



City of Apache Junction, Arizona

Meeting Minutes City Council Meeting

Meeting location:

City Council Chambers
at City Hall
300 E. Superstition Blvd
Apache Junction, AZ
85119

apachejunctionaz.gov
Ph: (480) 982-8002

Tuesday, August 17, 2021

7:00 PM

City Council Chambers

A. CALL TO ORDER

Mayor Wilson called the meeting to order at 7:15 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Rizzi gave the invocation and Councilmember Evans led the Pledge of Allegiance.

C. ROLL CALL

Present: 7 - Mayor Wilson
Vice Mayor Rizzi
Councilmember Evans
Councilmember Schroeder
Councilmember Biggs
Councilmember Nesser
Councilmember Gremmel

Councilmember Schroeder participated by phone.

City Staff in Attendance:

Bryant Powell, City Manager
Matt Busby, Assistant City Manager
Joel Stern, City Attorney
Jennifer Pena, City Clerk
Al Bravo, Public Information Officer
Thomas Kelly, Chief of Police
Larry Kirch, Development Services Director
Liz Langenbauch, Parks and Recreation Director
Riley King, Parks and Recreation Management Analyst
Rudy Esquivias, Planning Manager/Zoning Administrator
Nick Leftwich, Associate Planner

D. CONSENT AGENDA

1. [21-409](#) Consideration of acceptance of agenda.
2. [21-410](#) Consideration of approval of minutes of the regular meeting of August 3rd, 2021.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS**F. REGIONAL INTERGOVERNMENTAL UPDATES**

3. [21-411](#) Brief summary of intergovernmental updates from mayor and councilmembers.

Councilmember Biggs announced the Pinal Partnership meeting on Friday, August 20th that will be held in Casa Grande and the topic will be "Where is the Water".

Mayor Wilson provided an update and video on the raising and setting of the new air traffic control tower at Phoenix-Mesa Gateway airport.

G. CITY MANAGER'S REPORT

4. [21-412](#) City Manager's Report.

City Manager Bryant Powell announced the city's board and commission application process is open for anyone wishing to apply and serve on one and the submittal deadline is September 15, 2021.

He presented the American Planning Association award the city recently received. Apache Junction was recognized for its 2020-2050 General Plan update. The General Plan was produced entirely in house with no outside consultant required.

5. [21-413](#) Announcement of current events.

Al Bravo, Chief Information Officer provided an update on the following:

The Founders Centennial Celebration begins on January 8, 2022. The committee would like to thank those who have helped sponsor the celebration, this included:

Republic Services, AJI Sporting Goods, Ted and Kelly Gremmel, Braden Biggs, Aaron McDermid (State Farm), Greg Davis, the Superstition Mountain Community Facilities District and City of Apache Junction.

October 3rd is the "Give Cancer the Boot" fashion show fundraiser at Robert Horne Ford. The event will be at 6:00 pm at the car lot located at 3400 S. Tomahawk.

VFW Post 7968, is playing host to a "meet and greet" event to get to know your local elected officials. Representatives from the city, county, school district, fire district and community college district are slated to attend. It will be at 5:00 pm on Wednesday, Sept. 15.

County Junction Idol continues at Taradiddles on Sundays.

There will be a 9/11 Anniversary Dedication on Saturday, September 11th. The dedication will be a monument marking the 20th anniversary will be held at the Veterans Memorial Gazebo. The event will be at 8:46 a.m.

The seed library, started by Eagle Scout Lloyd Stenglein at the Apache Junction library, will be ready on September 7th.

Residents interested in this can read about it on the city's home page, apachejunctionaz.gov.

There will be a blood drive at the library on Thursday, September 2nd. There are spots available between 10 am and 2 pm.

H. PUBLIC HEARINGS

Mayor Wilson then moved Item 11, presentation of Parks and Recreation Fees to be next on the agenda.

6. [21-385](#) Presentation, discussion, public hearing and consideration of proposed Resolution No. 21-30, a resolution of the Mayor and City Council of the City of Apache Junction, Arizona, declaring as a public record that certain document filed with the city clerk and entitled "August 2021 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, § 1-5-3 Non-Residential Use Regulations and § 1-5-4 Non-Residential Bulk Regulations"; repealing any conflicting provisions; and providing for severability.

continued

Nicholas Leftwich, city planner provided background on the changes and updates to the "document". The only comment received during the public meetings that were held was from the owners of Bela Flor.

BACKGROUND

The Planning and Zoning Commission met for a public hearing for Text Amendment Case AM-1-21 on July 21, 2021. The Planning and Zoning Commission unanimously recommended approval of the text amendment in a vote of 7-0.

On August 2, 2021, City Council held a work session for the presentation and discussion of the proposed amendments to Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations. Additional revisions of the proposed amendments were requested by the City Council and are reflected in the document "August 2021 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, § 1-5-3 Non-Residential Use Regulations and § 1-5-4 Non-Residential Bulk Regulations".

August 2, 2021 City Council Public Hearing:

Resolution No. 21-30 adopts the document "August 2021 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, § 1-5-3 Non-Residential Use Regulations and § 1-5-4 Non-Residential Bulk Regulations" as public record.

Ordinance No. 1508 amends the code through the process of repealing the current sections and replacing them with the amended version, adopting by reference the document made public record through Resolution No. 21-30.

Mayor opened the public hearing:

Reese Anderson, attorney with law office of Pew and Lake.

He introduced Karl Huish, owner of Bela Flor. Mr. Huish recapped the letter he had sent which provided the following suggestions on use regulations.

- Motor Vehicle Dealers. We suggest that the City allow new motor vehicle dealers in a showroom environment with a maximum sq. footage of 7,000 sq. ft. Doing so would allow new auto dealers the opportunity to showcase their products without the traditional space necessary. As we shared on Monday, Fashion Island in Newport Beach actually has four (4) of these types of uses, Lexus, Lincoln, Lucid and Tesla all within that project. We also just learned that Scottsdale Fashion Square has a new Lucid showroom within that project. These uses are becoming more common in retail environments, though unheard of just a few years ago.
- General Auto Repair. We suggest allowing general auto repair, subject to a CUP, which will allow staff and the decision-making body, the opportunity to ensure that the design, architecture, and location are appropriate and in keeping with the vision of the plan. Obviously, bay doors should be in the back and cars should not be left over night. These uses bring significant retail customers who can patron other sites while their vehicle is being repaired. If built with good design, this can be a positive use.
- Car Washes. For similar reasons, we suggest allowing car washes subject to a CUP. The newer, modern tunnel car washes are attractive, in high demand and bring a large number of people to the area. The location should be near the higher traffic road frontage for obvious reasons.
- Automotive Parts. We can easily envision an AutoZone or O'Reilly's within the B-3 area but would suggest that this use be allowed subject to a CUP for the same reasons stated above. There should not be work done by the company or patrons onsite.
- Appliance Sales & Parts. For similar reasons noted above, we suggest that a CUP be used for this use. We envision small scale appliance stores or computer stores that would fit well into the overall vision for this area. Look at Godar Electronics in the Heritage District of Gilbert, which can be verified by following this link to the Heritage District map:
- Building Materials. As existing today, there is a hardware store on Apache Trail, which we think is an acceptable use to support the residential uses that are planned for the area. We suggest that a CUP process would be a good approach to allow this type of use. Within the Gilbert Heritage District, is Arizona Hardwood Flooring Supply, which would be a great use in Apache Junction.
- Nurseries & Greenhouses. The use of a CUP is appropriate for nurseries and greenhouses. Within the Gilbert Heritage District there is C&J's Antiques and Garden. See Gilbert Heritage District Map, link above.
- Antique Stores. The Gilbert Heritage District also has several antique stores. Accordingly, for similar reasons noted above, we think a CUP is a good method to ensure the location, size, and design of this type of use. See Gilbert Heritage District Map, link above.
- Printing Shops. In our minds, we are thinking of smaller stores like Kinkos or other similar stores that could be allowed with a CUP, limited to under 7,000 sq. ft.

- Personal and Household Goods Repair. We can easily see smaller stores allowed with a CUP, that would cater to the repair of cell phones (such as an Apple Store or Verizon store), which would draw significant traffic to the area for residents both far and near.
- Physician Offices. We note that footnote 6 says that these uses are allowed when not stand alone. Our suggestion is to slightly modify this to say that they are allowed, but a CUP is required when they are stand alone. This will provide appropriate flexibility and control over these uses for many of the reasons noted above.
- Distribution Centers. We suggest that a small-scale distribution centers should be an acceptable use with the issuance of a CUP, subject to a maximum size of 7,000 sq. ft. Examples of these uses are like the store West Elm where one cannot buy most of what's in their stores unless it is ordered online. Perhaps this use fits under a more traditional retail use, but wanted to share this thought with you.

He thanked council for their time in hearing the suggested modifications.

Donna Carr, City of Apache Junction resident. Stated businesses need to look more modern and up-to-date rather than looking old and in need of significant modifications she liked Mr. Huish's suggestions.

Jeff Barlett, 108 N Meridian Dr., stated he had a different opinion. The agenda listed several public hearings and it looked like a lot of earmarks and regulations. He does not believe businesses should be required to apply for a conditional use permit.

There were several comments from council and inquired as to staff's thoughts on the suggestions from Mr. Huish.

Larry Kirch, Development Services Director stated some of the suggestions may not need a CUP. He would need to go back and verify the requirements on the various suggested changes Mr. Huish presnted.

He proposed staff review the uses and see which use types could be allowed without a CUP. The city code says the planning commission needs to conduct a finding of facts. If those are met, then they are approved. If the city wants to us the CUP as a tool for the B3 zoned area, then they should consider what those uses would be.

Councilmember Evans moved, seconded by Vice Mayor Rizzi to continue items 21-385 and 21-386 to the September 20th work session and the public hearing be continued to September 21st

7. [21-386](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1508, an ordinance of the Mayor and City Council of the City of Apache Junction, Arizona, amending Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, by repealing and replacing portions of Article 1-5: Zoning Bulk and Use Regulations; and by adopting by reference that certain document entitled "August 2021 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, § 1-5-3 Non-Residential Use Regulations and § 1-5-4 Non-Residential Bulk Regulations"; repealing any conflicting provisions;

providing for severability; and providing for penalties.
continued

8. [21-387](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1509, an ordinance of the Mayor and City Council of the City of Apache Junction, Arizona, amending Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, by amending Article 1-5: Zoning Bulk and Use Regulations, § 1-5-2: Residential Bulk Regulations, Table 5-2: Footnotes 7, 8, 9, and 10; by repealing and replacing Article 1-6: Supplemental Regulations, § 1-6-5: Accessory Structures; by repealing Article 1-6: Supplemental Regulations, § 1-6-8: Cargo Containers in its entirety; by repealing, Article 1-17: Definitions relative to the term "Cargo Container" and replacing it with "Overseas Shipping Container;" by adopting by reference that certain document filed with the City Clerk and entitled "August 2021 Amendments to the Apache Junction City Code, Volume II, Zoning Ordinance, Article 1-5: Zoning Bulk and Regulations, § 1-5-2: Residential Bulk Regulations, Table 5-2: Footnotes 7, 8, 9, and 10; Article 1-6: Supplement Regulations, § 1-6-5: Accessory Structures; 1-6-8: Cargo Containers, Article 1-17: Definitions"; repealing any conflicting provisions; providing for severability; and providing for penalties.
approved as amended

The Mayor read the titles for Items 8, 9 and 10, Ordinance 1509, 1510 and Resolution 21-31.

Larry Kirch, Development Services Director started with Item No. 10. He stated in order to move forward with the rest of the items, this needed to repeal section 9-1-5 which became redundant when they updated another section of code.

Ordinance 1509 has several positive changes. He stated the city of Mesa, Queen Creek and Pinal County do not allow cargo containers on small lots. These are the decisions that will have a significant impact on the city's future development. He suggested leaving the zoning as RSGR.

Council then held discussion on the size of the cargo containers and whether the size of the container should be based on a percentage of the lot. Mr. Kirch stated they did base the size of the container related to the size of the lot. Clarification of what a non-FEMA wash was vs. many of the "washes" residents have on their property and how that correlates to any existing structures they may have as it relates to this ordinance.

Mr. Kirch stated any current code cases will have to comply with the current code.

Mayor opened the public hearing for all three items.

Donna Carr, resident of Apache Junction, stated that if someone was in non-compliance the new regulation should not allow them to become compliant. if they were not compliant to begin with, they should still be in non-compliance when the new rules take affect.

Jeff Barlett, 108 N. Meridian Drive, stated the agenda was confusing and inquired why each item was listed separately for a public hearing stating they should have been combined. He stated these ordinances create more regulations on businesses and people. He was not in favor of having the government regulate their property.

Mayor Wilson closed the public hearing.

Councilmember Biggs moved, seconded by Mayor Wilson that Ordinance 1509 be read by title only.

Motion passed unanimously.

Councilmember Biggs moved, seconded by Mayor Wilson that Ordinance No. 1509 be adopted as read by the city clerk.

Motion Failed.

YES - 3 Councilmembers Biggs, Rizzi and Mayor Wilson

NO - 4 Councilmembers Evans, Nesser, Gremmel Schroeder

Councilmember Evans moved, seconded by Councilmember Nesser that Ordinance No. 1509 as read be approved with the following amendment: That cargo containers or overseas shipping containers be permitted only on RSGR lots.

YES - 6 Councilmembers Evans, Vice Mayor Rizzi, Nesser, Gremmel, Schroeder, Mayor Wilson

NO - 1 Councilmembers Biggs

Vice Mayor Rizzi moved, seconded by Councilmember Nesser that Resolution No. 21-31 be approved.

Motion passed.

YES - 7 Councilmembers Evans, Biggs, Gremmel, Vice Mayor Rizzi, Nesser, Schroeder, Mayor Wilson

Councilmember Evans moved, seconded by Vice Mayor Rizzi that Ordinance No. 1510 be read by title only.

Motion passed unanimously.

Councilmember Evans moved, seconded by Councilmember Nesser that Ordinance No. 1510 be approved.

YES - 7 Vice Mayor Rizzi, Councilmembers Nesser, Biggs, Schroeder, Gremmel, Evans, Mayor Wilson

9. [21-388](#) Presentation, discussion, public hearing and consideration of proposed Resolution No. 21-31, a resolution of the Mayor and City Council of the City of Apache Junction, Arizona, declaring as a public record that certain document filed with the City Clerk and entitled "August 2021 Amendments to the Apache Junction City Code, Volume II, Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, § 1-5-2: Residential Bulk Regulations, Table 5-2: Footnotes 7, 8, 9, and 10; Article 1-6: Supplemental Regulations, § 1-6-5: Accessory Structures: Definitions"; repealing any conflicting provisions; providing for severability and establishing an effective date.
adopted
10. [21-389](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No. 1510, an ordinance of the Mayor and City Council of the City of Apache Junction, Arizona, amending Apache Junction City Code, Volume 1, Chapter 9: Health and Sanitation, by repealing Article 9-1: Property Maintenance Standards § 9-1-5 Cargo Containers in its entirety; repealing any conflicting provisions; and providing for severability.
approved

I. OLD BUSINESS**J. NEW BUSINESS**

11. [21-380](#) Presentation and discussion on recommended updates to the Apache Junction City Code, Volume I, Chapter 4 Fees, Article 4-1: Parks and Recreation Fees Schedule.

Liz Langenbach, Director of Parks and Recreation, provided a presentation on the proposed changes to the Parks and Recreation Fee Schedule. She reviewed the research and analysis of the fees which are derived from sales tax, development fees and user fees. There was a market comparison performed, a review of commercial fees and this year the commission recommended the city implement a different fee for non-residents.

She stated fees were last reviewed and increased very modestly in 2015.

Ms. Langenbach provided an in depth review of the analysis and documents provided. She stated the item was for presentation only and council would take action at a future council meeting.

Council items were then heard in the order presented on the Agenda.

K. COUNCIL DIRECTION TO STAFF**L. SELECTION OF MEETING DATES, TIMES, LOCATIONS, AND PURPOSES**

12. [21-414](#) Executive Session at 6:00 P.M. for Tuesday, September 7th in the city council conference room located at 300 E. Superstition Boulevard in Apache Junction, Arizona and other meetings scheduled if necessary.
approved

Yes: 7 - Mayor Wilson, Vice Mayor Rizzi, Councilmember Evans, Councilmember Schroeder, Councilmember Biggs, Councilmember Nesser and Councilmember Gremmel

No: 0

M. CALL TO PUBLIC**N. ADJOURNMENT**

ACCEPTED THIS _____ DAY OF _____, 2021, BY THE MAYOR
AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2021.

CHIP WILSON
Mayor

ATTEST:

JENNIFER PENA
City Clerk

CITY COUNCIL MINUTES CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of the City of Apache Junction, Arizona, held on the _____ day of _____, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2021.

JENNIFER PENA
City Clerk