



# 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, October 23, 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 let 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

[18-460](#)                      Consideration of approval of agenda.

Chair Nesser called for a motion.

Commissioner Kridler motioned, seconded by Commissioner Schroeder, to accept the agenda as written. Approved in a vote of 7 in favor and 0 approved. (Yes: Heck, McGraw, Kridler, Frank, Nesser, Howard, Schroeder. No: none.)

[18-461](#)                      Consideration of approval of regular meeting minutes of September 11, 2018.

Chair Nesser called for comments.

Commissioner Kridler expressed his displeasure at the lack of details in the minutes.

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

Vice Chair Heck motioned, seconded by Commissioner Schroeder, that the Planning and Zoning Commission approve the minutes from the September 11, 2018. Approved in a vote of 6 in favor and 1 opposed. (Yes: Heck, McGraw, Frank, Nesser, Howard, Schroeder. No: Kridler.)

[18-469](#) Consideration of approval of regular meeting minutes of September 25, 2018.

Chair Nesser called for discussion.

Hearing none, Chair Nesser called for a motion.

Vice Chair Heck motioned, seconded by Commissioner Schroeder, that the Planning and Zoning Commission approve the minutes from the September 25, 2018 regular meeting. Approved in a vote of 6 in favor and 1 opposed. (Yes: Schroeder, Howard, Nesser, Frank, McGraw, Heck. No: Kridler.)

## **5. Public Hearings**

[18-468](#) Presentation, discussion, public hearing and consideration of case CUP-5-18, a request for a conditional use permit by W4A Operations LLC (property owner), doing business as Diesel Industries, represented by Jack Gilmore of Gilmore Planning and Landscape Architecture, to permit the parking of trucks, semi-trucks, busses and recreational vehicles, which are awaiting repair or pick-up, on a vacant, 0.91-acre, B-5/PD (Industrial by Planned Development) -zoned property, located in the 3000 block of W. 4th Avenue.

Senior Planner Esquivias gave a presentation on case CUP-5-18.

The commission and staff discussed that the strip of property between the two parcels may be used for utilities and is connected to the land to the north and that the idea of a land swap was brought forward but it may be too complicated to do.

Chair Nesser called for the applicant to address the commission.

Jack Gilmore of Gilmore Planning, representing the applicant, addressed the commission.

The commission and Mr. Gilmore discussed that the block wall has been there for a few years; that previous agreements and communications were ignored and there is skepticism with cooperation this time; and there isn't a gate on the property where they are requesting the CUP.

The commission and Sharon Romano discussed what has been done on the property over the years; that there are long stretches of time between incidents and actions; and that she feels her time frames were appropriate considering what was done.

The commission and staff discussed that the MOU from 2013 stated several things, including that the subject property could not be used and in staff's opinion, it wasn't confusing.

The commission and Sharon Romano discussed that there wasn't an issue until the notice of violation and the new CUP requirements and she felt she was doing everything correctly until Rudy explained the issue at their last meeting. This is why she hired Jack Gilmore.

The commission and Angelo Romano discussed his lack of understanding of the agreement and that they only started using the property in 2016. Mr. Romano also discussed why the

gates haven't been installed.

Director Kirch addressed the commission and said he visited the property several years ago and that although there was a previous court case regarding the property, the Romano's cleaned up the property. He also discussed the code update in 2014 and how it changed so that any outside storage or outside manufacturing required a CUP.

The commission and the Romanos discussed that he doesn't remember if someone read the agreement to him before he signed it; that before moving onto the vacant lot, Mr. Romano was having health issues and they wanted to get into the building quickly; that they wanted to get started, but the holdup is the strip of land between their two pieces of property; and that if it were approved today without the strip of land, they would still get it done.

Mr. Gilmore addressed with the commission the steps the Romanos are following and that they are trying to work out something with Mr. Jenkins to acquire his strip of land. He also said they will be back in a year if the consolidation of their two properties doesn't take place.

The commission and Mr. Gilmore discussed that although the landscaping and other improvements will be completed in the time frame of the CUP, there may be issues in working with Mr. Jenkin's to do a land swap; and that they applied for the CUP while they are working towards a solution with the properties.

The commission and the Romanos discussed that the Romanos talked to Mr. Jenkin's in 2007/2008 to purchase the property but it didn't work out and it's been a difficult situation since; the work the Romanos have done to improve the property; that a year is enough time to accomplish the requirements; and that the Romanos responded to the city's requests.

The commission and staff discussed the timeline from the notice of violation in October of 2017 and how the communication has taken place since that time.

The commission and Mr. Gilmore discussed the plan for the proposed gates and opening on Lot C.

Chair Nesser opened the public hearing portion of the item.

Stan Jenkins, PO Box 8582, Mesa, AZ, addressed the commission regarding the CUP request, the history of interactions between the two owners, and asked the commission to not approve the request.

Sonia Reynolds, 3045 W. 4th Ave., Apache Junction addressed the commission regarding the CUP request and the disturbances from the trucks as she lives across the street.

Joseph Hunter Wiegman, 423 S. Cedar Dr., Apache Junction addressed the commission regarding the CUP request and the disturbances from the trucks.

Sonia Reynolds, 3045 W. 4th Ave., Apache Junction addressed the commission regarding the trucks driving on 4th Avenue and Cedar Drive.

Mr. Gilmore addressed the commission regarding the CUP request.

Having no one else wishing to address the commission, Chair Nesser closed the public hearing

portion of the item and opened up discussion with the commission.

The commission discussed the width of the property and how many gates are needed to allow the trucks to turn around safely; the MOU and how the property was used without city approval; how the applicant signed the original agreement whether he understood it or not; that past history is important to the approval of the request; more actions from the applicant are needed; and the commission is responsible to serve the public and it is necessary that the CUP request is handled correctly.

The city attorney addressed the commission regarding the purpose of CUP requests and staff's recommended conditions in this case.

The commission and staff discussed if Mr. Jenkin's property had active utilities on the property and what type of easements exist on that property.

The commission discussed how the past issues are important to the case before them; that a shorter time frame for actions is more appropriate in this case.

The commission reviewed the findings relevant to the conditional use permit.

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-5-18, a request for a conditional use permit by W4A Operations LLC, represented by Jack Gilmore, requesting to use their vacant B-5/PD-zoned property on West 4th Avenue for the parking of trucks, semi-trucks, busses and recreational vehicles, which are awaiting repair or pick-up, incidental to their main large vehicle repair business at 3050 West 4th Avenue, subject to the following findings and conditions of approval.

The following findings:

Number A) Adequacy of roadway, off-street parking, public facilities and services to accommodate the proposed use. Commission has determined that there is adequate of all of those items.

B) Negative impacts arising from the emission of odor, dust, gas, noise, lighting, vibrations, smoke, heat or glare. Commission has determined that there is no negative impact from those events.

C) Contribution to the deterioration of the neighborhood or the negative impact on neighborhood property values. Commission has determined that there is no negative contribution to deterioration.

D) Compatibility with surrounding uses and structures. Commission has found it's compatible.

E) Conformance with the general plan and city policies. Commission has determined that it does conform.

F) Screening and buffering of uses. Commission has determined that there is proper screening.

G) Unique nature of this property use and or development's physical characteristics. Commission has determined that this does not apply.

And then the conditions.

Condition #1 will remain as written.

Condition 2 will remain as written with a statement at the end to read: Let me read the last, let me read condition 2. Said masonry wall in condition #1 above shall reserve a proper gateway width to allow for adequate large vehicle turning movements into the property from West 4th Avenue subject to planning division and city engineer review and approval to mitigate use of any roads other than West 4th Avenue.

Condition 3 to remain as written.

Condition 4 to be reworded. Within 90 days of CUP approval outside of said of masonry fencing facing West 4th Avenue the property owner shall submit a final landscaping plan and irrigation plan for improvements and then within 6 months, the improvements will be accomplished.

5. There will be only be one correction that is changing from within one year of CUP approval it would be within six months of CUP approval.

Condition 6. Again one change from within one year of CUP approval it will be within six months of CUP approval.

Number 7 to remain as written.

Numbers 8, 9, 10, 11, 12 and 13 to remain as written.

And then 14. Applicant will meet with city attorney to seek resolution to 20 foot parcel that divides properties within 90 days. City attorney will contact both parties to attempt mediation, if parties want to meet.

Approved in a vote of 6 in favor and 1 opposed. (Yes: McGraw, Frank, Nesser, Howard, Schroeder, Heck. No: Kridler.)

## **6. Old Business**

None.

## **7. New Business**

None.

## **8. Information and Reports**

Director Kirch reminded the commission that there will be a booth for the Active Transportation Plan at the Festival of the Superstitions on Saturday, November 10th. There will also be another public information meeting on November 10th. There will also be an open house on November 27th to kick off the general plan. (Note: Correct dates are as follows: Saturday, November 10th, Festival of the Superstitions booth; November 17th, public information meeting; and, November 28th open house to kick off general plan.)

**9. Director's Report**

None.

**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 Planning and Zoning Commission Regular meeting on November 13, 2018 at 7:00 pm in the City Council Chambers located at 300 E. Superstition Boulevard.

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 9:17p.m.

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Theresa Nesser  
Chairperson