

August 7, 2018

MEMORANDUM TO: HONORABLE MAYOR AND CITY COUNCIL
MEMBERS

THROUGH: BRYANT POWELL, CITY MANAGER

FROM: KATHLEEN CONNELLY, CITY CLERK

SUBJECT: AGENDA ITEM FOR AUGUST 20, 2018
APPLICATION FOR AN INTERIM PERMIT, NEW
LICENSE, CORPORATION SERIES 10 LIQUOR
LICENSE FOR 88 TRAILS CORP. DBA SHELL

An application for an interim permit, new license, corporation, Series 9 liquor license submitted by Andrea Lewkowitz for 88 Trails Corp., DBA Shell, located at 1571 W. Apache Trail, Apache Junction, AZ.

Correspondence has been received from the building division, planning division, police department and fire district, a copy of which is attached. Please note the comments from Senior Planner Rudy Esquivias regarding the monument sign at this location. The next step in the process is for the city council to hold a public hearing on the application and make a recommendation for approval or denial to be forwarded to the state department of liquor licenses and control.

Kathy Connelly

From: Rudy Esquivias
Sent: Monday, August 06, 2018 8:03 PM
To: Kathy Connelly; Dave Zellner; John Suniga (john.suniga@sfmd.az.gov) (john.suniga@sfmd.az.gov)
Cc: Larry Kirch; Joel Stern
Subject: RE: Shell Station Series 10 liquor license

Kathy:

The Planning Division does not generally object to the re-opening of a convenience store with liquor sales on the B-2 (Old West Commercial)-zoned property at the southeast corner of W. Apache Trail and S. Ironwood Drive.

However, we take this opportunity to point out to Councilmembers that the monument sign at the northwest corner of the property is nonconforming, it encroaches into the Apache Trail right-of-way and the city has tried working with previous owners to remove or relocate the sign for several years. The city Business License Coordinator confirmed with the previous owner, that the store went out of business and closed its doors on September 12, 2017 (see attached e-mail). The current application acknowledges the previous store closing around the same time.

The city's Sign Code, Section 1-11-13(C) (also attached), states that a discontinued nonconforming sign must be removed by its owner after six months. It has been almost a year since any business occupied the property.

Staff recommends that reopening of the convenience store be conditioned upon removal or relocation of the sign to a conforming location and configuration under the city's current sign code. The city should not grant a business license for the property until the sign issue is resolved.

Rudy Esquivias

Senior Planner/Zoning Administrator
City of Apache Junction
300 E. Superstition Blvd.
Apache Junction, AZ 85119
480-474-2645
resquivias@ajcity.net

SERVICE OVER AND ABOVE THE REST

(Development Services Department office hours: Monday through Thursday from 7:00am to 6:00pm, closed Fridays and Holidays.)

From: Kathy Connelly
Sent: Thursday, August 02, 2018 5:30 PM
To: Rudy Esquivias; Dave Zellner; John Suniga (john.suniga@sfmd.az.gov) (john.suniga@sfmd.az.gov)
Subject: Shell Station Series 10 liquor license

We have received a Series 10 liquor license application for the Shell station, 1571 W. Apache Trail. Please submit your department recommendations to me no later than Tuesday, August 7 at noon in order for your comments to be included in the packet for the city council special meeting scheduled for Monday, August 20, 2018. Thank you.

kc

Kathy Connelly, City Clerk
City of Apache Junction
300 E. Superstition Boulevard
Apache Junction, AZ 85119
kconnelly@ajcity.net
480-474-5061
Monday-Thursday 7am-6pm
Closed Fridays and holidays

Rudy Esquivias

From: Rudy Esquivias
Sent: Wednesday, January 03, 2018 10:12 PM
To: Joel Stern; Stephanie Bubenheim; Emile Schmid; Kimberly Wilson
Cc: Larry Kirch; Denise Moulson
Subject: FW: FW: Shell closing

FYI – in case we need to keep track anyway (re: the sign in the R.O.W.), the old Shell Station on W. Apache Trail closed on Sept. 12, 2017. Thanks Denise!

From: Denise Moulson
Sent: Wednesday, January 03, 2018 8:15 AM
To: Rudy Esquivias; Larry Kirch
Subject: FW: FW: Shell closing

Denise Moulson
Business License Coordinator
480-474-5070
dmoulson@ajcity.net

From: nirayan basnet [<mailto:shell.1571@gmail.com>]
Sent: Tuesday, January 02, 2018 4:59 PM
To: Denise Moulson <dmoulson@AJCity.Net>
Subject: Re: FW: Shell closing

Hi Denise,

Per our conversation, please be advised that the Shell 1621 located at 1571 W Apache Trl, Apache Junction, AZ, 85120 is no longer operational and has been closed as of Sep 12, 2017. The property was auctioned off by the lender First Fidelity bank due to non-payment of mortgage payment and I no longer own this property. If you have any other question, please feel free to contact me.

Thanks, Smita Basnet

On Wed, Dec 20, 2017 at 8:25 AM, Denise Moulson <dmoulson@ajcity.net> wrote:

Smita

Have you had the chance to read my email regarding the closing of the store?

Denise Moulson

Business License Coordinator

480-474-5070

dmoulson@ajcity.net

From: Denise Moulson

Sent: Tuesday, December 19, 2017 7:59 AM

To: 'shell.1571@gmail.com' <shell.1571@gmail.com>

Subject: Shell closing

Thank you for your time yesterday. Per our conversation I will need a letter from you the date you closed your store and the reason. Once I receive this I can close out your license with the city and you may also want to contact the state of Arizona to close that one as well.

Thank you

Denise Moulson

Business License Coordinator

480-474-5070

dmoulson@ajcity.net

- B. Permit Expiration. If actual work to install or construct the approved sign is not commenced within one hundred and 180 days from the date of such AUP issuance, such permit shall become null and void.
- C. Permit Fee. Before issuing an AUP required by this ordinance, the City shall collect a fee in accordance with a fee schedule established in Volume I, Chapter 4 of the City Code of Ordinances.
- D. Permit Revocation. An AUP may be automatically revoked by the Zoning Administrator for lack of compliance with the standards in this chapter and/or the approved sign permit. The permit applicant shall first receive a 14 calendar day written notice from the Zoning Administrator prior to revocation.

1-11-12 CONSTRUCTION REQUIREMENTS

- A. Building Code. All signs shall be designed and constructed in accordance with the Building Code.

1-11-13 NONCONFORMING AND DISCONTINUED SIGNS

- A. Signs for a Legal Nonconforming Use. New or additional signs for a nonconforming use shall comply with the requirements of the outdoor sign regulations.
- B. Signs Rendered Nonconforming. Existing legal signs rendered nonconforming as a result of this Ordinance shall be considered legal nonconforming and allowed to continue and shall be allowed reasonable repairs and maintenance. Such legal nonconforming signs shall not be expanded, enlarged or structurally altered unless brought into conformance with the outdoor sign regulations.
- C. Signs Rendered Discontinued. The use of any legal nonconforming sign which is located on property which becomes vacant and unoccupied for a period of 6 months shall be deemed to have been discontinued, and therefore shall be removed by the owner of the property or sign.
- D. Repair and Maintenance. Any legal nonconforming sign may be continued in use and be allowed reasonable repair and maintenance. All signs, sign finishes, supports and electrical work shall be kept in good repair and safe condition, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign.

Kathy Connelly

From: Dave Zellner
Sent: Wednesday, August 08, 2018 7:47 AM
To: Kathy Connelly; Rudy Esquivias; Rick Ochs; 'Tina Gerola'
Subject: RE: Shell Station Series 10 liquor license

The liquor license applied for, Series 10, is for carryout sales only and does not allow onsite consumption. The life safety hazards associated with this type of license are low and can be addressed through Superstition Fire and Medical Districts inspections. The Building Division is aware that SFMD has an inspection scheduled for Aug. 8, 2018, to inspect the location. The building division has no issues with approval of the license.

J. Davis "Dave" Zellner, CBO

*Building and Safety Manager - Development Services
City of Apache Junction
300 E. Superstition Blvd.
Apache Junction, AZ 85119
480-474-5084
dzellner@ajcity.net*

Office Hours

Monday – Thursday, 7:00 am – 6:00 pm, Closed on Fridays

From: Kathy Connelly
Sent: Thursday, August 02, 2018 5:30 PM
To: Rudy Esquivias; Dave Zellner; John Suniga (john.suniga@sfmd.az.gov) (john.suniga@sfmd.az.gov)
Subject: Shell Station Series 10 liquor license

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Kathy Connelly

From: Troy Mullender
Sent: Tuesday, August 07, 2018 11:40 AM
To: Kathy Connelly
Subject: RE: Shell Station Series 10 liquor license

The police department has no issue with this application.

From: Kathy Connelly
Sent: Thursday, August 02, 2018 5:43 PM
To: Thomas Kelly <tkelly@AJCity.Net>; Troy Mullender <tmullender@ajcity.net>
Subject: Shell Station Series 10 liquor license

We have received a Series 10 liquor license application for the Shell station, 1571 W. Apache Trail. Please have your recommendations to me no later than Tuesday, August 7 at noon in order for your comments to be included in the packet for the city council special meeting scheduled for Monday, August 20, 2018. Thank you.

kc

Kathy Connelly

From: Tina Gerola <tina.gerola@sfmd.az.gov>
Sent: Wednesday, August 08, 2018 12:07 PM
To: Kathy Connelly; Rick Ochs
Subject: RE: Shell Station Series 10 liquor license

Good afternoon, I conducted a courtesy CofO fire inspection this morning at the Shell station. There are minor things that will need to be addressed before they receive their CofO from us, however no major violations were found.

SFMD recommends approval for their Liquor License application. Thank you.



Tina Gerola | Community Risk Reduction Specialist

Office | (480) 982-4440 ext. 104
Mobile | (480) 338-1253
Office Hours | Monday-Thursday from 7am-6pm



Connect with us!



From: Kathy Connelly <kconnelly@ajcity.net>
Sent: Tuesday, August 7, 2018 6:26 PM
To: Tina Gerola <tina.gerola@sfmd.az.gov>; Rick Ochs <rick.ochs@sfmd.az.gov>
Subject: RE: Shell Station Series 10 liquor license

Tina,

I have the ones for the Circle K locations. I'll wait on the one for the Shell station. Please update your memo and remove Jan Mason's name. She retired/resigned in early June. Thanks very much.

kc

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