



City of Apache Junction
Development Services Department



8/22/2017

Public comments and concerns since 8/16/2017 regarding CUP-6-17 proposed explosive storage at 3640 S. Cactus Road.

Stephanie Bubenheim
Assistant Planner
City of Apache Junction
Development Services
300 E. Superstition Blvd.
Apache Junction, AZ 85119
480-474-5087
sbubenheim@ajcity.net

Stephanie Bubenheim

From: Stephanie Bubenheim
Sent: Thursday, August 17, 2017 2:00 PM
To: 'sheila tesch'
Subject: RE: CUP-6-17

Hi Sheila, thank you for providing the city with your comments regarding CUP-6-17 at 3640 S. Cactus Road. I will provide this to the Planning and Zoning Commission at the public hearing on August 22nd.

Stephanie Bubenheim
Assistant Planner
City of Apache Junction
Development Services
300 E. Superstition Blvd.
Apache Junction, AZ 85119
480-474-5087
sbubenheim@ajcity.net

Office Hours
Mon-Thur 7am-6pm; Closed on Fridays

From: sheila tesch [mailto:sandltesch@gmail.com]
Sent: Thursday, August 17, 2017 11:42 AM
To: Stephanie Bubenheim
Subject: CUP-6-17

Sheila and Lyle Tesch, owners of a home in Quail Run MFP #55, are strongly opposed to the storage of explosives at Western industrial, 3640 S Cactus Rd. We are unable to attend the public hearing and wish that you would represent our opinion. Thank you. Sheila Tesch cell 612-718-7289

Stephanie Bubenheim

From: Stephanie Bubenheim
Sent: Monday, August 21, 2017 7:22 AM
To: 'pamela kopnick'
Subject: RE: Case CUP-6-17

Hi Pamela,

Thank you for voicing your concerns I will provide your comments to the Planning and Zoning Commission members at the August 22nd public hearing.

Stephanie Bubenheim
Assistant Planner
City of Apache Junction
Development Services
300 E. Superstition Blvd.
Apache Junction, AZ 85119
480-474-5087
sbubenheim@ajcity.net

Office Hours
Mon-Thur 7am-6pm; Closed on Fridays

From: pamela kopnick [mailto:pjillkop@yahoo.com]
Sent: Friday, August 18, 2017 2:17 PM
To: Stephanie Bubenheim
Subject: Case CUP-6-17

I am writing to express my views on approval of a conditional use permit to store explosives in a storage areat Western Industrial property located at 3640 Cactus Rd in Apache Junction, AZ.

I live on Tomahawk Rd in Apache East Estates, Apache Junction and find this matter very disturbing. Having explosive materials stored within a short distance from my home, would be very worrisome of this causing harm to me and my neighbors. There has to be another location that can be used for these materials that is not located in areas where families are located. The fact that this would not only lower our property values, raise our home owners insurance, cause constant alarm in our daily lives, as well as a danger to the entire area.

I am asking that a different location is selected that will not be a danger to the many people in this area, many of which are elderly, and disabled.

Sincerely,

Pamela Kopnick

Quail Run Mobile Home Park
3700 S. Tomahawk Rd.
Apache Junction, AZ 85119
Phone: (480) 983-9807
quailrun@kmcmh.com

August 21st 2017

Stephanie Bubenheim, Assistant planner
Planning and Zoning Commission
City of Apache Junction
300 E. Superstition Blvd.
Apache Junction, AZ 85119

RECEIVED

AUG 21 2017

City of Apache Junction
**DEVELOPMENT SERVICES
BUILDING DIVISION**

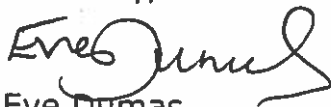
Re: CUP-6-17

Dear Ms. Bubenheim,

Please find attached a letter from the Attorney's who represent Quail Run MHP LLC located at 3700 S. Tomahawk Rd, Apache Junction, AZ 85119 regarding the Conditional Use permit CUP-6-17. The letter states some very specific objections for this permit as it very well may have a negative impact on the entire park including a drop in home values as well as a drop in the value of the park itself. Also, please consider the numerous residents who are still out of state at Quail Run as well as at Apache East MHP, a neighboring park, who are not here to voice their concerns.

I have also attached a petition signed by 50 of our residents who each oppose this permit and given more time I'm sure that number would increase.

Sincerely,



Eve Dumas

Quail Run Community Manager

Western Industrial at 3640 S. Cactus Road, Apache Junction
proposes to store explosives at their facility. #/

Please Sign And Date Petition If You Are Opposing This Proposal.
The Hearing is Aug 22nd

Quail Run Residents 3700 S. Tomahawk Rd. Apache Junction

Print Name	Mgr	Signature	Date	Space#
Eve Dumas		Eve Dumas	8/9/17	58
Paul Ontiveros		PAUL ONTIVEROS	8/9	80
Bonnie Smith		Bonnie Smith	8/9/17	53
DOROTHY FULLY			8-9-17	95
CAROLE TREECE		Carole Treece	8-9-17	33
Darrel Steele		Darrel Steele	8-9-17	43
Jean Hodder		Jean Hodder	8-9-17	92
Jeff Hodder		Jeff Hodder	8-9-17	92
Tess Jaworowski		Tess Jaworowski	8/9/17	85
Judy Akers		Judy Akers	8/9/17	10
Richard Renihan		Richard Renihan	8/9/17	93
LINDA Renihan		Linda Renihan	8/9/17	93
James Treece		James Treece	8-9-17	33
Dennis Jaquillard		DENNIS JAQUILLARD	8-9-17	38
SUSAN JAQUILLARD		Susan Jaquillard	8-9-17	38
Patricia Wick & Gary Wick		Patricia Wick & Gary Wick	8-10-17	83
JAMES M HALL		James M Hall	8-10-17	39
KAREN HALL		Karen Hall	8-10-17	39

**Western Industrial at 3640 S. Cactus Road, Apache Junction
proposes to store explosives at their facility.**

#2

Please Sign And Date Petition If You Are Opposing This Proposal.
The Hearing is Aug 22nd

Quail Run Residents 3700 S. Tomahawk Rd. Apache Junction

Print Name	Signature	Date	Space#
HELEN GALLAGHER	Helen Gallagher	8/11/17	26-2
Patsy Vujaard	Patsy Vujaard	8-12-17	#64
Billy Batts	Billy Batts		
LESLIE PROSSER	Leslie Prosser	8-13-17	#72
DAVID PROSSER	David E. Prosser	8-13-17	#72
JOE SNEEP	Joe Snee	8-21-17	#48
CORRY SNEEP	Corry Snee	8-21-17	#48
Donna C. Malay	Donna C. Malay	8-14-17	#62
Cheryl Schult	Cheryl Schult	8/14/17	#62
Kathleen Brown	Kathleen Brown	8/14/17	#69
Steven Brown	Steve Brown	8-14-17	69
Judy Koedam	Judy Koedam	8-14-17	#65
BM SHEEHAN	BM Sheehan	8-14-17	-52
Jan Webb	Jan Webb	8-14-17	-97
Robert Teed	RJ Teed	8-14-17	
Judith A. Sheehan	Judith A. Sheehan	8-15-17	#52
John McKeen	John McKeen	8-15-17	#91

#3

**Western Industrial at 3640 S. Cactus Road, Apache Junction
proposes to store explosives at their facility.**

Please Sign And Date Petition If You Are Opposing This Proposal.
The Hearing is Aug 22nd

Quail Run Residents 3700 S. Tomahawk Rd. Apache Junction

Print Name	Signature	Date	Space#
DeANNA M ^c Cabe	DeAnna McCabe	8-15-17	91
ALVIN M ^c Cabe	Alvin M. McCabe	8-15-17	91
NANCY STEELE	Nancy Steele	8-15-17	43
Diane Mitteleider	Diane Mitteleider	8-15-17	56
Charles Strankowski	Charles Strankowski	8-15-17	56
RICHARD SUCHY	Richard Suchy	8-16-17	1
Phyllis Olson	Phyllis Olson	8-17-17	100

8/17/2017

Kingsley Management Corporation Mail - Fwd: CUP-6-17



Quail Run <quailrun@kcmh.com>

Fwd: CUP-6-17

sheila tesch <sandtesch@gmail.com>
To: quailrun@kcmh.com

Thu, Aug 17, 2017 at 11:45 AM

----- Forwarded message -----
From: sheila tesch <sandtesch@gmail.com>
Date: Thu, Aug 17, 2017 at 1:42 PM
Subject: CUP-6-17
To: sbubenheim@ajcity.net

Sheila and Lyle Tesch, owners of a home in Quail Run MFP #55, are strongly opposed to the storage of explosives at Western industrial, 3640 S Cactus Rd. We are unable to attend the public hearing and wish that you would represent our opinion. Thank you. Sheila Tesch cell 612-718-7289

Please Sign And Date Petition If You Are Opposing This Proposal.
The Hearing is Aug 22nd

Print Name	Signature	Date	Space#
CHARLOTTE ONTIVEROS	Charlotte Ontiveros	8/13/17	80
PAUL ONTIVEROS	Paul Ontiveros	8/13/17	80
Marcella Durbin	Marcella Durbin	8/20/17	28
Charlotte Salisbury	Charlotte Salisbury	8/20/17	42
Judy Dittman	Judy Dittman	8-20	90
ROBERTA LENNOX	Roberta Lennox	8-20-	75
GLORNA L LENNOX	Glorna L Lennox	8-20-	75

Stephanie Bubenheim

From: Trevor Fish <trevor.fish@azbar.org>
Sent: Monday, August 21, 2017 2:59 PM
To: Stephanie Bubenheim
Cc: Doug Nelson
Subject: [SPAM] CUP-6-17: Conditional Use Permit - Desert Mesa Holdings, LLC
Attachments: City of Apache Jct ltr.08-18-2017.pdf

Ms. Bubenheim,

This is regarding the upcoming public hearing scheduled for tomorrow at 7:00 p.m. on Tuesday, August 22, 2017. Our law firm represents QUAIL RUN MOBILE HOME COMMUNITY, a neighboring property located across the street from the Western Industrial site.

We understand that our client representative, Eve Dumas – Quail Run Community Manager, dropped off an unsigned copy of our attached letter (along with approximately 50 signatures from residents opposing the storage of explosive materials CUP). We just wanted to make sure that you have a signed copy of our letter (attached).

Please feel free to contact our office if you have any questions or if you require any further information.

Trevor J. Fish
EVANS, DOVE, NELSON, FISH & GRIER P.L.C.
2650 E. Southern Avenue
Mesa, Arizona 85204
Telephone (480) 926-8600 ext.7
Telefax (480) 926-8985
Email: Trevor.Fish@azbar.org

The information contained in this email message is ATTORNEY PRIVILEGED AND CONFIDENTIAL information intended only for the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

LAW OFFICES
EVANS, DOVE, NELSON, FISH & GRIER P.L.C.

*

TAZ F. EVANS
H. LEE DOVE
DOUGLAS N. NELSON
TREVOR J. FISH
THOMAS J. GRIER

- THE TURLEY HOUSE -
2650 EAST SOUTHERN AVENUE
MESA, ARIZONA 85204

TELEPHONE (480) 926-8600
TELEFAX (480) 926-8985

August 18, 2017

*Via Facsimile No. (480) 982-7010
and email shubenheim@ajcity.net*

Stephanie Bubenheim, Assistant Planner
Planning and Zoning Commission
City of Apache Junction
300 E. Superstition Blvd.
Apache Junction, Arizona 85119

Re: Our Client: QUAIL RUN MOBILE HOME COMMUNITY
Case CUP-6-17: Conditional Use Permit – Desert Mesa Holdings, LLC

Dear Ms. Bubenheim:

Our law firm represents QUAIL RUN MOBILE HOME COMMUNITY, a neighboring property located across the street from the Western Industrial site at 3640 S. Cactus Road, Apache Junction, AZ. It has come to our attention that Desert Mesa Holdings, LLC is requesting that the City approve a Conditional Use Permit (CUP) to allow explosive materials to be stored at the Western Industrial site. For all of the reasons stated below in this letter, our client is adamantly opposed to the storage of explosive materials in such proximity to their community of 103 residential homes/spaces.

To give you some background information, Quail Run is a mobile home community located at 3700 South Tomahawk Rd., Apache Junction, AZ 85119. The Park is on the east side of Cactus Road, just across from the Western Industrial site. Quail Run is an age-restricted (55+) community, is a newer gated Park (built in 1997) with 103 spaces, is quiet and well maintained with a clubhouse, wide paved streets, all peaked roof homes, and has an on-site manager. Approximately 70% of the residents call Quail Run their home year round.

Although a majority of the Park residents reside there year round, there are a significant number of residents who are gone for the summer months. That being said, we can not be sure that all of the residents are aware of pending CUP request or the upcoming hearing scheduled for 7:00 p.m. on Tuesday, August 22, 2017. The Notice sent by the City and the accompanying letter from Western Industrial was delivered only to Quail Run's main office, and was not served individually upon the Park's numerous residents. We understand that it is the City's current policy to only serve the neighboring real estate owners, but there is certainly a cause for consideration in making sure that all of the many residents and homeowners in the Park are made aware of this situation involving the possible storage of explosive materials so close to their homes.

In addition to the foregoing, the Notice of Public Hearing sign that is posted at the Western Industrial site should have been placed in a more prominent location. Our concern is that the sign is only noticeable if you know what to look for, and does not therefore give sufficient notice to the public or Park residents.

Given the apparent notice concerns, and considering the significant number of residents who are gone for the summer months, we are requesting that the City postpone the Public Hearing and delay any decision on the CUP request until all of the Park residents are afforded the opportunity to voice their concerns and any objections that they might have to the proposed change of use – especially given the nature of the CUP involving explosive materials. We believe that it is no coincidence that the applicant is presenting its CUP request during the middle of the summer when so many residents from our client's Park, and from the neighboring Apache East Estates mobile home park and other park communities in the area, are not around to be notified of the pending CUP or to be heard at the Public Hearing.

Along with the safety concerns of having explosive materials stored in such proximity, there is also the risk of serious economic harm to our client. There is little doubt that the storage of explosive materials will have a negative impact upon property values and will also likely damage our client's business. Prospective residents will be less likely to lease homes or lot spaces in a Park that has explosive materials across the street. This is even more probable given the age-restricted (55+) nature of the community. Furthermore, the cost to our client if residents decide to pull their homes from the Park would be immense. It costs thousands and thousands of dollars to relocate homes and to find new manufactured homes to move into the community. Parks suffer significant losses when lot spaces are left empty and also when Park-owned homes are unable to be rented.

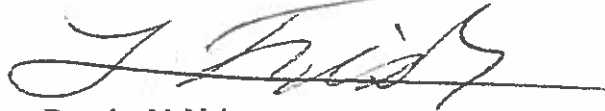
Based upon the foregoing, you can see that our client has serious concerns and objections to the storage of explosive materials next to their Park. We therefore request that the City deny the CUP request. Alternatively, if the City is not inclined to deny the CUP application outright, then at a minimum we request that the City's decision be postponed for at least 60-days until another rescheduled Public Hearing can be held in the Fall.

Stephanie Bubenheim, Assistant Planner
Planning and Zoning Commission
August 18, 2017
Page 3 of 3

Please feel free to contact our office if you have any questions or if you require any further information.

Very truly yours,

EVANS, DOVE, NELSON, FISH & GRIER PLC

A handwritten signature in dark ink, appearing to read "D. Nelson", written over a horizontal line.

Douglas N. Nelson
Trevor J. Fish

cc: Quail Run Mobile Home Community

DAVID ALAN DICK & ASSOCIATES

Main Office

505 West Ray Road Suite 4
Chandler, Arizona 85225
(480) 782-1026

Admitted to Practice Law In

Arizona, Minnesota, North Dakota
Federal District Court 8th and 9th Circuits
Federal Appellate Court 8th and 9th Circuits
Numerous Tribal Courts in Montana,
North Dakota and Arizona

Email

dakotaatty@cs.com

Toll free number

888-723-5473

August 21, 2017

Stephanie Bubenheim
Planning and Zoning Department
for Apache Junction
sbubenheim@AJCity.net

Re: Explosive Container approval
for Western Industrial Resources

Ms. Bubenheim

I have met with Douglas Bacon the CEO of Central Arizona Council on Developmental Disabilities. I have worked with Doug for 30 years and have agreed to assist him regarding the above stated application for his neighbor to have an explosive container approved.

First, I have reviewed the initial application, and your recommendation for approval of that application on a temporary basis. Please explain the regulations and City Codes you relied upon in making that recommendation.

Second, what is the procedure to be allowed to speak on this application on behalf of Central Arizona Council on Developmental Disabilities on the meeting set for tomorrow. I did see a motion to continue that agenda item. Please inform me of the outcome of that request.

/s/ DAVID ALAN DICK
David Alan Dick

** sent via email.

Stephanie Bubenheim

From: Stephanie Bubenheim
Sent: Tuesday, August 22, 2017 8:51 AM
To: 'nshechter@wirc.co'; 'dakotaatty@cs.com'
Cc: Joel Stern; Larry Kirch; Rudy Esquivias
Subject: FW: explosive container proposal on agenda
Attachments: ddd letter to Bubenheim 8-21-2017.docx

Good Morning David,

In response to your letter dated August 21, 2017,

The city code section regarding Conditional Use Permits can be found in the Apache Junction City Code, Volume 2: Land Development Code, Chapter 1: Zoning Ordinance, Article 1-16: Administration, Section 1-6-12: Condition Use Permits, Administrative Use Permits and Building Permits.

The Planning and Zoning Commission public hearing will be held today, August 22nd at 7pm at the city hall council chambers, address below. Anyone can attend the meeting and anyone can speak for or against the proposed case during the public hearing portion, each person from the public is allowed 5 minutes to speak. The applicant is requesting a continuance, the commission will decide whether to continue the case to a later date or hear the case and make a determination tonight. I can inform you by email the outcome of the meeting if you are unable to attend.

Stephanie Bubenheim
Assistant Planner
City of Apache Junction
Development Services
300 E. Superstition Blvd.
Apache Junction, AZ 85119
480-474-5087
sbubenheim@ajcity.net

Office Hours
Mon-Thur 7am-6pm; Closed on Fridays

From: dakotaatty@cs.com [mailto:dakotaatty@cs.com]
Sent: Monday, August 21, 2017 4:59 PM
To: Stephanie Bubenheim <sbubenheim@AJCity.Net>
Cc: dbacon11@cox.net
Subject: explosive container proposal on agenda

Ms. Bubenheim

Please review the attached letter and respond. Thank you for your time.

David Alan Dick