



## EXHIBIT A: Planning and Zoning Application Form

Office Use Only: Filing Date \_\_\_\_\_  
Staff \_\_\_\_\_  
Fees Received \_\_\_\_\_  
Case \_\_\_\_\_

### TYPE OF APPLICATION

<input type="checkbox"/> Annexation	<input type="checkbox"/> Abandonment (Plat/Easement/ROW)	<input type="checkbox"/> Board of Adjustment
<input type="checkbox"/> Cargo Container Permit	<input type="checkbox"/> Certificate of Legal Nonconformity	<input checked="" type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Development Agreement	<input type="checkbox"/> Development Plan Review	<input type="checkbox"/> General Plan Amendment
<input type="checkbox"/> Lot Splits, Joins & Adjustments	<input type="checkbox"/> Ordinance Text Amendment	<input type="checkbox"/> Planned Development Rezoning
<input type="checkbox"/> Preliminary/Final Plat	<input type="checkbox"/> Preliminary Development Review	<input type="checkbox"/> Sign Permit
<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> Temporary Use Permits	<input type="checkbox"/> Zoning Map Amendment
<input type="checkbox"/> Other _____		

### SITE INFORMATION

100-25-0030, 100-25-001E, 100-25-001C  
SITE ADDRESS/LOCATION 2341 N. Apache Trail ASSESSORS PARCEL NUMBER 100-25-043A  
GROSS AREA: 2.9 Acres NET AREA \_\_\_\_\_ EXISTING ZONING B-1

### BRIEF DESCRIPTION OF THE PROPOSED PROJECT/USE:

Parcels 100-25-043A, 100-25-001C, 100-25-0030 and 100-25-001E To apply for a Conditional Use Permit to allow for the uses identified in the Project Narrative and illustrated on the Site Plan.

### APPLICANT INFORMATION

Property Owner(s) Mehmood Mohiuddin  
Address 2345 N. Apache Trail, Apache Junction, AZ 85119  
Phone Number 480-983-8800 Fax Number 480-461-4676 Email tmlovelady@msn.com

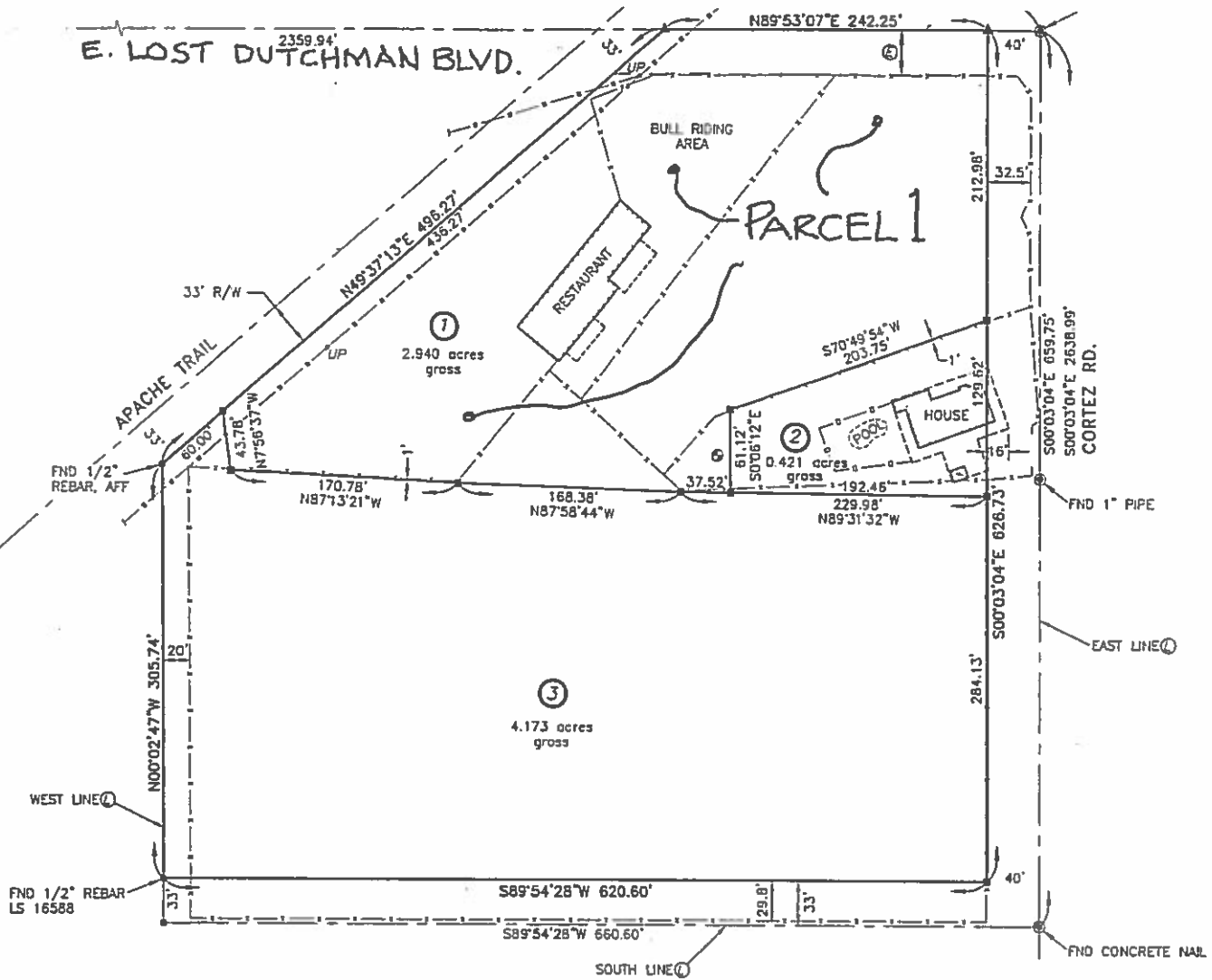
Applicant Contact Person/Project Manager W. Ralph Pew, Pew & Lake PLC  
Address 1744 S. Val Vista Dr. Suite 217 Mesa, AZ 85204  
Phone Number 480-461-4670 Fax Number 480-461-4676 Email ralph.pew@pewandlake.com

Architect/Engineer Carl Bloomfield 6K Consulting  
Address 4858 E. Baseline Rd, Ste 101 Mesa, AZ 85206  
Phone Number 480-664-8592 Fax Number 480-275-5512 Email carl.bloomfield@6kconsulting.com

OWNERS SIGNATURE: \_\_\_\_\_ DATE: 12-21-17

# CUP-9-17

A REQUEST FOR A CONDITIONAL USE PERMIT  
TO CONDUCT OUTDOOR ENTERTAINMENT ACTIVITIES  
ANCILLARY TO EXISTING RESTAURANT USES.



SUBJECT PROPERTY (PARCEL 1)  
IS ZONED B-1 (GENERAL COMMERCIAL)  
AND IS LOCATED AT 2345 N. APACHE  
TRAIL.

**CITY OF APACHE JUNCTION  
VICINITY MAP**

PLANNING AND ZONING COMMISSION  
RESOLUTION NO. CUP-3-14

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF APACHE JUNCTION, ARIZONA, APPROVING A CONDITIONAL USE PERMIT, CASE NO. CUP-3-14, TO ALLOW MEHMOOD MOHIUDDIN TO CONDUCT VARIOUS OUTDOOR ENTERTAINMENT ACTIVITIES ON HIS PROPERTIES, LOCATED AT THE SOUTHEAST CORNER AREA OF E. LOST DUTCHMAN BOULEVARD AND N. APACHE TRAIL, ADJACENT TO OR NEAR THE HITCHING POST RESTAURANT, INCLUDING CONCERTS, GUN FIGHT SHOWS, VARIOUS OUTDOOR GAMES, KIDS GAMES AND OTHER SIMILAR ACTIVITIES, AS WELL AS PARKING ACCOMMODATION FOR THE EVENTS AND ACTIVITIES.

WHEREAS, on or about December 8, 2014, a Conditional Use Permit ("CUP") application was submitted to the City of Apache Junction by Mehmood Mohiuddin (property owner), requesting approval to operate an outdoor entertainment venue and other outdoor activities on his properties located at the southeast corner area of E. Lost Dutchman Boulevard and N. Apache Trail, which are legally described as:

Pinal County Assessor parcels 100-25-001C, 001E, 003, 010A and 043A, all located in the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 15, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona (complete metes and bounds legal descriptions of the subject properties are available at the City of Apache Junction Development Services Department); and

WHEREAS, on January 13, 2015, the City of Apache Junction Planning and Zoning Commission held a Work Session meeting to discuss case CUP-3-14 with Planning Staff; and

WHEREAS, on January 27, 2015, the City of Apache Junction Planning and Zoning Commission held a Public Hearing on case CUP-3-14, wherein the Commissioners heard the staff evaluation and recommendations pertaining to the case, the Applicant's presentation, and where public input was heard and concerns were expressed over issues such as noise, traffic congestion, disturbance of the peace and quiet of the neighborhood, and the fear that the outdoor entertainment venue was going to devalue nearby residential properties; and where many public comments were also expressed in favor of the outdoor entertainment venue; and

④

WHEREAS, on January 27, 2015, after hearing the comments of the neighbors and other interested parties and discussing the issues presented; and after: 1) receiving satisfactory responses to the questions raised at the public hearing; 2) hearing and considering all of the facts presented, including reviewing the land use criteria relevant to the granting of a CUP; and 3) hearing testimony and concerns from the public, applicants and staff, the Planning and Zoning Commission voted 5-0 in favor of case CUP-3-14, with conditions.

NOW THEREFORE, BE IT RESOLVED by the Planning and Zoning Commission of the City of Apache Junction, Arizona, that a CUP is hereby approved, allowing Mehmood Mohiuddin to conduct various outdoor entertainment activities on properties adjacent to or near the Hitching Post Restaurant, all owned by Mr. Mohiuddin, including concerts, gun fight shows, outdoor games, kids games and other similar activities, as well as parking accommodation for the events as described in the plans, narrative and other materials submitted with case CUP-3-14, pursuant to Apache Junction City Code, Volume II, Land Development Code, Chapter 1 Zoning Ordinance, Article 1-16 Administration, Section 1-16-12 Conditional Use Permits, Administrative Use Permits and Building Permits, subject to the following conditions:

- 1) The former approved Conditional Use Permit (P&Z Resolution No. CUP-2-06) for a cell tower on parcel 100-25-001C is hereby rescinded.
- 2) Proper building permits shall be obtained and inspections and approvals received for any electrical, plumbing, remodeling, stages or scenery, signage or other property improvements which require permits, in accordance with the concept plans and narrative received for CUP-3-14.
- 3) The operators of the outdoor entertainment venue may use the freestanding sign (with the reader board) in front of the Hitching Post to advertise special events on the larger property; or a new free-standing monument sign may be placed on the event properties along the E. Lost Dutchman Boulevard or N. Apache Trail street frontages, in accordance with the city's "Sign Code" (Apache Junction City Code, Volume II, Land Development Code, Chapter 1 Zoning Ordinance, Article 1-11 Sign Regulations).

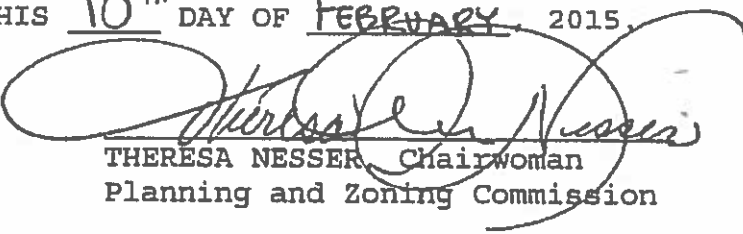
- (5)
- 4) All signage on the subject properties, including the Hitching Post/Dash In property, shall at all times be in compliance with the city's "Sign Code" (as referenced above), including free-standing signs, permanent attached signs, window signs and banners.
  - 5) Landscaping and screening in accordance with the city's "Landscape Code" (Apache Junction City Code, Volume II, Land Development Code, Chapter 1 Zoning Ordinance, Article 1-8 Landscape Regulations) shall be provided within the property boundaries, along the E. Lost Dutchman Boulevard frontage and the N. Cortez Road frontage on the north and east perimeters of parcel 100-25-001C. Also in accordance with the city's "Landscape Code" and regulations for "Fences and Walls" (Apache Junction City Code, Volume II, Land Development Code, Chapter 1 Zoning Ordinance, Article 1-6 Supplemental Regulations, Section 1-3 Fences and Walls), a 6-foot-high chain link fence with wooden slats shall be provided behind the landscape strips on the north and east sides of parcel 100-25-001C, except in front of the existing single-family home which faces Cortez; however, a 6-foot-high chain link fence with wooden slats shall also be provided along the northerly and westerly sides of the single family home lot area.
  - 6) Within 30 days of this CUP approval, the applicant shall provide to the city's Planning Division for staff's review and approval, a complete site plan showing where all of the proposed activities will be located on the property, including the concert stage, volleyball court (or similar activity area), kid's games, porta john locations, etc.
  - 7) All parking lots shall be treated for dust proofing in accordance with the options contained in the city's Engineering Guidelines for dust control mitigation, pursuant to Apache Junction City Code, Volume I, Chapter 9 Health and Sanitation, Section 9-1-3(B) Vehicles, Subsection 9-1-3(B)(6), or other solutions accepted by the Development Services Engineer.

- (6)
- 8) Pursuant to Apache Junction City Code, Volume II, Land Development Code, Chapter 1 Zoning Ordinance, Article 1-16 Administration, Section 1-16-12 Conditional Use Permits, Subsection 1-16-12(D)(5) Expiration, the applicants shall improve and begin operating the outdoor entertainment venue in accordance with the submitted drawings, narrative and prescribed conditions of approval, within 12 months of the granting of CUP-3-14 or else the CUP shall become void.
  - 9) The owners of the properties shall ensure and take reasonable precautions that any outside music is at a level which does not disturb neighboring properties and that outside music is not offered past 9:00pm, local time.
  - 10) No more than six (6) outdoor concert events per year shall be held.
  - 11) This CUP for an outdoor entertainment venue shall not be transferable upon sale of any part of the property.
  - 12) Within 12 months of this CUP approval, Planning Staff shall bring this item back for Commission review and consideration of further Commission requirements.
  - 13) For all outdoor concert (or similar) events, the venue operators shall hire off-duty police officers to help with traffic control and safety. Should any of the uses under this CUP become a demonstrated traffic safety hazard, a traffic study and/or additional traffic safety improvements may be required of the venue operators if warranted.
  - 14) All requirements and obligations pertaining to the separate development agreement for the Hitching Post, Dash In and bull-riding venue remain in full force and effect.
  - 15) This CUP shall be renewed in five years.
  - 16) Pursuant to Apache Junction City Code, Volume II, Land Development Code, Chapter 1 Zoning Ordinance, Article 1-16 Administration, Section 1-16-12 Conditional Use

Permits, Subsection 1-16-12(D)(6) Revocation, the Planning and Zoning Commission shall reserve the right to reconsider the Conditional Use Permit approval for the outdoor entertainment venue, at a new public hearing, for non-compliance with any condition prescribed as part of said CUP-3-14 permit approval, including sign violations or safety problems.

- 17) There shall be no direct access to Cortez Road for traffic.


PASSED AND ADOPTED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF APACHE JUNCTION, ARIZONA, ON THIS 27TH DAY OF JANUARY, 2015.

SIGNED AND ATTESTED TO THIS 10<sup>TH</sup> DAY OF FEBRUARY, 2015.  
  
THERESA NESSER, Chairwoman  
Planning and Zoning Commission

ATTEST:

  
LARRY KIRCH  
Development Services Director

APPROVED AS TO FORM:

 2.10.15  
RICHARD J. STERN  
City Attorney

6

RESOLUTION NO. 15-08

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, DENYING A CONDITIONAL USE PERMIT, CASE NO. CUP-3-14, TO ALLOW MEHMOOD MOHIUDDIN TO CONDUCT VARIOUS OUTDOOR ENTERTAINMENT ACTIVITIES ON HIS PROPERTIES, LOCATED AT THE SOUTHEAST CORNER AREA OF E. LOST DUTCHMAN BOULEVARD AND N. APACHE TRAIL, ADJACENT TO OR NEAR THE HITCHING POST RESTAURANT, INCLUDING CONCERTS, GUN FIGHT SHOWS, VARIOUS OUTDOOR GAMES, KIDS GAMES AND OTHER SIMILAR ACTIVITIES, AS WELL AS PARKING ACCOMMODATION FOR THE EVENTS AND ACTIVITIES.

WHEREAS, on or about December 8, 2014, a Conditional Use Permit ("CUP") application was submitted to the City of Apache Junction by Mehmood Mohiuddin (property owner), requesting approval to operate an outdoor entertainment venue and other outdoor activities on his properties located at the southeast corner area of E. Lost Dutchman Boulevard and N. Apache Trail, which are legally described as:

Pinal County Assessor parcels 100-25-001C, 001E, 003, 010A and 043A, all located in the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 15, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona (complete metes and bounds legal descriptions of the subject properties are available at the City of Apache Junction Development Services Department); and

WHEREAS, on January 13, 2015, the City of Apache Junction Planning and Zoning Commission held a Work Session meeting to discuss case CUP-3-14 with Planning Staff; and

WHEREAS, on January 27, 2015, the City of Apache Junction Planning and Zoning Commission held a Public Hearing on case CUP-3-14, wherein the Commissioners heard the staff evaluation and recommendations pertaining to the case, the Applicant's presentation, and where public input was heard and concerns were expressed over issues such as noise, traffic congestion, disturbance of the peace and quiet of the neighborhood, and the fear that the outdoor entertainment venue was going to devalue nearby residential properties; and where many public comments

RESOLUTION NO. 15-08

PAGE 1 OF 4



were also expressed in favor of the outdoor entertainment venue; and

WHEREAS, on January 27, 2015, after hearing the comments of the neighbors and other interested parties and discussing the issues presented; and after: 1) receiving satisfactory responses to the questions raised at the public hearing; 2) hearing and considering all of the facts presented, including reviewing the land use criteria relevant to the granting of a CUP; and 3) hearing testimony and concerns from the public, applicants and staff, the Planning and Zoning Commission voted 5-0 in favor of case CUP-3-14, with conditions; and

WHEREAS, on February 11, 2015, within the requisite time period for filing an appeal, an appeal was filed in writing by neighboring property owners James Johnson, Stephen Fugate, Nicholas Funk and Mark Theismann, accompanied by the appropriate fees, requesting that the Commission-approved CUP be forwarded to the Mayor and City Council for consideration of denial; and

WHEREAS, pursuant to Apache Junction City Code, Volume II, Land Development Code, Chapter 1 Zoning Ordinance, Article 1-16 Administration, Section 1-16-12 Conditional Use Permits, Subsection 1-16-12(D)(7) Appeal and City Council Review: "The approval or denial of a CUP by the Commission shall be final unless, within 20 calendar days from the date of the Commission's decision, the applicant or any persons aggrieved by the decision appeals the decision to the City Council. The appeal shall be in writing, filed with the Development Services Department, and shall indicate how the Commission was in error. The appeal shall be accompanied by a fee equal to 50% of the original filing fee. The appeal shall require a Council public hearing and notification provided in the same manner as required for the Planning and Zoning Commission hearing. The Council, at its public hearing, shall uphold modify or overrule the decision of the Commission. The decision of the Council shall be final"; and

WHEREAS, on February 17, 2015, Development Services Department staff received a letter from Mehmood Mohiuddin, informing the Planning and Zoning Commission and Mayor and City Council that in order to keep good relations with his neighbors, he decided not to continue with his approved CUP; and

WHEREAS, because: 1) a decision on the CUP case was made and is in full force and effect; 2) a proper appeal was filed in writing, accompanied by the appropriate fees; and 3) due process and other legal considerations still apply; therefore, this case requires a new public hearing and a Mayor and City Council decision to resolve; and

WHEREAS, on March 17, 2015, the Mayor and City Council of the City of Apache Junction conducted a new public hearing on case CUP-3-14 and after hearing from Mr. Mohiuddin, appellant James Johnson, and other interested parties, the Council decided to continue the case until their meeting of April 21, 2015, in order to give the applicant and the appellants time to meet and possibly work out a compromise solution to the concerns expressed; and

WHEREAS, subsequent to the March 17, 2015 meeting, Mr. Mohiuddin informed Development Services staff that he was no longer interested in meeting with the neighbors and once again asked that the CUP request be removed from Council consideration; and

WHEREAS, on April 21, 2015, after conducting another public hearing on the CUP request, the Mayor and City Council made their decision.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Apache Junction, Arizona, that Resolution No. 15-08, a resolution of the Mayor and City Council of the City of Apache Junction, Arizona, denying a Conditional Use Permit, case CUP-3-14, to allow Mehmood Mohiuddin to conduct various outdoor entertainment activities on his properties, located at the southeast corner of E. Lost Dutchman Boulevard and N. Apache Trail, adjacent to or near the Hitching Post Restaurant, including concerts, gun fight shows, various outdoor games, kids games and other similar activities, as well as parking accommodation for the events and activities, be approved for the following reason:


1) In order to honor Mr. Mohiuddin's request to withdraw.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, ON THIS 21ST DAY OF APRIL, 2015.


SIGNED AND ATTESTED TO THIS 7<sup>th</sup> DAY OF JANUARY, 2016.

  
JOHN S. INSALACO  
Mayor

ATTEST:

  
KATHLEEN CONNELLY  
City Clerk

APPROVED AS TO FORM:

 12.30.15  
RICHARD J. STERN  
City Attorney



*City of Apache Junction*  
Development Services Department



12

February 5, 2018

Attorney W. Ralph Pew  
Pew and Lake, PLC  
Dana Park, Suite 217  
1744 S. Val Vista Drive  
Mesa, AZ 85204

**Subject: Meeting Summary - Hitching Post CUP**

Dear Attorney Pew:

This letter addresses the issues that were brought up at our meeting of January 25, 2018. The proposal is evaluated per Article 1-16: Administration (see attached), Section 1-16-12 Conditional Use Permits, Administrative Use Permits and Building Permits, subsection (D) Conditional Use Permits (see attached). A CUP is reviewed and evaluated base on its location, design, operation and configuration in order to ensure the appropriateness of the use at a particular location. Further, a CUP may be granted upon findings (see (D) (3)) 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. The burden of proof for satisfying the aforementioned requirements shall rest with the applicant. As such, it is within the purview of the review to require landscaping, screening, buffering, lighting, determine the hours of operation and the overall operation.

It is stated in the narrative that the CUP will replace the existing economic development agreement and amendments and therefore any CUP would need to be evaluated based on the existing operation and its design and configuration. It has been indicated to the city that the proposal would rival that of San Tan Flats or The Windmill Winery in Florence. The submittal, to date, does not rise to the quality of those establishments.

The narrative for the proposal must address the following items.

**A. Events.**

1. The number of events and the scale and scope of the events is not given. The application indicates that there will be special events on the south end of the property and include charity and fundraising, corporate parties, weddings and receptions, car shows (small scale), arts and craft displays, and midget wrestling (please note that the city finds the term "midget" abhorrent and the proposal to include little people wrestling even more abhorrent). In order to properly evaluate the operation and any requirements for noise attenuation, traffic and safety issues, the number and relative scale of the events must be established. Please provide

specific details on the number of events per year or per season and their size and scope as well as their noise attenuation.

2. **Parking and Exits.** The site has 18 existing parking spaces and an additional 26 in the events area plus another 74 on the east side. During an event, the 26 spaces within the south area will be lost and no indication is given of where parking will be for events needing more than the additional 74 spaces. The CUP is confined to the northerly half of Mo's combined properties and therefore it is expected that the storage lot (southerly half) is not part of the CUP nor is it part of the parking plan since no parking is depicted on the site plan. Please provide for a parking plan that is realistic to the number of events and overall operation. All parking surfaces shall be dustproofed per city code. A copy of the dustproofing code was distributed during the meeting. Also, where will exits be located? Neighbors have complained about traffic being routed onto Cortez after events. Dispersal of traffic should primarily be routed to SR 88.
3. **Amplified Music.** There will be live and amplified music in conjunction with events "in this area." It is not clear whether this refers to the semi-enclosed "western town" part of the property or in the beach volleyball/cornhole area. Noise is a legitimate concern as to whether the operation is compatible with the surrounding neighborhood. Please provide the method of attenuating noise from amplified music and live music in the proposed event area as well as around the existing bull-riding arena. Please justify why the event area cannot be placed in a building with walls, roof and doors.

**B. Proposed Uses.**

1. Please clearly indicate that there are two distinct restaurants on the plan. The overall operation is proposed to consist of two restaurants (one with front patio), small convenience sales, Bull Riding arena with Music and PA System, as well as an additional expansion of the patio and an outdoor recreation area to the east is being proposed to include Sand Volleyball Courts, Gazebo and water feature, putting green, corn hole area and fire pits.
2. There is an area on the plan ("triangle area" that does not show any land use, just south of the volleyball courts. Please provide details on what is being proposed for this area if anything. If the use (in this area or any other area) is not part of the narrative and site plan, it is not a permitted use.
3. While an extension of the licensed premises for serving alcohol is not directly part of the CUP process, an evaluation of the effects of where alcohol will be served is relevant to how the proposed operation will affect the neighborhood and the public welfare. Please indicate where liquor will be proposed to be served permanently and for events.
4. Please depict how the parking and overall plan meets ADA requirements in terms of routes and access to restrooms for temporary and permanent uses.
5. Please provide an overall count (occupancy load) of possible patrons as this affects exiting requirements. Previously the city requested this information as to how many patrons will be

at various parts of the venue at a given time. This logically affects parking demand and demand for sanitary facilities as well as sprinklers in the bar/restaurant.

6. Please contact Pinal County Health Department regarding how the proposed uses and occupancy will affect the existing water and sewer/septic and sanitary facilities/restroom facilities. The same resource is needed on the sewage disposal/transfer business on the storage lot.
7. Please provide for how noise, odor, heat, glare, smoke, light, vibration, and dust mitigation will be addressed for all the proposed uses on the property.

**C. Landscaping and Screening Issues.**

1. The plan does not show any perimeter landscaping only minimal landscaping within the event area adjacent to the residential home. Please review the city landscape code found in Article 1-8 and provide a landscape plan that depicts perimeter landscaping and screening.
2. No fencing or screening is mentioned. The previous CUP that was eventually withdrawn required fencing and therefore it should be expected that the same condition would apply in this case as well. Please provide details on the type and height of fencing that will serve as screening (in addition to the landscaping). By "fencing," the city means concrete block walls that sound cannot penetrate.

**D. Ingress/Egress/Access and Right-of-Way ("ROW") Issues/Drainage.**

1. Please confer with ADOT representatives Tony Abo and/or Marcos Espinosa as to SR 88 ROW and existing and proposed driveway access points, including the new proposed access point to the southerly storage lot, which appears to be designed at an awkward angle. They may require a deceleration lane depending on the trip generation of the proposed uses (restaurants, event center, special event center).
2. The site plan shows extensive use of city-owned ROW on Cortez Road, however the site plan depicts customer parking and existing fencing in this area. There has been no discussion or consideration/compensation of the city vacating this ROW. The site plan also shows an existing residential structure encroaching into public ROW, which will also need to be addressed at the same time as any right-of-way solutions to the fence and parking mentioned above.
3. The city also has dedicated ROW along the south side of the storage lot along the Windsong alignment. The use of the property for the storage lot encroaches into this ROW and needs to be adjusted in order for this CUP to be recommended.
4. The city may request ROW dedication along Lost Dutchman and this should be part of the discussion with ADOT and the City Engineer.
5. Drainage will be affected depending on the improvements. A registered engineer should be consulted and should provide a report on recommendations or should opine there are no factors affecting drainage.

**E. Truck Storage Business.**

1. Ancillary to the CUP issues, there is a community expectation that the CUP will end all disputes or controversies and disturbances to the neighbors, including the bull riding lights and noise, as well as the disturbances from the trucking activities in the storage yard.

Items that should be added to the CUP are the following:

- Uses allowed in the RV and Boat Storage Yard
- Whether septage/sewage transfer will continue
- Where will main driveway be located?
- Will the Cortez driveway be completely eliminated?
- How will encroachment to the Windsong dedicated ROW be addressed?
- Will a 12 foot wall be constructed along the Cortez ROW and Windsong dedicated ROW to mitigate the disruption to the Cortez neighbors?
- Will there be a truck-friendly entrance along SR 88 and will there be a northbound truck lane and deceleration/turning lane?

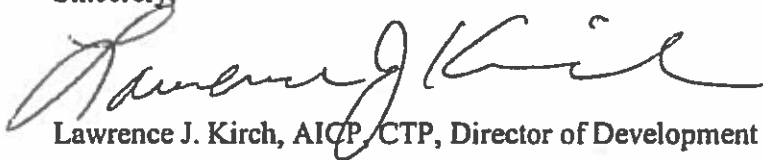
**F. Signage.**

1. Are there any new or changes to existing signage proposed?

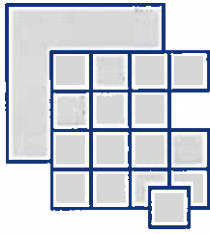
Please let me know if you have any questions regarding this matter or this letter.

Thank you.

Sincerely,



Lawrence J. Kirch, AICP, CTP, Director of Development Services



**Pew & Lake, PLLC**  
Real Estate and Land Use Attorneys

W. Ralph Pew  
Certified Real Estate Specialist  
Sean B. Lake  
Reese L. Anderson

February 26, 2018

Mr. Lawrence J. Kirch, AICP, CTP  
Director of Development Services  
City of Apache Junction  
300 East Superstition Boulevard  
Apache Junction, AZ 85119

**RE: Hitching Post CUP Application; Response to staff comments**

Dear Mr. Kirch:

This letter is being provided to you on behalf of our client, Mehmood Mohiuddin, the owner and operator of The Hitching Post and HP Steakhouse in Apache Junction ("the Property Owner"), in response to comments provided after our meeting with City staff on January 25, 2018. Each of the comments provided is shown below in *italics*, and the response is shown in **bold red** text.

**Events**

1. *The number of events and the scale and scope of the events is not given. The application indicates that there will be special events on the south end of the property and include charity and fundraising, corporate parties, weddings and receptions, car shows (small scale), arts and craft displays, and midget wrestling (please note that the city finds the term "midget" abhorrent and the proposal to include little people wrestling even more abhorrent). In order to properly evaluate the operation and any requirements for noise attenuation, traffic and safety issues, the number and relative scale of the events must be established. Please provide specific details on the number of events per year or per season and their size and scope as well as their noise attenuation.*

**See revised Project Narrative**

2. *Parking and Exits. The site has 18 existing parking spaces and an additional 26 in the events area plus another 74 on the east side. During an event, the 26 spaces within the south area will be lost and no indication is given of where parking will be for events needing more than the additional 74 spaces. The CUP is confined to the northerly half of Mo's combined properties and therefore it is expected that the storage lot (southerly half) is not part of the CUP nor is it part of the parking plan since no parking is depicted on the site plan. Please provide for a parking plan that is realistic to the number of events and overall operation. All*



*parking surfaces shall be dustproofed per city code. A copy of the dustproofing code was distributed during the meeting. Also, where will exits be located? Neighbors have complained about traffic being routed onto Cortez after events. Dispersal of traffic should primarily be routed to SR 88.*

The parking has been revised on the site plan. As discussed in the narrative, this CUP is requesting no more than 15 special events per year. If an event is in the courtyard area (a wedding in the gazebo, for example), the parking in the event/parking area would serve that particular event. If there is an event in the parking/event area (an art show, for example), the guests would be directed to the parking lots on SR-88 and Lost Dutchman. The Owner will carefully coordinate these activities to ensure that all parking can be accommodated on-site. On December 7, 2017, the site was inspected in response to a complaint regarding dustproofing. The report issued by the City indicated that a dust suppressant had been applied and that the site is graveled uniformly. The Inspection Findings noted that the property appeared to be in compliance with the code.

3. *Amplified Music. There will be live and amplified music in conjunction with events "in this area." It is not clear whether this refers to the semi-enclosed "western town" part of the property or in the beach volleyball/corn hole area. Noise is a legitimate concern as to whether the operation is compatible with the surrounding neighborhood. Please provide the method of attenuating noise from amplified music and live music in the proposed event area as well as around the existing bull-riding arena. Please justify why the event area cannot be placed in a building with walls, roof and doors.*

**See revised project narrative.**

#### Proposed Uses

4. *Please clearly indicate that there are two distinct restaurants on the plan. The overall operation is proposed to consist of two restaurants (one with front patio), small convenience sales, Bull Riding arena with Music and PA System, as well as an additional expansion of the patio and an outdoor recreation area to the east is being proposed to include Sand Volleyball Courts, Gazebo and water feature, putting green, corn hole area and fire pits.*

**See revised site plan.**

5. *There is an area on the plan "triangle area" that does not show any land use, just south of the volleyball courts. Please provide details on what is being proposed for this area if anything. If the use (in this area or any other area) is not part of the narrative and site plan, it is not a permitted use.*

This area is currently the gated ingress/egress area for the vehicle storage occurring south of the CUP boundary. It will remain as such until the driveway from the storage lot onto SR-88 can be designed and constructed. When temporary events are occurring in the southern portion of the property, the gate will be locked and truck owners will be notified that they will not have access in or out of the storage lot. The Property Owner is requesting a one-year time period

from the date of the CUP to complete the driveway onto SR-88, after which he will permanently close the existing gate.

6. *While an extension of the licensed premises for serving alcohol is not directly part of the CUP process, an evaluation of the effects of where alcohol will be served is relevant to how the proposed operation will affect the neighborhood and the public welfare. Please indicate where liquor will be proposed to be served permanently and for events.*

As with most licenses issued by the Arizona Department of Liquor Licenses and Controls, an Extension of Premises can only be applied for after the approval of the municipality in which the business is located. The Property Owner will use the approved Site Plan to indicate the areas where alcohol will be consumed, dispensed, possessed or stored.

7. *Please depict how the parking and overall plan meets ADA requirements in terms of routes and access to restrooms for temporary and permanent uses.*

See revised Project Narrative

8. *Please provide an overall count (occupancy load) of possible patrons as this affects exiting requirements. Previously the city requested this information as to how many patrons will be at various parts of the venue at a given time. This logically affects parking demand and demand for sanitary facilities as well as sprinklers in the bar/restaurant.*

See revised project narrative.

9. *Please contact Pinal County Health Department regarding how the proposed uses and occupancy will affect the existing water and sewer/septic and sanitary facilities/restroom facilities. The same resource is needed on the sewage disposal/transfer business on the storage lot.*

The proposed activity areas will not create a need for any more restroom facilities on the property. Additionally, the vehicle storage lot is not a part of this CUP application and there is no sewage disposal/transfer business occurring on the property. There was a single, isolated incident with a vehicle that needed repairs and was inoperable. The transfer of sewage from that vehicle to another was made so that the vehicle could be repaired.

10. *Please provide for how noise, odor, heat, glare, smoke, light, vibration, and dust mitigation will be addressed for all the proposed uses on the property.*

See revised project narrative.

#### Landscaping and Screening Issues

11. *The plan does not show any perimeter landscaping only minimal landscaping within the event area adjacent to the residential home. Please review the city landscape code found in Article 1-8 and provide a landscape plan that depicts perimeter landscaping and screening.*

**See the revised Site Plan indicating the addition of trees along Cortez Road.**

12. *No fencing or screening is mentioned. The previous CUP that was eventually withdrawn required fencing and therefore it should be expected that the same condition would apply in this case as well. Please provide details on the type and height of fencing that will serve as screening (in addition to the landscaping). By "fencing," the city means concrete block walls that sound cannot penetrate.*

**The Property Owner is not proposing to add a wall to the property and is agreeing to comply with the City's noise ordinance.**

Ingress/Egress/Access and Right-of-Way ("ROW") Issues/Drainage.

13. *Please confer with ADOT representatives Tony Abo and/or Marcos Espinosa as to SR 88 ROW and existing and proposed driveway access points, including the new proposed access point to the southerly storage lot, which appears to be designed at an awkward angle. They may require a deceleration lane depending on the trip generation of the proposed uses (restaurants, event center, and special event center).*

**Prior to installing the western façade on the southern portion of the property on SR-88, the Property Owner had conversations with representatives from ADOT as to their intentions regarding the highway, and if expansion of the road was imminent. ADOT indicated that there were no plans to expand the highway in the next 15 year. It is our understanding that this was communicated to the City via email or US Mail. It is worth noting that the CUP does not create any new access points on SR-88.**

14. *The site plan shows extensive use of city-owned ROW on Cortez Road, however the site plan depicts customer parking and existing fencing in this area. There has been no discussion or consideration/compensation of the city vacating this ROW. The site plan also shows an existing residential structure encroaching into public ROW, which will also need to be addressed at the same time as any right-of-way solutions to the fence and parking mentioned above.*

**The site plan has been revised to remove the proposed parking that was previously shown along Cortez Road, in the City's right-of-way. There are now also six trees proposed to be planted along the property line parallel with Cortez Road, behind the right-of-way line.**

15. *The city also has dedicated ROW along the south side of the storage lot along the Windsong alignment. The use of the property for the storage lot encroaches into this ROW and needs*

*to be adjusted in order for this CUP to be recommended.*

The Property Owner acknowledges the ROW on the Windsong Road alignment and the encroachment of existing fence in this area. The Owner proposes to enter into an encroachment agreement with the City of Apache Junction that will allow the encroachment to continue until such time that the City requires the ROW to be improved. At that time, the Owner will remove, at his expense, the fence and any remaining vehicles in this area.

16. *The city may request ROW dedication along Lost Dutchman and this should be part of the discussion with ADOT and the CityEngineer.*

When the City has a demonstrated need to acquire ROW from all of the property owners along Lost Dutchman, the Property Owner agrees to discuss the acquisition.

17. *Drainage will be affected depending on the improvements. A registered engineer should be consulted and should provide a report on recommendations or should opine there are no factors affecting drainage.*

The proposed activity areas will not affect drainage on the site. There is no addition of impervious surfaces with the proposed improvements. The revised site plan illustrates drainage flows on the property.

#### Truck Storage Business

18. *Ancillary to the CUP issues, there is a community expectation that the CUP will end all disputes or controversies and disturbances to the neighbors, including the bull riding lights and noise, as well as the disturbances from the trucking activities in the storage yard.*

Understood. However, this comment assumes that the complaints lodged by the neighbors are reasonable and factually correct. That has been proven to not be the case multiple times. The Property Owner will comply with applicable light and noise ordinances. The approval of the CUP will not impact the adjoining vehicle storage business. The Property Owner will respond to the City's letter to him regarding the vehicle storage area separate from this CUP application.

19. *Items that should be added to the CUP are the following:*

- *Uses allowed in the RV and Boat Storage Yard*
- *Whether septage/sewage transfer will continue*
- *Where will main driveway be located?*
- *Will the Cortez driveway be completely eliminated?*
- *How will encroachment to the Windsong dedicated ROW be addressed?*

- *Will a 12 foot wall be constructed along the Cortez ROW and Windsong dedicated ROW to mitigate the disruption to the Cortez neighbors?*
- *Will there be a truck-friendly entrance along SR 88 and will there be a northbound truck lane and deceleration/turning lane?*

As described within the project narrative and as shown on the site plan, the Conditional Use Permit we are seeking does not apply to the truck storage area. However, the Property Owner wishes to continue the historical use of the property—the storage of long-haul trucks. DashIn Storage has been licensed to do business at this location for over 10 years. The driveway will eventually be relocated on SR-88, and the small driveway on Cortez will be retained. The septage/sewer transfer was an isolated incident on the property and should be considered as such. There is no continuing use of this sort on the property. The Windsong dedication is discussed above in item #15. There are no plans to construct a wall along either Cortez or the Windsong alignment, the Property Owner will comply with the City's noise ordinance), and a driveway from the storage area onto SR-88 will eventually be constructed as discussed in item #13, above.

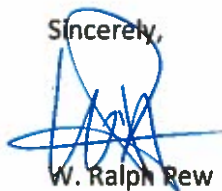
#### Signage

20. *Are there any new or changes to existing signage proposed?*

There are no proposed changes to the existing signage on the property.

Please let me know if you have any questions or comments on these responses.

Sincerely,



W. Ralph Rew  
Pew & Lake PLC

Attachments

Conditional Use Permit  
2341 N. Apache Trail  
Apache Junction, AZ 85119

December 22, 2017

REVISED February 27, 2018

*Submitted by:*



**Pew & Lake, PLC.**  
Real Estate and Land Use Advisors

W. Ralph Pew  
1744 S. Val Vista Drive, Suite 217  
Mesa, AZ 85204  
Phone: (480) 461-4670  
Email: [ralph.pew@pewandlake.com](mailto:ralph.pew@pewandlake.com)

*On behalf of:*

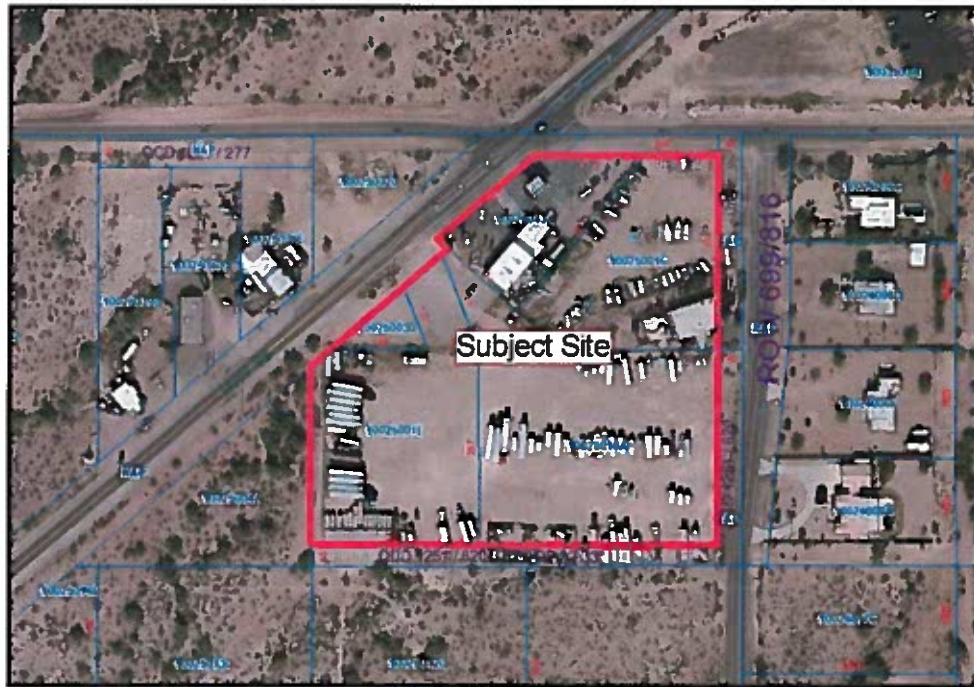
*Mehmood Mohiuddin*



## Introduction

Pew and Lake, PLC, on behalf of Mehmood Mohiuddin, owner of the Hitching Post is pleased to submit this narrative statement in support of this Conditional Use Permit (CUP) application on the subject property that is zoned B-1 and is located at 2345 N. Apache Blvd within the City of Apache Junction. The CUP area is 2.9 acres and is shown below in Figure 3.

Figure 1; Project Vicinity Map



As an integral part of this CUP application, the owner has processed a tax parcel combination with the City of Apache Junction and Pinal County Assessor's office. A Lot Combination Record of Survey was recorded on December 7, 2017 in the Pinal County Recorder's office as Fee No. 2017-089628. This survey is illustrated as Figure 2. Ultimately, as a result of the APN combination, there are three new APN's as labeled on the Cover Sheet, prepared by 6K Consulting, LLC illustrated as Figure 3. The CUP will include the area shaded in red in Figure 3, on the next page.





### Surrounding Uses and Existing Conditions

The property is located at the southeast corner of Apache Trail and Lost Dutchman Blvd. The site is primarily surrounded by vacant land, the Elks Lodge and residential homes. The corner intersection parcels have the same corresponding General Plan land use classification of Community Commercial while adjoining rural residential land use classifications are located to the east.

Figure 4; Surrounding Uses of Project Site

Direction	General Plan Designation	Zoning Classification
Project Site	Community Commercial	B-1
North	Community Commercial	B-1/PD
East	Low Density Residential	RS-54
South	Low Density Residential	B-1/RS-54
West	Community Commercial	B-1

### Existing General Plan Designation & Zoning Classification

The site lies in the land use classification of Community Commercial and has a B-1 zoning designation which is intended for general commercial uses that serve the local and regional markets. This classification and current use follows the general guidelines of the City of Apache Junction's Zoning and General Plan along a major regional highway.

Figure 5; Project Site General Plan Designation



## Request

The owner requests an approval by the City of a Conditional Use Permit consistent with Section 1-16-12 (3) of the City's Zoning Code:

- ❖ **Conditional Use Permit** to allow for the uses identified in this project narrative and shown on the Site Plan included as Exhibit A of this narrative, and activities/events similar in size, intensity and nature. Approval of this Conditional Use Permit supersedes and in effect would terminate the Economic Development Agreement dated June 17, 2014 and recorded in the Pinal County Recorder's office at Fee No. 2014-036116. The bull riding arena as allowed by the Development Agreement will still be permitted under this Conditional Use Permit.

## Project Description

The Hitching Post opened its doors in 2008 and has been an enormously popular entertainment venue along Apache Trail. Since its opening, the owner has continuously updated the site and has invested significant time and money into the business. With this CUP application, the owner is looking to enhance the appeal of the site even further.

Capitalizing on the phenomenal weather in the Valley for most of the year, the property owner is seeking to create an indoor/outdoor experience for his patrons. The vision is to create an environment in which a patron can grab dinner at the Hitching Post or HP Steak House, and linger afterwards in a courtyard area featuring the following activity areas: a sand volleyball court, gazebo and water feature, a small putting green, cornhole area and fire pits. This type of activity area is very popular among Valley restaurant establishments such as The Vig, The Monastery, Culinary Dropout at the Yard and San Tan Flats. Photos of those venues are shown below:











The property owner intends to keep the overall aesthetic of the Hitching Post the same. By adding the outdoor activity areas he believes the Hitching Post and HP Steak will be a desirable destination at which Apache Junction residents and people living in the region can dine and play.

With this Conditional Use Permit, the existing bull riding arena with its previously-approved music and PA system will remain at the northern corner of the property. Bull riding events will take place on Thursdays and Saturdays only, and will terminate no later than 10:00 p.m. Special event bull riding for juniors and/or fundraising or competition purposes may occur up to five (5) times a year other than on Thursdays and Saturdays.

Additionally, this CUP request is for a limited number of special events that may be held throughout the year. These events may be for charity or fundraising, corporate parties, weddings and receptions, small scale car shows, and arts and crafts shows. The primary area for these special events would be on the south end of the property within the old west facade. This CUP request is to allow the continuation of live and amplified music for the events in this area.

## Operational Plan

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### *Hours of Operation and Noise Issues*

Hitching Post and HP Steak House will be open to the public from 10 am to 10 pm Monday through Wednesday, and 10 am to 1 am from Thursday to Saturdays and on Sundays, 10am to 8pm. Similarly, all outdoor activities

will conclude by 10pm and will comply with the City of Apache Junction noise ordinances.

### ***Occupancy***

The Property Owner believes that with the addition of the activity areas in the courtyard, occupancy may be increased by no more than 50 people. There is ample parking as shown on the site plan to accommodate this marginal increase in occupancy.

### ***Parking, Ingress & Egress***

As shown on the site plan, the site has a total of 18 designated parking spaces in front of the restaurants, with three of them designated as ADA-compliant spaces. The parking is paved and located off of SR-88, in front of the Hitching Post and HP Steak House restaurants. The site plan provided with this application will add additional parking spaces southwest and northeast of the restaurant. The southwest parking lot within the old west façade will have a total of 26 spaces. To the east and north of the restaurants is the employee parking and overflow parking for special events. A total of 68 spaces will be in this location. This will provide a total of 112 spaces with 3 ADA spaces. The total increase in parking spaces on the site plan is 94 spaces. Ingress and egress to the parking areas is located on Apache Trail (Highway 88) and Lost Dutchman Blvd as shown on the revised site plan. This CUP is requesting no more than 15 special events per year. If an event is in the courtyard area (a wedding in the gazebo, for example), the parking in the event/parking area would serve that particular event. If there is an event in the parking/event area (an art show, for example), the guests would be directed to the parking lots on SR-88 and Lost Dutchman. The Owner will carefully coordinate these activities to ensure that all parking can be accommodated on-site. Additionally, when there is an event in the event/parking area, the Owner will inform the operators of the vehicles in the storage area and inform them that the gate in this area will be closed for the duration of the event.

### ***Special Events***

As shown on the site plan, there is parking proposed on the southwestern portion of the property currently enclosed within the Old West façade. With this CUP application, the property owner is requesting to hold no more than fifteen (15) special events per year in this area. These events are designed to be a creative way to bring business to the site between April and October, since the Hitching Post has ample business during the winter months. As previously noted, these events may be for charity or fundraising, corporate parties, weddings and receptions, small scale car shows, wrestling, and arts and crafts shows. This CUP request is to allow for live and amplified music for the events in this area. Security will be provided for these events, and the speakers for amplified music will face northwest.

### ***Noise Mitigation***

The existing fence will remain on the site. The owner will comply with the Dark-Sky regulations and comply with the Apache Junction noise ordinance. All live and amplified music will be at the bull riding arena and the area within the western façade. These areas are immediately adjacent to vacant land. Accordingly, speakers

and amplifiers for events will face northwest in order to mitigate any noise impacts to the residences to the east.

### **Signage**

No changes to the existing signage are proposed with this CUP application.

### **Public Services**

As a non-residential use there will be no impact on community schools or recreation with this application. There will also be no additional burden on utilities or infrastructure beyond what exists today.

## **Use Permit Findings**

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Section 1-16-12 (3) of the Apache Junction City Code pertains to Conditional Use Permits, and establishes the findings that must be satisfied for approval of a CUP. As discussed in this narrative the findings are satisfied. Each finding is shown below, and the manner in which it is satisfied is shown in **boldface text**.

- ❖ The proposed use will not negatively affect public facilities including roadway, off-street parking, public facilities and services to accommodate the proposed uses.

**The update to the site plan and uses will remain relatively small in nature and scope and will not negatively affect public facilities including streets and services in this area. The site will increase available parking by 94 spaces and will reduce the need for on street parking. The site will not encroach into the Corte Street right-of-way.**

- ❖ The proposed use will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general, and that the use will be in full conformity with the conditions, requirements or standards prescribed by this Code or higher as may be deemed necessary by City Council in any one situation.

**The proposed use will not adversely impact land owners and uses south and west of the property because those properties are predominately vacant. The Elks Lodge to the north has a significant separation from Lost Dutchman Blvd. The property to the south is owned by the applicant in this CUP application and is an open storage use. The residential uses west of the site are separated from the western façade area by more than 400' and the bull riding area is more than 250' away. The applicant will continue to comply with the City of Apache Junction noise ordinance requirements.**

- ❖ The proposed use is in conformance with the General Plan and city policies.

**The site is zoned B-1 along Apache Trail (Highway 88) which is conducive to local and regional commercial uses. Furthermore, the City's General Plan indicates a land use classification of Community Commercial for the intersection of Apache Trail and Lost Dutchman Blvd. The proposed uses are harmonious and consistent with the City's stated goals in the General Plan and are an attraction to regional customers. Accordingly, this request for a Conditional Use Permit at this location is consistent with the vision outlined in both the Zoning Ordinance and General Plan.**



**NONATTAINMENT AREA & AREA A  
LOTS, YARDS, & DRIVES DUST INSPECTION  
ENTRY STATEMENT**

**PINAL COUNTY**  
wide open opportunity

Inspector Name: Ted J. [unclear] Date: 10/17/17 Time: 1:00 pm  
Source Description: 1st floor [unclear]  
Site Address: 2301 [unclear]  
Site Contact: \_\_\_\_\_ Contact Phone #: \_\_\_\_\_  
*I acknowledge that I have read and understand the Inspection Rights on the back of this form.*  
Acknowledged: \_\_\_\_\_  
Signature \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

**INSPECTION REPORT**

Criteria	Observed	Comments
1. Is it a low use commercial parking lot? (used <=35 days / yr.)	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
2. Is it a commercial parking lot (used >35 days / yr.)?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
3. Silt loading <= 0.33 oz/ft <sup>2</sup> ?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
4. Silt content <= 8% for parking areas?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
5. 0% property line opacity limitation met?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
6. 20% intermittent plume limitation met?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
7. Is the area paved?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
8. Is the area graveled uniformly?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
9. Have dust suppressants been applied?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
10. Is there a trackout control device?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
11. Is water applied to maintain a crust? (low use only)	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
12. Is trackout cleaned immediately if > 25 feet?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
13. Is all trackout cleaned at the end of the day?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
14. Are records of the dustproofing actions available?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
15. Is it >3000 sq. ft. & used regularly on a residential lot?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
16. Is part of it not disturbed > 1 in 60 days on a residential lot?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
17. Is it a vacant lot, no structure per building code? (Area A)	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
18. Is the area paved or chip sealed?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
19. Does the area have 2" of gravel or recycled asphalt?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
20. Is water applied to maintain a crust?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
21. Is the corrected TFV at least 100 cm/sec.?	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
22. Is trackout less than 10 feet? (residential)	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
23. Is trackout visible? If so how long? (Area A)	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
24. Has property owner given permission for parking? (Area A)	Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/>	
Complaint # <u>6207-0446R-11/10/15</u> N/A <input type="checkbox"/>	Field Activity Report # _____ N/A <input type="checkbox"/>	
Were photographs taken? Y <input type="checkbox"/> N <input type="checkbox"/> Temperature: _____	Wind Direction: _____	Wind Speed: _____

**INSPECTION FINDINGS**

☒ Facility appears in compliance ☐ Deficiencies have been observed  
Notice of Opportunity to Correct  
☐ You must fix the following problems and provide written confirmation within \_\_\_\_\_ days  
  
☐ This report is preliminary and we WILL provide you with an official written inspection report within 30 working days.  
☐ The forthcoming inspection report will review the deficiencies to determine if any were committed intentionally, not correctable within reasonable time, a pattern of noncompliance, or a risk to any person, the public health, safety or welfare or the environment.  
☒ This report is final and we WILL NOT provide you with an additional written inspection report.  
☐ Contact refused to sign ☐ No representative could be found from whom to seek a signature

Acknowledged: [Signature] Inspector's Signature \_\_\_\_\_ Date \_\_\_\_\_



ARIZONA DEPARTMENT OF REVENUE  
ATTN: Customer Care and Outreach  
PO BOX 29032  
Phoenix, AZ 85038-9032



ARIZONA DEPARTMENT OF REVENUE  
**TRANSACTION PRIVILEGE TAX LICENSE**  
**NOT TRANSFERABLE**

The licensee listed below is licensed to conduct business upon the condition that taxes are paid to Arizona Department of Revenue as required under provisions of A.R.S. Title 42, Chapter 5, Article 1.

2017

**ISSUED TO:** MOHIUDDIN MEHMOOD  
2304 N CORTEZ  
APACHE JUNCTION AZ 85118

ALL communications and reports MUST REFER to this LICENSE NO.

**LICENSE:** 21040168  
**START DATE:** 09/01/2014  
**ISSUED:** 12/08/2016  
**EXPIRES:** 12/31/2017

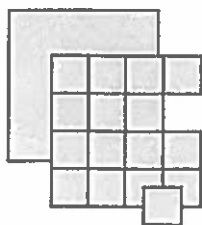
**LOCATION:** CODE 001  
DASHIN STORAGE  
2304 N CORTEZ  
APACHE JUNCTION AZ 85118  
1600048151976  
00000000000000000000000000000000

BUSINESS CODE	REGION	JURISDICTION
017 - RETAIL	MAR - MARICOPA	COUNTY
013 - COMMERCIAL LEASE	PNL - PINAL	COUNTY
017 - RETAIL	PNL - PINAL	COUNTY

This License is issued to the business named above for the address shown. Licenses, by law, cannot be transferred from one person to another, nor can they be transferred from one location to another. Arizona law requires licensees to notify the Department of Revenue if there is a change in business name, trade name, location, mailing address, or ownership. In addition, when the business ceases to operate or the business location changes and a new license is issued, this license must be returned to the Arizona Department of Revenue. According to R15-5-2201, license must be displayed in a conspicuous place.







**Pew & Lake, P.L.C.**  
Real Estate and Land Use Attorneys

W. Ralph Pew  
Certified Real Estate Specialist  
Sean B. Lake  
Reese L. Anderson

March 1, 2018

Mr. Rudy Esquivias  
Planner  
City of Apache Junction  
300 East Superstition Boulevard  
Apache Junction, AZ 85119

**RE: Addendum to Hitching Post CUP Project Narrative and Response to staff comments**

Dear Rudy:

Thank you for your time yesterday to discuss the application for a Conditional Use Permit (CUP) we have filed on behalf of our client, Mehmood Mohuiddin ("the Property Owner"). This letter is being provided to you as an addendum to the materials which were provided to you in electronic form on Tuesday, and that I hand-delivered to you yesterday. I am hopeful that it will provide some clarity to the items we discussed.

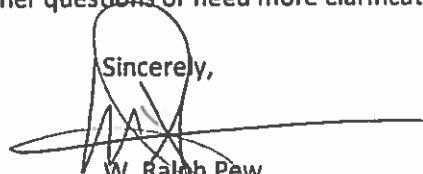
First, you asked if the Property Owner would be applying for an Extension of Premises (EOP) for the Activity Area as well as the Special Event Area. It is the Property Owner's intent to apply for an Extension of Premises for the Activity Area upon approval of the Conditional Use Permit. As with most licenses issued by the Arizona Department of Liquor Licenses and Controls (DLLC), an EOP can only be applied for after the approval of the CUP Site Plan by the municipality in which the business is located. The Property Owner will use the approved Site Plan to indicate the areas where alcohol will be consumed, dispensed, possessed or stored. As for the Special Event Area in the southwest corner of the site, it is the Property Owner's initial intent to apply for temporary liquor permits from both the DLLC and City of Apache Junction on an as-needed basis. Also, for clarification, as outlined in our project narrative and response to staff comments, the property owner is requesting the ability to have fifteen (15) special events per year. These smaller events may be held in either the bull riding arena or Special Event Area. However, the total combined number of events will not exceed fifteen. It is the Property Owner's responsibility to apply for all applicable permits for the special events and provide to the City of Apache Junction confirmation of the number of events held each year.

You also inquired about the events in the bull riding arena and whether these events could possibly start and end earlier. You will note in our application that we have not designated a start time for these events, but that the property owner is agreeing to cease all bull riding activities at 10:00 p.m. This plan of operation considers two factor: 1) the amount of time required to bring in the animals, hold the event and take everything down, and 2) provide customers with sufficient time to have dinner prior to watching the bull riding events.

Finally, Mr. Kirch inquired about the possible existence of some above-ground storage tanks on the property south of the CUP area. Though the storage lot is not a part of the CUP application, we did confirm with the Property Owner that there are no above-ground storage tanks currently in the vehicle storage area.

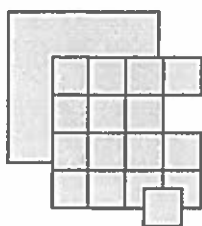
Please let me know if you have any further questions or need more clarification.

Sincerely,



W. Ralph Pew  
Pew & Lake, PLC

CC: Mehmood Mohuiddin



**Pew & Lake, P.L.C.**  
Real Estate and Land Use Attorneys

W. Ralph Pew  
Certified Real Estate Specialist  
Sean B. Lake  
Reese L. Anderson

March 6, 2018

Dear Neighbor:

Together with our client, Mr. Mehmood Mohiuddin ("the Property Owner"), we are pleased to invite you to a neighborhood meeting to provide the opportunity for you to learn about and receive your comments on the Property Owner's application to the City of Apache Junction for a Conditional Use Permit (CUP). If approved, the CUP the Property Owner is seeking will allow for: 1) a bull riding arena, 2) the addition of an outdoor activity area complementary and ancillary to the Hitching Post and HP Steak House restaurant, and 3) a limited number of special events throughout the year at a small area on the southwest corner of the property.

Enclosed is a copy of the Project Narrative and Site Plan that we submitted to the City. In these documents, you will find the uses proposed in the activity area, as well as details on hours of operation, parking and circulation. It is our hope that with this neighborhood meeting, we can begin a constructive dialogue and better understand any concerns you may have about the uses proposed by the Property Owner. The details of the meeting are as follows:

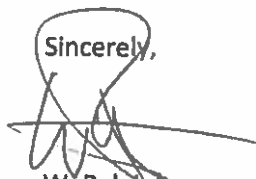
**Date: Thursday, March 22, 2018**

**Time: 6:00 p.m.**

**Place: Apache Junction Multi-Generational Center  
1035 North Idaho Road  
Apache Junction, AZ**

If you have any questions regarding this matter prior to the neighborhood meeting, please contact me at my office at 480-461-4670. There will also be a future public hearing at the City's Planning & Zoning Commission. You will be notified about that meeting as well.

Sincerely,



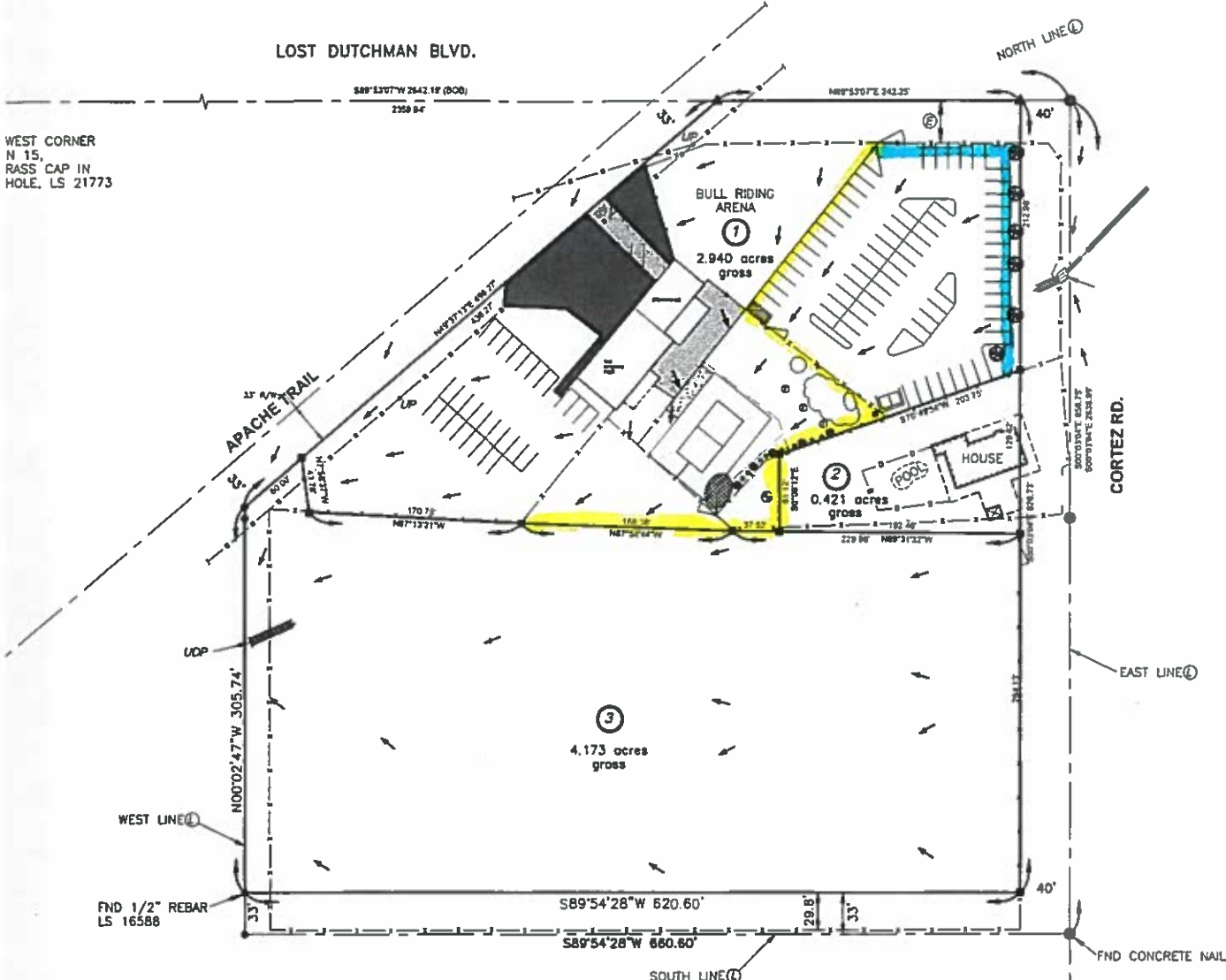
W. Ralph Pew  
PEW & LAKE, PLC

Attachments

# RECOMMENDED FENCES

## COVER SHEET

2341 N APACHE TRAIL APACHE JUNCTION, AZ 85119  
APN 10025043A; SECTION 15, TOWNSHIP 1 NORTH, RANGE 8 EAST OF GSRB&M.



**OWNE**  
MOHIUDDIN  
2345 N APACHE TRAIL  
APACHE JUNCTION, AZ 85119  
MOBILE 602-217-7733  
CONTACT: 1

Development Service Engineer,  
of Apache Junction

SIGNATURE OF APPROVAL DATE

Water Company or  
Junction Water Company

SIGNATURE OF APPROVAL DATE

Apache Junction Fire District

SIGNATURE OF APPROVAL DATE

Mountain Mountains Community  
District No. 1

SIGNATURE OF APPROVAL DATE

Pinal County Health Dept.

SIGNATURE OF APPROVAL DATE

ADEQ

SIGNATURE OF APPROVAL DATE

 = RECOMMENDED  
12' + FENCE

 = RECOMMENDED  
8' BLOCK WALL

CENTER SECTION 15  
FND 1/2" REBAR  
LS 21773

**BASIS OF BEARINGS:**  
NORTH LINE OF NW 1/4 SECTION 15  
BEARING S89°53'07"W



TH
CC
PROJ. NO.
DATE
SCALE
DESIGNER
REV

STAFF NOTES: LARRY KIRCH AND RUDY ESQUIVIAS MEETING WITH NEIGHBORS OF  
HITCHING POST REGARDING CASE CUP-9-17, MARCH 19, 2018

- Meeting held in Development Services conference room, 2pm.
- Sign in sheet passed around.
- Neighbors provided staff with several exhibits and a thumb drive of various videos taken by several people.
- Neighbors want to submit videos as opposed to written comments.
- At P&Z hearing, request to speak forms will be filled out in same order as videos to be presented. All together, about 35 minutes of videos.
- Question about the survey stake at the intersection of Lost Dutchman and N. Apache Trail. Neighbors opine planter and fencing encroaching into ROW and obstructing vision around corner. 20' x 20' or 33' x 33' vision triangle?
- Other features have been added in bull-riding arena that were not part of/shown on development agreement, such as announcer's stand, bleachers and fire pits.
- Lights around building are glaring and do not appear to be dark sky compliant.
- Compliance agreement for east storage lot? Customer parking in there was not part of the development agreement.
- They calculate that 92% of the proposal is for outdoor use.
- They want acknowledgement that there is a residential lot directly south of Hitching Post.
- Also make sure the Commission gets a copy of the last CUP resolution of denial/withdrawal.
- Mention types of other businesses in neighborhood; low intensity; they close early.
- Area around there largely residential; show P&Z their zoning map exhibit.
- It is not "overflow" parking in east lot, it is every day parking.
- Special events in western town area will probably request overflow parking in truck storage lot area. Adequate parking?
- Primary access to Hitching Post is also through back of building and accessed from Lost Dutchman through east parking lot.
- He has one year to implement possible conditions, but he does not have to satisfy all conditions before he can start? They want him to satisfy all conditions first before activity starts/CUP becomes effective.
- They don't want to shut HP down. They just want city to consider neighbors requests and do things right and according to the law.
- They would really like for everything to be inside a building, presented their proposed site plan sketch.
- Ask Ralph about requested 15 events. Is it really 15 plus 5?
- What is occupancy load for ancillary uses?
- Where/how was music allowed in the bull-riding arena?
- Wanted to point out that there are other complaint besides just noise.
- Bull-riding is now open for discussion as part of CUP? Yes.
- Explain to P&Z that RS-54 is city's most restrictive zoning.



PLANNING STAFF MTG. WITH NEIGHBORS

3-19-18

(41)

Neighbors

JAMES JOHNSON

Bambi Johnson

Nicholas Funk

HELEN FUNK

Kathy Beavers

Richard Beavers

MARK THEISMAN

Jim Dunn

Bill Wallingford

CITY

RAY ESCOBAR

LARRY KIRCH

**Jim Duncan**

---

**From:** Patrick <av8r08@aol.com>  
**Sent:** Saturday, March 17, 2018 7:22 PM  
**To:** jim.duncan@cox.net  
**Subject:** Meeting

Hi Jim, I will not be able to attend the AJ City planning and zoning meeting on Monday March 19, 2018, please submit my video file to them for review, Thank You Patrick S. LaClair

Thank you for the opportunity to provide our comments.

c/o Development Services Department

Referencing Letter received 3/8/2018 Public Outreach Comments

Public Hearing Hitching Post Case CUP – 9-17

Requesting Video's be reviewed by Staff as submitted to be the same as written comments per the notification letter.

3-19-18

(44)

**To: Apache Junction Planning and Zoning Staff Meeting**

3/19/2018, Video from Resident's - Equipment Identification

<u>Camera Owner</u>	<u>Camera VID ID</u>	<u>Property address</u>
Jim & Bambi Johnson	JJIPCamBullet	2319 N Cortez rd
Rich Beavers	BeavsBullet	2225 N Cortez rd
Bill & Elysa Wallingford	Bullet	2055 N Cortez rd

*Bambi Johnson*  
*Rich Beavers*  
*Wm Wallingford*

10/19/2017 Mark Theisman	IP Camera	2395 N Cortez rd
10/21/2017 Mark Theisman	IP Camera	2395 N Cortez rd
11/16/2017 Nick Funk	IP Camera	2273 N Cortez rd
1/18/2018 Nick Funk	IP Camera	2273 N Cortez rd
3/12/2017 Jim Duncan	IP Camera	2319 N Cortez rd

*Mark Theisman**Nick Funk**Jim Duncan***For Staff Review & Public Hearing Request To Speak Video Files Listing:**

2\_Mark\_Theisman  
 3\_Bambi\_Johnson  
 4\_Nick\_Funk  
 5\_Rich\_Beavers  
 6\_Bill\_Wallingford  
 7\_Elysa\_Wallingford  
 8\_Pat\_LeClair  
 9\_Bonnie\_Skaarland  
 10\_Anne\_Chapman  
 11\_John\_Chapman  
 12\_Jim\_Johnson  
 13\_Jim\_Duncan

**Other Misc. Files for Staff Review:**

BullNoBull\_2018\_03\_01, CortezRoad\_2017\_11\_04, Foothill\_2018\_01\_25,  
 HP\_Parking\_Trucker12\_15\_2017, MakeSomeNoise2017\_12\_30, Windsong\_2017\_12\_30,  
 Windsong\_2018\_01\_25

Reference: Hand delivered Thumb Drive "PNY 16GB"

Short Video Fact's:





















30 Different dates used,

Dates and times are on Video's with the Camera VID\_ID

Durations are all less than 4 minutes, Range shortest = 13 seconds, Longest = 3min 24sec

Estimated Total Video viewing time 35 minutes.

Name	Length
------	--------

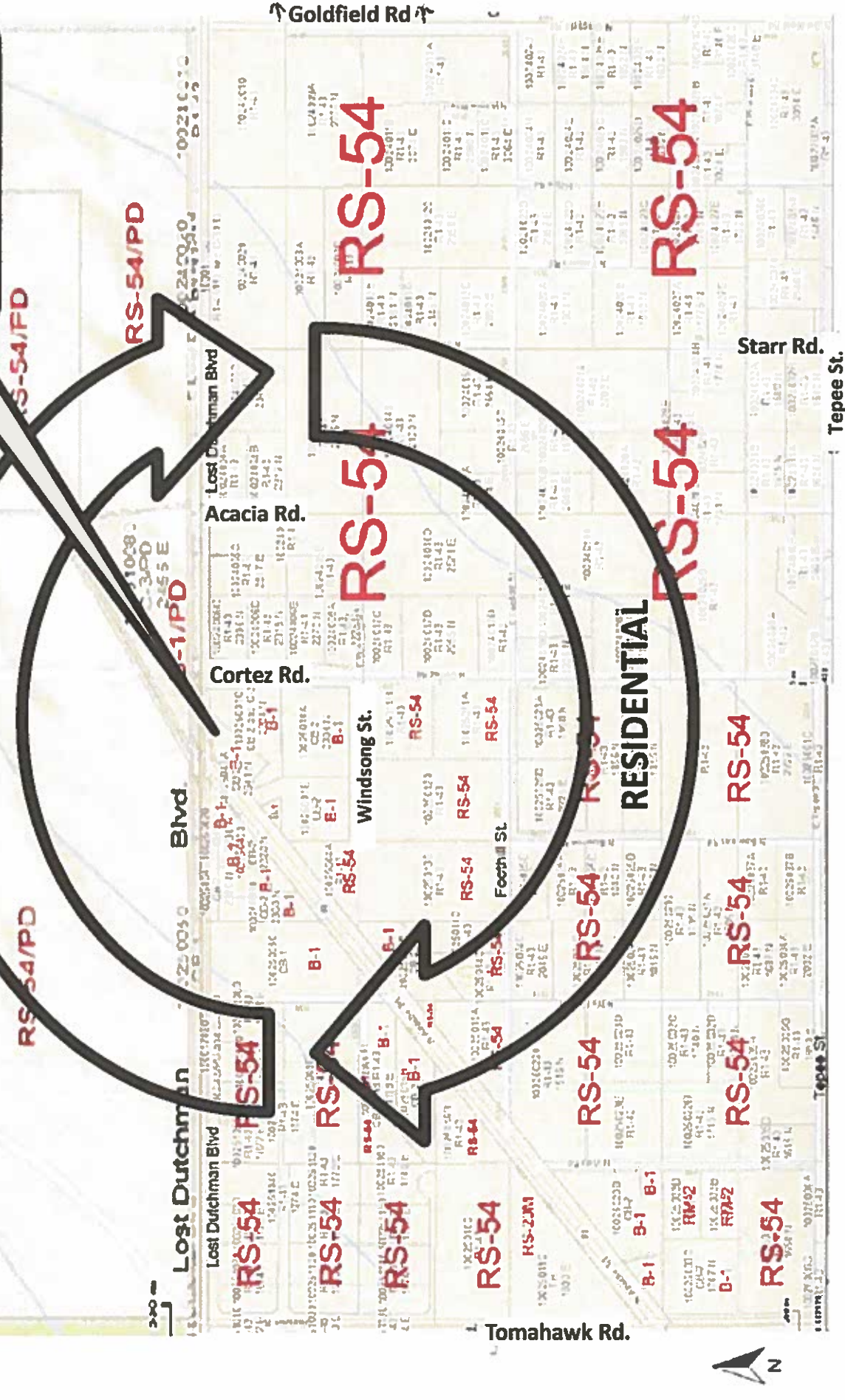
 2_Mark_Theisman.mov	00:02:17
 3_Bambi_Johnson.mov	00:03:24
 4_Nick_Funk.mov	00:02:38
 5_Rich_Beavers.mov	00:01:56
 6_Bill_Wallingford.mov	00:01:29
 7_Elysa_Wallingford.mov	00:00:51
 8_Pat_LeClair.mov	00:02:14
 9_Bonnie_Skaarland.mov	00:01:41
 10_Anne_Chapman.mov	00:01:38
 11_John_Chapman.mov	00:03:39
 12_Jim_Johnson.mov	00:01:39
 13_Jim_Duncan.mov	00:02:29
 BullNoBull_2018_03_01.mov	00:02:19
 CoolViDChopper20171202_136am...	00:01:00
 CortezRoad_2017_11_04.mov	00:00:13
 Foothill_2018_01_25.mov	00:00:58
 HP_Parking_Trucker12_15_2017....	00:01:04
 MakeSomeNoise2017_12_30.mov	00:00:38
 Windsong_2017_12_30.mov	00:03:05
 Windsong_2018_01_25.mov	00:02:22

Questions:

1. City Code for Corner Lot Walls and Fences IE: Lost Dutchman and HWY88
2. Applicants Site Plan has no detail listed in Bull Riding Arena Area; it's the only area that does not have it. The configuration has been changed and remodeled since inception, just a few examples are: Announcer raised stage area, Patron permanent seating (Bleachers), Fire Pits, Porta-johns, wood slat fencing, business water well access in Bull unloading and holding pen area, additional lighting fixtures added, Out Door Bar and serving Area open and facing residential front yards. – maybe a complete staff inspection is in order for proper documentation.
3. Why wasn't the Code Compliance Notice of Violation of the DashIn Storage Lot (Cortez rd) mentioned or given to the Commissioners March 13<sup>th</sup>,
4. Why did you reference the street of Lost Dutchman as having business's March 13<sup>th</sup>,
5. Why was the Hitching Post previously withdrawn CUP – 3-14 (January 2015) referenced March 13<sup>th</sup>,
6. In the CUP initial report section "Surrounding Uses" South does not list Residential. For the West section – can you list the number of "Various business Lots" and general use.
7. Applicant's narrative states "Overflow Parking" what's the City's definition and regulations.
8. March 13<sup>th</sup>, presentation lists primary access will be from North Apache Trail – how do the patrons parking in the "overflow parking lot" access the N Apache trail primary entrance.
9. Applicants site plan does not have "DashIn" storage (South) lot access through the Southwest Hitching Post Parking lot – but is mentioned as a different access point based on the site plan and is referenced as "to be constructed at a later date" in Ralph Pew's response.
10. Applicants narrative states the Out Door Activities as "Ancillary" to existing business what's the City's definition and how or does that relate to occupancy, parking requirements, etc.
11. Applicant's narrative states "Music" was previously approved in the Bull Riding Arena – is there something written that proves this fact.
12. Complaints are only listed as "Noise" in your March 13<sup>th</sup>, presentation – Façade Wall, Parking, Patron entrance and exit East Storage Lot (faces Residential front Yards), Arena uses' not allowed, Livestock left on premises overnight – and weekends Thursday thru Saturday.
13. Bull Riding "already approved" commissioners seemed confused – please re-iterate to the commission Bull Riding needs to be evaluated with today's zoning law criteria.
14. Has anyone done the "Patron Area" analysis – 92% of total square footage is "Out Door"
15. Jim Johnson



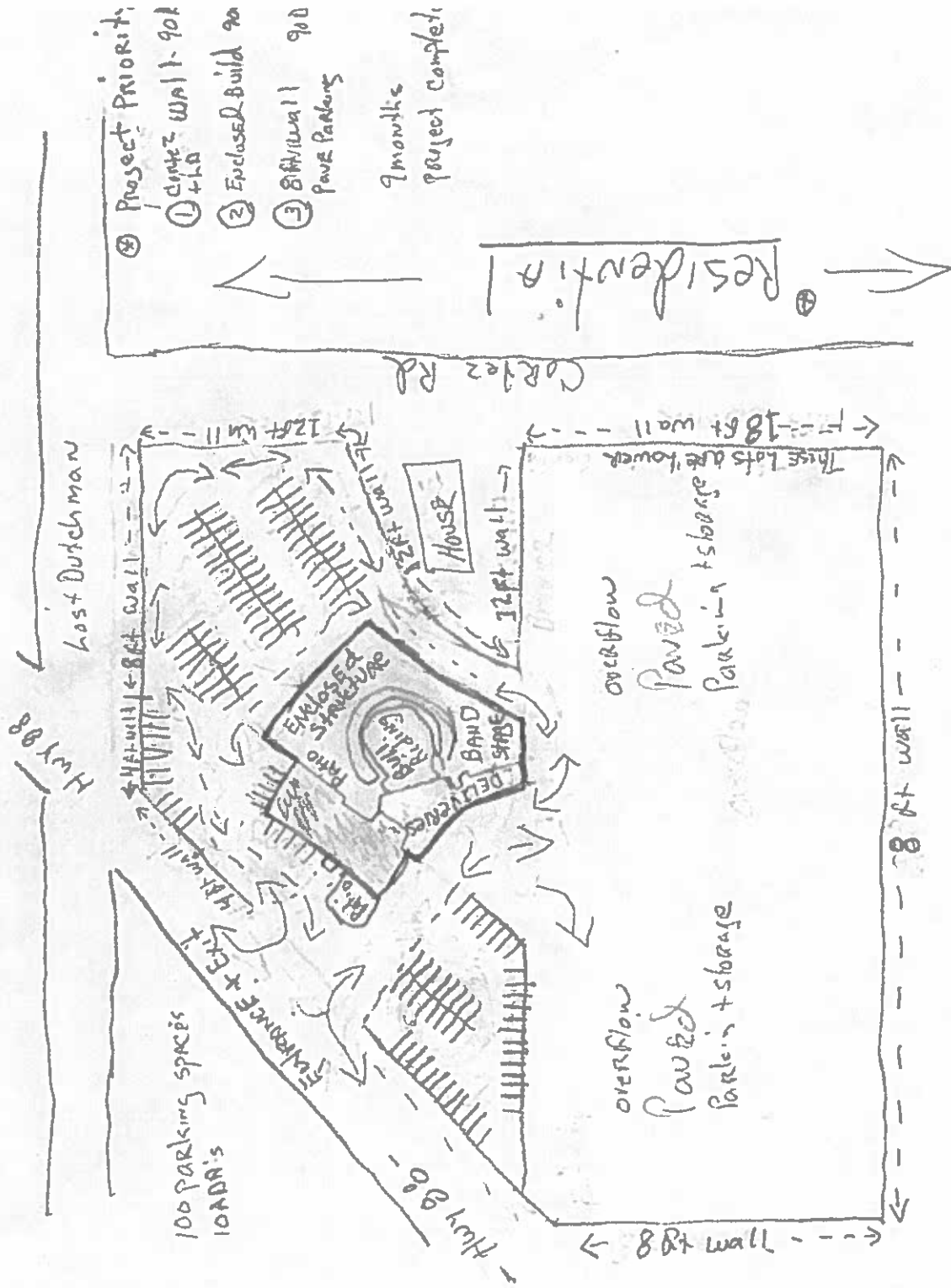
Hitching Post  
B-1  
Commercial





# ④ Suggested Configuration from Surrounding Residents

- ④ All Events  
inside  
ENCLOSED  
STRUCTURE
- Access from  
Bar only
- IN FRONT  
Facing Hwy 98
- Away FROM  
Residential  
Homes

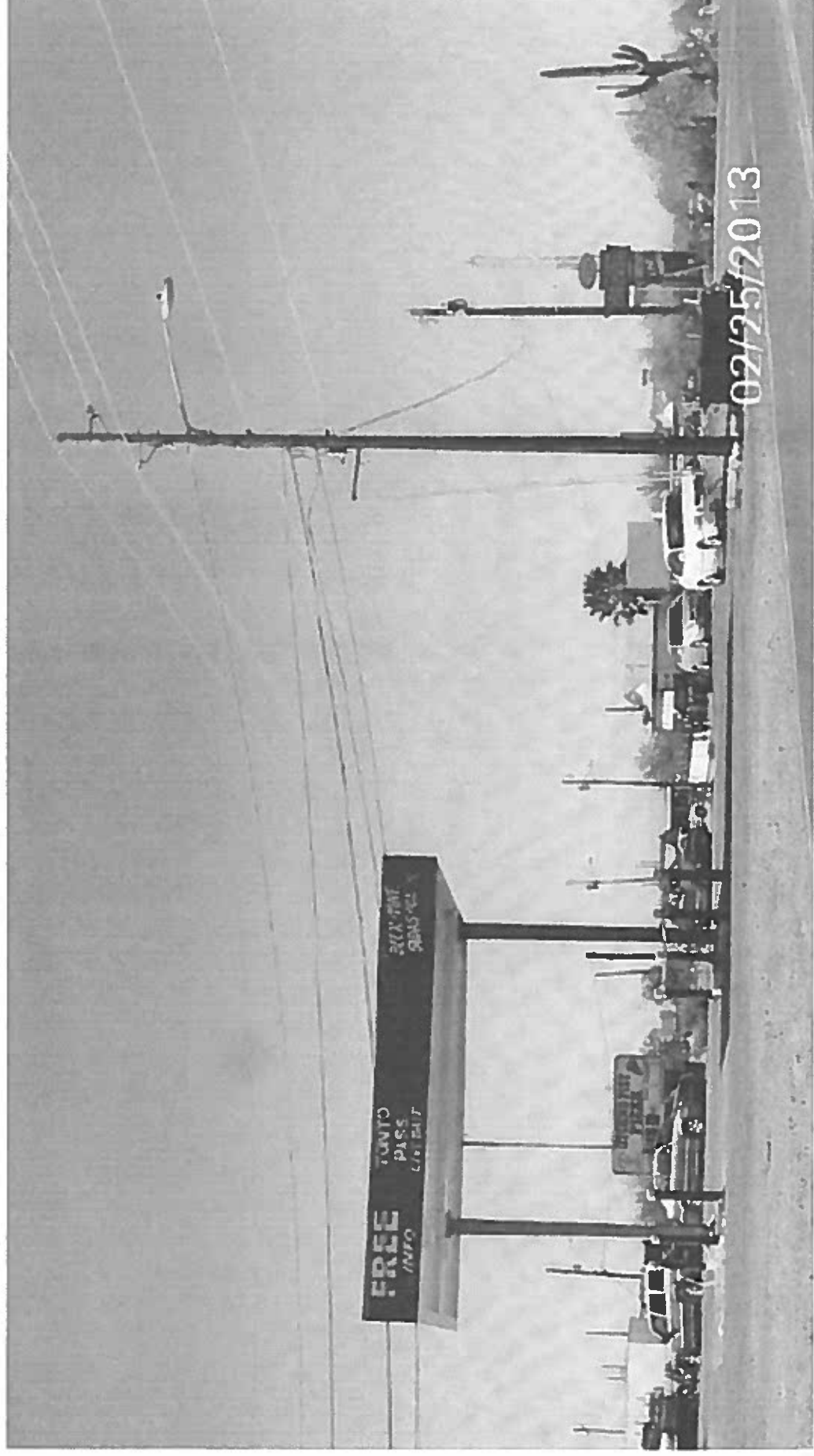


← Residential →

**HWY88 & Lost Dutchman**  
**June 9, 2017**  
**After bull riding arena**



**HWY88 & Lost Dutchman**  
**February 25, 2013**  
**Before HP bull riding arena**





# APACHE JUNCTION POLICE DEPARTMENT

## Records Section

Physical Address: 1001 North Idaho Road, Apache Junction, AZ 85119  
Mailing Address: 300 East Superstition Blvd., Apache Junction, AZ 85119  
Phone: 480.474.5445 Fax 480.983.6532  
E-Mail: [records@ajcity.net](mailto:records@ajcity.net)

52

Your Name: <u>X Richard Beavers</u>		Home Phone #: _____	
Address: <u>X 2225 N Cortez Rd</u>		Business Phone #: <u>X 707-338-0465</u>	
Your Signature: <u>X Richard Beavers</u>		City: <u>X Apache Junction</u>	State: <u>X AZ</u> Zip: <u>85119</u>
Date: <u>X</u>			
<b>CHECK ONE:</b>			
<input checked="" type="checkbox"/> These reproductions of public record will not be used for a commercial purpose. *			
<input type="checkbox"/> These reproductions of public record will be used for the following commercial purposes. *			
_____			
* "Commercial purpose" means the use of a public record for the purpose of sale or resale or for the purpose of producing a document containing all or part of the copy, printout or photograph for sale or the obtaining of names and addresses from such public records for the purpose of solicitation or for any purpose in which the purchase can reasonably anticipate the receipt of monetary gain from the direct or indirect use of such public record. (ARS § 39-121.03E)			
Type of Records Requested: <input type="checkbox"/> Report <input type="checkbox"/> Other: _____ <input type="checkbox"/> Letter of Clearance			
Police Report Number: <u>OAP 180301849</u>			
Date & Time Reported to Police: _____			
Exact Date, Time and Location of Incident: _____			
Person on Record: _____		Nature of Incident: <input type="checkbox"/> Accident <input type="checkbox"/> Criminal Damage	
Date of Birth: _____		<input type="checkbox"/> Assault <input type="checkbox"/> Auto Theft <input type="checkbox"/> Burglary <input type="checkbox"/> Theft	
Social Security #: _____		<input type="checkbox"/> Other	
<b>REQUESTOR, DO NOT WRITE BELOW THIS LINE</b>			
Amount Received: \$ _____ Payment received in form of: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Other			
Initials & I.D. # of Employee Receiving Request: <u>2#111</u>			
Date: <u>3/19/18</u>		<input type="checkbox"/> Mail Record <input checked="" type="checkbox"/> Will Pick-Up	
<input type="checkbox"/> Enclosed is the record you requested. The record was not edited.			
<input checked="" type="checkbox"/> Per Arizona Supreme Court guidelines, the attached record has been edited due to:			
<input type="checkbox"/> Ongoing criminal investigation.		<input checked="" type="checkbox"/> Confidentially rights of individuals named within.	
<input checked="" type="checkbox"/> Privacy rights of individuals named.		<input type="checkbox"/> The release of investigative techniques or other matters may be detrimental to the best interest of the State.	
<input type="checkbox"/> No record found based on the information you provided. Your refund of \$ _____ is enclosed.			
<input type="checkbox"/> This incident occurred out of Apache Junction Police jurisdiction. Contact: _____			
Initials & I.D. # of Records Tech. Processing: <u>M4128</u>			
Date Processed: <u>3/19/18</u>		Records Supervisor: _____	

# AD Operations Report

53

## Apache Junction Police Department

Call Number 180301849

Printed: 03/19/2018 10:10 AM

### Call Detail Information Jurisdiction: AJPD

Call Number 180301849 Taker DTHIEDE Pos 2 Call Owner Status C Date - Time Received Thu 03/15/2018 20:24:59 Inj 0

Complaint NOISE DISTUR Ten Code Priority 3 Fire Grade Class G Alarm How Received Phone

Incident Location 2225 N CORTEZ RD Apart/Suite Floor/Bldg Incident City APACHE JUNCTION State AZ ZIP

Caller Name BEAVERS,RICHARD Telephone Alt Telephone Tower ID

Caller Location Apart/Suite Floor/Bldg Caller City APACHE JUNCTION State AZ ZIP

Landmark Weapons

IRA 15 Grid 15 Disp:Zone Beat3 Fire Run Zn EMS Run Zn ESN Tract

☐ Contacts ☐ Fire Plan ☐ Hazard ☐ Images ☐ Medical ☐ Traffic ☒ Previous  
☐ BOLO ☐ Warrant RMS CH RMS Alerts ☐ In Progress ☐ Report Req ☐ Subject/Reg

ALI Time Call Rec'd Xmit Dispatch Enroute OnScene Departed Arrived Comp Unit  
20:24:59 20:26:24 20:33:29 20:33:29 20:35:59 21:05:01 3P2

X: Y: Z: Lwr: FOOTHILL ST Upr: LOST DUTCHMAN BLVD

#### Narrative...

[03/15/2018 21:04:47 : MOB : 3p2]

FOR FURTHER RP WAS ADVISED TO CALL BACK IF HE FELT THE NEED AND THE NOISE CONTINUES AFTER A RESONABLE HOUR TONIGHT. RP AGREED.

[03/15/2018 21:04:04 : MOB : 3p2]

UPON ARRIVAL THE MUSIC AND NOISE WAS DEEMED REASONABLE FOR THE TIME OF NIGHT. SPOKE TO RP WHO ALSO AGREED ONLY TO SAY IT WOULD MORE THAN LIKELY PICK BACK UP AGAIN SHORTLY. THIS IS AN ON GOING ISSUE BETWEEN THE BAR OWNER AND THE RESIDENTS NEAR AND AROUND THE BAR. I ADVISED THE RP TO CONTINUE TO REPORT THIS INFORMATION TO POLICE AS WELL AS THE CITY STAFF AND COUNCIL BEING THIS IS STILL PENDING COUNCIL DECISION ACCORDING TO RP.

[03/15/2018 20:26:24 : pos2 : DTHIEDE]

Special Comment:: ALARM PERMIT ON FILE  
Cross streets: FOOTHILL ST//LOST DUTCHMAN BLVD

RP STATES THAT THE NOISE FROM THE HITCHING POST IS REALLY LOUD TONIGHT...THE PA IS UP AND PEOPLE ARE SCREAMING

RP GOES WANT CONTACT WITH AN OFFICER

#### Location Comment

Special Comment:: ALARM PERMIT ON FILE

CONFIDENTIAL INFORMATION

Secondary dissemination is PROHIBITED

Date: 3/19/2018

(Released To:

Page 1 of 2

Richard Beavers  
#1742

Call Number 180301849

Printed: 03/19/2018 10:10 AM

54

### Department Numbers

Department	Dept Number	Unit ID
AJPD	18010604	3P2

### Call Dispositions

Date - Time	Disposition	Unit Id
2018/03/15 21:05:13.	PUBLIC ASSIST	3p2

### Call Log

Unit	Status	Date - Time	Dept	Type	Comments	Officers	Odo
3P2	ENR	3/15/2018 20:33:29	AJPD	POL	2225 N CORTEZ RD, APACHE 214 JUNCTION		0.0
3p2	ONS	3/15/2018 20:35:59	AJPD	POL	2225 N CORTEZ RD, APACHE 214 JUNCTION		0.0
3P2	COM	3/15/2018 21:05:01	AJPD	POL	COM	214	1.0

Unit	Dept	DIS	ENR	ONS	LEF	ARR	BUS	REM	COM
3P2	AJPD		20:33:29	20:35:59					21:05:01

Category	Last Name	First Name	Middle Name	Suffix	Crim Hist	RMS/Alerts
		Race	Sex	Ethnic	Height	Weight
		Age	DOB	OLN		
		Clothing		Demeanor		
		Relationship		Hair Color	Eye Clr	Complexion
Business Name		Description				
Location		Apt/Ste	Fir/Bld	City	St	ZIP
						Phone

### Call Subject Statistics

Question	Answer
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### Call References

Reference Type	Reference	Related Calls
----------------	-----------	---------------

To: City of Apache Junction Development Services Department

From: Concerned Residents

December 12, 2017

We the undersigned residents located adjacent to the Hitching Post and Dash In properties understand there will be a Conditional Use Permit Application submitted by Mr. Mehmood Mohiuddin for his properties on or before December 28, 2017. These properties are adjacent to our residentially zoned properties and we would like to express our concerns that the application approval will have a negative impact on our neighborhood arising from the emission of odor, dust, gas, noise, lighting, vibration, smoke, heat or glare. And will contribute to the deterioration of our neighborhood and will have a negative impact on our neighborhood property values.

We humbly ask the Development Services Department of Apache Junction to keep in mind as you review the application submitted by Mr. Mohiuddin that "Normal" procedural requirements be followed and recommended. We hope these requirements will be no less than you would impose on any other commercial developers which include the following:

- 1) City Building Codes and Zoning Laws
- 2) Safety Considerations
- 3) Proper Sanitary Accommodations
- 4) Written Executed Agreements

Based on our experience of constant odor, dust, gas, noise, lighting, vibration, smoke, heat or glare from the Hitching Post and the Dash In properties, we believe there are two very important requests listed below and ask these conditions be included in the project to protect our properties and allow us to have a respectable quality of life in our residential district:

(A) Any outdoor activities similar to a "Sports Arena" (Bull Riding) and or "Music Concerts" shall be contained "within a completely enclosed structure."

(B) Any approved Parking accommodations for the businesses or activities shall be on a "paved surface" with a "12ft Masonry wall that borders Cortez Rd." This wall should be constructed within the first 90 days of the project along the entire Cortez Rd side of the Dash In properties - to include surrounding the perimeter of the current home at 2304 N Cortez. The entrance and exits for all parking and business activities should be accessed from HWY88 only. No business access shall be allowed from the residential streets of Lost Dutchman or Cortez.

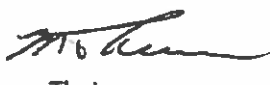

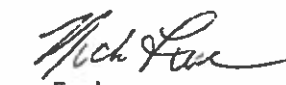

Additionally, we have noted and are sending these requests, due to the excessive violations that have occurred on these properties. City Development Services has sent the owner more than 5 letters of multiple violations within the last 2 years. Most of these violations were relative to the experiences we have suffered since all of this started. Most importantly the latest request (October 5, 2017) of a violation using the Dash In Storage Lot (Lost Dutchman & Cortez) for regular business parking without a proper permit. This has been ongoing for well over 2 years. Because of these past violations any Conditional Use Permit should include written executed agreements that stipulate a "cease and desist" statement if any "One" of the conditions are violated. As in the past we have suffered considerably while the applicant ignored the majority of the violation letters. We do not believe the Hitching Post and Dash In Storage businesses have any concern or respect for our neighborhood well-being - as proven by the actions of the owner.


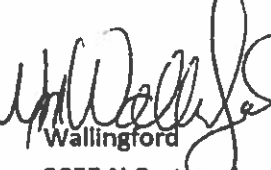


Most of us purchased our properties when it was a quiet location with only the Dash In Gas and Mini Mart Store along with a Marine indoor repair facility. In 2009 we did not have an objection to the Indoor Pizza Pub Restaurant conversion because all activities were to be indoor (per zoning code.) The business access was to be from the front of the business along HWY88 only.



In 2013 we were unaware the City zoning administrator approved Outdoor Bull Riding activities for the Hitching Post Pizza Pub business under the definition of "a pony riding ring without stables." It was further defined as an "Adjunct" usage to the restaurant business. After opening in November of 2014 and experiencing the unbearable twice weekly bull riding events, it became very clear to us residents the proper definition of what is taking place today with Spectators in Bleachers surrounding Bull Riding in an Arena is more accurately classified as a "Sports Arena." There is no pony riding taking place. Spectators to this sport are not being forced to enter the arena from the restaurant. The majority enter from the Dash In Storage Lot directly across the street from our residential district. The bull riding activities have a PA announcer with rather large crowds surrounding the arena watching and cheering Bull Riders as they compete for prizes - which are part of the Sport of Rodeo. Given these conditions of use, we request a re-evaluation be made on the bull riding activities and they are included with this Conditional Use Permit. The proper facilities need to be located within a completely enclosed structure to avoid the negative impact on our neighborhood arising from the emission of odor, dust, gas, noise, lighting, vibration, smoke, heat or glare as outlined in the City's zoning code. All the activities including the parking need to be accessed from the front of the business along HWY88 away from our properties.

We would like to thank you in advance for listening to our concerns and requests. We look forward to the day when we will be able to enjoy our homes as was our dreams when we purchased them.

Respectfully yours,

			
Theisman	Johnson	Funk	Beavers
2395 N Cortez rd	2315 N Cortez rd	2273 N Cortez rd	2225 N Cortez rd
APN100-24-006C	APN 100-24-008D	APN 100-24-006E	APN 100-24-006A

			
LeClair	Wallingford	Duncan	Skaarland
2521 E. Windsong St	2055 N Cortez rd	2745 E Smoketree st	1925 N Cortez rd
APN 100-24-016D	APN 100-24-017B	APN 100-25-004A	APN 100-24-018D

	
Chapman	Driscoll
2275 N Acacia rd	1852 N Goldfield rd
APN 100-24-007	APN 100-24-025E



**Rudy Esquivias**

---

**From:** Wm Wallingford <wallyone2@me.com>  
**Sent:** Wednesday, March 07, 2018 12:42 PM  
**To:** Rudy Esquivias  
**Subject:** Hitching Post Questions

Good Morning

I have been looking over the Site Plan for the CUP. I have a few questions that I'd like answers to before we go into the Community Meeting I want to make sure that my understanding of the city code is correct and that everything has been addressed.

**Walls and Fences:**

Since this application is new then doesn't the Hitching Post have to meet the current city guidelines as to Walls and Fences?

For example; the East property line along Cortez Rd, where he has parking spots planned. This section, I would assume, should be a 6' minimum, concrete block wall (opaque-no light passing through) instead of the 5 trees that he as planned.

Also, along the property line of the residence where he resides, because there will be cars parked along that area, along the south line where the volleyball and corn hole courts are located and on the property line that faces Lost Dutchman.

The trees are a good idea and more should be planted along all walls to improve the overall look of the property.

I would like to point out to you that the current fence and railroad tie planter along the intersection of Hwy 88 and Lost Dutchman is not up to city code. From the corner of his property at that intersection the current 8' tall chain link fence is supposed to be a 4' tall fence for a distance of 33' in both directions. The current chain-link fence and planter causes drivers to enter Hwy 88 to see both directions when leaving Lost Dutchman and when driving North on Hwy 88, turning east onto Lost Dutchman, the ties are in the right-of-way.

I believe this should be addressed.

**Parking:**

Since the parking lot behind the Dash-inStorage Lot (Bull Riding Arena) is a new parking area with 68 designated spaces, not all are for employees. Currently this lot is used for parking for patrons to enter through the gate behind the Steak House to access the Outside Bar and Bull Riding Arena. It isn't used for overflow, it is a designated parking lot. Shouldn't this lot be brought up to city standards and paved?

**Overall Layout of Corn Hole and Volleyball Court:**

After reading the narrative and looking at the restaurants that he wants to copy, it is my understanding that the corn hole courts have seating around them so that no one has to stand and drinking's not allowed on the court while playing. Looking at the site plan he has not addressed seating around the corn hole court nor around the volleyball court.

**Fire Pits:**

The site plan does not show any fire pits, where would they be located?

**Water and Sanitation:**

I noticed the well behind the residence pool is not in use. My question is where is his current well located that he uses for water, it is not shown on the site plan.

Since he wishes to add parking spaces of 94 to equal a total of 112, my question is; is the septic system designed for that number of people ( 224 if 2 people per car). I know he has a porta-potty in the Bull Riding Arena and has asked to place more of them.

If he needs porta-pottys then I would assume his septic system is inadequate. Shouldn't this be addressed in the CUP?

Again, comparing the Hitching Post to the restaurants listed, they have adequate water and sanitation sources, city water and sewer. San Tan Flats has city water and an onsite septic system.

#### Residential Neighborhood:

In his narrative he talks about the land to the south of his property as being vacant but you know it is zoned residential and someday it will be build upon so it can't be construed as vacant. His business will impact it.

#### Noise:

I would like to know what the current city noise ordinance is as it relates to amplified music coming from the Bull Riding arena as stated in **Noise Mitigation**. Also, where is the vacant land he speaks of?

***Thank you for your time.***

Bill and Elysa Wallingford  
2055 N Cortez Rd.



## Apache Junction Police Department Memorandum



59

DATE: March 16, 2018  
TO: Chief Kelly  
THROUGH: Captain Freeman  
FROM: Jerry Ward *JW*  
SUBJECT: Information Regarding the Hitching Post,

The following is provided in response to Rudy Esquivia's request for information regarding the Hitching Post located at 2341 N Apache Tr. The time-frame looked at was Sept 16, 2017 thru Mar 16, 2018.

During the date range listed above, there were five (5) calls for Noise Disturbance, one (1) call for Loud Music and four (4) calls for City Code Violation. One of the City Code Violations was related to noise and the other three were related to vehicle parking.

The attached documentation is more specific in detail to satisfy the original request. Items are highlighted in Yellow.

In contrast to the above (and attached) information, the other three locations identified had no incidents of this nature during the time-period looked at. Those locations were Filly's at 1707 N Tomahawk Rd, Cowboys Up at 285 N Apache Tr, and Superstition Skies located at 945 E Scenic St.

# Apache Junction Police Department

## Call Log Report Type General

Jurisdiction: AJPD First Date: 09/16/2017 Last Date: 01/18/2018

Call Number	Disposition	Ten Code	Received	Unit	Officer	Caller	Complaint	Description
170902089			09/16/2017 17:16:34			WALLINGFORD, BILL	CITY CODE VI	120 CITY CODE VIOLATION
1					2p10 SABO, CHRIS *K13 GRIFFITH, JUSTIN			
					[9/16/2017 5:19:17 PM : pos1 : shela]			
					Cross streets: FOOTHILL ST//LOST DUTCHMAN BLVD			
					Landmark: HITCHING POST			
					Landmark Comment: ALARM PERMIT ON FILE			
					Cross streets: LOST DUTCHMAN BLVD//WINDSONG ST			
					RP ADV ABOVE IS HAVING BULL RIDING NOW INSTEAD OF AT 2000HRS, WHICH IS NOT COMPLYING WITH THE AGREEMENT THEY HAVE WITH THE CITY. WANTS AN OFFICER TO DOCUMENT IT.			
					RP WANTS CONTACT			
170902645			09/21/2017 07:09:14			WALLINGFORD, BILL	CITY CODE VI	120 CITY CODE VIOLATION
2								
					*1P4 GEARHART, TIMOTHY			
					[09/21/2017 08:20:15 : MOB : 1p4]			
					i sat just west of the rp's residence with my motor off in the patrol vehicle for twenty minutes with nothing heard from the area of the hitching post or the storage lot			
					[09/21/2017 08:03:32 : MOB : 1p4]			
					there are 7 tractor and trailers parked at the storage lot next to the hitching post. there are several more trailers stored there at this time. There are personal vehicles parked next to or close to each tractor...			
					[09/21/2017 07:10:47 : pos3 : czwolinski]			
					Cross streets: FOOTHILL ST//LOST DUTCHMAN BLVD			
					Landmark: HITCHING POST			
					Landmark Comment: ALARM PERMIT ON FILE			
					RP ADV BUSINESS IS RUNNING A TRUCK STOP USING THE PARKING LOT NUMEROUS 18 WHEELERS PARK THERE 1 IS NOT RUNNING REFRIDGERATION AND IS CAUSING DISTURBANCE			
					RP WANTS CONTACT			
171002901			10/22/2017 17:12:02			CHAPMAN, ANN	CITY CODE VI	120 CITY CODE VIOLATION
3								
					*2P4 HATCH, DARRIN			

# Apache Junction Police Department Call Log Report Type General

First Date: 09/16/2017  
Last Date: 01/18/2018

Jurisdiction: AJPD

Call Number	Disposition	Ten Code	Received	Unit	Officer	Caller	Complaint	Description
180102456								
4		9	211			CITZ	CITY CODE VI	120 CITY CODE VIOLATION
<p>[10/22/2017 18:27:53 : MOB : 2P4] I was able to clearly see SR 88 traffic at this intersection. No further at this time.</p> <p>[10/22/2017 17:13:50 : pos3 : shelai] Cross streets: FOOTHILL ST//LOST DUTCHMAN BLVD Landmark: HITCHING POST Landmark Comment: ALARM PERMIT ON FILE</p> <p>RP ADV THERE ARE VEHs NEAR THE MEDIAN BLOCKING SOUTH VIEW OF SR 88 NO CONTACT/RP NO LONGER IN AREA</p>								
<p>[01/18/2018 19:17:12 : MOB : 2r1] UNFOUNDED- No noise violations, No parking violations, No extra traffic (vehicular or pedestrian)</p> <p>[01/18/2018 18:44:18 : pos2 :  carnillo] Cross streets: FOOTHILL ST//LOST DUTCHMAN BLVD Landmark: HITCHING POST Landmark Comment: ALARM PERMIT ON FILE</p> <p>CARS PARKED ILLEGALLY IN AREA CANNOT SEE COMING OFF OF ROADWAY ONTO SR 88</p>								

# Apache Junction Police Department Call Log Report Type General

Jurisdiction: AJPD First Date: 01/18/2018  
Last Date: 01/18/2018

Call Number	Disposition	Ten Code	Received	Unit	Officer	Caller	Complaint	Description
180102473			01/18/2018	21:13:44		DRISCOLL, CHRISTINA	LOUD MUSIC	415M LOUD MUSIC/NOISE
1	7	3p3						
*3p3 NICHOLLS,FRANK								
[01/18/2018 22:33:40 : MOB : 3p3] advised to document the problem and present it to the city council. cfr dc7								
[01/18/2018 22:32:05 : MOB : 3p3] the rp was advised the city has approved a permit for the hitching post to run a pa system until 2200 hours which i advised her not sure how le would enforce something that a business obtained from the city and has a time limit. i explained to the rp if the pa was running and being loud after 2200 hours i would enforce the noise ordinance but at this time there is no crime which she was advised as i drove by the hitching post they were shutting it down. at this time there is no crime but she was								
[01/18/2018 22:26:56 : MOB : 3p3] spoke to the 101 who had a recording of the pa system going on at the hitching post. i listen to the recording and could hear the individual on the pa and at times you can hear what he is saying but the wind was blowing affecting the noise on the phone. the rp was advised they need to go to city council and complain about the issue but the rp stated the city council told the citizens they need to call the police about the issue.								
[01/18/2018 21:14:56 : pos2 : [carrillo] Cross streets: FOOTHILL ST//LOST DUTCHMAN BLVD Landmark: HITCHING POST Landmark Comment: ALARM PERMIT ON FILE								
LOUD MUSIC GOING ON AT ABOVE AND RP HAS A RECORDING OF IT.. REQ CONTACT AT 1852 N GOLDFIELD RD								

**First Date:** 09/16/2017  
**Last Date:** 02/03/2018

[illegible]

1

2

## NOISE DISTURBANCE

**\*2P3 Brugman, Brian**

[9/16/2017 10:32:36 PM : pos1 : shela]  
Unit : 2P3

**BULL RIDING IS DONE**

[9/16/2017 10:31:43 PM : pos1 : shelaj]  
RP WAS ADV OF SITUATION AND IS WAITING FOR OFFICER

[09/16/2017 21:49:01 : pos2 : [cashatt]]  
OFFICERS BUSY WITH SUBJ REFUSING TO COME TO THE DOOR AT 975 S ROYAL PALM SMALL CHILDREN IN THE HOUSE //DV CALL CAME IN AT 2046 HOURS

[09/16/2017 21:02:44 : pos2 : [cashatt]]  
Cross streets: FOOTHILL ST/LOST DUTCHMAN BLVD  
Landmark: HITCHING POST  
Landmark Comment: ALARM PERMIT ON FILE  
CONTACT RP AT 1925 N CORTEZ.

**SHE IS CALLING AND COMPLAINING ABOUT THE PA SYSTEM AT THE HITCHING POST SAYS ITS REALLY LOUD**

2

## NOISE DISTURBANCE

3P3 ESHENBAUGH, KENNETH

[12/30/2017 21:04:44 : MOB : 3p3]  
spokem to Moe and he showed me on a Decibek reader that the PA that was outside was not going over 73.

[12/30/2017 20:44:38 : pos2 : lcashatt]  
Cross streets: FOOTHILL ST//LOST DUTCHMAN BLVD  
Landmark: HITCHING POST

Landmark: 1770 HITCHING POST  
 Comment: ALARM PERMIT ON FILE  
 COMPLAINING THAT THE MUSIC/NOISE IS UP 10 FOLD AT THE HITCHING POST TONIGHT.  
 RP DOES NOT WANT CONTACT, SAYS HES GOING TO BED,  
 NO OTHER CALLERS

10

## NOISE DISTURBANCE



# Apache Junction Police Department Call Log Report Type General

Jurisdiction: AJPD First Date: 09/16/2017  
Last Date: 02/03/2018

Call Number	Disposition	Ten Code	Received	Unit	Officer	Caller	Complaint	Description
180100807			01/08/2018	20:44:37		SCARLAND, BONNIE	NOISE DISTUR	NOISE DISTURBANCE
3	5V	3p3			*3p3 Valdez, Pedro			
[01/06/2018 21:21:04 : MOB : 3p3] CONTACTED MOE REFERENCE THE NOISE COMPLAINT TO WHICH HE TOOK ME TO THE SOUTHEAST CORNER OF HIS PARKING LOT WITH A NOISE DECIBEL READER ON HIS PHONE. THE DECIBEL READER DID NOT GO OVER 80 ON THE DECIBEL READER WHICH MOE STATED WOULD BE LOUD. I ADVISED MOE OF THE COMPLAINT AND HE STATED HE WOULD RECORD THE CONTACT WE HAVE WITH HIM AND THE DECIBEL READER SO HE COULD HAVE DOCUMENTATION FOR COURT. MOE ALSO STATED HE WANTED CONTACT FROM OFFICERS EVERY TIME THERE WAS A COMPLAINT. DC5V								
[1/6/2018 20:55:35 : pos1 : jward] CONT AT MESA WAS ABBEY...PH FOR LIGHT RAIL SECURITY 602-652-5100								
[1/6/2018 20:46:53 : pos1 : jward] Cross streets: FOOTHILL ST/LOST DUTCHMAN BLVD Landmark: HITCHING POST Landmark Comment: ALARM PERMIT ON FILE								
180102464			01/18/2018	20:08:49		FUNK NICK	NOISE DISTUR	NOISE DISTURBANCE
4					*3P4 WIMBERLY,ALEC			
PA SYSTEM TOO LOUD CAUSING A NOISE DISTURBANCE. RP DOES NOT WANT CONTACT								



# Apache Junction Police Department Call Log Report Type General

Jurisdiction: AJPD First Date: 09/16/2017 Last Date: 02/03/2018

Call Number	Disposition	Ten Code	Received	Unit	Officer	Caller	Complaint	Description
[01/18/2018 20:55:43 : pos3 : tisch] PER MUHAMMED THE DECIBAL WAS UNDER 45 HE CALLED PD WHEN HE SAW THE OFFICER								
[01/18/2018 20:48:48 : MOB : 3p4] of the hitching post								
[01/18/2018 20:48:40 : MOB : 3p4] I went into the back lot and of the hitching post, which is across the street (cortez) from the RPs property. I sat in my vehicle with the windows rolled down and again did not feel the music was unreasonable, from the hitching post's property, the noise of traffic driving on the roadway was louder than the music. On the property of the hitching post, with my windows rolled up in my patrol vehicle, I could faintly hear the bass from the music, which was not unreasonable, as I was on the property								
[01/18/2018 20:45:38 : MOB : 3p4] Parked my patrol vehicle next to the roadway in front of the RP's home. I sat in my vehicle and rolled down the windows and did not feel the noise was excessive. They are not bull riding, I could faintly hear music. I could hear noise of vehicles driving on the roadway louder than the music. I rolled my windows back up ad could not hear the music at all.								
[01/18/2018 20:10:51 : pos3 : tisch] Cross streets: FOOTHILL ST//LOST DUTCHMAN BLVD Landmark: HITCHING POST Landmark Comment: ALARM PERMIT ON FILE NOISE FROM ABOVE HIS WIFE IS EXT ILL REQ THEY TONE IT DOWN								

180200439

5

7

3p3

02/03/2018 21:23:57

LECLAIR, PATRICK

NOISE DISTUR

NOISE DISTURBANCE

\*3P3 Valdez, Pedro

# Apache Junction Police Department Call Log Report Type General

First Date: 09/16/2017  
Last Date: 02/03/2018

Jurisdiction: AJPD

Call Number	Disposition	Ten Code	Received	Unit	Officer	Caller	Complaint	Description
[02/03/2018 21:53:04 : MOB : 3p3] HITCHING POST WAS LOUD AND THAT HE WANTED THE ACTIVITY NUMBER FROM ME COMING OUT TO SPEAK WITH HIM. I PROVIDED PATRICK WITH THE ACTIVITY NUMBER PRIOR TO LEAVING. DC7								
[02/03/2018 21:51:48 : MOB : 3p3] BEFORE CONTACTING RP PATRICK AT HIS RESIDENCE I PARKED NEAR THE HITCHING POST TO HEAR THE NOISE COMING FROM THE ESTABLISHMENT I COULD HEAR THE PA SYSTEM AND PEOPLE CELEBRATING FROM THE AREA OF LOST DUTCHMAN// CORTEZ. AFTER HEARING THE NOISE FROM THE HITCHING POST I WENT TO SPEAK TO THE RP PATRICK. AS I APPROACHED HIS HOME AND EXITED Y PATROL VEHICLE I COULD HEAR THE PA SYSTEM FROM THE HITCHING POST IN PATRICK'S YARD. WHEN I SPOKE TO PATRICK HE STATED HE WANTED TO REPORT THE NOISE COMING FROM THE								
[2/3/2018 9:45:15 PM : pos2 : shela] Unit : 3P3 AT RP'S ADDRESS								
[2/3/2018 9:36:33 PM : pos2 : shela] Unit : 3P3 AT HITCHINGPOST LISTENING								
[02/03/2018 21:26:05 : pos1 : lcashat] Cross streets: FOOTHILL ST//LOST DUTCHMAN BLVD Landmark: HITCHING POST Landmark Comment: ALARM PERMIT ON FILE ***CONTACT RP AT 2521 E WINDSONG*** WANTS TO COMPLAIN ABOUT THE NOISE COMING FROM THE HITCHING POST// RP WAS STANDING OUTSIDE WHEN HE CALLED / ADVISED RP THAT THE OFFICERS WERE BUSY AND THAT WHEN AN OFFICER BECAME AVAILABLE THAT I WOULD SEND AN OFFICER OUT// I TOLD HIM THAT THE OFFICERS WERE ON PRIORITY TRAFFIC AND THAT I WOULD NOT BREAK THEM FROM THE PRIORITY TRAFFIC AND RESPONDED OF COURSE YOU WOULDNT								

Previous Primary Unit

**Rudy Esquivias**

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**From:** Emile Schmid  
**Sent:** Monday, March 19, 2018 12:57 PM  
**To:** Rudy Esquivias; Raquel Schatz; Mike Wever  
**Cc:** Larry Kirch; Joel Stern  
**Subject:** RE: Mo's property  
**Attachments:** 2018-03-19\_ROW\_Check.pdf; 0669-816 (2).pdf; 1251-620.pdf

All,

Here's the skinny...ready for this??

Please see the attached PDF files showing abandonment of ROW, realignment of Cortez Rd by Richard Damiano back in the late 60's when he realized his house was encroaching into the ROW and he wanted to realign the road so he could do some improvements to the house. Document 669-816 abandoned a portion of the west side of Cortez Rd (purple) and dedicated portions of the east side of Cortez Rd (pink). This was recorded in June 1982.

Some of the County paperwork is attached to the 669-816 document, but they do not have sequential recording numbers on the pages (e.g., 669-817, 669-818) so therefore they are unrecorded documents, and cannot be used as a source for mapping. Besides, a date on one of those pages is after the recording date of 1972. One of those pages describes an easement to Pinal County (blue).

Strange thing is twelve years later in 1984 Richard Damiano dedicates 40 feet of ROW on the west side of Cortez over the area that was abandoned in 1972. BUT the dedication starts south of where the house is, and there was also a 33-foot dedication along the north side of the Windsong alignment. This is now currently the "storage" parcel, which does encroach into the ROW on Windsong.

I included a scan of an exhibit from 669-816 outlined in red, shaded in pink that indicates what the Cortez Rd ROW currently is between LDB & Windsong based on my reading of the two recorded documents. I will forward all this to JC to verify and remap correctly in our GIS. The current ROW mapping shown was done by CAG recently.

Also, one of the residents on the east side of Cortez, one Mr. Duncan, now owns the triangular parcel between Mo's storage parcel and Apache Trail. He is aware of the Windsong ROW and has requested that he use that to access his triangular parcel from Cortez instead of Apache Trail, I believe in a calculated move to force Mo to relocate his fence out of the Windsong ROW. Public Works does not have plans to construct a road along Windsong between Cortez and Apache Trail, nor do we want to maintain a 640-foot driveway serving one parcel. I feel that if we did open up that ROW, Mo would want Windsong to extend all the way to Apache Trail, install a gate at the south side of his storage yard, and use the new road to drive by Mr. Duncan's parcel to & from Apache Trail.

Any questions? Comments? Please let me know.

End of dissertation.

Thanks,

Emile Schmid

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**From:** Rudy Esquivias  
**Sent:** Wednesday, March 14, 2018 20:22

To: Emile Schmid ; Raquel Schatz ; Mike Wever  
Cc: Larry Kirch ; Joel Stern  
Subject: Mo's property

Dear PW Pals:

Please see the image below of the Hitching Post (HP) and surrounding land. Mo now owns the property to the east of the HP to Cortez; and to the south of the HP to the Windsong alignment (south of the storage lot). Mo is currently going through a conditional use permit process to add outdoor activities around his restaurant. **Please send me the ROW dedication documents for Cortez and Windsong adjacent to Mo's property.**

There occurred an eastward shift of the Cortez alignment some time ago, but I don't remember for what reason. This shift resulted in an extra wide ROW on that part of Cortez; all of which I suspect, the city does not need. What is the possibility of returning some of the extra dedicated ROW on the west side of Cortez to Mo? You will note that the existing residence (which predates the city) and existing fencing is encroaching into the ROW. Could this strip be considered of "diminutive value"?

Lastly, please note that within the last year, Mo combined his five lots (shown below) into one; then re-split them again into three lots. See attached images of Mo's new parcel layout and plans for what he wants to do. **We would very much appreciate your comments before next Wednesday, March 21, as that is when my next staff report is due.** The P&Z public hearing on the CUP is on March 27. Thanks.

Rudy



