

## Janet Mason

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**From:** Larry Kirch  
**Sent:** Thursday, August 04, 2016 6:32 PM  
**To:** Janet Mason  
**Cc:** Stephanie Bubenheim; Dave Zellner; Mehmood and Zee (dashin@mchsi.com); Rudy Esquivias; 'Tina Lovelady'; Matt Busby; Bryant Powell; Janine Hanna-Solley; Elan Vallender  
**Subject:** RE: Hitching Post permanent extension of premises

Jan,

This morning, Development Services and Economic Development staff met with Mo. Present at the meeting were Rudy Esquivias, Senior Planner, Dave Zellner, Building Official, Stephanie Bubenheim, Assistant Planner, Elan Vallender Economic Development Specialist, Mo (Mehmood), and an associate of Mr. Mehmood, Anthony (not sure of last name).

During the meeting Mo clarified some items we noted in the 9 items listed in Rudy's email from Development Services.

For items 1 and 2, we gave Mo the option of using this area for temporary events under the City Code. Mo is familiar with this process as he has used it in the past for concerts. The expanded permanent extension to the licensed premises for the liquor license is separate and apart from the land use aspect under zoning and the City's Economic Development Agreement. Each event would have to go through the community events process even if the licensed premises expansion was approved by the State. We told Mo that the site plan approved in the Third Amendment to Economic Development Agreement Between City of Apache Junction and Mehmood Mohiuddin did not include an events area but was designated as parking. Use of this area contrary to the Development Agreement would not be allowed unless the Development Agreement was amended and a Conditional Use Permit (CUP) was approved for an outside events area. There are essentially two options for Mo. One is to use the area as temporary events area following the city's special events process or amend the Development Agreement and seek a Conditional Use Permit (CUP).

For item 3, we suggested that Mo bring in a site plan to the Council meeting that more accurately depicts how the proposed events area will operate and how that might affect parking, traffic circulation, how boats and semi trucks and trailers would access the storage yard during events.

Item 4, there are a total of five tax parcels with both the storage yard and Hitching Post uses crossing property lines. This affects the placement of signage as the sign for the storage facility is on the Hitching Post parcel and therefore is an off premise sign which the city does not allow. We did give Mo the option of placing the storage business sign on the storage lot property which has frontage on N. Apache Trail. We do stand corrected on the sign along Lost Dutchman as that sign was repainted from the storage sign to a directional sign for parking for the Hitching Post. The sign along Apache Trail is not an allowed sign and was placed without a permit.

For Item 5, the staff reiterated its concern with a permanent events area and how ADA accessible routes and sanitary facilities will be provided. ADA accessible parking also needs to be provided. The site has operational capacity limits for more patrons if the septic system is not expanded. Temporary events would be fine on an occasional basis with port-o-lets but if the long term plan is for a permanent events area, if approved by a CUP, then proper sanitary facilities and ADA accommodations would be required.

Item 6, Mo stated that there is not an intent for parking along SR 88 and the grouted in poles were placed to protect the fake façade fence and that he would be happy to put no parking signs along this area.

Item 7, Mo stated that the ticket booth was not placed by him and that it is not permanent. He stated it was placed there by his fence/facade contractor as a place to store tools and supplies for the fence/façade project. It will be removed when the project is done. Mo also stated that if the fence is not being built per city code and approved plans that he would expect that the city would fail the inspection when the contractor called for an inspection.

We have communicated to Mo that if the state grants the extension of premises for alcohol sales and consumption area, the Development Agreement and current zoning still does not allow the use of the area of the proposed extension as an ongoing use for events.

City staff will be present at the Council meeting to answer any questions.

Thank you,  
Larry

**From:** Rudy Esquivias  
**Sent:** Wednesday, August 3, 2016 2:22 PM  
**To:** Mehmood and Zee (dashin@mchsi.com) <dashin@mchsi.com>; 'Tina Lovelady' <tmlovelady@msn.com>  
**Cc:** Larry Kirch <lkirch@AJCity.Net>; Stephanie Bubenheim <sbubenheim@AJCity.Net>; Dave Zellner <dzellner@AJCity.Net>; Janet Mason <jmason@ajcity.net>  
**Subject:** FW: Hitching Post permanent extension of premises

Mo:

Here are the comments from Development Services regarding your permanent extension of premises request for your event center. If you would like to come in and discuss this, please contact me (480-474-2645) or Stephanie (480-474-5087) and we'll set up a meeting time. Thanks.

Rudy

**From:** Rudy Esquivias  
**Sent:** Wednesday, August 03, 2016 12:09 PM  
**To:** Janet Mason; Dave Zellner; Troy Mullender; John Suniga ([john.suniga@sfmd.az.gov](mailto:john.suniga@sfmd.az.gov))  
**Cc:** Larry Kirch; Stephanie Bubenheim; Matt Busby; Bryant Powell; Kathy Connelly; Joel Stern  
**Subject:** RE: Hitching Post permanent extension of premises

Jan:

Development Services staff has several concerns with regard to this permanent extension of premises request for an "event center" next to the Hitching Post and therefore recommend denial:

- 1) The three separate parcels on which the event center is proposed are zoned General Commercial "B-1". In the B-1 zone, "private recreational facilities (outdoor)" and "private outdoor music festivals/events" are allowed subject to approval of a conditional use permit ("CUP") from the city's Planning and Zoning Commission. We note that in 2014 Mr. Mohiuddin applied for a CUP to have a very similar outdoor music and entertainment venue on his property, just east of the Hitching Post Restaurant. The Commission approved the CUP, the neighbors appealed the decision to the Council, and eventually Mr. Mohiuddin withdrew his request and the Council formally denied the CUP. See Resolution No. 15-08 attached. Even though the proposed location for this new event center is a little farther west and farther away from the residential properties than the last location, the activity itself still requires a CUP, including advertising, notification of neighboring property owners and public hearing.
- 2) Mr. Mohiuddin also has a development agreement with the city, most recently amended in 2014 (see attached), which includes a council approved site plan for the properties on which Mr. Mohiuddin operates the Hitching

Post Restaurant, Pita Pockets Restaurant and Convenience Store (formerly The Dash In), the bull-riding outdoor entertainment venue and the parking area designated for the various uses. The area on which Mr. Mohiuddin now proposes his event center is the parking area for said uses. Mr. Mohiuddin needs to amend his development agreement once again to change the site plan approved under the recent agreement and accommodate required parking for all of these uses elsewhere.

- 3) We note that a very poor site plan was submitted with the extension of premises request, but it appears that the applicant is now proposing to accommodate required parking to the east of the Hitching Post, on the site of his former CUP request. Staff once again formally requests that a professionally prepared, civil engineer stamped, surveyed site plan be provided which clearly illustrates property dimensions, property lines, existing and proposed buildings and facilities, an estimate of how many people the event center can accommodate, and that there is adequate parking for all of the activities on the properties. The drawing done by Ability Land Surveying was for the sole purpose of identifying the location of one property line--the westerly property/right-of-way line--so that Mr. Mohiuddin could accurately locate his new decorative fence, which was properly permitted.
- 4) Ideally, Mr. Mohiuddin should reconfigure his properties so that the above uses, including necessary parking, are all located on one property; and the other two businesses, the leased trucking company lot and the RV storage lot, are separate and have their own separate access points.
- 5) In addition to the zoning and development agreement issues enumerated above, the Building and Safety Manager also has the following concerns:
  - a) The plan submitted does not clearly and completely disclose and designate the proposed alterations of the premises. It is:
    - i) Not to scale;
    - ii) Does not include any dimensions;
    - iii) Does not accurately portray all the alterations made to the site;
    - iv) Does not provide a proposed occupant load; and
    - v) Does not address exiting or other fire safety requirements.
  - b) The area proposed for the extension is not served by parking or restroom facilities accessible for individuals with disabilities.
  - c) The existing restrooms only provide for a total of 160 occupants, 4 fixtures at 40 occupants each per Chapter 29 of IBC. Existing septic capacity needs to be evaluated by Pinal County Health.
  - d) No plans or other information have been provided on how events, parking, or security will be handled.
- 6) Mr. Mohiuddin plans to accommodate some parking spaces directly off of N. Apache Trail in front of the new fence. This is evidenced by the fiberglass poles being grouted in place and delineated with fluorescent paint. Any parking that is proposed should be depicted on a scaled drawing as noted in #3 above. We also recommend that he speak to ADOT about this proposed parking and get their recommendations, comments and/or approval in writing.
- 7) Mr. Mohiuddin has routinely and repeatedly conducted work without permits or contrary to approved plans. At present there are:
  - a) Two signs installed without permits.
  - b) A ticket booth placed without a permit.
  - c) Construction of the new fence/façade along N. Apache Trail/SR88 contrary to the approved plans.
- 8) As with his previous CUP proposal, DS Staff is generally in support of Mr. Mohiuddin's vision for his property and believe that it would be a positive for him as well as the community and tourism. However, it needs to be done carefully and professionally, in accordance with city codes, safety considerations, sanitary accommodations and executed agreements. We would expect no less of any other commercial developer and we will continue to work with Mr. Mohiuddin towards that goal. However, until all of the above has been properly addressed, staff cannot recommend approval of this request.
- 9) Lastly, Mr. Mohiuddin still has the option of requesting temporary extension of premises requests for individual private special events on a case by case basis.

Rudy Esquivias, Senior Planner/Zoning Administrator

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**From:** Janet Mason

**Sent:** Thursday, July 28, 2016 4:48 PM

**To:** Dave Zellner; Rudy Esquivias; Troy Mullender; John Suniga ([john.suniga@sfmd.az.gov](mailto:john.suniga@sfmd.az.gov))

**Subject:** Hitching Post permanent extension of premises

I have received a request for a permanent extension of premises from the Hitching Post. Please have your department recommendation to me no later than noon on Wednesday, August 3. Thanks.

*Jan Mason*

Deputy City Clerk

City of Apache Junction

300 E. Superstition Boulevard

Apache Junction, AZ 85119

(480) 474-5068

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