



City of Apache Junction, Arizona

Meeting Minutes City Council Meeting

Meeting location:

City Council Chambers
at City Hall
300 E. Superstition Blvd
Apache Junction, AZ
85119

apachejunctionaz.gov
Ph: (480) 982-8002

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

Tuesday, November 19, 2024

7:00 PM

City Council Chambers

A. CALL TO ORDER

Mayor Wilson called the meeting to order at 7:00 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Councilmember Heck gave the invocation and Vice Mayor Schroeder led the meeting attendees in the Pledge of Allegiance.

C. ROLL CALL

Present: 7 - Mayor Wilson
Vice Mayor Schroeder
Councilmember Nesser
Councilmember Heck
Councilmember Johnson
Councilmember Cross
Councilmember Soller

Staff in Attendance:

Bryant Powell, City Manager
Matt Busby, Assistant City Manager
Evie McKinney, Deputy City Clerk
Joel Stern, City Attorney
Kayla Fulmer, Director of Marketing and Communications
Rudy Esquivias, Development Services Director
Johnny John, Assistant Police Chief
Kelsey Schattnik, Planner
Nicholas Leftwich, Planner
Erika Hernandez, Associate Planner
Theint Ko, Planning Intern

D. CONSENT AGENDA

Councilmember Johnson moved, seconded by Councilmember Nesser to approve the Consent Agenda.

Yes: 7 - Mayor Wilson, Vice Mayor Schroeder, Councilmember Nesser, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

No: 0

1. [24-817](#) Consideration of acceptance of agenda.
2. [24-822](#) Consideration of approval of minutes of the regular meeting of November 5, 2024.
3. [24-909](#) Consideration of approval of procurement of a city fleet vehicle and equipment in the current budget year for the Public Works Facilities Maintenance Division for use by newly added Facilities Maintenance Technician. Purchase would be made through San Tan Ford utilizing Arizona State Cooperative contract #CTR059323 in an amount not to exceed \$61,867.11.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

4. [24-929](#) Proclamation for "Commitment to Volunteerism in Apache Junction."
Mayor Wilson read the Proclamation for "Commitment to Volunteerism in Apache Junction" and presented it to the JustServe Community Outreach Representative, Bob Veistege.

F. REGIONAL INTERGOVERNMENTAL UPDATES

5. [24-827](#) Brief summary of intergovernmental updates from mayor and councilmembers.

Councilmember Heck participated in the Veteran's Day parade on November 11, 2024, and the tribute following it at the Chamber of Commerce. He shared that Councilmember Johnson was honored with the Quilt of Honor for all her work with the local VFW and around the country.

Mayor Wilson attended the ribbon cutting for the Giving Machine in downtown Gilbert. The units are similar to a vending machine and the public can choose a dollar amount and an organization they wish to fund. Some examples of the services are feeding the homeless and providing books to children.

Mayor Wilson toured three of the new businesses and manufacturing facilities at the Phoenix Mesa Gateway Airport. He shared photos, how many employees they will be hiring and the type of businesses they are.

G. CITY MANAGER'S REPORT

6. [24-832](#) City Manager's Report.

City Manager Bryant Powell shared that Apache Junction was recognized as one of the top 5 cities for continuation of parades by The League of Arizona Cities and Towns. He was very proud of this accomplishment.

Mr. Powell reminded the public that Apache Junction is accepting proposals for the downtown redevelopment project.

7. [24-937](#) Staff Update from Marketing/Communications Director, Kayla Fulmer.

Director of Marketing and Communications Kayla Fulmer introduced the new Public Information Officer Gina Scorza. She highlighted her years of experience in this role and how important her contributions will be for the City.

8. [24-837](#) Announcement of Current Events.

There was no current event update.

H. PUBLIC HEARINGS

9. [24-913](#) Presentation, discussion, public hearing and consideration of Ordinance No. 1556, of Case P-24-83-AM, a proposed text amendment of the Apache Junction Zoning Ordinance, Section 1-6-19: Accessory Dwelling Units to modify the accessory dwelling unit zoning requirements to comply with Arizona House Bill 2720.

Councilmember Soller moved, seconded by Councilmember Nesser that Ordinance No. 1556 be read by title only and the reading of the entire ordinance be waived.

Motion passed unanimously.

Deputy City Clerk McKinney read Ordinance No. 1556 by title only, repealing any conflicting provisions; and providing for severability.

Councilmember Soller moved, seconded by Councilmember Heck that Ordinance No. 1556, as read by the Deputy City Clerk, be approved and adopted.

Yes: 7 - Mayor Wilson, Vice Mayor Schroeder, Councilmember Nesser, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

No: 0

Planner Nicholas Leftwich presented the background for Ordinance No. 1556. House Bill 2720 requires Arizona municipalities to modify Accessory Dwelling Unit (“ADU”) regulations to comply with state law by January 1, 2025. The bill sets restrictions on how ADU’s can be regulated in Arizona.

HB2720 modifies the following:

- Municipalities can no longer prohibit the use or advertisement of long-term ADU rentals
- Municipalities can no longer require a pre-existing relationship between an owner and occupant
- Municipalities can no longer require the design/finish of ADU to match main structure
- Prohibits municipalities from implementing regulations for ADU’s that are stricter than single family resident zoning
- Side and Rear setbacks cannot exceed 5 feet

On October 8, 2024, the drafted text was presented to the Planning and Zoning Commission. The Commission voted five (5) to one (1) to recommend approval for the proposed text amendment to the Apache Junction City Council.

Staff proposes to amend Article 1-6: Supplemental Regulations, § 1-6-19 Accessory Dwelling Units with the text provided in Exhibit 1 “Amendment to the Apache Junction City Code, Volume

II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: § 1-6-19 Accessory Dwelling Units.

The affected portions are identified in the redlined version of this document, provided as Exhibit 2 “Amendment REDLINE to Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: § 1-6-19 Accessory Dwelling Units.

Councilmember concerns included renting out ADUs as a sublet, and how the Home Sweet Home program works along side this change.

Mr. Leftwich responded to concerns.

Mayor Wilson opened the Public Hearing.

Andre Meek, 1327 S. Belair Rd, Apache Junction, questioned if prefabricated homes were allowed and how taxes will work for the ADUs.

Donna Carr, 2178 W. Virginia St, Apache Junction, asked if the size of the property matters and if mobile homes are allowed.

Mayor Wilson closed the Public Hearing.

Development Services Director Rudy Esquivias responded to Public Hearing questions.

- 10. [24-914](#) Presentation, discussion, public hearing and consideration of Ordinance No.1557, of Case P-24-84-AM, a proposed text amendment of the Apache Junction Zoning Ordinance, Article 1-16: Administration to modify the ordinance to comply with Arizona Senate Bill 1162.

Councilmember Cross moved, seconded by Councilmember Johnson that Ordinance No. 1557 be read by title only and the reading of the entire ordinance be waived.

Motion passed unanimously.

Deputy City Clerk McKinney read Ordinance No. 1557 by title only, repealing any conflicting provisions; and providing for severability.

Councilmember Cross moved, seconded by Councilmember Nesser that Ordinance No. 1557, as read by the Deputy City Clerk, be approved and adopted.

Yes: 7 - Mayor Wilson, Vice Mayor Schroeder, Councilmember Nesser, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

No: 0

Planning Intern Theint Thandar Ko presented a summary of Ordinance No. 1557. On April 23, 2024, Senate Bill 1162 passed, requiring all Arizona municipalities to revise the citizen review process and review timelines for rezonings in their Zoning Ordinance. However, the requirements for rezonings do not apply to planned developments or other zoning entitlements. To comply with the law, all municipalities must adopt these changes by January 1, 2025.

The changes to be made are the following:

(1) When filing a written protest for zoning map amendments, government-owned properties are excluded from the 20% calculation of property owners within 150 feet. For example, if there were 10 properties in a proposed rezoning area and three of them were owned by government entities, the 20% calculation will be based upon the remaining seven properties owned by private individuals.

(2) To add a review timeline for rezoning cases (“Shot Clock” requirement).

Therefore, staff has drafted a text amendment to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-16: Administration to satisfy the City's conformance with Senate Bill 1162.

On October 8, 2024, a drafted text was presented to the Planning and Zoning Commission. The Commission voted unanimously (6-0) to recommend approval for the proposed text amendment to the Apache Junction City Council.

Councilmembers had no concerns.

Mayor Wilson opened the Public Hearing, receiving no comments from the public, he closed the Public Hearing and asked for a motion.

- 11. [24-915](#) Presentation, discussion, public hearing and consideration of Ordinance No.1559, of Case P-23-112-PZ, a proposed rezoning of 991 E. Old West Highway, parcel 102-03-136A, requested by Greg Loper on behalf of Storbakken & Sons Construction Inc., to rezone the property from General Commercial (“B-1”) to Industrial (“B-5”) to allow for the continued use of a construction business comprising a contractor’s office, shop and indoor/outdoor storage with construction truck parking.

Councilmember Soller moved, seconded by Councilmember Nesser that Ordinance No. 1559 be read by title only and the reading of the entire ordinance be waived.

Motion passed unanimously.

Deputy City Clerk McKinney read Ordinance No. 1559 by title only, repealing any conflicting provisions; and providing for severability.

Councilmember Soller moved, seconded by Councilmember Nesser that Ordinance No. 1559, as read by the Deputy City Clerk, be approved and adopted.

Yes: 7 - Mayor Wilson, Vice Mayor Schroeder, Councilmember Nesser, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

No: 0

Planner Nicholas Leftwich presented a summary of Ordinance No. 1559.

Summary

P-23-112-PZ is a proposed Rezoning requested by Greg Loper on behalf of Storbakken & Sons Construction Inc. to rezone approximately 1.6 acres located near the southeast corner of Royal Palm Road & Old West Highway (APN 102-03-136A) from General Commercial ("B-1") to Industrial ("B-5") to allow for the continued use of a construction business comprising a contractor's office, service shop for their fleet maintenance and indoor/outdoor storage with construction truck parking.

Planning & Zoning Commission Hearing and Recommendation

The Planning and Zoning Commission held a public hearing for P-23-112-PZ on October 22, 2024. During the meeting the Planning and Zoning Commission evaluated the rezoning proposal and subsequently voted 7-0 to recommend approval of P-23-112-PZ, subject to the conditions of approval that were recommended in the Staff Report, dated October 22, 2024.

November 4, 2024 City Council Work Session

Staff presented Case P-23-112-PZ to the city council on November 4, 2024, in which the Council had a question regarding well water contamination concerns with the adjacent Apache Junction Water District property, and a question regarding if there had been any neighborhood complaints with the presence of Storbakken & Sons at 991 E. Old West Highway.

With further inquiry Staff have confirmed that there is no history of neighborhood complaint issues with Storbakken & Sons.

Regarding the Apache Junction Water District parcel (102-03-137A) and concerns regarding well water contamination, the Apache Junction Water District have informed Staff that the property is an old booster site that has been out of service for decades. The facility formerly served as an interconnect between Arizona Water Company and Consolidated Water Utilities, which that interconnect has been removed. All that remains is an old well on the site that has not been used in years and the concrete slab where the hydropneumatic pressure tank sat. They further noted that they do not foresee any issues with the site next door.

Applicant representative Greg Loper presented the improvements being made to the property regarding fencing, landscaping and ground materials.

Councilmembers asked if there were any complaints about this business from neighboring properties or the public.

Mr. Leftwich stated there were no complaints.

Mayor Wilson opened the Public Hearing.

Donna Carr, 2178 W. Virginia St, Apache Junction, commented the parking lot should be lined to prevent hazardous material from getting into the ground.

Andre Meek, 1327 S. Belair Rd, Apache Junction, shared his concerns about hazardous material spillage and agreed that a solid asphalt surface is needed.

Mayor Wilson closed the Public Hearing.

Councilmembers had further concerns regarding the ground material for the business. City Attorney Joel Stern advised the Mayor that the Public Hearing would need to be reopened due to additional discussion.

Mayor Wilson reopened the Public Hearing.

Donna Carr, 2178 W. Virginia St, Apache Junction, cautioned Council about unethical business owners.

Mayor Wilson closed the Public Hearing and asked for a motion.

- 12. [24-925](#) Presentation, discussion, public hearing and consideration of application for Class A Bingo License for Rock Shadows RV Resort, located at 600 S. Idaho Rd, Apache Junction, AZ.

Councilmember Johnson moved, seconded by Councilmember Soller to recommend approval of the Class A Bingo License for the Rock Shadows Resort, located at 600 S. Idaho Rd, Apache Junction, AZ.

Yes: 7 - Mayor Wilson, Vice Mayor Schroeder, Councilmember Nesser, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

No: 0

Deputy City Clerk Evie McKinney stated the city received an application for a Class A Bingo License from Rock Shadows RV Resort, located at 600 S. Idaho Road, Apache Junction, AZ. New ownership took over the RV park 2 years ago and during this time, the bingo license was inactive. This application is a renewal for their bingo license under the new management.

Correspondence related to inspections of the premises for safety and code compliant matters have been received from the Apache Junction Police Department, Planning and Zoning Department, Building and Safety Division and the Superstition Fire and Medical District.

All four entities find compliance with the inspection requirements and recommend approval.

Mayor Wilson opened the public hearing, receiving no comments from the public, he closed the public hearing and asked for a motion.

I. OLD BUSINESS

J. NEW BUSINESS

K. COUNCIL DIRECTION TO STAFF

L. SELECTION OF MEETING DATES, TIMES, LOCATIONS, AND PURPOSES

M. CALL TO PUBLIC

Mehmood Mohiuddin, 2304 N Cortez Rd, Apache Junction, commented on the volume of the Councilmembers microphones and how it is difficult to hear them in the back of the Chambers.

Donna Carr, 2178 W. Virginia St, Apache Junction, inquired about a code compliance case for her neighbor that she spoke about at a previous Call To The Public.

James Boerigter, 1054 E. Roosevelt St, Apache Junction, expressed his frustrations with the Skies restaurant extension of premises and the increased noise.

N. ADJOURNMENT

Mayor Wilson adjourned the meeting at 8:30 p.m.

ACCEPTED THIS _____ DAY OF _____, 2024, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2024.

WALTER "CHIP" WILSON
Mayor

ATTEST:

EVIE MCKINNEY
Deputy City Clerk