



City of Apache Junction, Arizona

Meeting Minutes City Council Meeting

Meeting location:

City Council Chambers
at City Hall
300 E. Superstition Blvd
Apache Junction, AZ
85119

apachejunctionaz.gov
Ph: (480) 982-8002

Tuesday, May 17, 2022

7:00 PM

City Council Chambers

A. CALL TO ORDER

Mayor Wilson called the meeting to order at 7:02 pm.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Rizzi gave the invocation and Councilmember Schroeder led the Pledge of Allegiance.

C. ROLL CALL

Present: 5 - Mayor Wilson
Vice Mayor Rizzi
Councilmember Evans
Councilmember Nesser
Councilmember Schroeder

City Staff in Attendance:

Bryant Powell, City Manager
Matt Busby, Assistant City Manager
Joel Stern, City Attorney
Jennifer Pena, City Clerk
Michael Pooley, Police Chief
Leslie DeReche, Finance Director
Rudy Esquivias, Development Services Director
Liz Langenbach, Parks and Recreation Director
Mike Loggins, Water District Director
Al Bravo, Public Information Officer
Nicholas Leftwich, Associate Planner

D. CONSENT AGENDA

Vice Mayor Rizzi moved, seconded by Councilmember Nesser that the consent agenda be accepted as presented.

Yes: 5 - Mayor Wilson, Vice Mayor Rizzi, Councilmember Evans, Councilmember Nesser and Councilmember Schroeder

No: 0

1. [22-297](#) Consideration of acceptance of agenda.

2. [22-298](#) Consideration of approval of minutes of the regular meeting of May 3, 2022.

E. AWARDS, PRESENTATIONS AND PROCLAMATIONS

None.

F. REGIONAL INTERGOVERNMENTAL UPDATES

3. [22-299](#) Brief summary of intergovernmental updates from mayor and councilmembers.

G. CITY MANAGER'S REPORT

4. [22-300](#) City Manager's Report.
5. [22-301](#) Announcement of current events.

H. PUBLIC HEARINGS

6. [22-235](#) Presentation, discussion, public hearing and consideration of approval of Resolution No. 22-01, adopting the updated Land Use Assumptions, Infrastructure Improvements Plan and Development Fee Report.

Councilmember Evans moved, seconded by Councilmember Nesser that Resolution No. 22-01, adopting the updated Land Use Assumptions, Infrastructure Improvements Plan and Development Fee Report be approved.

Yes: 5 - Mayor Wilson, Vice Mayor Rizzi, Councilmember Evans, Councilmember Nesser and Councilmember Schroeder

No: 0

7. [22-306](#) Presentation, discussion, public hearing and consideration of proposed Ordinance No.1524, case P-21-94-PZ, a proposed Planned Development Major Amendment of Ordinance 1132 to amend the previously approved conceptual plan from Zoning case PZ-03-00 and establish a new conceptual plan for a townhome subdivision of 209 lots, tentatively known as "Goldfield Estates" affecting parcels 103-23-032A, 103-23-0200, and 103-23-033A, 5.14 acres of commercial B-1/PD land.

Councilmember Evans moved, seconded by Vice Mayor Rizzi that Ordinance No. 1524 be read by title only and the reading of the entire ordinance be waived.

City Clerk Pena read Ordinance No. 1524 by title only.

Councilmember Evans moved, seconded by Councilmember Nesser that Ordinance No. 1524 as read by the city clerk, be approved and adopted.

Yes: 5 - Mayor Wilson, Vice Mayor Rizzi, Councilmember Evans, Councilmember Nesser and Councilmember Schroeder

No: 0

City Clerk Pena read the titles of items seven through eleven as the items were all related to the same zoning case. Mayor Wilson stated he would combine the items into one public hearing, but each item would have an individual motion.

Associate Planner Nicholas Leftwich presented the issues related to the property, the different zoning areas, and stated that in order to combine the parcels the zoning needed to be the same for all of them.

Summary

P-21-94-PZ is a proposed Planned Development ("PD") Major Amendment request by David Bohn of BFH Group, LLC to amend PD Ordinance No. 1132 which is the current planned development ordinance in place affecting parcels 103-23-032A, 103-23-0200, and 103-23-033A, 5.14 acres of commercial B-1/PD land located near the northwest corner of the US-60 Highway and S. Goldfield Road. This PD Amendment proposes to amend the previously approved conceptual plan from Zoning case PZ-03-00 and establish a new PD plan to approve the use of a 209-lot townhome subdivision tentatively known as "Goldfield Estates."

P&Z Commission Hearing and Recommendation

The Planning and Zoning Commission held a public hearing for P-21-94-PZ on April 26, 2022.

During the meeting the Planning and Zoning Commission discussed the parking provisions, amenities, and perimeter screening of the development. The commissioners had questions regarding soundproofing, home ownership, and community HOA management which were answered by the applicant. One neighbor to the north of the project expressed concern that the development would bring noise and traffic to the area.

The Planning and Zoning Commission voted 7-0 to recommend approval of P-21-94-PZ.

8. [22-307](#) Presentation, discussion, public hearing and consideration of proposed Resolution No. 22-20, a Resolution of the Mayor and City Council of the City of Apache Junction, Arizona, declaring as a public record that certain document filed with the City Clerk and entitled "Legal Descriptions and Zoning Conditions of Case No. P-21-94-PZ Authorized under Ordinance No. 1524 for the Planned Development Major Amendment of Ordinance No. 1132."

This Resolution was approved

Summary

P-21-94-PZ is a proposed Planned Development ("PD") Major Amendment request by David Bohn of BFH Group, LLC to amend PD Ordinance No. 1132 which is the current planned development ordinance in place affecting parcels 103-23-032A, 103-23-0200, and 103-23-033A, 5.14 acres of commercial B-1/PD land located near the northwest corner of the US-60 Highway and S. Goldfield Road. This PD Amendment proposes to amend the previously approved conceptual plan from Zoning case PZ-03-00 and establish a new PD plan to approve the use of a 209-lot townhome subdivision tentatively known as "Goldfield Estates."

P&Z Commission Hearing and Recommendation

The Planning and Zoning Commission held a public hearing for P-21-94-PZ on April 26, 2022.

During the meeting the Planning and Zoning Commission discussed the parking provisions, amenities, and perimeter screening of the development. The commissioners had questions regarding soundproofing, home ownership, and community HOA management which were answered by the applicant. One neighbor to the north of the project expressed concern that the development would bring noise and traffic to the area.

The Planning and Zoning Commission voted 7-0 to recommend approval of P-21-94-PZ. Draft Ordinance No. 1524 was drafted with Planning Staff and the Planning & Zoning Commission's recommendation for approval.

Resolution No. 22-20 adopts the document entitled "Legal Descriptions and Zoning Conditions of Case No. P-21-94-PZ Authorized under Ordinance No. 1524 for the Planned Development Major Amendment of Ordinance No. 1132" as public record. This document contains the parcel descriptions and conditions of approval referenced in Draft Ordinance No. 1524.

9. [22-308](#) Presentation, discussion, public hearing and consideration on Ordinance No. 1525, case P-21-95-PZ, a proposed Rezoning by Planned Development of approximately 7.5 acres from RS-GR (General Rural Low Density Single-Family Detached Residential) to B-1/PD (General Commercial by Planned Development) and an accompanying Minor General Plan Amendment from Medium Density Residential to Commercial, located near the northwest corner of Goldfield Road and the US-60 Highway to allow for a townhome subdivision of 209 lots, tentatively known as "Goldfield Estates."

This Ordinance was adopted

Summary

P-21-95-PZ is a proposed Rezoning by Planned Development ("PD") request by David Bohn of BFH Group, LLC to rezone parcels 103- 23-031A, 103-23-031B, 103-23-0220, 103-23-021A, and 103-23-021B, 7.5 acres located near the northwest corner of the US-60 Highway and S. Goldfield Road from RS-GR to B-1/PD and approval of a Minor General Plan Amendment changing the land use designation from Medium Density Residential to Commercial, for the development of a proposed townhome community tentatively known as "Goldfield Estates."

P&Z Commission Hearing and Recommendation

The Planning and Zoning Commission held a public hearing for P-21-95-PZ on April 26, 2022.

During the meeting the Planning and Zoning Commission discussed the parking provisions, amenities, and perimeter screening of the development. The commissioners had questions regarding soundproofing, home ownership, and community HOA management which were answered by the applicant. One neighbor to the north of the project expressed concern that the development would bring noise and traffic to the area.

The Planning and Zoning Commission voted 7-0 to recommend approval of P-21-95-PZ. Draft Ordinance No. 1525 was drafted with Planning Staff and the Planning and Zoning Commission's recommendation for approval.

Resolution No. 22-21 adopts the document entitled "Legal Descriptions and Zoning Conditions of Case No. P-21-95-PZ authorized under Ordinance No. 1525" as public record.

This document contains the parcel descriptions and conditions of approval referenced in Draft Ordinance No. 1525.

10. [22-309](#) Presentation, discussion, public hearing and consideration of proposed Resolution No. 22-21, a Resolution of the Mayor and City Council of the City of Apache Junction, Arizona, declaring as a public record that certain document filed with the City Clerk and entitled "Legal Descriptions and Zoning Conditions of Case No. P-21-95-PZ authorized under Ordinance No. 1525."

This Resolution was approved

Summary

P-21-95-PZ is a proposed Rezoning by Planned Development ("PD") request by David Bohn of BFH Group, LLC to rezone parcels 103- 23-031A, 103-23-031B, 103-23-0220, 103-23-021A, and 103-23-021B, 7.5 acres located near the northwest corner of the US-60 Highway and S. Goldfield Road from RS-GR to B-1/PD and approval of a Minor General Plan Amendment changing the land use designation from Medium Density Residential to Commercial, for the development of a proposed townhome community tentatively known as "Goldfield Estates."

P&Z Commission Hearing and Recommendation

The Planning and Zoning Commission held a public hearing for P-21-95-PZ on April 26, 2022.

During the meeting the Planning and Zoning Commission discussed the parking provisions, amenities, and perimeter screening of the development. The commissioners had questions regarding soundproofing, home ownership, and community HOA management which were answered by the applicant. One neighbor to the north of the project expressed concern that the development would bring noise and traffic to the area.

The Planning and Zoning Commission voted 7-0 to recommend approval of P-21-95-PZ. Draft Ordinance No. 1525 was drafted with Planning Staff and the Planning and Zoning Commission's recommendation for approval.

Resolution No. 22-21 adopts the document entitled "Legal Descriptions and Zoning Conditions of Case No. P-21-95-PZ authorized under Ordinance No. 1525" as public record. This document contains the parcel descriptions and conditions of approval referenced in Draft Ordinance No. 1525.

11. [22-310](#) Presentation, discussion, public hearing and consideration on Resolution No. 22-18, case P-21-96-SD, a proposed preliminary plat for a 209-lot residential townhouse subdivision of 12.64 acres tentatively known as "Goldfield Estates," located approximately at the northwest corner of Goldfield Road and the US-60 Highway.

This Resolution was approved

Summary

P-21-96-SD is a request by David Bohn of BFH Group, LLC for the approval of a Preliminary Plat to subdivide parcels 103-23-0200, 103-23-032A, 103-23-033A, 103-23-0220, 103-23-021A, 103-23-021B, 103-23-031B, 103-23-031A, approximately 12.64 acres, located at the northwest corner of northwest corner of S. Goldfield Road and the US-60 Highway, into 209-lots for a townhome subdivision tentatively known as "Goldfield Estates."

Consideration of the approval of the Preliminary Plat is dependent on the approval of both Planned Development Major Amendment case P-21-94-PZ and Rezoning by Planned Development case P-21-95-PZ because the Preliminary Plat is predicated upon the zoning

changes proposed in the above named cases.

P&Z Commission Hearing and Recommendation

The Planning and Zoning Commission held a public hearing for P-21-96-SD on April 26, 2022.

During the meeting the Planning and Zoning Commission discussed the parking provisions, amenities, and perimeter screening of the development.

The Planning and Zoning Commission voted 7-0 to recommend approval of P-21-96-SD. Draft Resolution No. 22-18 was drafted with Planning Staff and the Planning and Zoning Commission's recommendation for approval.

I. OLD BUSINESS**J. NEW BUSINESS**

12. [22-294](#) Presentation, discussion and consideration of Resolution No. 22-13, relating to prepaying all or a portion of the city's Public Safety Personnel Retirement System unfunded liabilities through a Revenue Obligation Bond.

Councilmember Evans moved, seconded by Councilmember Nesser to approve Resolution No. 22-13, relating to prepaying all or a portion of the city's Public Safety Personnel Retirement System unfunded liabilities through a revenue obligation bond.

13. [22-284](#) Appointment of applicants to fill council vacancies as a result of two councilmember resignations. Oath of Office for both appointees will take place immediately thereafter.

Councilmember Schroeder moved, seconded by Councilmember Nesser that Peter Heck be appointed to the city council to fill the vacancy of Kelly Gremmel for a term to expire on January 7, 2025.

Yes: 5 Councilmembers Schroeder, Nesser, Evans, Vice Mayor Rizzi, Mayor Wilson
No: 0

Councilmember Evans moved, seconded by Councilmember Nesser that Bambi Johnson be appointed to the city council to fill the vacancy created by resignation of Braden Biggs, until the seat is filled at the August 2022 Primary Election, or if there is no out-right winner at this election or at the next regularly scheduled election, until term ending January 7, 2025.

Yes: 2 Councilmember Evans and Councilmember Nesser
No: 3 Vice Mayor Rizzi, Councilmember Schroeder and Mayor Wilson

Councilmember Nesser moved, that Frank Schoenbeck be appointed to the city council to fill the vacancy created by resignation of Braden Biggs, until the seat is filled at the August 2022 Primary Election, or if there is no out-right winner at this election or at the next regularly scheduled election, until term ending January 7, 2025.

Motion failed for lack of second.

Vice Mayor Rizzi moved, seconded by Councilmember Schroeder that Charles Beal be appointed to the city council to fill the vacancy created by resignation of Braden Biggs, until the seat is filled at the August 2022 Primary Election, or if there is no out-right winner at this election or at the next regularly scheduled election, until term ending January 7, 2025.

Yes: 2 Vice Mayor Rizzi and Councilmember Evans
No: 3 Councilmembers Nesser, Evans and Mayor Wilson

Councilmember Evans moved, seconded by Councilmember Nesser that Bambi Johnson be appointed to the city council to fill the vacancy created by resignation of Braden Biggs, until the seat is filled at the August 2022 Primary Election, or if there is no out-right winner at this election or at the next regularly scheduled election, until term ending January 7, 2025.

Yes: 3 Councilmembers Evans, Nesser and Mayor Wilson
No: 2 Vice Mayor Rizzi, Councilmember Schroeder

K. COUNCIL DIRECTION TO STAFF

L. SELECTION OF MEETING DATES, TIMES, LOCATIONS, AND PURPOSES

14. [22-302](#) Executive Session at 6:00 P.M. for Monday, June 6th and Executive Session at 6:00 P.M. for Tuesday, June 7th in the city council conference room located at 300 E. Superstition Boulevard in Apache Junction, Arizona and other meetings scheduled if necessary.

Councilmember Evans moved, seconded by Vice Mayor Rizzi that an executive session at 6:00 p.m. for Monday, June 6 and Tuesday, June 7, 2022, be held in the city council conference room located at 300 E. Superstition Blvd., Apache Junction, Arizona, and other meetings be scheduled if necessary.

M. CALL TO PUBLIC

Pamela Exly, 1755 Stardust Ln., Apache Junction did not speak regarding the Nirvana dispensary.

Marilyn Evans, 395 S. Stardust Ln., Apache Junction requested the city assist the dispensary located on Apache Trail and Palo Verde in finding a new location. The dispensary is very busy and the traffic it causes disrupts the neighborhood significantly. Those visiting the store do not pay attention to the private street signs, the cars block the residents driveways, they speed down the streets, there are "no trespassing" signs that are ignored. The street is narrow, fire and emergency personnel would have had difficulty reaching any resident in need as the traffic caused so many issues.

The location already has 5 or 6 businesses and there is not enough parking space. She also asked for assistance on how they can get the alleyways cleared of the debris and trash.

Michelle Theis, 8109 E. Apache Plumb Dr., Queen Creek thanked the city council and the AJ Police for the traffic control assistance provided for the May 7th International Female Riders Day (IFRD). There were 371 female motorcyclists that left Apache Junction and rode to Superior.

Donna Carr, Apache Junction resident commented on Council's approval of the Axiom Care facility and requested help to fill out forms to reverse council's decision. She understood and was willing to gather the required signatures. She was opposed to the location of the facility.

George Schroeder, 2444 W. Virginia St., Apache Junction spoke on the noise ordinance council adopted a while back. He spoke on the city budget and the state of Arizona's water issues. He mentioned that Pinal County is going to borrow \$125 million and the cost to borrow that money is astronomical.

N. ADJOURNMENT

Mayor Wilson adjourned the meeting at 8:25 p.m.

ACCEPTED THIS _____ DAY OF _____, 2022, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2022.

WALTER "CHIP" WILSON

Mayor

ATTEST:

JENNIFER PEÑA
City Clerk

CITY COUNCIL MINUTES
CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of the City of Apache Junction, Arizona, held on the _____ day of _____, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2022.

JENNIFER PEÑA
City Clerk