



City of Apache Junction, Arizona

Meeting Minutes Planning and Zoning Commission

Meeting location:

City Council Chambers
at City Hall
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Apache Junction, AZ
85119

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Tuesday, January 23, 2018

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

Economic Development Director Janine Hanna-Solley

Senior Economic Development Specialist E'lan Vallender

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

Excused 1 - Commissioner McGraw

4. Consent Agenda

Vice Chair Heck moved that the Planning and Zoning Commission accept the consent agenda as presented and approve the minutes from the January 9, 2018 meeting. Commissioner Schroeder seconded the motion. The motion passed with a 6-0 vote.

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

No: 0

Excused: 1 - Commissioner McGraw

[18-036](#) Consideration of approval of agenda.

[18-037](#) Consideration of approval of regular meeting minutes of the January 9, 2018.

5. Public Hearings

18-040

Presentation, discussion, public hearing and recommendation on proposed rezoning case PZ-4-17, a request by David Dixon to rezone a 1.62 acre property located at 611 S. Vista Road, north of the northeast corner of S. Vista Road and E. 7th Avenue, from RS-GR (General Rural Low Density Single-Family Residential) to RS-GR/PD (General Rural Low Density Single-Family Residential by Planned Development) for the purpose of changing the main structure side setback from 20-feet to 10-feet. The property owner has requested a continuance to January 23, 2018.

Assistant Planner Bubenheim gave a presentation on proposed rezoning case PZ-4-17, a request by David Dixon to rezone a 1.62 acre property located at 611 S. Vista Road, north of the northeast corner of S. Vista Road and E. 7th Avenue, from RS-GR (General Rural Low Density Single-Family Residential) to RS-GR/PD (General Rural Low Density Single-Family Residential by Planned Development) for the purpose of changing the main structure side setback from 20-feet to 10-feet. The property owner had requested a continuance to this January 23, 2018 meeting.

Vice Chair Heck asked Assistant Planner Bubenheim if the city granted this adjustment in the setback, will the commission open the door to others in this situation apply for the same. Vice Chair Heck pointed out that the applicant did the building without a permit, and when caught, went to the Board of Adjustment and asked for the allowance which was not approved. The applicant is now asking the Planning and Zoning Commission to approve the rezoning. Vice Chair Heck wants to make sure he understands that the applicant did not follow the correct process and is now asking for an exception to deviate from the building process. City Attorney Stern clarified that there are numerous situations where people have built into the FPE and approving this would not create a legal precedent because this commission recommends approval or denial to the city council. He added that there are different circumstances with each case that is brought forward for the commission's review. Director Kirch added that the city council is the approving body to extinguish these FPEs for roadway purposes. He added this approval should be as a last resort and the city needs a transportation plan and if these easements are given away, the city would have to buy back the land if they wanted a road on 6th Avenue. He said that staff if trying to take the stance that there should be long range thinking where roads are concerned. Director Kirch also said there are hundreds of these encroachments but many occurred before the city was established. The federal government created the easements for utilities and when the city relinquished the roadway easement, permits aren't issued until the utility easements are also extinguished. In this case, the applicant had to keep an 8 foot easement for CenturyLink. He added that each utility is different. Some may want to maintain 8 or 16 foot easements and as long as it doesn't affect the setback, staff can issue the building permit. He added that part of the rezoning includes requesting the right-of-way dedication and if there wasn't a rezoning in the case the city wouldn't be able to get the Vista and 7th Ave. dedication. By state law, the city can ask for a road way dedication as part of a rezoning. There is a little benefit in this case, but staff takes these requests on a case by case situation and doesn't view this as precedent setting. Director Kirch added that Mr. Dixon will speak for himself and added that his argument is there was an encroachment on this property since 1960 with a manufactured home.

Chair Nesser asked if this is an encroachment issue or if the commission is dealing with a problem, as the Board of Adjustment found, that the builder created themselves. If they would have applied for a permit, he would have found the issue then and could have corrected it. Director Kirch said that Mr. Dixon can give the commission the chronology if they wish. He added that there is a long history of residents doing things like this without permits. It's an educational process and staff sees the issue come up again and again.

Commissioner Schroeder asked if the house is finished and they are occupying it. Assistant Planner Bubenheim said they are not living in it. She added the house isn't completely finished

but there are portions that have been constructed. Commissioner Schroeder said it is a work in progress. Assistant Planner Bubenheim replied that is correct and the interior isn't completed. Commissioner Schroeder said the roof and walls are up and explains the timeline Chair Nesser spoke to. He added that once he applied for the permit he would have found the errors in the setbacks. He said it basically comes down to three ways this can go. It can be approved, the applicant tears down the house, or he tears down the part of the house that encroaches on the setback. Assistant Planner Bubenheim clarified that the commission can approve it and proceed with the building permit, deny and proceed to meet the 20 foot setback that is required or completely demolish the house and start over. Commissioner Schroeder said that to meet the setback a section of the home would need to be removed. Assistant Planner Bubenheim replied that is correct.

Commissioner Frank asked how the city will know if everything done so far has met the building code. Assistant Planner Bubenheim replied that at this moment, the city doesn't know if the work meets code. She explained that part of the process of applying for a building permit includes the submittal of construction plans. The city's building inspector inspects the work once the plans are approved. Commissioner Frank said the items that are covered up can't be inspected. Assistant Planner Bubenheim said she doesn't know what the building official or building inspector would require if it were covered up such as tearing some of it down to inspect whether installation was done correctly. Director Kirch added that staff has photographs that show the inside of the building. The walls are open with no insulation or sheet rock. He added that the applicant, Mr. Dixon, has engaged an architect. The applicant and architect will have to produce drawings and structural calculations to show what is being built is to code. He added that the decision is up to the building official. He explained the decision before the commission is if the property should be rezoned. If the commission approves the rezoning, the applicant will have to get a building permit which won't be given until the building official determines that the plans are satisfactory. Director Kirch said the house is largely unfinished and there is a dirt floor where the former manufactured home was removed and at this time its all been stopped. Commissioner Schroeder asked about the dirt floor. Director Kirch said he believes it was under the manufactured home. He added they will have to pour a slab. Commissioner Schroeder said the floor hasn't been poured yet. Director Kirch replied that there were patio slabs poured but not this slab. Commissioner Schroeder asked if there was a slab under the manufactured home. Director Kirch replied that the manufactured home has been removed. Chair Nesser added that not having a slab poured where the manufactured home was isn't an issue at this time because before they can proceed they have to bring it up to code. Director Kirch said in order for the owner to bring the structure to code, they will have to meet the Residential IRC building code. Chair Nesser reminded the commission the issue is the rezoning at this point. Director Kirch explained that Mr. Dixon was given several options when the issue was brought forward, one of which was rezoning. The most cost effective option at the time was to apply for a variance. The variance application was brought to the Board of Adjustment and wasn't approved. The rezoning is the next least costly option for Mr. Dixon to request. The next option is for Mr. Dixon to start over with the project. Commissioner Schroeder commented about the satellite view of the house and roofline. Director Kirch commented that Mr. Dixon should be allowed to address the commission regarding his request.

Chair Nesser asked Mr. Dixon to address the commission.

Mr. Dixon commented that it isn't a finished house. The interior walls are all open, just studs. He added there are wooden floors around where the trailer used to sit. He said it was his parents who added the structures around it. Mr. Dixon added that the only thing he did was put a roof over it. He added the roof that was over the structure needed replacement and in order to repair it. He also said that he tried to get a permit for it but was denied because it was a manufactured home. He said he was denied a permit to reroof a manufactured home. He added that his mother was told the same thing. The only option, he added, was do something. He said he purchased the trusses and had someone install the actual roofing material. Mr. Dixon said the

structure has been in the easement since 1960. He added that all the add-ons were done according to Pinal County. He said they had no problem with it. He added that the structure, or footprint of the house, has been that way since 1967. He said he didn't change the foot print or add any walls to hold the roofing.

Chair Nesser asked Mr. Dixon why he went through the expense of putting the trusses and roof on without getting a building permit. Mr. Dixon replied that he was told he couldn't get a permit and the structure is still listed as a mobile home. Chair Nesser asked who told him he couldn't get a permit to build a roof. Mr. Dixon said he called the city and talked to a staff member who told him to remove the trailer as soon as possible otherwise he would need structural engineer drawings in order to comply with the construction. He added there was nothing left of the mobile home itself except for the frame and the very front wall. He also added the front wall was to keep people from entering the structure.

Chair Nesser asked Director Kirch if permits are issued for installing a new roof on a mobile home. Director Kirch answered that a manufactured home typically has HUD certification and sometimes are replaced. He added that when someone guts a manufactured home, it is no longer considered a manufactured home and are then required to build it to single family home standards. He added it is no longer a manufactured home once you start moving interior walls, etc. Director Kirch added that it may be that the roof was deteriorating and they put a new, super structure over the manufactured home. He added that should have required plans or engineering. He also said he doesn't know at what time this was done. Director Kirch asked Mr. Dixon what year he couldn't get a permit. Mr. Dixon said he doesn't know when his mother was denied a permit. Chair Nesser asked him to narrow the timeframe down. Mr. Dixon said between 1960 and 1970. Chair Nesser repeated between 1960 and 1970 to which Mr. Dixon replied yes. He added that his mother tried again in the mid 70's. Mr. Dixon also said that they had seen other trailers with covers over them and they wanted to do something along those lines. He said they were denied permits to put a roof on it. He added it's a mobile home, not a manufactured home. Director Kirch said its pre-HUD (pre-1976). Chair Nesser said there was no Planning and Development at that time. Director Kirch said the city wasn't incorporated until 1978. Chair Nesser said it must have been the county. Director Kirch said the city doesn't currently allow those types of shade structures but they were done in the past. He added that the mobile home must have been pre-HUD. Director Kirch said he could have brought in plans for a new house and would have been told to move it out of the easement and he would have been ok. Chair Nesser said the issue is building a house that shouldn't have been built instead of the rezoning. Mr. Dixon added that he didn't build the house. Vice Chair Heck asked Mr. Dixon if in 2015 he requested an electrical permit he must have known there was some type of permitting needed. Mr. Dixon said that's when he called the city and asked and was told that since there was a mobile home inside the structure to pull it out and then submit the application. Vice Chair Heck asked if it seemed right to build a home around the mobile home. Mr. Dixon said he didn't build it he only put the roof over it. Vice Chair Heck asked if he was in the process of building a conventional home. Mr. Dixon said he was and would finish it with the permit. Vice Chair Heck asked if that part of the home that is encroaching the set back is framework, roof trusses but not all done. Mr. Dixon replied that is correct. Vice Chair Heck said that it would require a complete redesign of a home or remove it. Chair Nesser said it didn't sound like there was a foundation. Chair Nesser asked Mr. Dixon if there was electrical or plumbing. Mr. Dixon replied that there is one piece of plumbing when it was a trailer. Commissioner Frank asked why he applied for the electrical permit and if he was trying to upgrade. Mr. Dixon said it wasn't for the house. He added it was for just coming into the pole as the current one is sun rotted to the point that bare wires are showing through. Commissioner Frank asked if it was before the meter to which Mr. Dixon replied yes. Mr. Dixon said it was from the main pole to the meter pole. Chair Nesser asked if all the walls were put in years ago. Mr. Dixon said he put in a double door where there was a sliding arcadia style door. Chair Nesser asked Mr. Dixon why he is building doors when there isn't even a floor. Mr. Dixon replied there is a floor, footers and stem walls all the way around. Chair Nesser commented that the floors were the same height as the floors in the mobile

home. Mr. Dixon said they built the floor to be even with the floors in the mobile home. Chair Nesser said it this conventional construction being built like a mobile home. Mr. Dixon said no.

Commissioner Schroeder asked if there was anyone living in the house. Mr. Dixon replied the only thing that is used in it at this time is the kitchen and the bathroom. Commissioner Schroeder asked if there were people eating and sleeping inside. Mr. Dixon said no, he has a travel trailer that they sleep in. Chair Nesser asked if they are using the kitchen as it is now. Mr. Dixon said he has to. Chair Nesser asked if he had a certificate of occupancy to which he replied he's lived there all his life. Chair Nesser asked staff if he would need a certificate of occupancy to cook and occupy it. City Attorney Stern said he would need an approved building permit which includes a certificate of occupancy.

Chair Nesser asked the commission if they had any more questions.

Commissioner Kridler commented that from the photos they were looking at it doesn't look like there is any foundation only cinder blocks. Mr. Dixon said that area is held up by cinder blocks since the mobile home is removed and around the foundation perimeter there are footers and stem walls. Commissioner Kridler asked if the initial construction, or super structure as referred to by Director Kirch, was done at what time. Mr. Dixon said the roof was put up in 2012. Commissioner Kridler said it was already established that he couldn't get a permit for that and asked if since 2012 it looks as if the walls and doors were improved. Mr. Dixon replied that he installed the walls and doors in 2012. Commissioner Kridler asked if he did the walls and doors after he was told he couldn't get a permit to do it. Mr. Dixon said he couldn't get a permit to reroof a mobile home. Commissioner Kridler commented that he continued to put the roof on, build walls and install doors. Mr. Dixon said he didn't build the walls. Commissioner Kridler said Mr. Dixon said he installed doors so therefore, making improvements to the property. Mr. Dixon replied yes. Commissioner Kridler asked without a building permit. Mr. Dixon asked if a door no longer functions if a permit was required to just change a door. Commissioner Kridler said no, but that isn't what he's asking. Commissioner Kridler said Mr. Dixon was told to get a permit to make improvements on the current structure, which wasn't done, yet continued to make improvements on the property. Commissioner Kridler commented that Mr. Dixon make improvements after being told to follow a certain process which hasn't been done and wants to understand the rational for proceeding after being told what to do before proceeding. Mr. Dixon said he was told he couldn't get a permit. Commissioner Kridler asked Mr. Dixon if he asked what needed to be done in order to get a permit. Mr. Dixon said he was told to pull the mobile home structure out and then get a permit. Chair Nesser asked if he spoke with someone in person or over the phone. Mr. Dixon said over the phone.

Commissioner Howard asked Mr. Dixon why he didn't do anything between 2012 and 2017 permit wise. Mr. Dixon said because he finished it and there was nothing else for him to do. He added he didn't have the money to continue building. Commissioner Howard commented that he didn't have a permit in the first place to build anything. Mr. Dixon said he didn't build the lower structure. Commissioner Howard told Mr. Dixon that anytime changes are made, something was built. Whether he acknowledges it or not, he didn't have a permit to build anything. Mr. Dixon said he was told he couldn't get one. Commissioner Howard said Mr. Dixon is asking the commissioner to approve the rezoning when he didn't follow the process in the first place. Mr. Dixon said he's following it now. Commissioner Howard asked why now, and not before.

Vice Chair Heck said what Commissioner Howard is saying is that in 2015 when Mr. Dixon applied for the electrical permit, he became aware of the issue. Vice Chair Heck said he feels Mr. Dixon wants the commission to disregard what he did in the past but still approve the rezoning. Mr. Dixon said he's trying to resolve the issue he's having now and do it properly.

Commissioner Schroeder asked Mr. Dixon if the doors and windows with the air conditioners have been there decades. Mr. Dixon said yes. Commissioner Schroeder asked him if he built a

roof over the top of it. Mr. Dixon said right. Chair Nesser asked Mr. Dixon what was over the walls before he installed the trusses. Mr. Dixon said there was a roof that looked like it should have been over a trailer and it was his father who built it. Commissioner Schroeder commented the mobile home was added on until it got to the point that a roof had to be built to protect it. Commissioner Schroeder asked Mr. Dixon when the last time he did anything to the house. Mr. Dixon said December 8, 2015. Commissioner Schroeder asked to confirm that it's been over two years since anything was done to the house. Mr. Dixon said he hasn't done anything since 2012. Chair Nesser asked Mr. Dixon to confirm that no one is living there but are using the kitchen to cook. He replied yes. Chair Nesser asked where he was living. Mr. Dixon said a travel trailer on the property. Commissioner Frank asked if the kitchen was part of the old wall and trailer or has been newly built. Mr. Dixon replied that the kitchen area is the add-on and not part of the trailer. Chair Nesser asked when that was done. Mr. Dixon said it was around 1967. Chair Nesser commented that the house has been kept up. Mr. Dixon said it was 2011 when the trailer was moved out.

Commissioner Schroeder asked Assistant Planner Bubenheim when the electrical contractor was there and determined that Mr. Dixon was out of code. Assistant Planner Bubenheim replied in 2015. Commissioner Schroeder asked Mr. Dixon to confirm that he didn't do anything to the home since 2012 but had an electrical contractor out. Mr. Dixon said he had a contractor come out because the wires were starting to short out. Commissioner Schroeder stated that no one is living there. Mr. Dixon said it was between the pole and the house and there's still electric at the house. Commissioner Schroeder said there's power to the house, no one lives there but they use the bathroom and the kitchen and nothings been done to the house since 2012. Mr. Dixon said that is correct.

Chair Nesser asked if there were any more questions. Having none from the commission, Chair Nesser open up the public hearing portion of the item.

Mr. Glen Glover, 612 S. Vista, Apache Junction, told the commission that since he moved there in 2002 the house looked like a jig saw puzzle. He wanted to put a roof over his mobile home but was told he couldn't do it. He said what David has done is build the roof and replaced the rotted wood. He added that it wasn't a rebuild, but updating and replace. Mr. Glover stated the Dixon's are using the kitchen and bathroom and the garage. The garage used quite a bit of power. More than the current box will give. He added that Mr. Dixon is not a rich man and can't afford to build a new house. Mr. Glover said he understands right of ways and knows there are other houses being built very close together. He feels the entire area should be rezoned.

Chair Nesser asked if there was anyone else from the public wishing to speak. Hearing none, Chair Nesser closed the public hearing portion of the item.

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

Chair Nesser stated it is a rezoning issue and before he can proceed to build, if the commission approves the rezoning, it will be necessary for the applicant to get the necessary building permits. She added that this may not even happen. Assistant Planner Bubenheim said that is correct and added that before a building permit can be issued the zoning has to be modified because the structure isn't meeting the setbacks. Chair Nesser then said it doesn't matter if the rezoning is approved or not. Vice Chair Heck said if it is approved, the commission is suggesting to the city council that the ten foot setback be approved. If the council approves that he can proceed. Chair Nesser said it may never be built because it becomes an issue of building codes. She added the issue is the variance of twenty to ten feet. Assistant Planner Bubenheim said there are zoning code issues and building code issues. Commissioner Schroeder said he agrees with Director Kirch when planning for the future. Chair Nesser added that it's already been presented to the Board of Adjustment. Commissioner Schroeder said that by his own admission he hasn't worked on the property in six years and if it weren't for the electrical wires shorting out,

the electrician wouldn't have gone out there. He added that based on what Mr. Dixon said he didn't have any plans to build on it anyway. Commissioner Schroeder said he personally feels the commission wasn't given complete disclosure and doesn't believe the applicant isn't being forthcoming with the commission. Commissioner Kridler agreed with Commissioner Schroeder and doesn't feel comfortable with the building and improvements without permits. Vice Chair Heck empathizes with Mr. Dixon and the state of his mobile home but isn't comfortable, personally, with what he believes as Mr. Dixon circumventing the process.

Having no further discussion, Chair Nesser called for a motion.

Vice Chair Heck motioned that the Planning and Zoning Commission recommend to the City Council the denial of rezoning case PZ-4-17, a request by David Dixon for a rezoning of the property located at 611 S. Vista Road, from RS-GR (General Rural Low Density Single-Family Residential) to RS-GR/PD (General Rural Low Density Single-Family Residential by Planned Development). Commissioner Schroeder seconded the motion. The motion passed with a 6-0 vote.

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

No: 0

Excused: 1 - Commissioner McGraw

18-042

Presentation, discussion, public hearing and recommendation on case PZ-6-17, a request by J&J Property Holdings LC (owner) and Americana Building Products (applicant), represented by Geff Purcell, for a rezoning of a +/-8 acre property located just north of the northwest corner of S. Tomahawk Road and E. Baseline Avenue, from General Rural Low Density Single-family Detached Residential ("RS-GR") and Industrial ("B-5") to Industrial by Planned Development ("B-5/PD"), for the purpose of developing a 90,000 square foot indoor manufacturing facility.

Senior Planner Esquivias gave a presentation on case PZ-6-17, a request by J&J Property Holdings LC (owner) and Americana Building Products (applicant), represented by Geff Purcell, for a rezoning of a +/-8 acre property located just north of the northwest corner of S. Tomahawk Road and E. Baseline Avenue, from General Rural Low Density Single-family Detached Residential ("RS-GR") and Industrial ("B-5") to Industrial by Planned Development ("B-5/PD"), for the purpose of developing a 90,000 square foot indoor manufacturing facility.

Chair Nesser asked about the applicants request for a deviation on the west side of the building and its facade. Chair Nesser said she understands their request as they may expand sometime in the future but feels it may be good to include as a condition of the approval that if there is no expansion within five years they then have to complete the facade to 100%. Senior Planner Esquivias said the commission could recommend additional conditions. He added that it may be a good question for the applicant on their plans and a time frame for a build out. Chair Nesser asked if the fifth condition of approval that prohibits semi-truck repair applies to their own vehicles. Senior Planner Esquivias said semi-truck repair tends to be outside and fairly loud which raises a concern for planning staff. Chair Nesser asked if it would be a problem with them repairing their own vehicles on the inside of the building. Senior Planner Esquivias said its ok inside. Director Kirch added that truck repairs aren't the nature of their business and probably more cost effective to have someone else do the repairs and in his opinion won't be an issue.

Commissioner Schroeder expressed concern over the entrance and exit for the trucks which is on Tomahawk Road and feels it would be detrimental for the residential traffic in the area. Senior Planner Esquivias explained that information received today is that the traffic associated with this type of business is minimal and feels the applicant can explain it better. He added that staff feels the entrance / exit off Baseline would be ideal and hopes the applicant can acquire the property to allow for that. Senior Planner Esquivias added that Tomahawk Road is also the entrance to the land fill so the surrounding neighborhoods are probably used to multiple large trucks traveling the road every day. Commissioner Schroeder said just because the residents who live in the area are used to the large trucks, that doesn't mean they want more. Chair Nesser reminded the commission that the issue tonight isn't giving them permission to build that anyway.

Chair Nesser asked about a proposed deceleration lane in the staff report but wasn't added as a condition of the approval. Senior Planner Esquivias replied that staff tried to cover a deceleration lane in condition #8 which in part states street improvements along the property's S. Tomahawk Road frontage, such as extension of pavement and the provision of sidewalk, curb, gutter, streetlights, fire hydrants, landscaping, driveways, and drainage improvements. This may also be a factor in additional widening. He added that staff will look for these things in addition to a deceleration lane.

Having no further questions from the commission, Chair Nesser invited Geff Purcell to address the commission. Mr. Purcell, 2 Industrial Drive, Salem, Illinois addressed the commission regarding their rezoning request. Vice Chair Heck asked if the manufacturing that will be done in the plant is shade and shelter products. Mr. Purcell gave a history on how Americana Building Products came to Arizona. He explained their current location doesn't meet their needs. He explained having a metal facade on the west side of the building would help with future expansion costs.

Chair Nesser asked Mr. Purcell the difference between stucco and the metal facade that looks like stucco. Mr. Purcell explained that it is a metal panel that has the same stucco applied to it like a building. The metal portion is stucco embossed. It is dimpled to look like stucco so from the road it gives the appearance of stucco but if it's touched it feels smoother. Chair Nesser asked about the cost savings. Mr. Purcell said it's a significant savings and will help with paying for the cost of the equipment investment.

Commissioner Schroeder asked about their association with Dave Bang. Mr. Purcell explained Americana Building Products manufactures outdoor recreational sports equipment shading products. This location allows for a distribution point and allows for expansion in park shelters. Mr. Purcell said they also manufacture residential shade products. Mr. Purcell explained their truck traffic would be something like 2-3 in coming and 3-4 outbound a day. During the slow time of year there may not be any in bound trucks and 1-2 outbound a day. The slow time of year is the winter.

Commissioner Howard asked how the waste product was handled. Mr. Purcell said they recycle. He explained they use aluminum and steel which are recycled. The powder coating division uses water and chemicals to clean the metals. This is then evaporated so it isn't put in the septic system. The solid waste left over from this is then disposed of in at the appropriate landfills. He added there is little waste because and the company is environmentally conscience.

Vice Chair Heck asked with the current size, 90,000 feet, what amount of that space will be used for distribution. Mr. Purcell explained that they are currently in the process of becoming a lean manufacturer. It is only made when it is ordered, there isn't a supply of products. He explained that they do have warehouses of raw materials. They would receive raw materials that would sit on shelves until an order is received. This is the reason there isn't a lot of inbound trucks. Vice Chair Heck asked how many employees will be working at the location. Mr. Purcell replied they currently have 25 employees at the current facility that will move to the new location. He added they are anticipating 20 to 30 new hires within the first 12 months as the powder coating division is expanded.

Commissioner Howard asked if there will be a single shift or multiple shifts of workers. Mr. Purcell said there would be one shift. He added that their company is a multi-generational family run organization and view second shift work as taking away from family time and they've always ran one shift.

Chair Nesser asked about the loading docks on the north side of the building and if any noise will be heard by those living near the proposed facility. Mr. Purcell said their plant in Illinois is a similar distance from homes and has never received any complaints of noise. Chair Nesser asked about the type of noise the trucks will be making. Mr. Purcell said most of the trucks will be back into the building because it's easier to unload and are usually smaller trucks. Chair Nesser asked if there will be any noises from metal being dropped or banged together. Mr. Purcell replied no. He also added that they may move the building to a different location and have the delivery on the south side of the building. There may be adjustments and will work with staff on the best case scenario. Chair Nesser said she likes the trucks on the south side of the building as opposed to the north side. Mr. Purcell said they are open to those suggestions.

Commissioner Kridler asked if they are pursuing the purchase of the lots on the south side of the property. Mr. Purcell said they are but it's complicated. It involves tax-liens and it isn't clear at this time who owns what and if it can be done. Commissioner Kridler then asked about the siding and possible condition of a time frame of the expansion and when it will be replaced. Mr. Purcell replied that their last expansion took 11 years and they would like to expand right away but doesn't know what the economy will do. He feel having a time limit could be detrimental in the future. Chair Nesser asked Senior Planner Esquivias if having a condition to revisit the expansion and siding issue in five years would be okay. Senior Planner Esquivias replied it can

be done. Chair Nesser said it would be just to revisit the issue. Mr. Purcell said he would be open to this time frame.

Mr. Purcell told the commission he received an email from someone that had several good questions. One of the questions hasn't been discussed yet. Mr. Purcell said the question involved lighting. Mr. Purcell said he knows Apache Junction is a dark skies community and said they would have motion activated outdoor lighting so the employees are safe and would try to not have a lot of outdoor lighting like a large store parking lot. He added that there may be some on the street if the city requires it.

Having no further questions from the commission for Mr. Purcell, Chair Nesser opened up the public hearing portion of the item.

Ms. Donna Malay of 3700 S. Tomahawk Road addressed the commission. Ms. Malay expressed her concern regarding the location of the building as it relates to Quail Run. She also expressed his concern regarding the chemicals used and if there are proper filters used on the tanks and how close it would be done to the community. She feels the city should be concerned if this company does their powder coating to standards and within ADEQ standards.

Having no others wishing to address the commission, Chair Nesser closed the public hearing portion of the item.

Chair Nesser opened discussion among the commission.

Commissioner Schroeder said he feels Ms. Malay brings up a very good point with the emissions. Chair Nesser agreed and thinks there are standards they have to meet with this type of manufacturing. City Attorney replied that they would have to comply with ADEQ regulations which also comes down from the federal government. He added they have to meet all environmental laws and there will be inspections. Commissioner Frank feels this would be a great addition to the community. Chair Nesser agreed with Commissioner Frank.

Having no further discussion, 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-6-17, a request by J&J Property Holdings LC (owner) and Americana Building Products (applicant), represented by Geff Purcell, to rezone a +/-8 acre property located at the northwest corner area of S. Tomahawk Road and E. Baseline Avenue, from RS-GR (General Rural Low Density Single-family Baseline Avenue), and B-5 (Industrial) to B-5/PD (Industrial by Planned Development), for the purpose of developing the property with a 90,000 square foot indoor manufacturing facility, subject to the following 13 conditions as stated in the Planning and Zoning Commission Public Hearing staff report dated January 23 with a 14th condition that states the applicant will have five years to develop and or expand the west side of the building. At conclusion of the five year time period from the date of approval by city council, if the applicant has not completed any expansion, the applicant will schedule a follow-up meeting with the Planning and Zoning Commission to review any plans for growth or expansion. Commissioner Schroeder seconded the motion. The motion passed with a 6-0 vote.

6. Old Business

18-038

Progress report and discussion on CUP-4-17, by Lindsay Schube of Gammage and Burnham PLC, representing MBD Holdings LLC (owner) and Perpetual Healthcare Inc. (applicant), pursuant to condition #26 of the approved Resolution No. CUP-4-17.

Stephanie Bubenheim introduced Lindsay Schube of Gammage and Burnham PLC, representing MBD Holdings LLC (owner) and Perpetual Healthcare Inc. (applicant) gave a progress report on CUP-4-17 pursuant to condition #26 of the approved Resolution No. CUP-4-17.

Ms. Schube, 2 N. Central, Phoenix gave an update on CUP-4-17 to the commission. She presented the revised architectural and site plans. Ms. Schube also gave an update of the status of the sewer hookup and the status of their ADQ annual inspection.

Vice Chair Heck asked if the new building (building 3 on the plans) will handle all of the demands that were previously met with the mini mobiles and refrigeration unit that will be removed. Ms. Schube answered that is correct. Vice Chair Heck asked if there is room for expansion or will they be coming back for more space. Ms. Schube said new space will be used. She added that it is the capacity the current owner asked for and doesn't know what they will do in the future. Assistant Planner Bubenheim said one of the conditions for approval is that any future expansion of the buildings would require a CUP amendment and therefore come back to the Planning and Zoning Commission.

City Attorney Stern said that the document she gave to the commission is now considered a public document. He added that if there were a public records request for it, they would be allowed to object. Chair Nesser asked if she kept the information if it were wrong to show it to someone else. City Attorney Stern said if someone wanted to see it they would have to do a public records request for the file. Chair Nesser then asked if she is legally bound to not show this to anyone. City Attorney Stern said that is correct. She asked if she could share whatever else she has, but not this document. City Attorney Stern said everyone should give their copy of the document to Senior Planner Esquivias. Director Kirch added that the department doesn't give anything out with a professional seal without talking to the person that has their stamp on it and would have to give their permission in order for the document to be shared with anyone. Mr. Schube said that is a common practice with all cities.

Vice Chair Heck asked if the work is about 35 - 40 % complete and what is the time frame to have the remaining work done. Ms. Schube said their goal is to have it done three months from now.

Chair Nesser commented that the CUP is for the new building but the kitchen is going to remain in the original building, building 1, and won't have anything to do with the new building. She added that she was told that whenever you drive by the building someone can smell where they are. She also added that maybe the filters should be upgraded. Ms. Schube replied that she would make sure they are changing the filters adequately.

Having no further questions, Chair Nesser closed the discussion.

7. New Business

None.

8. Information and Reports

None.

9. Director's Report

None.

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

Vice Chair Heck moved that the Planning and Zoning Commission hold a regular meeting on February 13, 2018 at 7:00 PM in the Apache Junction City Council Chambers located at 300 E. Superstition Boulevard. Commissioner Schroeder seconded the motion. The motion passed with a 6-0 vote.

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

No: 0

Excused: 1 - Commissioner McGraw

11. Call to the Public

None.

12. Adjournment

Adjournment:

Meeting adjourned at 9:00 p.m.

Theresa Nesser
Chairperson