



# 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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*Theresa Nesser, Chair*  
*Colleen Hill, Vice Chair*  
*Luciano Buzzin, Commissioner*  
*Michael Frank, Commissioner*  
*Peter Heck, Commissioner*  
*Willie Howard, Commissioner*  
*Robert Schroeder, Commissioner*

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Tuesday, March 22, 2016

7:00 PM

City Council Chambers

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### 1. Call to Order

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

### 2. Pledge of Allegiance

Chair Tesser led the Pledge of Allegiance.

### 3. Roll Call

**Present**                6 -     Chairperson Nesser  
   Commissioner Schroeder  
   Commissioner Buzzin  
   Commissioner Heck  
   Commissioner Howard  
   Commissioner Frank

**Excused**                1 -     Vice Chair Hill

**Staff present:**

City Attorney Joel Stern

Senior Planner Rudy Esquivias

Director Larry Kirch

### 4. Consent Agenda

**Yes:**                    6 -     Chairperson Nesser, Commissioner Schroeder, Commissioner Buzzin,  
   Commissioner Heck, Commissioner Howard and Commissioner Frank

**No:**                    0

**Excused:**            1 -     Vice Chair Hill

Commissioner Heck made a motion to accept the Consent Agenda and approve the minutes of the February 23, 2016, meeting as presented. Commissioner Buzzin seconded the motion. The Planning and Zoning Commission accepted and approved the Consent Agenda and the minutes

as presented.

[16-131](#) Consideration of approval of agenda.

[16-132](#) Consideration of approval of regular meeting minutes of February 23, 2016.

## 5. Public Hearings

[16-133](#) Presentation, consideration and action on case PZ-2-16, a proposed Planned Development Major Amendment request by Apache Junction Landfill Corporation, represented by Stephen W. Anderson and Lindsay Schube of Gammage and Burnham PLC, to amend the conditions of their B-5/PD (Heavy Industrial by Planned Development with a Special Use Permit for a Municipal Solid Waste Landfill)-zoned, 129-acre property at 4050 S. Tomahawk Road, to establish a final closure date, certain development standards and infrastructure obligations related to the design and financing of the closure, and post-closure use and activities.

**Sponsors:** Rudy Esquivias

**Yes:** 4 - Commissioner Schroeder, Commissioner Buzzin, Commissioner Heck and Commissioner Frank

**No:** 2 - Chairperson Nesser and Commissioner Howard

**Excused:** 1 - Vice Chair Hill

Senior Planner Rudy Esquivias presented case PZ-2-16, a proposed Planned Development Major Amendment request by Apache Junction Landfill Corporation, represented by Stephen W. Anderson and Lindsay Schube of Gammage and Burnham PLC, to amend the conditions of their B-5/PD (Heavy Industrial by Planned Development with a Special Use Permit for a Municipal Solid Waste Landfill)-zoned, 129-acre property at 4050 S. Tomahawk Road, to establish a final closure date, certain development standards and infrastructure obligations related to the design and financing of the closure, and post-closure use and activities.

Senior Planner Esquivias reviewed the recommended conditions of the ordinance approval with the commission. He addressed their questions regarding length of time until closure and possible future development.

Stephen Anderson, 2 N. Central, 15th Floor, Phoenix, Arizona representing Republic Services addressed the commission. He addressed their questions regarding height of landfill and amount of waste and soil; Tomahawk Road improvements.

Chair Nesser opened the public hearing.

Andy Kunasek, 9131 N. 48th Place, Paradise Valley, Arizona asked the commission to recommend to council to deny this application.

Commissioners had some questions for staff regarding current landfill height, if they had already exceeded it, if they can deny, or whether they can continue this item.

City Attorney Joel Stern recommended the commission request the applicant return to the podium to address their questions to him, but they would also have to re-open the public hearing to speakers.

Commissioner Heck asked the applicant on clarification regarding the original ordinance and the

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height of the landfill.

Stephen Anderson returned to the podium and clarified what the height restrictions and limitations are, and the importance of an actual closing date. He asked Doug Sawyer, Environmental Manager for Republic Services to address the commission regarding height and the settling of the actual landfill to accommodate the height restrictions.

Doug Sawyer, 1011 W. Butler Dr., Phoenix, Arizona explained why there are two different height requirements in the ordinance and explained that landfills are designed based on the shape and size of the land it sits on.

Mr. Anderson returned to the podium and answered some questions from the commission regarding a future closure date, volume of the landfill, and how that relates to the current and required height of the landfill.

Chair Nesser re-opened the public hearing.

Andy Kunasek, 9131 N. 48th Place, Paradise Valley, Arizona said he feels that staff should begin a code enforcement or zoning violation case against the landfill operators and repeated his desire that staff deny this amendment.

Chair Nesser closed the public hearing.

Commissioner Heck made a motion to approve amendment case with the following changes; condition #4, change closure date from 2035 to 2025; add condition #12, Apache Junction Landfill Corporation will create a natural barrier between the landfill and all neighborhoods; such barrier in the form of trees or natural landscape to be agreed upon between city and landfill.

Commissioner Buzzin seconded the motion. Chair Tesser and Commissioner Howard voted no. Motion passed with a 4-2 vote.

## **6. Old Business**

None.

## **7. New Business**

None.

## **8. Information and Reports**

Senior Planner Rudy Esquivias reminded the commission that the joint Planning & Zoning and Parks & Recreation Commissions meeting will be Wednesday, April 6, 2016 at 6:30 p.m. in the City Council Chambers following the Parks & Recreation Commission meeting and the second community workshop for the ASU Capstone Project is Wednesday, March 30, 2016 at MGC at 6 p.m.

## **9. Director's Report**

Development Services Director Larry Kirch reminded the commission that the State Land Commissioner will be at the MGC on Wednesday, March 23, 2016 at 6 p.m. He also gave them a handout on signage.

## **10. Selection of Meeting Dates, Times, Location and Purpose**

**Yes:** 6 - Chairperson Nesser, Commissioner Schroeder, Commissioner Buzzin, Commissioner Heck, Commissioner Howard and Commissioner Frank

**No:** 0

**Excused:** 1 - Vice Chair Hill

Commissioner Heck motioned and Commissioner Buzzin seconded to hold a Special Joint Meeting with the Park & Recreation Commission on Wednesday April 6, 2016 at 6:30 p.m. and hold Regular Meetings on April 12 and April 26, 2016, at 7:00 p.m. in the City Council Chambers located at 300 E. Superstition Boulevard.

**11. Call to the Public**

None.

**12. Adjournment**

Meeting adjourned at 8:45 p.m.

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Theresa Nesser  
Chairperson