



# City of Apache Junction

## Development Services Department



### APACHE JUNCTION CITY COUNCIL STAFF REPORT

**Date:** September 21, 2021

**To:** Honorable Mayor and City Council Members

**Through:** Larry Kirch, Development Services Director  
Rudy Esquivias, Planning Manager/Zoning Administrator

**From:** Nicholas Leftwich, Associate Planner

**Subject:** September 20, 2021 City Council Work Session Item;

September 21, 2021, City Council Public Hearing Item:  
AM-1-21 (Resolution No. 21-30, Ordinance 1508)

Presentation, discussion and consideration on proposed text amendments to Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, § 1-5-3 Non-Residential Use Regulations and § 1-5-4 Non-Residential Bulk Regulations.

#### **BACKGROUND**

On August 17, 2021, the City Council held a public hearing for the presentation and discussion of the proposed amendments to Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations. Following the reception of public comments and council discussion, the public hearing item concerning the proposed amendments was continued until September 21, 2021 to allow further study and consideration of how to properly shape the "B-3" City Center Land Use categories.

August 17, 2021 City Council Public Hearing:

[http://apachejunction.granicus.com/player/clip/1978?view\\_id=2&redirect=true](http://apachejunction.granicus.com/player/clip/1978?view_id=2&redirect=true)

Under this direction, staff researched and re-evaluated the land use categories of consideration and presents the revised document "August 2021 Amendments to the Apache Junction City

Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, § 1-5-3 Non-Residential Use Regulations and § 1-5-4 Non-Residential Bulk Regulations” for council consideration and public hearing.

Regarding the discussion items:

- As noted in council discussion, there was some confusion about how the code language handled accessory retail and service uses. Footnote 6 has been updated with clearer language and utilized more frequently within the table to designate that the noted use is permitted when accessory to a permitted primary use, such as how a grocery store sells bottled gas, but a stand-alone bottled gas store is not a permitted primary use in the B-3 district.
- The land uses identified in the August 17<sup>th</sup> meeting have been re-evaluated. Printing shops and offices have been amended to be allowed without additional restrictions in the B-3 zone. Auto part sales and appliance repair are permitted when incidental to a permitted primary use. Staff recommendation regarding car washes, auto repair shops, nurseries and greenhouses, and antique stores has not changed.
- Vehicle Showrooms, such as those that luxury auto dealerships have located inside of malls, were further researched with discouraging results, and as such they have not been added as a separate category from the inclusive “Motor Vehicle Dealer” land use category.
- Staff recommends that the Conditional Use Permit requirement for Outdoor Amplified Music for restaurants and bars remain unchanged. Other jurisdictions, such as the Town of Gilbert, have noted that other noise problems such as extreme bass levels disturbing nearby residents can occur even when the decibel levels that the city's noise ordinance regulates do not exceed city standards.

#### Staff Recommendation

The proposed text amendment has been drafted in order to address several needs within the current land use regulations of Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations.

Planning staff recommends approval of the proposed text amendment.

Resolution No. 21-30 adopts the document “August 2021 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and

Use Regulations, § 1-5-3 Non-Residential Use Regulations and § 1-5-4 Non-Residential Bulk Regulations” as public record.

Ordinance No. 1508 amends the code through the process of repealing the current sections and replacing them with the amended version, adopting by reference the document made public record through Resolution No. 21-30.

#### Planning and Zoning Commission Recommendation

A Planning and Zoning Commission public hearing was held on July 27, 2021. The Commission unanimously recommended approval of the text amendment in a vote of 7-0.

From the time of that recommendation the amendments have been altered in the manner noted above, as well as other edits as directed by the city council in the August 2, 2021 Work Session and as reported previously in the August 17<sup>th</sup> City Council meeting. These changes were to the allowances for data centers, trade schools, administrative services and shopping center developments, as well as a change to the percent requirement of how much acreage a residential development replacing a commercial development would be required to retain for commercial uses from 45% to 35%.

The attached ordinance represents the combination of the Commission’s recommendation and these requested changes.

#### Attachments:

- Ordinance No. 1508
- Resolution No. 21-30
- August 2021 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, § 1-5-3 Non-Residential Use Regulations and § 1-5-4 Non-Residential Bulk Regulations
- Changelog of Article 1-5 Amendments
- P&Z Staff Report (July 27, 2021)
- Public Comment Letters