



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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Tuesday, September 25, 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 6 - Chairperson Nesser
 Commissioner Frank
 Commissioner Schroeder
 Vice Chair Heck
 Commissioner Howard
 Commissioner Kridler

Excused 1 - Commissioner McGraw

Staff present:

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

4. Consent Agenda

Chair Nesser called for a motion.

Vice Chair Heck motioned, seconded by Commissioner Schroeder, that the Planning and Zoning Commission accept the agenda as presented. Approved in a vote of 6 in favor and 0 opposed. (Yes: Heck, Kridler, Frank, Nesser, Howard, Schroeder. No: none.)

[18-428](#) Consideration of approval of agenda.

5. Public Hearings

[18-429](#) Presentation, discussion, public hearing, and consideration of case CUP-1-18, a staff recommended revocation of Planning and Zoning Commission Resolution #CUP-1-18 that allowed the placement of four (4) temporary cargo containers for personal use, with conditions, at 2090 W. Superstition Blvd., zoned General Commercial (B-1).

Planning Intern Jordan gave a presentation of case CUP-1-18.

Having no questions from the commission and the applicant of case CUP-1-18 not in attendance, Chair Nesser opened the public hearing portion of the item.

Having no one wishing to speak, Chair Nesser closed the public hearing portion of the item.

Chair Nesser called for discussion among the commission.

Having none, Chair Nesser called for a motion.

City Attorney Stern and the commission discussed the process of the motion and findings.

Vice Chair Heck motioned, seconded by Commissioner Schroeder, that the Planning and Zoning Commission revoke Planning and Zoning Commission Resolution CUP-1-18 that allowed the placement of four temporary cargo containers for personal use, with conditions, at 2090 W. Superstition Boulevard, zoned general commercial, B-1, based on the following findings:

The applicant failed to abide by and follow the conditions number 1 and 2 which called for the painting of the cargo containers and completing the wood vinyl slats to the chain link fencing in the approved time frame.

And then the owner also has made it known that the owners are in the process of selling the property and no longer have the need for the cargo containers.

Chair Nesser called for a discussion.

The commission discussed that the present owner is no longer making payments and how it was improperly done from the beginning.

Chair Nesser called for a roll call vote.

Approved with a vote of 6 in favor and 0 opposed. (Yes: Kridler, Frank, Nesser, Howard, Schroeder, Heck. No: none.)

[18-430](#) Presentation, discussion, public hearing, and consideration of case CUP-4-18, a conditional use permit renewal request by Nature's Wonder, represented by Lesli Sorensen of Ryan Rapp and Underwood PLC, for a non-profit medical marijuana dispensary currently licensed in the city and currently operating at 260 W. Apache Trail since 2015.

Planner Sidney Urias made a presentation on case CUP-4-18.

The commission and staff discussed how close the city park was to the location and if a letter of non-conformity is necessary and that the police department has not had any issues with the

application.

Chair Nesser invited the applicant to address the commission.

Lesli Sorenson, representing Nature's Wonder, addressed the commission regarding the renewal request. The commission and Ms. Sorenson discussed how there were no changes to the request; the new CUP request is without a time limit; and that any substantial changes in the future would require the applicant to apply for renewal.

Having no further discussion with the commission and applicant, Chair Nesser opened the public hearing portion of the item.

Having no one wishing to address the commission, Chair Nesser closed the public hearing portion of the item.

Chair Nesser called for discussion among the commission.

The commission discussed that Nature's Wonder has been a good partner with the city and there hasn't been any complaints against them, that the facility is clean and a professionally run business, and they are a good member of the community.

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

Vice Chair Heck motioned, seconded by Commissioner Schroeder, that the Planning and Zoning Commission approve case CUP-4-18, a conditional use permit request by Nature's Wonder Dispensary, located at 260 W. Apache Trail, represented by Lesli Sorenson of Ryan Rapp & Underwood PLC., subject to the following findings and conditions.

In terms of the findings, finding A) Adequacy of roadways, off-street parking, public facilities and services to accommodate the proposed use. I believe according the information from the applicant and I believe from the commission we would agree the roadways around their business is adequate, they have plenty of off-street parking, and services to accommodate their use.

Finding B) Negative impacts arising from the emission of odor, dust, gas, noise, lighting, vibration, smoke, heat or glare. The commission is unaware of any complaints relative to those conditions. It is understood that according to the applicant that they've made efforts to mitigate any of the noise or dust and they operate within the appropriate hours, so the lighting and such would not contribute to the negative impact in the area.

Condition C) Contribution to the deterioration of the neighborhood or the negative impact on neighborhood property values. Again, the applicant has stated and the commission agrees that they have operated a very sound business. They have actually spent a good but of funds in order to upgrade the property and to assure it was well maintained. In addition, they also worked with the city to develop the wall that separated that shopping area from the Flatiron Park.

Finding D) Compatibility with surrounding uses and structures. Nature's Wonder is in a small shopping center, they're set off from the strip part of the mall. However, it is very compatible with the surrounding uses and the structure does comply and has been there for many years.

Finding E) Conformance with the general plan and city policies. The commission does find that

they are in conformance with the general plan and policies.

Condition F) Screening and buffering of uses. The commission does agree with the applicant that at the time the city constructed Flatiron Park, that Nature's Wonder worked with the city on developing that wall to assure that there was a buffer between those two and again to the commission's knowledge, or at least mine, I'm not aware of any issues with that.

Finding G) Unique nature of the property, use and/or development's physical characteristics. The commission does recognize that there is a unique nature; there is a unique use for this property. However, it is certainly proven in the last three years that it has been very reliable, it has operated with, I believe, integrity and it has been a solid business partner in the city.

There are the findings. And the conditions, we have conditions one through seven. I include those as part of the motion to approve, recognizing that condition number seven, the Planning and Zoning Commission shall reserve the right to reconsider or overturn Nature's Wonder's conditional use permit approval, at a new public hearing, for non-compliance with any condition prescribed as part of said CUP-4-18 permit approval. In other words, that gives them the opportunity to continue in perpetuity unless something else is problematic. That's my motion.

The motion passed with a vote of 6 in favor and 0 opposed. (Yes: Frank, Nesser, Howard, Schroeder, Heck, Kridler. No: none.)

18-431

Presentation, discussion, public hearing, and consideration of case CUP-6-18, a request by Mountain View Lutheran Church AJ, Inc., represented by Frank Quinn of Brilliant Led Signs, LLC., to allow for a 13 foot 4 inch tall "V" shaped E.M.D. monument sign set at the south westerly property line at 2122 S. Goldfield Rd., zoned Public Institutional by Planned Development (PI/PD).

Planning Intern Jordan gave a presentation on case CUP-6-18.

The commission and staff discussed the dimensions of the sign, that the applicant has more information about the V-shape of the sign, and how code allows only two types of signs, a monument sign and a post and panel sign, which is the reason for this application.

The applicant's representative addressed the commission. Mr. Frank Schoenbeck, 525 E. Fred Ave., Apache Junction addressed the commission regarding case CUP-6-18.

The commission and applicant discussed that the sign is set, not adjustable and the reason for the zero setback is because how far the church is from the highway; if the sign is big enough to be seen; that the elevation difference between where the roadway is and where the sign will sit is three feet; that the sign will be seen differently depending on the direction of travel (east vs. west); the difference in distance is greater in this application than it was with the Ross sign approval; that the height is relevant in this application because this is a monument sign, not a sign on the side of the building; that although there has been consideration to use width as opposed to height for the cross, this design is more appealing artistically; that other city's have allowances for crosses; if they thought about designing their sign differently; and, that the applicant feels their request is fair and consistent with other requests.

The commission and staff discussed that the current plan of setting a cross on top would not be in compliance with the current sign code; that the Fry's sign at the corner of Idaho and Old West Highway was the sign that was allowed to be 12 feet 8 inches; that the current code does not define how tall a sign could be for an RV park; that how the current code addresses natural

grade for sign placement; that if the CUP is approved, the applicant would be locked into what their application requests; that the city's electric sign at the focal point is 12 feet tall; that staff can't speak to what other ordinances or cities follow concerning churches and crosses, and that sign codes can be community specific and also specific to zoning designations; and, a previous version of the city's sign code said that religious symbols would not be counted in number or area as signs.

Having no further questions or discussion, Chair Nesser opened the public hearing portion of the item.

Terri Kridler, 489 N. Gold, Apache Junction spoke against the approval of the application.

Chair Nesser closed the public hearing portion of the item.

Chair Nesser called for discussion among the commission.

The commission discussed that applicants come to the commission to change codes; this approval is for the cross and if the request was for increasing the whole sign, the discussion would be different; the request for 16 inches at 80 feet isn't going to make that much of a difference; that it won't be as bright as the electronic sky; that electronic signs don't affect dark skies; and, that the proposed residential property south of the church may be affected by the light from the sign because they may sit at a lower elevation.

Chair Nesser called for a motion.

Vice Chair Heck motioned, seconded by Commissioner Schroeder, that the Planning and Zoning Commission approve case CUP-6-18, a request by Mountain View Lutheran Church AJ, Inc., represented by Frank Quinn of Brilliant Led Signs, LLC., requesting approval of a conditional use permit to allow for a 13 foot 4 inch tall "V" shaped E.M.D. monument sign set at the property line, located at 2122 S. Goldfield Road, Apache Junction zoned Public Institutional by Planned Development (PI/PD), subject to the following findings and conditions:

Regarding the findings:

Finding A) The adequacy of roadways, off-street parking, public facilities obviously this request/application certainty is in full compliance.

B) Negative impacts arising from emission of odor, dust, gas, noise, lighting, vibration. Again, I believe the commission would agree that is not an issue at this point. The lighting could be called into question but I don't believe at this point it would be.

C) Contribution to the deterioration of the neighborhood or the negative impact on neighborhood property values. Again, at this particular point in time, there are very few properties around there, I think, that would have any kind of negative impact from this sign.

D) Compatibility with surrounding uses and structures. I believe the commission will agree with the staff that because the buildings are substantially set back from Old West Highway, their request for a zero foot setback and the "V" shaped sign would be appropriate and acceptable.

Finding E) Conformance with the general plan and city policies. Again, the commission agrees with the staff, with the proposed sign deviating from what the code allows. The sign is not

straying too far from the code and the requests are reasonable.

F) Screening and buffering of uses. Again, this application for the sign would not create an issue for that.

G) The unique nature of the property, use and/or development's physical characteristics. The motion will include a disagreement with the staff that due to the unique characteristics and the fact that the sign will be 80 feet from the roadway, requiring that the sign meet the 12 foot height code requirement is not reasonable and thus allow for their 13 foot 4 inch request.

And then the conditions.

Condition 1) Approval is given for one 13 foot 4 inch tall monument sign, set at the property line at natural grade, to be located at 2122 S. Goldfield Road in basic accordance with the drawings submitted with case CUP-6-18.

Condition 2, 3, 4 are to accept as stated recognizing in item number 4 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 herein.

Approved with a vote of 6 in favor and 0 opposed. (Yes: Nesser, Howard, Schroeder, Heck, Kridler, Frank. No: none.)

6. Old Business

None.

7. New Business

None.

8. Information and Reports

Director Kirch reminded the commission that the joint meeting with the Parks and Recreation Commission is October 9th at 6pm. The regular meeting will be at 7pm.

9. Director's Report

[18-426](#)

Presentation and discussion on the 2020 General Plan project scope and schedule.

Director Kirch gave a presentation on the 2020 General Plan project scope and schedule.

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

Vice Chair Heck motioned, seconded by Commissioner Schroeder, that the Planning and Zoning Commission hold a special joint meeting of the Planning and Zoning Commission and the Parks and Recreation Commission on October 9, 2018 at 6:00 pm in the City Council Chambers located at 300 E. Superstition Boulevard, and a Planning and Zoning Commission Regular meeting on October 9, 2018 at 7:00 pm in the City Council Chambers located at 300 E.

Superstition Boulevard.

Approved in a vote of 6 in favor and 0 opposed. (Yes: Howard, Schroeder, Heck, Kridler, Frank, Nesser. No: none.)

11. Adjournment

Adjournment:

Meeting adjourned at 8:41 p.m.

Theresa Nesser
Chairperson