



City of Apache Junction, Arizona

Meeting Minutes Planning and Zoning Commission

Meeting location:
City Council Chambers
at City Hall
300 E Superstition Blvd
Apache Junction AZ
85119

apachejunctionaz.gov
P: (480) 474-5083

Doors are open to the public at least 15 minutes prior to the posted meeting start time.

Tuesday, September 24, 2024

7:00 PM

City Council Chambers

1. Call to Order

Chair Hantzsche called the meeting to order at 7:00 pm.

2. Pledge of Allegiance

Chair Hantzsche led the Pledge of Allegiance.

3. Roll Call

Present: 6 - Chairperson Hantzsche
Vice Chair Barker
Commissioner Gage
Commissioner Begeman
Commissioner Cantwell
Commissioner Bigelow

Absent: 1 - Commissioner Kalan

Staff present:

Joel Stern, City Attorney
Rudy Esquivias, DS Director
Sidney Urias, Planning Manager
Nick Leftwich, Planner

4. Consent Agenda

Vice Chair Barker moved to accept the agenda as presented and approve the minutes of the September 10, 2024 regular meeting. Commissioner Cantwell seconded the motion.

Yes: 6 - Chairperson Hantzsche, Vice Chair Barker, Commissioner Gage, Commissioner Begeman, Commissioner Cantwell and Commissioner Bigelow

No: 0

Absent: 1 - Commissioner Kalan

Chair Hantzsche called for a motion.

[24-803](#) Consideration of approval of agenda.

[24-804](#) Consideration of approval of the minutes of the September 10, 2024 regular meeting.

5. Public Hearings

[24-802](#)

Presentation, discussion, public hearing, and consideration of Case P-24-70-AM, a proposed text amendment of the Apache Junction City Code Vol. I, Chapter 9: Health & Sanitation, Article 9-1: Property Maintenance Standards, § 9-1-4 Enforcement and Abatement and City Code Vol. II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-16: Administration, § 1-16-16 Violations, Penalties and Enforcement to amend the zoning violation penalty fees to match the property maintenance penalty fees.

Vice Chair Barker moved that the Planning and Zoning Commission recommend to the Apache Junction city council that the fees remain the same for the first and second offenses of zoning violation and property maintenance violations, and that the third offense become the number three option on option two, (which is a criminal fine not to exceed \$2500, and other criminal penalties as a result of a class 1 misdemeanor conviction), of text amendment case P-24-70-AM, amendment of the Apache Junction City Code, Volume I, Chapter 9, Health and Sanitation, Article 9-1, Property Maintenance Standards, Article 9-1-4, Enforcement and Abatement and City Code Volume II, Land Development Code, Chapter 1, Zoning Ordinance, Article 1-16, Administration, Article 1-16-16 Violations, Penalties and Enforcement, as described in the attached text exhibit. Commissioner Begeman seconded the motion.

- Yes:** 6 - Chairperson Hantzsche, Vice Chair Barker, Commissioner Gage, Commissioner Begeman, Commissioner Cantwell and Commissioner Bigelow
- No:** 0
- Absent:** 1 - Commissioner Kalan

Planner Leftwich gave a presentation on case P-24-70-AM and asked for questions from the commission.

Commissioner Bigelow inquired as to what instigated this text amendment. Director Esquivias stated the Community Development Corporation (CDC) works on cleaning up properties, and the higher fees would provide more incentive for keeping the properties clean. The issue was brought to city council who provided direction to staff.

Vice Chair Barker asked for definitions of zoning code violations and property maintenance code violations. Planner Leftwich responded to her question and provided examples.

City Attorney Stern stated zoning cases aren't easy and judges must be educated, as well as attorneys and city staff members. He stated that in his opinion, criminal misdemeanor is needed for the third offense.

The commission discussed among themselves various situations and gave their opinions on the matter with input from City Attorney Stern. Director Esquivias stated the higher fees are for the violators who don't cooperate and clean up their property after receiving a notice of violation, and the higher fees would provide incentive to violators to comply with the notice of violation. Commissioner Cantwell was in favor of the first violation fee at \$350, the second violation fee at \$600 and third violation to \$2500 for both zoning and property maintenance violations in order to be consistent. However, the general consensus among the commission was that they didn't want to increase the fees for the first and second offense because most of the violators comply.

The commission decided against the recommended motions and decided to keep the current fees the same for the first and second violation for both zoning and property maintenance code violations, but increase the third violation to a criminal fine of \$2500.

Chair Hantzsche opened the public portion of the hearing. Having no one speak, Chair Hantzsche closed the public portion of the hearing.

Chair Hantzsche called for a motion.

6. Old Business

None.

7. New Business

None.

8. Information and Reports

None.

9. Director's Report

Director Esquivias mentioned the informational video on Proposition 486 road tax and stated they would like Pinal County residents to be aware and get the word out.

Director Esquivias mentioned the boards and commissions interviews are scheduled for October, and stated there will be two openings on the Planning and Zoning Commission.

10. Selection of Meeting Dates, Times, Location and Purpose

[24-805](#) Regular meeting at 7:00 pm on Tuesday, October 8, 2024, in the city council chambers located at 300 E. Superstition Blvd., Apache Junction.

Commissioner Cantwell moved that the Planning and Zoning Commission hold a regular meeting on October 8, 2024 at 7:00 pm in the city council chambers located at 300 E. Superstition Boulevard. Commissioner Gage seconded the motion.

Yes: 6 - Chairperson Hantzsche, Vice Chair Barker, Commissioner Gage, Commissioner Begeman, Commissioner Cantwell and Commissioner Bigelow

No: 0

Absent: 1 - Commissioner Kalan

Chair Hantzsche called for a motion.

11. Adjournment

Chair Hantzsche adjourned the meeting at 7:34 pm.

Chair Dave Hantzsche