



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

www.ajcity.net
Ph: (480) 982-8002

www.ajcity.net
P: (480) 474-5083
F: (480) 982-7010

Theresa Nesser, Chair
Peter Heck, Vice Chair
Luciano Buzzin, Commissioner
Michael Frank, Commissioner
Willie Howard, Commissioner
Michael McGraw, Commissioner
Robert Schroeder, Commissioner

Tuesday, May 9, 2017

7:00 PM

City Council Chambers

1. Call to Order

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

2. Pledge of Allegiance

Chair Nesser led the Pledge of Allegiance.

3. Roll Call

Present 7 - Chairperson Nesser
 Commissioner Buzzin
 Vice Chair Heck
 Commissioner Howard
 Commissioner Frank
 Commissioner Schroeder
 Commissioner McGraw

Staff present:
City Attorney Joel Stern
Director Larry Kirch
Senior Planner Rudy Esquivias
Assistant Planner Stephanie Bubenheim

4. Consent Agenda

Yes: 7 - Chairperson Nesser, Commissioner Buzzin, Vice Chair Heck, Commissioner Howard, Commissioner Frank, Commissioner Schroeder and Commissioner McGraw

No: 0

Commissioner Heck made a motion to accept the Consent Agenda and approve the minutes of the April 25, 2017, meeting as presented. Commissioner Buzzin seconded the motion. The Planning and Zoning Commission accepted and approved the Consent Agenda and the minutes as presented.

[17-182](#) Consideration of approval of agenda.

[17-183](#) Consideration of approval of regular meeting minutes for April 25, 2017.

5. Call to the Public

None.

6. Public Hearings

[17-201](#) Public hearing, presentation, discussion and consideration of proposed conditional use permit case CUP-1-17, a request by Kopper Crest Estates LLC, represented by Debera Kopp, to amend a conditional use permit to allow a group care home facility with a maximum of 16 residents at 201 W. 20th Avenue, zoned High Density Multiple-Family Residential (RM-2). The current CUP limits the group care home to assisted living with a maximum of 10 residents.

Yes: 6 - Chairperson Nesser, Vice Chair Heck, Commissioner Howard, Commissioner Frank, Commissioner Schroeder and Commissioner McGraw

No: 1 - Commissioner Buzzin

Assistant Planner Bubenheim gave a presentation on proposed conditional use permit case CUP-1-17, a request by Kopper Crest Estates LLC, represented by Debera Kopp, to amend a conditional use permit to allow a group care home facility with a maximum of 16 residents at 201 W. 20th Avenue, zoned High Density Multiple-Family Residential (RM-2). The current CUP limits the group care home to assisted living with a maximum of 10 residents.

Chair Nesser asked if three bathrooms were enough for 16 residents. Assistant Planner Bubenheim explained that the group care home has three full baths and one half bath. Director Kirch explained there isn't anything in the building criteria that outlines these guidelines. Chair Nesser asked if there were standards for apartment buildings on how many people are allowed. Director Kirch said not for a conventional building. Most people will build between two to two and half baths. Vice Chair Heck added that the Arizona Department of Health has some regulations that address toilet and shower facilities. Chair Nesser asked what kind of residents will be living at the facility because the application does not say what kind of home this is going to be.

Chair Nesser also asked if the residents of the facility will be driving. Assistant Planner Bubenheim explained parking is for the employees of the facility and guests visiting the residents. Commissioner McGraw asked if there is street parking. Assistant Planner Bubenheim explained that the city doesn't allow street parking to be counted as required parking. People can still park on the street. City Attorney Stern asked Assistant Planner Bubenheim if it is a city street. She replied yes.

Commissioner Howard asked what type of patient will be at the facility. Commissioner Buzzin added that facilities are not in place for therapy for alcohol and drug patients. Commissioner Frank asked if the property is currently vacant and how long since it has been used. Assistant Planner Bubenheim replied that the building is vacant but had some recent remodeling. Commissioner Frank asked how long its been vacant. Assistant Planner Bubenheim replied that she did not know when the prior use ceased.

Commissioner Schroeder asked if the facility will be state funded and what type of care will be provided. Assistant Planner Bubenheim replied that the applicant will be able to answer that question.

Commissioner McGraw asked what is surrounding the facility. Assistant Planner Bubenheim replied single and multi-family zoning for the most part.

Debra Kopp, representing Kopper Crest Estates, LLC addressed the commission regarding the proposed conditional use permit.

Chair Nesser asked what type of residence or group home this would be. Ms. Kopp said she hasn't decided which type of clients will be served.

Chair Nesser asked about parking spaces as discussed in the application. Chair Nesser is concerned because at Ms. Kopp's Royal Palm facility people park on the street in the bike lane. Ms. Kopp replied that she does tell staff and visitors not to park on the street.

Vice Chair Heck asked Ms. Kopp about the regulations for a group care home versus a care center and if she was meeting those requirements. Ms. Kopp replied that she is meeting those requirements. Vice Chair Heck also asked about a designated medication management room. Ms. Kopp replied that all medications that are required to be double locked will be double locked. She also added that a meeting room location hasn't been decided.

Christine Stevens, 1941 E. Delser Dr., Tempe, addressed the commission regarding therapy sessions.

Vice Chair Heck asked about staffing numbers. Ms. Kopp replied that no specific numbers are required for staff but they have their own requirements for staffing levels which is 1 to 2 staff members per 10 to 15 residents. Vice Chair Heck asked about night staffing levels. Ms. Kopp replied there is 1 staff member at night, sometimes 2. It all depends on needs. Vice Chair Heck asked about security issues at night. Ms. Kopp replied that all the doors are alarmed.

Ms. Stevens explained the different license requirements for assisted living and substance abuse. Ms. Kopp explained that a facility can have both licenses.

Commissioner Howard asked for further information regarding security at night for residents with behavior health issues. Ms. Kopp explained that the facility is on lock down and residents cannot escape without assistance. Commissioner Howard asked about the security plan for the facility. Ms. Stevens discussed the plan of the facility for non-violent situations.

Vice Chair Heck asked if the facility will be a substance abuse facility. Ms. Kopp replied that she is requesting licensing for this type of facility.

Commissioner Buzzin asked what type of care they will have for substance abuse. Ms. Stevens replied that it would cognitive behavior therapy. Commissioner Buzzin expressed his concern over the facility and its care for residents dealing with substance abuse issues. Ms. Stevens replied that substance abuse is diagnosed by a doctor and the residents they serve voluntarily seek treatment. Ms. Kopp added that their main goal is to have harmony in their facility.

Commissioner McGraw asked if before starting the Royal Palm facility if she spoke with the surrounding neighbors. Ms. Kopp replied that some of the neighbors watched over the house while it was in the development process. Commissioner McGraw added that the Royal Palm facility was a nice facility and then asked if she spoke with any of the neighbors at the 20th Avenue location. Ms. Kopp said she spoke with neighbors two years ago but hasn't recently.

Commissioner Schroeder asked how many residents at the Royal Palm facility are state funded. Ms. Kopp replied that there are no state funded residents. Commissioner Schroeder asked if state funding requirements will be met at the new facility. Ms. Kopp explained how much state funded care provides for the care of welfare patients.

Commissioner Schroeder asked if alcohol and drug recovery addicts would be on the list. Ms. Kopp said they would be.

Commissioner Howard asked what is going to be done differently at the new facility that wasn't done at the old facility to make state funding happen. Ms. Kopp said she has an advocate to help her get the state contracts as a provider. Ms. Stevens explained that with substance abuse an applicant automatically gets accepted into the system.

Vice Chair Heck asked about space for 16 residents in a 3000 square foot residence. He asked how much space is in a shared room. Ms. Stevens said the state has regulations on shared space and believes 60 square foot per bed is the minimum and the plans have already been approved by the Department of Health Services.

Chair Nesser asked why the applicant asked for a double sided sign in a residential neighborhood. Ms. Kopp explained that a large sign is required for identification purposes.

Commissioner Frank asked if Ms. Kopp would still move forward with the current CUP if this CUP were not approved. Ms. Kopp said she would.

Chair Nesser asked the size of the bedrooms. Ms. Kopp said approximately 18 feet by 12 feet.

Chair Nesser opened the public hearing portion of the item.

Quentin Heiner, 2002 S. Apache Drive, Apache Junction addressed the commission. Mr. Heiner spoke in favor of limiting the residents to a total of 10 for the facility.

Anna Rios, 2025 S. Apache Junction, addressed the commission. Ms. Rios is not in favor of allowing residents recovering from substance abuse in the facility.

Having no others wishing to address the commission, Chair Nesser closed the public hearing portion of the item.

Commissioner Buzzin expressed his concern over the substance abuse treatment and doesn't believe they have the facilities for such treatment. He'll agree if the substance abuse therapy is removed.

Chair Nesser asked if the commission can dictate the type of clients that are allowed at the facility. City Attorney Stern replied that the commission can't dictate the administration of the types of activities and patients and it's up to the state and their licensing authority. The commission's authority is related to approval of the zoning.

Vice Chair Heck asked Senior Planner Esquivias if there would be an opportunity to review the CUP approval if the commission becomes aware of issues related to the operation of the center. Senior Planner Esquivias replied that although it is implied, the commission may want to add an additional condition that the CUP can be reconsidered for failure to meet conditions or for due cause. City Attorney Stern added that a time limit can also be set for the approval of the CUP to be reviewed or reassessment.

Commissioner McGraw asked if other group homes are using signage in front of their facilities. Senior Planner Esquivias replied that there are none that he is aware of. He added the current

code allows for a 4 square foot sign for a single family zone. Multi-family zoning allows for a sign but would still fall under a residential code. This is zoned multi-family but would still allow for a sign. The sign they are requesting is smaller than what the zoning would allow.

Vice Chair Heck understands the applicant's needs but also Commissioner Buzzin's concerns over the type of care provided at the facility. He believes this service is needed in the community and, therefore, allow Ms. Kopp the opportunity to provide it.

Chair Nesser added that Ms. Kopp's facility on Royal Palm is inconspicuous.

Vice Chair Heck moved that the Planning and Zoning Commission approve case CUP-1-17, a request by Kopper Crest Estates LLC, represented by Debera Kopp to amend a Conditional Use Permit (CUP) to allow a group care home facility with a maximum of 16 residents at 201 W. 20th Avenue, on the southeast corner of W. 20th Avenue and S. Apache Drive, zoned High Density Multiple-Family Residential (RM-2), subject to the following conditions of approval: 1. The maximum number of residents shall not exceed sixteen (16); 2. This CUP is for a group care home facility described as one of the following types: Assisted Living, Adult Foster Care, Adult Day Health Care Services, Homes for Developmentally Disabled, Substance Abuse Therapy; 3. At no time shall two or more types of group care homes be permitted for residents at this property, at the same time; 4. The owner shall notify Development Services Staff in writing when the type of group care home facility changes; 5. Development Services Staff shall have the right to audit or inspect the property if complaints are received; 6. One double-sided sign with a maximum size of eighteen (18) square feet shall be permitted, subject to issuance of an applicable sign permit; 7. The applicant shall redevelop the site in accordance with the submitted plans within twelve (12) months of the granting of the CUP, or the CUP shall become void; 8. The applicant shall install the landscape improvements in accordance with the submitted landscape plan as part of the building permit process. Decomposed granite shall be used to cover all landscaped areas; 9. The site, as indicated by the site plan, shall accommodate nine (9) parking spaces with two approved to access off of 20th Avenue; 10. All proper permits shall be obtained prior to any construction; 11. The alley and driveway apron abutting the property shall be paved in accordance with the City Engineer's requirements, including application for right-of-way encroachment permit; 12. The facility operators shall provide 24-hour supervision; 13. If eviction of a resident is to occur, a notice must be sent to family of the resident regarding proposed eviction, with time limits and include alternate living accommodation referrals; 14. The property must be in compliance with all building, municipal, and zoning codes before a Certificate of Occupancy is issued; 15. If home is used as a substance abuse therapy facility, the Development Services Staff must see the proposed plan of operation, to include programming counseling, and drug and alcohol screening; and, 16. The conditional use permit may be brought back for reconsideration at any time if conditions of the CUP are not being met or there are concerns or complaints raised by the neighbors or surrounding community. Commissioner McGraw seconded the motion. The commission approved the motion with a 6-1 vote.

7. Old Business

None.

8. New Business

None.

9. Information and Reports

None.

10. Director's Report

Director Kirch poled the commission on how they would like to receive their meeting agendas and packets.

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

Yes: 7 - Chairperson Nesser, Commissioner Buzzin, Vice Chair Heck, Commissioner Howard, Commissioner Frank, Commissioner Schroeder and Commissioner McGraw

No: 0

Vice Chair Heck motioned and Commissioner Schroder seconded to hold a Regular Meeting on May 23, 2017, at 7:00 p.m. in the City Council Chambers located at 300 E. Superstition Boulevard.

12. Adjournment

Adjournment:

Meeting adjourned at 8:41 p.m.

Theresa Nesser
Chairperson