



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

apachejunctionaz.gov
P: (480) 474-5083

Tuesday, February 23, 2021

7:00 PM

City Council Chambers

The agenda had a typographical error listing approval of the January 21, 2021 minutes when it should have been the January 12, 2021 minutes. The motion approved the January 12, 2021 minutes.

1. Call to Order

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

2. Pledge of Allegiance

Chair Heck led the Pledge of Allegiance.

3. Roll Call

Present: 6 - Chairperson Heck
Vice Chair Hantzsche
Commissioner Begeman
Commissioner Cross
Commissioner Cantwell
Commissioner Barker

Excused: 1 - Commissioner Gage

Staff present:

Joel Stern, City Attorney
Larry Kirch, DSD Director
Rudy Esquivias, Planning Manager
Sidney Urias, Principal Planner
Kelsey Schattnik, Planner
Morgan Henn, Planning Intern

4. Consent Agenda

Commissioner Barker moved that the Planning and Zoning Commission accept the agenda as presented and approve the minutes from the January 12, 2021 regular meeting. Commissioner Cantwell seconded the motion.

Yes: 6 - Chairperson Heck, Vice Chair Hantzsche, Commissioner Begeman,
Commissioner Cross, Commissioner Cantwell and Commissioner Barker

No: 0

Excused: 1 - Commissioner Gage

Chair Heck called for a motion.

[21-083](#) Consideration of approval of agenda.

[21-084](#) Consideration of approval of regular meeting minutes of January 21, 2021.

5. Public Hearings

None.

6. Old Business

None.

7. New Business

[21-082](#) Presentation and discussion on proposed changes to Apache Junction City Code, Volume II, Land Development Code, Chapter 2: Subdivision and Minor Land Division Regulations, Article 2-1: Enactment of Scope of Regulations, Administration, Construction and Terms, Article 2-2: Platting Procedures and Requirements, Article 2-3: Subdivision Design Principals and Standards, and Article 2-5: Administrative Subdivisions; Land Splits/Minor Land Division, Lot Line Adjustments, and Lot Combinations.

Principal Planner Urias gave a presentation on the proposed changes to the subdivision and minor land division regulations.

The commission and staff discussed that the intent today was to discuss the proposed changes. They also discussed that there will be cul-de-sacs in the new communities but the changes proposed and term 'straight lines' refer to land divisions not the master planned communities and does not affect any current properties. This is a new chapter of the city's land development code that relates to master planned communities (MPCs) and will follow the normal approval process. The commission and staff discussed the changes and the time frame of the changes.

[21-081](#) Presentation and discussion on proposed changes to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: Supplemental Regulations, Section 1-6-12 Medical Marijuana.

Planner Schattnik gave a presentation on the proposed changes to city code regarding medical and recreational marijuana.

The commission and staff discussed that the term non-profit is meaningful and is related to the corporate structure and according to state regulations it has to be a non-profit organization. The management company is a corporate entity that manages on behalf of the non-profit. Arizona does not have for-profit medical marijuana dispensaries. They also discussed that the difference between medical and recreational marijuana is how they are taxed. If someone has a medical marijuana card they don't pay sales tax: they don't they pay sales tax of 16% and no part of the sales tax collected comes to the city. Staff added that the city gets a portion of the sales tax collected on the sale of paraphernalia. The commission and staff discussed that there isn't a limit on the amount of medical marijuana cards the state can issue and that a doctor issues the card. They also discussed that dual licensees (medical and recreational) can sell at the same location and it already happens at both of the dispensaries in the city. This was approved by the state. Staff discussed the direction from city council was both to open it up and to limit to current dispensaries which is why there are two different ordinances for the

commission to review. They also discussed care givers and patients, the distance from a dispensary to another dispensary, the regulations involving the amount of patients, and how state law varies between medical and recreational growing. The commission and staff discussed that the current dispensaries aren't required to amend their conditional use permits.

The commission and staff discussed that the second version to allow recreational marijuana establishments with changes to the spacing requirements is what should be concentrated on.

[21-080](#)

Presentation and discussion on proposed changes to Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: Supplemental Regulations, Section 1-6-8 Cargo Containers.

Director Kirch and Planning Intern Henn gave a presentation on the history of and proposed changes to Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: Supplemental Regulations, Section 1-6-8 Cargo Containers.

The commission and staff discussed various aspects of cargo containers in the city and how many are coming in that are not permitted, how many accessory buildings are allowed on someone's property, and whether they should be limited or even permitted. They also discussed how they are used on commercial property and the history of the city council's original decision on the current codes and regulations. They also discussed what staff is proposing and what aspects they would include in their recommendation of a new regulation.

The commission's suggestions was to treat them like accessory buildings are treated.

8. Information and Reports

None.

9. Director's Report

Director Kirch mentioned that with the new development starting south of the 60 the city is hiring more staff for the department. Additional staff will be hired next fiscal year.

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

Commissioner Hantzsch moved that the Planning and Zoning Commission hold a regular meeting on March 9th, 2021 at 7 pm in the city council chambers located at 300 E. Superstition Boulevard. Commissioner Barker seconded the motion.

Chair Heck called for a motion.

11. Adjournment

Chair Heck adjourned the meeting at 9:00 pm.

Chair Peter Heck