

DRAFT

MINUTES OF THE REGULAR PLANNING AND ZONING MEETING OF THE TOWN OF CHINO VALLEY

**MAY 3, 2016
6:00 P.M.**

The Planning and Zoning Commission of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona.

1) CALL TO ORDER

Chair Merritt called the meeting to order at 6:00 pm.

2) PLEDGE OF ALLEGIANCE

Commissioner Bacon led the Pledge of Allegiance.

3) ROLL CALL

Present: Chair Chuck Merritt; Vice-Chair Gary Pasciak; Commissioner Michael Bacon;
Commissioner Claude Baker; Commissioner Annie Lane; Alternate Commissioner
Julie Van Wuffen

Absent: Commissioner Florence Sloan

Staff Development Services Director Ruth Mayday; Town Clerk Assistant Amy Pyeatt-Lansa

Present: (recorder)

4) MINUTES

- a) Consideration and possible action to approve the April 13, 2016 special meeting minutes.

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Michael Bacon to approve the April 13, 2016 special meeting minutes.

Vote: 6 - 0 PASSED - Unanimously

5) STAFF REPORTS

There were no staff reports.

6) PUBLIC HEARING

- a) Consideration and possible action to hold a citizen review of proposed amendments to the Unified Development Ordinance (UDO) of the Town of Chino Valley, Section 4.21, *Sign Regulations*.

Director Mayday reviewed the proposed amendments to the Unified Development Ordinance of the TOCH, Section 4.21, Sign Regulations and explained the major consideration in the Supreme Court case Reed v. City of Gilbert the Town cannot regulate signage by its content – only manner of size and placement.

The Towns current regulations include:

- Different size allowances for schools/churches/homes – no longer a legal differentiation.
- Drive through signage - can no longer be managed differently than regular signage
- Day-to-day distinctions become more difficult to regulate and determine

Director Mayday reviewed the proposed changes and answered questions from the Commissioners.

The format of the Sign Code would change from text to tables with the headers of - Purpose, Zoning Districts, Max Dimensions and Standards. Once the revisions are complete the sign code will be reduced from 20 plus pages to 5-6 pages. The intent of the new tables and proposed amendments is to conform to the letter of the law and make the sign code less restrictive.

Staff will work with the Town attorney to re-examine political signs.

Once the ordinance is in place businesses will still have to apply to upgrade or increase the size of their signs.

No members of the public were present.

- b)** Consideration and possible action to hold a public hearing regarding Ordinance 16-816 to amend the Unified Development Ordinance ("UDO"), Chapter 4, General Regulations, Section 4.31 Medical Marijuana Dispensaries, Cultivation and Infusion Facilities, to require a five hundred foot (500') separation from the edge of right-of-way of State Route 89.

Arizona Administrative Code § R9-17-306(B)(1)(b) provides that after the first three years that a dispensary has been issued a Dispensary Registration Certificate, the dispensary may change its location to any other location in the state, and the first dispensaries in Arizona were certified in 2013. This means that those dispensaries that were certified in 2013 would now be allowed to move anywhere with the state, including CHAAs where there is an existing dispensary. Currently, there is one dispensary in Chino Valley. If the Town Council takes no action, other dispensaries could locate within the Town boundaries, as long as they are in compliance with the UDO. The UDO Amendment set forth in Ordinance 16-816 is proposed in anticipation of the possibility that a duly certified dispensary may desire to move to the Town of Chino Valley.

The proposed amendment requires a five hundred foot (500') separation between medical marijuana uses and the edge of the right-of-way of State Route 89. The purpose of this proposed amendment is to prevent a proliferation of dispensaries from locating near highway frontage, thereby limiting the visibility of this use. Ordinance 16-811, which became effective on February 26, 2016, requires that all dispensaries be located within Industrial (I) zoning districts. Currently there are no industrially zoned properties adjacent to State Route 89.

Director Mayday responded to questions from the Commissioners.

- Dispensaries are different from other businesses and can be regulated by the Town.
- Dispensaries could locate in the County.

- Dispensaries are now required to be located in Industrial zoning.
- There is no industrial zoned property along Hwy 89.
- The distance would be measured from the right of way back 500 ft to the property line.

Commissioner Baker commented that he was not in favor of restricting the location of dispensaries. Dispensaries are commercial businesses and would look no different than other businesses. Dispensaries may bring more traffic to Hwy 89. He was concerned that the Ordinance may discriminate against people who need to use medical marijuana and treat them as second class citizens.

Commissioner Pasciak commented that for a public hearing there was no public present. Director Mayday stated that the Public Hearing was published as required.

MOVED by Commissioner Michael Bacon, seconded by Alternate Commissioner Julie Van Wuffen to recommend we approve Ordinance 16-816 to send on to Town Council.

Vote: 3 - 3 FAILED

AYE: Chair Chuck Merritt
 Commissioner Michael Bacon
 Alternate Commissioner Julie Van Wuffen

NAY: Vice-Chair Gary Pasciak
 Commissioner Claude Baker
 Commissioner Annie Lane

Chair Merritt requested that we have a 2nd public hearing for this Ordinance change at the Town Council meeting.

7) NON-PUBLIC HEARING ACTION ITEMS

There were no non-public hearing action items.

8) DISCUSSION ITEMS

There were no discussion items.

9) PUBLIC COMMENTS

There were no public comments.

10) ADJOURN

MOVED by Vice-Chair Gary Pasciak, seconded by Alternate Commissioner Julie Van Wuffen to adjourn the meeting.

Vote: 6 - 0 PASSED - Unanimously

Chair Chuck Merritt

Date