

CITY OF SURPRISE

PLANNING AND ZONING COMMISSION 16000 North Civic Center Plaza Surprise, Arizona 85374

February 3, 2011

REGULAR MEETING MINUTES

CALL TO ORDER

Chair Jan Blair called the Planning and Zoning Commission Meeting to order at 6 p.m. at the Surprise City Hall, 16000 North Civic Center Plaza, Surprise, Arizona 85374, on Tuesday, February 3, 2011.

ROLL CALL

In attendance with Chair Blair were Vice Chair Steve Somers and Commissioners Matthew Bieniek, Ken Chapman, John Hallin, Robert Rein, and Dennis Smith.

PLEDGE OF ALLEGIANCE

CURRENT EVENTS REPORT

STAFF REPORT

Director Jeff Mihelich stated that the Strategic Plan is going forward to City Council Meeting on Tuesday, February 8th, for final consideration.

CALL TO THE PUBLIC

Chair Blair called to the public to discuss any issues not noted on the agenda. Hearing no comments, Chair Blair closed the call to the public.

CONSENT AGENDA

All items listed with an asterisk (*) are considered to be routine by the Planning and Zoning Commission and were approved by one motion. There was no separate discussion of these items during this meeting.

REGULAR AGENDA ITEMS NOT REQUIRING A PUBLIC HEARING

- **Item 1: Planning and Zoning Commission Minutes for January 11, 2011.**

Vice Chair Somers stated that the minutes should be amended to change “dispensaries” to “offsite cultivation facilities”.

Commissioner Rein made a motion to approve the **Planning and Zoning Commission Minutes for January 11, 2011, as amended**. Commissioner Smith seconded the motion. The motion passed with a vote of 7 ayes.

- **Item 2: Planning and Zoning Commission Minutes for January 18, 2011.**

Commissioner Hallin made a motion to approve the **Planning and Zoning Commission Minutes for January 18, 2011**. Vice Chair Somers seconded the motion. The motion passed with a vote of 7 ayes.

REGULAR AGENDA ITEMS REQUIRING A PUBLIC HEARING

- **Item 3: FS10-274 – Consideration and action – Medical Marijuana Text Amendment**

Assistant Director Chris Boyd presented the text amendment to the Commission.

In response to Chair Blair, Assistant Director Boyd stated that the process of disposal of medicinal marijuana from dispensaries would be a business decision for the owner. The city regulates that the waste products are not to be disposed of in an exterior refuse container.

In response to Commissioner Bieniek, Assistant Director Boyd stated that hours of operation are not limited to any other type of business; however, hours of operation may be addressed as part of the conditional use permit that will be required to run dispensaries and offsite cultivation facilities.

Commissioner Hallin expressed concern over the lack of control over the restrictions for qualified care givers and qualified patients and suggested adding a conditional use requirement for those individuals. In response, Director Mihelich explained that the state allows municipalities to make reasonable restrictions. Because the city does not require a conditional use permit for any other home based business, making this a requirement could be challenging.

Commissioner Rein expressed concern regarding the church buffer, specifically in the Grand Avenue and Bell Road area and suggested removing the church buffer.

Chair Blair opened the call to the public.

Ryan Hurley, representing Rose Law Group, requested that C-2 be included in allowable zoning districts.

Mike Woodard, resident, described his experience with cancer and stated his support of medical marijuana. He stated that medical marijuana reduces nausea, increases the patient's appetite, and helps reduce pain for cancer patients.

Hearing no further comments, Chair Blair closed the call to the public

There was discussion of the following items and consideration was given to amending the zoning code; however, none of the items received consensus among the Commission.

- Permit use within C-2 zoning
- Require CUP for qualifying patients and caregivers
- Restrict operation hours within the text amendment
- Removal of the church buffer

Commissioner Smith made a motion to approve **FS10-274, a text amendment for Medical Marijuana** and adopt staff's findings. Vice Chair Somers seconded the motion. The motion passed with a vote of 5 ayes and 2 nays (Hallin, Rein).

OTHER BUSINESS

ADJOURNMENT

Hearing no further business, Chair Blair adjourned the regular Planning and Zoning Commission meeting at 7:35 p.m.

STAFF PRESENT:

Community and Economic Development Director Jeff Mihelich, Assistant City Attorney Jim Gruber, Assistant Community and Economic Development Director Chris Boyd, GIS Division Manager Lloyd Abrams, Development Services Manager Debbie White, Commander Donald Schneidmiller, Planner Hobart Wingard, and Planning and Zoning Commission Secretary Deb Perry.

COUNCIL MEMBERS PRESENT:

Jeffrey J. Mihelich, Director
Community and Economic Development

Jan Blair, Chair
Planning and Zoning Commission