



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
Ph: (480) 982-8002

www.ajcity.net
P: (480) 474-5083
F: (480) 982-7010

Tuesday, August 8, 2017

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

Staff present:

City Attorney Joel Stern

Development Services Director Larry Kirch

Development Services Senior Planner Rudy Esquivias

Development Services Assistant Planner Stephanie Bubenheim

Present 6 - Chairperson Nesser
 Commissioner Buzzin
 Vice Chair Heck
 Commissioner Frank
 Commissioner Schroeder
 Commissioner McGraw

Excused 1 - Commissioner Howard

4. Consent Agenda

Vice Chair Heck made a motion to accept the Consent Agenda and approve the minutes of the July 25, 2017 meeting as presented. Commissioner Buzzin seconded the motion. The Planning and Zoning Commission accepted and approved the Consent Agenda and the minutes as presented.

Yes: 6 - Chairperson Nesser, Commissioner Buzzin, Vice Chair Heck, Commissioner Frank, Commissioner Schroeder and Commissioner McGraw

No: 0

Excused: 1 - Commissioner Howard

[17-304](#) Consideration of approval of agenda.

[17-305](#) Consideration of approval of regular meeting minutes for July 25, 2017.

5. Call to the Public

None.

6. Public Hearings

None.

7. Old Business

None.

8. New Business

17-313

Presentation and discussion on case CUP-6-17, a request by Desert Mesa Holdings LLC, represented by Nate Shechter, for approval of a Conditional Use Permit to store explosive material in an ATF approved magazine storage container at Western Industrial, a B-5 (Industrial) zoned property at 3640 S. Cactus Road. Western Industrial is located at the southwest corner of S. Cactus Road and E. 36th Avenue alignment.

Assistant Planner Bubenheim gave a presentation on case CUP-6-17, a request by Desert Mesa Holdings LLC, represented by Nate Shechter, for approval of a Conditional Use Permit to store explosive material in an ATF approved magazine storage container at Western Industrial, a B-5 (Industrial) zoned property at 3640 S. Cactus Road. Western Industrial is located at the southwest corner of S. Cactus Road and E. 36th Avenue alignment.

Chair Nesser asked Assistant Planner Bubenheim that if explosives and igniters are stored in different areas, where will the igniters be stored? Assistant Planner Bubenheim explained that the container the igniters are stored in is attached to the other container. Chair Nesser also asked if the explosives did explode, how far the blast or fall out radius would it be. Assistant Planner Bubenheim said she will ask the applicant for information on that question. She also explained that the barricades and concrete walls would direct the explosion up instead of out. Chair Nesser asked if the police department would be able to see the storage containers if the barricades were up. Assistant Planner Bubenheim explained that there is a wall surrounding the property so they couldn't see it, but will check with the police department if they'd like to add another patrol. Chair Nesser asked if the security system alerts the police department directly. Assistant Planner Bubenheim said she would check with the applicant on what kind of security system they have.

Commissioner McGraw asked if there was any type of inspection schedules on this type of container. Assistant Planner Bubenheim explained there would be an inspection involved with the city's building permit but did not know the inspection schedule for ATF or Western Industrial. Commissioner McGraw asked if there was going to be an earth berm around the structure. Assistant Planner Bubenheim explained that the plans show a concrete barricade 12" thick.

Commissioner Buzzin asked about the roof of the structure in case of an explosion. He believes there should be a concrete roof to contain any explosion.

Chair Nesser commented she is concerned about how far the explosion would go and asked Assistant Planner Bubenheim to check what the radius would be. Assistant Planner Bubenheim said she would also check about the roof and the locks on the storage units.

Vice Chair Heck asked about other chemicals stored on the property and asked if the applicant could give more information on what type of flammable materials there are and where they are stored in relation to the magazine storage containers. Assistant Planner Bubenheim said she would check with the applicant if there is any protection against other chemicals that would be affected if there was an explosion.

Commissioner Schroeder asked what it means by the storage container being partially buried as stated in Captain Mullender's email. Assistant Planner Bubenheim replied she would check the plans to see if they show the container being partially buried.

Having no other questions, the commission moved to the next item.

17-303

Presentation and discussion on case CUP-5-17, a request by Palo Verde Plaza LLC (owner) and Svaccha LLC (applicant), represented by Jareb Mackin and Jenifer Corey, for approval of a Conditional Use Permit to operate a non-profit medical marijuana dispensary on a B-2 (Old West Commercial) zoned property at 1985 W. Apache Trail, Suite #4. Palo Verde Plaza is located at the southwest corner of W. Apache Trail and S. Palo Verde Drive.

Senior Planner Esquivias gave a presentation on case CUP-5-17, a request by Palo Verde Plaza LLC (owner) and Svaccha LLC (applicant), represented by Jareb Mackin and Jenifer Corey, for approval of a Conditional Use Permit to operate a non-profit medical marijuana dispensary on a B-2 (Old West Commercial) zoned property at 1985 W. Apache Trail, Suite #4. Palo Verde Plaza is located at the southwest corner of W. Apache Trail and S. Palo Verde Drive.

Chair Nesser asked where the product will be locked up. Senior Planner Esquivias referred to the floor plan and showed the location of ground safes where the product will be secured.

Chair Nesser asked about the parking. Senior Planner Esquivias confirmed that the business (restaurant) in the location prior to this applicant had parking issues. Chair Nesser also asked about other businesses and their need for parking spaces. Senior Planner Esquivias explained that the different businesses have different peak hours and therefore have varying needs for parking spaces.

Chair Nesser asked for clarification on the need for cameras in the parking lot as the owner of Lucky Strikes would not like a camera on the parking lot. Senior Planner Esquivias replied that a camera on the parking lot may not be necessary but in other places, may be. That detail would be looked at when the applicant submits their security plan.

Chair Nesser asked what the hours are at Nature's Wonder. She feels it would not be fair to let the applicant have their requested hours of operation if Nature's Wonder is required to close earlier. Senior Planner Esquivias said he would research this and let the commission know.

Chair Nesser asked if the word 'marijuana' is allowed to be on the sign. Senior Planner Esquivias said that no marijuana leaf on the sign could be part of the conditions for approval. The commission could also ask that the word 'marijuana' not be used on the sign.

Vice Chair Heck asked if the southern most portion of the building, to the south of the dispensary is part of the applicant's plan. Senior Planner Esquivias said he believes that building is used for storage but he would check and let the commission know.

Commissioner McGraw asked if the other dispensaries or facilities are bordered by neighborhoods. Senior Planner Esquivias said the cultivation facility is just north of the Palm Springs Mobile home neighborhood. Commissioner McGraw said it also bordered an industrial neighborhood and is quiet after those businesses close in the afternoons. Commissioner McGraw asked about Nature's Wonder and stated that it is surrounded by a parking lot. Senior Planner Esquivias agreed that it is.

Chair Nesser asked about the waiting area, dispensary area and back offices. She would like to know what stops people from moving between the three areas. Senior Planner Esquivias said he will ask the applicant how they would address this concern.

Having no other questions the commission moved to the next item.

17-314

Presentation and discussion on proposed cases PZ-13-16 and SD-1-16, a request by MHP #7 LLC, Keith VanderHout, President, represented by Charles Huellmantel and Lauren Proper Potter of Huellmantel Affiliates, to rezone the existing Boardwalk Estates Manufactured Home Park, located at 2200 N. Delaware Drive, from MHP (Manufactured Home Park) to RS-7M/PD (Medium/High Density Single-family Detached Residences, Conventional or Manufactured Homes, by Planned Development), for the purpose of converting the 20-acre property from a rental-space manufactured home park to a platted subdivision with lots available for individual ownership.

Senior Planner Esquivias gave a presentation on proposed cases PZ-13-16 and SD-1-16, a request by MHP #7 LLC, Keith VanderHout, President, represented by Charles Huellmantel and Lauren Proper Potter of Huellmantel Affiliates, to rezone the existing Boardwalk Estates Manufactured Home Park, located at 2200 N. Delaware Drive, from MHP (Manufactured Home Park) to RS-7M/PD (Medium/High Density Single-family Detached Residences, Conventional or Manufactured Homes, by Planned Development), for the purpose of converting the 20-acre property from a rental-space manufactured home park to a platted subdivision with lots available for individual ownership.

Chair Nesser asked who owns the mobile homes in the community. Are they privately owned or park owned. Senior Planner Esquivias said he would check how the manufactured homes are owned - park owned or individually owned.

Chair Nesser asked for clarification on why it needs to be rezoned in order to sell the property to individual owners. Senior Planner Esquivias answered that they need to rezone because the MHP zoning does not lend itself to manufactured home subdivisions. They have to rezone it to something else. They have to rezone with a proposed planned development deviation. The deviations relate to their existing layout and their proposed subdivision standards. He explained they have to go through a planning process in order for them to sell the lots. It also relates to state real estate laws, assured water supply, etc.

Chair Nesser asked if a current owner of a manufactured home in the park has to buy the land. Senior Planner Esquivias explained that according to their plan, they won't have to, but the current owner eventually wants to sell all the lots. Chair Nesser said she would like to know what's going to happen to the people who can't afford to buy their lot.

Commissioner Frank asked for clarification on how the lots would be sold. Senior Planner Esquivias explained that the applicant is asking for the zoning to be changed so that the lots can be individually owned then people would be responsible for their own lots. An HOA would maintain the common areas.

Commissioner Buzzin asked if there are any empty lots in the park. Senior Planner Esquivias answered that there may be a couple of vacant lots. Commissioner Buzzin stated he wondered what the price would be for the lots. Senior Planner Esquivias replied that it would be what the market allowed for at the time.

Commissioner Schroeder asked if all the owners that rent at the park have been notified. Senior Planner Esquivias explained that part of the public hearing process is that all owners within 300 feet of the property are notified of the request. There is also a sign posted on the property of the public hearing. The notification only includes property owners, not renters, but it would behoove the owner to notify the renters as well.

Vice Chair Heck asked if Senior Planner Esquivias understood why the applicant was asking for a deviation of the height restriction. Senior Planner Esquivias said maybe it has to do with an RV garage but isn't sure why. Senior Planner Esquivias said he would find out why they are asking

for 30-foot building heights.

Commissioner McGraw asked if along Desert View Drive there are any plans for improvement of the drainage channel and access points. Senior Planner Esquivias said their plan shows it would be improved and the city would like to ask them to maintain the access point to continue to allow for channel maintenance.

Commissioner Schroeder asked if at the next meeting the commission will be allowed to ask questions of the applicant. City Attorney Stern replied that it is a public hearing so the commission can ask questions.

Having no further questions the commission moved on to the next item.

9. Information and Reports

None.

10. Director's Report

Director Kirch discussed the proposed schedule for the land development code updates.

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

Vice Chair Heck motioned and Commissioner Frank seconded to hold a Regular Meeting on August 22, 2017 at 7:00 p.m. in the City Council Chambers located at 300 E. Superstition Boulevard.

Yes: 6 - Chairperson Nesser, Commissioner Buzzin, Vice Chair Heck, Commissioner Frank, Commissioner Schroeder and Commissioner McGraw

No: 0

Excused: 1 - Commissioner Howard

12. Adjournment

Adjournment:

Meeting adjourned at 8:17 p.m.

Theresa Nesser
Chairperson