



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

www.ajcity.net
P: (480) 474-5083

Tuesday, May 14, 2019

7:00 PM

City Council Chambers

1. Call to Order

Chair Nesser called the meeting to order at 7:00pm.

2. Pledge of Allegiance

Chair Nesser led the Pledge of Allegiance.

3. Roll Call

Present 7 - Chairperson Nesser
 Commissioner McGraw
 Vice Chair Heck
 Commissioner Howard
 Commissioner Kridler
 Commissioner Ooley
 Commissioner Hantzsch

Staff present:

Joel Stern, City Attorney

Larry Kirch, Department Director

Rudy Esquivias, Senior Planner

4. Approval of Agenda

[19-219](#) Consideration of approval of agenda.

Chair Nesser called for a motion.

Vice Chair Heck moved, seconded by Commissioner McGraw, that the Planning and Zoning Commission accept the agenda as presented. Approved in a vote of 7 in favor and 0 opposed. (Yes: Ooley, Hantzsch, Heck, Howard, Kridler, McGraw, Nesser. No: none.)

5. Approval of Minutes

[19-220](#) Consideration of approval of regular meeting minutes of April 23, 2019.

Chair Nesser called for a motion.

Vice Chair Heck moved, seconded by Commissioner McGraw, that the Planning and Zoning Commission approve the minutes from the April 23, 2019 regular meeting. Approved in a vote of 6 in favor and 1 opposed. (Yes: Nesser, Ooley, Hantzsch, Heck, Howard, McGraw. No:

Kridler.)

6. Public Hearings

19-232

Presentation, discussion, public hearing and consideration of possible revocation of case CUP-9-17 (Resolution No. 18-21) for non-compliance with certain conditions. CUP-9-17 (Resolution No. 18-21), approved by the city council, granted a conditional use permit to Mehmood Mohiuddin, owner of the Hitching Post Restaurant, to conduct certain outdoor entertainment activities at 2341 and 2345 N. Apache Trail, subject to conditions of approval, some of which were time sensitive. Because the CUP grantee failed to comply with said time sensitive conditions, the CUP approval must be reconsidered for possible revocation.

Senior Planner Esquivias gave a presentation.

The commission and staff discussed that this comes back to the commission even though it is a city council resolution because the commission decision was appealed to the city council which they then approved; the possible revocation comes back to this body first and if there is an appeal it will be heard and decided upon by the city council; that even though the minutes weren't approved it doesn't make an item nullified; that an appeal can be made 20 days after an approval with appropriate fees paid; that the appeal was resolved by the city council at their May 15, 2018 meeting; that the case heard by the Board of Appeals is a separate case and has not been resolved; and that in this situation staff has not received a request for continuance.

Chair Nesser invited the applicant to address the commission.

Mehmood Mohiuddin, 2304 N. Cortez Road, Apache Junction, addressed the commission and said whatever decision the commission makes he will respect.

Chair Nesser opened the public hearing portion of the item.

Bambi Johnson, 2319 N. Cortez Road, Apache Junction, addressed the commission in support of the revocation.

Jim Duncan, 2745 E. Smoketree Street, Apache Junction, addressed the commission in support of the revocation.

Christina Driscoll, 1852 N. Goldfield Road, Apache Junction, addressed the commission in support of the revocation.

Colleen Shipman, 1615 W. Mocking Bird Street, Apache Junction, addressed the commission in support of the applicant.

Chair Nesser closed the public hearing portion of the item.

Chair Nesser called for discussion.

The commission discussed the revocation of the CUP and how it would affect the applicant's business and they would go back to operating under the 3rd amended development agreement which limits activities; that the CUP conditions can't be changed by the commission; that the

revocation is the jurisdiction of the commission; if the commission doesn't revoke it tonight, the CUP will become void on May 15, 2019 and will be brought back before the commission for acceptance anyway; the two options tonight are to revoke or not revoke the CUP; and statutes require the commission to vote because of due process.

A commissioner expressed concern over the conditions placed on the business by the city council while another commissioner expressed the residents of the city should be considered before businesses and feels the business should make an attempt to make some of the improvements the city requested.

Chair Nesser re-opened the public hearing to allow the applicant to address the commission.

Mehmood Mohiuddin, 2304 N. Cortez Road, Apache Junction, addressed the commission regarding the comments by the commissioners.

Chair Nesser allowed others to address the commission.

Jim Duncan, 2745 E. Smoketree Street, Apache Junction, addressed the commission in support of the revocation.

James Johnson, 2319 N. Cortez Road, Apache Junction, addressed the commission in support of the revocation.

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

Chair Nesser called for discussion.

The commission discussed if the business is currently operating under the agreement; that if they revoke the CUP, it does not affect any other proceedings; the conditions of the CUP that haven't been met; that even if the commission doesn't act tonight, the item will still be brought forward to declare the CUP void; and that the applicant can come forward with another CUP application with applicable fees and public hearings.

Vice Chair Heck moved, seconded by Commissioner Ooley, that the Planning and Zoning Commission revoke case CUP-9-17, Resolution No. 18-21, conditional use permit granted to Mehmood Mohiuddin to conduct various outdoor entertainment activities on property surrounding the Hitching Post and the Hitching Post Steakhouse Restaurants including gazebo and water features, concert and event area, including weddings, concerts, car shows, art fairs, wrestling shows, etc., sand volleyball court, corn hole games, fire pit, bull riding and event area, putting green and other similar activities for his patrons as well as parking combination for the activities and events because of the following findings: and there are three findings stated in the staff report dated May 14th, 2019 and those three I also submit as part of the recommendation. Approved in a vote of 6 in favor and 1 opposed. (Yes: Nesser, Ooley, Hantzsch, Heck, Howard, Kridler. No: McGraw.)

7. Old Business

None.

8. New Business

[19-226](#) Presentation, discussion and direction to staff on proposed request for a city initiated rezoning of the area at the southeast corner of West Greasewood Street and North Ironwood Drive from RS-20M (Medium Density Single-Family Detached Residential) to RS-GR (General Rural Low Density Single-Family Detached Residential).

Senior Planner Esquivias gave a presentation.

The commission and staff discussed how the residents access their properties.

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

Vice Chair Heck moved, seconded by Commissioner McGraw, that the Planning and Zoning Commission direct the planning staff to initiate a rezoning of the area at the south east corner of West Greasewood Street and North Ironwood Drive consisting of parcels 100-30-030A, 100-30-030E, 100-30-030D, and 100-30-030C. I further move that staff take all actions necessary to meet the legal requirements in state law regarding notification of this pending action. Passed in a vote of 7 in favor and 0 opposed. (Yes: Kridler, McGraw, Nesser, Ooley, Hantzsche, Heck, Howard. No: none.)

9. Information and Reports

None.

10. Director's Report

None.

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

Vice Chair Heck moved, seconded by Commissioner Howard, that the Planning and Zoning Commission hold a regular meeting on May 28, 2019 at 7:00 pm in the City Council Chambers located at 300 E. Superstition Boulevard. Passed in vote of 7 in favor and 0 opposed. (Yes: Howard, Kridler, McGraw, Nesser, Ooley, Hantzsche, Heck. No: none.)

12. Adjournment

Adjournment:

Meeting adjourned at 7:57 p.m.

Theresa Nesser
Chairperson