



City of Apache Junction
Development Services Department



November 17, 2016

Mr. Mehmood Mohiuddin
c/o Dash In and Mini Mart
2341 N. Apache Trail
Apache Junction, AZ 85119

PERSONALLY DELIVERED,
E-MAILED, AND SENT BY FIRST
CLASS U.S. CERTIFIED MAIL RETURN
RECEIPT REQUESTED

Subject: November 2016 – Development Agreement Non-compliance (Hours of operation of Bull Riding Venue) and City Sign Code Violations - Status

Dear Mr. Mohiuddin: *MO*

Thank you for meeting with me and Senior Planner Rudy Esquivias on Wednesday, November 2, 2016, at the Hitching Post. The purpose of the visit was to follow up on the city's determination that the sign for the RV Storage lot placed in the planter along Highway 88 at the Hitching Post was not permitted because it is considered an off-premise sign. Two monument signs on one street frontage are not permitted on one parcel anywhere in the city as per the city sign code §1-11-7.

During the site visit we discussed this sign and some other possible locations that would comply with the city's sign code. You decided that you would remove the sign faces and place them on the split-rail style fence on the immediate adjacent tax parcel. We concurred that this was a permitted location. I followed up this meeting with an email confirming that the city would not require a sign permit application to simply move the sign faces to the split rail style façade fence. On Thursday, November 10, 2016, I stopped by the Hitching Post and noted that you had already moved the signs to the new location. Thank you for your prompt attention to this particular sign issue.

Also during the meeting, we discussed the allowances for banners and signs covering windows. You stated at some point you would be removing the beer-themed window shade signs on the Pita Pockets building as you felt they were tacky and that you were going to replace them with interior window coverings instead. The city sign code allows up to 75% of window area to be covered with signs and the current beer themed window screens/signs cover more than the permitted amount.

We also discussed banners. I want to reiterate that the sign code only allows two banners per site per business. Since you have two businesses on the site, you are permitted to have a total of four banners: two for the Hitching Post and two for Pita Pockets. You are permitted to use fin flags or banners, however, the city only allows a total of two for each business. You are permitted to have four banners or two fin flags and two banners or four fin flags or any combination as long as the total does not exceed four. Based on my site visit, you are in compliance with a total of three banners. Your continued compliance with all aspects of the city sign code is an ongoing requirement.

Mr. Mehmood Mohiuddin
November 16, 2016
Page 2

Bull Riding Hours of Operation

Recently it has come to my attention that the bull riding activity is operating outside the approved hours that are specified in Paragraph B, § 3, Developer's Obligations, in the Second Amendment to the Economic Development Agreement dated October 1, 2013. A copy of a police CAD report is attached wherein you stated that you are operating the bull riding from 7:30 p.m. to approximately 9:45 p.m. This is a violation of the Development Agreement. You are obligated to confine the hours of operation between 8:00 p.m. and 10:00 p.m. on Thursday and Saturday evenings only, as per the agreement as referenced above.

Parking

During our brief meeting, you indicated that you are considering relocating the parking for the Hitching Post and Pita Pockets from the area within the western town fence façade to the rear of the Hitching Post with the access to this parking area from Lost Dutchman Boulevard. Please be advised that I have consulted with the city attorney and it is the city's position that this would not be permitted under the current site plan of the second amended development agreement. You have the option to present a new site plan to the city, but this would constitute an amendment with a cost of a new application of \$1,675 and council consideration and action.



If you have any questions regarding this letter, please contact me.

Sincerely,



Lawrence J. Kirch, AICP
Director of Development Services/Zoning Administrator
(480) 474-5082 (direct line)

Attachment

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>Mr. Mehmood Mohiuddin c/o Dash Inland Mini Mart 2341 N. Apache Trail Apache Junction AZ 85119</p>  <p>9590 9402 2026 6123 5586 64</p> <p>2. Article Number (Transfer from service label)</p> <p>7015 0640 0000 3966 0322</p>		<p>A. Signature </p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail®</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery</p>		<p><input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
APACHE JUNCTION, AZ 85119	
OFFICIAL USE	
<p>Certified Mail Fee \$3.30</p> <p>Extra Services & Fees (check box, add fee if appropriate)</p> <p><input type="checkbox"/> Return Receipt (hardcopy) \$0.00</p> <p><input type="checkbox"/> Return Receipt (electronic) \$0.00</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery \$0.00</p> <p><input type="checkbox"/> Adult Signature Required \$0.00</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery \$0.00</p> <p>Postage \$0.47</p> <p>Total Postage and Fees \$6.47</p>	<p>0130 06K</p> <p>Postmark Here</p> <p>11/17/2016</p>
<p>Sent To Mehmood Mohiuddin c/o Dash Inland Mini Mart</p> <p>Street and Apt. No., or PO Box No. 2341 N. Apache Trail</p> <p>City, State, ZIP+4® Apache Junction AZ 85119</p>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



City of Apache Junction

Development Services Department



November 28, 2016

Mr. Mehmood Mohiuddin
c/o Dash In and Mini Mart/Hitching Post
2341 N. Apache Trail
Apache Junction, AZ 85119

PERSONALLY DELIVERED,
E-MAILED, AND SENT BY FIRST
CLASS U.S. CERTIFIED MAIL RETURN
RECEIPT REQUESTED

Subject: Conversion of the Dash-In/Pita Pockets to Steakhouse Restaurant - Development Agreement Violation -

Dear Mr. Mohiuddin:

Last week on Thursday when I visited your property, you gave me a tour of the new venue you created called the "Steakhouse." The Economic Development Agreement and the site plan that is part of that agreement stipulate that a convenience store is part of the site plan. In order to have a restaurant as part of the site plan, an amendment to the Economic Development Agreement is required. An amendment would need to be processed through the Development Services Department. The fee for an amendment to the Economic Development Agreement is \$1,675. Without an amendment to the Economic Development Agreement, you are in violation of that agreement.

There are also other issues that have been triggered by the conversion of the convenience store to a restaurant to include the following:

- 1) You have not applied for a new business license with the City Clerk's Office under Chapter 8 of the municipal code nor sought zoning clearance which is part of the business license process.
- 2) The conversion from a convenience store to a restaurant triggers building code requirements as this is considered a "change in occupancy" under the city's adopted building codes.
- 3) Building permits are required for the construction of the bar and possibly for closing off the wall.
- 4) Work done on a commercial building requires a licensed contractor by State Statute.
- 5) The work also requires a registered design professional because you have changed the occupancy to accommodate more than 20 customers at a time.

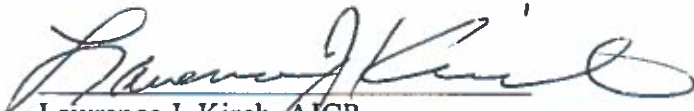
In order to resolve this matter, I recommend that you:

- 1) Immediately seek legal counsel for an amendment to the 3rd Amended Economic Development Agreement.
- 2) Employ an Arizona Registered Design Professional to assist you in preparing plans for the remodeling work that was done.
- 3) Apply for the appropriate business license from the City Clerk's office. Issuance of the zoning certificate will stipulate that the zoning allows a restaurant, however, design plans must be submitted and building permits issued to a licensed contractor with the appropriate license.

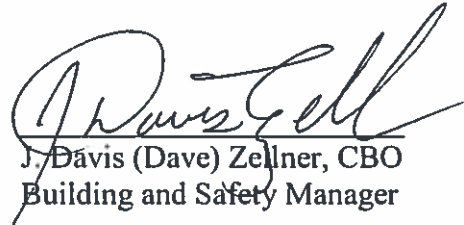
Mr. Mehmood Mohiuddin
November 28, 2016
Page 2

If you have any questions regarding this letter, please contact me.

Sincerely,



Lawrence J. Kirch, AICP
Director of Development Services/Zoning Administrator
(480) 474-5082 (direct line)



J. Davis (Dave) Zellner, CBO
Building and Safety Manager

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY															
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> <i>Sam Smith</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>															
<p>1. Article Addressed to: MEHMOOD MOHIUDDIN C/O DASH IN 2341 N. APACHE TRAIL APACHE JUNCTION AZ 85119</p>		<p>B. Received by (Printed Name) <i>S. Smith</i></p>															
<p>2. Article Number (Transfer from service label) 7014 3490 0001 5491 2381</p>		<p>C. Date of Delivery <i>11/3/16</i></p>															
<p>Barcode 9590 9402 2026 6123 5586 40</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>															
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PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

7014 3490 0001 5491 2381

U.S. Postal Service
CERTIFIED MAIL® RECEIPT.
 Domestic Mail Only

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For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

11/29/16

PC

Sent To <i>MEHMOOD MOHIUDDIN C/O DASH IN</i>	
Street & Apt. No. or PO Box No. <i>2341 N. Apache Trail</i>	
City, State, ZIP+4® <i>Apache Junction AZ 85119</i>	

PS Form 3800, July 2014 See Reverse for Instructions



City of Apache Junction

Development Services Department



NOTICE OF VIOLATION ZONING

CODE CASE #: COD2017-01122

Date: October 5, 2017

Sent via Certified Mail, Return Receipt Requested and
U.S. Regular First Class Mail

Mr. Mehmood Mohiuddin
c/o: Dash In and Mini Mart/Hitching Post/HP Steakhouse
2341 N. Apache Trail
Apache Junction, AZ 85119

Address of Property in Violation: 2341 N. Apache Trail & 2304 North Cortez Road

Parcel Number(s): 100-25- 043A; 100-25-001C; 100-25-010A; 100-25-001E; 100-25-0030

Legal Description of Property:

100-25- 043A -- COM @ N4 COR SEC 15-1N-8E TH W-286.4 TH S-49D W-50.74 TO POB TH CONT S-49D W-195.27 TH S-48D E-170 TH N-38D E-307.49 TH W-172 TO POB, FOR REF SEE BK 22 OF SURVEYS PG 71 .85 AC

100-25-001C -- BEG AT N1/4 CR OF SEC 15-1N-8E TH W-286.4' TO E LINE OF HWY R/W THS S-49 DEG W-246.01' TH S-21 DEG W-182.68' TH E-484.38' TH N- 330' TO POB EXC: A PCL BEG AT N1/4 CR TH W-286.4' TH S-49 DEG W-50' TO POB TH CONT S-49 DEG W-195.27' TH S-48 DEG E-170' TH N-38 DEG E-307.49' TH W-172' TO POB & LESS E-7' THEREOF SEC 15 1N-8E 2.13 AC

100-25-010A -- BEG AT A PT 255.13' E OF SW COR OF S1/2 NE NE NW OF SEC 15-1N-8E; TH N-329.80' TO E-404.87' TH S-329.80' TH W-404.87' TO POB EXC FOR THE E-33' & S-33' THEREOF 3.07 AC (133729 SQ FT)

100-25-001E -- BEG N1/4 CR SEC 15-1N-8E TH W-286.4' S-49 DEG 19' 35 W-246' TO POB TH CONT S-49 DEG 19'35 W-78.23' S-21 DEG 44'43 E-127.92' W-175.5' S-329.8' E-255' N-329.8' N-21 DEG 44'43 W-182.68' TO POB SEC 15-1N-8E 2.19 AC + OR - (95396 SQ FT)

100-25-0030 -- PT OF N1/2 NE NE NW OF SEC 15-1N-8E .25 AC (10890 SQ FT)

Owner(s) of Record: Mehmood Mohiuddin

Tax Bill Mailing Address: 2345 North Apache Trail, Apache Junction, AZ 85119 and 2304 N Cortez Rd., Apache Junction, AZ 85119

The City of Apache Junction has adopted a Zoning Ordinance to protect and promote the public health, safety and general welfare. The applicable ordinances can be found in the Apache Junction

City Code, Volume II, Land Development Code, which can be read here-
http://www.amlegal.com/codes/client/apache-junction_az/.

You are in violation of Apache Junction Land Development Code; Chapter 1: Zoning Ordinance, Article 1-16: Administration, Section 1-16-13, Development Agreements (see attached Exhibit A). You have an Economic Development Agreement (including amendments) with the City of Apache Junction with the hours of operation of the bull riding activity specified in the Second Amendment (dated October 1, 2013), Paragraph B, § 3, Developer Obligations, and are limited to Thursday and Saturday evenings from 8:00 p.m. to 10:00 p.m.

On November 17, 2016, you were previously notified that you were violating the development agreement by operating outside of the hours specified in the agreement (see attached letter as Exhibit B). Attached as Exhibit C is a City of Apache Junction Police Department incident report for incident number 170916007 dated 09/16/17. The report is clear, in that you admit to operating the bull riding activity outside of the approved hours. This is again, a clear violation of the economic development agreement and constitutes a violation of the city zoning code.

You were also notified in that same letter dated November 17, 2016, that in order to use APN 100-25-001C for parking you would need an amendment to the development agreement. Using this parcel to the east of the Hitching Post/Dash-In/HP Steakhouse also constitutes a violation of the economic development agreement.

Statement of Violations and Corrections:

Violation(s) observed: A violation of the economic development agreement constitutes a violation of Article 1-16, Section 1-16-13.

- (1) Operating the bull riding venue outside of the hours stipulated in the Economic Development Agreement.***
- (2) Parking on parcel 100-25-001C is not permitted by the economic development agreement.***

CORRECTIVE ACTIONS TO BE TAKEN:

Cease and desist all violations. The City's repeated attempts to have the above issues corrected or abated have not been successful, therefore we are issuing this formal Notice of Violation and requiring that the conditions noted above be corrected and abated within **21 calendar days**. A City of Apache Junction code enforcement officer will perform a re-inspection to verify compliance on **October 26, 2017**.

***Please note the following** - Failure to comply- make requested corrections or abate the noted conditions may result in the filing of a civil or criminal misdemeanor case.

****And also** - Failure to comply, failure to make requested corrections or abate the noted conditions, may result in an administrative or court abatement action by the city, for which the owner or responsible person will be financially liable through a lien process which may include foreclosure of the property.

EXHIBIT B

Development Agreement Non-compliance letter dated November 17, 2016

Mr. Mehmood Mohiuddin
November 16, 2016
Page 2

Bull Riding Hours of Operation

Recently it has come to my attention that the bull riding activity is operating outside the approved hours that are specified in Paragraph B, § 3, Developer's Obligations, in the Second Amendment to the Economic Development Agreement dated October 1, 2013. A copy of a police CAD report is attached wherein you stated that you are operating the bull riding from 7:30 p.m. to approximately 9:45 p.m. This is a violation of the Development Agreement. You are obligated to confine the hours of operation between 8:00 p.m. and 10:00 p.m. on Thursday and Saturday evenings only, as per the agreement as referenced above.

Parking

During our brief meeting, you indicated that you are considering relocating the parking for the Hitching Post and Pita Pockets from the area within the western town fence façade to the rear of the Hitching Post with the access to this parking area from Lost Dutchman Boulevard. Please be advised that I have consulted with the city attorney and it is the city's position that this would not be permitted under the current site plan of the second amended development agreement. You have the option to present a new site plan to the city, but this would constitute an amendment with a cost of a new application of \$1,675 and council consideration and action.

If you have any questions regarding this letter, please contact me.

Sincerely,



Lawrence J. Kirch, AICP
Director of Development Services/Zoning Administrator
(480) 474-5082 (direct line)

Attachment

INCIDENT NUMBER: 170916007	Apache Junction Police Department	ORI # AZ0111300
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INCIDENT REPORT

ADMINISTRATIVE INFORMATION

REPORT DATE 09/16/2017 20:25:43	INCIDENT START DATE 09/16/2017 17:16:34	ROW SAT	INCIDENT END DATE 09/16/2017 17:16:00	INCIDENT DESCRIPTION City Code Violation
LOCATION OF INCIDENT 2341 N APACHE TR APACHE JUNCTION AZ 85119			OFFENSE TRACT 03	CASE STATUS 2
EVIDENCE COLLECTED <input type="checkbox"/>	WEATHER	TEMP	LIGHTING	EXCEPTIONAL CLEARANCE N
EXC CL DATE				

OFFENSE INFORMATION

STATUTE CODE	STATUTE DESCRIPTION				TYPE OF WEAPON USED		
UNITS ENTERED	FORCED ENTRY <input type="checkbox"/>	COMPUTER USE <input type="checkbox"/>	ALCOHOL USE <input type="checkbox"/>	DRUG USE <input type="checkbox"/>	SECURITY TYPE	COUNTS	COMPLETED <input type="checkbox"/>
LOCATION TYPE		BIAS MOTIVATION			CRIMINAL ACTIVITY		

STATUTE CODE	STATUTE DESCRIPTION				TYPE OF WEAPON USED		
UNITS ENTERED	FORCED ENTRY <input type="checkbox"/>	COMPUTER USE <input type="checkbox"/>	ALCOHOL USE <input type="checkbox"/>	DRUG USE <input type="checkbox"/>	SECURITY TYPE	COUNTS	COMPLETED <input type="checkbox"/>
LOCATION TYPE		BIAS MOTIVATION			CRIMINAL ACTIVITY		

VICTIM INFORMATION

VIC# 1	SAME AS COMPLAINANT <input checked="" type="checkbox"/>	NAME (LAST, FIRST MIDDLE) Wallingford Bill	HOME #	CELL #	WORK #
ADDRESS 2055 N Cortez Rd Apache Junction AZ 85119-			EMAIL		
DOB	AGE 00	TO AGE	SEX M	RACE W	ETHNICITY N
EYE COLOR		HAIR COLOR	SSN	OLN #	OLN STATE
SCARS/MARKS/TATTOOS					
EMPLOYER/SCHOOL		OCCUPATION	ADDRESS		

TYPE OF VICTIM	AGGRAVATED ASSAULT CIRCUM	JUST HOM CIRCUM	STATEMENT <input type="checkbox"/>	DOMESTIC <input type="checkbox"/>
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INJURY TYPE		RELATIONSHIP TO OFFENDER		Offense Reported (1-40)	
<input type="checkbox"/> None	<input type="checkbox"/> Unconscious	1:	6:	1:	6:
<input type="checkbox"/> Minor	<input type="checkbox"/> Lacerations	2:	7:	2:	7:
<input type="checkbox"/> Internal	<input type="checkbox"/> Bones	3:	8:	3:	8:
<input type="checkbox"/> Teeth	<input type="checkbox"/> Other	4:	9:	4:	9:
		5:	10:	5:	10:

COMPLAINANT INFORMATION

NAME (LAST, FIRST MIDDLE)		HOME #	CELL #	WORK #	STATEMENT <input type="checkbox"/>
ADDRESS			EMAIL		
DOB	AGE	SEX	RACE	ETHNICITY	RESIDENT STATUS
		OLN #	OLN STATE		

OFFICER INFORMATION

REPORTING OFFICER GRIFFITH JUSTIN 187	REVIEWING OFFICER ROLLINS BILL 146	APPROVING OFFICER ROLLINS BILL 146
--	---------------------------------------	---------------------------------------

INCIDENT NUMBER:
170916007

Apache Junction Police
Department

ORI #
AZ0111300

INCIDENT REPORT
NARRATIVE
~~NARRATIVE~~

☒ JUVENILE

NARRATIVE TITLE: NARRATIVE

NARRATIVE:

On 09/16/17 I was dispatched to 2341 N Apache Trail at 1700 hours at the Hitching Post. Upon arrival I contacted Mohluddin "Mo" Mehmood and asked if they had any bull riding going on. Mo stated that he had the Junior Bull Riders Association there for the 10 and under kids competing to go to Las Vegas. He advised that it wasn't making any noise and that they were finishing up now. He stated that it was a one time charity event and the kids were there to compete before heading to Las Vegas. I advised him that there was a complaint made in reference to the City Code agreement reference no bull riding events until 2000 hours. He understood and advised it was for kids and that it was a one time event. He stated again that they were finishing up now.

I left the Hitching Post and went to speak with the reporting party Bill Wallingford. Bill stated and showed a typed agreement in reference to their agreement about no bull riding until 2000 hours. I advised him that I was aware of the agreement and that a report would be filed in reference to his complaint. Bill requested that the report be sent to Code Compliance.

Case Status: Closed Report Taken

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY																	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input checked="" type="checkbox"/> <i>Terri L. Dimmitt</i></p>																	
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<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™																		
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																		
<input type="checkbox"/> Mail																			
<input type="checkbox"/> Mail Restricted Delivery																			
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>Domestic Return Recel,</p>																	

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<p>For delivery information, visit our website at www.usps.com®.</p> <p>APACHE JUNCTION, AZ 85119</p>											
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<input type="checkbox"/> Adult Signature Required	\$0.00										
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<p>Sent to: <i>Mehmood Mohiuddin</i></p> <p>Street and Apt. No., or PO Box No. <i>2341 N. Apache Trail</i></p> <p>City, State, ZIP+4® <i>Apache Junction AZ 85119</i></p>											
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