

PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBERS
OCTOBER 20, 2022

A Meeting of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 8401 W. Monroe Street, Peoria, AZ in open and public session at 6:30 p.m.

Members Present: Chair Clay Allsop, Secretary Linda Grice, Commissioner Shawn Hutchinson, Commissioner Jeff Nelson and Commissioner Joysaphine Waitman

Members Absent: Vice-Chair Tony Feiter and Commissioner Robyn Uptegraff

Others Present: Chris Jacques – Planning Director, Lorie Dever – Planning Manager, Brandon Forrey – Assistant Traffic Engineer, Dan Symer – Principal Planner, Cody Gleason – Principal Planner, Robert Kuhfuss – Senior Planner, Chris Jasper – Planner, Michael Dynes – Assistant City Attorney, and Della Ernest – Executive Assistant

Audience: 9

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

CONSENT AGENDA

All items listed on the Consent Agenda are considered to be routine or have been previously reviewed by the Commission, and will be enacted by one motion. There will be no separate discussion of these items unless a Commission member so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

1C Disposition of Absence

Discussion and possible action to approve/excuse the absence of Chair Clay Allsop and Commissioner Joysaphine Waitman from the October 6, 2022 meeting.

2C Minutes

Discussion and possible action to approve the minutes of the October 6, 2022 meeting.

COMMISSION ACTION:

Secretary Grice moved to approve the consent agenda as presented. The motion was seconded by Commissioner Hutchinson and upon vote, passed unanimously 5-0.

REGULAR AGENDA

New Business

3R **Cielo Vista Medical Commons: Planned Area Development (Case Z22-02)**

Discussion and possible action to rezone approximately 6.65 acres from the Suburban Ranch (SR-43) zoning district to the proposed Cielo Vista Medical Commons Planned Area Development (PAD) zoning district. The site is located at the southeast corner of Jomax Road and Lake Pleasant Parkway.

The staff report was presented by Mr. Dan Symer, Principal Planner.

PUBLIC COMMENTS:

Ms. Caroline Oberholtzer, with the firm of Bergin, Frakes, Smalley & Oberholtzer provided additional information on the landscape buffer and trellis features.

Mr. Justin Davis, a resident, spoke in favor of the proposed project.

COMMISSION COMMENTS:

Secretary Grice asked for clarification on allowed permitted, and conditional uses for drive-thru pharmacies and outdoor uses.

Mr. Symer stated outdoor uses would be limited to outdoor patio for dining and a food kiosk.

Mr. Jacques further clarified that a drive-thru pharmacy is allowed subject to obtaining a conditional use permit.

Chair Allsopp asked for clarification that if the applicant wanted a drive-thru for a pharmacy, the request for a conditional use permit would be brought before the Commission.

Mr. Jacques confirmed this.

COMMISSION ACTION:

Commissioner Nelson moved to approve item 3R Case Z22-02. The motion was seconded by Commissioner Waitman and upon vote, passed unanimously 5-0.

4R **Lighthouse Office Parcel: Rezone (Z21-04)**

Discussion and possible action to rezone approximately 1.6 acres from the Single-Family Residential (R1-8) Zoning District to the proposed Office Commercial (O-1) Zoning District. The site is located at 8645 W Olive Avenue.

The staff report was presented by Mr. Chris Jasper, Planner.

PUBLIC COMMENTS:

Mr. Miguel Hernandez, pastor of Lighthouse Apostolic Ministries expressed the church's main goal to serve and be a part of the community.

COMMISSION COMMENTS: None

COMMISSION ACTION:

Commissioner Hutchinson moved to approve item 4R Case Z21-04. The motion was seconded by Secretary Grice and upon vote, passed unanimously 5-0.

5R Deliveries for Qualifying Marijuana Dispensaries Text Amendment (Case TA22-02)

Discussion and possible action on Case TA22-02 to consider an applicant-initiated amendment to the Zoning Ordinance seeking to modify Section 21-505.M (Limitations on Uses), to remove the prohibition on delivery services for Qualifying Marijuana Dispensaries, subject to an addendum to the approved Security Plan.

The staff report was presented by Mr. Dan Symer, Principal Planner.

PUBLIC COMMENTS:

Ms. Lindsay Schube, with the firm of Gammage & Burnham, PLC stated there are several neighboring jurisdictions which already allow for the delivery of Marijuana and Marijuana products, such as Glendale, Phoenix, El Mirage, etc. As such, there are dispensaries in other jurisdictions outside Peoria already deliver to Peoria customers. Currently the City Code prohibits Peoria Dispensaries from delivering to customers, including Peoria customers. If the text amendment is not approved, it would not prevent delivery of marijuana to Peoria residents from dispensaries in other jurisdictions.

COMMISSION COMMENTS:

Chair Allsop asked for clarification from the applicant on current state law vs city law regarding marijuana regulation and deliveries specifically.

Ms. Schube stated that cities and municipalities govern land use, and they also can limit deliveries and hours, etc. Therefore, marijuana regulations for the various jurisdictions are not necessarily consistent because the State of Arizona does regulate any of those aspects such as delivers, hours, etc. As an example, Ms. Schube indicated that Maricopa County follows the state law exactly, and in those allowed zoning districts, there are no restrictions on deliveries, hours, having a drive-through lane or size of the buildings. Currently, State law only allows for delivery of medicinal marijuana; it does not allow for delivery of recreational marijuana until such time as the rules are established by the Arizona Department of Health Services, which can be anywhere from January 1, 2023 to January 1, 2025.

Secretary Grice asked that if the text amendment was approved, would delivery of recreational marijuana be allowed once the State approves the rules.

Mr. Jacques stated that should the amendment be approved, it would remove the prohibition on delivery services of marijuana and marijuana products. However, at first, delivery would be limited to medical marijuana or marijuana products, subject receiving approval of an updated security plan by the Police Department. Delivery of non-medicinal marijuana and marijuana products could occur subject to having an updated security plan approved by the Police Department and establishment of the

delivery rules by the Department of Health Services.

Commissioner Waitman asked if the City's Police Department has any comments on the amendment.

Mr. Jacques confirmed that the Planning Department works closely with the Police Department and they were part of this review. As a cash based business, they have been involved in the regulations from the very beginning. They have remarked that they have very few problems with dispensaries because of the security plan that is required. They did not have any opposition to this amendment, provided the security plan was updated with them.

COMMISSION ACTION:

Commissioner Waitman moved to approve item 5R Case TA22-02. The motion was seconded by Commissioner Hutchinson and upon vote, passed 4-1 with Chair Allsop casting the dissenting vote.

6R Water Saving Landscape Changes: Text Amendment (Case TA22-03)

Discussion and possible action on Case TA22-03 to consider a city-initiated amendment to Section 21-818 (General Landscape Requirements) of the Zoning Ordinance, seeking targeted changes to the landscape requirements to advance sustainable water strategies.

The staff report was presented by Mr. Cody Gleason, Principal Planner.

COMMISSION COMMENTS:

Chair Allsop asked for clarification on the maximum turf percentage.

Mr. Gleason stated the Community Design Guidelines require a minimum open space requirement of nine percent. This does not all have to be turf; the maximum amount of turf would be ten percent.

Commissioner Nelson asked for confirmation that this amendment would apply to existing development.

Mr. Gleason stated it would apply to existing developments if they wish to redevelop.

COMMISSION ACTION:

Commissioner Nelson moved to approve item 6R Case TA22-03. The motion was seconded by Secretary Grice and upon vote, passed unanimously 5-0.

Call to the Public (Non-Agenda Items): None.

7R **Reports from Staff**

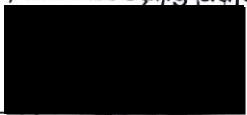
A. **Upcoming Commission Meeting Dates**

Next meetings: November 3, 2022 and November 17, 2022 (*tbd*)

Planning and Zoning Commission Updates and Report of Current Events:

Commissioner Nelson informed staff and Commission that he will not be available for the November 17th meeting.

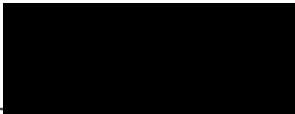
Adjournment: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 7:54pm.



Clay Allsop, Chair

Date

11/3/22



Submitted by Della Ernest

Date

11-3-22