



# City of Apache Junction, Arizona

## Meeting Minutes Planning and Zoning Commission

Meeting location:

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

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*Theresa Nesser, Chair*  
*Peter Heck, Vice Chair*  
*Michael Frank, Commissioner*  
*Willie Howard, Commissioner*  
*Steve Kridler, Commissioner*  
*Michael McGraw, Commissioner*  
*Robert Schroeder, Commissioner*

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Tuesday, April 10, 2018

7:00 PM

City Council Chambers

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### 1. Call to Order

Chair Nesser called the meeting to order at 7:00pm.

### 2. Pledge of Allegiance

Chair Nesser led the Pledge of Allegiance.

### 3. Roll Call

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

Staff present:

City Attorney Joel Stern

Development Services Senior Planner Rudy Esquivias

Planning Intern Danielle Jordan

### 4. Consent Agenda

**approved**

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

**No:**                    0

Vice Chair Heck moved that the Planning and Zoning Commission accept the agenda as presented and approve the minutes of the March 13, 2018 regular meeting. Commissioner Schroeder seconded the motion. Motion passed unanimously.

[18-179](#) Consideration of approval of agenda.

[18-180](#) Consideration of approval of regular meeting minutes of March 13, 2018.

**Attachments:** [PZ Meeting Minutes 03132018](#)

## 5. Public Hearings

[18-181](#) Presentation, discussion, public hearing, and consideration of case No. CUP-1-18, a request by Dean and Bonnie Varga, represented by Michelle Dahlke of Arizona Planning and Paralegal Solutions, for approval of a conditional use permit to allow for the placement of eight temporary cargo storage containers on their property for personal use, located on a B-1 (General Commercial) zoned property at 2090 W. Superstition Boulevard, on the northeast corner of Superstition Boulevard and Ocotillo Drive. This item was continued from the March 27, 2018 meeting.

**Attachments:** [CUP-1-18 PZ PH Memo](#)  
[CUP-1-18 PZ Staff Report](#)

**approved**

**Yes:** 4 - Chairperson Nesser, Commissioner McGraw, Vice Chair Heck and Commissioner Howard

**No:** 3 - Commissioner Frank, Commissioner Schroeder and Commissioner Kridler

Chair Nesser discussed the need for findings when making a motion. City Attorney Stern explained that with CUPs, the commission needs a rational reason why they decided the way they did. He also explained why findings are needed in case of an appeal. He then explained how the motions and findings should be done by the commission members.

Planning Intern Danielle Jordan gave a presentation of case No. CUP-1-18, a request by Dean and Bonnie Varga, represented by Michelle Dahlke of Arizona Planning and Paralegal Solutions, for approval of a conditional use permit to allow for the placement of eight temporary cargo storage containers on their property for personal use, located on a B-1 (General Commercial) zoned property at 2090 W. Superstition Boulevard, on the northeast corner of Superstition Boulevard and Ocotillo Drive. This item was continued from the March 27, 2018 meeting.

Commissioner Kridler asked if there was a copy of the notice of violation available. Senior Planner Esquivias said that can be obtained if they would like. He explained the applicant was told that they can apply for the conditional use permit which would toll the code enforcement issue. He said the applicant chose to apply for the conditional use permit rather than remove the containers. Senior Planner Esquivias explained the code compliance letter cited two issues: the first being cargo containers on the property without site plan approval and the second being the applicant didn't apply for a permit for cargo containers. City Attorney Stern said the notice of violation has no bearing on the decision of the commission in this case.

Senior Planner Esquivias explained how city code allows cargo containers to be placed on either a residential or commercial property. He also explained a loop hole was found in the

code. He said in a B-1 zone, under uses allowed, it includes outside storage with a conditional use permit. He added the term outside storage doesn't state what can be included as outside storage.

Commissioner McGraw asked if personal items and business items mean the same with this loop hole. Senior Planner Esquivias explained he doesn't believe the items stored by Mr. Varga are business items that he is aware of. He added Mr. Varga had a place in Mesa where he stored his property. When that property owner notified him he was improving the property, Mr. Varga bought the property in Apache Junction. He said he purchased the property and brought his belongings to the property without checking with the city on what was needed.

Commissioner McGraw asked again if personal property and business property is interchangeable with the loop hole previously mentioned. Senior Planner Esquivias replied inventory items related to a business versus the idea of outside storage in general whether it's related to a business or not.

Commissioner Kridler said he reads the code to say storage can be used for business storage or temporary storage for building materials. He added that the use of shall in the code says storage can only be used for a business or the storage while building of a business. He also said he doesn't agree with City Attorney Stern and that the information is pertinent because the commission didn't know what options were provided and believes the information is important and requests staff include this kind of information to the commission.

Commissioner Schroeder asked Senior Planner Esquivias about findings when the commission decides a case and believes staff should provide their findings on why or why not the commission would approve or deny a CUP. He asked him if the findings that staff came to in approving the CUP is based on a loop hole. Senior Planner Esquivias said staff can't approve or deny a CUP. He said they gave the applicant a possible way to get an approval based on the general idea of what is outside storage. He added it could be RVs, it could be building materials, cargo containers, trailers. He said outside storage is not defined and said probably could include cargo containers. Commissioner Schroeder said he understands that staff can't approve or deny a request, but staff does recommend approval or denials with conditions that staff found. He asked if the loop hole is the main reason staff would recommend approval. Senior Planner Esquivias said correct.

Vice Chair Heck asked Planning Intern Jordan to confirm that there wasn't a staff recommendation on the size of the containers. Planning Intern Jordan said that is correct. Vice Chair Heck said he is confused about the staff report dated April 4th regarding the number of containers allowed. Chair Nesser said she read the same thing and said to put the word plus in front of the two. Vice Chair Heck said that still only makes seven. He added that according to the site drawing there are 40 foot containers there now. Planning Intern Jordan said the site plan was from the original request for the placement of eight cargo containers. She said the new request is for four cargo containers and two 21 foot long trailers and one 24 foot enclosed trailer. She added staff is recommending for the placement of the four cargo containers. Vice Chair Heck said that would be two 21 foot trailers, one 24 foot and for the fourth, the size would be undetermined. Planning Intern Jordan said it would be the size that was currently on the property. Chair Nesser said they want to add the three trailers to what is already there. Planning Intern Jordan said correct. Vice Chair Heck asked if they had five on the property now. Chair Nesser said no. Planning Intern Jordan said they have four existing containers on the property now and want to add three trailers. Vice Chair Heck said that was only seven. Senior Planner

Esquivias explained the idea behind the site plan was to help the applicant explain how many cargo containers they were requesting. He added that just because staff requested a site plan, it doesn't mean that staff agreed to what they presented. He said it may be a compromise to support four with the eight being irrelevant.

Commissioner McGraw said the way the containers are placed on the property now are scattered. He asked if there was a code on how they should be placed on the property and if the positions will have to be changed. Planning Intern Jordan replied that there are screening requirements per the code. Senior Planner Esquivias agreed with the screening requirements and went on to explain that cargo containers are treated like an accessory building in which if they are placed on a property, they should meet the accessory building setbacks which are minimal; 10 feet on the side, 20 feet on the front and on the street side and then 5 feet on the other side and rear. He added where they are placed is not a zoning issue, per se, it is the eventual screening of the containers. Chair Nesser added they are supposed to be screened from public view which right now it is open to Superstition Boulevard. Planning Intern Jordan said Condition 2 is asking for slating of the chain link and painting the cargo containers in desert colors is also a recommended condition.

Chair Nesser called for additional discussion from the commission.

Having none, Chair Nesser called for the applicant to address the commission.

Michelle Dahlke of Arizona Planning and Paralegal Solutions, representing Dean and Bonnie Varga, addressed the commission. Ms. Dahlke thanked the commission for information she received from the March 27 meeting. She said she watched the video of the meeting and appreciated how the commission stopped the discussion of the item to allow them the opportunity to come before the commission to make a presentation. She added she made notes of the comments and questions of the commission and hopes her presentation will answer them. She said she won't go into the background of how the property owners acquired the property. Ms. Dahlke said the property owners placed the containers on the property without doing research and found later what they did was a violation. She said the applicant did apologize to staff and came to them quickly to rectify the situation. She said they didn't maliciously disregard the code. She said it was a circumstance of not doing research. She did add that the property was zoned general commercial prior to 2014 and outdoor storage was allowed prior to that. She said it was the change in the zoning ordinance that the city determined that conditional use permits were required for storage uses. She said she brought this up because the property was used for outdoor storage uses in the past. She said it's not a new use, and it's been some time since it's been used for any purpose. She said the Varga's would like to store four conex containers with no size limitations as recommended by staff. She said they requested eight in the beginning and with communication with staff when the applicant realized they were supporting unlimited sizes, they agreed and revised the request from eight to four. She added that they initially requested three to five years for a time limit but agreed with staff that two is fair since there is the opportunity to come before the commission again in the future if more time is needed. She displayed an aerial of the property and explained that cargo containers on non-residential land typically require an established business. She said she appreciated that staff brought up that outdoor storage was a category they could fall under to rectify the violation. She added it isn't necessarily business inventory and that Mr. Varga has looked at different businesses that can be placed on the property in the future since staff explained that the current use isn't an ideal use of the property. She added outdoor storage

doesn't specify if it is business or personal use which is why they fall under that line of thought.

Ms. Dahlke then said that someone said that approving the storage use might set a negative precedence since this use wasn't permitted in the B-1 zoning district. She added the temporary storage use would be permitted for two years which is a short period of time and in the mean time they have talked to commercial real estate appraiser and broker, a civil engineer to look at some permanent, viable uses down the road. She said the property isn't very large and it is a corner lot which may present some challenges with parking and drainage on other on-and-off site improvements but thinks there are several options that might be available. She said they are actively investigating those. She said staff mentioned ideas that include commercial as well as multifamily or single family uses. She said there are a lot of possibilities they are looking at.

Ms. Dahlke said she reviewed the findings and had comments regarding them. She said the adequacy of roadways and off-street parking, public facilities and services to accommodate the proposed use, as the staff points out, is related more to a permanent commercial use and she thinks staff may be getting that it may not be an applicable finding in this case. She added the applicant would agree with that. She didn't want to put words in staff's mouths but feels this is what they are trying to say. She added the second finding, any negative aspects that might arise from the use, to her that's odors, glare, noise, increased traffic. She said this particular use won't produce any of them and as far as potential dust issues, staff is recommending they dust proof the property which they are happy to do to mitigate any dust issues. She said the traffic will be minimal on the property, maybe just the property owner a few times a month and there will be minimal disturbance. She said the next finding asks if the property would contribute to the deterioration of the neighborhood or negatively impact the property around it. She said they don't believe it will and said the work they will be doing with maintaining the existing landscaping, planting of additional plants and trees as required by code, fixing the chain link fence along the western and southern boundary, and the installation of slats in the chain link provides for excellent screening for the use and actually will be much better than it is now. She said that instead of contributing negatively, she thinks they will contribute positively. She said they agree with staffs' recommended condition #2 with regard to screening and #6 with regard to landscaping. She said the next finding, compatibility with surrounding uses and structures, the area has similar type properties, unimproved, vacant commercial land, so there is a lot in common with other properties in the area, but feels what they are doing to improve the property, even in the short term, will make a positive difference. She said in respect to conformance with the general plan and city policies, approval of this CUP will bring them into compliance with the fact that the containers on the property. She said it's their understanding that they are in compliance with all other city policies that are in place.

Ms. Dahlke said the screening and buffering of uses, it's important that the improvements they will be making, even with the storage use, will be significant. She said there is already an existing chain link where some portions will be repaired and will look nice. She said there will be trees and shrubs and the screened chain link fence. She showed several photos to the commission of the property and how they envision the property will look and where the storage boxes will be placed. She said in closing, the use will be for two years, the owners are looking into other permanent uses for the site, the property will be fully screened and brought up to code with landscaping and said it will look nice. She said the existing trees will be kept up. She said they believe there won't be any negative impact on the adjacent property owners and the neighborhood in general. She added notices were sent to the properties within 300 feet and no replies or comments were received. She concluded by saying she hopes the commission

agrees with them and finds it is a good use and approves the CUP with staff recommended stipulations except for #5 to allow for the storage of the three trailers and intend to place them to the rear or between the containers. She thanked the commission and invited them to ask questions.

Commissioner McGraw asked if the three additional trailers were for storage. Ms. Dahlke said the trailers are the property owner's and would be used to move things to the property. She said he doesn't have a place to put them now and apologized that they weren't included in the original request and explained they thought the CUP was for the storage containers only and not the trailers. She said when they saw the stipulation that limited the storage to those containers they spoke with staff and they said they can add them to the CUP and they can't be just put there. She said it's a long answer to the question, but they are the property owner's trailers and they can be hooked up to the back of the truck and they are there when he doesn't need to use them. Commissioner McGraw asked if they can be lived in. Ms. Dahlke said no. She explained they can be used to haul dirt bikes and they aren't very tall. Commissioner McGraw asked if they were toy haulers he wants to place there. She replied one toy hauler and the others are trailers that are enclosed.

Commissioner Kridler said he doesn't see a negative impact on the neighborhood and agrees. He then said #5, or E rather, in the commission's packet and conforming with the general plan and city policies. He said the way he takes it is they are asking the commission to overlook what is in city policy on a commercially zoned property. He said he knows staff brought up a loop hole, but the language in 1-6-8 regarding the cargo containers, and specifically section C which is non-residentially zoned properties, there's a lot of shall in there. He said this shall be done, and that shall be done and he feels they are asking them to overlook that just for them and that would be bad precedent for the city. Ms. Dahlke said she wouldn't call it a loop hole because outdoor storage is something that can be done with a CUP. She said the zoning ordinance doesn't define outdoor storage and is unfortunate for the city but perhaps not for the applicant and said staff pointed them into this direction. She said she doesn't have the section of the code and at the end of the table for non-residential uses, it's got the outdoor storage and just says CUP. She said they aren't trying to circumvent anything or trying to put words in anyone's mouth. Commissioner Kridler said it does say CUP with the licensed building permit. Ms. Dahlke said in regards to an established building permit, it was her understanding. Commissioner Kridler said there is no business there and that is the crux of it. Ms. Dahlke said that is why staff pointed them in the direction of the CUP. She said cargo containers can be permitted on a non-residential lot with an administrative use permit. Commissioner Kridler said with a business. Ms. Dahlke said with outdoor storage it doesn't define if there has to be an established business or not. Commissioner Kridler said however, these are called cargo containers and it doesn't matter what they are being used for, storage or otherwise, they are cargo containers. He said the city ordinance is clear. He added they are asking the commission to overlook what the city ordinance says and that sets bad precedence for the city to allow it. Ms. Dahlke said staff geared up toward the CUP as a solution to the violation and said if they would have said they can't do that and they need an established business and you can't get a CUP without an established business for the cargo containers, they may have done something different. She said they tend to agree with staff that outdoor storage wasn't specifically defined and with the CUP it would take them out of having to have the established business aspect. She added it doesn't overrule, but is an avenue to have the containers there without an established business. Commissioner Kridler said bypassing the city code. Ms. Dahlke said she doesn't know if staff would agree with that. Senior Planner Esquivias said staff looked at

what the code specifically said, and looked at options that could be available to the applicant and outside storage is a general category among permitted uses in the CUP. He said it doesn't define what outside storage is and said he agrees there is a whole code section that discusses where cargo containers can go and what they can be used for, but the storage of cargo containers in and of themselves on a commercial property is perhaps allowed by a CUP. He added it was perhaps a broad interpretation and said staff looked at how the city could benefit from it. He said the city would get an improved property which has been vacant and unkempt. He said the property could be improved. He then said they don't like the idea of a commercial property being used to store personal property but feels giving two years to fix up the property, and if in two years there isn't a commercial business there, the containers have to be removed. He said staff was trying to make the best of the situation. He then added, if the commission doesn't agree with that it is fine. Commissioner Kridler said he feels the commission is being asked to bypass city code to overlook it. Ms. Dahlke said a CUP is a great tool for any city because it allows the city to look at a property on a case by case basis, project by project basis and applied to a specific use and therefore doesn't set a negative precedence. She added that anyone in the city wanting to do the same thing would have to come before the commission with a request specific to their property. Commissioner Kridler said if the word "may" had been used, he would agree with them but the word "shall" is used so he disagrees.

Commissioner Schroeder asked if the applicant was present. Ms. Dahlke said she is representing the applicant. Commissioner Schroeder asked if the applicants lived in the state. Ms. Dahlke said yes, they live in Chandler. Commissioner Schroeder asked if there was any land available in Chandler. Ms. Dahlke said maybe there is.

Vice Chair Heck said with the request to store the three trailers, he feels this property will become a vehicle storage lot. He said it will become a storage lot without any requirements and feels it is evolving into something that would be carte blanche to anything that wants to be put on there. He thinks that if they approve the three trailers, they could see an RV next. He added it is changing and the commission is being asked to accept it as is. He asked why it originally was eight cargo containers and then went to four cargo containers and three trailers. Ms. Dahlke said the applicant started out with the four containers that are currently on the property. She said that after the Vargas met with the staff, and after she was hired and met with staff, there was a lot of discussion as to what can be done on the property. There was some direction given, without putting staff on the spot, they were told that maybe up to eight containers could be requested by the applicant. She said after they got the staff report and they saw the recommendation for four, she said the containers should have been requested with the original CUP. She said that was a misunderstanding that they didn't know that those were required to fall under the CUP. She added they thought the CUP applied to the cargo containers themselves and not the trailers so when they saw the staff recommendation the applicants asked her to see if they could place the trailers on the property. Vice Chair Heck said to her, trailers are transient but cargo containers aren't. He said trailers can be defined in a lot of ways and who says he won't allow a renter living in a trailer on the property. Ms. Dahlke said staff made it perfectly clear that having someone living in a trailer on the property wasn't permitted. She added that is not the intent and if the trailers are problematic to the CUP, she requests they remove that request. She said they are asking for the trailers to be considered.

Commissioner Howard said they are requesting the four containers be of varying sizes and asked what is actually stored in the containers. Ms. Dahlke said it could be the size that is there now, or could be larger. She said she didn't know exactly. She added that show cars and

possible model cars will be stored. She said the applicant hasn't told her what is actually being stored. Commissioner Howard asked with car storage, if the applicant will be repairing the cars. Ms. Dahlke said no. Commissioner Howard said the commission is opening Pandora's Box. He said the application went from four storage containers to finding out what's in the containers and now talking about trailers. He said they initially talked about storage containers. He added they are talking about other things that may take on a new meaning. Ms. Dahlke said she understands and would withdraw the request for the trailers if it would cause an issue with securing the CUP. She said she apologizes if the request is causing concern and wasn't intended to add something thought as deceiving. She added that she wanted to give the applicant the opportunity to make the request. She said if the commission doesn't agree with it, she understands.

Commissioner Schroeder asked if the length of the containers was going to be 40 feet. Ms. Dahlke said that is what staff is recommending. Commissioner Schroeder asked for confirmation that the applicant is going to put a show car in a storage container in a dirt lot in Apache Junction. Ms. Dahlke said yes. She added that she wasn't asked what was stored, only as long as it wasn't hazardous, and as long as it was screened and limited to the four containers. Commissioner Schroeder said as long as it isn't explosives or biohazard materials it's not his business. He said if he personally had show vehicles, he wouldn't be storing them this way. Ms. Dahlke said she doesn't know anything about show cars but it could be anything from something she thinks is cool, but wouldn't classify as a show car that would be seen at a car show. She asked that the commission not take her as a show car expert. Commissioner Schroeder said the content doesn't matter to him, he was just curious.

Chair Nesser called for additional questions from the commission.

Having none, Chair Nesser opened the public hearing portion of the item.

Hearing and seeing none, Chair Nesser closed the public hearing portion of the item.

Chair Nesser opened up the item to discussion among the commission.

Chair Nesser said she's been on the planning and zoning commission for eighteen years and sees an increase in CUP requests and feels there will be more in the future. She added that it would behoove the commission to control the situation when CUPs are used. She added it doesn't matter with how the property was used prior to the zoning update in 2014 and said that is what the commission is dealing with now. She added the issues she is having is that she feels AJ is being used as a dumping ground and people who live in other areas and can't store their property there are coming out to Apache Junction and want to store RVs and other items here. She said she doesn't believe people of Apache Junction want to be the dumping ground for other areas. She added the commission needs to send a message to conform with the general plan and city policies as they are there for a reason. She then said people have the responsibility to do their due diligence when wanting to do something without proper permits. She then relayed an issue with a friend who lives in Mesa and wants to build a garage on the property they own in Apache Junction. She said although they will eventually build on the property, they want to build the garage for storage. She said she checked with staff and was told that if they apply for a building permit for the garage, they have to apply for a building permit for the house also. She said her point is that although this was a friend, she told her no. She then said she believes they need to say no more. She then added people need to know the city



means business. She then said she is inclined to say the applicant is only allowed the four containers along with the screening and landscaping. She also added that everything must be stored within the containers and nothing can be stored outside the containers. She added where the trailers are concerned there may be other items such as a boat or motorbikes sitting on the trailers being stored on the property.

Commissioner McGraw said he agrees. He said there is a feeling that the city is a dumping ground. He said he would also like to see business come into the town. He said he agrees with what she said about the trailers. The city can't control what is stored on the property unless it's looked at every day. He said the original four containers should be all that is allowed and give them one year to put a business in place.

Commissioner Howard said he agrees with Commissioner McGraw and thinks one year to get a business on the property is a good idea.

Vice Chair Heck said he agrees and said since they already have had discussions with real estate people, they are obviously in the process. He said he thinks this a dump job on the city and it bothers him that someone feels that can put four cargo containers on property they own as if no one cares. He said they should care and doesn't feel they should be given carte blanche. He said he believes they need to constrict the CUP a little bit.

Commissioner Schroeder said he doesn't believe one year to get a business on the property is impossible. He said it takes four months to get a pool at his house. He said he should be given realistic goals and two years is realistic to put a stick built building up. He said there are many things that need to be done to build something. He said if they give him a year and if within that time frame he's not done, they aren't going to revoke the CUP, they will give him an extension and doesn't see what the difference is.

Vice Chair Heck asked if they could request after one year the applicant could present an update to the commission. He said if they are making progress the commission would be flexible. He said if they are given two years, they may come at that time and say they need more time. He said if they are given a year, they can present their progress and if progressing, be given more time. Commissioner Schroeder and McGraw agreed.

Commissioner Kridler said with the continuance he was hoping for a business plan from the applicant and in which case he would feel more lenient. He asked if they can ask that in addition to the one year update, can a 90 day progress report be given on a business plan. Chair Nesser said she doesn't know if that is realistic. Senior Planner Esquivias said the commission can do anything they want. Chair Nesser said he could do anything they want. Commissioner Kridler said he is putting it up for discussion and like everyone else, would like to see business come into the city and see the property utilized. He added like everyone else, he doesn't want to see AJ used as a dumping ground and feels that the way this one transpired, he disagrees with. He then said he feels a year may be too long as far as having something on the property but some time to present a business plan. He then added six months is better, but just presenting the idea for conversation and discussion.

Chair Nesser asked City Attorney Stern if it is the commission's business to know the applicant's business plan. City Attorney Stern said with a conditional use permit, the commission can require any reasonable condition that they want.

Commissioner McGraw said the commission doesn't need to know what the business is, just that it is moving forward, and a plan that shows that it's happening. He said a six month time frame is fair and doesn't want to tie anyone's hands or make them jump through hoops and therefore feels six months is fair time frame to come back to the commission.

Chair Nesser asked how would they know if the owner didn't buy the property because he needed a place to store stuff. Commissioner Schroeder said that's what happened. Commissioner Howard said six months is not an unrealistic time for a business owner to explore businesses that might be put on there. He said the commission is asking for is for him to explore. Chair Nesser asked if in six months from now and he comes back that he doesn't have anything yet what happens? Commissioner Howard said the commission decides if he removes the containers off the property. Commissioner Schroeder asked if he's given six months to come back to the commission if they will still be required to improve the landscape and fencing. Chair Nesser asked Senior Planner Esquivias what the time frame is for that requirement. Vice Chair Heck said within six months of the CUP. Chair Nesser said he's got six months to do all that. Vice Chair Heck said 90 days for the chain link fence. Chair Nesser said he's got six months for that and 90 days for that and if he doesn't he can sell as improved property and it sends a message that the city won't be used as a dumping ground for storage containers.

Commissioner McGraw asked if it will be a finding. Chair Nesser said it will be a condition and explained how the findings may work. Chair Nesser asked City Attorney Stern if she was correct. City Attorney Stern said he can't tell them what their findings will be but they can pick out of the list which is the point of having the CUP findings provisions. (Unintelligible conversation). Chair Nesser said number F applies. Commissioner McGraw said not to what they're going to require. He said maybe more of an E. Vice Chair Heck said more of a C and E. Chair Nesser said C, E and F. (Unintelligible conversation). City Attorney Stern said it would be easier to recognize whoever's talking. Commissioner Schroeder said it would be easier to leave the findings as they are but just add revisit in six months. (Unintelligible conversation). Chair Nesser said she doesn't like the idea of leaving them as they are. She said there's nothing that says he can't come in next week and haul off the cargo containers and put larger ones on there. Commissioner Schroeder said (unintelligible) six months you can take them all off, you are done. Chair Nesser asked if he wanted to limit it to the four that are on there. Commissioner Schroeder said that is up to her and the other commissioners.

Chair Nesser called for a motion.

Vice Chair Heck motioned moved that the Planning and Zoning Commission approve case CUP-1-18, a request for a Conditional Use Permit by Dean and Bonnie Varga, represented by Michelle Dahlke of Arizona Planning and Paralegal Solutions, requesting the placement of temporary cargo storage containers for personal use at 2090 W. Superstition Boulevard, zoned General Commercial (B-1), based on the following findings as identified in the staff report of April 4th, 2018:

Finding 1: Negative impacts arising from the emission of odor, dust, gas, noise, lighting, vibration, smoke, heat or glare, the commission does recognize the potential for dust issue and will be addressing that through a condition that there be dust proofing done on the property.

Criteria D: Compatibility with surrounding uses and structures. While the commission recognizes that a number of the properties surrounding this are vacant, there is still concern about how this subject property will be used in terms of adding trailers or changing the cargo containers, and believe that needs to be addressed through the conditions.

Criteria E: Conformance with the General Plan and City policies. The commission recognizes that the general use being identified, for placing cargo containers on a commercial property that has

personal possessions or belongings inside, is vague or is not in the true spirit of the General Plan and the code for the use of the cargo containers. However, that will be addressed through the conditions.

The approval includes the following conditions:

Condition 1) The applicants shall not be allowed more than four (4) temporary cargo containers on the property, which are to be painted a neutral desert tone color in accordance with Apache Junction City Code, Volume II, Land Development Code, Chapter 1, Zoning Ordinance, Article 1-6, Supplemental Regulations, Section 1-6-8 Cargo Containers, within 90 days of approval of this CUP. In addition, the four (4) cargo containers currently on this site will not be substituted for cargo containers of any other size or appearance.

Condition 2 will remain as written.

Condition 3) There shall be a one (1) year time limit for the temporary use of the cargo containers. The applicant will schedule a meeting with the Planning and Zoning Commission within 180 days of approval of the CUP to provide a proposed business plan or a business strategy for the use of the subject property.

Condition 4 will remain the same.

Condition 5 will remain the same.

Condition 6 will remain the same.

Condition 7 will remain the same.

Condition 8 will remain the same.

Commissioner McGraw seconded the motion. Motion passed with a 4 to 3 vote.

#### 18-182

Presentation, discussion, public hearing, and recommendation on city-initiated rezoning case PZ-1-18, a request to rezone the properties along Ironwood Drive between Apache Trail and Broadway Avenue from B-1 (General Commercial) to B-2/PD (Old West Commercial by Planned Development) for the purpose of revising certain code requirements to make future developments easier.

Attachments: [PZ-1-18 PZ PH Staff Report](#)

approved

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

**No:** 0

Planning Intern Jordan gave a presentation on city-initiated rezoning case PZ-1-18, a request to rezone the properties along Ironwood Drive between Apache Trail and Broadway Avenue from B-1 (General Commercial) to B-2/PD (Old West Commercial by Planned Development) for the purpose of revising certain code requirements to make future developments easier.

Chair Nesser opened the floor to questions from the commission.

Vice Chair Heck asked if the city has identified any business developments or tracts that may need to be adjusted because they don't conform to code. Senior Planner Esquivias said properties along Apache Trail that were developed by Pinal County when it was still US 60, and those that are on Apache Trail which are in a flood zone is the main issue. This could be the reason that some properties are not developing or redeveloping for a long time because of the flood zone issues. He said there are other strips with issues, but they are a little bit different than the issues with this area. He added this strip is constrained by very small, very shallow lots. He said the lots on Apache Trail are small but many are deep but are heavily encumbered by the flood zone. Vice Chair Heck said it would be very helpful for this area. Chair Nesser agreed and added they want to induce people to come and do something with the vacant land. (Unintelligible conversation.)

Having no other questions from the commission, Chair Nesser opened the public hearing portion of the item.

Elisa Kracile, 7476 S. Ironwood Dr., Apache Junction, spoke in support of approval.

Having no others wishing to address the commission, Chair Nesser called for discussion among the commission.

Having no discussion from the commission, Chair Nesser called for a motion.

Vice Chair Heck moved that the Planning and Zoning Commission recommend to the city council the approval of rezoning case PZ-1-18, a city initiated corrective rezoning request, for the Ironwood Business Corridor on Ironwood Drive between Apache Trail and Broadway Avenue, from B-1 (General Commercial) to B-2/PD (Old West Commercial by Planned Development), subject to the following conditions of approval: all seven of the conditions as stated in the staff report dated April 10, 2018. Commissioner Schroeder seconded the motion. Motion passed unanimously.

**6. Old Business**

None.

**7. New Business**

None.

**8. Information and Reports**

None.

**9. Director's Report**

None.

**10. Selection of Meeting Dates, Times, Location and Purpose**

approved

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

**No:** 0

Vice Chair Heck motioned that the Planning and Zoning Commission hold a regular meeting on April 24, 2018 at 7:00 pm in the Apache Junction City Council Chambers located at 300 E. Superstition Boulevard. Commissioner Schroeder seconded the motion. Motion passed unanimously.

## **11. Adjournment**

Adjournment:

Meeting adjourned at 8:41 p.m.

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Theresa Nesser  
Chairperson