



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



Conditional Use Permit Application

City of Apache Junction
Development Services Department
<http://www.apachejunctionaz.gov/81/Development-Services>

CONDITIONAL USE PERMIT PROCEDURES AND REQUIREMENTS

The following checklist is intended to provide the applicant with an overview of the application process and requirements for conditional use permits ("CUP"). For more detailed information regarding conditional use permits please refer to Section 1-16-12 of the City of Apache Junction Zoning Ordinance (see "City Code On-Line" at <http://www.apachejunctionaz.gov/>).

Step 1: Pre-Application Meeting. The applicant schedules an informal pre-application meeting with planning staff to discuss their proposed use/project and to review the application materials and be informed about the process.

Step 2: Submit CUP Application. The applicant shall complete and submit an application for CUP approval through the online portal at <https://www.mygovernmentonline.org/> and submit the required information for planning staff review. If the application and plans are not complete, the public hearing process and final action will be delayed.

Be sure that:

- ✓ The application form is filled out completely and includes any narrative and supporting documentation you wish to provide.
- ✓ Other items and materials required by the application form and/or necessary for the conditional use permit are provided.
- ✓ All persons having an ownership interest in the property (e.g. husband and wife, contract seller and buyer, partners, corporation) have signed the Ownership Certification. Submit a copy of the warranty deed, quit-claim deed, joint tenancy deed or a title report for the property to establish some reasonable proof of property ownership.
- ✓ If the CUP proposes any physical changes to the exterior of the existing building and/or site, the applicant shall submit a Site Plan in accordance with the checklist below.
- ✓ One (1) copy of the Pinal County Assessor's Tax Parcel Map showing the subject property and surrounding parcels within a 300 foot radius of the property boundaries is included in the submitted application. These maps are available using the Zoning Viewer available from the County's Information Technology GIS Data Distribution website at <http://www.pinalcountyaz.gov/informationtechnology/pages/gis.aspx>.
- ✓ Address labels, which include the assessor's parcel number (APN) of all property owners within a 300 foot radius of the subject property are included in the submitted application. Property owner addresses may be obtained from the Zoning Viewer available from the County's Information Technology GIS Data Distribution website (most current listing) or from a title company (must be less than 30 days old). From the provided labels, the surrounding property owners will be notified of your request and the date of the public hearing.
- ✓ Signed Mailing Label Certification.

- ✓ A Public Participation Plan.
- ✓ Signed and Notarized Proposition 207 Claim Waiver.
- ✓ A signed Affidavit for Posting CUP Notice and a picture of the posted sign must be turned into staff when the sign is posted.

Step 3: P&Z Public Hearing. Following the P&Z initial meeting, a public hearing for the Commission is scheduled. The applicant shall arrange to post a notice on the subject property at least 15 days prior to the hearing date. A signed Sign Posting Affidavit and a picture of the posted sign must be turned into staff when the sign is posted. Planning staff shall arrange for the Notice of Public Hearing to be published in the Arizona Republic newspaper at least 15 days before the hearing date. Applicants are requested to be present at the hearing.

At the hearing, city planning staff will offer a recommendation to the Commission. In evaluating the CUP request, planning staff and the Commission will consider the factors outlined in the zoning code such as adequacy of roadways; off-street parking; public facilities; potential nuisances arising from the emission of odors, pollutants or noise; potential blight to the neighborhood; compatibility with surrounding uses and structures; screening and buffering of uses and conformance with the 2020 General Plan. Staff may recommend approval, denial or approval with conditions. The Commission may approve, deny or approve with conditions.

Conditional Use Permits are granted at the discretion of the Commission only upon a finding that the proposed use, operations and plan will not be detrimental to persons residing or working in the area, to adjacent property, to the neighborhood, or to the public welfare in general. The burden of proof for satisfying these conditions rests with the applicant.

Appeal

The decision of the Commission is final unless, within twenty (20) days from the date of decision, the applicant appeals the decision to the City Council. Appeals shall be filed in writing and submitted to the City Clerk and shall indicate where, in the opinion of the appellant, the Commission was in error. Appeals must be accompanied by a fee equal to 50% of the original filing fee.

All appeals will be considered by the City Council at a Public Hearing. At the Hearing, the City Council will uphold, modify or overrule the decision of the Commission. The decision of the City Council will be final. Once the permit has been approved, it is valid for 12 months or the time stipulated by the Commission within which the use or substantial construction must begin in order to vest the Permit.

Step 4: Proceed to Building Permit. Once the plans have been reviewed by planning and engineering staff and the CUP is approved by the Commission assuming no appeal is filed, the applicant may make application to the Building Division and submit required building plans for issuance of a building permit.

CONDITIONAL USE PERMIT (CUP) APPROVAL PROCESS

Pre-Application Meeting with Development Services Staff



Submittal of CUP Application and Plans



Planning and Zoning Commission Public Hearing and Decision



20 Day Appeal Period



Submittal of Final Plans and Building Permit Application to Development Services Department for Staff Review
and Approval



Building Permits Issued



Inspection to Verify Project Complies with CUP Requirements

CONDITIONAL USE PERMIT APPLICATION

SUBJECT INFORMATION	
PROJECT NAME:	
PROPERTY ADDRESS:	ASSESSOR'S PARCEL NO.
GROSS ACREAGE:	CURRENT ZONING DISTRICT:
TYPE OF APPLICATION: ☐ RESIDENTIAL USE/EXTENSION/AMENDMENT ☐ NON-RESIDENTIAL USE/EXTENSION/AMENDMENT ☐ COMPREHENSIVE SIGN PACKAGE ☐ LANDSCAPE ORDINANCE APPEAL	
PROPERTY OWNER	
NAME:	
MAILING ADDRESS:	
EMAIL:	TELEPHONE:
APPLICANT	
NAME:	
MAILING ADDRESS:	
EMAIL:	TELEPHONE:
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	_____ Date
_____ Applicant Signature	_____ Date
REVIEW TIMEFRAME	
ADMINISTRATIVE COMPLETENESS REVIEW: 5 DAYS	REVIEW OF SUBMITTAL: 30 DAYS

CONDITIONAL USE PERMIT SUBMITTAL CHECKLIST

PLEASE RETURN THIS APPLICATION WITH YOUR SUBMITTAL. SUBMITTALS WITHOUT THE INFORMATION BELOW WILL BE CONSIDERED INCOMPLETE AND WILL BE REJECTED. ALL SUBMITTAL MATERIALS MUST BE DELIVERED IN PDF FORMAT.

PLEASE NOTE: ALL CONDITIONAL USE PERMITS ARE REQUIRED TO HAVE A PRE-APPLICATION MEETING PRIOR TO A FORMAL SUBMITTAL.

- ☐ Project Narrative of Proposed Request (See Page 9 for further details)
 - ☐ Site Plan
 - ☐ Elevations and Floor Plans (if applicable)
 - ☐ Copy of deed establishing ownership
 - ☐ Mailing Label Certification
 - ☐ Mailing Labels (with Pinal and/or Maricopa County parcel maps)
 - ☐ Public Participation Plan with sample letter
 - ☐ Signed and Notarized Proposition 207 Waiver (original document must be mailed in to the Development Services Office)
 - ☐ Application Fees
-

Fees for Conditional Use Permits

Conditional Use Permit for Residential/ Extension/ Amendment*	\$700
Conditional Use Permit for Non-Residential/ Extension/ Amendment*	\$800
Sign Package by Conditional Use Permit*	\$800
Landscape Ordinance Appeal by Conditional Use Permit*	\$600
Legal Advertisement Cost	\$250

*Add 4% technology fee to the application fee plus a \$25 GIS fee.

Information for Mailing Labels

- Labels should be Avery Address Labels #5160 or comparable, approximately 1" x 2-5/8" each, 30 labels to a sheet.
- Labels shall include all property owners within a 300 feet radius of subject property:

- Label Sample:

Line 1:	100-01-001A	<i>[Assessor Parcel No.]</i>
Line 2:	John Doe	<i>[Name]</i>
Line 3:	123 Elm St.	<i>[Address/PO Box]</i>
Line 4:	Apache Junction, AZ 85118	<i>[City/State/Zip]</i>

- Please print or type all information on the labels.

NOTE: Property owner information must be obtained from the Pinal County Assessor's records at <https://pinal.maps.arcgis.com/apps/webappviewer/index.html?id=7ab8c3bf67a84f97a1e64dcf435b8b27> . Mailing labels may be generated through this website, as well.

Mailing Label Certification

I/We, _____,

hereby certify that this is a complete list of property owners within 300 feet of the property proposed for rezoning or other permit approval as obtained from the Pinal County Assessor's Office on: (date obtained)

_____.

I/We further certify that this list is not older than thirty (30) days at the time of filing of said application.

PLEASE PRINT

Property Owner Name

Signature

Street Address

City, State, Zip

Telephone

Property Owner Name

Signature

Street Address

City, State, Zip

Telephone

Agent Name

Signature

Street Address

City, State, Zip

Telephone

Project Narrative Requirements

A project narrative describing the proposed request is required for application submittal. Per § 1-16-12 Conditional Use Permits, Administrative Use Permits and Building Permits of the Apache Junction Zoning Ordinance, a CUP may be granted upon a finding by the Commission that the use covered by the permit, the manner of its conduct, and any structure involved will not be detrimental to persons residing or working in the area, to adjacent property, to the neighborhood, or to the public welfare in general. The burden of proof for satisfying the aforementioned requirements shall rest with the applicant.

In order to provide the Planning and Zoning Commission adequate information to make a proper determination regarding if the request meets these requirements, the project narrative should include information about the request including, but not limited to:

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

Public Participation Process

Intent: Pursuant to Arizona Revised Statutes, any public hearing request for a General Plan amendment, rezoning, specific plan and planned development shall follow the Public Participation Process and prepare a public Participation Plan. A Public Participation Plan for Conditional Use Permits and Variance requests shall be required at the discretion of the case planner. These requests require a complete application through the Development Services Department Planning and Zoning Section.

- A. Pre-Application Meeting: A pre-application review by the Planning and Zoning staff is required prior to application of any request for a Conditional Use Permit.
- B. Public Hearing Application: Planning and Zoning staff will evaluate an application for completeness. A complete application shall contain at least the following information:
- An Application form.
 - An Applicant's Public Participation Plan.
 - Statement the application complies with the Major Amendment requirements where applicable.
 - Any additional information specified by the Development Services Director.
 - An application fee and any other required fee.
- C. Applicant's Public Participation Plan shall include:
- Report cover page.
 - Description of the project and possible impacts
 - How the applicant will inform the public about the proposed project and allow for public input.
 - Issues that were raised through citizen contact.
 - How the applicant will address issues raised by staff and the public.
 - Applicants are not precluded from incorporating additional elements into their public participation program.
- D. Implementation of Public Participation Plan: Prior to the first public hearing on the application, applicant must have implemented their Public Participation Plan, including holding a neighborhood meeting. At a minimum, notification regarding the project and neighborhood meeting shall include:
- Property owners within the public hearing notice area of 300 feet as identified through the County Assessor's Mapping Website at:
<https://pinal.maps.arcgis.com/apps/webappviewer/index.html?id=7ab8c3bf67a84f97a1e64dcf435b8b27>.
 - Nearest school district(s)
 - The head of any homeowners association or registered neighborhood group within the public notice area.
 - Other interested parties who have requested that they be placed on the interested parties' notification list maintained by the Planning and Zoning staff.

Public Participation Process Continued

E. Applicant's Public Participation Final Report:

1. Applicants shall provide a written report for approval on the results of their citizen participation effort prior to the notice of public hearing. This report will be attached to the Planning and Zoning staff's public hearing case report.
2. At a minimum, the Public Participation Final Report shall include the following information:
 - Dates and locations of all meeting where citizens were invited to discuss the proposal.
 - Content, dates mailed, and number of mailings, including examples of letters, meeting notices, newsletters, and other publications.
 - The location of residents, property owners, and interested parties receiving notices, newsletters, or other publications.
 - The number of people that participated in the process.
 - Summary of concerns, issues, and problems expressed during the process including the substance of the concerns, issues, and problems and how the concerns were addressed or resolved.

F. Site Posting Requirements:

1. The applicant for a Conditional Use Permit will erect, not less than 15 days prior to the first public hearing date, a sign on the subject property providing notice of the nature of request, date, time, and place of the scheduled hearing. The size, format, placement, and procedure shall be described by the Development Services Department.

Proposition 207 Waiver

If multiple owners need to sign the waiver,
make additional copies.

State law dictates that only the original document of the signed
and notarized Proposition 207 Claim Waiver can be recorded.
Copies or electronic files will not be accepted.

Please mail the original document to the City of Apache Junction
Development Services Department at 300 E. Superstition
Boulevard, Apache Junction, AZ 85119.

When Recorded Return to:
City of Apache Junction
Development Services Department
300 E Superstition Blvd.
Apache Junction, AZ 85119

DIMINUTION IN VALUE AND JUST COMPENSATION CLAIM WAIVER/INDEMNIFICATION/ACKNOWLEDGEMENT

I/We, _____, as owners of property identified as Pinal County Assessor Parcel No. _____, which is the subject of Apache Junction City Council, Planning & Zoning/Board of Adjustment or other Case No. _____, hereby waive any and all potential diminution in value and just compensation claims or lawsuits that could be pursued against the City of Apache Junction ("City"), its elected officials, appointees and employees as a result of the Planning and Zoning Commission/Board of Adjustment/Council's action in the above-referenced matter. This waiver is authorized pursuant to A.R.S. § 12-1134(I). I/We also hereby warrant and represent I/We am/are owner(s) of the above-referenced property and that no other person has any ownership in such property.

Printed Name of Owner

Printed Name of Owner

Signature of Owner

Signature of Owner

Date

Date

State of Arizona)

) ss

County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20__ by _____

My Commission Expires:

Notary Public

Affidavit for Posting Notice

Case Number: _____

Project Name: _____

Project Address: _____

Sign Company Name: _____

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: _____

Applicant Signature: _____

Date of Sign Posting: _____

STATE OF ARIZONA)
) ss.
COUNTY OF PINAL)

Acknowledged and sworn to before me this _____ day of _____
20____.

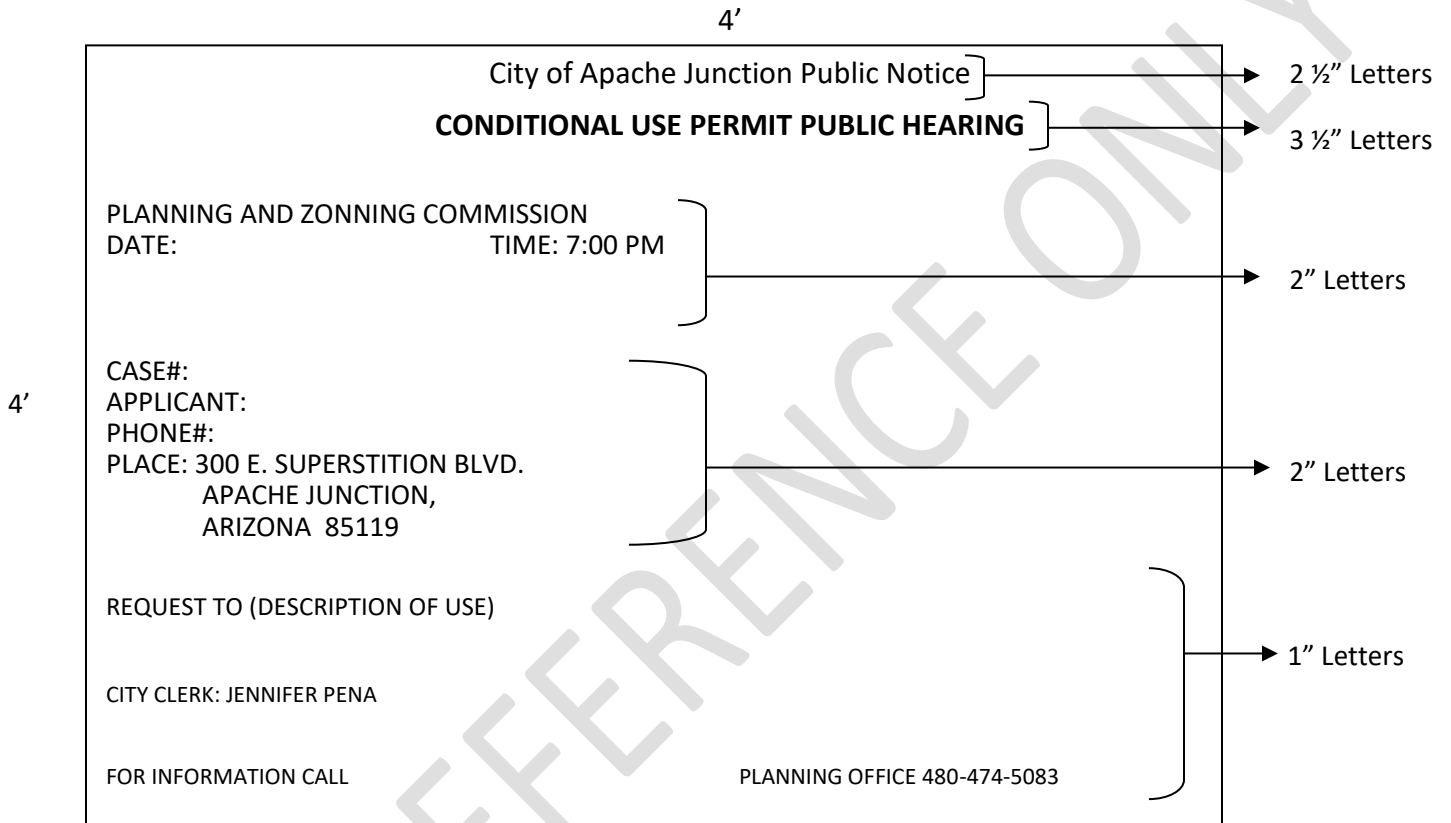
(NOTARY PUBLIC)

My Commission Expires: _____

Sign Posting

The applicant is responsible for posting and maintaining a 4' x 4' Plywood or Aluminum sign. Provide an affidavit of sign posting with photo of sign and date of posting at least 15 days prior to the Public Hearing.

Criteria for Posting Sign:



- Applicant must remove sign within 10 working days after the city council Public Hearing.
- Height of sign must be 6 feet from finished grade to the top of the sign (Wooden Stakes to be used)
- **FONT SHOULD BE LEGIBLE AND LETTERS BOLDDED AND CAPITALIZED.**
- **COLORS: Body must be white and lettering to be flat black**