Greg Stanley
County Manager

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PINAL COUNTY PLANNING AND ZONING COMMISSION
REGULAR MEETING
MINUTES OF April 17, 2014

PRESENT:

Mr. Hartman, Chairman
Ms. Aguirre-Vogler, Member
Mr. Gutierrez, Member
Mr. Del Cotto, Member
Mr. Riggins, Vice-Chairman
Mr. Salas, Member
Mr. Smyers, Member

ABSENT:

Ms. Moritz, Member
Mr. Grubb, Member
Mr. Anderson, Member

LEGAL STAFF PRESENT:

Mr. Langlitz, Deputy County Attorney

PLANNING STAFF PRESENT:

Mr. Stabley, Planning Director
Ms. MacDonald, Planner II
Mr. Balmer, Planner I
Mr. Abraham, Planning Manager
Mr. Denton, Planner II
Ms. Bruninga, Secretary II

PUBLIC WORKS STAFF PRESENT:

Mr. Chow, Development Section Chief

The meeting was called to order at 9:04 a.m., this date by Chairman Hartman in the Pinal County Administration Building A., Florence, Arizona.

DISCUSSION/APPROVAL/DISAPPROVAL OF MEETING MINUTES:

March 20, 2014

MOTION

Commissioner Aguirre-Vogler made a motion to approve the minutes of March 20, 2014. Commissioner Gutierrez seconded the motion. Motion passed unanimously. (6-0)

Vice-Chairman Riggins arrived at 9:05.

PLANNING DIRECTORS DISCUSSION ITEMS

Resignation of Commissioner Anderson
Mr. Stabley discussed Commissioner Anderson's resignation from the Commission. Mr. Stabley added that Mr. Anderson is still a member of the Commission until he is replaced.

Chairman Hartman added that Commissioner Anderson was present at the meeting to ensure that there was a quorum. Chairman Hartman asked what the process is to replace Commissioner Anderson.

Mr. Stabley added that Supervisor Chase is aware that a new Commission member needs to be appointed.

Community Plan
Mr. Stabley stated that Community Plan is designed as a tool to provide education for new Commissioners and refreshers for existing Commissioners. Mr. Stabley stated he is hoping to have the session in June and asked if the Commission prefers the session on a hearing day or a non hearing day.

Commissioner Salas and Chairman Hartman prefer a non hearing day. Commissioner Aguirre-Vogler asked if there was a need for two (2) trips, she would like a hearing day. Mr. Stabley stated that June Commission hearing will have a busy agenda. Commissioner Aguirre-Vogler stated that she is available the last week of June. Mr. Stabley asked if Thursdays work best for the Commission to meet. It was decided that the last Thursday in June will work for the Commission to meet.

REPORT ON BOARD OF SUPERVISORS ACTION ON P & Z CASES

March 26, 2014 – No Cases
April 9, 2014 – No Cases

Chairman Hartman asked for an update on the April 19, 2014 Board of Supervisors work session. Mr. Langlitz stated that he is unaware of the topic of the work session. Mr. Stabley stated that one topic was to create a strategic plan to involve elected officials to get their input as well.

Chairman Hartman stated that he read in the news that the ICE contract was terminated, and asked if that was on the Board of Supervisors agenda. Mr. Stabley responded that it was not on the agenda, and his understanding is that the contract has not been terminated as of yet.

Mr. Abraham stated that Item 7, SUP-002-14 will not be heard due to a notice deficiency and will be heard in May.

Executive Session for the purpose of obtaining legal advice from the County's attorney(s) pursuant to A.R.S.§ 38-431.03 (A)(3).; regarding PAD amendment case **PZ-PD-008-13**.

MOTION
Commissioner Aguirre-Vogler made a motion to go into executive session. Commissioner Smyers seconded the motion.

Chairman Hartman closed the public portion of the hearing to move into executive session.

The Commission moved into executive session at 9:16.

MOTION
Commissioner Aguirre-Vogler made a motion to return to regular session from the executive session. Commissioner Gutierrez seconded the motion.

The Commission returned to regular session at 10:02.

PZ-PD-008-13 – PUBLIC HEARING/ACTION: Gary Road Holdings, LLC, landowners/applicants, Matrixx Management, LLC, agent, requesting approval of an Amendment to a Planned Area Development (PAD) Overlay District **(PZ(PD)037-03)** on 83.52± acres within the **San Tan Heights PAD** to plan and develop 218 single-family dwelling units; situated in a portion of the NE¼ of Section 13, T3S, R7E G&SRB&M, tax parcels 509-02-9240 & 509-02-059A (legals on file) (located approximately ½ mile south of the Gary Road and Hunt Highway intersection). **(Continued from the February 21, 2014 Planning Commission Meeting) (This item as been withdrawn at the request of the Applicant)**

Mr. Langlitz stated that this case initially came to the Commission as a PAD amendment. Mr. Langlitz stated that a meeting was held with the developer and staff, and it was determined that a PAD amendment was not necessary, and the case has been withdrawn because of that.

Mr. Abraham stated that there is no Commission action required, it is treated as if the case was never submitted.

SUP-001-14 – PUBLIC HEARING/ACTION: Rita Casares, landowner; Glenn A. Wilt Jr., applicant, David Dow, agent, requesting approval of a Special Use Permit to operate the Pinal County Wellness Center medical marijuana dispensary on 0.46± acres in the CB-2 zone**(PZ-385-73)**; situated in a portion of the SE¼ Section 27, T09S, R 15E G&SRB&M. tax parcel 308-56-086 (legal on file)(located on the north side of American Avenue east of Rockliffe Blvd in the Oracle area)

Ms. MacDonald read a portion of the staff report and used a PowerPoint. Ms. MacDonald stated that she has received three (3) additional letters in opposition after the Commission packets were sent out.

David Dow, 3104 E. Camelback Rd, #281, Phoenix, Arizona, 85016 and Demitri Downing of Bloom Dispensaries, 1336 E Kleindale Road, Tucson, Arizona both came forward to address the Commission.

Mr. Dow gave a history of the property and the applicant's request. Mr. Downing provided his background in law enforcement. Mr. Downing added that while it is illegal at the Federal level, the Federal government allows the states to act as they feel appropriate.

Chairman Hartman asked for the applicant to explain why the Commission should recommend approval to the Board of Supervisors.

Mr. Dow stated that the project complies with the criteria they were given.

Chairman Hartman asked if there will be a security officer on site. Mr. Dow stated that there will be a security officer on site. Mr. Downing added that there have been zero (0) incidents in the last two (2) years that Bloom has been operating.

Greg Rowles, address unknown, came forward to show the interior design of the dispensary, noting that the space in the building is very small.

Commissioner Smyers stated that he knows Mr. Rowles on a personal level.

Commissioner Smyers asked if one hundred and sixty (160) cardholders is a normal amount for the area. Mr. Downing responded that the number is low, adding that the facility is small and will serve three to seven (3-7) patients an hour. Mr. Downing added that the gross retail is approximately two thousand (2,000) dollars per day. Mr. Downing stated that some facilities serve thousands of patients in a week. Commissioner Smyers asked if that amount is brought in based on 160 cardholders. Mr. Downing responded that it depends on the amount that is prescribed to the patient.

Chairman Hartman asked about the nonprofit status, if they are bringing in revenue. Mr. Dow stated that they give a portion to the community. Mr. Dow added that donations are made to many things such as little league teams and hospitals in the area.

Chairman Hartman asked if the applicant is aware of the stipulations. Mr. Dow responded that they have read and agree to the stipulations and the applicant understands that there is a two (2) year trial period.

Commissioner Gutierrez asked if there will be medical staff in the area that prescribes the medical marijuana cards. Mr. Dow stated that there is a recommendation made, not a prescription. Mr. Dow stated that the facility will have a medical director who cannot do any recommendations by law. Mr. Downing added that any physician can recommend the use of marijuana as a medicine, but there are many that are still concerned about the risk of losing their license.

Chairman Hartman opened the public portion of the meeting.

Ned Creighton, 824 Coronado Ridge, Oracle, Arizona, came forward to address the Commission in opposition to the proposal. Mr. Creighton stated that he has a few concerns, the proximity to the Pinal County Health Center, leaves the impression that the County is involved. Mr. Creighton expressed his concerns that the Sheriff's Office manpower is limited. Mr. Creighton also stated that he has found a lot of negative information on the internet about the applicant.

Alicia Bristow, no address given, came forward to address the Commission in opposition to the proposal. Ms. Bristow added that the Comprehensive Plan identifies "a sense of community" as an important aspect, and allowing this facility will make the residents lose that.

Eldon Rhodes, no address given, came forward to address the Commission in opposition to the proposal. Mr. Rhodes stated that there is no need for the facility as the number of cardholders in the area is limited. He added that people seeking medication all drive to get their medications and this is no exception.

Gordon Brown, 1894 W. Judd Road, San Tan Valley, Arizona, came forward to address the Commission. Mr. Brown expressed his dissatisfaction with the decisions that staff has made.

Bud Bristow, 3939 W Linda Vista Rd, Oracle, Arizona, came forward to address the Commission in opposition to the proposal.

Lee LaCroix, owner of Oracle Mini Storage, Alex Austin Drive, Oracle, Arizona, came forward to address the Commission in opposition to the proposal.

Wanda Winningham, 525 S. Cody Loop, Oracle, Arizona, came forward to address the Commission in opposition to the project.

Charles Clark, no address given, came forward to address the Commission in opposition to the proposal.

Rita Peña, 1841 W Alex Austin Dr, Oracle, Arizona, came forward to address the Commission in favor of the proposal. Ms. Peña stated that she owns the property in question and she lives behind the property. Ms. Peña stated that initially she had reservations about renting the property to this type of facility. Ms. Peña added that new proposals will always bring forth opposition of some sort.

Chairman Hartman called the applicants forward to address the comments and concerns expressed by the public.

Mr. Dow stated that they are willing to remove the words Pinal County, as well as any marijuana or marijuana leaf from the signage. Mr. Dow stated that there is one entrance to the site, and laws require that there is only one entry point.

Mr. Downing stated that, if needed, law enforcement is only a phone call away. He added that having a dispensary eliminates people growing marijuana on their own.

Commissioner Smyers asked if there is a dispensary twenty (20) miles away. Mr. Dow responded that the minimum distance between sites is being decreased to twenty (20) miles.

Mr. Langlitz stated that it would be in the best interest of the Commission to let anyone else in the audience that has anything to share have the opportunity to speak.

John Rendall, 3746 W Linda Vista Rd, Oracle, Arizona, came forward to address the Commission in opposition to the proposal. Mr. Rendall stated that the closest pharmacy is in Oro Valley, and that is where everyone goes for prescriptions, and there is a dispensary in Oro Valley as well.

Chairman Hartman closed the public portion of the meeting.

MOTION – SUP-001-14
Vice-Chairman Riggins made a motion to forward case SUP-001-14 to the Board of Supervisors with a recommendation of denial. Commissioner Aguirre-Vogler seconded the motion.
Chairman Hartman called for a Roll Call Vote.

Commissioner Aguirre-Vogler	Yes, she has concerns about the health and safety of the community
Commissioner Gutierrez	Yes, the town is changing, and the residents do not desire this type of business
Commissioner Smyers	Yes, the proximity to the nearest facility is the same distance as the nearest pharmacy.
Commissioner Salas	Yes, too many have spoken and he doesn't see the need for it.
Commissioner Del Cotto	Yes, he is taking the opinion of the Community into consideration. He added that the law allows a person to grow their own marijuana if a dispensary isn't within the minimum distance, so he warned the community that their neighbors may be growing their own marijuana
Vice-Chairman Riggins	Yes, due to a unanimous public input in opposition as well as the health and welfare of the community.
Chairman Hartman	Yes, the people of Oracle have made it clear that they do not want this site to be used for this type of facility.

Motion passed unanimously (7-0).

LUNCH 11:29
RECONVENED 12:30

PZ-C-003-13 – PUBLIC HEARING/ACTION: Pinal County applicant, Kent & Christina Horn landowners et. al., requesting a zone change from MHP (Manufactured Home Park)**(PZ-028-00)** to RU-1.25 (Rural Zoning District) on 2± acres; situated in a portion of the NE¼ of the NW¼ of Section 6, T07S, R05E, G&SRB&M, tax parcel 511-66-014B (legal on file) (located on the SWC of the intersection of Selma Hwy & S. Mammoth Drive south of Casa Grande).

Mr. Abraham read a portion of the staff report and used a PowerPoint.

Chairman Hartman asked if this case was seen by the Commission previously. Mr. Abraham stated that the Commission saw the case when it came forward for the rezone initiation. Mr. Abraham also stated that the Horn's would have to get the property in compliance, the county would not be partnering with them on any future requests to allow outdoor storage.

Chairman Hartman called the applicant forward.

Kent Horn, 812 E 8th Avenue, Casa Grande, Arizona, came forward to address the Commission. Mr. Horn gave a brief history of the property and the request for rezone.

Chairman Hartman opened the public portion of the meeting. Hearing none, he closed the public portion of the meeting.
MOTION – PZ-C-003-13

Vice-Chairman Riggins made a motion to forward case PZ-C-003-13 to the Board of Supervisors with a favorable recommendation along with its attached two (2) stipulations. Commissioner Salas seconded the motion. Motion passed unanimously (7-0).

TENTATIVE PLATS

S-008-05 - DISCUSSION/APPROVAL/DISAPPROVAL: Miller & White 815, LLP, landowner, Ryan Weed, Coe & Van Loo Consultants, Inc., engineer, requesting approval of a tentative plat extension for **Terrazo,** 2,844 lots on a 829.2± acre parcel in the CR-3/PAD & CB-1/PAD zones; situated in a portion of Section 1, T6S, R2E and Section 31, T5S, R3E, G&SRB&M, Tax Parcel 501-02-001A et al. (parcel list on file) (located adjacent to the north side of Barnes Road and the east side of Ralston Road, approximately 5 miles southwest of the City of Maricopa).

Mr. Denton read a portion of the staff report and used a PowerPoint.

Ryan Weed, 4550 N. 12th Street, Phoenix, Arizona, came forward to address the Commission. Mr. Weed gave a brief history of the property and the request for extension.

Commissioner Aguirre-Vogler stated that initially the applicant asked for a three (3) year extension and with the economy as slow as it is, she is ok with that. Vice-Chairman Riggins stated that the circumstances can change at any time and he recommends sticking with a two (2) year extension.

Chairman Hartman asked if the applicant had an update on the overpass in Maricopa. Mr. Weed stated that an application is being made to the government for assistance to fund construction of the overpass.

MOTION – S-008-05
Vice-Chairman Riggins made a motion to approve stipulations 1-53, modifying stipulation 45 to extend the tentative plat to May 20, 2016 as set forth in the staff report. Commissioner Gutierrez seconded the motion. Motion passed unanimously (7-0).

S-017-06 - DISCUSSION/APPROVAL/DISAPPROVAL: RJ2 Investments, LLC, landowner, Bergin, Frankes, Smalley & Oberholtzer, agent, requesting approval of a tentative plat extension for **Maricopa Opus,** 725 lots on a 226.13± acre parcel in the CR-3/PAD zone; situated in portion of the E½ of Section 26, T5S, R2E, G&SRB&M, Tax Parcel 510-31-009E (located adjacent to the west side of Ralston Road, east side of Thunderbird Road, north side of Teel Road, and approximately ¼ mile south of Val Vista Road; 5 miles southwest of the City of Maricopa).

Mr. Denton read a portion of the staff report and used a PowerPoint.

Carolyn Oberholtzer, 4455 E. Camelback Road, came forward to address the Commission. Ms. Oberholtzer gave a brief history of the site and the request for extension.

Commissioner Aguirre-Vogler asked if there are funds set aside to help pay for the overpass. Ms. Oberholtzer responded that the City of Maricopa may begin charging an impact fee to assist in funding.

MOTION – S-017-06
Vice-Chairman Riggins made a motion to approve stipulations 1-53, modifying stipulation 50 to extend the tentative plat to June 29, 2016 as set forth in the staff report. Commissioner Salas seconded the motion. Motion passed unanimously (7-0).

ADJOURNMENT

Commissioner Salas made a motion to adjourn the meeting. Vice-Chairman Riggins seconded the motion. Chairman Hartman accepted the motion. Meeting adjourned at 12:54.

RESPECTFULLY submitted May 15, 2014.

Jerry Stabley, Planning Director