




City of Apache Junction

Development Services Department

Date: March 23, 2016

To: Honorable Mayor and City Council Members

Through: Bryant Powell, City Manager
Larry Kirch, Development Services Director

From:  Rudy Esquivias, Senior Planner/Zoning Admin.

Subject: April 4, 2016, City Council Work Session Item:
PZ-2-16 Apache Junction Landfill Corporation/Stephen
Anderson, Planned Development Major Amendment

Background

There has been a landfill/dump operating at the northwest corner area of the Tomahawk Road and Guadalupe Avenue alignments since the late 1950's; first as a private dump, then as a County landfill, then as a private facility owned and operated by Allied Waste Industries of Arizona Inc. The property was annexed into the City of Apache Junction in 1988. Allied Waste purchased the original 40-acre landfill from Pinal County in 1993. In 1996, Allied Waste purchased an additional 88.9 acres of vacant State land around the original site and sought a rezoning of the combined +/-129 acres from the City.

In July of 1997, Ordinance No. 1034 rezoned the landfill property from GR (General Rural) to CI-2/PD (Heavy Industrial by Planned Development with a Special Use Permit for a municipal solid waste landfill). Under the city's new zoning ordinance, the property is now zoned B-5/PD, but the conditions of Ordinance No. 1034 are still in effect and govern the use of the landfill property. Although the PD designation allowed the City to require aesthetic criteria, closure and re-use conditions on the property, it did not establish a firm closure date. A separate operating agreement also allowed the City to negotiate other items with the landfill operators, beyond the purview of zoning.

Proposal

After several years of discussions between the City and Apache Junction Landfill Corporation ("AJLC") representatives, both entities feel it is time to finally establish a closure date and revisit the conditions of Ordinance No. 1034 and discuss the possible amendment of said conditions to the satisfaction of both parties. Hence, this PD amendment request.

Planning and Zoning Commission Public Hearing

Attached please find a complete copy of the staff report which was presented to the Planning and Zoning Commission at their public hearing on March 22, 2016. At the public hearing the Commissioners heard from Stephen Anderson, the applicants' representative; and they also heard from Andy Kunasek, who was the only person from the public who spoke on the issue. Mr. Kunasek stated that he and others had made substantial financial investments in the area and he contended that according to his understanding of Ordinance No. 1034, AJLC was already violating their height allowance. He suggested that the PD amendment request be denied and AJLC not be allowed any additional height. He further suggested that the City should initiate a code compliance action against AJLC.

The Commissioners also had questions about the 1723' ultimate height requested--about which there was much back and forth discussion--and how we had arrived at the closure date of December 31, 2035. Staff revealed that the 2035 date was an internally negotiated date between City staff and the applicants, but that they could recommend a different date if they wanted. They could also recommend a different closure height. The Commissioners also discussed the idea of requiring AJLC to start making landscape improvements around the perimeter of the property now, instead of waiting until after it closed. So when it closes, there is already some mature landscaping in place.

Planning and Zoning Commission Recommendation

After conducting their public hearing, Commissioner Heck moved that the Commission recommend in favor of the PD amendment request, with all recommended conditions in the staff report, except with the following changes: that in condition #4, the closure date be changed to December 31, 2025; and that a new condition #12 be added to read "AJLC will create a natural barrier between the landfill and all neighborhoods, such barrier to be in the form of trees or natural landscaping to be agreed upon between the City and the Landfill."

The motion passed by a vote of 4 to 2 (Commissioners Heck, Buzzin, Schroeder and Frank voting in favor; Commissioners Nesser and Howard voting against; Commissioner Hill absent).

Attachments: PZ Staff Report from March 22, 2016, with all attachments.