

TOWN OF CHINO VALLEY
PLANNING AND ZONING COMMISSION
Regular Meeting Minutes
Chino Valley South Campus
202 N. State Route 89
March 20, 2012
6:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

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

Members Present: Phil Rice, Chairperson
Garland Miner, Vice Chairperson
Jack Owen, Commissioner
Charles Merritt, Commissioner
Gwen Rowitsch, Commissioner
Michael Edmonds, Commissioner

Staff Absent: Florence Sloan, Commissioner

Staff Present: David Nicolella, Associate Planner
Mary Brasher, Administrative Clerk
Mike Bovee, Assistant Zoning
Robert Smith, Town Manager
Mark Garcia, Commander
Tom Kack, Town Attorney

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

4A. For consideration, discussion, and possible action regarding the regular meeting minutes of October 18, 2011.

Vice Chair Miner MOVED, seconded by Commissioner Owen to approve the regular meeting minutes of October 18, 2011.

MOTION CARRIED 4-0 Commissioners Rowitsch, and Chairman Rice abstained

5. STAFF REPORT:

David Nicolella, Associate Planner informed the Commission about the General Plan Workshop that will be held on April 2, 2012 at 6:00 p.m. at the Senior Center, and the

link located on the Town's web page giving information about the General Plan Committee. Mr. Nicolella also informed the Commission of the current commercial projects in process within the Town.

Chairman Rice announced the Commission would hear item 7A first and item 6A thereafter.

7. PUBLIC HEARING: Chairman Rice opened the 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.

Mr. Nicolella gave a brief presentation on the history for the approval of Medical Marijuana and the Town's discussions in regards to regulations. Mr. Nicolella explained that after Council discussions, it was determined that it would be better for the Town to regulate the placement of medical marijuana facilities using the existing zoning ordinances in place. Council then instructed staff to bring this item back to the Commission for their thoughts and recommendation in regards to regulating the distance a dispensary can be located from a church or other place of worship.

Chairman Rice asked if there were any provisions regulating the distance these facilities can be from schools.

Mr. Nicolella indicated the state regulates a facility must be 500 ft from a school but for some reason the state did not make a provision for distances from a church.

There was discussion amongst the Commissioners as to the different ways in which facilities and growers could utilize property within the Town. A dispensary could be located in one area and cultivation in another or with the proper zoning, dispensary and cultivation could take place on the same site. Commissioners were concerned that if the Town did not have a dispensary, than how would the Town would regulate those individuals holding a medical marijuana card and growing marijuana on their property. Mr. Nicolella indicated that the Arizona Department of Health has provisions in place to regulate that.

Commander Garcia stated the Police Department would like to see a dispensary in Town because that would eliminate the possibility of card holders growing their own and reduce the possibilities for abuse and theft.

Tom Kack, Attorney, indicated that residents who currently have a card, and are growing their own, will still be able to do so for up to a year after a dispensary is opened in their area. The lawsuit that was filed by the state has led to delays and in his opinion undermined some of the goals that were set.

There was some confusion about what zoning districts would allow the cultivation of marijuana and Mr. Nicolella clarified that it could be grown in a commercial greenhouse; however there is a ten acre minimum requirement.

Chairman Rice opened the public portion of the meeting.

Several residents spoke, one indicated he thought a medical marijuana facility would be bad thing for the Town, another asked for further clarification on where medical marijuana could be grown, and another asked about the distance from a facility to a church.

Chairman Rice closed the public portion of the meeting.

Mr. Nicolella clarified the areas in which medical marijuana could be grown and a medical marijuana dispensary would need to be 500 ft from a church, if the church was in a strip mall and they moved out then that space would be freed up and a dispensary could go in there at that point.

The Commissioners discussed the pros and cons of regulating the distance a facility could be from a church, and agreed that a distance requirement would hinder the Town from receiving a dispensary. The Commissioners agreed that a facility should be encouraged within the Town not discourage by restrictions.

Commissioner Rowitsch MOVED, seconded by Commissioner Miner to recommend to the Town Council that they not include a provision for a separation between churches and medical marijuana facilities in the Town's UDO.

MOTION CARRIED: 5-1

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 Assessor's 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

Mr. Nicolella gave a brief presentation explaining where the greenhouses would be located, what would be grown there, the plans for the storage building that is currently on the property, the proposed dust free drive aisle and parking area which would consist of 10 regular parking spaces and 1 handicap, the landscaping plans, and he explained that the current home, which is a non-conforming structure, is not considered part of this project, and will not be used in conjunction with the greenhouses.

Chairman Rice asked how many employees they expect to have if they only plan to have 10 parking spaces for the entire site.

Mr. Nicolella indicated the 10 spaces is for the entire project and the applicant stated there would only be 10 employees and there would not be any public coming to the site.

Commissioner Merritt thought the parking spaces seemed a bit lite.

Commissioner Rowitsch asked about the relevance of the letter submitted in regards to the house.

Mr. Nicolella stated that this site is currently a non-conforming site and technically should not be expanded on; however the home is not being expanded and separate from the greenhouses and is not going to be utilized for the site.

Commissioner Rowitsch asked if other projects in the Town have been allowed to have paving or other requirements waived.

Mr. Nicolella indicated that was correct, and Chairman Rice gave examples of some of the commercial properties where that has occurred.

Robert Smith, Town Manager stated that sometimes non impervious materials are the best practice in some areas because the storm water can percolate.

Commissioner Edmonds asked if more parking spaces could be added.

Charles Arnold indicated that he would be agreeable to adding more parking spaces but asked if it could be flexible in the placement of the additional parking, so as not to interfere with the drainage on the property.

Commissioner Rowitsch MOVED, seconded by Commissioner Miner to recommend to Town Council to approve the site plan for Commercial Greenhouses with the additional 5 parking spaces to be placed in areas at the discretion of the applicant.
MOTION CARRIED: 6-0

7. PUBLIC COMMENTS:

One resident commented she was upset that she was not able to comment on the dispensaries in regards to churches. She does not want to see a dispensary located by a church.

Chairman Rice explained that item will be heard by the Council and that she will then have another opportunity to express her concerns.

8. ADJOURN: 7:10 p.m.

Phil Rice Chairperson Date: