



# 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, July 10, 2018

7:00 PM

City Council Chambers

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### 1. Call to Order

Chair Nesser called the meeting to order at 7:00 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

### 4. Consent Agenda

Chair Nesser called for changes or discussion on the agenda or minutes.

The commission discussed information missing from the minutes of the June 26, 2018 regular meeting and what part of the minutes should be amended. The commission and staff discussed the requirement for verbatim minutes and what is required as part of state statutes.

Chair Nesser called for a motion.

A motion was made by Commissioner Kridler, seconded by Commissioner Schroeder, for

section 18-320 to have staff correct the minutes to correctly reflect the Arizona Revised Statutes, the proper sections instead of generalizing, and to make the corrections as far as the supposed unintelligible portions of the minutes and to have those corrected. Failed in a vote of 2 in favor and 5 opposed. (Yes: Schroeder, Kridler. No: Heck, McGraw, Frank, Nesser, Howard.)

Chair Nesser called for discussion regarding the minutes and agenda.

Having none, Chair Nesser called for a motion.

A motion was made by Vice Chair Heck, seconded by Commissioner McGraw, that the Planning and Zoning Commission accept the agenda as presented and approve the minutes from the April 10, 2018 and June 26, 2018 regular meetings. Approved in a vote of 5 in favor and 2 opposed. (Yes: Nesser, Howard, Heck, McGraw, Frank. No: Schroeder, Kridler.)

[18-318](#) Consideration of approval of agenda.

[18-319](#) Consideration of approval of regular meeting minutes of April 10, 2018.

**Attachments:** [PZ Meeting Minutes 04102018](#)

[18-320](#) Consideration of approval of regular meeting minutes of June 26, 2018.

**Attachments:** [PZ Meeting Minutes 06262018](#)

## 5. Public Hearings

[18-322](#) Presentation , discussion, public hearing and consideration of case CUP-3-18, a request by Palo Verde Plaza LLC (owner) and Svaccha LLC (applicant), represented by Adam Baugh of Withey Morris PLC, for a conditional use permit amendment for an approved non-profit medical marijuana dispensary, located on a B-2 (Old West Commercial)-zoned property at 1985 W. Apache Trail, Suite #4; requesting to inform the city of new ownership and management entities for the dispensary, to request a 6-month time extension to improve the building and open the dispensary, and to increase the floor area of the proposed dispensary by another 190 square feet.

**Attachments:** [CUP-3-18 PZ rep w attach](#)

Senior Planner Esquivias gave a presentation on CUP-3-18.

The commission and staff discussed the prior CUP requirements and how those requirements would affect a new owner, the new layout and exit/entry ways of the building, staff recommendations, police and fire marshal early inspection, and product storage. Staff reminded the commission that fire and police will have to approve any building permits.

Further discussions included parking and handicap space requirement, space in the building not being used by the applicant, and where Lucky Strikes patio is located, where their inventory will be stored, and the safety of the building.

Commission and staff discussed the changes requested by the applicant including additional

footage, ownership and time extension, and the new name of the dispensary.

Adam Baugh, 2525 E. Arizona Biltmore Circle, gave a presentation on the conditional use permit amendment.

The commission and Mr. Baugh discussed the location of the safes, the change in ownership and how ownership changes take place, the name of the dispensary and the names of the products sold. The commission asked City Attorney Stern if they have any input in the name of the dispensary to which he replied that this can be considered commercial speech and the city cannot dictate the name of the dispensary. The commission asked how the safes will be anchored. Sara Warraich, owner/operator, said the safes will be anchored with bolts. She also explained how she named the dispensary. The commission also asked City Attorney Stern whether the different entities concern him. He answered that if the commission doesn't feel comfortable they can continue the item and request additional information from the applicant. Mr. Baugh explained the primary people involved in the different entities. The commission asked City Attorney Stern if the city would be interested in the different people involved in the different entities. He replied yes.

The commission discussed the need for a breakdown of who is involved and the different entities that are involved with the application. They wanted to know who the responsible parties would be.

Chair Nesser asked if there were additional questions for the applicant from the commission.

Hearing none, Chair Nesser opened the Public Hearing portion of the item.

Hearing or seeing none, Chair Nesser closed the Public Hearing portion of the item.

Chair Nesser opened the item for discussion with the commission.

The commission discussed the need to know who holds positions within the different entities associated with the applicant's business.

Having no additional discussion, Chair Nesser called for a motion.

A motion was made by Vice Chair Heck, seconded by Commissioner Schroeder, that the Planning and Zoning Commission continue case CUP-3-18, a conditional use permit amendment request by Svachha Medical Marijuana dispensary located at 1985 W. Apache Trail, Suite 4, represented by Adam Baugh of Withey Morris PLC, to inform the city of a change in ownership and management that's described in the narrative dated June 14, 2018. The motion is a continuance until the next scheduled Planning and Zoning Commission meeting of July 24 and include in the motion that the amendment include a detailed breakdown of the organizational chart or the hierarchy of all of these organizations with appropriate names of owners or directors of all the different organizations. The motion to continue was approved with a vote of 6 in favor and 1 opposed. (Yes: Heck, Kridler, Frank, Nesser, Howard, Schroeder. No: McGraw.)

**6. Old Business**

None.

**7. New Business**

[18-321](#)

Discussion on conditional use permit findings based on the factors set forth in city code.

The commission and staff discussed conditional use permit findings based on the factors set forth in city code. The commission and staff also discussed the use of templates in addition to staff recommended motions.

**8. Information and Reports**

None.

**9. Director's Report**

Director Kirch stated he had spoken to Vice Chair Heck at a retirement function and had some information on the Ross Dress for Less sign. City Attorney Stern stated that in order for an item to be discussed, it should be added to the agenda.

Vice Chair Heck directed staff to place the item on the agenda for discussion.

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

A motion was made by Vice Chair Heck, seconded by Commissioner Schroeder, that the Planning and Zoning Commission hold a regular meeting on July 24, 2018 at 7:00 pm in the Apache Junction City Council Chambers located at 300 E. Superstition Boulevard. Approved by a vote of 7 in favor and none opposed (Yes: Kridler, McGraw, Frank, Nesser, Howard, Schroeder, Heck. No: none.)

**11. Adjournment****Adjournment:**

Meeting adjourned at 8:39 p.m.

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Theresa Nesser  
Chairperson