



City of Apache Junction
Development Services Department



Date: January 3, 2018

To: Chairperson Nesser and Planning and Zoning Commission

Through: Larry Kirch, Development Services Director
Rudy Esquivias, Senior Planner/Zoning Admin. *[Signature]*

From: Stephanie Bubenheim, Assistant Planner *SB*

Subject: January 9, 2018 Planning & Zoning Commission Public
Hearing Item: CUP-6-17, a conditional use permit
request by Desert Mesa Holdings LLC, for 3640 S.
Cactus Road.

Western Industrial has sent a letter to city staff withdrawing conditional use permit request CUP-6-17 to store explosive material in an ATF approved type 2 magazine storage container (see letter dated December 26, 2017). Attached are public comments and concerns received since the August 22, 2017 public hearing date. Staff asks that you respectfully accept the withdrawal letter, staff will follow up with the applicant to ensure the storage container is removed.

Stephanie Bubenheim
Assistant Planner
City of Apache Junction
Development Services
300 E. Superstition Blvd.
Apache Junction, AZ 85119

December 26, 2017

Stephanie,

Western Industrial would like to retract our conditional use permit application (CUP-6-17) and be removed from the January 9th City of Apache Junction Planning and zoning commission meeting. Our request to the Bureau of Alcohol Tobacco Firearms and Explosives was turned down. This will not allow us at this time to meet the requirements of the Conditional Use Permit. There are other methods that we could use but Western Industrial does not feel the need to pursue the other avenues at this point. We do hope to pursue Western Industrial Fracturing as a part of our business but the storage of explosive materials on our Apache Junction Property will not be a part of that plan at this time. Should the need arise in the future we may ask the city again for a conditional use permit.

I have spoken with Doug Bacon of the Center for Disabilities and I will notify both Quail Run Trailer Park and Apache West on Thursday.

Please feel free to contact me at any time if you have questions.

Sincerely,



Nate Shechter
Western Industrial Director of Safety and Compliance

Stephanie Bubenheim

From: Stephanie Bubenheim
Sent: Thursday, December 28, 2017 9:29 AM
To: 'John Otis'
Cc: Bryant Powell
Subject: RE: Western Industrial CUP-6-17
Attachments: Western Industrial CUP-6-17 12-26-17.pdf

John, staff received a letter from Western Industrial this morning asking to revoke the conditional use permit request. The case will still be on the agenda for the January 9th meeting but this letter will be presented.

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: John Otis [mailto:john.otis@horneboys.com]
Sent: Wednesday, December 27, 2017 2:50 PM
To: Stephanie Bubenheim
Subject: Re: Western Industrial CUP-6-17

Thank you so much. Have a good day.

Best Regards
John Otis
480-800-7258

From: Stephanie Bubenheim <sbubenheim@AJCity.Net>
Sent: Wednesday, December 27, 2017 2:39:56 PM
To: John Otis
Subject: RE: Western Industrial CUP-6-17

Hi John, I received your voicemail and tried calling back but your voicemail box is full. The January 9th Planning and Zoning Commission Public Hearing will be held at 7pm at the City Hall Council Chambers.

300 E. Superstition Boulevard
Apache Junction, AZ 85119

Information such as agendas and staff reports pertaining to the meeting will be published online here <https://apachejunction.legistar.com/Calendar.aspx> , one week before the meeting, thank you.

Stephanie Bubenheim

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

From: Stephanie Bubenheim
Sent: Thursday, December 21, 2017 4:19 PM
To: 'john.otis@horneboys.com' <john.otis@horneboys.com>
Subject: Western Industrial CUP-6-17

Hi John, per your request attached is a link to the last public hearing 8/22/17 for the Western Industrial CUP-6-17 explosive container request at 3640 S. Cactus Road. You will be able to watch a video of the meeting. Clicking on 17-336 will take you to the PDF files for the case which includes staff reports, presentations, and public comments that were presented at the meeting. The next public hearing will be January 9th at 7pm. If you have any further questions let me know, thank you!

<https://apachejunction.legistar.com/MeetingDetail.aspx?ID=559584&GUID=FA5E224C-6ACD-4E8B-93C9-4632B22C4E54&Options=info&Search=>

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Apache Junction City Council

17-336

CUP 6-17

Dear Members of the Council:

I am writing in regards to the PROPOSAL submitted by Desert Mesa Holdings LLC., to the Planning and Zoning Commission and on your Agenda for August 22, 2017.

The proposal clearly states that storing Explosive Materials is and will never be a safe thing to do.

(A) However the PROPOSAL states : “ The request for this permit is so we may SAFELY and LEGALLY store materials used for explosives and initiation devises in our ATF approved Type 2 magazine.” “ The magazine will also have barricades placed around the magazine to control any energy that may be released in a CATASTROPHIC event as supplemental protection for our property and the property of our neighbors.”

(B) Paragraph (4) and (6) again speaks of an “ IN CASE” catastrophic event happening.

The APPLICANT can not guarantee that a catastrophic event will never happen. The CITY COUNCIL can guarantee that it will never happen by not issuing a CUP permit for storage of explosives to this Applicant.

On page 3 of 6 in the Planning and Zonings FINDINGS: August 8, 2017-12-14
“ A CUP may be granted upon a FINDING by the COMMISSION that the use covered by the permit, the MANNER of its conduct, and any structure involved WILL NOT be detrimental to PERSONS residing or working in the area, to adjacent property, to the neighborhood, or to the PUBLIC WELFARE in general.” “ BURDEN of PROOF for satisfying the aforementioned requirements shall rest with the APPLICANT.”

As outlined in the APPLICANTS PROPOSAL, the APPLICANT cannot satisfy the CUP PERMIT requirements or the City’s General Plan or Vision.

Risk assessment

Risk assessment is the determination of quantitative or qualitative estimate of risk related to a well-defined situation and a recognized threat (also called hazard). **Quantitative risk assessment requires calculations of two components of risk (R): the magnitude of the potential loss (L), and the probability (p) that the loss will occur.**

I do not see a Risk assessment plan submitted in the Proposal.

Again the subject of a loss of value on property that is next to stored explosives, cannot be verified by the Planning board.

The loss of an already existing business as addressed at the last public hearing by that Business's representative.

The land owned by Ford Motors might be restricted for development based upon the ATF requirements.

The City of Apache Junction Planning and Zoning Division works to create opportunities for economic and community development through effective planning for future growth, and by assisting the community in developing its goals, objectives and the vision of the City's General Plan.

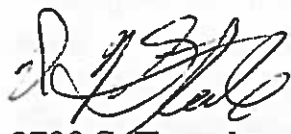
City's General Plan Vision:

Vision Statement

The people of Apache Junction envision their future community as a distinctive place that is unique in its friendliness, attractive and livable to its residents, and welcoming to its visitors. An attractive City image will result from planned improvements such as a unified downtown activity center, transportation improvements, water conservation, wildlife habitats and other natural resources. A citizen-driven plan calls for a balance of elements that emphasizes outdoor living enjoyment and the ability for all people to live, work and play in a wholesome, vital and secure environment.

Respectfully Submitted,

Darrel Steele



**3700 S. Tomahawk Rd #43
Apache Junction, Arizona**

(attached email to bkelly to be shared with Stephanie Bubenheim.)

Subject: Re: RE: RE: P&Z Agenda 8/22/17

From: azdjsteele@yahoo.com

To: bkelly@AJCity.Net

Date: Thursday, December 7, 2017 12:00:07 PM MST

Please share this with the Stephanie Bubenheim, Assistant Planner, City of Apache Junction.

I have looked at the agenda and time frame of this Proposal request submitted by Desert Mesa Holdings LLC., by Nate Shechter.

I have looked over that Proposal. I have looked over the Planning and Zoning Commission's August 8th Meeting notes.

I still do not see the signed petitions or the letter from the Quail Run Attorney as part of the records on this Proposal.

The PLANNING DIVISION RECOMMENDATION based upon the Criteria necessary to move forward into hearing's seems to be a recommendation without the advice of the CITY ATTORNEY.

I say this based upon the August 8th narrative of Desert Mesa Holdings Proposal as submitted by the Commission.

The burden of proof rests with the APPLICANT. (Desert Mesa Holdings LLC.)

" A CUP may be granted upon a finding by the commission that the use covered by the permit, the manner of its conduct, and any structure involved

will not be detrimental to persons residing or working in the area, to adjacent property, to the neighborhood, or to the public welfare in general." (Page 3 of 6 - August 8th)

(page 4 of 6. Gray tone responses by Staff for:

(A) Adequacy of roadways- The roadway that will be used to deliver explosive product into the facility will be within 200 feet or so of other property .

(B) Negative Impacts arising from the emission of odor, dust, gas, noise, lighting, vibration, smoke, heat or glass.

No person shall know about this NEGATIVE impact and results of it until an explosion occurs. Engineers project theory on what may happen based upon certain containment structures but non are based upon FACT.

(C) Contribution to the deterioration of the neighborhood or the negative impact of neighborhood property values.

The STAFF admits that there is NO RESEARCH to determine accurately if the area will have a negative impact.

(D) Compatibility with surrounding uses and structures.

1- Central Arizona Council on Developmental Disabilities will move out " IF " the city council approves this CUP.

2. There is no SAFE transportation ZONE in and out and certainly not a safe distance of 590 feet as projected by the Staff.

3. There will be a negative impact on the properties to the East.

(E) Conformance with the GENERAL PLAN AND CITY POLICIES.

The General Plan designates the area as COMMUNITY/COMMERCIAL. One has to note that COMMUNITY is designated first as perhaps the Communities were here long before the COMMERCIAL. That would mean the impact would be placed on Community based upon numbers of person's effected.

(F) Screening and buffering of uses.

As the property was developed it was not developed with EXPLOSIVE storage in mind. So a new plan by the APPLICANT has to be submitted to the board. Also that Explosive Container has to apply for a NEW BUILDING PERMIT. That does not scream ALREADY DEVELOPED FOR THIS USE TO ME.

(G) Unique nature of the property, use and /or development's physical characteristics.

There is nothing unique about this property except that it borders on and is next to Communities and if the City Council approves this CUP the Business next door is moving and the communities will be put at an unnecessary risk.

Health and Safety of all should be the number one priority when considering a storage and placement facility for explosives.

Having served the public for many years on a city council I do not know HOW this CUP proposal ended up on a CITY COUNCIL Agenda.

Respectfully Submitted:



Darrel J. Steele

3700 S. Tomahawk Rd.

Lot 43

Apache Junction, Arizona 85119

On Wednesday, December 6, 2017 05:04:31 PM MST, Barbara Kelly <bkelly@AJCity.Net> wrote:

Mr. Steele -

Oh my goodness! I am so sorry I sent the wrong information.

You can access all agendas at the city's Insite page. The website can be accessed at <https://apachejunction.legistar.com/Calendar.aspx>. You can also view the video of the meeting for additional information.

This will eliminate the middle man (me) in getting you the correct information.

Again, please accept my apologies for sending you the incorrect information.

Barbara Kelly

From: DJ Steele [<mailto:azdjsteele@yahoo.com>]
Sent: Wednesday, December 06, 2017 4:51 PM
To: Barbara Kelly <bkelly@AJCity.Net>
Subject: Re: RE: P&Z Agenda 8/22/17

The two files I have that were sent Dec.6 at 2.52PM by you

PDF file (agenda 37) 101.9 KB

Image 001.png 96.5 kb

Thank you again for your promptness and in forwarding my concerns to Stephanie Bubenheim.

On Wednesday, December 6, 2017 02:50:08 PM MST, Barbara Kelly <bkelly@AJCity.Net> wrote:

Mr. Steele –

I have copied Stephanie Bubenheim, our Assistant Planner, in hope she can answer your new questions. You should hear back from her soon.

Thank you,

Barbara Kelly

From: DJ Steele [<mailto:azdsteele@yahoo.com>]
Sent: Wednesday, December 06, 2017 2:45 PM
To: Barbara Kelly <bkelly@AJCity.Net>
Subject: Re: P&Z Agenda 8/22/17

I am looking over what you have sent me. Thank you for being so efficient and prompt.

I have a few concerns. Are you sure you have sent me ALL the records in the two files sent to me?

I have been told and shown that Quail Run had a letter that was hand delivered to the City Council along with a signed petition.

I have been told that Apache East also submitted a petition to the City Council.

I am wondering now if I have been sent all RECORDS allowed under the OPEN MEETING AND RECORDS law?

Thank you

Darrel Steele

Quail Run Resident

On Wednesday, December 6, 2017 12:52:36 PM MST, Barbara Kelly <bkelly@AJCity.Net> wrote:

Mr. Steele –

Please find attached the agenda for the August 22, 2017 Planning and Zoning Commission meeting. The information you are seeking should be found in the Western Industrial Public Hearing item.

You can also view the video of the meeting at apachejunction.legistar.com.

Thank you,



Barbara Kelly | Senior Administrative Assistant

Development Services

City of Apache Junction

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Office Number 480.474.5083

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City Hall Hours of Operation 7AM-6PM, Monday through Thursday, closed on Fridays.

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