



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, October 10, 2017

7:00 PM

City Council Chambers

1. Call to Order

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

2. Pledge of Allegiance

Chair Nesser let the Pledge of Allegiance.

3. Roll Call

Staff present:

City Attorney Joel Stern

Development Services Director Larry Kirch

Development Services Senior Planner Rudy Esquivias

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

Excused 1 - Commissioner Buzzin

4. Consent Agenda

Vice Chair Heck moved that the Planning and Zoning Commission accept the Consent Agenda as presented and approve the meeting minutes from the September 12, 2017 Regular Meeting.

Commissioner Schroeder seconded the motion. The Planning and Zoning Commission accepted and approved the Consent Agenda and the minutes as presented.

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

No: 0

Excused: 1 - Commissioner Buzzin

[17-416](#) Consideration of approval of agenda.

[17-417](#)

Consideration of approval of regular meeting minutes for September 12, 2017.

5. Public Hearings

None.

6. Old Business

None.

7. New Business

17-415

Discussion on September 26, 2017 Regular Meeting Call to the Public suggestion to amend zoning code regarding number of allowable events and port-a-lets.

Director Kirch gave a presentation on the September 26, 2017 Regular Meeting Call to the Public suggestion to amend the zoning code regarding the number of allowable events and port-a-lets.

Director Kirch explained the zoning ordinance and events and that they are referenced in different places in the code. He explained the city council would direct staff to spend time to change the code. The request to change the code can be applicant initiated as was done in the past by the medical marijuana industry. Development Services staff has received direction from the city council to update the code and the Planning and Zoning Commission could request this be included in the updates. Director Kirch added this can be considered either a zoning code issue or perhaps more related to the building code and county health code.

Chair Nesser expressed that she originally didn't understand the request. Director Kirch replied that the question is if someone can have 5 or 6 events and just use port-a-potties. Chair Nesser asked if there is a limit to the number of events in the zoning code. Director Kirch replied that it is governed by their request in the Conditional Use Permit (CUP) process. Chair Nesser said that someone can apply for events and the use of port-a-pottes through the CUP. Director Kirch replied that he doesn't think there's a connection with the CUP and port-a-potties and that it is a health code issue. He added that he doesn't have the answer because he doesn't know how many people would be attending the event. He repeated that it isn't a zoning code issue that it is more related to building code and health code issues. He explained that the city has allowed port-a-potties because applicants know the capacity of their systems because they are not on city sewer.

Commissioner McGraw asked if it would be a zoning issue if the port-a-potties were permanent on the property. Director Kirch replied that in this situation it may be a county health code issue and he doesn't know the answer.

City Attorney Stern reminded the commission that this is a speculative discussion and there is no CUP application before the commission on the subject. He added that the discussion may not be appropriate because it's something that hasn't taken place and isn't appropriate to direct staff at this time.

Vice Chair Heck asked if it was appropriate for staff to speak with Mr. Mohiuddin regarding the submittal of a CUP. Director Kirch replied that it is up to Mr. Mohiuddin to submit the application. City Attorney Stern added that there has been discussions with Mr. Mohiuddin about the development agreement and the CUP. Director Kirch added that Mr. Mohiuddin has application forms and samples to follow. He added that, as with other applicants, Mr. Mohiuddin can request a change to the code through the current process.

City Attorney Stern explained what Call to the Public is and the commission doesn't have to act on an item that is brought up at the Call to the Public.

Chair Nesser ended the discussion and moved on to the next item on the agenda.

17-450

Presentation and discussion on proposed rezoning case PZ-3-17, a request by Steve Cochrane, Trustee of the Nathan, Ethan and Adam Cochrane Residuary Trusts (owner) and George McGavin and Linda Pearson (applicants), represented by Kevin McDougall, Project Engineer, to rezone a 16.87-acre vacant property located at the northeast corner area of S. Tomahawk Road and US60, from RS-20/PD (Medium Density Single-family Detached Residential by Planned Development) to B-1/PD (General Commercial District by Planned Development) for the purpose of developing the property with commercial pads and a KOA-style campground.

Senior Planner Esquivias gave a presentation on proposed rezoning case PZ-3-17, a request by Steve Cochrane, Trustee of the Nathan, Ethan and Adam Cochrane Residuary Trusts (owner) and George McGavin and Linda Pearson (applicants), represented by Kevin McDougall, Project Engineer, to rezone a 16.87-acre vacant property located at the northeast corner area of S. Tomahawk Road and US60, from RS-20/PD (Medium Density Single-family Detached Residential by Planned Development) to B-1/PD (General Commercial District by Planned Development) for the purpose of developing the property with commercial pads and a KOA-style campground.

Chair Nesser asked about limiting number of year-round rentals. Senior Planner Esquivias explained that some parks allow people to rent year-round which he believes isn't conducive to a camp ground. Therefore, staff recommends limiting the number of spaces allowed to be used as year-round rentals. He added that the applicant is requesting to allow year-round rentals. Chair Nesser asked what the difference is between tiny houses and cabins. Senior Planner Esquivias answered that tiny houses could be built by individuals whereas cabins would most likely be built by the developer and not an individual. Director Kirch added that tiny houses are moving towards being constructed using the international residential code. He added that there are those that are taking storage sheds and converting to a tiny house which is not the same as using the international residential code.

Commissioner McGraw asked what the time frame is for temporary living. Senior Planner Esquivias answered that it hasn't been defined yet and is hoping to receive a commitment from a professional camp ground organization to see what their criteria is, but at this time staff is unsure of the definition. Commissioner McGraw asked if the park has a year-round rental it doesn't necessary mean there's someone occupying the space all year-round. Senior Planner Esquivias answered that is correct.

Vice Chair Heck confirmed that there's been no commitment from KOA yet. Senior Planner Esquivias replied that it is his understanding that the owner is working with KOA but understands they won't commit to anything until the property is rezoned. He added staff is hoping to see a letter of intent or an unofficial agreement that would give some assurances. Vice Chair Heck asked about the condition to waive confidentiality on taxable activities. Director Kirch answered that it is only for this property.

Senior Planner Esquivias told the commission that City Attorney Stern had just given a letter to him from KOA that KOS approved the Tomahawk site location and asks that the same zoning of the existing KOA be applied to the new location. City Attorney Stern added that he just received the letter from the applicant. He also added that the tax issue is used to measure economic development in the city as the city clerk cannot share tax information. Chair Nesser said that this would apply to the new application only. City Attorney Stern said that is correct.

Chair Nesser asked about the park model portion of the letter from KOA about the approval. Senior Planner Esquivias said staff would need to clarify that portion of the letter. City Attorney Stern added that the intent of management is that RV parks be limited in the city, however, a KOA camp ground is different than an RV park. Chair Nesser added that there is a difference in

what the city would like and what KOA is recommending.

Commissioner Schroeder added that the current KOA location has cabins in their facility and assumes the letter refers to the same at the new location. He added the conditions for the new location excludes this type of cabin. Senior Planner Esquivias replied that this is the first time he's seen this letter and would like to investigate exactly what is meant by park model cabins. If the units that the park will offer are rentals, staff may be more comfortable with that arrangement. Commissioner Schroeder asked about year-round space rentals and if someone rents a space year-round, they could leave a 5th-wheel in the space. Senior Planner Esquivias answered yes. Chair Nesser said they could unless there was a condition that it couldn't be done. Senior Planner Esquivias agreed. City Attorney Stern added that it would be a zoning issue that would have to be looked into by the zoning administrator.

Commissioner McGraw asked staff if there are any letters of intent regarding the proposed commercial use. Senior Planner Esquivias answered he hasn't received any at this point. Chair Nesser asked if a condition can be created so that the proposed commercial property can't be used for anything other than commercial businesses. Senior Planner Esquivias agreed that such a condition can be done.

Commissioner Howard asked if the proposed club house was going to be the only permanent structure, but after hearing the approval by KOA for the property, still wonders if that is the case. Senior Planner Esquivias believes that is the case, but feels he needs to get more information regarding the park models. He also added that the applicant is calling it an office building, not a club house.

Chair Nesser asked for more information about amenities such as the size of the pool and jacuzzi and would like more information. She added that although this is a family camp ground there is no playground area for children and feels it should be addressed. Senior Planner Esquivias agreed and added he can ask Parks and Recreation staff to review the area and make recommendations.

Vice Chair Heck asked if the amenities included tennis courts and shuffle board courts and commented that it looks like a 55+ community.

Commissioner Schroeder asked about restroom facilities as he doesn't see any on the proposed plan. Senior Planner Esquivias replied that he can speak with the applicant regarding the question. Director Kirch added that KOA is a franchise and therefore may have standards regarding amenities at the camp ground.

Commissioner McGraw commented that from what he sees it looks nice to him.

Commissioner Howard commented that it would be nice to see the amenities in the site plans that are submitted to the commission.

City Attorney Stern commented that this item comes back to them on October 24th. Senior Planner Esquivias agreed. Vice Chair Heck asked if this was for rezoning only. Senior Planner Esquivias answered it would be for the commission's recommendation to the city council on the conceptual plan and the rezoning.

Having no other comments or questions from the commission, Chair Nesser moved on to the next item on the agenda.

8. Information and Reports

None.

9. Director's Report

Director Kirch discussed the code revisions schedule and let the commission know that the group care homes issue needs more research and will be presented at a later date. It could be added to a regular meeting or discussed at a special meeting.

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

Vice Chair Heck moved that the Planning and Zoning Commission hold a Special Work Session on October 24, 2017 at 5:00 PM and hold a Regular Meeting on October 24, 2017 at 7:00 PM in the Apache Junction City Council Chambers location at 300 E. Superstition Boulevard. Commissioner Frank seconded the motion. The commission passed the motion with a 6-0 vote.

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

No: 0

Excused: 1 - Commissioner Buzzin

11. Call to the Public

Kevin McDougall, 2624 E. Marilyn Road, Phoenix, Arizona addressed the commission regarding questions they may have regarding the proposed KOA campground. He shared that amenities include a club house, restrooms, and recreational areas. There is also a pool. He added that he would like to make sure this proposed project is judged according to other previously approved projects. He added that the park models are permanent structures and ask they be allowed. He also added that KOA has a lot of RV units that have hookups (water, power and sewer), showers and laundry rooms. He added that the wash on the east side takes about two acres of the property.

12. Adjournment

Adjournment:

Meeting adjourned at 7:56 p.m.

Theresa Nesser
Chairperson