



City of Apache Junction, Arizona

Meeting Minutes Planning and Zoning Commission Special Meeting

Meeting location:

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

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

Tuesday, September 12, 2017

5:00 PM

City Council Chambers

1. Call to Order

Chair Nesser called the meeting to order at 5:00 pm.

2. Pledge of Allegiance

Chair Nesser let the Pledge of Allegiance.

3. Roll Call

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

Staff present:
City Attorney Joel Stern
Development Services Director Larry Kirch
Development Services Senior Planner Rudy Esquivias

4. Consent Agenda

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

No: 0

[17-369](#) Consideration of approval of agenda.

Vice Chair Heck motioned that the Planning and Zoning Commission accept the consent agenda

as presented. Commissioner Schroeder seconded the motion. The Planning and Zoning Commission accepted the Consent Agenda as presented.

5. New Business

[17-387](#)

Presentation and discussion of case AM-2-17, a city-initiated text amendment to the Apache Junction City Code Volume II: Chapter 1: Zoning Code, Article 1-11 Sign Regulations. Staff will present proposed amendments to Article 1-11: Sign Regulations as well as a proposal to allow porches in the front setback in residential zoning districts.

Director Kirch gave a presentation of case AM-2-17, a city-initiated text amendment to the Apache Junction City Code Volume II: Chapter 1: Zoning Code, Article 1-11 Sign Regulations. He presented proposed amendments to Article 1-11: Sign Regulations as well as a proposal to allow porches in the front setback in residential zoning districts.

Commissioner McGraw asked if the proposal for the patio cover includes having a wall around the area that wants to be covered by the patio. Director Kirch replied that it doesn't say that but it can't be fully enclosed. Commissioner McGraw asked if enclosing it with a gate and a pony wall that was three feet tall all the way around would be acceptable. Director Kirch replied that he didn't see anything wrong with that and it can be clarified in the code. He added that if you allow it to be fully enclosed it is not a patio cover. Chair Nesser added that the commission can put in a specific height, such as three feet, for the wall. She also asked if it was three sides. Director Kirch agreed that it would be three sides. Chair Nesser said if allowed they could build it with blocks that may match their house. Director Kirch told the commission it was up to them what they wanted to do with the changes.

Vice Chair Heck asked if there's been any issues recently related to patio covers. Director Kirch answered no. He added there are many encroachments and residents think that if there are others, they can do the same. He added that some cities allow encroachments to be averaged.

Director Kirch explained more about the size of encroachments. Commissioner McGraw asked if carports were the same thing. Director Kirch answered that a carport is allowed ten feet out, but a carport usually is part of the roof structure.

The commission and Director Kirch discussed how setbacks work for wrap around porches and if it would cause encroachment issues.

Commissioner Howard asked about Arizona Rooms and enclosing a patio. Director Kirch said it couldn't be done. The porch would have to be open and will have to be clarified in the code. Chair Nesser asked him to clarify set backs from the front setback. Director Kirch replied that if the front yard setback is 20 feet and your house is 50 feet back, you can go another 30 feet with an addition. The porch in the front setback assumes the house is already to the 20 foot setback. This allows for another 10 feet for a patio in the front yard.

Commissioner Howard believes that the changes need to be specific in regards to the Arizona Rooms. Director Kirch agreed and said the code can be specific to what it allows and what it doesn't allow.

Commissioner Buzzin asked where the 20 feet starts at. Director Kirch answered the property line and varies from subdivision to subdivision.

Chair Nesser added that the resident has to apply at the Planning and Zoning Division. Director Kirch said the applicant has to supply plans and pass building codes for the front porch.

Commissioner McGraw asked if the sample of Scottsdale's code on page 1, letter G would cover their concern. Director Kirch believes it would be best to add a provision in section H that says you can have a three foot pony wall specifically that has to be under the porch. Director Kirch reminded the commission that roof overhangs are included in the 10 feet allowed for the front porch.

Director Kirch asked the commission if they would like to propose this as a stand alone zoning code ordinance amendment or roll it up in the larger amendments. He added it can take up to six months for all the codes to be updated. Vice Chair Heck asked if this is being done because a citizen asked for it to be done. Director Kirch answered that he was asked about this two years ago but hasn't found the time to work on updating the codes until now. Chair Nesser and other commissioners asked that it be added in now and if a motion was necessary to do so. City Attorney Stern answered that a motion wasn't required. Director Kirch said he would draft a new ordinance and bring it to the commission at a regular meeting as a new agenda item. The commission discussed how the code amendment should read.

Director Kirch continued his presentation with a discussion of the sign regulations.

Chair Nesser asked about political signs and their permissions. Director Kirch answered that there are two separate items that deal with private signs and political signs.

Commissioner McGraw asked what state law covers. Director Kirch answered state law deals with political signs. Commissioner Schroeder asked about political signs in the median along Apache Trail. City Attorney Stern answered no since that is a right of way. Director Kirch said they could go there if it isn't a safety issue. Chair McGraw asked about the city putting banners in the median. Director Kirch said the code allows for an exception for a temporary sign for the city.

Director Kirch informed the commission that the new Fry's store has a stricter code for signs on their property. Chair Nesser added that if they want stricter guidelines on their property let them do it. Director Kirch explained that they are writing sign regulations that are stricter than the city's because they think it's better for business.

Director Kirch continued his presentation.

Commissioner McGraw asked if signs have a notation on them showing they've been approved by the city. Director Kirch added he's proposing that a permanent sign have the permit number showing it's been approved.

Vice Chair Heck asked if a current mobile home park wanted to update their sign, if they would have to follow the new code. Director Kirch replied that if they are changing more than 50% of the signage they would have to go by the amended code. Chair Nesser asked for clarification on the number of signs they are allowed and feels that two signs should be allowed if a park is on a corner lot. Director Kirch added that would probably be allowed. Commissioner Howard added that if a mobile home park doesn't want to update their signs in the next ten years they won't have to adhere to the new code and this will have an impact on the aesthetics of the city. Director Kirch added if a new owner buys a park and wants to change the name of the park, they would have to adhere to the new code when they apply for a sign permit. Chair Nesser asked what can be done now for mobile home parks that have more than one per entrance. Director Kirch said they wouldn't be asked to change their current signs. It would only happen if they came in for a sign permit to put in new signs.

Chair Nesser asked City Attorney Stern if the city can force a mobile home park to update their signs in a certain amount of time. City Attorney Stern answered that it could be done but may

backfire on the city. Director Kirch added that it would be hard to do. City Attorney Stern added there are other factors that would impact this such as agreements of self governing parks which may include signs.

Commissioner Schroeder asked if the mobile home parks that are in the unincorporated areas would be under this ordinance. City Attorney Stern replied that those are under the jurisdiction of Pinal County and the city can't do anything until they are annexed. The commission and staff discussed how many mobile home parks are in the county islands. Chair Nesser asked if the city can ask Pinal County to update their regulations to mirror the city's regulations. Director Kirch answered that the city couldn't do that. Commissioner Schroeder asked if easements of the county islands were in the city jurisdiction. Director Kirch said it would depend where the annexation line was drawn and is on a case by case basis as some may go to the middle of the road and some may be the sidewalk. Commissioner Schroeder asked of a mobile home park that is located in a county island were to put an a-frame sign on an easement which is city property if it would be against the code. Director Kirch replied that it would be against code and therefore would not be allowed.

Director Kirch continued his presentation of AM-2-17.

Chair Nesser asked if the city can require someone with a sign to put the date on it and then take it down after a year. Director Kirch added that can be discussed. It would be different for permanent signs and temporary signs.

Director Kirch continued his presentation of AM-2-17. He said a business can have three flag poles in front of their business. Chair Nesser asked if it was for any kind of business. Director Kirch said yes but it was limited to three. Vice Chair Heck asked if the flag poles had to be used. Director Kirch said he didn't care if they were used or not but businesses should be able to have three flag poles and have any type of flag. Commissioner Howard asked what type of mechanisms will be used to let the business owners know of the changes. Director Kirch replied that currently the city uses a brochure. With changes to the code, a new brochure will be made to help alleviate any confusion.

Director Kirch showed various pictures of signs throughout the city.

Commissioner McGraw asked about window sign coverings. Director Kirch said the code allows for windows to be covered 75%. If the commission would like to change that they could. Chair Nesser asked if that includes painted windows as well. Director Kirch replied that it did.

Director Kirch reviewed his recommended changes to the sign regulations.

Chair Nesser asked if a business can put a vending machine outside their location and put signs on it. Director Kirch said no. He added they could put a vending machine from a drink vendor outside their location and it is considered a vending machine, not a sign. He also said they couldn't put a sign on the vending machine.

Vice Chair Heck asked if emergency signage in the public right of way was being stricken. Director Kirch explained that the hospitals don't install the blue "H" signs. It's usually ADOT or Public Works that installs those signs.

Director Kirch continued the review of his recommended changes to the sign regulations.

Vice Chair Heck asked about holiday signs, lights, globes. Director Kirch replied that those are considered decorations and they aren't regulated by the city.

Chair Nesser asked about large inflatable balloons on top of buildings and asked if this should be applied to christmas decorations as well. Director Kirch said he was more inclined to give them 30 days after the holiday.

Commissioner McGraw asked Director Kirch about neighborhood garage sales. Director Kirch replied that they could put signs up on private property.

Chair Nesser asked about the process to remove an illegal sign. Director Kirch replied that situations may change and the code gives the city permission to remove the sign. Director Kirch added that there is a due process involved when notifying a property owner of the illegal sign. City Attorney Stern agreed that there is due process involved.

Director Kirch concluded his review of recommended changes to the sign regulations.

Chair Nesser asked if the commission should read all the changes. Director Kirch replied that they will be meeting regarding this again on the 26th and encouraged the commission to read the changes.

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

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

No: 0

Vice Chair Heck motioned to cancel the Special Meeting on September 26, 2017 at 5:00 pm in the Apache Junction City Council Chambers located at 300 E. Superstition Boulevard and hold a Regular Meeting on September 26, 2017 at 7:00 pm in the Apache Junction City Council Chambers located at 300 E. Superstition Boulevard and place the code update on that agenda under New Business. Commissioner Buzzin seconded the motion. Motion passed with a 7-0 vote.

7. Adjournment

Adjournment:
Meeting adjourned at 6:43 p.m.

Theresa Nesser
Chairperson