



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
P: (480) 474-5083

Tuesday, February 12, 2019

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 led the Pledge of Allegiance.

3. Roll Call

Present 7 - Chairperson Nesser
 Vice Chair McGraw
 Commissioner Heck
 Commissioner Howard
 Commissioner Kridler
 Commissioner Ooley
 Commissioner Hantzsche

Staff present:

Joel Stern, City Attorney

Larry Kirch, Development Services Director

Rudy Esquivias, Senior Planner

Julianna Pierre, Planning Intern

4. Approval of Agenda

[19-030](#) Consideration of approval of agenda.

Commissioner Heck moved, seconded by Commissioner Ooley, that the Planning and Zoning Commission accept the agenda as presented. Approved in a vote of 7 in favor and 0 opposed (Yes: Ooley, Hantzsche, Heck, Howard, Kridler, McGraw, Nesser. No: none.)

5. Approval of Minutes

None.

6. Public Hearings

[19-029](#) Presentation, discussion, public hearing and consideration of the possible revocation of case CUP-9-17 for non-compliance with certain conditions. CUP-9-17, approved by the city council, granted a conditional use permit to Mehmood Mohiuddin, owner of the Hitching Post Restaurant, to conduct certain outdoor entertainment activities at 2341 and 2345 N. Apache Trail, subject to conditions of approval, some of which were time sensitive. Because the CUP grantee failed to comply with said time sensitive conditions, the CUP approval must be reconsidered for possible revocation.

Senior Planner Esquivias addressed the commission explaining staff received a request for continuance from Mohiuddin's attorney. Staff requests the commission continue the item until the May 14, 2019 regular meeting.

Chair Nesser invited the applicant to address the commission. The applicant declined.

Chair Nesser opened the public hearing portion of the item.

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

Having no discussion from the commission, Chair Nesser called for a motion to continue the item to May 14.

Vice Chair McGraw moved, seconded by Commissioner Kridler, that the Apache Junction Planning and Zoning Commission continue and reschedule the possible revocation of Conditional Use Permit, CUP-9-17, a conditional use permit granted by the city council to Mehmood Mohiuddin, represented by Aaron Ludwig, from the Planning and Zoning Commission meeting date of March 12, 2019 to the P&Z Commission meeting of May 14, 2019, and furthermore staff is hereby directed to send notices of the new public hearing date to all property owners within 300 feet of the Hitching Post subject property.

Commissioner Kridler explained he has no conflict of interest because there is no pecuniary relationship between him and the Hitching Post. He explained his vote is yes.

Approved in a vote of 7 in favor and 0 opposed. (Yes: Nesser, Ooley, Hantzsche, Heck, Howard, Kridler, McGraw. No: none.)

[19-049](#) Presentation, discussion, public hearing and consideration of case PZ-2-18 by Amerco Real Estate Company and U-Haul International LLC, represented by David Pollock, proposing to rezone 50 acres of a 78-acre property at the southeast corner of US60 and S. Idaho Road from B-1/PD (General Commercial by Planned Development) to B-5/PD (Light Industrial/Business Park by Planned Development); and amending the development plan for the remaining 28 acres, also zoned B-1/PD.

Senior Planner Esquivias addressed the commission regarding PZ-2-18 and the applicant's request of a continuance to the April 9, 2019 meeting. He explained discussions are continuing regarding right of way and the pallet of uses.

Chair Nesser invited the applicant to address the commission.

Having no comments from the applicant, Chair Nesser opened the public hearing portion of the

item.

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

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

Vice Chair McGraw moved, seconded by Commissioner Hantzsche, that the Planning and Zoning Commission continue Planned Development Rezoning case PZ-2-18, a request by Americo Real Estate Company, represented by David Pollock, to the commission meeting of April 9, 2019. Approved in a vote of 7 in favor and 0 opposed. (Yes: McGraw, Nesser, Ooley, Hantzsche, Heck, Howard, Kirdler. No: none.)

7. Old Business

[19-052](#) Possible reconsideration of vice chair election and appointment.

The commission and staff discussed if the item can be or should be considered. The city attorney stated that it was appropriate to vote on this item. The chair agreed.

Chair Nesser called for a motion to open the nominations for the 2019 vice chair.

Commissioner Kridler moved, seconded by Commissioner Ooley, to open the nominations. Approved in a vote of 7 in favor and 0 opposed. (Yes: Kridler, McGraw, Nesser, Ooley, Hantzsche, Heck, Howard. No: none.)

Chair Nesser called for nominations.

Commissioner Kridler nominated Vice Chair McGraw as vice chair.

Commissioner Ooley nominated Commissioner Heck.

Chair Nesser called for nominations three times.

Commissioner Heck moved, seconded by Commissioner Ooley, that the nominations for vice chair be closed. Approved in a vote of 7 in favor and 0 opposed. (Yes: McGraw, Nesser, Ooley, Hantzsche, Heck, Howard, Kridler. No: none.)

Chair Nesser called for a motion to approve Vice Chair McGraw as vice chair.

Commissioner Kridler moved, seconded by Vice Chair McGraw, to initiate the vote for Vice Chair McGraw as vice chair. Failed in a vote of 3 in favor and 4 opposed. (Yes: Kridler, McGraw, Hantzsche. No: Nesser, Ooley, Heck, Howard.)

Commissioner Ooley moved, seconded by Vice Chair McGraw, to approve Peter Heck as the vice chair. Approved in a vote of 5 in favor and 2 opposed. (Yes: Howard, Nesser, Ooley, Hantzsche, Heck. No: Kridler, McGraw.)

8. New Business

- [19-028](#) Presentation, discussion and direction to staff on proposed request for a city initiated rezoning of the area bounded by W. Foothill St., N. Desert View Dr., W. Smoketree St. and N. Warner Dr. from Medium Density Single Family Detached Residential (RS-20M) to Medium/High Density Single Family Detached Residential (RS-7M).

Planning Intern Pierre gave a presentation on the city initiated zoning request.

Commission and staff discussed that city staff is requesting the zoning changes, the nonconforming situations will improve with the rezoning, that zoning change benefits the property owners, that there are other properties like this within the city that staff will bring forward for zoning changes, that the property lines displayed in the exhibits aren't actual surveyed property lines, that only the zoning and not the property lines will change, that code compliance can't pursue issues based on satellite photos, and that the new rule shouldn't make someone that is in compliance out of compliance.

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

Vice Chair Heck moved, seconded by Commissioner Ooley, that the Planning and Zoning Commission direct staff to initiate a rezoning of the area bounded by W. Foothill St., N. Desert View Dr., W. Smoketree St. and N. Warner Dr. from Medium Density Single Family Detached Residential (RS-20M) to Medium/High Density Single Family Detached Residential (RS-7M). He further moved that staff take all actions necessary to meet the legal requirements set for in state law regarding notification of this pending action. Approved in a vote of 7 in favor and 0 opposed. (Yes: Hantzsche, Heck, Howard, Kridler, McGraw, Nesser, Ooley. No: none.)

9. Information and Reports

None.

10. Director's Report

- [19-053](#) Update on General Plan.

Director Kirch gave an update of the General Plan.

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

Chair Nesser called for a motion.

Vice Chair Heck moved, seconded by Commissioner Kridler, that the Planning and Zoning Commission hold a Planning and Zoning Commission Regular meeting on February 26, 2019 at 7:00 pm in the City Council Chambers located at 300 E. Superstition Boulevard. Approved in a vote of 7 in favor and 0 opposed. (Yes: Ooley, Hantzsche, Heck, Howard, Kridler, McGraw, Nesser. No: none.)

12. Adjournment

Adjournment:

Meeting adjourned at 7:54 p.m.

Theresa Nesser
Chairperson