

1. Agenda

Documents: [AGENDA MARCH 20.PDF](#)

2. Packet

Documents: [PACKET MARCH 20.PDF](#)



NOTICE OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION

**MARCH 20, 2012
6 P.M.**

Pursuant to ARS 38-431-02, notice is hereby given to the members of the Chino Valley Planning and Zoning Commission and the general public that the Chino Valley Planning and Zoning Commission will hold a regular meeting open to the public on Tuesday, March 20, 2012, at 6:00 p.m. in the new Chino Valley South Campus building, located at 202 N. State Route 89, Chino Valley, Arizona 86323.

The Agenda for the meeting is as follows:

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

4A. October 18, 2011

5. STAFF REPORT

6. DISCUSSION ITEM

6A. For consideration, discussion, and possible recommendation to the Town Council regarding the Site Plan Review of Commercial Greenhouses. This review is required by Section 1.7.4 of the Unified Development Ordinance for all buildings over 5,000 square feet in size. The site is located on the west side of North Road 1 East approximately 300 feet north of Red Cinder Road and utilizes a portion of Assessors Parcel Number 306-14-008M. The review includes site plan, landscape plan, building elevations, lighting, and other pertinent development features. The Planning Commission will formulate a recommendation to be forwarded to the Town Council for Final Action.

7. PUBLIC HEARING

7A. For consideration, discussion, and possible recommendation to the Town Council allowing Non-Profit Medical Marijuana Dispensaries to operate solely under the State's regulations and to amend the Town's Unified Development Ordinance (UDO) to provide a minimum 500-foot separation between churches and Medical Marijuana Facility.

8. PUBLIC COMMENTS



9. ADJOURN

A copy of the agenda and background material provided to the Commissioners is available for public inspection at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona.

Further details may be obtained by contacting Development Services Department at 1982 Voss, Chino Valley, Arizona (928) 636-4427. The Town endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 636-2646 (voice), 636-1787 (TDD) or use the AZ Statewide Relay Service at 1-800-367-8939 (TDD) to request an accommodation to participate in this meeting.



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3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF MINUTES**
 - 4A. October 18, 2011
5. **STAFF REPORT**
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8. **PUBLIC COMMENTS**

DEVELOPMENT SERVICES DEPARTMENT
1982 N VOSS DRIVE
PO BOX 406
CHINO VALLEY, AZ 86323



TOWN HALL (928) 636-2646
DEVELOPMENT SERVICES (928) 636-4427
FAX (928) 636-6937

9. ADJOURN

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TOWN OF CHINO VALLEY
PLANNING AND ZONING COMMISSION
Regular Meeting Minutes
Chino Valley South Campus
202 N. State Route 89
October 18, 2011
6:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

Meeting was called to order at 6:00 p.m.

Members Present: Garland Miner, Acting Chairperson
Jack Owen, Commissioner
Florence Sloan, Commissioner
Charles Merritt, Commissioner

Staff Absent: Phil Rice, Chairperson
Gwen Rowitsch, Commissioner

Staff Present: Pat Clingman, Development Services Director
Mary Brasher, Administrative Clerk

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

4A. For consideration, discussion, and possible action regarding the regular meeting minutes of September 20, 2011.

Commissioner Merritt MOVED, seconded by Commissioner Sloan to approve the regular meeting minutes of September 20, 2011.

MOTION CARRIED 4-0

5. STAFF REPORT: None

6. PUBLIC HEARING: Acting Chairman Miner opened the public hearing.

6A: ZC 11-003: For consideration, discussion and possible recommendation to the Town Council regarding a Zone Change to Commercial Light (CL) for a 28.6 acre portion of Assessor's Parcel Number 306-05-030V, approximately located at 1460 W. Road 4 North. Currently the property contains the Windmill House events facility and its zoning designation is Commercial Light Planned Area Development (CL-PAD) as it was granted

by Council through Ordinance 09-719 on June 11, 2009. Council will conduct a Public Hearing on November 8, 2011 at which time Council may take administrative action to extend, remove or determine compliance with Ordinance 09-719 or take action to cause the zoning to revert from CL- PAD to Agricultural Residential 5 Acre Minimum "AR-5". The property owner /applicant requests a recommendation by the Planning & Zoning Commission for Commercial (CL) zoning for Council's consideration at its above noted Public Hearing on Ordinance 09-719. Applicant/ Owner: La Vacara Trust/ Joe Cordovana Trustee.

Ms. Clingman gave a brief overview of the request as it related to the other request by the applicant for a Minor General Plan Amendment. Ms. Clingman explained that it was brought to her attention that this item was not properly addressed by the Commission at the September 6, 2011 meeting. Council requested staff to bring this item back to the Commission for another public meeting to ensure that State Statutes were being adhered to correctly.

Commissioner Sloan MOVED, seconded by Commissioner Merritt to open the meeting for public comments.

MOTION CARRIED: 4-0

The residents that spoke (see attached) stated they were opposed to the Rezone but do feel the CUP is an appropriate avenue to follow with this project. The residents also felt that the situation with this applicant has been going on for years and felt that something needs to be settled once and for all.

Commissioner Sloan MOVED, seconded by Commissioner Merritt to close the public comments section of the meeting.

MOTION CARRIED: 4-0

Commissioner Merritt MOVED, seconded by Commissioner Owen to recommend to the Town Council denial for the requested Zone Change to Commercial Light for 28.6 acre portion of APN: 306-05-030V.

MOTION CARRIED: 4-0

7. **PUBLIC COMMENTS:** None

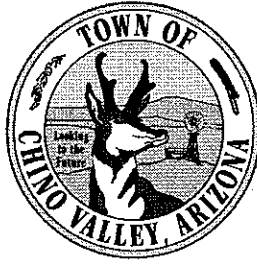
8. **ADJOURN:** 6:20 p.m.

Garland Miner Acting Chairperson Date:

ITEM

6A

DEVELOPMENT SERVICES DEPARTMENT
1020 WEST PALOMINO ROAD
PO BOX 406
CHINO VALLEY, AZ 86323



TOWN HALL (928) 636-2646
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FAX (928) 636-2144

PLANNING COMMISSION
STAFF REPORT

TOWN OF CHINO VALLEY, ARIZONA
MARCH 20, 2012

SPR CASE NO. - 12-001: THE OWNER/APPLICANT IS JACK TULS JR., REPRESENTED BY CHARLES ARNOLD WITH SOUTHWEST DEVELOPMENT CONSULTANTS. THE OWNER/APPLICANT IS REQUESTING A SITE PLAN APPROVAL TO AUTHORIZE THE CONSTRUCTION OF FOUR (4) COMMERCIAL GREENHOUSES, APPROXIMATELY 10,000 SQUARE FEET EACH. THE SITE IS LOCATED IN THE "CL/AR-5" COMMERCIAL LIGHT/AGRICULTURAL RESIDENTIAL 5-ACRE MINIMUM ZONING DISTRICT.

SITE PLAN REVIEW IS REQUIRED BY SECTION 1.7.4 OF THE UNIFIED DEVELOPMENT ORDINANCE (UDO) AND INCLUDES REVIEW OF THE SITE PLAN, LANDSCAPE PLAN, BUILDING ELEVATION, LIGHTING, AND OTHER PERTINENT ELEMENTS OF THE DEVELOPMENT. THE COMMISSION SHALL FORWARD THE CASE (WITH ITS RECOMMENDATION FOR APPROVAL OR DENIAL) AND ANY SUGGESTED STIPULATIONS AND/OR CHANGES TO THE SUBMISSION TO COUNCIL FOR ITS REVIEW.

A. LOCATION: The west side of Road 1 East between Red Cinder Road and the Road 3 ½ North alignment. Please see Exhibit A, Location Maps

B. FACTS:

1. Applicant:Charles Arnold with Southwest Development Consultants
2. Owner:Jack Tuls Jr.
3. Parcel Number:.....306-14-008M
4. Site Area:.....Approximately 26 acres
5. Existing zoning:....."CL/AR-5" Commercial Light/ Agricultural Residential 5-Acre Minimum
6. Intended Use:.....A total of four (4) Commercial Greenhouses

C. ANALYSIS: On January 11, 2011, the Council approved Section 4.30, "Commercial Greenhouse Standards", to assist with the development of new Commercial Greenhouses and to allow for the expansion of the existing Commercial Greenhouses (Exhibit B). This application for site plan review is for an approximately 26 acre parcel that has frontage on Road 1 East and 3 ½ North. The west property line is adjacent to the proposed Kampground of America (KOA). Only a



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small portion of the 26-acre parcel is utilized for the four greenhouses, the remainder of the site will remain vacant.

TECHNICAL REVIEW: On February 14, 2012, the project was presented to the Technical Review Committee (Exhibit C).

SITE PLAN Exhibit D

GENERAL: The proposed site plan will accommodate the proposed use in a functional manner that addresses the specific needs of the greenhouses. The details included on the site plan (Exhibit D) include a 40-foot-by-40-foot driveway entryway from Road I East. A parking area for 10 cars, fencing to screen the front of the property, a 24-foot drive aisle, and four (4) greenhouses proposed in four phases.

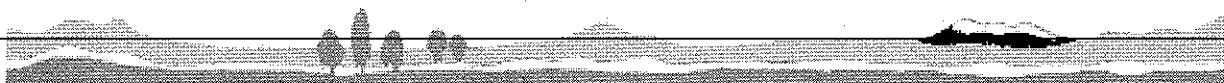
NON-CONFORMING STRUCTURE: Currently, a non-conforming single-family residence exists on the site. The home is non-conforming because it is within the town's future right-of-way, when and if Road I East expands. The home is identified on the site plan as "Existing House". The property owner has agreed to remove the home at the time of road widening (Exhibit E).

EXISTING STORAGE BUILDING: The applicant is proposing to remodel the existing storage building to provide an office, restroom facilities, work and storage areas. The building is identified on the site plan as "Existing Storage Building" to be converted etc.

Dan Trout, the town's building official, inspected the structure and stated that plans submitted for the re-model will have to be stamped by an engineer to assure the building will meet the wind and snow load requirements.

LANDSCAPE AND SCREENING: The applicant is requesting relief from the landscaping requirements in Section 4.26 of the UDO and is proposing a six (6) foot high screen fence that is identified on the site plan as "150' fence" and "25' side fence". The UDO requires one (1) tree for every linear foot and four (4) shrubs for every 400 square feet of required landscape area. The site is 26-acres and only a small portion is being utilized for the greenhouses and the applicant states the existing trees provide a mature screen along the Road I East frontage (Exhibit F). In addition, the applicant has provided an exhibit for the refuse enclosure (Exhibit Fa).

The proposed screening plan meets the intent of the landscape requirement for the proposed use.



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ACCESS AND CIRCULATION: The applicant in requesting relief from the paving requirements in Section 4.22.4, B, 2 of the UDO which states: *"New construction requires parking and loading spaces, maneuvering areas, driveways, and fire lanes to be paved with asphaltic concrete over an a.b. base, concrete or masonry to a thickness and structure that will support the type and intensity of vehicular traffic generated by the proposed use. As the requirements may vary, the paving cross section will require approval by the town engineer. The town engineer may also approve alternative surfacing such as "chip seal".*

The applicant is proposing to only pave the 40-foot wide driveway entry from Road 1 East and is identified on the site plan as "40' drive including a 40' by 40' area abutting the existing pavement to be chip sealed".

The remaining access, including the parking area, the 24-foot wide access drive, and the turn around area is proposed with a.b. base with decomposed granite or similar dust free materials (Exhibit "G").

The proposed paving plan will accommodate the proposed use.

PARKING: The UDO requires 1 parking space for every 900 square feet of usable floor area. When phase four of the project is complete, there will be a total of 40,000 square feet of usable floor area that requires 44 parking spaces. The applicant stated that there will never be a need for that many parking spaces and is proposing 10 spaces with two additional spaces for delivery trucks (Exhibit "H").

The proposed number of parking spaces will accommodate the proposed use.

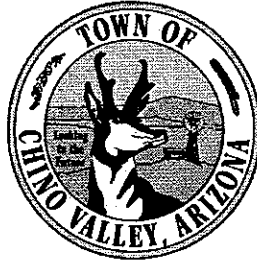
ELEVATION: See Exhibit "I"

LIGHTING: One light is proposed on the exterior of each building (a total of four lights) and is identified on the site plan as "area of lumination etc" (Exhibit "J").

- D. **RECOMMENDATION:** Staff suggests that the Commission forward a recommendation of **APPROVAL** for the conceptual plans and that the Council modifies the development standards as proposed on the site plan and further described in the attached letters.



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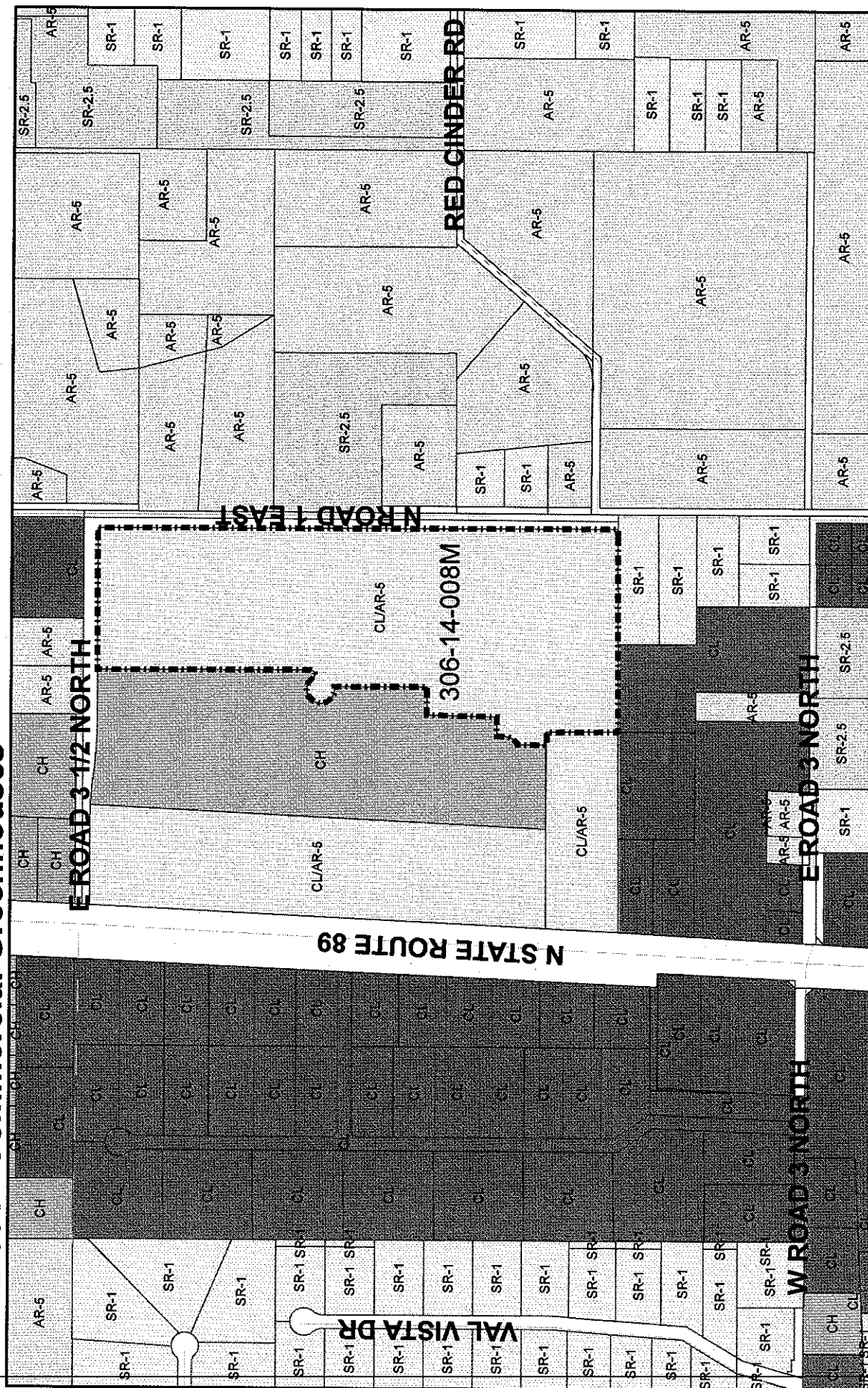
Attachments:

- Exhibit "A" Location Map
- Exhibit "B" Commercial Greenhouse Development Standards
- Exhibit "C" Technical Review Letter
- Exhibit "D" Preliminary Site Plan – Hot House Naturals
- Exhibit "E" Non-conforming structure letter
- Exhibit "F" LANDSCAPING - Relief from Development Standards letter and proposed screen fencing
- Exhibit "Fa" Refuse enclosure
- Exhibit "G" ACCESS – Relief from Development Standards letter
- Exhibit "H" PARKING – Relief from Development Standards letter
- Exhibit "I" Building Elevations
- Exhibit "J" Lighting



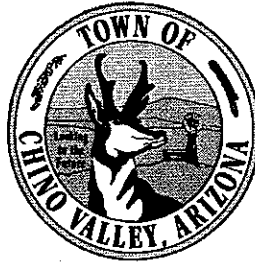
TULS APN 306-14-008M

SRP 12-001 - Commercial Greenhouses



1 inch = 500 feet

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Exhibit "B"

4.30 Commercial Greenhouse Standards (Amended with Ord. 10- 738/ Res. 11-942). Commercial Greenhouse Development Standards:				
Allowed in the following zoning districts. Greenhouse shall be setback a minimum of 500 feet from the State Route 89 right of way.	AR 10 acre minimum	CL 10 acre minimum	CH 10 acre minimum	I 10 acre minimum
Property Development Standards:				
Minimum Lot Area	10 acres			
Minimum Linear Street Frontage	300 feet			
Minimum Front Yard Setback (Except for properties adjacent to SR 89)	50 feet			
Minimum Side Yard Setback	50 feet			
Minimum Street Side Yard Setback	50 feet			
Maximum Building Height	35 feet			
Minimum Distance Between the Structures	20 feet			
Maximum Lot Coverage Standards	50%			
In Commercial or Industrial zoning, the maximum % of the building used for retail out-let/restaurant	10%			
In Commercial or Industrial zoning, the maximum % of the Lot Area Used For Entertainment (this area shall conform to building setback requirements)	20%			
Agricultural zoning, the maximum % of the building used for the sale of farm produce when primarily grown on site	10%			
Outdoor Storage Standards	Screening required			
Accessory Building Setbacks From the Side and Rear Property Lines	20 feet			
Accessory Building Setbacks From Street Side	See Section 4.28			
Off Street Parking and Loading Standards	See Section 4.22			
Shall Have Access on an Arterial or Collector Street				



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Exhibit "C" Technical Review Letter

February 14, 2012

Dear Mr. Arnold: This letter is written to summarize the discussion and comments from the Technical Review Meeting, held Tuesday, February 14, 2012 for your project, Hot House Naturals in Chino Valley, Arizona. APN: 306-14-008M

The following Town Staff was present at the Technical Review Meeting:

David Nicolella, Associate Planner
Mike Bovee, (Acting) Assistant Zoning Administrator
Dan Trout, Building Official
Ron Grittman, Town Engineer
Mary Brasher, Administrative Clerk

Also present: Dave Wharton, Fire Marshal
Ab Jackson, Chamber of Commerce

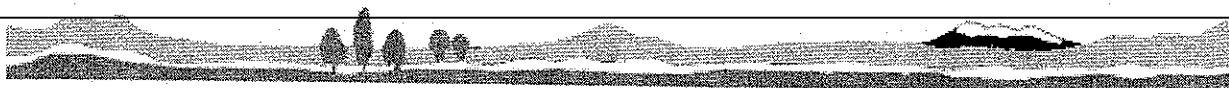
The following may not be all-inclusive, but attempts to summarize Staff comments in an effort to assist you in moving your project forward:

Development Services – Mike Bovee/David Nicolella (928) 636-4427:

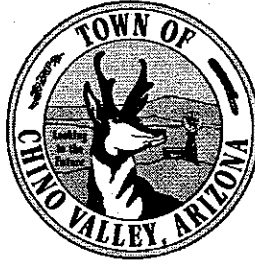
- The Unified Development Ordinance (UDO) requires that prior to the development of a Commercial Greenhouse the site plan shall be reviewed by the Commission and Council
- The home on the property is a non-conforming structure because it does not meet the UDO's front yard setback requirement. Please submit a letter of intent for compliance addressed to the Commission and Council
- Please submit a letter addressed to the Commission and Council regarding the request for reductions in the requirements set forth in the UDO for landscaping and parking.
- A 40-foot wide ingress and egress to the property is required
- Required to have gates on the refuse disposal structure.
- A sign permit is required for any signage placed on the property.
- Comply with UDO Section 4.24 – Outdoor Lighting
- Consider lining up the properties access drive with Red Cinder Road

Engineering/Public Works – Ron Grittman (928) 636-7140:

- An engineered stamped grading and drainage report is required.
- All drive aisles and parking areas are required to have a dust free hard surface, chip seal is adequate.



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Fire Department – Dave Wharton (928) 636-2442:

- There are no fire flow requirements at this time; however if the project will connect to the Town's water system in the future, you will then be required to install a hydrant.

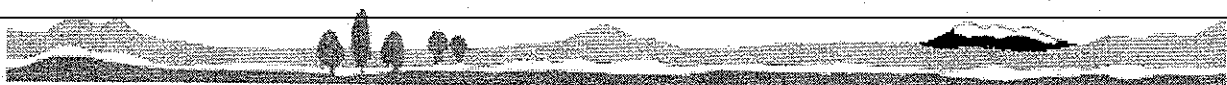
Building Department – Dan Trout (928) 636-4427:

- Required to use an Arizona registered design professional.
- Required to use a Commercially Licensed Contractor.
- Required to comply with all Commercial ADA requirements for parking as well as accessibility to the portion of the building that will be used as the office, which would include at least one ADA compliant restroom.
- All greenhouse structures will require stamped engineered plans
- There may be some additional requirements to make the "bunk house" suitable for occupancy.

The comments from the Technical Review Committee are valid for one year from the date of this letter. If you have any questions, please contact the appropriate Staff for information related to project requirements of that department, Monday – Thursday, from 7:30 A. M. to 5:00 P. M.

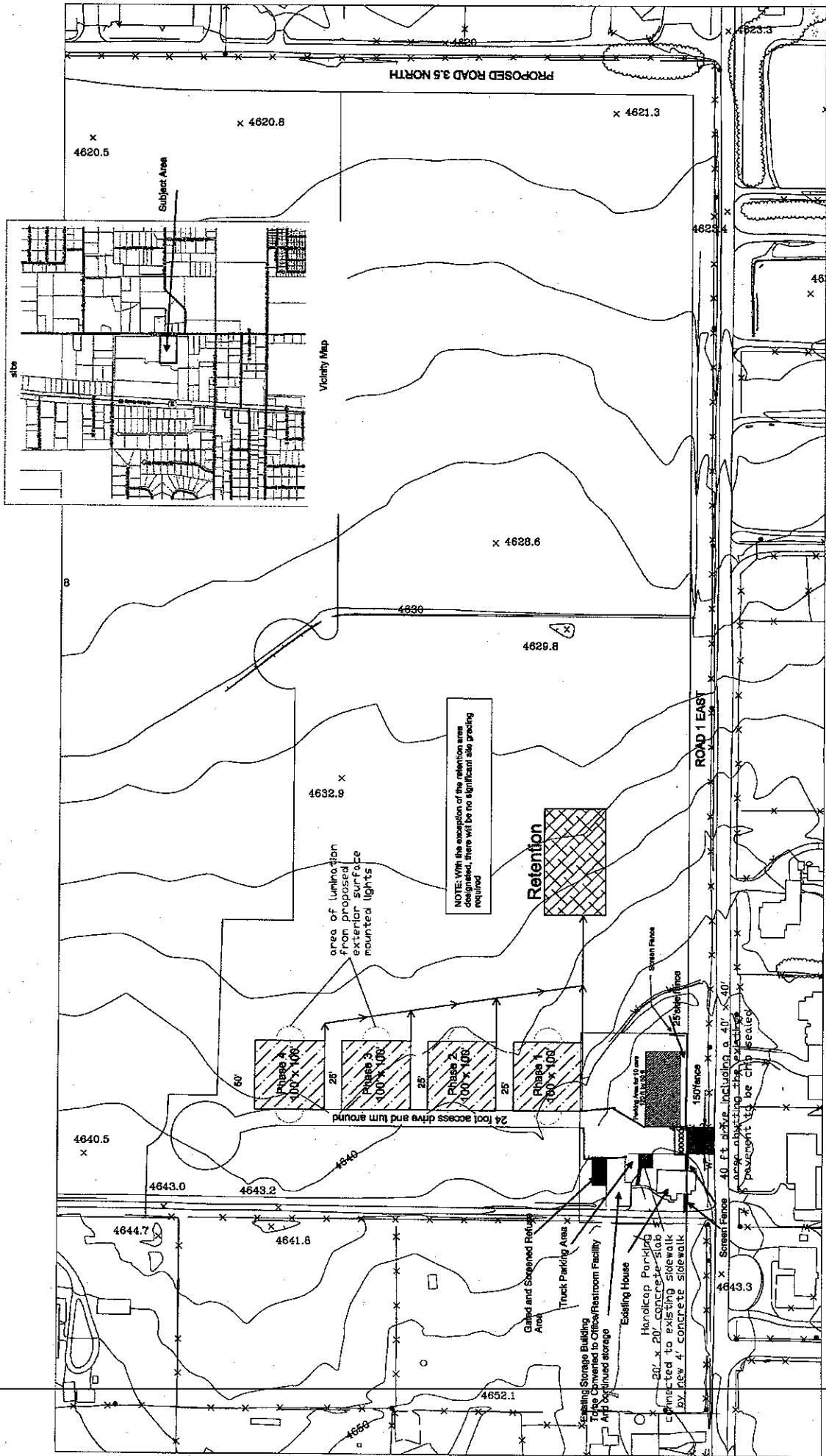
Respectfully,

Town of Chino Valley
Technical Review Committee



Preliminary Site Plan Hot House Naturals

Exhibit D



SDC

Southwest Development Consultants

Exhibit E: Non-conforming structure letter

Town of Chino Valley

Attn: David Nicoella,

Subject: Relief from development standards

As identified in the Technical Review summary the current home located on the subject parcel becomes non-conforming under the proposed use. We respectfully request the Commission and Council allow this non-conforming use to continue until such time as the Town of Chino Valley moves forward on the widening of Road 1 East. (To clarify there appears to be no known desire by the Town of Chino Valley to widen road 1 east in the near future.)

History

The existence of the home was allowed to continue under the Rezoning of the KOA project with the understanding that the home will be removed upon notification by the Town of a Council Approved decision to widen the road and the need for additional right-of-way.

Thank you for your consideration of this request.

Sincerely,



Charles Arnold

SDC

Southwest Development Consultants

Exhibit F: LANDSCAPING - Relief from Development Standards letter and
proposed screen fencing

Town of Chino Valley

Attn: David Nicolella,

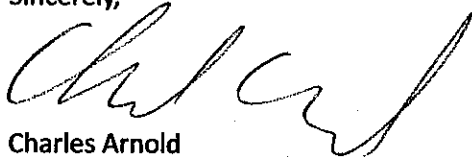
Subject: Relief From Development Standards

We are placing these 4 greenhouses in the middle of 26 acres of vacant land. The already existing trees provide a mature screen along our immediate frontage on Road 1 East (please see site plan). At a future date the screening that has already been designed in conjunction with the KOA property will be installed just west of the fourth Greenhouse.

We would propose the following: Install a screen fence (constructed of either 6' wood slat or chain link fence with slats) running north of the house along the property as shown on the site plan with a 25' east west wrap fence along the north end of the parking area.

Thank you for your consideration of this request.

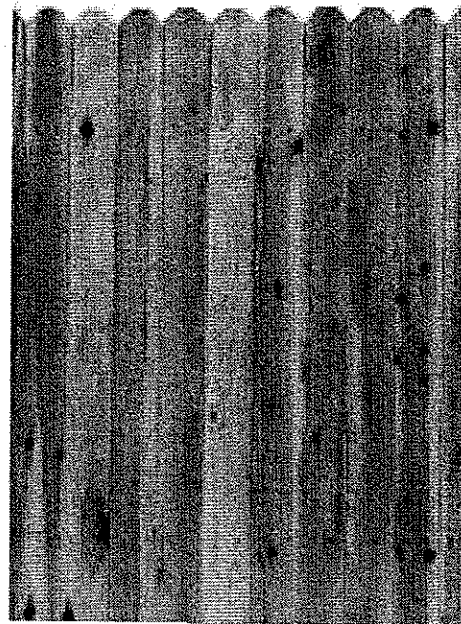
Sincerely,



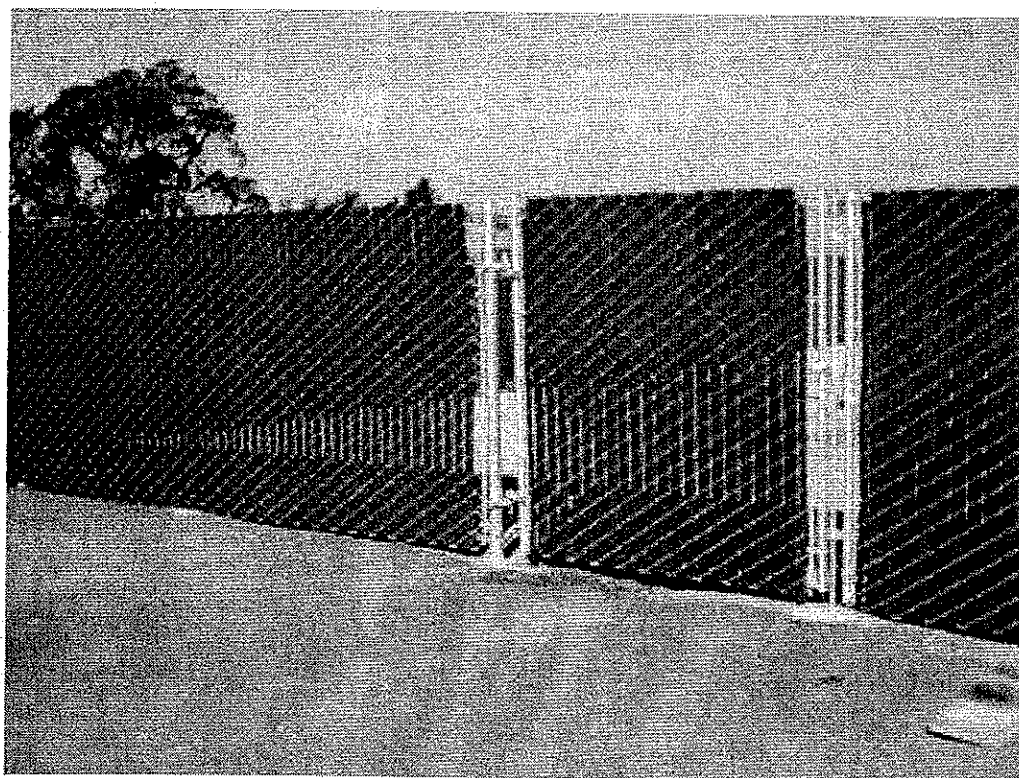
Charles Arnold

Proposed Screen Fencing.. Either Wood Fence or slatted chain-link. Both would be 6' tall

Exhibit F: LANDSCAPING - Relief from Development Standards letter and proposed screen fencing



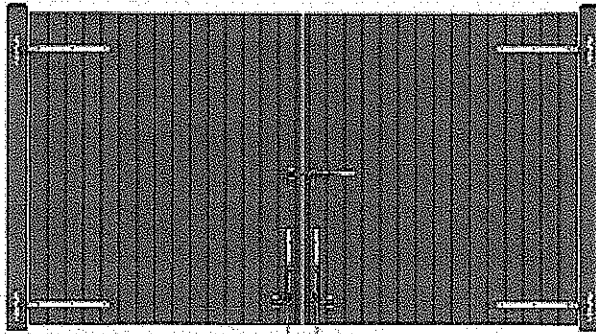
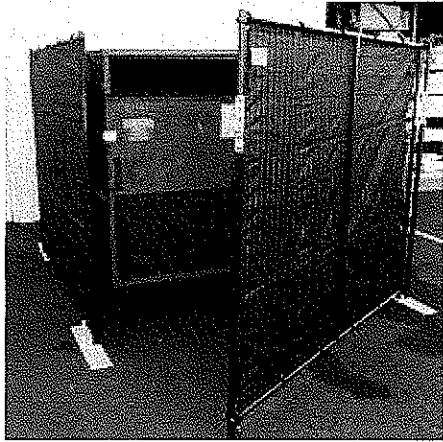
Actual height 6'



6' height

Exhibit "Fa" Refuse enclosure

2 Proposed Dumpster Screening options



SDC

Southwest Development Consultants

Exhibit "G" ACCESS – Relief from Development Standards letter

Town of Chino Valley

Attn: David Nicolella,

Subject: Relief from development standards

Per Comments from the Planning department we would like to further define some access questions. Currently there are 2 access points near the main house on Road 1 East. Per the requirement of a 40' entrance we are proposing to use the access on the north side of the house which already gives direct access to the following.

1. Processing building and truck parking
2. The staff parking area
3. The access road to the Greenhouse Structures
4. Direct Access to the screened garbage area.

We propose the installation of a chip seal entry extending 40' back from the existing Road 1 East surface. (please see site plan) With respect to additional drive and parking areas we propose the installation of an AB base with a Decomposed Granite or similar dust free surface

Thank you for your consideration of this request.

Sincerely,



Charles Arnold

SDC

Southwest Development Consultants

Exhibit "H" PARKING – Relief from Development Standards letter

Town of Chino Valley

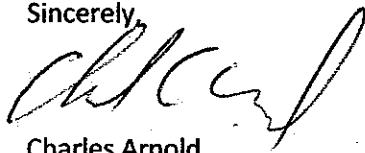
Attn: David Nicoella,

Subject: Relief from development standards

As identified in the Technical Review summary the current Unified Development Ordinance requires 1 parking spot per 900sqft of floor space. This would require 42 ½ spaces for this project, in working with our consultants we have identified that this project will have a maximum of 10 staff members (up to 10 vehicles) and will not be operating a retail facility. Our request is to reduce the parking requirement to 10 spaces for employees to use. And 2 spaces for our delivery truck which will utilize parking at the processing building described in the site plan.

Thank you for your consideration of this request.

Sincerely,



Charles Arnold

Exhibit "I" Building Elevations

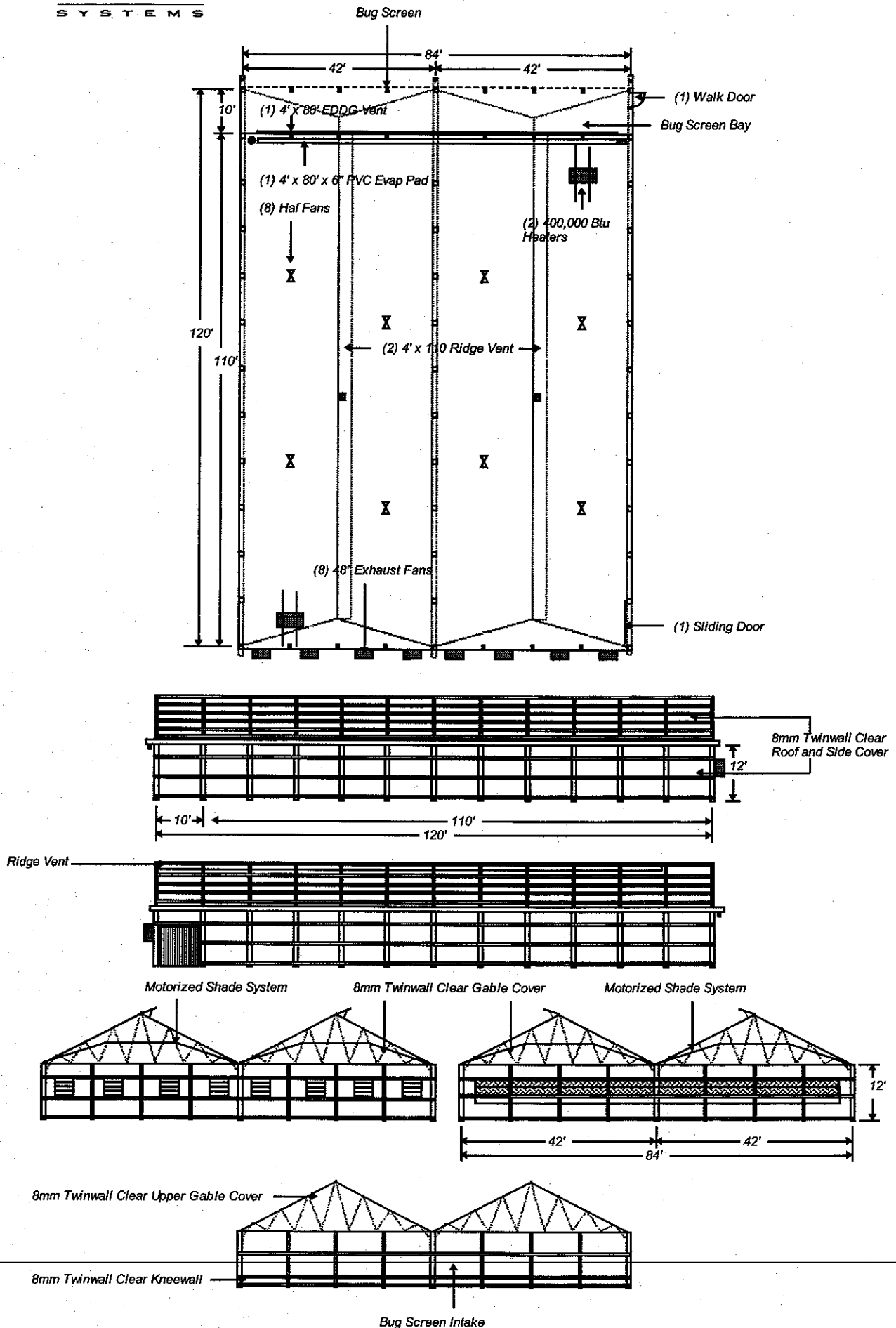
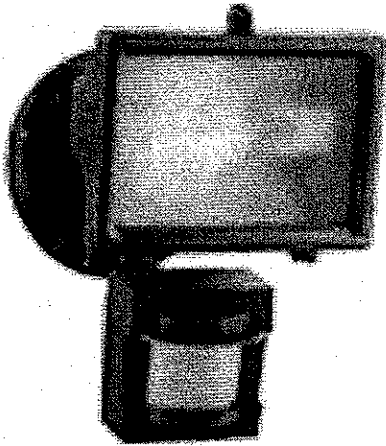


Exhibit "J" Lighting

Exterior Light



150w halogen floodlight with motion sensor and timer

150w halogen bulb = 2100 lumens

Greenhouses

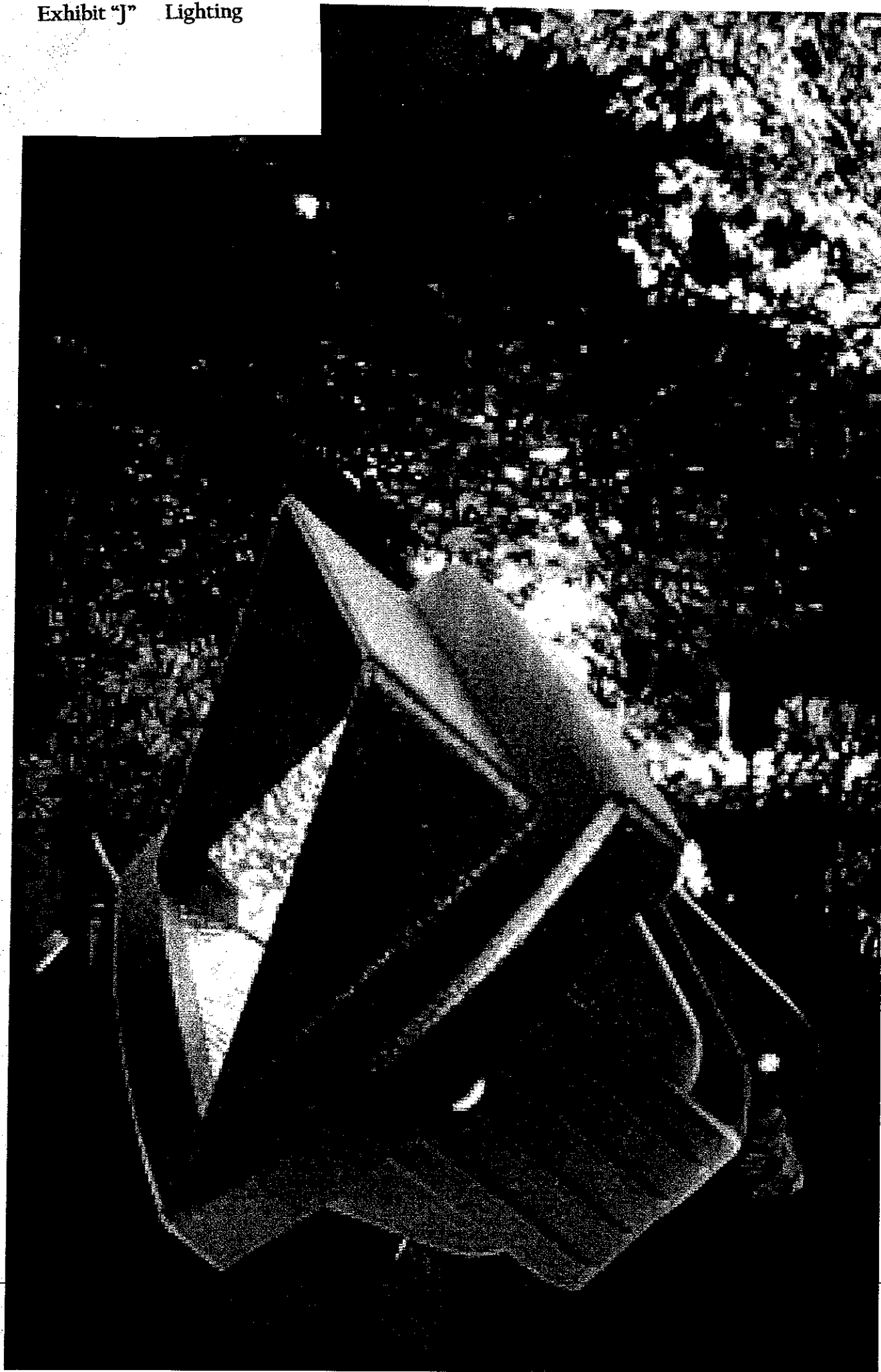
8 lights x 2100 lumens = 16,800

Office

3 lights x 2100 lumens= 6300

Total lumens= 23,100

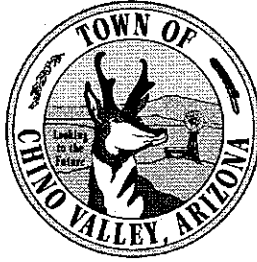
Exhibit "J" Lighting



ITEM

6B

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PLANNING COMMISSION
STAFF REPORT

TOWN OF CHINO VALLEY, ARIZONA
MARCH 20, 2012

LEGAL AD

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Planning and Zoning Commission at the Chino Valley Council Chambers-South Campus, located at 202 N. State Route 89, Chino Valley, Arizona 86323, at 6:00 p.m., on Tuesday, March 20, 2012. This hearing will be conducted for consideration, discussion, and possible recommendation to the Town Council allowing Non-Profit Medical Marijuana Dispensaries to operate solely under the State's regulations and to amend the Town's Unified Development Ordinance (UDO) to provide a minimum 500-foot separation between churches and Medical Marijuana Facility.

A. **FACTS:** With the voter approval in November 2010 of proposition 203 (the Arizona Medical Marijuana Act), the Arizona Department of Health Services began working on licensing rules and local governments began working on amending their zoning regulations to implement the new State Law, ARS 36-2801.

The Arizona Department of Health Services has determined that the Chino Valley/Ash Fork areas are eligible to receive a maximum of one (1) Non-profit Medical Marijuana Dispensary (Exhibit A). The Chino Valley/Ash Fork area includes a large portion of Yavapai County and encompasses approximately 18 communities. The dispensary can be located anywhere in the highlighted area and the area is approximately 3,000 square miles.

In addition, the Arizona Department of Health Services has determined that both, Prescott and Prescott Valley are eligible to receive a maximum of one (1) Non-profit Medical Marijuana Dispensary. See the Jurisdictional Comparison document (Exhibit B).

At the May 10, 2011 Town Council public hearings, Town Council voted to have staff bring back the following proposals to the Planning Commission for their recommendations:

1. To allow Non-Profit Medical Marijuana Dispensaries to operate solely under the State's regulations and to make no amendments to the UDO; and
2. To amend the UDO to provide a minimum 500-foot separation between churches and Medical Marijuana Facility.

The Commission shall forward their recommendations to the Town Council.

B. **ANALYSIS:** At the May 10, 2011 Town Council public hearing, town staff stated that during a discussion with Tom Kack, the town's attorney, Tom stated that CL zoning already provided for various commercial establishments and establishments supplemental thereto, such as pharmacies, apothecary shops, medical laboratories, and that this zoning would allow



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medical marijuana dispensaries and infusion facilities. CH zoning, which currently allows everything in the CL zones, as well as wholesale establishments, warehouses, and agricultural commodities, would include the aforementioned, as well as cultivation and infusion of the plant, which was classified as an agricultural commodity. In short, the Town's UDO provisions already include the State requirements for cultivation, infusion, and dispensing of the product. The Town Council also recommended that a Non-Profit Medical Marijuana Facility should be located at least 500 feet from a church.

In addition, an off-site cultivation facility would be allowed under Section 4.30 "Commercial Greenhouses Standards" provided the development standards are met.

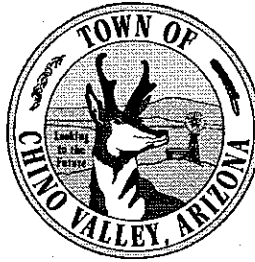
C. RECOMMENDATION: To be determined by the Commission.

Attachments:

- Exhibit "A" Chino Valley/Ash Fork Community Health Analysis Area map and adjacent communities.
- Exhibit "B" Jurisdictional Comparisons
- Exhibit "C" May 10, 2011 Council public hearing minutes

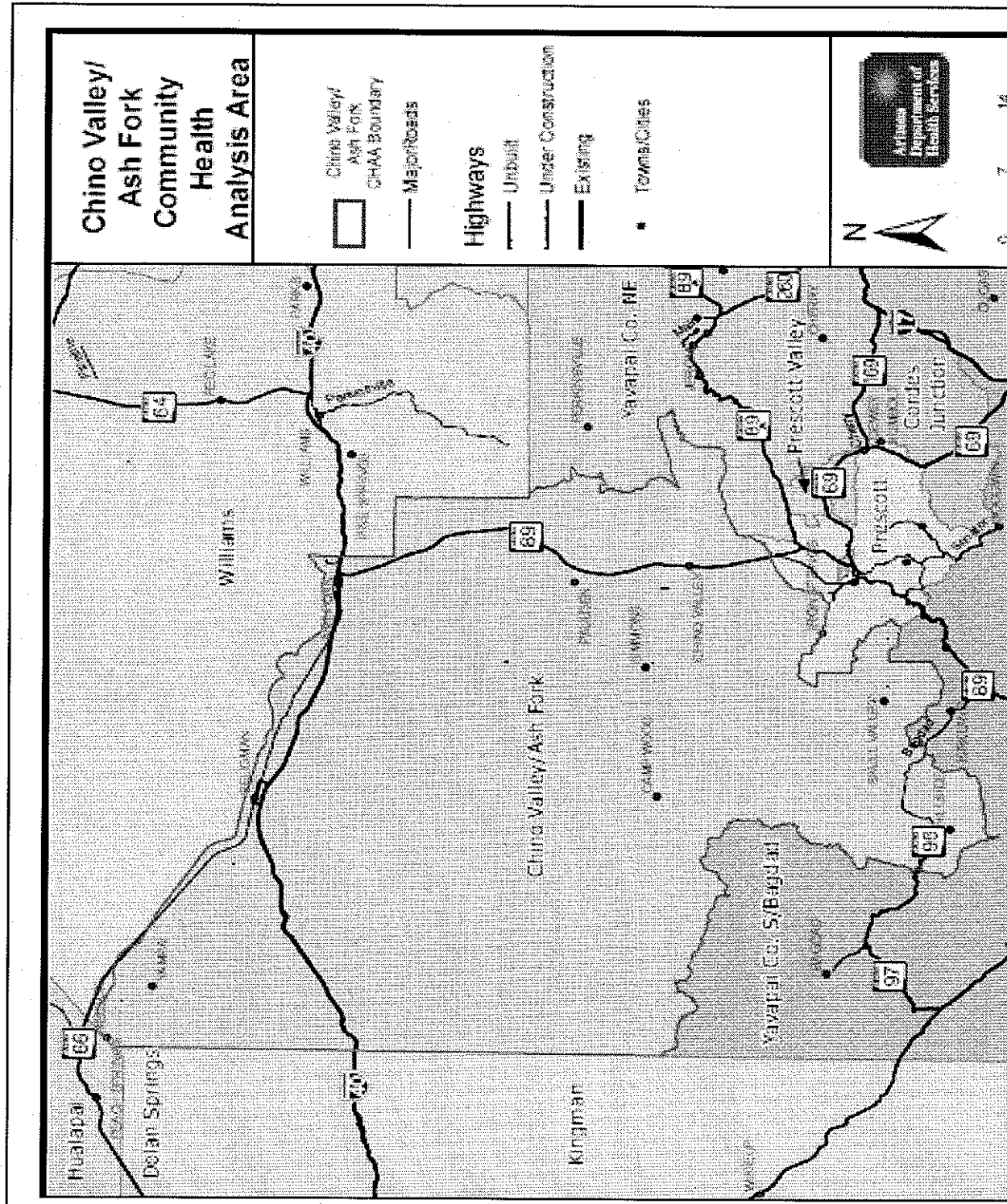


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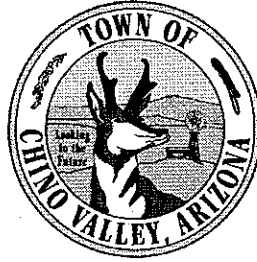


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Exhibit A:



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Exhibit "A" continued: Communities included in the Chino Valley/Ash Fork area:

- | | |
|-------------------------|---------------------------|
| 1. Ash Fork | 10. Nelson |
| 2. Camp Wood | 11. Paulden |
| 3. Chino Valley | 12. A portion of Prescott |
| 4. Crookton | 13. Seligman |
| 5. Drake | 14. Simmons |
| 6. Grand Canyon Caverns | 15. Skull Valley |
| 7. Hillside | 16. Wilhoit |
| 8. Iron Springs | 17. Yampai |
| 9. Kirkland | 18. Yava |





EXHIBIT "B" Jurisdictional Comparison

Prescott Valley: Took the definition of a Medical Dispensary Facility and broke it up into two components:

1. Allows Dispensary Facility in the C2 zoning district (no onsite cultivation/infusion facilities)
 - a. The purpose of the C2 (Commercial; General Sales and Services) District is to provide for the sale of commodities and the performance of service and other activities in locations for which the market area extends beyond the immediate residential neighborhoods. The district is intended to provide accommodations for retail and service establishments required to meet the Town's needs. The district is designed for application along major streets and highways.

Prescott Valley's C2 zoning designation is similar to the Town of Chino Valley's CL.

2. Allowed in the C3 zoning district:
 - a. Medical Marijuana Dispensaries (with onsite cultivation/infusion facilities)
 - b. Medical Marijuana Cultivation Facility
 - c. Medical Marijuana Designated Caregiver Cultivation
 - d. Medical Marijuana Qualifying Patient Cultivation
 - i. The purpose of the C3 (Commercial; Minor Industrial) District is to establish and preserve areas as the locations for the heaviest type of commercial activities, including warehousing, wholesaling, and light manufacturing and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses.

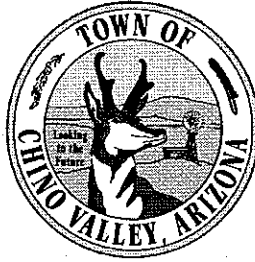
Prescott Valley's C3 zoning designation is similar to the Town of Chino Valley's CH.

Prescott Valley's regulations would prohibit a qualifying patient who lives more than 25 miles from the dispensary to cultivate medical marijuana in the privacy of their home.

Prescott: Adopted a "Medical Marijuana Similar Use Interpretation"

1. A Pre-Application Conference is required for all medical marijuana facilities to determine appropriate zoning.
2. A Medical Marijuana Dispensary is equivalent to a Drug Store (no onsite cultivation/infusion facilities)
 - a. Allowed in the NOB (Neighborhood Oriented Business), BG (Business General), BR (Business Regional), DTB (Downtown Business), IT (Industrial Transition) and IL (Industrial Light) districts

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These districts are similar to the Town of Chino Valley's CL, CH and I districts

3. A Medical Marijuana Infusion operation is equivalent to Chemical-based manufacturing (Infusion is the cooking and/or blending of marijuana into an edible product)
 - a. Allowed in the IL and IG (Industrial General) districts and requires a CUP in the IT districts

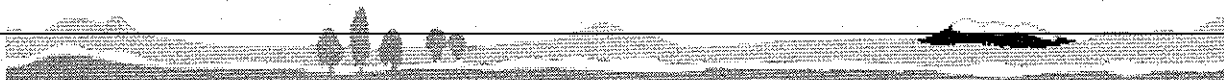
These districts are similar to the Town of Chino Valley's CH and I districts

4. Medical Marijuana Cultivation is equivalent to Agricultural Production
 - a. Allowed in the IL and IG districts and requires a CUP in the RE-2 (Rural Estate-2 Acre) and IT districts

These districts are similar to the Town of Chino Valley's CH district and would require a CUP in the SR- 2 acre district

Yavapai County:

1. Yavapai County: Has no "specific" zoning regulation for Medical Marijuana Dispensary facility and regulates them as any other Commercial business.



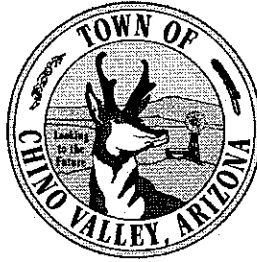


EXHIBIT "C"

The May 10, 2011 Council public hearing minutes:

Item 6) Consideration and possible action to adopt Resolution No. 10-947 declaring the "Unified Development Ordinance - Amendments Dated May 10, 2011 Related to the Medical Marijuana Act" a public record, and adopt Ordinance No. 10-742 to amend the Unified Development Ordinance (UDO) by adding provisions relating to medical marijuana.

Development Services Director Pat Clingman reported that:

- In November 2010, Arizona voters approved the Medical Marijuana Act ("Act"). As the State began to develop rules and procedures for complying with the new legislation, the Arizona League of Cities and Towns drafted a model ordinance with regard to placement of Medical Marijuana facilities for zoning purposes.
- However, as the League's model ordinance was drafted early in the rules process, new developments and concepts were subsequently offered, including one option that the State's regulations would be sufficient enough for some entities to not require that any additional regulations be adopted. These two options, as well as a timeline of the Town's public process on this item, follow.
- On March 3, staff presented revisions to the UDO drafted by Town Attorney Tom Kack based upon portions of the League's model ordinance. After discussing the proposed revisions, Council asked staff to: (i) consider keeping all the distance requirements consistent with the other entities in the region; (ii) Consider adding provisions for caregivers and finding out how other entities were addressing the same; (iii) Provide a zoning map, so Council could see where these facilities would be permitted; and (iv) Use language from the League's model ordinance as much as possible.
- On April 5, 2011, the Planning Commission held a public hearing on the proposed amendments to the UDO. They voted 4-0 to forward the amendments to Council with a recommendation for approval, as follows:
 - Amend Section 2.1 by adding Definitions relating to Medical Marijuana;
 - Amend Sections 3.5.3, 3.6.3 and 3.7.3 by adding Para. O to include Medical Marijuana cultivation in the AR-4, AR-5, and AR-36 Zoning Districts with a Conditional Use Permit;
 - Amend Section 3.15.2 by adding Paras. AE and AF to include Medical Marijuana Dispensary and Medical Marijuana Infusion Facility as permitted uses in the CL Zoning District;
 - Amend Section 3.16.2 by adding Para. P to include Medical Marijuana cultivation as a permitted use in the CH Zoning District;
 - Amend Section 3.17.2 by adding Para. I. to include Medical Marijuana cultivation as a permitted use in the I Zoning District.
- Staff drafted the subject Resolution 11-958 and Ordinance 11-745 with the amendments proposed by the Commission to present to Council.



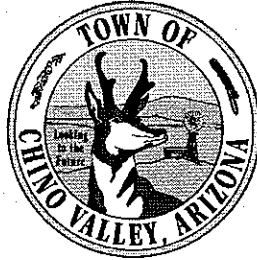
- Subsequently, staff attended another training session at which the concept of operating solely under the state's regulations was offered. The instructor also recommended that the product be taxed. Staff discussed this option with Mr. Kack and their findings were:
 - CL zoning, which already provided for establishments such as pharmacy, apothecary shop, medical laboratories, and so forth, would include medical marijuana dispensaries and infusion facilities. CH zoning, which currently allowed everything in the CL zones, as well as wholesale establishments, warehouses, and ag commodities, would include the aforementioned, as well as cultivation and infusion of the plant, which was classified as an ag commodity. In short, the Town's UDO provisions already include the State requirements for cultivation, infusion, and dispensing of the product.
 - Typically, marijuana was not grown in greenhouses or outdoors, but in warehouses or enclosed buildings, as proper cultivation required control of temperature, humidity, and CO2 castoff.
 - Mr. Kack was concerned that marijuana cultivation facilities located in residential areas be located on paved roads. This would really only apply to AR-5 (which required 10 acres for a greenhouse) or AR-36 (for which there is no property actually zoned at present) because this requirement would already be met in the CL and CH zoning districts.
- Staff spoke with the police department and other area zoning administrators and found that Prescott and Yavapai County opted to not adopt any specific regulations, and Prescott Valley and Dewey-Humboldt added a different layer.
- In addressing Council's concerns expressed on March 3, Council's preferred 500 foot distance requirement was consistent with the State, and the State's regulations regarding caregivers appeared to be sufficient.
- Should Council elect to adopt the subject ordinance and resolution, the Town Clerk had recommended that for clarity sake and in keeping with the current structure of the UDO, the specific regulations for medical marijuana facilities under each zoning district be moved to a separate section under General Regulations.
- Staff was now recommending that Council not adopt the Ordinance and Resolution and follow the current code requirements in the UDO.

Council and public members asked about possible conflicts with federal law, where the Town could put a dispensary, how the 25 mile distance between cultivation and dispensary was measured, the Commission discussing staff's new recommendations, the state's distance regulations with regard to schools and churches, acreage requirements, the number of classes Ms. Clingman had attended relative to this matter, a time limit for adopting regulations, requiring a CUP to give the public a chance for comments,

Ms. Clingman and stated that:

- ATF would still be able to pursue any person who actively trafficked the product.

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- Dispensaries could go in CL zoning, which also included establishments such as Walgreens or jewelry stores, but the state's regulations were stringent.
- The measurement was per concentric circles. Councilmember Hatch added that the state only allowed so many dispensaries. If a dispensary was given to Seligman, persons could cultivate in the Town. The Town's area could get one or maybe two dispensaries; and Prescott and Prescott Valley were in a different area.
- Staff did not take this matter back to the Commission after she heard about the option to not adopt new regulations, but she could if Council so directed.
- The required distance from schools was 500 feet. There was no required distance from churches, as any person could declare having a church at home.
- The UDO required a minimum lot size of one acre if a parcel was not served by Town water or sewer.
- She attended an all-day class, on line classes, and she signed up for notifications.
- ADHS would begin accepting applications for dispensaries on July 1, award dispensaries in August, which is the date when need final zoning needed to be determined, and accept petitions for additional medical conditions in January 2012. Persons could apply with the Town as of June 1 and the Town would need to send a letter to the state verifying that the zoning was correct for any applicants. The Town had received two inquiries from the public thus far.
- Her understanding was that if Chino Valley was drawn for a dispensary, all applicants would need to apply for a CUP, names would be drawn from a pot, and the CUP would have to be preapproved by June 10.

Council comments:

- Although medical marijuana had gotten out of control in other states, Arizona had been recognized for doing a good job with regulating the matter.
- If the Town postponed enacting a law and ADHS issued a certificate for a dispensary in Town, it would be difficult to enact any zoning regulations.
- Once an area was drawn for construction of a facility, there was a time limit to build, and if not completed in time, the state would draw again and select someone else.
- Requiring a CUP or distance from churches could get challenged.
- Staff should prepare a packet for the public with associated rules and regulations.
- Council could send the item back to the Commission for a single recommendation and to make the Code clear.
- Council could add simple clauses regarding medical marijuana to the CL and CH zoning districts in the UDO, as well as 500-foot distance requirement from any church.
- Councilmember Baker related that he would abstain no matter how the Council voted, as he believed this matter would lead to abuse by the youth and create problems for the police, and he did not want to be associated in any way with it.