



City of Apache Junction
Development Services Department



Date: August 16, 2017

To: Chairperson Nesser and Planning and Zoning Commission

Through: ~~Larry Kirch, Development Services Director~~ *JK*
~~Rudy Esquivias, Senior Planner/Zoning Admin.~~

From: ~~Stephanie Bubenheim, Assistant Planner~~ *SB*

Subject: August 22, 2017 Planning & Zoning Commission Public Hearing Item: CUP-6-17, a conditional use permit request by Desert Mesa Holdings LLC, for 3640 S. Cactus Road.

REQUEST

Desert Mesa Holdings LLC, represented by Nate Shechter, is requesting a continuance of CUP-6-17 to a date certain (date will be provided at the public hearing meeting on August 22nd). The ATF has requested further information on the barricade and would like to have the barricade approved by the Washington D.C. office. Due to this Western Industrial would like to continue the public hearing until they receive further approval from ATF. The applicant is also waiting for blast radius data from their engineer. The Planning & Zoning Commission may proceed with a continuance until a date certain, or approve, or deny the case. If the commission so chooses to move forward with the case a recommended motion is provided below.

PLANNING & ZONING COMMISSION AUGUST 8TH MEETING

At the Planning and Zoning Commission meeting on August 8th the case was presented as a new business item. The following questions were asked by the commission members:

1. If the explosives were to go off, what would the radius be?
2. Why is the roof of the barricade only metal, should it also be concrete?
3. Please give details on the security of the facility and the barricade/container.
4. Is there a berm?

5. Is there a portion of the container/barricade that is partially buried?
6. How often will ATF and WI inspect the container?
7. Are there other flammable or hazardous materials on the property, how are they affected by a potential explosion?

The applicant has provided responses to these questions (see email dated August 16, 2017 attached). Planning staff contacted the police department and asked if Cactus Road could have a dedicated patrol and if the alarm system at Western Industrial is connected to the police department. The police department cannot dedicate an officer to patrol a small section of the city, Western Industrial is required to be part of the city's alarm program but when an alarm goes off it is sent to an alarm company first before the alarm company contacts the police department. Planning staff has also reached out to the ATF, NFPA, and ICC. If information is received, it will be provided.

PUBLIC NOTIFICATION

The CUP case was advertised in the paper and letters were mailed to all property owners within 300 feet of the site. The applicant sent out a notification letter to property owners describing the request (public participation summary attached). Multiple calls and emails have been received by staff from the neighboring manufactured home parks and Central Arizona Council on Developmental Disabilities with concerns regarding the explosive material and how it will affect their property (emails attached). One caller asked what type of material and where the container was located on the site but was not concerned with it being stored because regulations and requirements must be met.

PLANNING DIVISION RECOMMENDATION

Staff believes the proposed magazine container to store explosive material is meeting the criteria for a CUP request. The magazine container is required to be constructed to meet ATF standards for storing explosives and a barricade will be constructed to further protect nearby properties if an explosion were to occur. The explosive material and ignitors are not being stored together and the facility has security cameras, gates and a perimeter wall in addition to mandatory ATF approved locks on the container. Staff recommends approval of the proposal subject to the conditions listed under Recommended Motion.

RECOMMENDED MOTION

I move that the Planning and Zoning Commission (APPROVE/DENY) case CUP-6-17, a request by Desert Mesa Holdings LLC, represented by Nate Shechter, requesting approval of a Conditional Use Permit ("CUP") to store explosive material in an ATF approved type 2 magazine storage container at Western Industrial, located at 3640 S. Cactus Road, on the southwest corner of S. Cactus Road and E. 36th Avenue alignment, zoned B-5 (Industrial), subject to the following conditions of approval:

1. The applicant shall provide approval to staff from ATF for the barricade, before the container may be used to store material.
2. Upon approval of the CUP, a building permit will be required for the magazine storage container and the barrier and must meet ATF, NFPA and ICC standards along with applicable inspections by the building inspector and fire marshal.
3. The Apache Junction Police Department shall inspect the magazine once it is in place, before explosives are stored at the site.
4. The commission shall reserve the right to revoke a CUP for noncompliance with any condition prescribed as part of the permit approval.

Attachments:

Exhibit #1 - P&Z Questions & Response Email dated August 16, 2017
Exhibit #2 - Public Participation Summary
Exhibit #3 - PZ Staff Report from August 8, 2017 with all attachments.

Stephanie Bubenheim

From: nathan shechter <nathanshechter58@gmail.com>
Sent: Wednesday, August 16, 2017 11:52 AM
To: Stephanie Bubenheim
Subject: Fwd: FW: CUP-6-17 Explosive Magazine Storage at Western Industrial

Stephanie

call me if you get this. It has the answers to the questions by the commission. I will address these questions to them and the attendees on the 22nd as well.

On Wed, Aug 16, 2017 at 11:46 AM, Nate Shechter <nshechter@wirc.co> wrote:



Nate Shechter | Director of Safety and Compliance

Western Industrial Resources Corporation
3640 South Cactus Road
Apache Junction, Arizona 85119-9200

480-396-7404(O), 480-396-7405(F), 520-907-6222(C), 480-505-5309(D)

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From: Stephanie Bubenheim [mailto:sbubenheim@AJCity.Net]
Sent: Wednesday, August 9, 2017 4:23 PM
To: Nate Shechter <nshechter@wirc.co>
Subject: RE: CUP-6-17 Explosive Magazine Storage at Western Industrial

Nate,

Thank you again for attending the P&Z meeting last night, here is a recap of the questions the commission would like answers to.

1. If the explosives were to go off, what would the radius be?

I am still trying to ascertain the answer to this. I have submitted this to the engineer for clarification and hope to have the answer by the meeting on the 22nd

2. Why is the roof of the barricade only metal, should it also be concrete?

There is no hard roof over the magazine because the barricade is designed to direct any release of energy that may occur. We used a metal roof so that we can redirect rain so that it does not sit within the barricade and cause damage to the magazine

3. Please give details on the security of the facility and the barricade/container

We have cameras within our yard inside of the 6 foot fence around the perimeter of our yard and a code activated gate. There is a key for fire access. The door to the magazine is made of 1/4" plate with 3" of solid wood inside the door. ATF requires a type of lock to be used on the magazine which I will present on 8-22. There are 2 locks on each door. There will also be a door on the concrete barricade that will provide extra security around the magazine.

4. Is there a berm?

No there is no berm around the magazine. The barricade and magazine are lower than the wall of conex boxes to the east of the conex proposed location. The barricade is to be 10 feet tall and the magazine is only 8'

5. Is there a portion of the container/barricade that is partially buried?

No it is surrounded by the 10' concrete barricade

6. How often will ATF and WI inspect the container?

Western Industrial is required to inspect the magazine on a weekly basis when there is product in the magazine we are to inspect for content daily. ATF can come at maximum every 6 months. They can come any time and inspect

7. Are there other flammable or hazardous materials on the property, how are they affected by a potential explosion?

We do our best not to carry any hazardous materials on site. At present I have one bottle of both oxygen and acetylene on the property. We have some oil on site but no fuels or other materials. Our paints are epoxies and we do not store but have it delivered as needed

Please provide answers to these questions, I can provide them in the staff report if I receive them before August 16th. I will also need any other updates to the public participation, otherwise I will use the updated public participation summary you handed me last night.

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

August 7, 2017

Stephanie,
Western Industrial sent out letters to all of our neighbors telling them of our request to the city of Apache Junction for the Conditional Use Permit on July 22nd or 23rd.

I heard from Doug Bacon on the 24th of July and we had a discussion about our conditional use permit. Doug is with the Central Arizona Developmental Disabilities group. They are the closest neighbor to our south and their location is to the east of the magazine location.

He stated that:

His board may not approve of the magazine stored that close to their business based on the population that they serve.

He stated that families of the clients may object

He also stated that families may pull their clients out of the program if they knew we were storing explosives in the area.

I explained to Mr. Bacon that the magazine is designed for the purpose intended.

That present day explosives must have an initiating device that causes them to fire

That the magazine itself would have a 12" thick concrete wall around the magazine which would direct any energy in an upward direction in the case of a catastrophic failure.

I stated that I would call him on the 25th and invite him over to come see the magazine and the planned placement in our yard.

I failed to call Mr. Bacon on the 25th but did call on the 26. He was unavailable and I asked that he call me back. To date I have not heard back from him.

As of today, August 7, 2017 I have not heard from any of our neighbors.

Sincerely,

Nate Shechter
Western Industrial Director of Safety and Compliance

PS 8-7-17 Heard from Thomas Gross, who lives in trailer court to the east. He just wanted to know about what we might be storing (type of explosive) Invited him for a tour. He also asked

PS 8-8-17 Sharon called from Quail Run asked about safety, asked about transportation, concerned about home values decreasing and people in the area worried about a catastrophic accident, I explained how explosives work, explained about we have no work at this time. If AJ zoning or development changes we could change. Asked why couldn't we put the magazine near our work site. I explained that we have no work site. She did say she would call the city.

PS Received fax on 8-14 (attached) a letter from the Arizona Council on Developmental Disabilities expressing concern.

PS received citizen concern letter from Stephanie 8-15 and responded back with answers to Stephanie on the same morning. Sent response through my personal E-mail as our systems do not communicate from Western Industrial to AJcity.net

PS 8-14 Received a call from Barb at Apache East Estates, asking if we could come talk to them at 9:00 net Tuesday morning (August 22) and answer questions that residents have about our conditional use permit.

PS 8-14 Received letter back from Quail Run MHP stating not at this address

Central Arizona Council on Developmental Disabilities

P.O. Box 3670 Apache Junction, AZ 85119
Phone: 480.982.3015 Fax: 480.982.0679

To: Stephanie Bubenheim
Apache Junction, Planning Department

FROM: Edward Oller, Chairperson Central Arizona Council on D.D.

Subject: Explosive Magazine at Western Industries

Our Directors have reviewed the letters sent by Nate Shechter representing Western Industrial and also the announcement from Kathleen Connelly City of Apache Junction City Clerk regarding the possible placement of this explosive magazine being placed on Cactus Dr. in Apache Junction.

In our discussions we have some opinions and some questions, as this request is moving forward.

We feel it is imperative you know the service we provide right next door. I am enclosing a brochure for your perusal and will let you know we work with a vulnerable population and their families at our location there. We serve over 240 persons statewide and this location house our main offices and serves as our transportation hub as well as work programs and Day Program Activities are provided at this site. We see on average 40-80 people on any given day at this sight. All the people we serve are Developmentally Disabled individuals and many have other impairments. We have many in wheelchairs and many with multiple diagnoses.

Our neighbors include 2 over 55 communities who are also a vulnerable population.

Right Away Disposal Co. who has many employees and customers at their site daily.

We think putting this Explosive Magazine in this populated urban area is risky! It seems apparent the explosives would not be used in this area which brings the question why store them there? It seems much more sensible to store these in less populated area closer to where they will be used, thereby cutting down the amount of transportation of these explosives.

It is a concern to us that our Liability Insurance may increase if this Magazine is built. Will the City of Apache Junction and Western Industrial be able to pay these increases?

The Department of Economic Security may also need to be made aware of this, as they are responsible agency for the services we provide here. If they require us to move to a safer site, will the City of Apache Junction and Western Industrial be prepared to fund a new safer site to replace our current operation here on Cactus Rd?

I think you can understand our concerns for storing these explosives this close to the people who live and work and play in this area
Thank You for listening to these concerns.

c. Apache Junction City Council
Western Industrial



1 S. CACTUS ROAD
JUNCTION, AZ 85119

RECEIVED

AUG 10 2017

102-20-048
Quail Run MHP
5314 N 250 West 210
Provo UT 84604

84604-770750
85119>9200

PHOENIX
AZ 852



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Handwritten:
Jed
1/10/17



Stephanie Bubenheim

From: Stephanie Bubenheim
Sent: Wednesday, August 16, 2017 8:52 AM
To: 'MdMich@msn.com'
Subject: RE: CUP-6-17
Attachments: 8-15-17.pdf

Hi Michael,

Thank you for providing comments and concerns to the city regarding case CUP-6-17, I will provide your comments to the Planning and Zoning Commission at the public hearing on August 22nd, you are invited to attend as well. The meeting will be held at city hall at 7pm, address below. I have also been notified that Western Industrial will be attending a community meeting at Apache Junction Estates on August 22nd at 9am to address questions the community has.

In response to your questions please see the PDF attached with the applicants response. The question that I am able to address I have answered below.

1. Will there be some sort of security to monitor the ATF container or containers?
2. What type of explosives are they wanting to store?
3. How long will they be stored?
4. What is the shelf life of the explosives before they become unstable?
5. Has the city verified the ATF container or containers being used are suitable for the type of explosive to be stored? **The city has received plans for the container and barricade, upon approval of a CUP a building permit will be required which will need the Building Official and Fire Marshall approval and must meet ICC (International Code Council) requirements as well.**
6. What is the blast area for the types of explosives to be stored, should they detonate?
7. Should the explosives detonate, will Desert Mesa Holdings be held responsible for damage to nearby properties or injury to nearby persons?

Thank you,

Stephanie Bubenheim
Assistant Planner
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300 E. Superstition Blvd.
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480-474-5087
sbubenheim@ajcity.net

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

From: MdMich@msn.com [mailto:MdMich@msn.com]
Sent: Friday, August 11, 2017 10:59 AM
To: Stephanie Bubenheim
Subject: CUP-6-17

Good morning,

My name is Michael Michaud, I reside within the Apache Junction Estates community, my home within the complex, is located about 4 units from the back wall of our complex on S Cactus Rd. My wife and I frequently walk our pet along S Cactus Rd in the evening, and I have a few questions about the request for the conditional use permit requested by Desert Mesa Holdings.

1. Will there be some sort of security to monitor the ATF container or containers?
2. What type of explosives are they wanting to store?
3. How long will they be stored?
4. What is the shelf life of the explosives before they become unstable?
5. Has the city verified the ATF container or containers being used are suitable for the type of explosive to be stored?
6. What is the blast area for the types of explosives to be stored, should they detonate?
7. Should the explosives detonate, will Desert Mesa Holdings be held responsible for damage to nearby properties or injury to nearby persons?

Should the above questions be answered favorably, and because of our close proximity to the property, the answer to number 7 be yes, I would have no problem with the company storing the explosives at their property. Otherwise, due to the type of community we are, and the age and medical conditions of some of our residents, I would have to object to the storing of explosive so close to our community.

Thank you

Michael Michaud

Nate Shechter

From: Nate Shechter
Sent: Tuesday, August 15, 2017 10:53 AM
To:
Subject: M Michuad response

Good morning,

My name is Michael Michaud, I reside within the Apache Junction Estates community, my home within the complex, is located about 4 units from the back wall of our complex on S Cactus Rd. My wife and I frequently walk our pet along S Cactus Rd in the evening, and I have a few questions about the request for the conditional use permit requested by Desert Mesa Holdings.

1. Will there be some sort of security to monitor the ATF container or containers?

Western Industrial has security on premisis. We have cameras available to monitor our yard. We have a coded gate. The magazine if used must be inspected by us on aweekly basis, if there is inventory that is inspected daily for inventory and by ATF at any time

2. What type of explosives are they wanting to store?

The type of material to be stored will be on a project basis. And they will be ordered on a project basis so that there is not a constant amount of material stored unless needed. There are basically two types of material that we can potentially have and it is about the energy that is in the material itself. Our magazine is also set up to store in a separate locked magazine the initiating devices (blasting caps) which are the catalyst to make the material operate.

3. How long will they be stored?

It is ordered as stated above on an as needed basis. It is our plan that when the job is complete the magazine sits empty.

4. What is the shelf life of the explosives before they become unstable?

Modern day explosives such as emulsions and have a shelf life of one year. We will always rotate stock so that the oldest material is used first

5. Has the city verified the ATF container or containers being used are suitable for the type of explosive to be stored?

The magazine is built to ATF requirements and ATF has been out to the site to approve the magazine

6. What is the blast area for the types of explosives to be stored, should they detonate?

This is the one question I cannot answer yet. I am having it calculated by our barricade design engineer. I would hope to have an answer on Monday night. Variables will be the type and quantity of the material. Our magazine is

designed for withholding some of the energy, the barricade is designed to protect and direct the force of any accidental detonation.

7. Should the explosives detonate, will Desert Mesa Holdings be held responsible for damage to nearby properties or injury to nearby persons?

Yes and we hold insurance policies for the work that we do.

Should the above questions be answered favorably, and because of our close proximity to the property, the answer to number 7 be yes, I would have no problem with the company storing the explosives at their property. Otherwise, due to the type of community we are, and the age and medical conditions of some of our residents, I would have to object to the storing of explosive so close to our community.

Thank you

Michael Michaud

Stephanie Bubenheim

From: Stephanie Bubenheim
Sent: Wednesday, August 16, 2017 6:28 PM
To: 'Brenda Zaremba'
Subject: RE: ATF Storage Container ref # cup-6-17.

Mr. and Mrs. Zaremba,

Thank you for providing questions to the city, I will provide these in the staff report at the public hearing on August 22nd at 7pm, you are invited to attend as well. The meeting will take place at the city hall. Western Industrial will also be attending a meeting at Apache East Estates on August 22nd at 9am should you wish to attend that as well. Please see my responses to the your questions below.

Stephanie Bubenheim
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Office Hours
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From: Brenda Zaremba [mailto:brenzarem@hotmail.com]
Sent: Tuesday, August 15, 2017 7:15 PM
To: Stephanie Bubenheim
Subject: ATF Storage Container ref # cup-6-17.

Just heard about the explosive storage unit behind our park and am very concerned.

1. We are in Lot 132 Apache East Estates, how far away is this storage container going to be from our house. Apache East Estates is located within a Pinal County island and is outside of the city limits, the city does not have a lot map of the park on file. The closest distance from the edge of the barricade to the southwest corner perimeter wall of Apache East Estates is about 567 feet.

2. What exactly is going to be stored there. The explosive material proposed to be stored in the explosives storage container is used for fracturing ground, breaking ground or sturdy material such as concrete to allow easier digging. The explosive and ignitor will be stored in separate containers, the container will be surrounded by a barricade that will be located towards the rear of the subject site. Material will only be stored when jobs require it and there is a maximum amount that can be stored at a given time.

3. What kind of criminal element will be attracted to it and what kind of security will be onsite. The facility has a 6 foot wall surrounding the property with a security gate. There are security cameras around the property. The property is also used as Western Industrial corporate office so employees will be on site during business hours. There is not a defined criminal element.

4. How is this going to affect our property values. An appraiser or Pinal County Assessor would need to assess your property to see if it would be affected.

5. I believe there is some kind of police facility at the end of the street (shooting range), why cant this storage facility be located there. The explosive materials are used by Western Industrial, the company does not own any other properties within the City of Apache Junction.

Respectfully

Dale and Brenda Zaremba

Stephanie Bubenheim

From: Stephanie Bubenheim
Sent: Wednesday, August 16, 2017 6:11 PM
To: 'Doug Bacon'
Subject: RE: Our Thoughts on the explosives in our neighborhood

Mr. Bacon,

Thank you for providing the city with comments and concerns regarding the proposed explosive container storage at 3640 S. Cactus Road. There will be a Planning and Zoning Commission public hearing on August 22nd that you are invited to attend to voice your concerns to the commission regarding the proposal as well. The meeting will be at city hall at 7pm.

In response to the two questions in the letter provided, the City of Apache Junction is not responsible for liability insurance or to provide a new location for the Central Arizona Council on Developmental Disabilities. The city is going through the lawful public hearing process that is required when an applicant applies for a conditional use permit. The city thanks you for the service you provide to the community and to developmentally disabled individuals and we will note your concerns in the staff report.

Stephanie Bubenheim
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Apache Junction, AZ 85119
480-474-5087
sbubenheim@ajcity.net

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

From: Doug Bacon [mailto:dbacon@cacdd.org]
Sent: Monday, August 14, 2017 1:15 PM
To: Stephanie Bubenheim
Subject: Our Thoughts on the explosives in our neighborhood