

**MEETING MINUTES OF
THE CITY OF ELOY
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, December 16, 2020
6:00 p.m.**

I. CALL TO ORDER

Vice-chairperson Marlo Schuh called the meeting to order at 6:00 p.m.

II. ROLL CALL

*One or more members of the Planning and Zoning Commission may attend by telephonic means.

Members present:

- Chairperson Marlo Schuh
- Vice-Chairperson Larry Brown
- Ex-Officio Daniel Snyder
- Commissioner Allen Crawford

Members Absent:

- Commissioner Steve Paulson
(Excused)
- Commissioner Kirk Tatom
- Commissioner John Peterson

Staff present:

- Jon Vlaming, Community Development Director
- Belinda Lopez, Planner
- Jerry Stabley, Planning Manager

Others present:

- Robert Guerrero

III. INVOCATION

Chairperson Schuh led the Invocation and requested a moment of silence.

IV. PLEDGE OF ALLEGIANCE

Chairperson Schuh led the recitation of the Pledge of Allegiance.

V. MOTION TO APPROVE THE NOVEMBER 18, 2020 MEETING MINUTES OF THE PLANNING AND ZONING COMMISSION.

Chairperson Schuh asked for a motion to approve the meeting minutes of the Planning and Zoning Commission. Vice-chair Brown made a motion to approve the November 18, 2020 meeting minutes as presented. Commissioner Crawford seconded the motion. The motion was approved with a vote of 3-0.

VI. OLD BUSINESS: POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:

A. CONDUCT PUBLIC HEARING TO DISCUSS AN AMENDMENT TO THE ELOY ZONING CODE TO ADDRESS RECREATIONAL MARIJUANA AS A RESULT OF THE PASSAGE OF PROPOSITION 207 BY ARIZONA VOTERS IN NOVEMBER 2020.

Chairperson Schuh opened up the Public Hearing. Mr. Vlaming introduced Jerry Stabley. Mr. Jerry Stabley, Planning Manager introduced himself and presented a power point presentation on the proposed recreational marijuana ordinance. Proposition 207 (Prop 207) known as the Safe and Arizona Voters passed Smart Arizona Act in the November 3, 2020 election.

Mr. Stabley went over the general regulations. Individuals that are twenty (21) years and older can grow no more than six (6) marijuana plants in their house: Plants cannot be viewed by public and plants must be in a lockable area. The Arizona department of health Services will be developing rules and regulations not addressed in this proposition. Such as not allowing the smoking of marijuana in a public place or open space, or consumption of marijuana products while operating a vehicle. Employers can impose prohibitions on employees use of recreational marijuana and marijuana products. It would still be a felony under Federal statutes to possess and use marijuana. By Federal Law: anyone using or possessing marijuana prohibited from possessing or owning a firearm. Eloy Police, Chief Vasquez already noted to his department: sworn and civilian staff are not allowed to use marijuana.

Proposed City Timing for approval of this Text Amendment to the Zoning Code
Planning and Zoning Commission Work Session: happened on November 18, 2020
City Council Work Session: happened on December 7, 2020
Planning and Zoning Commission Hearing: December 16, 2020 (tonight's topic)
City Council Hearing: January 11, 2021

This proposed Ordinance will be declare an emergency so it goes into effect immediately after it is passed.

At the City Council Work Session on December 7-City Council is open to allowing Marijuana Establishments to be located in more places that City Code allows medical marijuana dispensaries. There was a discussion to allow establishments on Main Street, Frontier Street and in the Toltec area. It was mentioned that one-thousand three hundred twenty (1320) foot separation was too large. Maintain some separation from schools

and homes but not as concerned about distancing from churches and residentially zoned vacant land.

Staff has an ordinance in place to control location of establishments that may be approved by early in 2021. Staff has already advertised a draft ordinance for this Commission hearing. Staff found out that other cities were taking their time to approve and ordinance. For example, Town of Tempe is planning for February 2021. Staff is asking for continuance until January 20, 2021 to address City Council's concerns.

B. COMMISSION TO MAKE A RECOMMENDATION FOR APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL OF THE AMENDMENTS TO THE ELOY ZONING CODE TO ADDRESS RECREATIONAL MARIJUANA TO THE CITY COUNCIL.

Chairperson Schuh asked for a recommendation for approval, approval with conditions, or denial of the amendments to the Eloy Zoning Code to address recreational marijuana to the City Council. Vice-chair Brown made a motion to table/continue it until the next meeting. Commissioner Crawford seconded the motion. The motion passed with a vote of 3-0.

VII. NEW BUSINESS: POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:

A. CONDUCT PUBLIC HEARING TO DISCUSS THE APPLICATION SUMMITTED BY UPFRONT PLANNING & ENTITLEMENTS, LLC IN CARE OF JESSICA SARKISSIAN ON BEHALF OF HANNA 10 LLC TO REZONE PINAL COUNTY ASSESSOR'S PARCEL NUMBERS: 511-33-001M, 511-33-001N, 511-33-001P, 511-33-001Q, AND 511-33-001R FROM GR (GENERAL RURAL) A PINAL COUNTY ZONING DESIGNATION TO I-1 LIGHT INDUSTRIAL). THE SUBJECT PROPERTIES ARE LOCATED AT THE SOUTHWEST CORNER OF HANNA ROAD AND SUNLAND GIN ROAD, IN A PORTION OF SECTION 13, TOWNSHIP 7 SOUTH, RANGE 7 EAST, G&SRB&M, PINAL COUNTY, ARIZONA.

Ms. Lopez introduced this agenda item and introduced Jessica Sarkissian with Upfront Planning & Entitlements, LLC. Mrs. Sarkissian was attending this meeting via telephone and explained to the Commissioners that her client's property is in the process of annexation as the annexation was recently approved by the Eloy City Council on December 14, 2020. The properties are the corner of Hanna and Sunland Gin roads and are currently vacant and their request is to rezone to Light Industrial to be in conformance to the proposed Eloy General Plan and Pinal County Comprehensive Plan. Mrs. Sarkissian mentioned there is no immediate proposed development on the site at this time.

B. COMMISSION TO MAKE A RECOMMENDATION FOR APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL FOR CASE NO.: RZ2020-025 TO REZONE PINAL COUNTY ASSESSOR'S PARCEL NUMBER: 511-33-001M, 511-33-001N, 511-33-001P, 511-33-001Q, AND 511-33-001R FROM GR (GENERAL RURAL) A PINAL COUNTY ZONING DESIGNATION TO I-1 LIGHT INDUSTRIAL). PROJECT NAME: HANNA 10 INDUSTRIAL.

Chairperson Schuh asked for a recommendation for approval, approval with conditions, or denial of Case No.: RZ2020-025 to the City Council. Commissioner Crawford made a motion to approve the rezoning Case as presented. Vice-chair Brown seconded the motion. The motion passed with a vote of 3-0.

VIII. INFORMATIONAL ITEMS:

A. FRONTIER STREET COMMUNITY TREE PROJECT

Mr. Vlaming introduce the status of the Frontier Street Community Tree Project. This project is going to cover the south side of Frontier Street, between Stuart and Myers Boulevards. Staff has received three alternative designs (exhibits were displayed at the meeting) to consider and would like everyone's input on the options before moving forward with this project. Staff has posted on the city's webpage the link to each of the alternative designs and a survey to complete. He also mentioned that the exhibit boards are on display at City Hall in the lobby.

IX. COMMUNICATIONS:

- The Dust Bowl Theater is under review for what City Council should recommend to do with it.
- Water Tower is going to be repainted and lights will be installed on as the one that was completed in the Town of Gilbert.
- Xpress Fuel Truck Stop on Toltec Road will be open for business at the end of the year. Staff is planning a ribbon cutting for some time in December 2020.

X. MOTION TO ADJOURN.

Chairperson Schuh asked for a motion to adjourn. Vice-chair Brown made a motion to adjourn and was seconded by Commissioner Crawford. The adjournment passed 3-0 and the meeting adjourned at approximately 7:00 p.m.