

Planning and Zoning Commission Actions

Regular Meeting

March 28, 2023

6:00 pm Call to Order	6:00 pm Commissioner Yocum
Invocation	Commissioner Irving
Pledge of Allegiance	Commissioner Singleton
Roll Call	Commissioner Yocum, Commissioner Hughes, Commissioner Robertson, Commissioner Frank, Commissioner Irving, Commissioner Singleton, and Commissioner Juarez were present. Commissioner Leffall not present. Commissioner Yocum led the meeting.
3.0 Call to the Public	No speakers gave public comment.
4.0 Minutes	A motion was made by Commissioner Irving, seconded by Commissioner Singleton, that the Minutes for the March 13 th meeting be Approved. The motion carried by a unanimous vote.

Agenda Item 5.1:	5.1 PUBLIC HEARING: The Planning and Zoning Commission shall discuss and take action on a request for a Minor General Plan Amendment on approximately 2.59 acres effectively changing the future land use designation from Medium Density Residential (MDR) to Employment (E). The site is generally located at the southwest corner of W. Honeycutt Ave. and N. Maricopa Rd., in the City of Maricopa. DISCUSSION AND ACTION Derek Scheerer, Planner II, presented item 5.1. Commissioner Irving: Expressed concern on the traffic in the area. Suggested talking with the school district to plan on how to mitigate traffic during the hours of 2pm-4pm. Derek Scheerer: Stated that the City Engineer and the Public Works Department have been working toward alleviating traffic congestion in the area. Commissioner Yocum: Expressed hope that the Pinal County zoning issues will be resolved with this Minor General Plan Amendment. A motion was made by Commissioner Irving, seconded by Commissioner Singleton. The motion carried by a unanimous vote.
Agenda Item 5.2:	5.2 PUBLIC HEARING: The Planning and Zoning Commission shall discuss and take action on a request for a Zoning Map Amendment on approximately 63 acres effectively rezoning the site from the CB-2 (General Business), CI-1 Light Industry and Warehouse, CB-1 (Local Business), and GR (General Rural) zoning districts to the SC (Shopping Center), MU-G (General Mixed Use), and GC (General Commercial) zoning districts. The site is generally located at the northeast, southeast, northwest, and southwest of John Wayne Pkwy. and W. Honeycutt Ave., within the City of Maricopa. DISCUSSION AND ACTION. Derek Scheerer, Planner II, presented item 5.2. No discussion. A motion was made by Commissioner Irving, seconded by Commissioner Juarez. The motion carried by a unanimous vote.

Agenda Item 5-3:

5-3

PUBLIC HEARING: TXT23-01 Text Amendment: A request by the City of Maricopa for review and approval or a proposed text amendment to the City of Maricopa Zoning Code, Sections 18.120.160, Medical Marijuana, and Section 18.120.020, List of Definitions;
DISCUSSION AND ACTION.

Richard Williams, Planning and Zoning Manager, presented item 5-3.

Commissioner Juarez: Commended Rick on the document and stated several items that are looked for while reviewing compliance documents, i.e., consistency in the terms and definitions. Questioned what the city is responsible for, defining, the role making, given the task to perform and comply, and if there is any follow up reporting to the state. Stated that if something is mandated by the state, it should be specifically line itemed to ensure that there is no confusion on city responsibilities. Stated that a word document is preferred instead of a PDF document.

Richard Williams: Clarified Commissioner Juarez's question on the roles and responsibilities. Stated that this is mandated by the state; the state licenses, inspects, and regulates. Clarifies that the city sets the distant requirements and the Conditional Use Permit requirement, and once the building is built meeting Building and Fire codes, and public safety requirements the cities responsibility ends. Stated that the state of Arizona understands the sense of urgency in properly running this business. Stated that the city is aware and monitoring the process. The city does not know the intricacies of how the odor control system works and will be a visual in a Mechanical Electric Plan. Stated that the details of inspection are handled by the state.

Commissioner Yocum: Thanked Commissioner Juarez on the insightful comments provided.

Commissioner Hughes: Questioned how the 500 ft distance compares to the distance for a liquor license. Questioned how many feet a liquor license must be from a principal church or other. Asked if the 500 feet is reasonable, and how much land is available within the parameters from other establishments within the city.

Richard Williams: Stated that the required distance for a liquor license is 1,500ft from any elementary and secondary education facilities, religious facilities, and public park/recreational facilities. 500ft from restrictive personal services, off track bedding establishments, and adult oriented businesses. 1,000ft from any other established business with packaged alcohol.

Commissioner Hughes: Stated that the liquor license is restricted.

Commissioner Singleton: Stated that it is an excellent example of showing how the code can be revised. Stated that there are two Section 18.120.160.H's and wanted to make sure this did not get finalized.

Commissioner Robertson: Questioned if the conditional use permits that are now required go away.

Richard Williams: Stated that it was not correct, a Conditional Use Permit is still required based on the criteria outlined in the revised text amendment.

Commissioner Robertson: Expressed confusion on if a dual license is required or not required. Asked if the new document requires both or if it is just recreational or medical.

Richard Williams: Clarified that the new document states it can be either license or both. Stated that in the discussions had, the chances of not seeing a dual license are slim.

Commissioner Robertson: Expressed concern on the 500ft distance from a school and stated the distance is not enough. Stated that an appropriate level would be 1,000 or 1,500ft. Referred to Section C and questioned exemption granted if man-made or natural barrier separates. Asked if the 1,500ft distance goes away if two establishments are next to each other with a brick wall was between the two. Asked what a man-made or natural barrier means.

Richard Williams: Stated that schools are the only distance requirement the state of Arizona only identifies, with a minimum requirement of 500ft.

Commissioner Robertson: Questioned if the city has discretion to go more on the state minimum than 500ft.

Richard Williams: Stated that the 500ft is the minimum requirement.

Commissioner Robertson: Stated that the position stands on 500ft being too close to a school.

Richard Williams: Referred to Commissioner Robertson's question on man-made or natural barriers. Clarified with examples such as a wash, freeway, or something that separates circulation back and forth. Stated that the East-West Corridor will provide a barrier to the commercial on either side. Stated that it is under the discretion of the zoning administrator.

Commissioner Robertson: Recommended to provide specifics on the discussion part on the proposed change.

Commissioner Juarez: Referred to the Section K abandonment. Asked if the 12 months on the abandonment are consecutive or if it is during a certain period, 2-3 years, or when an establishment is considered abandoned. Referred to enclosed lot facility, stated that if the state has defined as criteria, specifically toward the disposal, storage of marijuana products, and how noncompliance activities are reported.

Richard Williams: Clarified that the abandonment is 12 consecutive months, the state is monitoring the business.

Commissioner Juarez: Stated that with auditors may use calendar or fiscal year.

Richard Williams: Stated that it is unclear if a calendar or fiscal year is used. Clarified that the state will be monitoring the storage and discarding of product.

Commissioner Hughes: Asked if the city will be challenged in court if a lot of restrictions are put on a certain zoning.

Richard Williams: Referred to exclusionary zoning and that the city must be fair with requirements. Opens the city to certain liabilities and vulnerable for litigation.

A motion was made by Commissioner Robertson to approve with a stipulation that distances to schools be a minimum of 1,000 ft and a maximum of 1,500ft.

Commissioner Irving: Stated that distances should not be changed. Displayed support if the motion is a recommendation from an individual but did not support the recommendation as a group.

Nick Cook, City Attorney: Stated that the Commission is a recommending pot body, so any stipulations or final changes would have to be approved by council. Stated that if the motion is to recommend that the 500ft be extended to 1,000ft, Council will make the decision if the change is made.

Commissioner Yocum: Stated that a motion has been approved with a recommendation that facilities are 1,000 to 1,500ft away from schools.

The motion was not seconded.

A motion was made by Commissioner Irving, seconded by Commissioner Juarez. Roll Call was requested.

Roll Call: Commissioner Juarez, Commissioner Singleton, and Commissioner Irving ruled in favor of the motion. Commissioner Robertson, Commissioner Yocum, and Commissioner Hughes ruled against the motion. The motion carried by a 3 to 3 vote. The motion fails.

Richard Williams: Stated that the item will be forwarded with no recommendation.

Nick Cook: Stated that the commission can have another motion to reconsider or further discussion, but it can be placed on the Council Agenda with no recommendation.

Commissioner Irving: Asked if the commission can pass with a recommendation noting an individual opposition to the distance.

	Commissioner Hughes: Asked if the motion can be passed stating that the Committee asks council to consider changing the distance to 1,500ft. Nick Cook: Stated that the commission can direct staff to inform council during the public hearing on the opposition and the main concern being distance requirements for schools. A motion was made by Commissioner Irving, seconded by Commissioner Juarez. The motion carried by a 5 to 1 vote. The one objection being Commissioner Robertson. Commissioner Juarez: Asked if the 1,000ft can be justified. Commissioner Irving: Stated that the recommendation by individual members should not be justified. Commissioner Robertson: Stated that if the motion is supported the motion is made by the body, not an individual. Commissioner Singleton: Stated that the justification of the recommendation is the required distance of the liquor license.
Agenda Item 6.0: <u>Report from</u> <u>Commission</u> <u>and/or Staff</u>	Richard Williams, Planning and Zoning Manager, provided updates to the commission. Confirmed that the Transit Advisory Committee will meet four times a year, once every quarter.

Agenda Item 7.0: <u>Executive Session</u>	No executive session was conducted.
Agenda Item 8.0: <u>Adjournment</u>	Commissioner Robertson motioned to adjourn, seconded by Commissioner Irving. Meeting adjourned at 6:53PM.

I hereby certify to the best of my knowledge, that the foregoing Actions are a true and correct copy of the Actions of the regular meeting of the Planning and Zoning Commission held on the 28th of March 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 4th day of April 2023