

**MEETING MINUTES OF
THE CITY OF ELOY
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, January 20, 2021
6:00 p.m.**

I. CALL TO ORDER

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 Sara Curtis
- Commissioner Allen Crawford
- Commissioner Kirk Tatom
- Commissioner John Peterson

Members Absent:

- Commissioner Steve Paulson

Staff present:

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

Others present:

- Robert Guerrero
- Robert Guerrero Jr.
- Council member Daniel Snyder
- Council member Georges Reuter

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 DECEMBER 16, 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-chairperson Brown made a motion to approve the December 16, 2020 meeting minutes as presented. Commissioner Crawford seconded the motion. The motion was approved with a vote 5-0.

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. Stabley gave a brief PowerPoint Presentation on the proposed Recreational Marijuana amendment to the City of Eloy Zoning Code.

Proposition 207, the Safe and Smart Arizona Act, was passed by Arizona voters on November 3, 2020, allowing for the sale and consumption of recreational marijuana. Due to the wide range of issues that were created by its passage, City staff has identified preliminary regulations for the Planning and Zoning Commission's consideration. There was a quick review of previous recommendations as well as council input received during the previous work session and the proposed changes.

- Individuals that are 21 years and older can grow no more than six marijuana plants in their house, provided the public cannot view the plants and are in a lockable area
- The AZ Department of Health Services will be developing rules and regulations not addressed in Proposition 207.
- Prop. 207 does not allow for the smoking of marijuana in a public place or open space, or the consumption of marijuana products while operating a vehicle.
- An employer can impose a prohibition on its employee's use of recreational marijuana and marijuana products.
- It is still a felony under Federal statutes to possess and use marijuana.
- According to Federal law, anyone using or possessing marijuana is prohibited from possessing or owning a firearm.
- Issues Related to the Zoning Ordinance. The Act allows proposed recreational marijuana establishments to apply for a license from the Arizona Department of Health Services (ADHS). Marijuana establishments include all of the following: retail, cultivation and manufacturing of marijuana products. Establishment owners can choose one, two or all three. However, there is no guarantee that the owner will engage in the sale (retail) of products. This provision represents a major change

from the medical marijuana laws that allowed the City to create separate regulations for dispensaries, cultivation and infusion of medical marijuana.

- The Act also places restrictions on how localities, which are defined as Cities, Towns or Counties, can regulate marijuana establishments. The text of the Act states: “A locality may not enact any ordinance, regulation or rule that is more restrictive than a comparable ordinance, regulation or rule that applies to nonprofit medical marijuana dispensaries.” However, the City may enact regulations that are more lenient. The current medical marijuana ordinance requires that all medical marijuana dispensaries may be approved under a Conditional Use Permit (CUP).

Property owners are only allowed to apply for a Conditional Use Permit (CUP) in the following zoning districts: General Commercial District (C-2), Business Park (BP), Light Industrial (I-1), and General Industrial (I-2).

The current ordinance also specifies that medical marijuana dispensaries shall not be located within 1,320 feet of: the same type of use, residentially zoned property, a preschool, kindergarten, elementary, secondary or high school, place of worship, Public Park, or public community center. Staff initially proposed that the City regulations for recreational marijuana establishments mirror the rules for medical marijuana dispensaries.

City Council input during the Work Session: The City Council held a work session to discuss Recreational Marijuana on, Monday, December 7, 2021. Council discussion identified the following:

- They are open to allowing marijuana establishments to locate in more places than the Code allows medical marijuana dispensaries;
- Discussed allowing establishments on Main and Frontier Streets and in Toltec;
- 1320’ separation was too large; maintain some separation from schools and homes;
- Not as concerned about distancing from churches and residentially zoned vacant land; and
- control with Conditional Use Permits

After his presentation, Mr. Stabley fielded several questions from the Planning and Zoning Commission, City Council members and the public.

There being no further questions, Chairperson Schuh closed the Public Hearing and moved to the next agenda item.

B. COMMISSION TO MAKE A RECOMMENDATION FOR APPROVAL, APPROVAL WITH CONDITIONS, OR DENIAL FOR DRAFT TEXT AMENDMENT TA2020-028, RECREATIONAL MARIJUANA TO THE ELOY CITY CODE.

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-chairperson Brown made a motion to approve the proposed amendments with Staff recommendations. Commissioner Tatom seconded the motion. The motion passed 4-1 by the following roll call votes:

Ayes: Chairperson Schuh; Vice-chair Brown; Commissioner Tatom; Commissioner Crawford.

Nays: Commissioner Peterson.

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

None.

VIII. INFORMATIONAL ITEMS:

None.

IX. COMMUNICATIONS:

- Ex-Officio Sara Curtis introduced herself as the new Ex-Officio of the Planning and Zoning Commission.
- Taxi-Way at the Eloy Municipal Airport has been updated.
- Battaglia Road reconstruction-Grant has been funded and staff received eight bids.
- Sunland Gin Project has not received funding however, a preliminary design has been prepared in draft form for Council consideration
- The La Paglia Law office on Main Street has been purchased by City of Eloy. The building has been painted and City staff hired a company to remove the asbestos in the building.
- Century Complete is planning to build single-family homes on 90 single-family residential lots at the Picacho Heights Subdivision along Frontier Road.
- The City Council Retreat is scheduled for Saturday, January 23, 2021 starting at 9:00 a.m. at Eloy City Hall-Community Room. Public Access to the Retreat can be viewed live via Zoom link:
<https://zoom.us/j/94510636617?pwd=Ly9yQ1JJbS8xSGl6ckdWZFg3MlZ0UT09>
- Mr. Vlaming updated the Commission on the progress of the Frontier Street Community Tree Project. This project was identified by a City resident and has been supported by the City. The initial project area is located on the south side of Frontier

Street between Myers Boulevard and Stuart Boulevard (approximately ½ mile.) Staff held an open house on December 3, 2020 and due to a low turnout, Council recommended an online survey. He commented that the Desert Oasis alternative captured the most support followed by the Agriculture alternative. At the end, City Council decided to choose the Agriculture landscape concept, which is a combination of the Agriculture and the Desert Oasis. The landscape architecture consulting firm is working on an initial cost estimate and construction plans.

X. MOTION TO ADJOURN.

Chairperson Schuh asked for a motion to adjourn. Vice-chairperson Brown made a motion to adjourn and was seconded by Commissioner Crawford. The adjournment passed 5-0 and the meeting adjourned at approximately 7:19 p.m.