



# 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

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Tuesday, October 12, 2021

7:00 PM

City Council Chambers

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### 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:**           7 -     Chairperson Heck  
                                      Vice Chair Hantzsche  
                                      Commissioner Gage  
                                      Commissioner Begeman  
                                      Commissioner Cross  
                                      Commissioner Cantwell  
                                      Commissioner Barker

Staff present:

Joel Stern, City Attorney  
Larry Kirch, DS Director  
Rudy Esquivias, Planning Manager  
Nick Leftwich, Associate Planner

### 4. Consent Agenda

Vice Chair Hantzsche moved that the Planning and Zoning Commission accept the agenda as presented and approve the minutes from the September 14, 2021 and September 28, 2021 regular meetings. Commissioner Barker seconded the motion.

**Yes:**                   7 -     Chairperson Heck, Vice Chair Hantzsche, Commissioner Gage, Commissioner Begeman, Commissioner Cross, Commissioner Cantwell and Commissioner Barker

**No:**                   0

Chair Heck called for a motion.

[21-565](#)                   Consideration of approval of agenda.

[21-566](#)                   Consideration of approval of the minutes of the September 14, 2021 and September 28, 2021 regular meetings.

### 5. Public Hearings

21-574

Presentation, discussion, public hearing and consideration of P-21-66-CUP, a request by Michael Roth of R & J Green Investments, LLC for a Conditional Use Permit to continue the use of a marijuana cultivation and infusion kitchen under new ownership on the property located at the southwest corner of S. Tomahawk Road and E. 18th Avenue, zoned B-5, Industrial .

**Commissioner Barker moved that the Planning and Zoning Commission approve case P-21-66-CUP, a request by R and J Green Investments, represented by Michael Roth, requesting a Conditional Use Permit Amendment to continue the use of an existing marijuana cultivation and infusion kitchen under new ownership at 1575 E. 18th Avenue, located on the southwest corner of S. Tomahawk Road and E. 18th Avenue, zoned Industrial (B-5), and recognizing that the findings have been discussed and there were no negative comments by the Planning and Zoning Commission, and these should be subject to conditions 1 through 20 in the staff report. Commissioner Begeman seconded the motion.**

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

**No:** 1 - Commissioner Cantwell

Associate Planner Leftwich gave a presentation on case P-21-66-CUP.

Discussion was held regarding the number of calls in regards to odor, how to reconcile the fact that the city didn't want marijuana processing facilities, legal issues in regard to grandfathering, if the conditions of the CUP had been met, and if there were any exterior alterations to the facility.

Planning Manager Esquivias recalled there had been three or four calls in regards to odor since the facility first opened.

Associate Planner Leftwich stated the application was received and processed before the city council voted for the new ordinance last August.

City Attorney Stern responded that it wasn't a legal issue, more of a policy decision for the commission.

Associate Planner Leftwich stated that the conditions had been met.

Associate Planner Leftwich replied there were no changes to the exterior.

Applicant David House, residing at 325 S. Mountain View Rd., Apache Junction stated the facility ceased operation last March and was kitchen only, and there has been no grow for two years. Applicant House read a letter he wrote to the commission regarding everything he's done to comply with the conditions and odor control. He stated going forward, things will be successful as he is not only the property owner but will be in charge of the day to day operations of the business. He also stated that the facility will only process medical marijuana.

Commissioner Gage had a question for the applicant about odor control. Applicant House stated the previous owners were not using filters properly.

The head grower for the facility, Jordan Allen, residing at 3793 E. Santa Fe Lane, Gilbert, AZ spoke about the charcoal filters and how they work to control odor. He stated he would be the one responsible for ensuring the filters were changed every 30 days.

Vice Chair Hantzsche asked if the state required logs for changing filters on the filtration system. Mr. Allen said that DHS inspects, but doesn't require logs for the filtration system.

Commissioner Cross stated the area on I-10 by the airport smells like a skunk and said it's a huge concern and wanted assurance on odor control, otherwise they would have to cease operation. Director Kirch stated the facility is both grow and storage, so that will cut down on how many plants are there.

Vice Chair Hantzsche asked about the process for revoking the CUP. Director Kirch responded if they violated any of the conditions, there would be another public hearing and the planning commission can revoke.

Commissioner Cantwell asked about the smell and how it's created in the process. Mr. Allen stated it's created in the growth process of the plant, but it's most intensified at harvest and processing.

A question was asked about the volume of processing and Mr. Allen stated it's a small facility that only processes 60-70 lbs. per month and is the smallest facility in the state.

Chair Heck asked about licensing, and Mr. Allen responded they are looking to maintain a medical license. Chair Heck asked about differences between processing medical marijuana and recreational marijuana. Mr. Allen responded there's no difference in growing, but medical marijuana is treated in a clean manner since it's used for medical purposes and it must pass state testing. Chair Heck asked about delivery service. Director Kirch responded since they are not a dispensary, there wouldn't be any deliveries.

Chair Heck opened the public hearing portion of the item.

Julie Damaza residing at 1544 E. 19th Ave., Apache Junction, stated she is located directly behind the building and she doesn't want this facility behind her home because she can smell the odor and it makes her sick.

Karen Begeman residing at 1522 E. 22nd Ave., Apache Junction, stated she walked by the facility when they were in operation and there's no smell.

Chair Heck closed the public hearing portion of the item.

Commissioner Barker brought up condition #17 and stated she doesn't want to see mobile minis or cargo containers on the property.

Director Kirch responded if they wanted to mobile minis, they would have to amend the CUP and obtain approval.

Findings of fact were reviewed and discussed, which included roadways and parking, negative impacts from odor, negative impact to property values, compatibility with surrounding uses and structures, conformance with the 2020 General Plan and city policies, screening and buffering of uses and the unique characteristics of the property, use and/or development's physical characteristics. No negative impacts were identified in the findings.

Chair Heck called for a motion.

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[21-575](#)

Presentation, discussion, public hearing and consideration of proposed case PA-1-21, a request by Hassle Free House Buyers, LLC, represented by Danielle Graham, for the approval of a private access way through 100-30-022F, -085A, -022E, -0860 and -022C, on the Silver Drive alignment immediately south of W. Roundup St. between N. Ironwood Drive and N. Gold Drive to serve the involved present properties and the future properties proposed from splitting 100-30-022C in Lot Split Case P-21-33-LSM.

**Commission Barker moved that the Planning and Zoning Commission recommend to the Apache Junction City Council the approval of case PA-1-21, a request for a Private Access Way by Hassle Free House Buyers, LLC, represented by Danielle Graham, to serve existing and proposed properties pursuant to proposed land split case P21-33-LSM, subject to the conditions 1 through 6 as noted in the staff report. Commissioner Begeman seconded the motion.**

**Yes:** 7 - Chairperson Heck, Vice Chair Hantzsch, Commissioner Gage, Commissioner Begeman, Commissioner Cross, Commissioner Cantwell and Commissioner Barker

**No:** 0

Associate Planner Leftwich gave a presentation on case PA-1-21.

Discussion was held regarding access agreements with the neighbors, on-going maintenance of the street, complaints and compliance issues, potential issues with new neighbors and opportunities for remediation, establishing a road maintenance association for property owners, mail delivery, the appearance of a public street, and utilities in the neighborhood.

Planning Manager Esquivias responded to access agreements and stated the attorney Ms. Graham went to the neighbors and they signed a document amongst themselves giving permission to cross their 15', however, this doesn't necessarily create an opportunity for a new lot, which is the heart of this request and doesn't cover a new property owner. He further stated that when this goes to council it will be approved by resolution, and a follow up to council approval is a recordation of new documents where perpetual right of ingress and egress is provided for utilities, emergency providers, police, etc.

City Attorney Stern responded to on-going street maintenance discussion and stated it would be recorded and they are essentially private easements, all the terms would have to be met and would be subject to the easement rules.

City Attorney Stern responded to complaints discussion and stated they could be brought to the city but that wouldn't be a good remedy, and a public hearing could be scheduled to discuss it. He stated the neighbors could bring issues to court and the judge would enforce it.

Director Kirch stated there shouldn't be a city street sign on a private street. Public works and city council should be involved with this and make it a city street. He further stated there's no incentive for Apache Junction to own this road because we don't receive HURF dollars for the lane miles, and the city would have to maintain it.

Chair Heck opened the public hearing portion of the item.

Having none, Chair Heck closed the public hearing portion of the item.

Chair Heck called for a motion.

**6. Old Business**

None.

**7. New Business****21-553**

Presentation and discussion on zoning parameters including height, permitted uses, future planning needs and land use for the Core Downtown Area generally intended for commercial, recreational and/or multi-family residential land uses.

Director Kirch gave a presentation on the past of the city and future planning needs and land use for the downtown area, and what has been realized as a result of planning. He stated the city needs a downtown plan and creation of development standards rather than guidelines. The zoning parameters were discussed previously.

Discussion was held regarding how to obtain a master plan, moving forward in the downtown area without a master plan, the current demographics of the city in relation to try to establish a downtown, the mobile home parks being gone, status of the development north of Fry's.

Director Kirch responded to the discussion as follows:

- The city put \$50,000 in the operating budget. The city needs to do something on a grand scale. He stated design standards could be done with a consultant, that the design guidelines we have now could be stretched working with developers.
- Development doesn't happen overnight and long-term strategies can help. He stated there's a lot the city can do to make people want to visit and live here.
- It takes a long time, 30-40 years, for mobile home parks to go away.
- The project will be higher density in the order of three stories. Developers will build what they think is safe; there's no market out here where you can go to a lender and provide an example of comps. What's safe is single-family rental. The city doesn't have architectural standards and it falls apart when you don't stick to your guns.
- It was proactive of the city to create a TIF district, there was an impetus behind it.

**21-568**

Presentation and discussion of commercial and residential development projects in various stages of the application process.

Director Kirch gave a presentation on various commercial and residential development statuses, the State Land and BLM land north of Apache Junction, and the interactive map "What's Happening in AJ?" which is located on the city website.

Discussion was held regarding description of the projects, east-west traffic flow issues, and transportation.

Director Kirch responded to the discussion as follows:

- You can click on the interactive map for a description of the project.
- The city could acquire right of way from the state for street widening.
- Developers will need to conduct traffic studies, developers pay impact fees and half-street improvement fees.
- Would like to see more walkability for residents. More development is happening in Apache Junction.

**8. Information and Reports**

None.

**9. Director's Report**

Director Kirch handed out the department's organizational chart and explained we are budgeted for five vacant positions and Development Services is now a 32 person department. He stated there are four RFP's/RFQ's right now, re-writing the zoning code, piece of art for the dog park, hiring an engineer for the plans coming in, and the downtown master plan and the process behind it.

A question was asked on when the development was to begin on the auction property.

Director Kirch replied the clearing and grubbing has begun and grading plans are in. He discussed hiring an engineer and having the review process happen in Development Services instead of sending plans to different engineers. He stated the city manager has been very flexible and we have ideas of putting something together for the downtown plan. He complimented his staff and the wonderful job they are doing in the department.

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

**Commissioner Cross moved that the Planning and Zoning Commission hold a regular meeting on October 26, 2021 at 7:00 pm in the city council chambers located at 300 E. Superstition Boulevard. In the event there are no items to be brought forward to the commission, this meeting may be canceled. Notification of cancellation properly posted and the commission notified by staff. Commissioner Barker seconded the motion.**

**Yes:**                    7 -      Chairperson Heck, Vice Chair Hantzsche, Commissioner Gage, Commissioner Begeman, Commissioner Cross, Commissioner Cantwell and Commissioner Barker

**No:**                    0

Chair Heck called for a motion.

**11. Adjournment**

**Chair Heck adjourned the meeting at 9:39 pm.**

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**Chair Peter Heck**