



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 1, 2023

7:00 PM

City Council Chambers

A. CALL TO ORDER

Mayor Wilson called the meeting to order at 7:00 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Schroeder gave the invocation and Councilmember Heck led the meeting attendees in the Pledge of Allegiance.

C. ROLL CALL

Present: 7 - Mayor Wilson
Vice Mayor Schroeder
Councilmember Nesser
Councilmember Heck
Councilmember Johnson
Councilmember Cross
Councilmember Soller

Staff in Attendance:

Bryant Powell, City Manager
Matt Busby, Assistant City Manager
Jennifer Pena, City Clerk
Joel Stern, City Attorney
Al Bravo, Public Information Officer
Michael Pooley, Police Chief
Rudy Esquivias, Development Services Director
Ted Wolff, Public Works Director
Evie McKinney, Deputy City Clerk
Sidney Urias, Interim Planning Manager
Nicholas Leftwich, Planner
Erika Hernandez, Associate Planner

D. CONSENT AGENDA

Councilmember Heck moved, seconded by Vice Mayor Schroeder to approve the Consent Agenda.

Yes: 7 - Mayor Wilson, Vice Mayor Schroeder, Councilmember Nesser, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

No: 0

1. [23-397](#) Consideration of acceptance of agenda.
2. [23-398](#) Consideration of approval of minutes of the regular meeting of July 18, 2023.
3. [23-375](#) Consideration of approval of the procurement of new and replacement fleet vehicles outfitted with lighting and equipment in the amount of \$2,819,084.00, budgeted for the current fiscal year, 2023-2024, utilizing the cooperative contracts with the State of Arizona Contract Numbers CTR041810 and CTR059323 and the City of Tempe cooperative contract number T21-003-02.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

F. REGIONAL INTERGOVERNMENTAL UPDATES

4. [23-399](#) Brief summary of intergovernmental updates from mayor and councilmembers.

Mayor Wilson shared photos of art work dedicated at the Dutchman Dog Park on August 1, 2023. The Public Arts Commission had selected the artist and art work to beautify the Dog Park, and bring color to our community.

G. CITY MANAGER'S REPORT

5. [23-400](#) City Manager's Report.

City Manager Bryant Powell gave an update on the Apache Junction Library programs, giving special attention to the Summer Reading Program.

The United States Postal Service will be offering a Hiring Fair at the Apache Junction Library, August 2, 2023, from 10:00 a.m. - 3:00 p.m.

6. [23-410](#) Introduction and discussion with Maricopa Association of Governments (MAG) Executive Director, Ed Zuercher, and Air Quality presentation with MAG Environmental Director, Tim Franquist.

Ed Zuercher, Executive Director with Maricopa Association of Governments, (MAG), gave a brief explanation of the purpose and mission of the regional organization. He shared a presentation on the efforts being put forth by MAG to get the Phoenix metro area in compliance with federal air quality standards. Currently the ozone levels are a concern, and MAG is petitioning the federal government to acknowledge the unique circumstances facing the surrounding Phoenix valley.

Tim Franquist, MAG Environmental Director shared details and explanations on the designation of the Phoenix valley as a "moderate non-attainment area," and that this region is not in compliance with the standards for ozone levels. He went on to share suggestions on what can be done to lessen the levels, and the expectations in the next 2-4 years regarding federal government regulations.

7. [23-351](#) Presentation and discussion with Chief Michael Pooley introducing AJPD's newly appointed sergeants: Anthony Damon, Joshua DuPont, Jesse Frantz, and Stephanie Jewell.

Chief Michael Pooley introduced the following officers who were recently promoted to Sergeant and their years of service with the Apache Junction Police Department:

Stephanie Jewell, 8 years

Anthony Damon, 15 years

Josh Dupont, 12 years

Jesse Frantz, 11 years, currently serving on military leave so was not present at this recognition

8. [23-401](#) Announcement of Current Events.

Public Information Officer Al Bravo shared the following updates:

* Chief Pooley - recently returned from a trip of successfully climbing Mount Kilimanjaro to benefit "Angels On Patrol", a nonprofit organization with a mission to provide officer-initiated support to community members in times of crisis.

* Boards and Commissions applications are being accepted August 1, 2023 - September 15, 2023. Applications must be submitted through the City's website: www.apachejunctionaz.gov/BoardsandCommissions

H. PUBLIC HEARINGS

9. [23-402](#) Presentation, discussion, public hearing, and consideration of Ordinance No.1536, approving a rezoning by planned development as described in case P-22-130-PZ, as requested by John Fox of William Seymour Company, Inc; adopting by reference that certain document titled "Legal Descriptions and Zoning Conditions of Case No. P-22-130-PZ Authorized under Ordinance No. 1536;" repealing any conflicting provisions; and providing for severability. This case was previously presented and discussed at the City Council Work Session on July 17, 2023.

Councilmember Heck moved, seconded by Councilmember Nesser that Ordinance No. 1536 be read by title only and the entire reading of the ordinance be waived.

Motion passed unanimously.

City Clerk Pena read Ordinance No 1536 by title only, repealing any conflicting provisions: and providing for severability.

Councilmember Heck moved, seconded by Councilmember Nesser that Ordinance No. 1536 as read by the city clerk be approved and adopted.

Yes: 6 - Mayor Wilson, Councilmember Nesser, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

No: 1 - Vice Mayor Schroeder

Planning Intern Clayton Hults presented the following:

SUMMARY:

P-22-130-PZ is a proposed rezoning of parcel 101-11-003B, approximately .92 acres located at

the southwest corner of W. Superstition Boulevard and N. Plaza Drive. The property is currently zoned "RS-20" Medium Density Single-Family Detached Residential and a rezoning to "RM-2/PD" High Density Multiple-Family Residential by Planned Development has been requested to facilitate a 16-unit two-story duplex community.

PLANNING & ZONING COMMISSION HEARING AND RECOMMENDATION:

The Planning and Zoning Commission held a public hearing for P-22-130-PZ on June 27, 2023. During the meeting the Planning and Zoning Commission discussed the site context and asked questions regarding the proposed ownership, parking, landscaping, and the sight visibility triangle at the Plaza and Superstition intersection. The Planning and Zoning Commission voted unanimously (6-0) to recommend approval of P-22-130-PZ, subject to the conditions of approval that were recommended in the Staff Report.

Draft Ordinance No. 1536 was drafted with Planning Staff and the Planning and Zoning Commission's recommendation for approval. Draft Resolution No. 23-18 adopts the document entitled "Legal Descriptions and Zoning Conditions of Case No. P-22-130-PZ Authorized under Ordinance No. 1536" as public record. This document contains the parcel descriptions and conditions of approval referenced in Draft Ordinance No. 1536.

Case P-22-130-PZ was presented to the City Council on Monday, July 17, 2023, at which time the City Council held a brief discussion to clarify questions regarding parking, the replacement of the existing driveway, and the applicant's plans to develop.

BACKGROUND:

Parcel 101-11-003B is located at the southwest corner of W. Superstition Boulevard and N. Plaza Drive and has been zoned for residential use for a single home as a Medium Density Single-Family Detached Residential ("RS-20") property. As the property is surrounded by commercial uses and bordered by an RV park, no house has been built here and the property has remained undeveloped, with minor adjacent street improvements that the city has constructed along N. Plaza Drive.

PROPOSALS:

P-22-130-PZ is a proposed Planned Development Rezoning of parcel 101-11-003B, from "RS-20" Medium Density Single-Family Detached Residential to "RM-2/PD" High Density Multiple-Family Residential by Planned Development to facilitate a 16-unit two-story duplex community. The subject area consists of approximately .92 net acres, upon which sixteen (16) units are proposed, resulting in a density of approximately 17.4 units per acre, which is within the maximum density permitted in the "RM-2" High Density Multiple-Family Residential zone of twenty-two (22) units per acre. The development plan proposes eight (8) two-story buildings, with two (2) two-bedroom units in each building. There are thirty-six (36) proposed parking spots, with one garage parking space allotted for each unit, and the other eighteen (18) parking spaces being an uncovered space. Four (4) of these spaces are guest spaces provided beyond the minimum resident parking requirement. Access into the community is proposed only on N. Plaza Drive, as driveway access cannot be permitted onto W. Superstition Boulevard, a main arterial, so close to an intersection. On-site amenities consist of patio spaces with picnic tables.

FINDINGS OF FACT FOR PLANNED DEVELOPMENT REZONING:

As required by the Apache Junction Zoning Ordinance, a Planned Development request may be approved by the City Council after consideration has been given to three different criteria. The criteria is outlined in the text below:

1. That a better design cannot be achieved by applying the strict provisions of the underlying zoning district. Applicant Response: This project fits the intent by promoting the most appropriate land use, and facilitating flexible building design, site design, and amenities. A better design is achieved by not applying the strict provisions of the zoning district. The deviation to the RM-2 Zone district are as follows: • Front Setback 10ft. (shown) vs 20ft. (required) • Rear Setback 10ft. (shown) vs 20ft. (required) This is a better design outweighing the deviation to the RM-2 requirements as follows: • Maximum Density 17.4 units/ac (shown)vs 22 units/ac (allowed) • Onsite parking spaces 18 (shown) vs (16 required) • Additional offsite parking is available as developed by the City of Apache Junction for the use allowed to the general public.

Planning Division Note: The applicant indicated that reducing the setbacks allowed them to increase the density to reach the higher density goals of the Downtown Mixed Use area, while still providing more parking than the minimum requirement. They also note that the plan to utilize the off-site on-street parking along N. Plaza Drive, however this cannot be included in the applicant's parking requirement, as they must be self-sufficient within their own site.

2. That strict adherence to the provisions of the zoning ordinance is not required in order to ensure the health, safety and welfare of the inhabitants of the proposed development. Applicant Response: The two minor deviations to the RM-2 Zoning ordinance will not affect the health, safety, and welfare of the inhabitants of the development.

3. That strict adherence to the ordinance is not required to ensure that property values of adjacent properties will not be reduced. Applicant Response: The two minor deviations to the R-2 Zoning ordinance will not reduce the property values of adjacent properties. Adjacent to this development is a mobile home park, and rehabilitation center, both vastly different uses to this site. New construction always enhances the neighborhood.

PLANNING DIVISION RECOMMENDATION:

In review of the project proposal, the conditions and context of the subject site, the General Plan land use designation, and the need for downtown housing, Staff is supportive of the proposed rezoning P-22-130-PZ and respectfully recommends to the Commission a favorable recommendation to the City Council, subject to the conditions of approval noted below. As always, Commissioners may recommend changes or additional conditions which they feel will improve the development plan.

Council members shared concerns and discussion regarding parking at this facility, which staff and the applicant did address.

Mayor Wilson opened the Public Hearing.

Donna Carr, 2178 W. Virginia St, Apache Junction, expressed her concerns regarding parking and setbacks at this facility.

Charlene Lockwood, 235 W. Tepee St, Apache Junction, shared thoughts regarding sufficient parking and sidewalks to be included in this project.

Jane Brown, Val Vista Rd, Apache Junction, voiced her concerns with the size and number of rooms in this facility as well as the parking.

Catherine Meek, 1327 S. Belair Rd, Apache Junction, queried on the rate of car ownership.

John Fox, project applicant, stated he has gone through all requirements according to the Planning and Zoning process, and during the process there were no concerns brought forward by the public.

Mayor Wilson closed the Public Hearing.

10. [23-403](#) Presentation, discussion, public hearing and consideration of Resolution No. 23-18, declaring as a public record that certain document filed with the City Clerk and entitled "Legal Descriptions and Zoning Conditions of Case No. P-22-130-PZ Authorized under Ordinance No. 1536;" repealing any conflicting provisions and providing for severability.

Councilmember Heck moved, seconded by Councilmember Nesser that Resolution No. 23-18, 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 entitled "Legal Descriptions and Zoning Conditions of Case No. P-22-130-PZ authorized under Ordinance No. 1536 for a Planned Development Rezoning of approximately .92 net acres repealing any conflicting provisions and providing for severability be approved.

Yes: 6 - Mayor Wilson, Councilmember Nesser, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

No: 1 - Vice Mayor Schroeder

11. [23-404](#) Presentation, discussion, and public hearing, of Case P-23-16-AM, a proposed text amendment of Zoning Ordinance Article 1-7: Parking, Loading and Circulation Regulations regarding requirements for guest parking, electric vehicle parking, accessible parking, motorcycle, and bicycle parking. This case was previously presented and discussed at the City Council Work Session on July 17, 2023, and is requested to be continued in coordination with P-23-15-AM.

Councilmember Soller moved, seconded by Councilmember Nesser to continue Case P-23-16-AM to the City Council meeting on Tuesday, September 5, 2023.

Yes: 7 - Mayor Wilson, Vice Mayor Schroeder, Councilmember Nesser, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

No: 0

City Planner Nicholas Leftwich provided the following summary of the proposal:

BACKGROUND:

Per the Planning and Zoning Commission direction to Staff given on December 13, 2022, subsequent work session discussions were held on February 14, 2023 and April 11, 2023 where the Planning and Zoning Commission provided recommendations for revisions and topics of study regarding parking, focusing on guest parking and related parking deficiencies as addressed by the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-7: Parking, Loading and Circulation Regulations, which Staff has incorporated in to the proposed amendment. On May 9, 2023, the most recent revision of the proposed text amendment was presented in a final work session, within which the Planning and Zoning Commission indicated the proposed text amendment was acceptable to be reviewed in a formal public hearing. The Planning and Zoning Commission and Planning Staff prepared the

proposed text amendment, by evaluating the city's parking conditions and expected parking needs. New entries to the parking regulations of Article 1-7: Parking, Loading and Circulation Regulations have been made to correct minor organizational issues, correct spelling errors, and to provide clarity regarding existing code standards, such as the accessible parking requirements.

PROPOSAL:

The draft amendment is being presented to the Planning and Zoning Commission for their recommendation to the City Council. The proposed text amendment is case P-23-16-AM, a request to amend Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-7: Parking, Loading and Circulation Regulations.

PLANNING DIVISION RECOMMENDATION:

Planning staff recommends approval of the proposed text amendment to update the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-7: Parking, Loading and Circulation Regulations.

Mr. Leftwich concluded that staff is requesting this item be scheduled for further discussion and consideration at the September 5, 2023, City Council meeting.

Mayor Wilson opened the Public Hearing.

Andre Meek, 1327 S. Belair Rd, Apache Junction, shared comments regarding the addition of specified bicycle and motorcycle parking. He also commented on the EV charging stations.

Donna Carr, Apache Junction, commented on the type of bicycle riders in Apache Junction.

Jane Brown, Val Vista Rd, Apache Junction, spoke on EV charging stations and requirements that need to be included with the installations.

Mayor Wilson closed the Public Hearing.

12. [23-405](#) Presentation, discussion, and public hearing of case P-23-15-AM, a proposed text amendment to Article 1-7: Parking, Loading and Circulation Regulations to allow single-family residential lots with a minimum of 1.25-gross acres to store one (1) nonmotorized horse trailer with integrated living quarters or one (1) motorized recreational vehicle with an integrated horse trailer in addition to the existing recreational vehicle limitation. This case was previously presented and discussed at the City Council work session on July 17, 2023, and is scheduled for a public hearing on August 1, 2023.

Councilmember Cross moved, seconded by Councilmember Soller to continue Case P-23-15-AM to the City Council meeting on Tuesday, September 5, 2023.

Yes: 7 - Mayor Wilson, Vice Mayor Schroeder, Councilmember Nesser, Councilmember Heck, Councilmember Johnson, Councilmember Cross and Councilmember Soller

No: 0

City Planner Erika Hernandez shared the following summary:

BACKGROUND:

Per the direction to Staff given by the Planning and Zoning Commission on December 13, 2022, Staff researched Arizona Revised Statutes' definitions of recreational vehicles, trailers, and toy haulers and the location in which these vehicles may be parked to provide recommendations for a text amendment. On February 14, 2023, Staff provided a brief update with preliminary findings to the Planning and Zoning Commission. Staff explained that the City utilizes much of the same language when defining a recreational vehicle as the Arizona Revised Statutes. On May 9, 2023, Staff presented additional findings to the Planning and Zoning Commission during a work session. Staff reiterated that the City utilizes much of the same language when defining a recreational vehicle as the Arizona Revised Statutes.

Additionally, Staff showed recreational vehicle limitations in surrounding municipalities. Staff recommended against adding or changing definitions, as there currently is no limitation on the number of trailers that can be stored on a single-family residential lot. Staff also recommended allowing one (1) additional recreational vehicle with an integrated horse trailer on single-family residential lots with a minimum of 1.25-gross acres.

PLANNING DIVISION RECOMMENDATION:

Though the A.R.S. and the City define horse trailers with integrated living quarters as a recreational vehicle, the public generally considers these vehicles as trailers. Staff has since modified the language of the drafted amendment to reflect these changes. As a result, Staff recommends allowing single-family residential lots with a minimum of 1.25-gross acres to have one (1) nonmotorized horse trailer with integrated living quarters or one (1) motorized recreational vehicle with an integrated horse trailer, designed with the intent of transporting equine. Though a number of municipalities do not specify a listed limitation for RV parking and storing, the rationale supporting the limitation recommendation of one (1) is that the City has had a long history of code compliance cases due to properties misusing single-family residential properties as storage lots. By providing a number limitation, this initiative strengthens the City's ability to reduce potential blight, nuisance and code cases. Staff also recommends simplifying the language in this section in regard to the location requirement for such vehicles and trailers. The simplification and clarification of text language will aid in avoiding potential contradictions and misinterpretations. Staff will also use this opportunity to revise grammatical errors, unrelated to recreational vehicles, for additional clarity and general ease of understanding.

Ms. Hernandez concluded with requesting the council's guidance on specific parameters to be included in the possible text Amendment, based on staff recommendations, and that this item be continued on the September 5, 2023, council meeting.

Mayor Wilson opened the Public Hearing.

Andre Meek, 1327 S. Belair Rd, Apache Junction, commented on the number of RV's allowed on private property, decreasing the lot size for the allowable number of RV's, and better clarification in the text.

George Schroeder, 2444 W. Virginia St, Apache Junction, expressed concerns regarding the current number of RV's parked in his neighborhood.

George Martinez, 1075 S. Cortez Rd, Apache Junction, shared comments on the number of RV's currently allowed and what is being proposed, and thanked the council for looking into this.

Donna Carr, 2178 W. Virginia St, Apache Junction, spoke on HOA's and the fact that some people have several "toys", go-karts, motorcycles, ATV's, which they have worked hard for.

Wade Jones, 2975 E. 22nd St, Apache Junction, commented on the proposed number of RV's on personal property and the restrictions that cause some people to not live in Apache Junction.

Jane Brown, Val Vista Rd, Apache Junction, shared her thoughts on the number of horse trailers per parcel and possibly exempting the regulations during Lost Dutchman Days.

Todd House, 5027 E. Hidalgo St, Apache Junction, shared concerns on current code compliance violations, interface with Pinal County and possible confusion in the regulations, and how this proposed increase of units on personal property may affect storage businesses in Apache Junction.

Senior Planner Sidney Urias gave clarification on what the current code classifies as RV's.

Mayor Wilson closed the Public Hearing.

I. OLD BUSINESS

J. NEW BUSINESS

K. COUNCIL DIRECTION TO STAFF

L. SELECTION OF MEETING DATES, TIMES, LOCATIONS, AND PURPOSES

M. CALL TO PUBLIC

Maggie Berizzi, 2965 W. Tonto St, Apache Junction, introduced "Begin Again Homes", a newly organized non-profit agency that services parents with young children that are temporarily unsheltered in the Apache Junction area. She also shared the future goals for this organization.

Jane Brown, Val Vista Rd, Apache Junction, commented on the need of more cooling stations in Apache Junction. She also shared comments on the ozone levels.

Donna Carr, 2178 W. Virginia St, Apache Junction, commented on the ozone issues that were previously mentioned during this meeting, the current building developments in Apache Junction, and how Goodwill is assisting the homeless.

George Schroeder, 2444 W. Virginia St, Apache Junction, commented on libraries being requested to disassociate from the ERIC system, trash service in Apache Junction, and code compliance regarding living in RV's.

Andre Meek, 1327 S. Belair Rd, Apache Junction, commented on ozone offsets, and vouchers being issued to homeless individuals that are not being accepted at some organizations.

N. ADJOURNMENT

Mayor Wilson adjourned the meeting at 9:48 p.m.

ACCEPTED THIS _____ DAY OF _____, 2023, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2023.

WALTER "CHIP" WILSON
Mayor

ATTEST:

JENNIFER PEÑA
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 _____, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2023.

JENNIFER PEÑA
City Clerk