



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

Tuesday, June 26, 2018

7:00 PM

City Council Chambers

1. Call to Order

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

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:

Joel Stern, City Attorney
Larry Kirch, Development Services Director
Rudy Esquivias, Senior Planner
Danielle Jordan, Planning Intern

4. Consent Agenda

A motion was made by Vice Chair Heck, seconded by Commissioner Schroeder, to accept the agenda as presented and reject the minutes of the March 27, 2018 regular meeting. Approved in a vote of 6 in favor, none opposed, and 1 abstention. (Yes: Heck, McGraw, Kridler, Frank, Howard, Schroeder. No: none. Abstain: Nesser.)

Chair Nesser moved on to the next item.

[18-302](#)

Consideration of approval of agenda.

This agenda was accepted.

18-301

Consideration of approval of regular meeting minutes of March 27, 2018.

Attachments: [PZ Meeting Minutes 03272018](#)

These minutes were rejected.

Chair Nesser moved on to the next item 18-303, however a motion was made by Commissioner Kridler, seconded by Commissioner Frank, to discuss the commission's consideration of the March 27, 2018 regular meeting minutes. Approved in a vote of 6 in favor and 1 opposed. (Yes: Heck, McGraw, Kridler, Frank, Nesser, Howard. No: Schroeder.)

Commissioner Kridler expressed his concern over incorrect and inaccurate information contained in the minutes of the March 27, 2018 regular meeting. He said there were several items in the minutes that were incorrectly stated and other statements that were omitted. He then referred to several Arizona Revised Statutes which he stated makes the minutes null and void. He said he will not be held in a position of nonfeasance.

Commissioner Frank said a statement he made was omitted from the minutes.

Vice Chair Heck said he believes a couple of statements he made have been omitted and incorrect. He also said the video was unavailable for him to view and he said he felt uncomfortable approving them.

Commissioner McGraw said the meeting was long and was condensed and there may be some items missing.

Chair Nesser said she abstained because she wanted to hear the reasons why the minutes were rejected.

Senior Planner Esquivias asked if they wanted verbatim minutes. Commissioner Kridler said yes. City Attorney Stern said that discussion is not on the agenda and is a policy discussion that needs to be put on the agenda for the next meeting.

Chair Nesser asked if there was anything that needed to be done for these minutes. City Attorney Stern said the commission can make a motion to direct staff to do something with the minutes but doesn't want to tell the commission how to do it.

Chair Nesser called for a motion on how the minutes would like to be redone.

There was no motion made.

Commissioner Kridler referenced an Arizona Revised Statute that invalidated the meeting based on the violation of another Arizona Revised Statute. He stated because the minutes were improperly done, they are null and void. Chair Nesser asked for clarification to which he said the meeting is null and void and all legal actions transacted are null and void.

Chair Nesser asked Commissioner Kridler if his motion was to make the meeting null and void. Commissioner Kridler said it's not needed. City Attorney Stern said that is not on the agenda and reminded her the minutes are the item on the agenda.

Chair Nesser called again for a motion to redo the minutes. Commissioner Kridler said the Planning and Zoning Commission's decision is null and void per Arizona Revised Statutes. City Attorney Stern said that item is not on the agenda and Commissioner Kridler is just expressing an opinion.

Chair Nesser said a motion would be required to have the minutes redone.

Commissioner Schroeder asked Commissioner Kridler if he's saying just because the minutes are null and void, the whole meeting is null and void. Commissioner Kridler said that is correct. Commissioner Schroeder asked Commissioner Kridler if he means a new meeting needs to be held. Commissioner Kridler said no, but the whole thing is null and void because of (unintelligible conversation because members were speaking over each other and therefore unable to determine what was said).

Chair Nesser asked why incorrect minutes nullify an entire meeting. Commissioner Kridler said he's not the one who wrote the statute. City Attorney Stern said the commission is off the agenda.

Chair Nesser said the item is to discuss the minutes. Commissioner Kridler said he wanted (unintelligible conversation because members were speaking over each other and therefore unable to determine what was said) the minutes are inaccurate, are denied and therefore in violation of an Arizona Revised Statute so therefore a motion isn't needed.

Commissioner Kridler said it's on record what's happened and his reason for it.

Commissioner Schroeder asked City Attorney Stern if this discussion should have been done before voting on the item. City Attorney Stern said the time to discuss it would have been before the vote. Since it wasn't done, another motion was done to discuss it. He said the approval of the minutes is before the commission, not the legality of the meeting.

Chair Nesser said unless there is another motion, there is nothing to be done.

Chair Nesser moved on to the next item.

5. Public Hearings

18-303

Presentation, discussion, public hearing and consideration of case CUP-2-18, a request by SimonCRE LodgePole III LLC, represented by Identity Sign Group, requesting approval of a Conditional Use Permit to allow for the placement of one 351 square foot wall sign, one 7.2 under-canopy sign and two 8 square foot non-illuminated pedestrian wall plaques, for tenant Ross Dress for Less at 185 W. Apache Trail, Suite 1, zoned General Commercial by Planned Development (B-1/PD).

Attachments: [CUP-2-18 PZ PH Staff Report](#)

Planning Intern Jordan gave a presentation on case CUP-2-18.

The commission discussed Ross's request a bigger size sign than what code allows. Included in the discussion was the difference in sizes between the sign for Ross and Goodwill stores, the

standard sign size for all Ross stores, compared to the size of store fronts for the existing tenants in the complex.

Shaun Ritzen of the Identity Sign Group addressed the commission. He discussed the standard letter size used at the majority of Ross Dress for Less stores, how the sign fits the façade proportionately and is designed the same as other store fronts, how they consider it a flagship store and will pull in more people and the low visibility from Apache Trail. He also said there are three monument signs: one on Apache Trail, one on Idaho, and one on Phelps.

Staff explained the city's sign code and how the width of the store frontage is used to calculate the size of a sign.

Mr. Ritzen explained how they calculated the size of their sign.

Chair Nesser opened the public hearing portion of the item.

Mehmood Mohiuddin, 2304 N. Cortez Road, Apache Junction, addressed the commission regarding the sign code and stated that if more businesses come into the city there will be more tax dollars.

Chair Nesser closed the public hearing portion of the item.

City Attorney Stern told the commission that their findings must be included in their motion.

Chair Nesser called for discussion.

The commission discussed the sign code and if a larger sign than code allows should be approved, past cases where larger signs were approved, nationwide chains and the size of their signs, other tenants at the location having the opportunity to apply for a CUP for a larger sign, following the sign code as written, remembering to be consistent when making decisions, following the code guidelines or changing it, and wanting businesses in Apache Junction.

Chair Nesser reopened the discussion with the applicant. The sign renderings were shown to the commission. Mr. Ritzen explained the size difference of the letters of the proposed signs.

Chair Nesser closed the discussion.

Chair Nesser reopened the public hearing portion of the item.

Hearing or seeing no speakers, Chair Nesser closed the public hearing portion of the item.

Chair Nesser called for discussion.

The commission discussed the formula used to determine the size of a sign. Staff explained how other large stores' sign packages were calculated and how sizes were calculated according to the city's sign code. The commission discussed how the conditional use permit allows the commission to look at the individual applicants, and if city ordinance should be changed to be more realistic. The commission asked staff if the sign code was in the process of updating, to which staff replied that it is and one recommendation would be that the CUP be removed because it can be arbitrary and therefore be more consistent. City Attorney Stern said the use of the word "arbitrary" isn't correct because findings are used when approving requests.

The commission discussed if this store will attract other businesses to the same center, how limiting sign sizes may affect other businesses from coming to the community, that the determining factor would be the business - not the size of the sign, and if it is the retailer or the size of the sign that attracts customers.

Chair Nesser called for a motion.

Vice Chair Heck made a motion, seconded by Commissioner Schroeder, that the Planning and Zoning Commission, approve case CUP-2-18, a request by SimonCRE LodgePole III LLC, represented by Identity Sign Group, requesting approval of a Conditional Use Permit ("CUP") to allow for the placement of one 351 square foot wall sign, one 7.2 square foot under-canopy sign and two 8 square foot non-illuminated pedestrian wall plaques, for tenant Ross Dress for Less at 185 W. Apache Trail, Suite 1 zoned General Commercial by Planned Development (B-1/PD), subject to the following findings and conditions:

Vice Chair Heck stated Finding D: Compatibility with surrounding uses and structures. The commission recognizes that the request for this size of this wall sign exceeds the code and likely will exceed that and certainly exceeds that of the neighboring or adjacent businesses; however in view of the fact this is a nationwide company chain it is commission's determination that we would like to be consistent with their standard.

Vice Chair Heck stated Finding E: Conformance with the general plan and City policies. The request for the size of the wall sign does exceed the code and the general plan would suggest that it's not necessary. Again the commission is looking at creating a positive relationship with a new business in the city.

Vice Chair Heck stated Finding G: Unique nature of the property, use and/or development's physical characteristics. The commission recognizes that Ross Dress for Less will be the anchor store for that strip and as such the commission is willing to accept a nonconformity with the city code.

Vice Chair Heck then stated the Conditions:

Condition #1) Approval is given for one 351 square foot wall sign and no other signs on the store.

Condition #2) That the proposed sign be properly permitted and constructed as allowed in #1 above and as conceptually depicted in the site plan submitted with case file CUP-2-18, to include colors, textures, tones, architectural styling, heights, location and elevation concepts, all in substantial compliance and as presented in this CUP application.

Condition #3) The Planning and Zoning Commission shall reserve the right to reconsider or overturn the Conditional Use Permit approval, at a new public hearing, for non-compliance with any condition prescribed as part of said CUP-2-18 permit approval.

Approved in a vote of 4 in favor and 3 opposed. (Yes: Frank, Nesser, Schroeder, Heck. No: McGraw, Kridler, Howard.)

6. Old Business

None.

7. New Business

None.

8. Information and Reports

None.

9. Director's Report

Director Kirch called the commission's attention to the brochure left on the dias.

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

Vice Chair Heck motioned that the Planning and Zoning Commission hold a regular meeting on July 10, 2018 at 7:00 pm in the Apache Junction City Council Chambers located at 300 E. Superstition Boulevard. Commissioner Schroeder seconded the motion. Approved in a vote of 7 in favor and 0 opposed. (Yes: Frank, Nesser, Howard, Schroeder, Heck, McGraw, Kridler. No: none.)

11. Adjournment**Adjournment:**

Meeting adjourned at 8:29 p.m.

Theresa Nesser
Chairperson