

**MINUTES
CITY OF GLENDALE PLANNING COMMISSION**

WORKSHOP

**COUNCIL CHAMBERS
5850 WEST GLENDALE AVENUE
GLENDALE, ARIZONA 85301**

**THURSDAY, JANUARY 20, 2011
5:30 P.M.**

The workshop was called to order at approximately 5:37pm by Chairperson Kolodziej.

Commissioners Present: Chairperson Kolodziej (Yucca), Vice Chairperson Spitzer (Barrel), Commissioner Petrone (Cholla), Commissioner Sherwood (Sahuaro), Commissioner Shaffer (Cactus), and Commissioner Larson (Mayoral)

City Staff Present: Tabitha Perry, Principal Planner, Jon Froke, AICP, Planning Director, Deborah Robberson, Deputy City Attorney, Thomas Ritz, AICP, Senior Planner, Deborah Mazoyer, Assistant Deputy City Manager, and Diana Figueroa, Recording Secretary.

Chairperson Kolodziej called for the workshop item.

ZTA10-01: A request by the City of Glendale Planning Commission to add a new Section 7.800 Medical Marijuana and amend Section 2.300 Definitions of the Zoning Ordinance. The proposed changes, if adopted, would enact reasonable zoning regulations that limit the use of land for registered nonprofit medical marijuana dispensaries to specified areas in the manner provided in Title 9, Chapter 4, Article 6.1 of the Arizona Revised Statutes. Staff contact: Thomas Ritz, AICP, Senior Planner (City-Wide).

Mr. Thomas Ritz, AICP, Senior Planner, made staff's presentation. He explained this is a request for Planning Commission to initiate a Zoning Text Amendment request. He said Proposition 203, the Arizona Medical Marijuana Act was approved by Arizona voters on November 2, 2010. This provides for various types of facilities such as dispensaries, offsite cultivation locations, infusion facilities, and designated caregiver cultivation locations.

Mr. Ritz explained the proposition provides that the state Department of Health Services (DHS) shall complete rules for implementing the proposition within 120 days. He stated the DHS and the writers of the proposition have taken the position that if a city does not enact new, reasonable zoning regulations, then Medical Marijuana shall be allowed everywhere in the city without limits. He said staff requests that the Planning Commission initiate a Zoning Text Amendment ZTA10-01 to enact reasonable zoning regulations.

Mr. Ritz stated staff proposes new definitions for the types of medical marijuana facilities described in the proposition. These new definitions were included in tonight's packet. He reviewed the new definitions.

In addition, he stated staff proposes a new section of the General Development Standards of the zoning code to regulate Medical Marijuana. Mr. Ritz explained the new zoning standards include limiting the zoning districts where medical marijuana facilities may be located. These standards provide for a separation between each medical marijuana dispensary, offsite cultivation location, and infusion or manufacturing facility so that no concentration of these uses is permitted. Staff is proposing a separation between these uses of 5,280 feet, which is one mile. He said the proposed standards also require separations from residentially zoned property, 500 feet, and a separation of at least a quarter mile from schools. He added the city of Glendale is 59 square miles in size.

Mr. Ritz concluded by stating staff is requesting that the Planning Commission initiate a zoning text amendment to add new definitions for the types of medical marijuana facilities described in the proposition, and add a new section of the General Development Standards of the zoning code to regulate Medical Marijuana. Staff believes the proposed text amendments are reasonable zoning regulations.

Chairperson Kolodziej asked the Commission for questions.

Commissioner Sherwood expressed his concern with the limitation of these types of facilities in only the M-1 and M-2 zoning districts. Mr. Ritz explained staff reviewed these as indoor growing facilities with no customer traffic and felt they would be placed better in industrial zoned property. He clarified there is no limit in the proposition on separation of dispensaries. It is at the discretion of each jurisdiction to avoid a concentration of dispensaries.

Commissioner Petrone stated when the proposition was passed it included that a dispensary cannot be within 500 feet of a school. He asked if there are any restrictions on increasing this distance. Mr. Ritz explained this distance tends to be approximately $\frac{1}{4}$ mile from a school as schools are usually constructed in the middle of a residential area.

Commissioner Shaffer stated he does not wish to see signage advertising processing locations. Mr. Ritz said this is being addressed through the existing sign code for Commercial, Industrial and General Office districts. He continued by explaining each grower may only sell to dispensaries and would have no desire to advertise. Under the proposed rules, each grower must identify their dispensaries and no one else may buy their product.

Commissioner Larson questioned if the city is not being too restrictive by limiting the dispensaries to commercial zoned properties only. Mr. Ritz stated staff felt the proposed zoning text amendment is not too restrictive and did not include churches and parks in the separation requirements.

Commissioner Larson indicated other cities have limited sales to only medical marijuana, meaning the medical marijuana cannot be located within stores that sell other merchandise. Mr. Ritz explained that he felt those in the industry may wish to be able to sell other types of medicine as well.

Commissioner Sherwood expressed his concern with the hours of operation which are currently proposed from 10am to 6pm. Mr. Ritz stated this was input received from the Police Department. The Department would prefer that these facilities are open for business during daylight hours.

Commissioner Sherwood questioned if the zoning along with the 500 foot separation requirement are too restrictive. Mr. Ritz stated C-2 is the most common zoning, with G-O includes hospitals, and C-3 is along Glendale Avenue and Grand Avenue. The areas that meet the buffer requirements are scattered throughout the city and staff felt this provides reasonable opportunities in a variety of sites. Commissioner Sherwood wished to ensure that someone in need of Medical Marijuana would not have extreme difficulty obtaining their medication.

Commissioner Shaffer asked if it would be possible to limit the dispensaries to existing pharmacies only. Mr. Ritz said no, this would restrict those with properly zoned land without a pharmacy could not open a dispensary.

Commissioner Shaffer felt it would be best to locate these dispensaries within medical complexes or pharmacies.

Commissioner Petrone said the people of Arizona have approved the use of Medical Marijuana. He thanked Mr. Ritz for his presentation, information, and professionalism regarding this sensitive issue.

With no further discussion, Chairperson Kolodziej called for a motion.

Commissioner Shaffer made a motion to initiate Zoning Text Amendment ZTA10-01 as written. The motion was seconded by Commissioner Sherwood. The motion to initiate was approved 6 to 0.

Chairperson Kolodziej called for Other Business. There was none.

With no further business, the meeting adjourned at 6:14pm.

Respectfully submitted,


Diana Figueroa, Recording Secretary