

**MEETING MINUTES OF
THE CITY OF ELOY
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, April 21, 2021
6:00 p.m.**

I. CALL TO ORDER

Chairperson Marlo Schuh called the meeting to order at 6:03 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 John Peterson
- Commissioner Steven Paulson

Members Absent:

- None.

Staff present:

- Jon Vlaming, Community Development Director
- Mary Myers, City Clerk

Others present:

- Carolyn Oberholtzer
- Eric Offenberger
- Thai Nguyen
- Council member Daniel Snyder

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 JANUARY 20, 2021 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 January 20, 2021 meeting minutes as presented. Commissioner Paulson seconded the motion. The motion was approved with a vote of 5-0.

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

None.

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

A. PUBLIC HEARING TO ALLOW COMMENT FROM THE PUBLIC AND INTERESTED PARTIES ON PROPOSED CASE NO. : RZ2020-026. APPLICATION SUBMITTED BY RON STEVENS ON BEHALF OF LOUIS A. TSAKIRIS FAMILY PARTNERSHIP TO REZONE APPROXIMATELY 0.19 ACRES OF LAND FROM R1-12 (SINGLE FAMILY RESIDENTIAL) TO I-1 (LIGHT INDUSTRIAL). SUBJECT PROPERTY IS LOCATED AT 4440 W. BOSQUE NORTH DRIVE, ELOY, ARIZONA, PINAL COUNTY ASSESSOR'S PARCEL NUMBER: 403-24-321 IN A PORTION OF SECTION 28, TOWNSHIP 7 SOUTH, RANGE 7 EAST OF THE GILA & SALT RIVER BASE & MERIDIAN, PINAL COUNTY, ARIZONA (PROJECT NAME: MIDWAY CITY PARCEL 40324321).

Chairperson Schuh opened up the Public Hearing. Mr. Vlaming commented there are no members of the public present and mentioned it was a house keeping issue that needed to be formalized. He mentioned that previously at the last month's City Council meeting, scheduled on Monday, March 8, 2021, City Council approved a request to abandon a portion of the existing Midway City plat. Before the plat abandonment is recorded, one parcel was zoned residential and not light industrial like all of the other parcels in the plat. What the applicant wants to do, now that he has ownership is bring this parcel to the Commission members to be rezoned to match all of the other parcels, which will enable him to combine all the parcels as one and abandon all of the parcel lines. Mr. Vlaming explained if the Commission and City Council move forward with their approval recommendation, the applicant would also be able to record the plat abandonment and create a property that would be marketable and potentially developable in the future.

Chairperson Schuh asked that eventually all of the individual parcels within the triangle would be combined into one big parcel and would be zoned Light Industrial. Mr. Vlaming clarified that it is already Light Industrial with the exception of the one parcel being brought forward at this meeting and also indicated that all the property

surrounding the subject area are light industrial. Chairperson Schuh inquired as to how long these lots have been zoned industrial. She also commented that the parcels look like the sizes that would be suitable for homes. Mr. Vlaming commented this area has been zoned Light Industrial prior to the time he started working for City of Eloy six years ago and also commented that currently the subject area does not have any vehicular access from the south or the west. This request went before City Council as a partial plat abandonment. But before it is recorded, this request is to change the zoning of the only residentially zoned parcel (Assessor's Parcel number 403-24-321) from R1-12 to I-1 to make sure all parcels are zoned the same prior to the partial plat abandonment being recorded.

Hearing no other comments, Chairperson Schuh closed the Public Hearing.

B. CONSIDERATION, DISCUSSION, AND RECOMMENDATION TO THE ELOY CITY COUNCIL FOR APPROVAL, DISAPPROVAL OR OTHER ACTION ON CASE NO. : RZ2020-026 (PROJECT NAME: MIDWAY CITY PARCEL 40324321).

Chairperson Schuh asked for a recommendation for approval, approval with conditions, or denial of Case No. : RZ2020-026 to the City Council. Vice-chairperson Brown made a motion to approve the proposed amendments with Staff recommendations. Commissioner Crawford seconded the motion. The motion passed 5-0 by the following roll call votes:

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

Nays: None.

C. PUBLIC HEARING TO ALLOW COMMENT FROM THE PUBLIC AND INTERESTED PARTIES ON PROPOSED CASE NO. : CUP2021-009. APPLICATION SUBMITTED BY CAROLYN OBERHOLTZER WITH BERGIN, FRANKS, SMALLEY & OBERHOLTZER, PLLC FOR A CONDITIONAL USE PERMIT FOR MEDICAL MARIJUANA CULTIVATION. SUBJECT PROPERTY IS LOCATED AT 924 N. TWEEDY ROAD, ELOY, ARIZONA, PINAL COUNTY ASSESSOR'S PARCEL NUMBERS: 408-02-021 AND 408-02-022 IN A PORTION OF SECTION 1, TOWNSHIP 8 SOUTH, RANGE 7 EAST OF THE GILA & SALT RIVER BASE & MERIDIAN, PINAL COUNTY, ARIZONA (PROJECT NAME: NEW GEN ELOY)

Chairperson Schuh opened up the Public Hearing. Mr. Vlaming introduced the application that came forward for a conditional use permit, as required, for property to be used for Medical Marijuana Cultivation in the Light Industrial zoning district. The property consists of two overall parcels, approximately 15 acres in total area with an existing building previously developed on the property. It is the former location of

Elrus Aggregates and it was built in 2008. It consists of approximately 71,000 square feet, and it has been vacant for the last several years. The applicant is currently in escrow on the property and wants to attain all of the entitlements and approvals before they close escrow. They have submitted a request for a conditional use permit for medical marijuana cultivation on the property and as mentioned previously, the subject property is zoned I-1, Light Industrial. The Eloy General Plan identifies this property as General Industrial and it is within the Sun Corridor Growth Area as identified in the Growth Area Element of the Eloy General Plan. Mr. Vlaming identified that the applicant has land use attorney representation this evening. The applicants' representative has previously conducted a virtual public meeting via Zoom, but no one attended. They have complied with all of the notification requirements as identified in the Zoning Code for properties within 300 feet. Staff has received one comment from the adjacent property owner (to the south and east). His name is Jerry Ivy, and he has voiced his non-support for this conditional use permit for the record. Mr. Vlaming also stated that staff has not received any input from any other individual at this point; however, he wondered if the applicant has an update. With that, Mr. Vlaming asked if the Commission had any additional comments or have questions for the applicant's representative.

Vice-Chairperson Brown asked what the recommendation by Staff for this case is. Mr. Vlaming responded that Staff is recommending approval of the conditional use permit with stipulations that are identified per staff report for the next agenda item (VII. D.) after the Public Hearing item of the agenda is completed. Vice-Chairperson Brown said thank you.

Carolyn Oberholtzer introduced herself as the representative of the new owner with Bergin, Frakes, Smalley & Oberholtzer, PLLC, 4343 E. Camelback, Phoenix, AZ. She is representing New Gen Eloy. She commented that the property is in escrow and her client intends to purchase the property to serve one of their dispensaries in Phoenix. She indicated that they operate the herbal wellness dispensary and their current cultivation facility is close to that of the dispensary, but it is undersized. They serve over 6,000 patients every month and their current facility is able to provide only 75% of the product necessary to serve those patients. Therefore, they are acquiring this building to serve the facility in Phoenix and to increase their production capacity in this 71,000 square foot building in order to produce enough product to support the demand of the herbal wellness dispensary. Ms. Oberholtzer stated that the 71,000 square foot building would be a complete indoor operation, it is very low intensity, very low traffic and the regulations that apply to this operation are very significant, very heavily regulated by the State of Arizona. Security is paramount, and this building will be restricted to employee access only. When this facility opens, there will be approximately 25 to 30 full-time employees and that would be the only daily traffic. There will be bi-weekly trash pick-up and occasional deliveries of the product up to Phoenix, Arizona but, it is a very low traffic generating use. Its use would be entirely conducted within the existing building. There will be some modification needed to the inside of the building but, she indicated, it is a great structure and it provides abundant parking spaces, and has great access. As far as the use goes as per the Zoning Code,

there are requirements, one has to be a certain distance from other uses and in just about in all cases, they exceed those minimum distances to any school, church and other cultivation facility.

There is a parcel of land (zoned R1-43) that is located on the south side of Interstate 10 (I-10). Currently, Tweedy Road dead ends at I-10, but to the south beyond the freeway, there is a property (an exhibit was shown to those present at the meeting) in yellow color zoned R1-43. The zoning code requires a separation of 1,320 feet from the building façade to the property line. The applicant engaged a registered Surveyor go out and measure the distance. The resulting distance was 1,307 feet from the property line to the southern face of the building. In addition, she noted that the vacant property is encumbered by two easements-one is a 33' and the other is a 44' highway easement at the northern/eastern corner of that property. Therefore, she continued, the distance of the 1,320 feet is not going to be proximate to any residential structure because of the existence of those roadway easements. Ms. Oberholtzer noted however, that the strict interpretation of the code, they have two options in this circumstance: The code allows the applicant not to use a portion of that building that is too close to the residential zoned land. In this case, the owner would not use the south 13 feet of the building. Historically that area has been used for storage and it will not be a huge issue. In this case, they have applied for a companion variance in order to alleviate that distance and request relief of the 13 feet. Any other residential parcel is located four times the required distance from the subject property. She continued that in terms of locating a medical marijuana cultivation facility, this property is very attractive, it has great access to roads, is tucked back, and has great access to Phoenix.

She then introduced Thai Nguyen and Eric Offenberger, CEO of Vext Science who are the experts on this topic, and asked if the Commission members had any questions. Chairperson Schuh asked about the two uses of medical marijuana and dispensary. Mrs. Oberholtzer explained that how the license is structured is that for every medical marijuana dispensary, they are able to have one off-site location for that dispensary. This building would be assigned to the medical marijuana license, so this would be a medical marijuana cultivation facility and it will not be for recreational marijuana. There was a discussion about operational procedures at the request of Chairperson Schuh. Mr. Vlaming introduced Nate Bailey with the Eloy Fire District. Nate Bailey introduced himself and commented from the fire district perspective and fire protection, the building does have a sprinkler system and with that, the site plan is phenomenal and they have no issues with the proposed use for the growing operation. Hearing no other comments, Chairperson Schuh closed the Public Hearing.

D. CONSIDERATION, DISCUSSION, AND RECOMMENDATION TO THE ELOY CITY COUNCIL FOR APPROVAL, DISAPPROVAL OR OTHER ACTION ON CASE NO. : CUP20021-009. PROJECT NAME: ELOY NEW GEM.

Chairperson Schuh asked for a recommendation for approval, approval with conditions, or denial of Case No. : CUP2021-009 to the City Council. Vice-chairperson Brown

made a motion to approve the proposed amendments with Staff recommendations with the stipulation. Commissioner Crawford seconded the motion. The motion passed 5-0 by the following roll call votes:

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

Nays: None.

VIII. INFORMATIONAL ITEMS:

A. THE COMMUNITY DEVELOPMENT DEPARTMENT STAFF WILL PROVIDE UPDATES TO VARIOUS PROJECTS UNDER WAY IN THE CITY.

Mr. Vlaming communicated the following:

- City Council has approved the Downtown Vision for a consultant and have retained Rounds Consulting Group and Local First Arizona. They will be putting together a vision plan for the key areas of the Downtown and an Economic study and underpin the land uses and strategy recommendations.
- The Frontier Street Community Tree Program identified by a citizen and City Council and the project will be bid towards the end of the summer for tentative construction by October.
- The City will retain a landscape architect to create the design, conduct a process to review the design with the neighborhood and go out for bids for a new project on Shedd Road between Giles Street and Estrella Road in the Toltec area to place landscape and hardscape improvements and put irrigation in the median.

Ex-Officio Council member Sara Curtis communicated the following:

- The new Police Station will have a grand opening on June 18th.
- The Eloy City Council passed the Ordinance for Recreational Marijuana.
- City Council is working on the budget for next fiscal year.

IX. COMMUNICATIONS:

A. COMMISSIONERS MAY SHARE INFORMATION OR INQUIRE ABOUT CITY RELATED ACTIVITIES.

- None.

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 Paulson. The adjournment passed 5-0 and the meeting adjourned at approximately 6:54 p.m.