PROVIDING FOR A LIMITED USE PALLET PENDING FUTURE DEVELOPMENT; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, on September 7, 2004, the Apache Junction City Council, after review and a recommendation for approval by the Planning and Zoning Commission, approved the request for rezoning, Case PZ-8-04, to change the zoning district classification from C-1 ("Neighborhood Commercial/Convenience District") to C-1/PD ("Neighborhood Commercial/Convenience District by Planned Development") for a specific office development, subject to conditions of development; and

WHEREAS, the property owner of the subject parcel has since abandoned the office development plan and is seeking to sell the property to others "as-is"; and

WHEREAS, the Apache Junction Planning and Zoning Commission held a public hearing on Case PZ-5-05 on April 26, 2005, and voted to recommend approval of this request by a 6 to 0 vote.

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

SECTION I: IN GENERAL

- A) Ordinance No. 1207 is hereby repealed.
- B) The zoning district classification on the Zoning District Map, City of Apache Junction, Arizona, for the parcel of land legally described as:

Part of the West half of the Northwest quarter of
The Northwest quarter of the Northwest quarter of

Section 30, Township 1 North, Range 8 East of the
Gila and Salt River Base and Meridian, Pinal County,
Arizona, more particularly described as follows:

Beginning at the Southwest corner of above,
the true point of beginning; thence due East
144 feet; thence North 130 feet; thence due
West 144 feet; thence due South 130 to the
point of beginning; except the West 50 feet
thereof.

Be and hereby is amended from C-1 to C-1/PD, subject to the following
stipulations:

- 1) The following are the only permitted uses of the subject
parcel:

Administrative services for nonprofit organizations
Cultural exhibits and library services
Religious assembly
Administrative and professional services, business
support services, including mimeographing and
publication, but excluding printing
Convenience sale
Food and beverage retail sales
Insurance and real estate services
Medical services
Office; business, professional, or semi-professional
Apparel repair or alteration
Arts or crafts: instruction or studio, excluding
on-site welding or kiln
Barber or beauty shop
Catering services
Custom dressmaking, millinery, hemstitching, or pleating
Custom weaving or mending
Dog grooming
Retail sales
Antique store
Apparel store
Art, needlework, or hand weaving establishment
Bakery

Bicycle shop, excluding motorcycle repair or sales
Dealer in coins, stamps, or similar collector's items
Delicatessen store
Dry goods or notions store
Florist shop
Gift, curio, novelty, toy or hobby shop
Grocery, fruit or vegetable store
Hardware store
Jewelry store, including repair
Leather goods store
Photographic studio, including supplies
Shoe store, including repair
Sporting goods
Tailor Shop

- 2) The existing structure can be utilized as is, where is. Any future expansion or reconstruction of the building shall require a major planned development amendment.
- 3) The property owner shall install a three foot (3') high wall along Meridian Road to screen the view of the parking area from the public right-of-way, provide a paved access way from the street to the parking area, and shall landscape the frontage in-front of the wall on Meridian in full compliance with the City's landscaping and screening code.

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

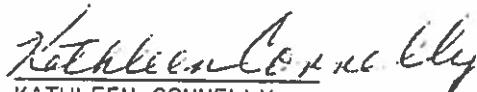
If any section, subsection, sentence, phrase, clause, or portion of this ordinance, or any part of the code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the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

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS 21ST DAY OF JUNE, 2005.


SIGNED AND ATTESTED TO THIS 28TH DAY OF JUNE, 2005.


DOUGLAS COLEMAN
Mayor

ATTEST:


KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

 6.21.05
RICHARD J. STERN
City Attorney

ORDINANCE NO. 1402

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING APACHE JUNCTION CITY CODE, VOLUME II, LAND DEVELOPMENT CODE, BY REPEALING CHAPTER 1, ZONING ORDINANCE, AND ADOPTING BY REFERENCE A NEW CHAPTER 1, ZONING ORDINANCE, BY ADDING TO THE CITY CODE A NEW CHAPTER 1, ENTITLED "APACHE JUNCTION CITY CODE, VOLUME II, LAND DEVELOPMENT CODE, CHAPTER 1, ZONING ORDINANCE"; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, Arizona Revised Statutes (hereinafter "A.R.S.") § 9-462.01 enables cities and their governing bodies to establish zoning regulations; and

WHEREAS, the Mayor and City Council on March 7, 1985, adopted Ordinance No. 350 which established the Zoning Ordinance of the City of Apache Junction ("City"); and

WHEREAS, the Zoning Ordinance needs updating to meet the prevailing land use law that has developed throughout the years and the current land use policy expectations of the community; and

WHEREAS, on December 17, 2013, the Mayor and City Council directed the Development Services Director to update the Zoning Ordinance; and

WHEREAS, in order to meet the public notice requirements, the following public work session meetings were held at City Hall for Planning and Zoning Commission discussion on the proposed zoning code: February 14, 2012; March 13, 2012; April 10, 2012; May 8, 2012; August 14, 2012; September 11, 2012; October 9, 2012; November 13, 2012; January 8, 2013; February 12, 2013; March 12, 2013; April 9, 2013; May 14, 2013; June 11, 2013; August 13, 2013; November 12, 2013; and February 11, 2014; and

WHEREAS, in order to meet the public notice requirements, the following Planning and Zoning Commission public hearings were held at City Hall on the proposed zoning code: February 25, 2014 and March 11, 2014; and

WHEREAS, on March 11, 2014, the Planning and Zoning Commission voted 6:0 to forward the proposed zoning code to the Mayor and City Council; and

WHEREAS, in order to meet the public interaction requirements, the following open houses were held at City Hall for one-on-one public input on the proposed zoning code: February 12, 2014 and February 19, 2014; and

WHEREAS, in order to meet the public notice requirements, the following public work session meetings were held at City Hall for City Council discussion on the proposed zoning code: March 17, 2014; March 31, 2014; and April 14, 2014; and

WHEREAS, in order to meet the public notice requirements, the following City Council public hearing was held at City Hall on the proposed zoning code: May 6, 2014; and

WHEREAS, A.R.S. § 9-802 permits municipalities to enact the provisions of a code or public record theretofore in existence without setting forth such provisions in full text as long as the adopting ordinance is published in full text and at least three copies of the code or public record are filed in the office of the clerk of the municipality and are made available for public use and inspection; and

WHEREAS, pursuant to A.R.S. §§ 9-801(1) and 9-802, codes which may be adopted by reference include those relating to zoning provisions; and

WHEREAS, City staff has determined that for administrative efficiency, it is more appropriate to update the Zoning Ordinance by repealing Chapter 1 of City Code Volume II in its entirety, and replacing it with an updated Chapter 1, to include the updated zoning ordinance provisions.

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

SECTION I IN GENERAL

1. That existing Apache Junction City Code, Volume II, Land Development Code, Chapter 1, Zoning Ordinance, is hereby repealed in its entirety.
2. That certain document known as "Apache Junction City Code, Volume II, Land Development Code, Chapter 1, Zoning Ordinance", three copies of which are on file in the office of the City Clerk, which document was made a public record by Resolution No. 14-28 of the City of Apache Junction, is hereby

referred to, adopted and made a part hereof as if fully set out in this ordinance, pursuant to A.R.S. § 9-802.

SECTION II REPEALING ANY CONFLICTING ORDINANCES

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the codes adopted herein by reference 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 codes or regulations 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.

SECTION IV PROVIDING FOR PENALTIES

After the City exhausts all of its civil violation procedures as referenced in the adopted regulations, any violation of any provisions adopted herein, shall be punishable as a Class 1 Misdemeanor consistent with Apache Junction City Code, Volume I, Chapter 1, GENERAL, Article 1-8, PENALTY.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS 6th DAY OF May, 2014.

SIGNED AND ATTESTED TO THIS 12th DAY OF May, 2014.



John S. Insalaco
Mayor

ATTEST:



KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

ORDINANCE NO. 1436

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTIOK, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA, ZONING ORDINANCE, BY AMENDING THE ZONING DISTRICT MAP, CITY OF APACHE JUNCTION, ARIZONA, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PROPERTY DESCRIBED IN REZONING CASE PZ-9-16, A CITY-INITIATED CORRECTIVE REZONING FOR A PROPERTY OWNED BY ARISTEO AND MARBELLA TOVAR, FROM MEDIUM/HIGH DENSITY SINGLE-FAMILY RESIDENTIAL, CONVENTIONAL OR MANUFACTURED HOME PERMITTED ("RS-7M") TO GENERAL COMMERCIAL DISTRICT BY PLANNED DEVELOPMENT ("B-1/PD"); REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the subject property has been developed as a commercial property with a structure on it, since prior to the city adopting its March 1985 Zoning Ordinance, pursuant to Ordinance No. 350; and

WHEREAS, pursuant to case PZ-2-95, Ordinance No. 927, at the request of previous owner Inus Holt, the property was rezoned from Trailer Homesite ("TH") to Neighborhood Commercial/Convenience District ("C-1"); and

WHEREAS, pursuant to case PZ-8-04, Ordinance No. 1207, at the request of the previous property owner Boyce Jasper, the property was conditionally rezoned from Neighborhood Commercial/Convenience District ("C-1") to Neighborhood Commercial/Convenience District by Planned Development ("C-1/PD"), to allow for an expansion of the commercial development; and

WHEREAS, pursuant to case PZ-5-05, Ordinance No. 1232, at the request of the previous property owner Boyce Jasper, the planned development was amended to repeal Ordinance No. 1207 and revise the pallet of commercial uses permitted on the property; and

WHEREAS, on May 6, 2014, pursuant to Ordinance No. 1402, the City adopted a new zoning ordinance and zoning district maps; and

WHEREAS, said new zoning district maps inadvertently rezoned the subject property from a commercial planned development zoning district to a single-family residential zoning district; and

WHEREAS, on August 16, 2016, the Apache Junction City Council directed staff to initiate a corrective rezoning for the property from "RS-7M" to "B-1/PD"; and

WHEREAS, on September 13, 2016, the Planning and Zoning Commission, after public hearing, voted to recommend approval of rezoning case PZ-9-16 by a vote of 6 to 0; and

WHEREAS, the City Council hereby determines that the proposed rezoning conforms to or will conform to all of the general criteria as specified in the Apache Junction City Code, Volume II, Land Development Code, Chapter 1, Zoning Ordinance, Section 1-5-3, B-1 Non-Residential Use Regulations, and Section 1-4-3, Planned Development ("PD") District and the conditions of Ordinance No. 1232.

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

SECTION I IN GENERAL

That the zoning district classification on the Zoning District Map, City of Apache Junction, Arizona, for the parcel of land legally described as:

That part of the West half of the Northwest quarter of the Northwest quarter of the Northwest quarter of Section 30, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, more particularly described as follows: Beginning at the Southwest corner of said West half of the Northwest quarter of the Northwest quarter of the Northwest quarter, the true point of beginning: thence due east 144 feet; thence North 130 feet; thence due West 144 feet; thence due South 130 feet to the point of beginning; Except the west 50 feet thereof; Except all

beginning; Except the west 50 feet thereof; Except all oil and mineral rights as reserved in Deed recorded in Docket 247, Page 552, Official Records. (Pinal County Assessor parcel 102-33-020);

be and hereby is amended from Medium/High Density Single-Family Residential, Conventional or Manufactured Home Permitted ("RS-7M") to General Commercial District by Planned Development ("B-1/PD"), subject to the following conditions of approval:

- 1) All applicable conditions of Ordinance No. 1232 are still in full force and effect.
- 2) Any dead or overgrown plants must be replaced and the approved landscape plan from PZ-5-05 must be met within a period not exceeding 60 days or by Monday November 14th, 2016.

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 20th DAY OF SEPTEMBER, 2016.


SIGNED AND ATTESTED TO THIS 20th DAY OF SEPTEMBER 2016.


JOHN S. INSALACO
Mayor

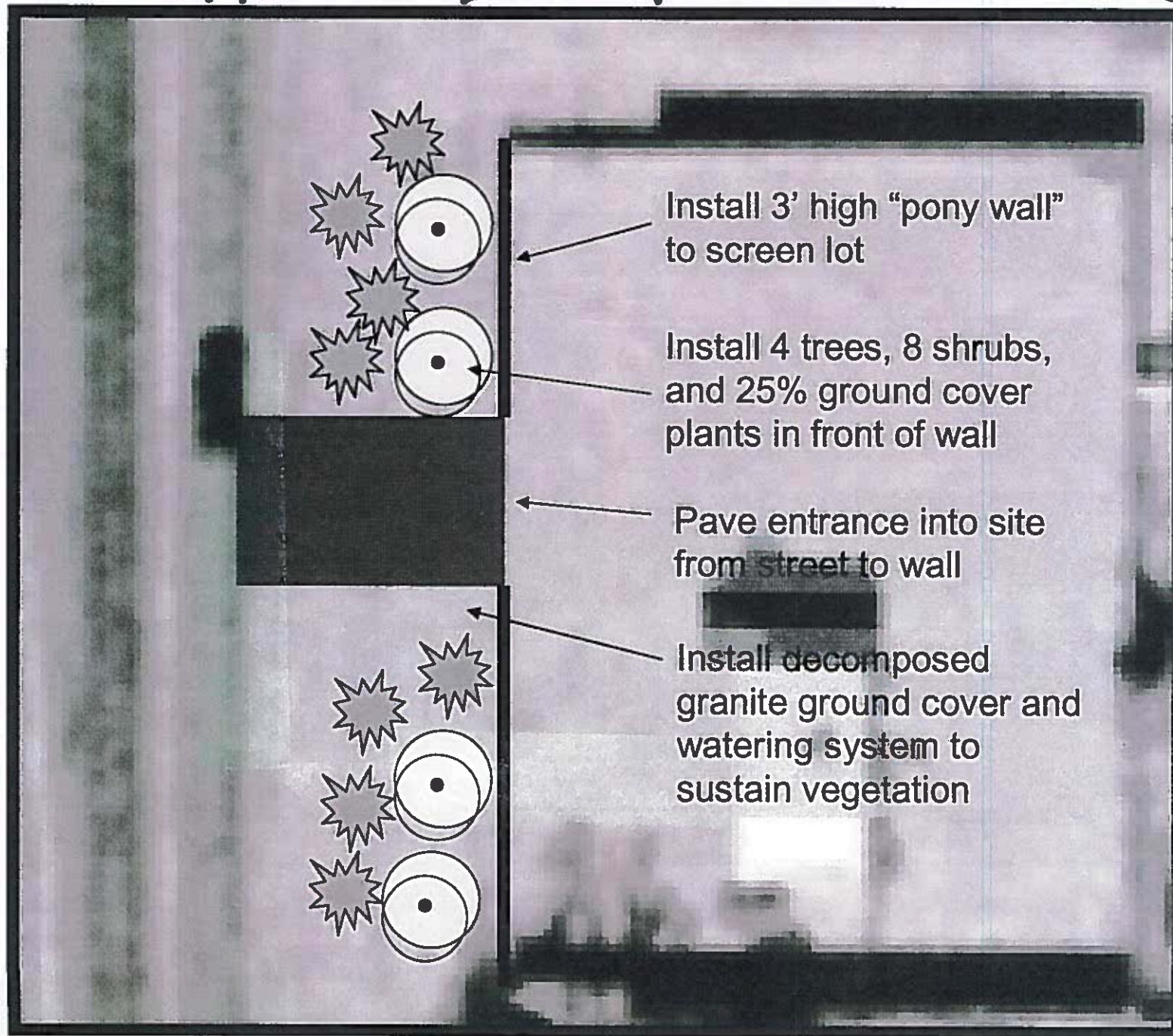
ATTEST:


KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

 9.20.16
RICHARD JOEL STERN
City Attorney

Approved Lanscape Plan PZ-5-05



1081 S. Meridian Dr.
Approximately 500 feet south of SEC
Meridian Drive and Broadway Avenue
Public Participation Final Report
August 24, 2020

Purpose:

The purpose of the Public Participation Final Report is to provide information regarding the efforts made by the applicant to inform citizens and property owners in the vicinity concerning the applicant's request to the City of Apache Junction for the following:

- 1) Amending Ordinance No. 1232 (Case PZ-5-05) and providing a revised pallet of allowed uses on the property.

By providing opportunities for citizen participation, the applicant has ensured that those affected by this application had an adequate opportunity to learn about and comment on the proposed plan.

Contact Information:

Those coordinating the Public Participation activities are as follows:

Reese Anderson
Pew & Lake, PLC.
1744 S. Val Vista Drive, Suite 217
Mesa, AZ 85204
(480)461-4670 (office)
(480)461-4676 (fax)
reese.anderson@pewandlake.com

Jon Gillespie
Pew & Lake, PLC
1744 S. Val Vista Drive, Suite 217
Mesa, AZ 85204
(480) 461-4670 (office)
(480) 461-4676 (fax)
jon.gillespie@pewandlake.com

Actions Taken:

In order to provide effective citizen participation in conjunction with this application, the following actions were taken to provide opportunities for feedback from surrounding property owners:

1. On July 17, 2020, a notification letter was sent to all property owners within 300' of the subject property with detailed information about the site history and the list of proposed uses for the site. Neighbor feedback was solicited in this letter. A copy of these notification materials is attached to this report including the mailing information for property owners notified. A total of 25 letters were sent to surrounding neighbors in both the Apache Junction and Maricopa County jurisdictions.
2. An e-mail and phone distribution list was collected with the names and email addresses of two individuals who inquired about the project in an effort to have continued dialogue regarding changes, if any, to the proposal.

3. Public notification requirements for rezoning were met including posting of the site on August 24, 2020 as evidenced by the attached sign posting photo and affidavit.

Public Input Received

1. A July 23, 2020 voicemail from Linda Shaw requested that sale of medical marijuana and alcohol not be permitted on site. Ms. Shaw lives near the site in Maricopa County. Mr. Anderson returned the call and left a voicemail explaining the request. As of the date of this Report, no return call has been received from Ms. Shaw
2. An email exchange with Kim Xourafas took place between July 23, 2020 and August 6, 2020 to determine whether the subject site affected the secondary access to property owned by Ms. Xourafas at 988 S. Cedar Drive, parcel number 102-33-024A. It was determined that access to Ms. Xourafas' property is offsite and thus would not be affected by future development at the subject site, which satisfied Ms. Xourafas.

Issues Addressed

1. Based on input received from Ms. Shaw and Apache Junction staff, the Applicant has removed its request to allow Medical Marijuana Facilities on site. The sale of alcohol had already been removed from the permitted uses per discussion with Apache Junction staff.
2. The question of whether fire access to Ms. Xourafas' property is affected by this site was resolved by providing additional aerial and property line details to Ms. Xourafas.
3. No other issues were raised in relation to this application.

Project Schedule:

Formal Application – June 8, 2020

Notice to Neighborhood – July 17, 2020

Planning Commission Hearing – September 8, 2020

City Council Hearing – October 6, 2020

Exhibits:

1. Neighborhood Notification Letter, Map and Mailing Lists
2. Sign Posting Photo and Affidavit

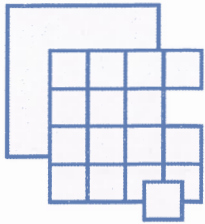


Exhibit 1 - Neighborhood Notification Letter, Map & Mailing Lists

Pew & Lake, P.L.C.
Real Estate and Land Use Attorneys

W. Ralph Pew
Certified Real Estate Specialist
Sean B. Lake
Reese L. Anderson

July 16, 2020

Dear Neighbor:

This firm represents Mr. Mike Tadevossian and his company, ME Investment Group, Inc., who own the real property located at 1081 S. Meridian Drive in Apache Junction, Arizona. The site is identified as Pinal County parcel number 102-33-0200 and is outlined on the attached aerial map. Currently, this quarter acre parcel is not being used and the building on it sits vacant. The property is zoned General Commercial by Planned Development ("B-1/PD"). The purpose of this letter is to inform you that Pew & Lake, PLC is assisting Mr. Tadevossian in working with the City of Apache Junction on a Planned Development Major Amendment in order to expand the number of commercial uses allowed on the site. Please note that there are no changes to the site being proposed at this time and no user has been identified. The proposed list of uses is attached and is a subset of the allowed uses within the General Commercial (B-1) Zoning District.

In 2005, this property was zoned General Commercial by Planned Development ("B-1/PD"), which restricted the number of commercial uses allowed on the property. These limited uses have severely restricted the property so that it remains vacant today. Our client is proposing to expand the list of uses currently allowed under the existing B-1/PD zoning. The proposed PD amendment would expand the list of allowable uses to more closely mirror those allowed under the base B-1 (General Commercial) zoning district. This request necessitates the City of Apache Junction approving our application to expand the available uses.

This notice is being sent to you because a property listed in your name is located within 300 feet of the subject property. Thus, we are contacting you to inform you of the request to amend the planned development currently in place at 1081 S. Meridian Drive, solicit your input and answer any questions that you may have about this request. We will do our best to answer any questions and commit to pass along all questions and comments that we receive from interested parties to city staff.

Given the current COVID-19 pandemic, we will not be holding an in-person neighborhood meeting. Rather, we are asking that you please email or call our office with any comments or questions regarding this request. As noted above, we will answer those questions and relay any comments and questions to the City of Apache Junction Planning Staff, Planning and Zoning Commission, and City Council. We ask that you please respond to this notice **no later than July 30, 2020**, which will allow us to timely submit those comments to the City of Apache Junction.

This letter is not a notice of a public hearing. You will receive an additional notification once the public hearing dates are scheduled for the Planning and Zoning Commission and City Council.

Again, I am available to answer any questions or hear any concerns that you may have regarding this request. You may reach myself or Jon Gillespie in my office via telephone at (480) 461-4670, or via email at: reese.anderson@pewandlake.com or jon.gillespie@pewandlake.com.

Sincerely,

Reese L. Anderson
PEW & LAKE, PLC

PROPOSED LIST OF GENERAL COMMERCIAL (B-1) USES

USES PERMITTED BY RIGHT

New Vehicle Sales/Service/Repair
Used Vehicle Sales/Service/Repair
Automotive Parts and Accessory Sales
Furniture and Home Furnishing Sales
Electronics and Appliance Sales/Repair
Building Materials and Supplies Sales (Indoors)
Lawn and Garden Equipment/Supply Sales
Grocery Stores
Convenience Stores
Specialty Retail Stores
Health, Pharmacy and Personal Care Sales
Clothing and Accessories
Jewelry, Luggage and Leather Sales
Sporting Goods, Hobby, Books and Music Sales
Florist and Novelty Gift Sales
Office Supply Sales
Pet and Pet Supply Sales
Art and Craft Sales
Electronic Shopping and Mail-Order Sales
Bakery Sales (baking for store sales only)
Printing Shop
Finance and Insurance
Office/Sales/Brokers
Banks and Credit Unions
Financing Sales
Securities/Commodities
Office/Sales/Exchanges
Real Estate Office, Agents and Brokers
Vehicle Rental and Leasing
Machinery and Equip. Rental (Indoor)
Legal and Accounting
Engineering/Surveying
Architectural
Planning and Design
Consulting
Advertising and Public Relations
Photography
Veterinary
All Types of Schools
Educational Support Services
Physicians, Dental and Health Practitioners

Outpatient Care Centers
Medical and Diagnostic Labs
Home Health Care Services
Ambulatory Health Care Services
Blood and Organ Banks
General Medical and Surgical Hospitals
Psychiatric & Substance Abuse Facilities
Nursing and Residential Care Facilities
Individual and Family Care Services
Vocational Rehab Services
Child Day Care Services
Museums and Historical Sites
Limited Service Restaurants
Delicatessen
Caterers
Confectionary and Ice Cream Sales
General Automotive Repair
Electronic Equipment Maintenance & Repair
Business Equipment Maintenance and Repair
Furniture Repair and Maintenance
Footwear and Leather Goods Repair
Personal and Household Goods Repair
Laundry and Dry Cleaning Services
Hair, Nails and Skin Care Services
Photo Services
Religious and Fraternal Organizations
Social Advocacy Organizations
Human Rights Organizations
Conservation Organizations
Business and Prof. Organizations
Labor Organizations
Political Organizations
Government Offices and Courts
Ancillary Manufacturing
Contractors office, shop and/or storage (indoors)
Craftsman and Artisan (Indoors)
Taxi and Limousine Service
Newspaper, Periodical and Book Publishing
Broadcasting and Recording
Telecommunications
Data Processing
Office Administration Services
Employment Services
Business Support Services

Travel Services
Investigation and Security Services
Assisted Living Facility
Solar Panels
Vape Shops

PERMITTED USES SUBJECT TO A CONDITIONAL USE PERMIT

Boat, ATV & Motorcycle Sales/Service
Nursery/Greenhouses with On-Site Sales
Medical Marijuana Facilities
Machinery and Equipment Rental (Indoor/Outdoor)
Car Washes
Pet Care
Postal, Courier and Delivery Service
Cleaning, Landscaping and Exterminating Serv.

NONPERMITTED USES

RV Sales/Service/Repair
Manufactured/Mobile Home Sales
Building Materials and Supplies Sales (Indoors and/or Outdoors)
Feed and Fertilizer Sales
Department Stores
Shopping Centers
Beer, Wine and Liquor Sales
Gasoline Stations
Gasoline Stations with Convenience Store
Department Stores and Warehouse Clubs
Used Merchandise Sales
Tobacco Sales
Pawn Shops
Check Cashing Store
Community Food and Relief Services
Performing Arts Facilities
Hotels, Motels, and Bed & Breakfast Inns
RV Parks and Campgrounds
Full Service Restaurants
Drinking Places (serving alcohol)
Tattoo Services
Death Care Services
Cemeteries and Crematories
Animal Hospitals and Kennels
Contractors office, shop and/or storage (indoors and/or outdoors)
Craftsman and Artisan (Indoors or outdoors)



Map



102330080

180 ft

10233055A

102330120

102330130

3000

W 91102320500

[illegible]

10233010E

102330140

102330150

10233016A

102330190

10 23370 10

3000

W 9TH PL

102330200

102330210

102330220

10233024

102330250

102330260

500

NAP

102330450

10233047D

NAP

OR

Q

S CEDAR DR

S CEDAR DR

, PEREZ ANITA & ANDRES
3045 W 9TH AVE
APACHE JUNCTION, AZ 85120

MARINERS APACHE 1 LLC PEREZ ANITA & ANDRES
1303 AVOCADO AVE STE 200 MAIL RETURN
NEWPORT BEACH, CA 92660 ,

REGAL MANOR PROPERTIES L... DEMELLO JOSEPH JR
13602 S 34TH ST 7807 E MAIN ST LOT 115
PHOENIX, AZ 85044 MESA, AZ 85207

ME INVESTMENT GROUP INC CITY OF APACHE JUNCTION
1910 S PRIEST DR APT 103 300 E SUPERSTITION BLVD
TEMPE, AZ 85281 APACHE JUNCTION, AZ 85119

FRAMNES JOSEPH WILLIAM
3145 W 9TH PL
APACHE JUNCTION, AZ 85120 ,

CONN STEVEN PACE WENDELL
3109 W 9TH PL 8607 E ORANGE BLOSSOM LN
APACHE JUNCTION, AZ 85120 SCOTTSDALE, AZ 85250

XOURAFAS ILIAS & KIM M TRS GARY BARON KENT
723 S HILTON RD 3070 W 9TH AVE
APACHE JUNCTION, AZ 85119 APACHE JUNCTION, AZ 85120

, PERL STEVE A
PO BOX 14402
PHOENIX, AZ 85063

EDWARDS GARY WAYNE SR
10610 E BOULDER DR
APACHE JUNCTION, AZ 85120

ABERNATHY WALTER LOUIS
3130 W 9TH PL
APACHE JUNCTION, AZ 85120

220-78-037
BYRNE MARGARET A
11547 E CRESCENT AVE
MESA AZ 85208

220-78-038
MANGUM MICAH/ALEXANDRA
428 S MERIDIAN RD
APACHE JUNCTION AZ 85210

220-78-039
WOITT TOM/DIANA
11552 E MARGUERITA
MESA AZ 85208

220-78-040
PEVETO MARK WAYNE/MICHELLE LEE
11548 E MARGUERITE AVE
MESA AZ 85208

220-78-063A
HERNANDEZ PATRICIA M
11547 E MARGUERITE AVE
APACHE JUNCTION AZ 85220

220-78-064A
GRIFFITH TERRY W/SARA L
11551 E MARGUERITE AVE
MESA AZ 85208

220-78-065
ESCOBEDO LOURDES
466 S MERIDIAN RD
APACHE JUNCTION AZ 85220

220-78-066
THOMPSON BILL DONALD
11548 E ELTON AVE
MESA AZ 85220

220-78-089
SHAW LINDA E
11547 E ELTON AVE
MESA AZ 85208-5507

220-78-090
PARSONS CASSANDRA R
502 S MERIDIAN RD
APACHE JUNCTION AZ 85120

Exhibit 2- Sign Posting Photo and Affidavits



Exhibit H:

Affidavit for Posting Notice

Case Number PZ-6-20
Project Name 1081 S. MERIDIAN
Project Location SEC 9TH PL & MERIDIAN RD.
Site Posting Date AUGUST 24, 2020
Applicant Name REESE ANDERSON & JON GILLESPIE, PEW & LAKE, PLC
Agent Name MARIA HITT, DYNAMITE SIGNS
Sign Company Name DYNAMITE SIGNS
Applicant Phone Number 480-461-4670
Applicant Email jon.gillespie@pewandlake.com

I confirm that the site has been posted by me or my agent for the case listed above as required by the City of Apache Junction and a photo and/or map of the sign posting location on the property is attached.

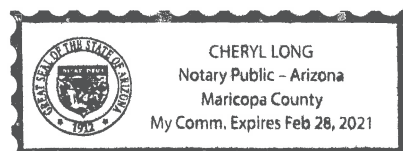
Applicant Name JON GILLESPIE
Applicant Signature [Signature]
Date of Sign Posting AUGUST 24, 2020

STATE OF ARIZONA)
) ss.
COUNTY OF PINAL)

Acknowledged and sworn to before me this 24th day of August
2020.

[Signature]
(NOTARY PUBLIC)

My Commission Expires: 2/28/2021



AFFIDAVIT OF SIGN POSTING

The undersigned Applicant has complied with Apache Junction's posting requirements for Case # PZ-6-20, located Southeast corner of 9th Place and Meridian Rd , on August 24th, 2020.

See attached photo exhibit.

For applicant:

Dynamite Signs, Inc.
Sign Company Name

Maria Hitt
Sign Company Representative

Subscribed and sworn to be on this 24th day of August, 2020, by Maria Hitt.

IN WITNESS WHEREOF, I Hereto set my hand and official seal.

Marybeth Conrad
Notary Public



My Commission expires: 10.25.20

~~5~~ 5-7-14

RICHARD J. STERN
City Attorney