



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, December 10, 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 6 - Chairperson Nesser
 Vice Chair Heck
 Commissioner Howard
 Commissioner Kridler
 Commissioner Hantzsch
 Commissioner McGraw

Excused 1 - Commissioner Ooley

Staff present:

Joel Stern, City Attorney

Larry Kirch, Department Director

Rudy Esquivias, Planning Manager

Sidney Urias, Senior Planner

4. Approval of Agenda

[19-594](#) Consideration of approval of agenda.

Vice Chair Heck moved that the Planning and Zoning Commission accept the agenda as presented. Seconded by Commissioner McGraw. Approved in a vote of 6 in favor and 0 opposed. (Yes: Hantzsch, Heck, Howard, Kridler, McGraw, Nesser. No: none.)

5. Approval of Minutes

[19-595](#) Consideration of approval of regular meeting minutes of November 12, 2019.

Vice Chair Heck moved that the Planning and Zoning Commission approve the minutes from the November 12, 2019 regular meeting. Commissioner McGraw seconded the motion. Approved in a vote of 5 in favor and 1 opposed. (Yes: Nesser, Hantzsch, Heck, Howard, McGraw. No: Kridler.)

6. Public Hearings

[19-602](#) Presentation, discussion, public hearing and consideration of case CUP-2-19, a conditional use permit request by Nabis Holdings Inc. and Perpetual Healthcare Inc., represented by Lindsay Schube of Gammage and Burnham, to be allowed to operate a non-profit medical marijuana cultivation and infusion kitchen facility, on a B-5 (Industrial)-zoned site at 1575 E. 18th Avenue.

Planning Manager Esquivias gave a presentation on CUP- 2-19.

The commission and staff discussed that a change in owner/management requires an update to development services and the submission of a new CUP amendment and that the current refrigeration unit was properly permitted and won't be moved as far as staff knows.

Chair Nesser invited the applicant to address the commission.

Lindsay Schube of Gammage and Burnham addressed the commission regarding the conditional use permit application.

Mike Maerowitz Gammage and Burnham, addressed the commission regarding the conditional use permit application.

The commission, Ms. Schube, Mr. Maerowitz, Mark Krytiuk (of 4002 E. Lamar) and staff discussed allegations brought against some of the previous board members by other board members; that the new owners/applicants understand the regulations and have procedures in place to ensure issues as those in the past won't happen again; that 90 days for submittal is generous and the lot combination application can be submitted in 45 days; that hooking up to the sewer line is complicated and the six months to apply is needed because of the multiple entities involved; that there will be no mobile minis on the property; that the cultivation and processing will be done differently than the previous owners; that Perpetual Healthcare has a new board of directors; that the internal problems with the prior board is what caused issues with the commission; that the new board members have more years of experience than the prior board members; that the old board members can't come back to Perpetual Healthcare board of directors; that there are two inspections a year, one being the annual inspection and the other being a random inspection; and that the name can't be changed but seats on the board of directors can change.

Having no further discussion, Chair Nesser opened the public hearing portion of the item.

Dave House, 325 S. Mountain View Rd., Apache Junction, spoke in favor of the CUP approval.

Having no one else 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.

The commission reviewed the findings and conditions of the proposed motion.

Vice Chair Heck moved that the Planning and Zoning Commission approve case CUP-2-19, a request by Nabis Holdings, Inc., on behalf of Perpetual Healthcare, Inc., represented by Lindsay Schube of Gammage and Burnham PLC, requesting a Conditional Use Permit to newly operate

a nonprofit medical marijuana cultivation and infusion kitchen facility at 1575 E. 18th Avenue, located on the southwest corner of S. Tomahawk Road and E. 18th Avenue, zoned Industrial (B-5), subject to the findings and conditions of approval listed below and the commission found that there were no concerns regarding the findings for either the general CUP or the medical marijuana CUP and then the motion to include approval of all 22 of the conditions approved as stated from the staff report dated December 10th, 2019. Commission McGraw seconded the motion. Approved in a vote of 6 in favor and none opposed. (Yes: McGraw, Nesser, Hantzsche, Heck, Howard, Kridler. No: none.)

7. Old Business

None.

8. New Business

None.

9. Information and Reports

None.

10. Director's Report

Director Kirch said the next meeting will be January 14th and the general plan will be on the agenda.

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

Vice Chair Heck moved that the Planning and Zoning Commission hold a regular meeting on Tuesday, January 14th, 2020 at 7:00 pm in the city council chambers located at 300 E. Superstition Boulevard. Commissioner McGraw seconded the motion. Approved in a vote of 6 in favor and none opposed. (Yes: Kridler, McGraw, Nesser, Hantzsche, Heck, Howard. No: none.)

12. Adjournment

Adjournment:
Meeting adjourned at 8:05 p.m.

Theresa Nesser
Chairperson