

**MEETING MINUTES  
OF THE  
CITY OF ELOY  
PLANNING AND ZONING COMMISSION  
Regular Meeting  
Wednesday, December 15, 2010  
7:00 P.M.**

**I. CALL TO ORDER**

Chairperson Larry Brown called the meeting to order at 7:00 PM.

**II. ROLL CALL**

**Members Present:** Chairperson Larry Brown  
Vice-Chairperson Jose Garcia (arrived at 7:02 PM)  
Commissioner Marlo Schuh  
Commissioner Richard Horton  
Alternate Commissioner Manuel Salas  
Alternate Commissioner John Peterson  
Ex-Officio Council Member Joel Belloc

**Members Absent:** Commissioner Manuel Medina

**Staff Present:** Rick Miller, Interim-Community Development Director  
Belinda Cruz, Planner  
Berna Van Buskirk, Clerical Assistant

**III. INVOCATION**

The Invocation was given by Alternate Commissioner Manuel Salas.

**IV. PLEDGE OF ALLEGIANCE**

Chairperson Larry Brown led the Pledge of Allegiance.

**V. MOTION TO APPROVE THE NOVEMBER 17, 2010 MEETING MINUTES OF THE PLANNING AND ZONING COMMISSION**

Commissioner Marlo Schuh made a motion to approve the November 17, 2010 meeting minutes of the Planning and Zoning Commission. Alternate Commissioner John Peterson seconded the motion. Motion was approved unanimously (5-0).

**VI. COMMUNICATIONS**

Mr. Miller stated that he has had some discussion with Commission member Medina about his history of meeting attendance to see if there is a difficulty with scheduling and he has said he would like to be removed and would prefer to be an alternate Commissioner. Belinda Cruz communicated with the two current alternates, Mr. Salas

has the senior priority as an alternate and he has indicated that he would not mind filling back into the vacancy of Mr. Medina. Our City Clerk will advertise for another alternate, and Commissioner John Peterson will have seniority for the alternate position.

Ex-Officio Council Member Joel Belloc introduced the new Eloy City Manager, Ruth Osuna.

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

**A. PUBLIC HEARING TO ALLOW COMMENT FROM THE PUBLIC AND INTERESTED PARTIES ON CASE NO.: PP08-65 APPLICATION BY DAVID EVANS AND ASSOCIATES, INC ON BEHALF OF PRIME EARTH DEVELOPMENT COMPANY FOR PRELIMINARY PLAT FOR 581-LOT RESIDENTIAL SUBDIVISION ON APPROXIMATELY 178.54 ACRES. SUBJECT PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF CORNMAN ROAD AND ESTRELLA (CURRY) ROAD (ASSESSOR'S PARCEL NUMBERS: 402-12-001, AND -002) ON A PORTION OF SECTION 11, T7S, R7E OF THE G&SRB&M, PINAL COUNTY, ARIZONA (PROJECT NAME: THE VILLAGES OF ELOY, PHASE ONE, UNIT ONE).**

Chairperson Brown opened the Public Hearing.

Rick Miller stated that this is the first phase of a larger project and there is no immediate plan to develop this project, they just want to get the process started. In the preparation of our staff report, we put together a list of conditions for approval and we are requesting amendments to three of those stipulations. The first change is on item 1 that states: "That approval of the Villages of Eloy Preliminary Plat, Phase One, Unit One is valid for a period of two (2) years from the date of Council approval (valid approx. until January 2012)". The applicant has brought to our attention that in the development agreement approved by the mayor and council, there was a provision allowing for a period of two years with two (2) extensions for 2 years each. That provision was indorsed and agreed to by the Mayor and Council in the development agreement so we are bound by that provision and have no objection to being consistent with that agreement. We would like to state that approval of the Villages of Eloy preliminary plat, phase one, unit one is valid for a period of 2 years with two (2) extensions for 2 years each from date of council approval which is valid until approximately January of 2017, so that will be the new condition amendment if the commission agrees with that. The 2<sup>nd</sup> amendment to the stipulations is number 5 that states "that prior to development on the subject property, the site will be maintained in a natural, debris-free, and weed-free condition". The applicant would like to see weed-free condition removed and just keeping the debris-free. It has been my experience when native soil gets disturbed, those areas tend to get overgrown with tumbleweeds that dry out, blow all over, becoming a fire hazard and problem for other property owners. I would like to keep weed-free in the stipulations and explain to the applicant that we are talking about tumbleweeds not native weeds. The 3<sup>rd</sup> amendment is regarding stipulation #7. The applicant would like to insert the words "**or at the time of**" after "prior to" in the first sentence and have it now read: "That all Preliminary Engineering reports submitted as part of the PAD/Preliminary Plat applications package shall be reviewed and approved by the City Engineer and/or Community Development Director prior to **or at the time of** submittal

of any future improvement plans and/or Final Plat.” We have no objections to that insertion.

Commissioner Horton stated that he knows this property and used to farm it and knows for a fact that it does not have water rights which will present a problem for someone down the road. Problem number two is not going to be tumbleweeds, but tires and trash coming from the development west of this property. Rick Miller explained that there are several ways to obtain the water; one is through certificates with the City of Eloy. They will certainly be challenged but there are provisions and procedures they can follow to do that. The third point Commissioner Horton made was about the flight path of the airport. Noise will be an issue and individuals that buys out there needs to be made aware of that up front.

Commissioner Schuh pointed out to the applicants that the contact information they submitted needs to be updated because it was incorrect.

Rick Miller stated that he would like to add another stipulation, item #8 stating that “due to the proximity of the Eloy airport the final plat will include a statement concerning the proximity of the airport to this property and potential for aircraft noise. Even though it is listed in the real estate report it would just be an added level of security to show it on the final plat.

Commissioner Horton said “Mr. Chair I will make that motion about adding #8.

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

**B. CONSIDERATION, DISCUSSION, AND RECOMMENDATION TO THE ELOY CITY COUNCIL FOR APPROVAL, DISAPPROVAL OR OTHER ACTION ON CASE NO.: PP08-65 (PROJECT NAME: THE VILLAGES OF ELOY, PHASE ONE, UNIT ONE).**

Commissioner Horton made a motion recommending approval of Case No.: PP08-65 with the 3 stipulations changes that Mr. Miller stated, #1 concerning the (2) two extensions of two years each, #5 about the debris free, #7 adding “or at the time of” and adding #8, notification of any potential property owners about the proximity of the location of the Eloy airport or proper wordage agreed upon by both parties. Motion was seconded by Alternate Commissioner Manuel Salas. The motion was passed unanimously (5-0).

**C. PUBLIC HEARING TO ALLOW COMMENT FROM THE PUBLIC AND INTERESTED PARTIES ON CASE NO.: TA10-48: (ZONING TEXT AMENDMENT): THE COMMUNITY DEVELOPMENT DEPARTMENT IS PROPOSING AMENDMENTS TO THE TEXT OF THE ELOY ZONING ORDINANCE THAT CLARIFIES, UPDATES, SPECIFIES CHANGES, AND/OR ELIMINATES INFORMATION IN CHAPTER 21, AS PRESENTED BELOW:**

Amend Chapter 21, Article II Zoning Definitions by adding definitions for the following:

Medical Marijuana, Medical Marijuana Cultivation, Medical Marijuana Dispensary, Medical Marijuana Infusion (or Manufacturing) Facility and Medical Marijuana Qualifying Patient;

Amend Chapter 21, Article VI, Section 21 - 56.A Permitted uses in the RR-20, Single Residence District, by adding language to allow medical marijuana cultivation as a permitted use with conditions;

Amend Chapter 21, Article VIII, Section 21 – 78.B Permitted uses in the C-2, Community Commercial zoning district, by adding language to allow medical marijuana dispensaries as a permitted use with conditions;

Amend Chapter 21, Article VI, Section 21 – 89.A Permitted uses in the I-1, light industrial district, by adding language to allow Medical Marijuana Cultivation, Dispensaries and Infusion (or Manufacturing) Production Facilities as a permitted use with conditions.

Chairperson Brown opened the Public Hearing.

Mr. Miller stated that the voters recently passed the proposition for legal use of medical marijuana in the state of Arizona. In a meeting with planning directors we were told Pinal County has a model ordinance that was crafted by the league of Arizona City & Towns that smaller communities could use to implement a zoning text amendment into existing code that would help to know how to regulate these dispensaries and cultivation practices and how patients are defined by law. In discussion with city staff we decided that zone RR20, rural agricultural district is what would be appropriate for the cultivation of medical marijuana with certain conditions. If you are cultivating medical marijuana the first thing we need is the name(s) and location(s) of the off-site dispensary(s) that is associated with the cultivation practice. The second, is a copy of the operating procedures adopted in compliance with the state statutes and the third is to have a survey filled out by a registered surveyor showing the location of the nearest medical marijuana cultivation location within 5,280 feet or 1 mile of where they are proposing theirs. We are also going to prohibit the retail sale of medical marijuana in the RR20 district. We would like to limit the locations of these by specifying a required operation distance from the cultivation to the nearest dispensary by 1320 feet of a residentially zoned property, pre-school, kindergarten, elementary, secondary or high school, place of worship, public park or community center. We are trying to distance this the same way they do the sale of alcohol, which is what some of the other cities are doing. We are amending the zoning text to allow medical marijuana dispensaries to be located in the C2 or Community Commercial zoning district. Applicants will provide the name(s) location(s) of the medical marijuana cultivations associated with these dispensaries, a copy of the operating procedures in compliance with the state statutes and the surveyor will provide the locations of the other dispensaries that are located within 5,280 feet. In this case we also want a site plan, floor plan, building permits for occupancy change, and security plan relating to the dispensary. There is information in the State plan on how these are to be secured. These will need to be located in a permanent building, not a trailer, cargo container or motor vehicle. We want to limit the size of these dispensary buildings that would not exceed limitations for single exit floor plan and would not be located within 1320 feet of similarly proposed uses as mentioned above on the RR20. We have limited the hours to no earlier than 8:00 am and not later than 6:00 pm. Drive thru services are not going be permitted for the dispensaries. Cultivation of medical marijuana in a commercial district will not be permitted. They must provide for proper disposal of remnants or bi-products and not put in the facilities outside refuse containers.

Vice-Chairperson Jose Garcia asked about how the 1320 feet relates to the law concerning a liquor store and a school and what about lighting up or smoking outside these stores? Rick answered that he thought that the law for that separation is 500 feet so this would be more restricted than for liquor stores and schools. This separation is something you can discuss and have it more similar if you would like. Rick stated that lighting up and smoking is not going to be permitted in the facility but he did not have enough information on where the patient would be able to use it.

Recommendation tonight would be to gain your support for the text amendment that would begin to regulate these facilities if they are going to be considered in the City of Eloy. We can debate if the regulations on the 1320 feet are appropriate or not but this is something we wanted to present to the committee and public.

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

**D. CONSIDERATION, DISCUSSION, AND RECOMMENDATION TO THE ELOY CITY COUNCIL FOR APPROVAL, DISAPPROVAL OR OTHER ACTION ON CASE NO.: TA10-48 (PROJECT NAME: ZONING TEXT AMENDMENT).**

Commissioner Richard Horton made a motion to approve Case No.: TA10-48. Motion was seconded by Vice-Chairperson Jose Garcia. The motion was passed, with one member abstaining (4-1).

**VIII. MOTION TO ADJOURN**

Chairperson Brown asked for a motion to adjourn. Motion was made by Commissioner Marlo Schuh and was seconded by Commissioner Richard Horton. The meeting was adjourned at 7:55 P.M.

**ATTEST:**  
  
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Rick Miller, Interm-Community Development Director

**APPROVED:**  
  
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Jose Garcia, Vice-Chairperson