INFO #1
February 10, 2011

MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, ARIZONA, January 19, 2011 held in the City Council Chambers, 88 E. Chicago Street.

1. Chairman Cason called the meeting to order at 5:30 p.m.

2. Pledge of Allegiance led by Commissioner Baron.

3. The following Commissioners answered Roll Call:

   Chairman Michael Cason
   Vice Chairman Leigh Rivers
   Commissioner Michael Flanders
   Commissioner Stephen Veitch
   Commissioner Matthew Pridemore
   Commissioner Andrew Baron

   Also present:

   Mr. Jeff Kurtz, Planning Administrator
   Mr. Kevin Mayo, Planning Manager
   Ms. Jodie Novak, Senior City Planner
   Mr. Erik Swanson, City Planner
   Mr. Glenn Brockman, Assistant City Attorney
   Ms. Joyce Radatz, Clerk

4. APPROVAL OF MINUTES
   MOVED BY COMMISSIONER FLANDERS, seconded by **COMMISSIONER VEITCH** to approve the minutes of the December 15, 2011 Planning Commission Hearing. The motion passed 6-0.

5. ACTION AGENDA ITEMS
   CHAIRMAN CASON informed the audience that prior to the meeting Commission and Staff met in a Study Session to discuss each of the items on the agenda and the consent agenda will be approved by a single vote. After Staff reads the consent agenda into the record, the audience will have the opportunity to pull any of the items for discussion. Items J and N were pulled for action.

A. DVR09-0024 UDM INDUSTRIAL PARK

Approved.

Request Rezoning from Planned Area Development (PAD) for a Business Park to PAD Amended to allow for an impound yard. The subject site is located at 850 S. Bogle Ave., north of the northeast corner of Pecos Road and Hamilton Street within the Bogle Business Park. **(REQUEST CONTINUANCE TO THE FEBRUARY 16, 2011 PLANNING COMMISSION HEARING.)**

B. DVR10-0020 AZ 202

Approved.

Request action on the existing Planned Area Development (PAD) zoning to extend the conditional schedule for development, remove, or determine compliance with the three-year schedule for development or to cause the property to revert to the former PAD zoning. The existing PAD zoning includes a mid-rise overlay and allows for office, retail, and hotel uses. The approximately 45-acre site is located at the northwest corner of Arizona Avenue and the Loop 202 Santan Freeway.

Staff, upon finding consistency with the General Plan, recommends approval to extend the timing condition for three (3) years with all of the conditions in the original approval remaining in effect.

C. DVR10-0027 THE LANDING AT REID'S RANCH

Approved.

Request rezoning from Planned Area Development (PAD) to PAD amended to eliminate a zoning condition requiring copper supply plumbing for residential homes for specific lots within a subdivision located ¼-mile east of the northeast corner of Chandler Heights and Gilbert Roads.

Staff, upon finding consistency with the General Plan, recommends approval to eliminate zoning condition No. 11 of Ordinance No. 3601, requiring copper plumbing for lines under water pressure.

D. LUP10-0019 LA FAMILIA MARKET

Approved.

Request Use Permit approval to sell wine and beer for off-premise consumption only (Series 10 Wine & Beer Store License) at a convenience store located at 545 North Arizona Avenue, approximately 300 feet south of Galveston Street.

1. The Use Permit granted is for a Series 10 License only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.

3. Expansion beyond the approved Floor Plan shall void the Use Permit and require new Use Permit application and approval.
4. Changes to the hours of operation shall require new Use Permit application and approval.
5. The Use Permit shall remain in effect for five (5) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
6. **The site shall be maintained in a clean and orderly manner.**

E. LUP10-0024 KILEY'S GRILL

Approved.

Request Use Permit approval for a Series 12 (Restaurant) liquor license for on-premise consumption only within an outdoor patio. The subject site is located at 2394 N. Alma School Road, approximately ½ mile north of the northwest corner of Alma School and Warner Roads.

1. The Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit shall remain in effect for one (1) year from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
4. The Use Permit is non-transferable to other store locations.
5. The site shall be maintained in a clean and orderly manner.
6. No noise shall be emitted from outdoor speakers on the patios or from music occurring indoors, that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.

F. LUP10-0040 ORIENTAL JADE

Approved.

Request approval of a Use Permit to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption indoors for a new restaurant located at 2950 S. Alma School Road, Suite 2, the northwest corner of Alma School and Queen Creek Roads.

1. The Use Permit is granted for a Series 12 Restaurant license only, and any change of license shall require reapplication and new Liquor Use Permit approval.
2. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.

3. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area, outdoor patio area, or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.
4. The site shall be maintained in a clean and orderly manner.

G. LUP10-0042 IRONWOOD COMMERCIAL/ARCO AM-PM

Approved.

Request Use Permit approval to sell wine and beer for off-premise consumption only (Series 10 Wine & Beer Store License) at a planned convenience store to be located at the southwest corner of Chandler Heights Road and Arizona Avenue.

1. The Use Permit granted is for a Series 10 License only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion beyond the approved Floor Plan and Narrative shall void the Use Permit and require new Use Permit application and approval.
4. The site shall be maintained in a clean and orderly manner.

H. LUP10-0043 THE BOATZHOUSE RESTAURANT

Approved.

Request Use Permit extension approval for a Series 12 (Restaurant) liquor license for on-premise consumption only within an existing restaurant and outdoor patio. The subject site is located at 5070 S. Gilbert Road, Suite #400, which is southwest of the southwest corner of Gilbert and Chandler Heights Roads.

1. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
2. The Use Permit is non-transferable to other store locations.
3. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
4. The site shall be maintained in a clean and orderly manner.
5. The Use Permit is granted for a Series 12 license only, and any change of license shall require reapplication and new Use Permit approval.

I. LUP10-0044 B-L-D BREAKFAST LUNCH DINNER

Approved.

Request approval of a Use Permit to sell liquor as permitted under a Series 12 Restaurant License for on-premise consumption indoors and within an outdoor patio at a new restaurant within The Shops at Pecos Ranch development. The property is located at the northeast corner of Dobson and Germann Roads.

1. The Use Permit is granted for a Series 12 Restaurant license only, and any change of license shall require reapplication and new Liquor Use Permit approval.

2. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
3. Any substantial change in the floor plan to include such items as, but not limited to, additional bar serving area or the addition of entertainment related uses shall require re-application and approval of a Liquor Use Permit.
4. The site and patio areas shall be maintained in a clean and orderly manner.

K. ZUP10-0033 CHEN ARCHITECTS/ARISIA CONSTRUCTION MGMT.

Approved.

Request Use Permit time extension approval to operate a professional office within a Single-Family (SF-8.5) zoning district for property located at 877 N. Alma School Road, approximately 800 feet south of the southeast corner of Ray and Alma School Roads.

1. Any expansion or modification beyond the approved Site Plan and Floor Plan shall void the Use Permit and require a new Use Permit application.
2. The number of employees occupying the residential conversion shall not exceed one full-time and three part-time employees.
3. The Use Permit is effective for a period of five (5) years from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
4. Parking shall occur at the rear of the site. Parking in the front yard is for delivery drop-off and pick-up only.
5. The landscaping shall be maintained at a level consistent with or better than at the time of planting. The site shall be maintained in a clean and orderly manner.
6. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.

L. ZUP10-0037 UNITED METHODIST CHURCH WIRELESS FACILITY

Approved to continue to the March 16, 2011 Planning Commission hearing.

Request Use Permit approval to install a wireless communication facility on the campus of United Methodist Church at 450 E. Chandler Heights Road, the northeast corner of Chandler Heights Road and the Union Pacific Railroad. **(REQUEST CONTINUANCE TO THE MARCH 16, 2011 PLANNING COMMISSION HEARING.)**

M. ZUP10-0046 SPIRAL VOLLEYBALL

Approved.

Request Use Permit extension approval to allow an athletic training facility with occasional tournaments, within a Planned Industrial (I-1) zoned district. The subject site is located at 400 N. 56th Street, which is approximately ¼ mile north of the northwest corner of Chandler Blvd. and 56th Street.

1. The Use Permit shall remain in effect for three (3) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
2. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
3. The Use Permit is non-transferable to another location.
4. Use Permit approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Use Permit shall apply.
5. The parking lot located in the rear of the site shall be striped to accommodate additional parking stalls as represented by the site plan.

O. ZONING CASE ZCA10-0008, CITY OF CHANDLER / OUTDOOR PATIOS

Approved.

City initiative to amend Chapter 35 (Zoning Code) of the Chandler City Code, by amending Sections 35-200, 35-1708, and 35-3203 pertaining to outdoor patios. If approved, the amendment would increase flexibility in the design of outdoor patios in conjunction with liquor use permits to allow barrier materials other than wrought iron fences to be considered (e.g. couches or large pots), reduce minimum barrier heights, and loosen the restrictions on patios that are detached from the associated building or suite. The amendment would address outdoor patios already eligible for consideration in both the City Center Zoning District (CCD) and Planned Area Development (PAD) zoning in the South Arizona Avenue Corridor.

P. MOTION TO CANCEL THE FEBRUARY 2, 2011 PLANNING COMMISSION HEARING.

Approved.

COMMISSIONER FLANDERS said he wanted to make a couple of comments in regards to Item O which is the Outdoor Patio Code Amendment. In our discussions in Study Session, they brought up the areas in the Downtown area that are hard zoned (C-1, C-2, C-3). He thinks most of it is C-2. There wasn't anything in there that covered that. He would like to direct Staff to look at that. He understands that this part of the Ordinance is already going through and he likes what Staff has done as far modifications to the Code. He would like at least some recommendation of those hard zoned areas. There are a number of properties in the downtown area that carry that hard zoning and based on this they would either have to go ahead and do a rezone or may not be able to go ahead and do their patio. He would like everything to be covered, maybe not this time but down the line. If they could go ahead and look at that, and make sure their comments are forwarded on to City Council for them to make that decision final.

MOVED BY VICE CHAIRMAN RIVERS, seconded by **COMMISSIONER FLANDERS** to approve the Consent Agenda as read in by Staff. The Consent Agenda passed unanimously 6-0.

ACTION:

J. ZUP10-0032 SAN MARCOS GOLF RESORT

Approved to continue to the April 20, 2011 Planning Commission hearing.

Request Use Permit approval to continue a golf cart storage and maintenance yard use on San Marcos Golf Course property near the southwest corner of Chandler Boulevard and Dakota Street, approximately ¼ mile west of Arizona Avenue.

MR. BILL DERMODY, SENIOR CITY PLANNER, stated that this item is a request for a Use Permit approval to continue a golf cart storage and maintenance yard use at San Marcos Golf Course in downtown. They have had this Use Permit several times but recently there was a bankruptcy issue and this property defaulted to receivership out of state and they need to coordinate more issues before bringing the full case forward. Commission indicated a desire to continue this rather than withdrawing it. Some potential dates to continue to would be the February 16 Planning Commission agenda which would be one month away. March 16 would be 2 months and then there is March 2 right in between. He also has the full calendar for whatever is the wish of the Planning Commission.

CHAIRMAN CASON asked what day was he anticipating the applicant to come in and start working with him on resolving this issue. Mr. Dermody replied December of last year. **CHAIRMAN CASON** asked if they had given him any indication of when they would like it. Mr. Dermody said they have no indication of that.

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, stated that as a point of information he understands and has heard rumors that the property and property owner is in bankruptcy or in receivership. He has never been able to confirm that. What he has been able to confirm is that there is a Notice of Trustee Sale for the property that is supposed to occur at the end of March. If that is true, it is going to be very difficult to get the current owner interested in worrying about this while that Trustee Sale is pending and because no one is going to know until either that Trustee Sale is cancelled or occurs who the actual owner of the property is going to be. If they are looking to continue this matter, he would pick a date past March 31 of this year.

VICE CHAIRMAN RIVERS said he thinks if they follow the advice just given and if they ask for a continuance until the second meeting in April, at least they could be given an update at that time as to what is happening. Then from that point if they wanted to

wait another 3 months or 6 months or a year, they would at least have a little more information at that time. That would be his suggestion – the 2nd meeting in April.

COMMISSIONER FLANDERS said he is really comfortable with the way Staff has presented this as a withdrawal. He knows there are other things going on at the hotel not only with the bankruptcy but there was talk about redoing the clubhouse. So he is comfortable with the withdrawal on the item.

COMMISSIONER PRIDEMORE stated he would lean toward Staff's recommendation just for the fact that with the withdrawal in it then does have to be renoticed. He thinks the longer they go with a continuance it will be a burden on anybody who was trying to track this. He thinks they would know more in April but he is not sure they would even know enough even by that time. He said that right now he would still support withdrawal versus continuance.

CHAIRMAN CASON said the new owners will have to understand that they will have to hit the ground running regardless of this. Having said that he looked for a new motion.

MOVED BY COMMISSIONER PRIDEMORE, seconded by **COMMISSIONER FLANDERS** to maintain the item as a withdrawal as stated by Staff and not a continuance on item ZUP10-0032 SAN MARCOS GOLF RESORT. The vote was 3 in favor and 3 opposed. The item did not pass because there was no majority. **CHAIRMAN CASON** asked for another motion.

MOVED BY VICE CHAIRMAN RIVERS, seconded by **COMMISSIONER VEITCH t**o continue the item to the second Planning and Zoning meeting in April and if nothing else by that time, maybe they will have an additional member on the Commission and get a real vote in at that time. The item passed 4 to 2.

MR. DERMODY said for the reference of anyone following this case, April 20th would be that Planning Commission hearing.

N. <u>ZONING CASE ZCA10-0007, CITY OF CHANDLER / MEDICAL MARIJUANA</u>

Approved.

City initiative to amend Chapter 35 (Zoning Code) of the Chandler City Code, by amending Sections 35-200, 35-305 and 35-2100 by establishing definitions and Use Permit requirements relating to Medical Marijuana Facilities and Cultivation Sites.

MR. JEFF KURTZ, PLANNING ADMINISTRATOR, stated this item before them is a zoning code amendment. This is an offshoot of the Proposition 203 that was passed by the voters of Arizona authorizing the state to begin a process to issue licenses to dispensaries for the dispensing of medical marijuana.

What they have done in accordance with the state law is they have gone back and taken a look at their zoning regulations. The Council directed Staff to initiate a Zoning Code Amendment which they have during this process and then deferred policy guidance on this item to their Transportation & Development Subcommittee. They had an opportunity to meet with three of the Councilmembers and they provided some direction that really is the result of the Ordinance form that they have before them.

The Ordinance that they have is formatted in the term of a Zoning Code Amendment. Glenn was good enough to write up most of the legal e's in it for them and that helped a lot. They appreciate his efforts in that.

First, what they see in that Ordinance is some new definitions. The definitions will become part of the zoning code because they are later referenced as part of the terminology in the code amendment.

The second thing that this Ordinance Zoning Code Amendment does is it establishes the ability to have a land use, Medical Marijuana Dispensing and Medical Marijuana Cultivating and Infusion in two of our zoning districts in town. What it does is it requires a Use Permit and it directs the dispensing facilities, which is the retail, into our C-2 and C-3 zoning districts along with any PAD zoning district where otherwise C-2 and C-3 uses are allowed. The second distinction, again through a Use Permit, directs the ability to create the cultivation uses and the infusion of food infusion uses in our industrial districts. More specifically, the I-1 and I-2 zoning district and also the PAD zoning district where previously I-1 and I-2 zoning uses were allowed.

The third thing that the Ordinance does is it establishes an application process, creates some criteria under which the Use Permits will be evaluated.

Fourth, what the Zoning Code Amendment does is it establishes a list of protected uses that exceed what was required as a part of the state law. Those items are contained in your Staff memorandum and in the Ordinance from a discussion standpoint. That is really kind of the big spirit of what he thinks their discussions today here will focus on.

Fifth, what the Ordinance does is it proposes that the Use Permits be a one-year limit and starts in how you renew those Use Permits. That is really the kind of nuts and bolts of what this Ordinance is. As he mentioned probably to the greatest degree of impact, what this Ordinance does is establishes a set of protected uses and then requires a certain separation or distance between Medical Marijuana Dispensaries and Cultivation sites before they could be considered for a Use Permit.

The way the Ordinance is formatted is kind of a sequential formatting based upon where they are in a process and in an amount of time. When they went to the Council Subcommittee, this is a fairly quickly moving process. Many cities across the state valley are rushing through to take a look at some of their Ordinances. They were in a position where they needed to move forward so that if Council wanted to adopt a Zoning Code Amendment, they needed to get it completed prior to the end of March. The track they are on today should Commission forward this to Council allows them to accomplish that. The significant part of the Ordinance is the discussion about separation and also what are protected uses.

When the Council Subcommittee met, they directed them to prepare a very strict Ordinance that could then be evaluated because they are under such a short time frame. What Staff did was create an Ordinance that lists all the protected uses that they might be able to think of and then those tend to be the more sensitive land uses, schools, parks, churches and established a minimum ¼ mile spacing between those protected uses and any Medical Marijuana Dispensary or facility. Also in there is a minimum threshold of a mile between each of these dispensaries. The purpose of that was to advertise an Ordinance that they could then perhaps, if Commission were to recommend and Council was to adopt, a lesser requirement than what the Ordinance might stipulate. Council Subcommittee directed them to take a look at those more strict separation requirements and look at it from a geographic standpoint of how such strict ordinances would impact the geographic landscape of Chandler. What they did was go through a process and prepared a map. It is the first map that is in our packet and it is identified as a map with all protected uses. As they can see from studying that, the map result of the buffer zones resulted in places in town where such facilities could be considered through Use Permits but at the same time it limited the locations in town - primarily out in west Chandler where because of these separation requirements do they end up with land that is available to be considered by a Use Permit.

Based upon the Subcommittee's direction they took the next step of what if they were to change some of those separation requirements and how might that impact geographically in Chandler the availability of sites to be considered through a Use Permit. They went back and made three changes to the list. One of them is to eliminate the separation for dispensaries from residential zones; secondly, from hospitals and thirdly from Private Parks. The one that had the most impact in terms of creating more available sites that could be considered through a Use Permit process was the elimination of residential districts as a protected use. The second one, hospitals, they eliminated that. It didn't geographically change much on the map but they thought it was kind of counter intuitive with the purpose of Medical Marijuana Dispensing facility to not want to have it coordinated and communicated around the hospitals. The third one they did was in the aspect of parks. They have taken out the separation distance between Private Parks. They are not sure what a Private Park is. They can assume that a greenbelt in a subdivision is a Private Park but it is kind of an ambiguous term so they struck that out but still maintained the Public Parks which are easily identifiable. They had property

lines on them. He has included those in the separation that results in the second map that they have.

They then took that a little step further and blew up on an air photo for their use. They can kind of see how these buffers hit sites that they are familiar with visually, of where they might be applied and how these buffers might be applied on our landscape. These maps are an exercise. He can guarantee them that there is a mistake somewhere on them. They took the best available data – data that will change. A new daycare opens up, a new church opens up prior to a Use Permit application being considered, and it is going to change this map. At the time it was the best available data we had. It gives them a pretty good indication of where sites might be appropriate with consideration of the buffer zones as suggested.

They are bringing this forward suggesting a few changes to the Ordinance as it is drafted, and he will be more than glad to try to answer any questions that he might have.

COMMISSIONER FLANDERS said to Mr. Kurtz that it had been a long time since they have seen him at one of their meetings. He welcomed him back. He said he appreciated everything that Staff and the Subcommittee has done in relation to this ordinance. His question is with the other cities going through the same process and from what he understands some of those cities have already approved their ordinance change, how does this ordinance compare to other cities? Is it similar or is it drastically different?

MR. KURTZ replied that statewide they have been monitoring the ordinances that are being adopted. It is very similar and it is very unlike other communities. Everybody has a little bit of a different twist on it. Locally, our budding adjacent communities are addressing the same type of concerns in terms of the projected issues. The quarter mile spacing however is the most extreme of any of our adjacent nearby cities. Scottsdale for instance feels they do belong around hospitals and in their medical zoning districts. So they are permitted by right in their medical districts – just a Use Permit everywhere else. The separation distances – Phoenix for example has made a distinction between a cultivation site and our retail dispensing site in terms of their separation distance between that and residential areas. It is on point with what the other valley cities have done in terms of types of things that are being looked at in terms of reasonable zoning regulations, but it differs in terms of the buffer spacing in the most significant way.

VICE CHAIRMAN RIVERS asked if the ¼ mile distance near hospitals is totally eliminated or did he shrink it? Mr. Kurtz said their Staff recommendation is to eliminate it. **VICE CHAIRMAN RIVERS** asked if it is the same with the Private Parks? Just totally eliminate the number altogether? Mr. Kurtz replied that was correct.

CHAIRMAN CASON asked on the portion of the ordinance that describes that a cultivation facility has to be fully enclosed, does that mean fully enclosed like the law says or fully enclosed like a person would normally think fully enclosed would mean? **MR. KURTZ** said the distinction is really coming from the state rules and regulations for

what enclosed means. They would expect that they have the applicants who would come to them would be in accordance with the state mandates on it. The state is still debating it. They are still trying to decide whether you need a roof on it for the opportunity to capture natural light for the cultivation. It is still at debate of whether or not what enclosed exactly means. **CHAIRMAN CASON** asked would we interpret enclosed to mean what the rule makers determine it will be? **MR. KURTZ** replied yes sir. **CHAIRMAN CASON** asked if the committee was able to provide any data as to how many of these there would be or how many folks would utilize them in town from some type of data out there? **MR. KURTZ** said the direction is really just more based on solid land use planning of where these types of facilities, if there is 1 or 7, where are they best located for our community? So no, they did not get into those kinds of discussions.

CHAIRMAN CASON asked if there were any other questions for Staff. There were none. He went to the audience and said what they were discussing tonight is the Ordinance and things that affect the Ordinance are the law and the rule making that is currently going on. He welcomes anyone to come up and talk about the Ordinance and those other two items as they relate to the Ordinance. If your intent is to come up and speak about the law in general or the rule making in general, this is really not the forum for that because there is no help they could provide to them. If the rule making is your issue, they are still taking information on rule making. If the law is the issue, then of course clearly talking to their representative would be the best solution for that. He asked if they would be so kind to limit their speaking to those issues that have to do with the Ordinance. In addition, they are allowed to speak for 3 minutes. When the yellow light goes on they have 30 seconds left and they can only speak once. What they want is to have people come in and give them their ideas and public comments but they don't want to engage in a debate where they have to keep coming up and arguing or trying to make their point. With those ground rules, he has 3 speaker cards. After these 3 cards are done, he will ask if anyone else in the audience would like to speak on this matter.

DIANNE WOODS, 241 N. NASH WAY, CHANDLER, said the biggest things that she would like to have is to make sure there is protection for people like herself that get very ill from the smell of second hand smoke with marijuana. The worst time she got really sick from it the person had to be 30 feet away. She is concerned about having the second hand smoke and she is also concerned if a growing area or a facility would go up in flames, because fires do happen. She wants to make sure there is protection around to keep the smoke inside. From what she understands she is not the only one who gets very ill from marijuana. If she were, she would be stuck if it was just only her. She would like that kind of protection. She doesn't know how it can be done and she is sure it doesn't have to be like a nuclear power plant to keep the smoke in. Just so it is kept inside. **CHAIRMAN CASON** said those are very good issues and they are addressed in the Ordinance. He asked Mr. Kurtz to speak about the issues about fire protection. Ms. Woods said she thinks they are not allowed to have places where a person can just go and smoke indoors to get whatever protection they need from the marijuana. If it is not in the law, it would be wonderful if there would be a facility where they all could go in and

keep the smoke in there and away from everybody else. **CHAIRMAN CASON** said that is addressed too.

MR. KURTZ, PLANNING ADMINISTRATOR, stated the Ordinance starts to address some of those issues certainly from a fire protection standpoint. Any facility built in Chandler is required to have the fire protection necessary to contain a fire, to put out a fire before it becomes a fire. He said to the degree that smoke does come from a fire, where there is a fire in a cultivation area, smoke can escape the facility. To the degree that fire protection is provided by resistance is built into all of our buildings. They at least have an opportunity there. The Ordinance does address a prohibition for the consumption of Medical Marijuana on a premise in the dispensary. To that degree at the facility the proposition, the law that was passed, takes some strides at controlling where one would ingest their medicine like not on a public bus, those types of things. It does take some strides that if not requiring, at least bringing the people's attention of courteousness of how and when they ingest their medicine and how it might impact other people. To that degree there is some opportunities to do that. Smoking parlors is what she was referring to. As long as somebody has a card, they are able to smoke where they are able to smoke. To that degree, we all just need to be cognizant of perhaps a change that has occurred because of the proposition passing in Arizona.

GREGORY S. WOODS, 241 N. NASH WAY, CHANDLER, stated he wanted to commend the City, Staff, Council and all those people who were in involved in drafting this Ordinance. They have done a commendable job of striking a good balance with protecting the community and also abiding by the voice of the people as it was expressed in the last election. He does have some concerns about the Ordinance as it is written and also the Staff recommendations. First of all, he is absolutely opposed to the Staff recommendations particularly Private Parks. He lives in Dobson Place and the Private Parks there are easily identifiable and very large, several acres, and there are several of them. Also, he is opposed to dropping the separation from residential zoning. He would like to see that maintained in the Ordinance as it is written. There are a few other concerns. Regarding separation there is a phrase in 2F regarding separation boundaries, regarding freeways. He would like to see the freeways removed as a boundary of separation. It really doesn't make any sense to use a freeway as a separation from one zone to the next. Another concern is the transferability of the permit. The City has done a very good job in not allowing transferability to another location. However, they haven't addressed what happens when that property or ownership changes. It might be owned by a corporation. What happens when the majority of the shares are then sold to a different shareholder. They ought to address that in the Ordinance. He would be opposed to transferring ownership to a different owner. He would rather see the new owner come up before the Council and get a new Council Use Permit and have to go through that process and justify the new Council Use Permit. Those are his concerns with the Ordinance as it is drafted. In the main it is a very good Ordinance. He wanted to congratulate everyone that was involved with that.

CHAIRMAN CASON asked Mr. Kurtz if he would like to speak to the freeway and then the Use Permit owner change. Mr. Kurtz said he would be glad to.

MR. KURTZ said the concept behind the freeways was that this is an Ordinance that is based upon having a separation between uses and a freeway that tends to present a very significant restrictor between land uses. It is almost like there is a gigantic wall built. They thought that was something that needed to be recognized as a geographic feature that in itself prevents an incredible barrier between one side and the other. That was kind of the logic and reasoning behind the using the freeway as a barrier themselves that present a separation between land uses. The only other comment about the issue about the transferability – as we look as Use Permits, they look at them from a land use standpoint. It is the impact of a particular use in a particular area. Ownership, who the developer is, who the owner is, who the operator is, is not germane to a compatibility test so therefore they have specifically identified as a part of the Ordinance that ownership transferability is not an issue. You just can't move these Use Permits around just because you have a Use Permit. It is tied to a particular location, it is part of that particular approval and whoever the new owner might be should the ownership change, they expect that person to abide by the same representations and conditions that were placed in effect when they issued that Use Permit.

CHAIRMAN CASON said because Use Permits are only for one year if the ownership were to change six months before a Use Permit, the new owner would have to come in and apply for the permit. **MR. KURTZ** said that was a good point. They are for a very short duration.

MIKE OPICH, 15012 S. 19TH WAY, PHOENIX said he has lived in Ahwatukee just over the border from Chandler for about 20 years. First thing he wanted to point out is that a comment was made that there are some errors in the map. He has been studying the preliminary draft pretty intensively for the last week or so. Some significant things are missed there. He complimented the recommendation to remove the separation from residential because the structure of most of the shopping centers is very much adjacent to the back of community housing. Even a very short distance there makes most shopping centers off limit. The problem is when you miss daycare centers and churches, which he has already seen on the maps in a quick look, most of the C-2 areas that are identified as options in fact are not. When you combine that with those C-2 areas that already have full tenants for very large spaces, the number of possibilities for a dispensary with a small size limit that is in the Ordinance makes it nearly impossible to find a space to rent for dispensary. He said that Commissioner Flanders asked about how it might differ from Phoenix or the surrounding area. One significant difference in this draft from Phoenix is that Phoenix allows the dispensaries in the industrial areas where cultivation is also allowed. What he would like for them to consider is a similar standard here where if they don't want them in commercial areas and they don't want them around neighborhoods and daycare, put them in the industrial area where they are kind of off the beaten track. To combine treating it like an adult oriented business when it's not and things like limiting the hours they can operate as you have, it is more restrictive than an adult

oriented business would be. When you add in the other requirements around separation from churches and schools and even in the industrial area where they have allowed churches and schools, it makes it almost impossible to find an industrial area that doesn't have either a charter school or church nearby. He pointed out that state law specifically allows and anticipates and permits deliveries and this ordinance is precluding deliveries. He thinks that is in direct contradiction of what the law allows. He doesn't think that is appropriate. If they are going to allow churches and schools to come into the industrial areas, it doesn't seem like they should enjoy the separation requirements if he is required to be in an industrial area. The only other he could add is that if you consider the size of the spaces available in the very limited areas that are C-2 for a dispensary, and you eliminate those that are full and fix the mistakes on the map, there are only 1 or 2 locations in Chandler on the west part of Chandler that he has studied that are even available. If you allow it into the industrial areas for the dispensary, he thinks it keeps it out of the areas that you don't want it and allows it to actually happen.

CHAIRMAN CASON asked if he was representing himself or does he represent any entity? Mr. Opich said at this time he is representing himself but he is a potential applicant for a dispensary. **CHAIRMAN CASON** asked what hours would he like to see? Mr. Opich replied that one of the reasons he would like to see it a little bit later in the evening is that if you think of this as an actual medicine for someone who is sick, like his brother-in-law who has MS and suffers from spasms, if he is out of medicine he can run down to the Walgreen's 200 yards from his house and get him medicine. If this is the alternative medicine they want to try and if it turns out he needs to have a little bit of medicine later in the evening like 9:00 p.m. at night, he would like to be able to go buy it. A lot of people work different hours. Most people work during the hours that are allowed for the dispensary to be open. It makes it very limited to have weekends and so forth.

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, asked Mr. Opich if he understood or believed that the Ordinance precludes deliveries? Mr. Opich said that is his understanding. **MR. BROCKMAN** asked if he was referring to deliveries from the retail dispensaries? Mr. Opich replied that he believes that is what it says. **MR. BROCKMAN** said in other words he is talking about deliveries to residential homes? Mr. Opich said that it says specifically not to provide off-site deliveries of medical marijuana to a card holder. The law allows that specifically.

AARON SMITH, ARIZONA MEDICAL MARIJUANA ASSOCIATION, 1206 S. WILSON STREET, TEMPE, stated that the Arizona Medical Marijuana Association is an out growth of the successful Proposition 203 campaign. They now represent the interests of this emerging industry in the state and more importantly the patients that this industry will serve. Their focus is to insure that this state law that they drafted is truly the best medical marijuana law in the country. They really have the potential to do that. A lot of that is going to rest on the shoulders of the land use authorities and ultimately, city leaders in places like Chandler.

He has worked on this issue for many years and in California he has seen dispensaries from across the spectrum. From some that are just downright criminal and should be shut down, to many that he wishes he could take them to see that are flourishing patient oriented medical centers that provide an array of services for patients and are really pillars of their community. What those types of dispensaries have in common in California is that they are all operating at their optimal land use codes. You get what you zone. He thinks they have an opportunity here to get some of these Rolls Royce types of operations and there is no reason they shouldn't.

He commends the Staff recommendations and fully concurs with the amendments to the code. He would add that they should reconsider having the setback for places of worship for the reasons that were outlined by the last speaker. Anybody can go on the internet and get a license to be a preacher and open up a church or a place of worship whereas those who are going to actually be licensed under state law to have medical marijuana dispensaries are going to go through a rigorous and competitive process to get those licenses. He doesn't think it is appropriate to give the same setbacks. Also, touching on what the last speaker said, he is concerned about the restrictive hours for the same reasons that were already outlined but also that if they restrict the hours to 7:00 p.m., they are going to see a rush of traffic between 5 and 7:00 p.m. They will get out of work and they are rushing to get their medicine for it closes. That causes a nuisance to surrounding neighbors. He has seen it before. They should consider expanding that at least from 9 a.m. to 9:00 p.m. so that there is a 12 hour window.

Probably the most significant concern to them is the prohibition on sales of products other than medical marijuana or marijuana related products. They see that as counter-productive to the goal that he thinks they all share, which is insuring that these are patient focused centers. You can call them wellness centers for lack of a better word. They would like to see medical marijuana be integrated into other existing businesses, but they would like to see medical marijuana dispensaries that don't just sell marijuana to patients. The would provide an array of services and he thinks by putting that provision in the code, it is counter to that and he doesn't really see what they are trying to achieve by having that there. He could see, of course, prohibiting the sale of alcohol which makes sense to him and they would have no quarrel with that. He thinks there should be the sale of other medical related supplies and would be entirely appropriate.

This really has the potential to be the best in the country and he has great confidence that they will achieve that and he thanked the Staff for coming up with these great recommendations in this Ordinance. He knows it is not easy, this is new and Chandler is out in front doing this. They really appreciate that.

CHAIRMAN CASON asked Mr. Opich that regarding the wellness center, is that basically how it happens in California? Mr. Opich replied the best dispensaries are. They provide massage, physical therapy and other services besides just selling marijuana. In California you have to understand there regulations are nill. There are no state regulations. You have a vast spectrum. The best of the best are providing other services and they are allowed to. There is jurisdiction in California that have similar codes that say

that they can't sell anything other than marijuana and you end up in a situation where people are just going in and getting their medicine and then leave. That is just not conducive to patient wellness. **CHAIRMAN CASON** asked about other states. Mr. Opich replied that for New Mexico and Colorado he has not seen those ordinances there that say you can't sell other products. He has never been to a dispensary in New Mexico. In Colorado he has seen the same type of successful operation where they are providing an array of services.

COMMISSIONER FLANDERS asked what does he mean by sale of other products? Mr. Opich answered books, educational materials and medical supplies. He thinks they shouldn't put a barrier there if there is an existing business like a chiropractor or some other business that wants to expand into medical marijuana. They should encourage that. He doesn't think they should just be setting us up so that they are only allowing marijuana only stores. They should encourage other merchandise and services – massage, therapy and different things like that. **COMMISSIONER FLANDERS** asked if the stores in California sell pipes and different things like that? Mr. Opich replied that some do and he thinks that is appropriate. Actually in looking at the current draft of the ordinance, he would interpret that as being allowed here because that would be related merchandise.

MR. KURTZ, PLANNING ADMINISTRATOR said he wanted to tag on a little bit about some of these combined services. The ordinance talks about selling merchandise and it is broad. It is hard to say that a book educating one on the benefits or how do use marijuana would not be a related supply. It does not make a distinction of other related services. To the degree that other services are offered, this is just regulating that dispensary. If there are other services that are occurring as a part of it that are permitted as a part of that zoning district, they would be allowed as a part of that.

CHAIRMAN CASON stated that before he closes the floor for further comment, he wanted to ask if there was anybody else in the audience that would like to speak on this matter. There were additional speakers.

CHRISTOPHER HARRIS, 1315 W. STRATFORD DRIVE, CHANDLER, stated he also wanted to commend the Staff recommendations. He thinks they are totally necessary. He has already looked at a bunch of these sites too like the previous gentleman. In addition to the restrictions, lots of landowners who he has talked to don't even want to have them there. That is another thing to consider too. The more it can open up, the more possibilities there are because a lot of these are very large industrial complexes. For a startup business that is not really feasible to have a 20,000 square foot facility even though that is bigger than the rules and zoning regulations that are mandated currently. He applauds the residential distance restrictions. He also agrees with the previous speaker that dispensaries should be allowed in industrial areas too. This would also help alleviate the previous problem. Also, to the last speaker about other products, the best way to consume marijuana are usually through edibles or through vaporizers. You don't actually burn the marijuana plant which creates carcinogen that you actually

inhale. A vaporizer actually melts the THC and creates a fume that you can inhale. That is a product that you would really want to be able to sell in a dispensary. There are other products similar to that to but it just aids the patient getting their marijuana in the healthiest possible way as opposed to actually burning the plant matter. He just wanted the Commission to consider that.

CURTIS SHELTON, 2906 E. WINDMERE DRIVE, CHANDLER, said he is there because he is interested in applying for a dispensary permit. He has spent some time reviewing the available locations pursuant to the proposed ordinances that they have had thus far. He just wanted to add a couple things. He truly believes that the recommendations of Staff are essential and they are appropriate to eliminate the separation distances. The other thing he wanted to address was the cultivation site size. The Ordinance that they have proposed is limiting it to 3000 square feet. He is not quite sure how that 3000 square foot size was arrived at but under the circumstances with the State of Arizona only allowing 124 dispensaries, he doesn't think the 3000 square foot size is going to be sufficient to accommodate demand. He said he would ask them to consider expanding that to something along the lines of 6000 square feet.

BILL CROSBY, 6307 E. SHEA BLVD., SCOTTSDALE, stated he was curious if there was any information on becoming just a grower and not having a dispensary because dispensaries are supposed to grow 70% of what they use but that leaves another 30% for a grower out there somewhere to be doing that. He would be more interested in that than running a dispensary. **CHAIRMAN CASON** said he thinks that he could probably submit his concerns to the health department. They are dealing with those types of issues and they are pretty much just working on dispensaries. Mr. Crosby said he was just hoping that they might have a word on that.

CHAIRMAN CASON asked if anyone else in the audience would like to speak. Seeing none he closed the floor and opened up discussion on the dais.

COMMISSIONER FLANDERS asked Mr. Kurtz, the Planning Administrator, how many possible dispensaries, cultivation and fusion sites are to be in the State of Arizona? **MR. KURTZ** said the numbers talked about are 125. It is a ratio of 1 per every 10 pharmacies in the state. **COMMISSIONER FLANDERS** asked if that was divided up between the retail locations and the cultivations? **MR. KURTZ** replied that they think so. The definition in the state law of what a dispensary is 3-fold. It is the retail, (the countertop that they think of), a cultivation site or a dispensary a food infusible site - it depends. In Chandler the way their Ordinance is set up they have specifically separated the cultivation site from the retail dispensing site. If one were to be a combination in another city, they would need one license but the way their Ordinance is set up and their desire to segregate those uses and put those two issues in different zoning categories, they would need two Use Permits, if you were going to grow and also sell in their City.

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, said the act actually talks in terms of non-profit medical marijuana dispensary but that term doesn't identify a

facility, it identifies the type of entity that can engage in either the retail sale or the cultivation or infusion. Infusion is not quite clear because that was something that came out of the DHS proposed regulations. They tried to keep that in their Ordinance too. Technically, a dispensary is the entity that gets the card from the state to operate. He believes that it's the dispensary that they have a limit of 125. Now that dispensary may have more than one facility. It sounds like they would have at least 1 retail operation plus some sort of an arrangement with a cultivator; either their own or with somebody else to get the marijuana. The terminology is a little odd. Most people who talked about dispensaries that showed up here were really talking about retail operations versus cultivation, but the terminology isn't quite that way.

VICE CHAIRMAN RIVERS said he had some questions for Mr. Kurtz that were leftover from when the speakers were there. He asked on the daycare center, public or private with ¼ mile separation, is that going to include people who do daycare in their homes or is that going to come to them and Council on a case by case basis in the actual application process**.** **MR. KURTZ** said they will rely upon the state providing information for what is a commercial registered daycare. Sometimes those are found in residential homes and they have gone through their state license process. They are a daycare – they just happen to be in a residential zoning district. They will call from that list to be the most liberal and understanding with the respect for what a daycare facility is. **VICE CHAIRMAN RIVERS** said that he and Mr. Kurtz had talked yesterday about what defines a 'Private Park' and a new opinion has come forth. For example, if you are in a HOA run neighborhood or non-HOA run neighborhood and have an enormous green belt that residents their use for a park, and people from outside that neighborhood come and use the park, does that make it a public park? **MR. KURTZ** replied no, it is not. The HOA could kick them out of their own green belt if they are trespassing on property that they are not supposed to be on, so no by the use of the public of a space that perhaps is not public, doesn't create it as a public park. **VICE CHAIRMAN RIVERS** said so a public park is only one owned by the City? **MR. KURTZ** answered yes.

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, stated that doesn't mean that the 'Private Park' would not still constitute a public place as defined in either the medical marijuana act or in the DHS regulations because the smoking of marijuana in a public place is prohibited by those codes. That means that whether you are in a public or private park, he believes the scope of the language at least proposed by DHS to define what a 'Public Place' is, would include either one.

VICE CHAIRMAN RIVERS said but as far as the separation between that park and the facility itself, it doesn't count for that because it is not a public park. You can't use the product in that park because it is a public place. **MR. BROCKMAN** said that was correct. **VICE CHAIRMAN RIVERS** stated the other question that came about is that if you are going to maintain the ¼ mile separation between these facilities and a place of worship, he was noticing on one of the maps that he has unless they have moved this particular place of worship, which is in an industrial area, it hasn't been taken into account on this map. Again, when someone comes to do their Use Permit, if it is pointed

out at that time that they are within ¼ mile of a place of worship, which certainly would affect the outcome of that application. Correct? **MR. KURTZ** stated they will need to do a current and more detailed study of any location to see what land uses have occurred since they prepared these maps. He already found one they missed – so yes. **VICE CHAIRMAN RIVERS** said and as they already discussed, what they are doing here is creating a kind of guideline and even though there are blank places on this map where people may apply, it doesn't mean it is a slam dunk that they are going to be accepted. It is going to be handled on a Use Permit case by case basis. Correct? **MR. KURTZ** said they will look at them through a Use Permit. They will have that opportunity to do a more detailed compatibility study with each individual location. **VICE CHAIRMAN RIVERS** asked what the reasoning behind not providing off-site deliveries of medical marijuana to a cardholder is - what is the reasoning for that since some of these folks are homebound and they cannot make it out to these places and probably would have to send a designate to pick their stuff up? Is there a specific reason why they don't want to do deliveries?

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, replied that if a qualified patient who has a card to receive medical marijuana is homebound, that qualified patient can have a caregiver who also has a card and is capable of going and securing the marijuana for that qualified patient. If fact, the caregiver can do that for up to 5 qualified patients. They opted to preclude the home delivery because it is possible for the caregiver to come and get the marijuana and then bring it back. The one speaker who indicated that was contrary to what the law requires. He doesn't know the answer to that. He has a note to check on that. They certainly want to comply with that law. That was their thought process. They really didn't want to have delivery trucks arriving at residential homes and the police would be concerned especially by that because they have their own concerns about potential for robberies and things like that. **VICE CHAIRMAN RIVERS** said he was going to say he thought there might be a safety issue as far as the delivery person goes.

GLENN BROCKMAN, ASSISTANT CITY ATTORNEY, said he wanted to make clear when they talk about this separation. He wants to make sure that the Commission understands one issue that wasn't raised in all of this. To the extent that the separation limits the areas where marijuana retail shops or cultivation can be located, if a qualified patient or caregiver is more than 25 miles away from any such retail dispensary, they then could obtain a card that allows them to grow marijuana in their residence. There is an issue there. If they treat these too much like adult businesses and want to kind of hide them away, they may run into some problems where they will have areas where qualified patients might be able to raise their own marijuana – limited amounts. He thinks he would say they were generally trying to have separations but allow the separations to be reasonable enough to not run into the 25 mile rule.

COMMISSIONER BARON stated there was a lot of dialogue about separating the daycares, churches and such. What happens if the facility is located, either the dispensary or grower, and a church comes in and wants to be within that separation zone? Are they

precluded from being within that area or do they have to wait? What is the process for that?

MR. KURTZ said the Ordinance recognizes that condition and these Use Permits would come back on an annual basis. It specifically recognizes that if the dispensary was there first and a protected use moves closer to it that didn't exist before, is not a reason that the dispensary can't get their Use Permit removed. It's kind of grandfathered. That's the short quick answer to that. The state law recognizes that also in terms of their minimum separation between all forms of schools. That is practical land use planning. If they were there first, they get to stay. The second guy made a choice to move into that area. If he was good with that choice, that is his choice. **COMMISSIONER BARON** said he understands but there are also economic impact possibilities with that type of mentality. That is why he brought it up.

CHAIRMAN CASON asked Mr. Kurtz if he was prepared to show them where they are striking and where they are adding in this Ordinance?

MR. KURTZ said he hasn't heard any changes yet from the Commission. Staff has presented 3 changes that they think are appropriate from a land use compatibility standpoint and reasonable zoning regulations that they strike the residential separation, that they strike the reference to hospitals as a separation and they strike a portion of parks that identify 'Private Parks'. Those are all fairly simply identified in the table on page 7 of 10. That would their recommendation to them. **CHAIRMAN CASON** said so they would just strike the item out of the table then? **MR. KURTZ** replied that was correct? **CHAIRMAN CASON** said so they would strike 'Private Park' and 'Residential Zoning District Boundary' and 'Hospitals Public or Private'. Right? **MR. KURTZ** replied that was correct. **CHAIRMAN CASON** asked so that would be the extent of Staff's recommendations? **MR. KURTZ** replied yes.

CHAIRMAN CASON asked if there were any comments about the recommendations – stick with them, don't stick with them?

COMMISSIONER VEITCH said he is comfortable with Staff's recommendations. He wanted to ask whether anyone would like to entertain extending evening hours to any extent?

COMMISSIONER PRIDEMORE said actually that was his one comment. To him it seemed reasonable to go 9:00 a.m. to 9:00 p.m.

CHAIRMAN CASON asked if anyone had a problem with 9 to 9? Nobody did. He said that they would add that into the Ordinance as well.

CHAIRMAN CASON stated he wanted to go on record saying that he supports the Ordinance separating the marijuana and the marijuana instruments for keeping the marijuana separate from other types of uses. The reasoning for that is because the

marijuana facilities should be more of a medical type situation than a retail type situation. In honor of those people that need the medicine, he thinks they need to respect their dignity to not have other things going on. He would like to site something in doing that. Before he started thinking about this, he started to realize that the only way that you can really analyze the value and extent of zoning is to understand how many people it is going to impact. He investigated the populations of states that have medical marijuana and issued cards because there are some states that don't along with the amount of card holders. It was very interesting the separation between those. As his numbers came out, there were 1.3 users per thousand. If you extrapolate against the Chandler population, it means that they will have about 325 people in the City of Chandler, at least after it flattens out and those types of things. Could he be wrong? Certainly. He is just working off of basic data. He went farther and tried to identify how many dispensaries there were. He knows that the state limits the dispensaries. When he looks at how many dispensaries there are in California, he finds that there are 6 users for every dispensary. He thinks that the California model of where you allow all sorts of other things to go on inside the marijuana dispensary allows the marijuana dispensary to drive up its profit and therefore require less people to come through. If you look at that economically, that means more marijuana centers. What he is saying is that whatever economy or how the economics play out in having as many marijuana centers as there are, that they can make money is fine. He thinks that marijuana centers should just do what they do. They should just dispense marijuana and then they are limited on the profitability. He uses that word carefully because clearly they are not supposed to be for profit. People will get salaries and there will be some savings for those companies.

He wants to support and congratulate Staff for making sure that they keep the facilities for what they are designed to be and not a plethora of energies happening at the same place. He certainly empathizes with the ability to be able to go in and purchase your marijuana and also get a massage but he doesn't think in the City of Chandler they want to do anything that promotes more dispensaries, especially since that 325 people that may possess cards in the City of Chandler are going to need to go to more than one dispensary. He just doesn't know economically how that would work. How you could have 12 dispensaries in town and if they could even survive, if you had only 6 people going to each one. Because they can't really through an ordinance that controls the places they want to put them and still give the businesses an opportunity to come to Chandler and have businesses and also take care of those that need medicine. He thinks the only way that they can control that is to limit the amount of things that could be marketed out of the storefront. By doing that they will be able to have better control over the amount of dispensaries that they will see in town just simply driven by the economics of it.

CHAIRMAN CASON asked for a motion.

MOVED BY COMMISSIONER VEITCH, seconded by **VICE CHAIRMAN RIVERS** to approve Zoning Code Amendment ZCA10-0007 CITY OF CHANDLER / MEDICAL MARIJUANA amending Chapter 35 of the Chandler City Code to establish

definitions and Use Permit requirements relating to Medical Marijuana Facilities and Cultivation Sites and Infusion Food establishments with the changes to the draft as recommended by Staff and one further change to the draft to amend the permitted hours of operation from 9:00 a.m. to 7:00 p.m. to 9:00 a.m. to 9:00 p.m. The item passed unanimously 6-0.

CHAIRMAN CASON asked Mr. Kurtz, Planning Administrator, when this would go before City Council? **MR. KURTZ** said it is scheduled to go to City Council for February 10, 2011 and they will see what Council does with it then for any further updates.

6. DIRECTOR'S REPORT
Mr. Mayo stated there was nothing to report this evening.

7. CHAIRMAN'S ANNOUNCEMENTS
CHAIRMAN CASON announced that the next regular meeting is February 16, 2011 at 5:30 p.m. in the Council Chambers at the Chandler City Hall, 88 East Chicago Street, Chandler, Arizona.

8. ADJOURNMENT
The meeting was adjourned at 6:58 p.m.

_____
Michael Cason, Chairman

_____
Jeffrey A. Kurtz, Secretary