

[17-315](#) Consideration of approval of agenda.

[17-321](#) Consideration of approval of regular meeting minutes for August 8, 2017.

5. Call to the Public

None.

6. Public Hearings

[17-320](#) Presentation, discussion, public hearing and consideration of case AM-1-17, a city-initiated text amendment to the Apache Junction City Code Volume II: Land Development Code, Chapter 2: Subdivision Regulations. The text amendment proposes to re-format the chapter and update subdivision regulations and procedural policies. The "Subdivision Regulations" title is to be changed to "Subdivision and Minor Land Division Regulations." Other updates include, but are not limited to, adding regulations for lot line adjustments, condominiums, and assurances. Conditions and requirements for a preliminary plat and final plat have become an appendix to the chapter.

Development Services Engineer Sam Jarjice gave a presentation on case AM-1-17, a city-initiated text amendment to the Apache Junction City Code Volume II: Land Development Code, Chapter 2: Subdivision Regulations. The text amendment proposes to re-format the chapter and update subdivision regulations and procedural policies. The "Subdivision Regulations" title is to be changed to "Subdivision and Minor Land Division Regulations." Other updates include, but are not limited to, adding regulations for lot line adjustments, condominiums, and assurances. Conditions and requirements for a preliminary plat and final plat have become an appendix to the chapter.

Director Kirch reminded the commission that this item will be presented to the mayor and city council on September 18th, 2017.

Chair Nesser read a portion of the text amendment.

Having no questions from the commission, Chair Nesser opened the public hearing portion of item.

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

Vice Chair Heck moved that the Planning and Zoning Commission recommend to the city council the approval of text amendment case AM-1-17, a city initiated text amendment to amend Apache Junction City Code Volume II, Land Development Code, Chapter 2: Subdivision Regulations as contained in attached Exhibit "A". Commissioner Schroeder seconded the motion. The commission approved the motion with a 4-0 vote.

[17-336](#)

Presentation, discussion, public hearing and consideration of 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. The applicant is requesting a continuance in order to obtain further ATF approval for the container barricade.

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. The applicant is requesting a continuance in order to obtain further ATF approval for the container barricade.

Chair Nesser asked the commission if there were any questions for Assistant Planner Bubenheim.

Commissioner McGraw asked why owners of property within 300 feet were notified and if it was an ATF requirement. Assistant Planner Bubenheim answered that it was a state law that applies to public hearings. Commissioner McGraw also asked if staff received the explosion radius from the applicant. Assistant Planner Bubenheim replied that the applicant's representative, Nate Shechter, received documents from the project engineer regarding the radius, but has requested a narrative of the report so that it was easier to understand.

Commissioner Schroeder asked if staff received information on the distance of the storage container and the property line of Quail Run. Assistant Planner Bubenheim showed that it is about 260 feet away from the main corporate office building. It is approximately 581 feet to the wall of Quail Run.

Chair Nesser asked Assistant Planner Bubenheim if staff has any information on the blast radius. Assistant Planner Bubenheim said that Mr. Shechter has information on this and will present it to the commission.

Chair Nesser invited Nate Shechter to address the commission regarding their CUP request.

Nate Shechter, representing Desert Mesa Holdings, LLC addressed the commission and explained more about their application and the storage container they are proposing to have at 3640 S. Cactus Road.

Chair Nesser asked Mr. Shechter how long he's worked in this type of industry. He answered that he's worked in the industry, industrial construction and maintenance, since the mid-nineties. He added that they added blasting in the last two and half years and they are learning about how to use it. Chair Nesser asked if he's heard of any accidents related to the same type of explosives they will be storing. He explained that the way explosives are designed now require an igniter for it to explode. He added the explosives currently manufactured are more stable than in the past. She also asked what other places in the area use this type of explosives. He answered it is common in the mining industry. She asked if the explosives are on site only as needed and how long would they be stored. He answered a day. She confirmed that he said no more than a day. He confirmed his answer. He stated it would be ordered as needed and used right away. He added their preference would be to have the material shipped directly to the work site instead of their office and stored in the container.

Vice Chair Heck asked for more information on the proposed roof and why ATF is asking Western Industrial to redesign the roof. Mr. Shechter explained the roof was on the barricade. He explained it was designed to help cool the storage container and was not required by ATF. Vice Chair Heck asked for clarification on Mr. Shechter's statement about shrapnel from the roof structure in an explosion. Mr. Shechter replied that he was removing the 26 gauge roofing that would go over the barricade. The current container has been submitted and approved by and registered with the ATF. Vice Chair Heck asked if this was a typical design for a magazine. Mr. Shechter replied yes. Vice Chair Heck confirmed that within the distance reported earlier there is only 70 gallons of flammable material. Mr. Shechter replied that he tries to make sure that there is very limited flammable materials on their site. Vice Chair Heck asked how explosives are transported to their office site. Mr. Shechter replied they are transported within DOT regulations.

Commissioner Schroeder asked for confirmation on how the explosives were ordered and stored for a job. Mr. Shechter explained that he, as the safety director, does not want the materials on the property any longer than needed.

Commissioner McGraw asked for confirmation on the blast radius. Mr. Shechter replied that he is still researching the possible blast radius. Mr. Shechter further explained that the DB radius is the same as the blast radius. The way the magazine is designed the radius that will hurt someone is fourteen and half a feet and explained in detail the path of the blast radius. Commissioner McGraw asked for information on why Western Industrial asked to continue their application to another meeting. Mr. Shechter explained that they are seeking information from the ATF to make sure the barricade was correct with the tin roof. He explained that ATF does not want the roof. He further explained the concrete barricade is also approved.

Chair Nesser confirmed they are requesting a continuance to January 9th, 2018. Mr. Shechter confirmed the date.

Chair Nesser asked if Assistant Planner Bubenheim reached out to the ATF. Assistant Planner Bubenheim explained that she spoke with someone in licensing and confirmed that they want to further review the barricade portion of Western Industrial's plan.

Director Kirch explained how the ICC and building codes work in relation to approval of this plan.

Director Kirch asked Mr. Shechter about the design of the barricade and roof. Mr. Shechter replied that it would change the design of the magazine with a different type of roof structure and that a heavier roof structure would inhibit the ability to move the container.

With no further questions from the commission, Chair Nesser opened the public hearing portion of the item.

Helen Gallagher, 3700 S. Tomahawk Rd., # 26 and 27, Apache Junction addressed the commission regarding concerns over the application submitted by Desert Mesa Holdings LLC. Ms. Gallagher expressed her concerns over an explosion while the explosives were being transported, accidents and employees not properly doing their jobs. She is also concerned about property values and her ability to sell her house if this is approved.

Mark Beukema, 3500 S. Tomahawk Rd, Apache Junction, addressed the commission regarding concerns over the application submitted by Desert Mesa Holdings LLC. Mr. Beukema, Regional Operations Manager for Apache East, expressed concerns over the transportation of the explosives, lowered property values and higher insurance costs for homes close to the property.

Eve Dumas, 3700 S. Tomahawk Rd., Apache Junction, addressed the commission regarding the concerns over the application submitted by Desert Mesa Holdings LLC. Ms. Dumas, manager of Quail Run, expressed concerns regarding this affecting the lifestyles of the residents of Quail Run

and feels this should be postponed so winter visitors have a chance to know about this request. She also expressed concerns over explosions and close by homes and there is no guarantee that something wouldn't happen and feels residents should not be put at risk.

David Dick, 89 N. 132nd Place, Chandler, an attorney representing Central Arizona Council for Developmentally Disabled addressed the commission regarding the concerns over the application submitted by Desert Mesa Holdings LLC. Mr. Dick explained that the data the application was providing about the space between properties is inaccurate. He also added that Waste Management has diesel trucks on their property so there is flammable material closer than the applicant is stated. Mr. Dick added that the approval of this request could affect Central Arizona Council for Developmentally Disabled's funding for they receive to provide services. He also added that their building is a tin building which wouldn't hold up if there was an explosion.

Dan Malay, 3700 S. Tomahawk Rd., Apache Junction addressed the commission regarding the concerns over the application submitted by Desert Mesa Holdings LLC. Mr. Malay expressed concerns about the type of explosives the container would house. He added the safest place to store these materials would be at the police department where it could be monitored because of potential terrorist stealing the explosives.

Jerry Welky, 3700 S. Tomahawk Rd., #83, Apache Junction addressed the commission regarding the concerns over the application submitted by Desert Mesa Holdings LLC. Mr. Welky questioned why the explosives need to be housed at the facility, who would pay for damages in case of an explosion and asked what kind of explosives would be housed in the container.

With no further requests to address the commission, Chair Nesser closed the public hearing portion of the item.

The commission commented on the concerns of the citizens that addressed them.

Vice Chair Heck moved that the Planning and Zoning Commission continue case CUP-6-17, a request by Desert Mesa Holdings LLC, represented by Nate Shechter, requesting approval of a Conditional Use Permit to store explosive material in an ATF Approved Type 2 magazine storage container at Western Industrial, located at 3640 S. Cactus Road until the regularly scheduled meeting on Tuesday, January 9th, 2018. Commissioner Schroeder seconded the motion. All in favor, therefore the item is continued to the January 9th, 2018 Planning and Zoning Commission Regular meeting.

Yes: 4 - Chairperson Nesser, Vice Chair Heck, Commissioner Schroeder and Commissioner McGraw

No: 0

Excused: 2 - Commissioner Buzzin and Commissioner Howard

17-337

Presentation, discussion, public hearing and consideration of 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.

Commissioner Schroeder asked that Condition #12 be changed to add a change in ownership also. Senior Planner Esquivias said it would be covered as a new CUP application would have to be submitted by a new owner.

Jenifer Corey, representing Palo Verde Plaza LLC and Svaccha LLC addressed the commission.

Chair Nesser asked Ms. Corey about the plans for the walls that will separate their area and their neighboring business. Ms. Corey replied that she isn't sure at this time how the buildings will be separated but will ensure that there will be no way someone can access their business from the neighboring businesses.

Vice Chair Heck asked Ms. Corey how many dedicated parking spaces will be on the east side. Ms. Corey replied that they don't want to dedicate parking spaces so as not to impede on the other businesses and if in the future the dedicated parking needs adjusting they will do so. Ms. Corey added that their closing time will not affect peak times for the bar. Vice Chair Heck asked what other locations were considered for their business. Ms. Corey replied that because of location limitations for this type of business they were narrowed down to where they can locate.

Commissioner Schroeder asked if a lease has been signed and if improvements have been started. He also asked if the five different locations previously mentioned were within the city limits. Ms. Corey explained that there are zoning restrictions inside the city and in the county limit locations. Ms. Corey added that there isn't a lease signed and no improvements have been started. These two things can't be done until the CUP is approved.

Having no other questions from the commission, Chair Nesser opened the public hearing portion of the item.

Brenda Gifford, 145 S. Palo Verde, Apache Junction addressed the commission with concerns regarding the CUP request by Palo Verde Plaza LLC and Svaccha LLC. Ms. Gifford attended the first meeting and felt there was a lot of opposition from those in attendance. She also feels there isn't much separation from the neighboring residential area; the neighborhood has had problems in the past; the approval is inconsistent with residential; and feels it is too easy to get a medical marijuana card.

Earnest Bowen, 1723 N. 72nd St., Mesa addressed the commission in support of the CUP request by Palo Verde Plaza LLC and Svaccha LLC. Mr. Bowen grew up in Apache Junction and feels this would be good for area. He feels the clientele for this business would be in and out, would be very polite and this would be a quiet business.

Justin Covert, 1139 W. Carson Dr., Tempe addressed the commission in support of the CUP

request by Palo Verde Plaza LLC and Svaccha LLC. Mr. Covert operates medical marijuana clinics and helps others get started. He feels dispensaries can help with the opiate crisis as anyone can get pain pills.

Marissa Nims, 9865 E. La Palma Ave., Gold Canyon addressed the commission in support of the CUP request by Palo Verde Plaza LLC and Svaccha LLC. Ms. Nims told the commission that not anyone can get a card. She had to go through a process to get hers. She added that she is in support of the hours of operation they are requesting.

Emily Chapman, 10403 E. Boise Ave., Apache Junction addressed the commission in support of the CUP request by Palo Verde Plaza LLC and Svaccha LLC. Ms. Chapman told the commission that there are people who are sick and need this type of medication to help them. She added that she doesn't see a conflict with the other businesses and supports the hours of operation they are requesting.

Rachel Hewson, 260 W. Apache Trail, Apache Junction addressed the commission with concerns regarding the CUP request by Palo Verde Plaza LLC and Svaccha LLC. Ms. Hewson is a representative of Nature's Wonder and talked about their parking issues until they moved into a different building. In their old building they sometimes didn't have enough parking spaces. She added that sometimes they have to 'shew' away people outside their current location. She also said they need a security guard sometimes on the weekends.

Jenifer Corey addressed the the commission regarding the comments made in the public hearing. Ms. Corey told the commission that this is not recreational marijuana and their business would not be open to the general public. She added that some people just don't like medical marijuana but it is state approved. She said that Svaccha LLC wants to be part of the community and work within the rules. Ms. Corey said they are highly regulated and wouldn't do anything to jeopardize their license. She also said that they are in a better situation for parking than Nature's Wonder was in in their first location. She added that they did send a notice for their meeting to property owners within 600 feet; commercial uses are next to residential; and this location does not encourage loitering. She reminded the commission that they can revoke their CUP if there are problems.

Brenda Gifford, 145 S. Palo Verde, Apache Junction addressed the commission with concerns regarding the CUP request by Palo Verde Plaza LLC and Svaccha LLC and responded to the comments made by Jenifer Corey. Ms. Gifford said these are anecdotal examples. 1st Avenue is more of an alley than a street and pharmacies do not stay open until 10pm.

Having no other comments from the public, Chair Nesser closed the public hearing portion of item.

Vice Chair Heck expressed he concern about the position of Lucky Strikes. Senior Planner Esquivias replied that he has heard from two citizens concerned about the application. One was from Otero Realty a couple of months ago and another from a citizen saying she disagreed with medical marijuana in general. He added that he hadn't heard from Lucky Strikes regarding the application. Vice Chair Heck also asked about the hours of operation and the fact that it wasn't done for the previous application by Natures Wonder. Senior Planner Esquivias stated that there were no limitations placed and if you did with this CUP application, nothing could be done if Nature's Wonder changed their hours of operation. Vice Chair Heck expressed his concern over the location chosen.

Chair Nesser expressed her concern over receiving input from neighboring businesses. She also expressed concerns over limiting the hours of operation as a condition for this application.

Commissioner Schroeder also expressed concerns regarding the location. He also added that

because of the three absent commissioners, he would suggest a continuance of the item until all the commissioners are present.

Commissioner McGraw feels Ms. Corey has met all the requirements and the request should be approved.

Commissioner McGraw moved that the Planning and Zoning Commission approve case CUP-5-17, a request for a Conditional Use Permit by Svaccha LLC, represented by Jared Mackin and Jenifer Corey, to operate a non-profit medical marijuana dispensary at 1985 W. Apache Trail, Suite #4, subject to the conditions of the 14 items as stated in the report dated August 22, 2017. With no second motion, the vote failed.

Having no second motion, Chair Nesser called for another motion.

Vice Chair Heck moved that the Planning and Zoning Commission continue case CUP-5-17, a request for a Conditional Use Permit by Svaccha LLC, represented by Jared Mackin and Jenifer Corey, to operate a non-profit medical marijuana dispensary at 1985 W. Apache Trail, Suite #4, subject to the 14 conditions listed below be continued so that all commissioners are present until September 12, 2017. Commissioner Schroeder seconded the motion. The commission approved the motion with a 4-0 vote.

Yes: 4 - Chairperson Nesser, Vice Chair Heck, Commissioner Schroeder and Commissioner McGraw

No: 0

Excused: 2 - Commissioner Buzzin and Commissioner Howard

[17-338](#)

Presentation, discussion, public hearing and consideration of 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 and 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 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 and 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 if an older mobile home which is non-conforming was replaced with a new mobile home, would the lot have to be made conforming. Senior Planner Esquivias replied that it would have to be conforming to be allowed in the park. Chair Nesser asked if a condition can be placed that a buyer would be informed of non-conforming lots and existing limitations. Senior Planner Esquivias replied that planning staff can work with the current property owner to add this language into the CC&R's. Chair Nesser asked about stick built homes in this park. Senior Planner Esquivias answered that the city has allowed stick built homes on similar lot sizes.

Lauren Proper-Potter, representing MHP #7 LLC, addressed the commission regarding the request 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.

Vice Chair Heck asked about current renters and their ability to stay on the property. He asked if there was a time limit. Ms. Proper-Potter replied that there wasn't a time limit but it would be based on their current lease guidelines. The property owner does not intend to make any tenants leave based on the requested changes.

Commissioner McGraw asked if someone could buy two lots, combine the lots, and build a stick-built home. Director Kirch added that the CC&Rs can outline that this won't be allowed. The normal process would be to apply to have the lots combined through the city process.

Commissioner Schroeder asked what would happen if a current renter didn't want to buy their lot. Ms. Proper-Potter explained that the current owner's have no intention to not renew leases. He then asked her to confirm the goal of the owner is to sell the off property. Ms. Proper-Potter said that was correct as well.

Chair Nesser asked what kind of leases are currently utilized. Ms. Proper-Potter replied annual leases. She added the average lessee stays about seven years.

Commissioner Schroeder is concerned that current renters will be removed from the property when their leases are not renewed.

City Attorney Stern added that the city cannot require that a time limit for renters be placed on the approval of the rezoning.

Chair Nesser asked if there is one owner at this time. Ms. Proper-Potter replied that it is family owned. She added that the intent is to continue running the business.

Vice Chair Heck asked about the eight vacant lot sizes. Ms. Proper-Potter replied that she isn't sure of the sizes of these particular lots and are only vacant through people moving out of the community at different times.

Having no further questions by the commission, Chair Nesser opened up the public hearing portion of the item.

Helen Vanbuskirk, 2200 N. Delaware Drive, #105, Apache Junction addressed the commission regarding her concerns of this request. She felt she was not properly notified of the changes and that she is worried because she does not know if her home is in compliance.

Having no further requests to speak, Chair Nesser closed the public hearing portion of this item.

Chair Nesser opened up the item for discussion by the commission.

Commissioner Schroeder expressed concern over the tenants not being notified of the meeting. Chair Nesser asked if City Attorney Stern can address the notification requirements. City Attorney Stern deferred the answer to Senior Planner Esquivias who explained that under state law and city ordinance, the property owners are required to inform property owners within 300 feet of the perimeter of the property of the meeting. He added that he doesn't know if they had a meeting for the renters but it is not required as part of the public notification requirements.

Having no other questions from the commission, Chair Nesser called for a motion.

Vice Chair Heck moved that the Planning and Zoning Commission recommend to the Apache Junction City Council the approval of planned development rezoning case PZ-13-17, a request by MHP #7 LLC, Keith VanderHout, President, represented by Charles Huellmantel and Lauren Proper-Potter of Huellmantel and Affiliates, to rezone an existing 20-gross-acres manufactured home park called Boardwalk Estates, from MHP (Manufactured Home Park) to RS-7M/PD (Medium/High Density Single Family Detached Residences, Conventional or Manufactured Homes by Planned Development), so that the property can be then platted into a 115-lot manufactured homes subdivision, subject to the recommended conditions which includes the 15 written conditions from the August 22, 2017 Public Hearing staff report. Commissioner Schroeder seconded the motion. The commission approved the motion with a 4-0 vote.

Yes: 4 - Chairperson Nesser, Vice Chair Heck, Commissioner Schroeder and Commissioner McGraw

No: 0

Excused: 2 - Commissioner Buzzin and Commissioner Howard

7. Old Business

None.

8. New Business

[17-322](#) Presentation, discussion and consideration of proposed timeline for updating the Apache Junction City Code, Volume II: Land Development Code, Chapter 1: Zoning Ordinance and Apache Junction City Code, Volume II: Chapter 8: Communications.

Director Kirch gave a presentation on the proposed timeline for updating the Apache Junction City Code, Volume II: Land Development Code, Chapter 1: Zoning Ordinance and Apache Junction City Code, Volume II: Chapter 8: Communications.

The commission discussed holding special meetings the same evenings as regular meetings to discuss the update of the Apache Junction City Code, Volume II: Land Development Code, Chapter 1: Zoning Ordinance and Apache Junction City Code, Volume II: Chapter 8: Communications. The meetings will start at 5:00pm.

9. Information and Reports

Director Kirch discussed the communication regarding the meeting on August 30th with ASU kicking off the Project Cities project. It will be a short introduction meeting from 2:00 pm to 3:15 pm.

10. Director's Report

None.

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

Vice Chair Heck made a motion that the Planning and Zoning Commission hold a Special Meeting on September 12, 2017 at 5:00 pm at the City Council Chambers located at 300 E. Superstition Boulevard to run until 6:50 pm and a Regular Meeting on September 12, 2017 at 7:00 pm in the City Council Chambers located at 300 E. Superstition Boulevard. Commissioner Schroeder seconded the motion. The commission approved the motion with a 4-0 vote.

12. Adjournment

Chair Nesser adjourned the meeting at 10:30pm.

Theresa Nesser
Chairperson