

Meeting Minutes

Planning and Zoning Commission

Study Session

December 7, 2022 | 5:00 p.m.
Chandler City Council Chambers
88 E. Chicago St., Chandler, AZ



Call to Order

The meeting was called to order by Chairman Heumann at 5:00 p.m.

Roll Call

Commission Attendance

Chairman Rick Heumann
Vice Chairman David Rose
Commissioner Erik Morgan
Commissioner Sherri Koshiol
Commissioner Michael Quinn
Commissioner Jeff Velasquez

Staff Attendance

Kevin Mayo, Planning Administrator
David de la Torre, Planning Manager
Lauren Schumann, Principal Planner
Harkey Mehlhorn, City Planner
Darsy Olmer, Associate Planner
Tulili Tuitelelapaga-Howard, Planning Intern
Thomas Allen, Assistant City Attorney
Julie San Miguel, Clerk

Absent

Commissioner Kyle Barichello

Scheduled/Unscheduled Public Appearances

Members of the audience may address any item not on the agenda. State Statute prohibits the Board or Commission from discussing an item that is not on the agenda, but the Board or Commission does listen to your concerns and has staff follow up on any questions you raise.

Consent Agenda and Discussion

1. November 16, 2022, Planning and Zoning Commission Meeting Minutes

Move Planning and Zoning Commission approve Planning and Zoning Commission meeting minutes of the Study Session of November 16, 2022, and Regular Meeting of November 16, 2022.

2. PLH22-0060 MEDICAL MARIJUANA CODE AMENDMENT

KEVIN MAYO, PLANNING ADMINISTRATOR presented details regarding a citizen initiative amending the city zoning code by amending ARTICLE II.-DEFINITIONS, ARTICLE XXI.-TABLE OF PERMITTED USES FOR NONRESIDENTIAL DISTRICTS, and ARTICLE XXII.-ADDITIONAL HEIGHT AND AREA REGULATIONS as they relate to regulating medical marijuana facilities, medical marijuana cultivation sites, and medical marijuana infusion food establishments. Proposed amendments include expanding hours of operation, increasing square-footage size limitations, and permitting the colocation of a medical marijuana facility with its affiliated onsite medical marijuana cultivation site and/or medical marijuana infusion food establishment when approved through a Conditional Use Permit.

COMMISSIONER VELASQUEZ thanked staff for the presentation and asked if 5,000 square feet is within range of what other neighboring municipalities have adopted for this type of use.

KEVIN MAYO, PLANNING ADMINISTRATOR responded the limitations on square footage are above us by significant margins of 25,000 to 10,000, except Glendale who is 6,000 for dispensary, 25,000 for cultivation, and 10,000 for infusion. He further stated Town of Gilbert is 5,000 for dispensary, 5,000 for cultivation, and 5,000 for infusion.

COMMISSIONER MORGAN would like staff to confirm the requested square footage for dispensary, cultivation, and infusion. He asked if the square footage requirement would include the ancillary or is that 25% in addition to the 5,000 square feet.

KEVIN MAYO, PLANNING ADMINISTRATOR responded, the retail side belongs in commercial and the production growth side belongs in industrial; therefore, in an industrial area there could be 5,000 square feet of cultivation and 5,000 square feet infusion food establishment for 10,000 square feet. He explained if someone met the criteria and went through the use permit process, they could get 2,500 feet of dispensary for a total of 12,500 total square feet.

COMMISSIONER MORGAN asked if the stipulations are similar to a brewery, like SanTan Brewery where there is an area to make product and an area to serve.

KEVIN MAYO, PLANNING ADMINISTRATOR replied those are tied differently because of the entertainment component, he explained the entertainment use permit has different regulation criteria. He further explained, if they do not have the entertainment then it would be viewed similarly it's off the arterial, it's ancillary to the production side, and things like that.

CHAIRMAN HEUMANN asked if the area for selling products is limited to 2,500 square feet is the area for selling products and does this change the separations from daycare and schools because he was on City Council in 2011 when the ordinance was written in 2011.

KEVIN MAYO, PLANNING ADMINISTRATOR responded the 2,500 square feet is for selling products. He further explained the list of protected land uses; daycare, residential, schools, and churches will stay the same and the separation requirements of a quarter mile for all of those and one mile separation for another dispensary or medical marijuana use. He confirmed that will stay the same and it's not proposed to change with this code change.

CHAIRMAN HEUMANN asked what do neighboring cities do in terms of hours of operation. He mentioned, he is curious about the 7:00 a.m. time as there were times you could not buy alcohol before a certain time.

KEVIN MAYO, PLANNING ADMINISTRATOR stated this time is consistent with other cities and presented a list. He pointed out start times range between 6:00 a.m. to 8:00 a.m. and end times range between 7:00 p.m. – 9:00 p.m., he mentioned the four other dispensaries in Chandler are controlled by Maricopa County and they do not have any limitations on their hours. He explained Maricopa County does not restrict the start time and they can start whenever they want. He stated the proposed hours are consistent with the other jurisdictions benchmarked, but also against the fact that the county doesn't have a start time.

CHAIRMAN HEUMANN stated there is one dispensary in the City of Chandler on Chandler Blvd and 56th Street and asked if the others are on county islands.

KEVIN MAYO, PLANNING ADMINISTRATOR stated that is correct, there is one on South Arizona Avenue near Riggs, another near Chandler Heights and Gilbert Rd, another on the southwest corner of Chandler Blvd and Gilbert, and the last one is in west Chandler south of the 202.

CHAIRMAN HEUMANN asked if staff was aware of any security issues with those sites, including the one in Chandler.

KEVIN MAYO, PLANNING ADMINISTRATOR stated staff is not aware of any security issues and mentioned if the Applicant were to come up, they could advise of how this use is the most regulated in the state.

CHAIRMAN HEUMANN confirmed there were no further questions or comments from the Commission Members.

3. PLH22-0054 & PLH22-0059 GAME SHOW BATTLE ROOMS

DARSY OMER, ASSOCIATE PLANNER presented details regarding the request for Rezoning from Planned Area Development (PAD) for C-1-Neighborhood Commercial uses to PAD for C-2-Community Commercial uses within an existing commercial center located at 6909 W. Ray Road, generally located at the southeast corner of Ray Road and 56th Street and Use Permit approval for a Series 7 Beer and Wine Bar license for Suite 29 located within the same commercial center.

CHAIRMAN HEUMANN asked what is a game show battle room.

DARSY OMER, ASSOCIATE PLANNER replied it's a place that hosts different types of classic television game shows like Wheel of Fortune for people to play.

CHAIRMAN HEUMANN confirmed there were no further questions or comments from the Commission Members.

4. PLH22-0039 MOUNTAIN VIEW ESTATES

DAVID DE LA TORRE, PLANNING MANAGER presented details regarding the request for Preliminary Development Plan approval for housing product design to be constructed on a 16-lot single-family subdivision located on the north side of Riggs Road approximately ¼ mile east of Lindsay Road.

CHAIRMAN HEUMANN asked is this the project that had issues with the ditch.

DAVID DE LA TORRE, PLANNING MANAGER stated yes, the ditch was a big part of this project in 2019.

CHAIRMAN HEUMANN mentioned that he remembers this from 2019 and this looks good. He stated black and white is noted on staff's report on color and asked if black will only be used as an accent.

DAVID DE LA TORRE, PLANNING MANAGER responded the primary colors are white, black, and bronze and the black is an accent color.

CHAIRMAN HEUMANN asked if this will be gated.

DAVID DE LA TORRE, PLANNING MANAGER confirmed the project will not be gated.

CHAIRMAN HEUMANN stated this is a beautiful project and confirmed there were no further questions or comments from the Commission Members.

5. PLH22-0049 ELLIOT'S STEAKHOUSE

DARSY OMER, ASSOCIATE PLANNER presented details regarding the request for Entertainment Use Permit approval for indoor live entertainment and indoor and outdoor speakers for background music. The business is located at 81 W. Boston Street, generally located at the southwest corner of Arizona Avenue and Boston Street in downtown Chandler.

CHAIRMAN HEUMANN asked if the location is the old Sasha's space that Gavin and his group manage.

DARSY OMER, ASSOCIATE PLANNER confirmed the location is where the Sasha's restaurant was previously.

CHAIRMAN HEUMANN stated he looks forward to this addition to downtown and mentioned that Gavin and his group are great operators and for those who do not know, they also have Hidden House and Brick Yard. He thanked staff and confirmed there were no further questions or comments from the Commission Members.

6. PLH22-0050 MAPLE HOUSE

HARLEY MEHLHORN, CITY PLANNER presented details regarding the request for Use Permit approval for a Series 7 Beer and Wine Bar License and Entertainment Use Permit approval to allow outdoor speakers and acoustic live entertainment. The business is located at 198 W. Boston Street on the northeast corner of Boston and California streets in downtown Chandler.

CHAIRMAN HEUMANN asked if they will be serving food.

HARLEY MEHLHORN, CITY PLANNER stated there is no full-service kitchen proposed, therefore from staff's understanding the menu will consist of charcuterie boards and other concessions.

CHAIRMAN HEUMANN confirmed there were no further questions or comments from the Commission Members.

7. Cancellation of the December 21, 2022, and January 4, 2023, Planning and Zoning Commission Hearings

Move Planning and Zoning Commission cancel December 21, 2022, and January 4, 2023, Planning and Zoning Commission Hearings.

Calendar

The next Study Session will be held before the Regular Meeting on Wednesday, January 18, 2023, in the Chandler City Council Chambers, 88 E. Chicago Street.

Adjourn

The meeting was adjourned at 5:31 p.m.



Kevin Mayo, Secretary

Rick Heumann, Chairman