



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, July 23, 2019

7:00 PM

City Council Chambers

1. Call to Order

Chair Nesser called the meeting to order at 7:02 pm.

2. Pledge of Allegiance

Chair Nesser led the Pledge of Allegiance.

3. Roll Call

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

Staff present:

Joel Stern, City Attorney

Larry Kirch, Department Director

Sidney Urias, Planner

Nicholas Leftwich, Planning Intern

4. Approval of Agenda

[19-345](#) Consideration of approval of agenda.

Vice Chair Heck moved, seconded by Commissioner McGraw, 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

[19-358](#) Consideration of approval of regular meeting minutes of July 9, 2019.

Vice Chair Heck moved, seconded by Commissioner McGraw, that the Planning and Zoning Commission approve the minutes from the July 9, 2019 regular meeting. Approved in a vote of 6 in favor and 1 opposed. (Yes: Nesser, Ooley, Hantzsche, Heck, Howard, McGraw. No: Kridler.)

6. Public Hearings

- PI [19-351](#) Presentation, discussion, public hearing and consideration of case PZ-4-19, a proposed rezoning of approximately 4.14 acres from B-2/PD (Old West Commercial/Planned Development) to a new B-2/PD (Old West Commercial/Planned Development) to facilitate a Dutch Bros. Coffee shop and future commercial development.

Planner Urias gave a presentation on case PZ-4-19.

The commission and staff discussed that the difference between the zoning districts as stated in the item description and the planned development that was approved in 2017; that all the current buildings on the subject site will be demolished; that phase 1 of the application is the demolition of all the existing buildings; and that the east part of one of the six buildings will remain because it's not on their property.

Ryan Ramey, representing the developer Cole Valley Partners, addressed the commission regarding their project.

The commission, staff and Mr. Ramey discussed that there is no interior seating; that employees will be sent out to help when it gets busy; that the layout of the building on the property is planned to eliminate traffic back up; that Dutch Bros doesn't own the land but has signed a build to suit lease for a portion of the property; that the other retail space around may be quick service restaurants and other big box retailers and a condition of the approval lists businesses that would be excluded from that area; that the users on the other two pads will build their own buildings; that the remaining space is currently on the market; and that Dutch Bros is a corporate store and will be managed by someone trained internally.

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

Michael Correa, 1129 W. 2nd Ave., Apache Junction spoke in favor of the approval.

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

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

Vice Chair Heck moved, seconded by Commissioner McGraw, that the Planning and Zoning Commission recommend to the Apache Junction City Council the approval of planned development rezoning case PZ-4-19, a request by Cole Valley Partners to rezone 4.14 acres for a Dutch Bros. Coffee shop and future commercial development, represented by Ryan Ramey of Cole Valley Partners, located at the northeast corner of Apache Trail and Thunderbird Drive, from B-2/PD (Old West Commercial/Planned Development) to a new B-2/PD (Old West Commercial/Planned Development), subject to the following conditions of approval and I submit the 8 conditions as listed in the staff report of July 23, 2019. Approved in a vote of 7 in favor and 0 opposed. (Yes: Hantzsche, Heck, Howard, Kridler, McGraw, Nesser, Ooley. No: none.)

19-348

Presentation, discussion and public hearing of proposed the amendment to Apache Junction City Code: Volume II, Chapter 1, Zoning Code, Article 1-13, Design Standards, creating section 1-13-4 Art in public and private development which provides for required art installations viewable by the public for commercial and multifamily developments and city capital improvement projects.

Director Kirch gave a presentation on the proposed amendment to Apache Junction City Code: Volume II, Chapter 1, Zoning Code, Article 1-13, Design Standards, creating section 1-13-4 Art in public and private development.

Staff discussed the process of approval of the proposed changes and that the commission approves the text, not the ordinance.

Director Kirch continued his presentation.

The commission and staff discussed that housing developers aren't included in the amendments but can be; that the commission can recommend that housing developers be added; that single family developers are included in Oro Valley; that staff doesn't know why Oro Valley doesn't include single family developers; that the three cities included in the review are Phoenix, Sedona and Oro Valley; that Mesa has a separate arts and cultural division; that staff is starting small as opposed to the larger cities with over 250,000 residents; that this can be considered as a money grab or extortion because the city is charging for artwork and businesses should be given a tax credit to incentivize them to come to the city; that art is important in how a city is received and it's in the best interest of businesses to pay for art; that more information is needed on why housing developers aren't charged when other developers are; that Mesa did have a development fee for arts and culture that was upheld by the Supreme Court after the home builders fought against the fees; that this is not a development fee but a building permit fee which is different; that this is one funding mechanism that cities pursue for revenue; that the city council wants an art commission and staff was directed to change Chapter 2 to create the commission; that there can be a potential law suit over this type of tax; that more cities should be reviewed to establish these charges; that developers in Queen Creek have done this which in the end brought more traffic to the development; that the process should be an incentive, not a mandate; that a year after the development opened the developer saw an unexpected increase in traffic contributed to the art; and that there are examples of this in Phoenix as well.

Director Kirch explained again that the city council directed staff to create this ordinance and that the final decision lies with them and is this based on what other cities have done.

Director Kirch continued his presentation.

The commission and staff discussed how different size developers will be charged and what their obligation will be; that the policy is still in the process of refinement along with the role of the city and the developer in the maintenance of the art; that the language of the code can be changed if the commission would like different wording; that the definition of an artist is defined in the code; that the code does not cover temporary art but may be covered by commission and wouldn't be covered by these changes; that the Response to Context section would apply if someone were offended by an art installation; and that the deciding factor/board hasn't been determined at this time.

Chair Nesser opened the public hearing portion of the item.

Braiden Biggs, 2392 W. Cactus Wren, Apache Junction addressed the commission in support of the proposed amendments but recommended clarification on several areas.

Mehmood Mohiuddin, 2304 N. Cortez Road, Apache Junction addressed the commission against the proposed amendments saying it would stop small businesses from locating to the community.

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

Chair Nesser called for discussion.

The commission and staff discussed that the council directed staff to draft these amendments; that this commission will make recommendations to the council on the proposed amendments; that once this commission makes their recommendation, they're no longer involved; and that this may be on the agenda again for the meeting on August 13th or August 27th.

7. Old Business

None.

8. New Business

[19-350](#)

Presentation, discussion and direction to staff on proposed request for a city initiated rezoning of 978 E. Roosevelt Street from RS-GR (General Rural Low Density Single-Family Detached Residential) to RS-20 (Medium Density Single-Family Detached Residential).

Planning Intern Nicholas Leftwich gave a presentation on the proposed rezoning of 978 E. Roosevelt Street.

The commission and staff discussed the lot size of each lot and why they chose this zoning designation; the conditions of the lots and where the lots are located and potential of problems; the condition of the property before it was cleaned up; if staff conferred with a real estate or builder to find out if this was the best possible split of the property; that selling the property at the pre split size wouldn't sell as well as if the lot was split into smaller sizes; that staff based this decision on experience; that there are several options but staff recommendation is to split into three lots; that if the city sold the property, the funds would go into the general fund; that selling the property would help the city recoup the expenses associated with the intensive clean up of the property; that staff feels the best option is to sell the property and have some houses built on the property; that there is no timeline for this project although the cost of the survey work is in this year's budget; that there is no advantage to hold the property although it's unknown what the value of it would be in the future; that the lot can be split any way the commission chooses; that funds for the clean up were from the Development Services budget; the city spent \$20,000.00 getting the property cleaned up which doesn't include any time by staff or other services to purchase the property; that selling it as is would be the simplest way; that the clean up took about three years and the code case started about 10 years ago; that the property is gated and locked and is safe from the previous issues; that the commission can defer the request although ultimately the city council will decide what happens to the property; that there will be a neighborhood meeting for the neighbors to have input on the city's plan for the property; that this item should be tabled so further discussion can take place as to what the greatest benefit to city

would be in regards to the lot sizes; that staff can meet with local realtors to see what they think the best scenario would be for the property; and that staff is seeking direction to rezone the property only.

Chair Nesser called for a motion.

Vice Chair Heck moved, seconded by Commissioner McGraw, that the Planning and Zoning Commission direct staff to initiate a rezoning of 978 E. Roosevelt Street (parcel 101-18-0340) from General Rural Low Density Single-Family Detached Residential (RS-GR) to Medium Single-Family Detached Residential (RS-20). Approved in a vote of 6 in favor and 1 opposed. (Yes: Nesser, Ooley, Heck, Howard, Kridler, McGraw. No: Hantzsche.)

[19-349](#) Presentation and discussion of the proposed 2020 General Plan.

Planner Urias gave a presentation on the draft general plan.

9. Information and Reports

10. Director's Report

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

Vice Chair Heck moved, seconded by Commissioner McGraw, that the Planning and Zoning Commission hold three Special Meetings on July 30, August 1 and August 8, 2019 at 7:00 pm and a Regular Meeting on August 13, 2019. All meetings will be at 7:00 p.m. and be held in the City Council Chambers located at 300 E. Superstition Boulevard. Approved in a vote of 7 in favor and 0 opposed. (Yes: McGraw, Nesser, Ooley, Hantzsche, Heck, Howard, Kridler. No: none.)

12. Adjournment

Adjournment:

Meeting adjourned at 9:22 p.m.

Theresa Nesser
Chairperson