

MINUTES OF THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION HELD ON AUGUST 25, 2020 AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 181 NORTH 9TH STREET, SHOW LOW, NAVAJO COUNTY, ARIZONA

1. CALL TO ORDER

Chairman Bishop called the meeting to order 7:00 p.m.

2. ROLL CALL

COMMISSION MEMBERS PRESENT: Chairman Bishop, Vice Chairman Hephner, Commissioner Bess, Commissioner Wilson, Commissioner Doug Roberts, and Commissioner Josh Adams

COMMISSION MEMBERS ABSENT: Commissioner Jon Adams

STAFF MEMBERS PRESENT: Justen Tregaskes, Planning and Zoning Director; Morgan Brown, City Attorney; and Linda Haynes, Administrative Assistant

GUESTS PRESENT: Joseph Holland, Jeff Millett, Sharon Stone, Michelle Page and others.

3. INVOCATION

Commissioner Josh Adams gave the invocation.

4. Pledge of Allegiance

Commissioner Hephner led the Commission and audience in the Pledge of Allegiance

5. OLD BUSINESS

NONE

6. NEW BUSINESS

- A. Public Hearing and Consideration of zone change request 605-03-115 submitted by Compassionate Care of AZ, Inc. to rezone property located at 1350 N. Penrod Rd., Show Low Arizona, described as Lot 123, Crossroads Commerce Center, according to Book 18 of Maps, Pages 67, 68 and 69 Records of Navajo County, Arizona, more particularly described as A.P.N. 210-49-123 from I-1 (Light Industrial) to C-2 (General Commercial) to allow for a medical marijuana dispensary.

Mr. Tregaskes read the staff summary.

Compassionate Care of AZ, Inc. has submitted a zone change request for property located at 1350 N. Penrod Rd., more particularly described as A.P.N. 210-49-123 to change the zoning of the subject property from I-1 (Light Industrial) to C-2 (General Commercial).

The subject property was previously utilized by Western Grade and is currently vacant. The applicant has indicated that they plan to relocate from their current location in Snowflake to the subject property. The applicant will utilize a portion of the building for a medical marijuana dispensary. An existing medical marijuana cultivation facility is located off-site. There is no plan to relocate the cultivation facility to the subject property, due to regulations by the Arizona Department of Health and Show Low City Code.

The applicant held a neighborhood meeting on June 15, 2020. There were no neighbors in attendance. However, staff has received an email from a property owner within the notification area expressing concerns related to this request. This email is attached to the staff report.

Per section 15-1-67(D)(1) medical marijuana dispensaries or infusion facilities are limited to the C-2 zone through a Conditional Use Permit (CUP). Also, medical marijuana cultivation facilities are limited to the I-1 and I-2 (Heavy Industrial) zones through a CUP.

Because this will be a medical marijuana dispensary and not a medical marijuana cultivation facility a re-zone of the subject property is required. If the zone change is approved by the City Council the applicant will need to apply for a CUP through the Show Low Planning and Zoning Commission. This zone change will be contingent upon Arizona Department of Health and City of Show Low CUP approvals.

Mr. Tregaskes read the Findings of Facts.

Per Section 15-1-67(E)(12) of City Code the maximum number of medical marijuana dispensaries are limited to a maximum of two. Currently there is one other medical marijuana dispensary. If approved this would be the second medical marijuana dispensary.

Current zoning of the surrounding properties include:

North:	I-1 (Light Industrial)
South:	I-1 (Light Industrial)
East:	C-2 (General Commercial)
West:	I-1 (Light Industrial)

The current land uses of the surrounding properties include:

North:	Vacant Industrial
South:	Quality Ready Mix
East:	Northern Arizona Automall
West:	Quality Ready-Mix

Transmittal memos were sent to all affected agencies. Applicable comments received include;

Building Official- A permit will be required for any structural changes to the building and shall meet current building codes.

Timber Mesa Fire & Medical District- Noted that this may be a possible occupancy classification change and indicated concerns related to the storage and quantity of product at the location.

The applicant sent letters to all property owners within 300 feet of the subject property inviting them to a neighborhood meeting to discuss the proposed zone change. No neighbors attended the meeting.

Staff mailed letters to all property owners within 300 feet of the property, posted the property and published a public notice in the newspaper in accordance with applicable requirements. No comments regarding this request have been received since the mailing of these letters and the posting of the property with the exception of an email expressing concerns related to this project. In response to this email, the applicant has indicated that they agree to stipulate that the property will not be utilized for the cultivation of medical marijuana.

Mr. Tregaskes read the staff recommendations.

After reviewing the Standards for Review, Findings of Fact, discussions with the applicant, the City of Show Low Zoning and Land Ordinances, and the City of Show Low General Plan, staff recommends that the Planning and Zoning Commission approved zone change request 605-03-115 submitted by Compassionate Care of AZ, Inc. to rezone property located at 1350 N. Penrod Rd., Show Low Arizona, described as Lot 123, Crossroads Commerce Center, according to Book 18 of Maps, Pages 67, 68 and 69 Records of Navajo County, Arizona, more particularly described as A.P.N. 210-49-123 from I-1 (Light Industrial) to C-2 (General Commercial) to allow for a medical marijuana dispensary, and forward this approval to the City Council subject to the following conditions:

1. All development shall comply with all applicable federal, state, and local requirements.
2. The applicant shall landscape the property in accordance with Section 15-1-0 (D)(7) of City Code.

3. No medical marijuana shall be cultivated on site.
4. The adjacent I-1 (Light Industrial) properties shall not be required to install screening walls or fences between themselves and the subject property.
5. This zone change is contingent on Arizona Department of Health and City of Show Low Conditional Use Permit approvals for a medical marijuana dispensary.

Commissioner Josh Adams asked if there was more information from Timber Mesa Fire department about their concerns for storage of the product. Mr. Tregaskes said that Timber Mesa is concerned about the amount of product that could be stored on site and if it was enough to trigger additional fire code requirements such as fire separation walls between storage and public areas and sprinklers. As we move forward with the Conditional Use permit, they will have a better idea if additional requirements will be needed.

Commissioner Wilson asked how the dispensary fits in City's master plan and if it will negatively affect future development in that area. Mr. Tregaskes said that the General Plan for the city shows this area as a retail land use, and this use would meet the definition of a retail use. How it would affect adjacent growth of areas is difficult to say, however the current dispensary we have had over 10 years has had no effect on development.

Commissioner Roberts referenced the email in the packet and asked if a dispensary could open the doors for cultivation. Mr. Tregaskes said cultivation can only take place within an industrial zoned property. There are some provisions for minor cultivation in city code along with a dispensary, but it is limited to 75 % of floor area or 1,000 sq. ft., whichever is less. In this case the applicant has indicated they have no plans to have cultivation on the site.

Commissioner Wilson referenced the letter dated August 19 by the author McMillan. It expressed concerns of a cultivation site and whether or not marijuana will be transported through the airport. Mr. Tregaskes said he has spoken with Ms. McMillan and advised her that they stated this will not be a cultivating site. If they proceed to do it, their zoning would be revoked. Transport by airport right now is legal and we cannot regulate it, as there is no legal reason why they cannot do that. The existing facility we have in town does not see a lot of transport as the item is bulky and easier to transport by vehicle or van.

Vice Chairman Hephner asked for clarification on whether this was for a zone change or conditional use permit. Mr. Tregaskes said that this is a two-step process and that to be considered they have to first get a zone change. The city does not allow a dispensary on any property other than a C-2 zone. After

they get a zone change, they will need to apply for a Conditional Use Permit and get approval from the Department of Health.

Commissioner Roberts asked by changing this property from a light industrial use to a C-2 use, if there will still be enough industrial uses for zoning. Mr. Tregaskes said there is a lot of industrial property still in the area that is underdeveloped.

Commissioner Roberts asked if staff is okay with the security with it being highly visible. Mr. Tregaskes said the Police Chief and staff are okay with the security. To get a conditional use permit they will have to explain their security measures in detail. The existing facility on White Mountain Road takes their security very seriously.

Commissioner Wilson asked if the client does not anticipate any treatment rooms, how does the health care/dispensary facility look for the future. Joseph Holland, attorney representing the applicant, said there is no plan to ever administer the product on site and there will never be in the future to have any treatment on site.

Commissioner Wilson asked the reason why the client wanted to move from Snowflake to Show Low. Mr. Holland said there is a growth facility in North Snowflake, which is a renovated and revamped pig farm and the dispensary is in Taylor. The dispensary is pushed in the back behind the industrial park and to get the product out there Show Low is a better location.

Commissioner Wilson asked how many times law enforcement has responded to the Taylor facility. Mr. Holland said none.

Commissioner Wilson asked if the facility in Taylor has ever been cited for health issues. Mr. Holland said no.

Commissioner Roberts asked with the increase of traffic and visibility will there be any issues. Mr. Holland said that they will meet all guidelines and medical dispensary requirements and all will be addressed in the conditional use permits.

Commissioner Robert said at the current location there is a line with a lot of people standing outside and asked if they will have that same issue at the new location. Mr. Holland said that the entrance will be on the side and not on the front and they can only use one entrance per medical dispensary guideline. Mr. Tregaskes said there were no concerns received from ADOT on this use from the transmittal memo that was sent out. Mr. Holland said the lines are due to underservice and the client is hoping to satisfy that need by offering a second site in Show Low. Commissioner Roberts asked if this site would be too remote for customers. Mr. Holland stated that the sites are limited in Show

Low and it would be better to be downtown, but it's not allowed due to being too close to school, church, and facilities that have alcohol.

Commissioner Roberts asked about the rehab center in the industrial park and if it would it is an issue with this location. Mr. Tregaskes said the homeless coalition is there and it is a transitional housing and job training center which is about half a mile southeast from the site so there would not be any issues.

Commissioner Hephner asked about the size of the property. Mr. Holland said they are limited to what's available and a lot of the space will not be utilized. The product is processed off site and nothing will be infused or vaped there as it will be shipped from Snowflake. It is highly unlikely plane transportation is economical. The facility here is going to have a limited supply of products 15 to 20 lbs. at max. There are better facilities for safety and protection off site and it will not be used for anything else other than a dispensary.

Commissioner Hephner asked if they would be adding retail space to sell or renting out the space. Mr. Holland said there is no immediate need to rent out the space or add space to sell.

CHAIRMAN ROBERTS MOVED TO APPROVE ZONE CHANGE REQUEST 605-03-115 SUBMITTED BY, COMPASSIONATE CARE OF AZ, INC. TO REZONE PROPERTY LOCATED AT 1350 N. PENROD RD., SHOW LOW ARIZONA, DESCRIBED AT LOT 123, CROSSROADS COMMERCE CENTER, ACCORDING TO BOOK 18 OF MAPS, PAGES 67, 68 AND 69 RECORDS OF NAVAJO COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS A.P.N. 210-49-123 FROM I-1 (LIGHT INDUSTRIAL) TO C-2 (GENERAL COMMERCIAL) TO ALLOW FOR A MEDICAL MARIJUANA DISPENSARY SUBJECT TO STAFF RECOMMENDATIONS AND FORWARD THIS RECOMMENDATION TO THE CITY COUNCIL. VICE CHAIRMAN HEPHNER SECONDED THE MOTION. PASSED 6 TO 0 WITH, CHAIRMAN BISHOP, VICE CHAIRMAN HEPHNER AND COMMISSION MEMBERS BESS, WILSON, ROBERTS, AND JOSH ADAMS VOTING IN FAVOR.

Mr. Tregaskes said this request has been scheduled for a public hearing with the City Council at their next scheduled meeting, which will be next Tuesday, at 7 pm.

B. Consideration of amending the Planning & Zoning Commission policies and procedures related to scheduling of regular meetings.

Mr. Tregaskes said that by commission rules and procedures we have permanently cancelled the meeting on the second week of December and would like to do the same for the second meeting in November. This would be consistent with the City Council as they cancel two meetings during the year in the second meeting in December and the first meeting in July due to the holidays.

VICE CHAIRMAN HEPHNER MOVED TO AMEND THE POLICIES AND PROCEDURES TO PERMANENTLY CANCEL THE SECOND MEETING IN NOVEMBER. COMMISSIONER WILSON SECONDED THE MOTION. PASSED 6 TO 0 WITH, CHAIRMAN BISHOP, VICE CHAIRMAN HEPHNER AND COMMISSION MEMBERS BESS, WILSON, ROBERTS AND JOSH ADAMS VOTING IN FAVOR.

Mr. Tregaskes said that this will take effect immediately.

- 7. CALL TO THE PUBLIC – Any citizen desiring to speak on a matter that is within the jurisdiction of the Planning and Zoning Commission may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the Planning and Zoning Commission as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the Planning and Zoning Commission. Pursuant to the Arizona Open Meeting Law, the Planning and Zoning Commission cannot discuss or act on items presented at this time. At the conclusion of the call to the public, individual Planning and Zoning Commission members may (1) respond to criticism made by those who have spoken, (2) ask staff to review a matter, and (3) ask that a matter be put on a future agenda.**

8. APPROVAL OF MINUTES

- A. Planning and Zoning Commission Regular Meeting of July 28, 2020.

COMMISSIONER ROBERTS MOVED TO APPROVE THE PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES ON JULY 28, 2020. COMMISSIONER WILSON SECONDED THE MOTION. PASSED 6 TO 0 WITH, CHAIRMAN BISHOP, VICE CHAIRMAN HEPNER AND COMMISSION MEMBERS BESS, WILSON, ROBERTS, AND JOSH ADAMS VOTING IN FAVOR.

9. SUMMARY OF CURRENT EVENTS

Commission Members

Commissioner Wilson thanked the residents of Show Low for electing her as the next City of Show Low council member and is grateful to work with the Planning and Zoning commission as the experience will make her better as a council member. The 2020 census has less than 40% response from Show Low residents. By responding to the census, the City can get many benefits, including funding, annual state and federal money to help fund community programs and services.

Commissioner Josh Adams said that as school starts back up he wanted to show appreciation for the administrators for adapting to the new

educational model and polices. He also wanted to thank the healthcare professionals as well and is grateful for all the work that they do.

Commissioner Roberts said that we are going through tough times firewise and encourages everyone to have a 72-hour set kit ready. He thanked the firefighters and reminded everyone to be careful

Commissioner Bess said to keep social distancing, mask up and be courteous to others.

Vice Chairman Hephner said to be nice to others as it is very important right now and we will get through this and move forward.

Chairman Bishop congratulated Commissioner Jon Adams and Commissioner Wilson for being voted in as Council Members and said to be kind to everybody as times like these we need to be mindful and understand people's different opinions.

Planning and Zoning Director

Mr. Tregaskes stated he appreciated the Commission's service and the last two meetings have been very difficult, but they have dealt with it very well.

10. ADJOURNMENT

There being no further business to be brought before the Planning and Zoning Commission, CHAIRMAN JOHNSON ADJOURNED THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION OF AUGUST 25, 2020 AT 7:43 PM.

ATTEST:

APPROVED:

Justen Tregaskes
Planning and Zoning Director

Eric Bishop
Chairman

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the **REGULAR MEETING** of the Planning and Zoning Commission of Show Low held on August 25, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 20____.

Linda Haynes
Administrative Assistant