

RESULTS

Planning and Zoning Commission Regular Meeting

June 4, 2025 | 5:30 p.m.

Chandler City Council Chambers
88 E. Chicago St., Chandler AZ



Commission Members

Chair Rick Heumann
Commissioner Charlotte Golla
Commissioner Tom Bilsten
Commissioner Sherri Koshiol
Commissioner Mike Quinn
Commissioner Ryan Schwarzer
Commissioner Kyle Barichello

Pursuant to Resolution No. 4464 of the City of Chandler and to A.R.S. § 38-431.02, notice is hereby given to the members of the Planning and Zoning Commission and to the general public that the Planning and Zoning Commission will hold a REGULAR MEETING open to the public on Wednesday, June 4, 2025, at 5:30 p.m., at City Council Chambers, 88 E. Chicago Street, Chandler, AZ. One or more members of the Commission may attend this meeting by telephone.

Persons with disabilities may request a reasonable modification or communication aids and services by contacting the City Clerk's office at 480-782-2181 (711 via AZRS). Please make requests in advance as it affords the City time to accommodate the request.

Agendas are available in the Office of the City Clerk, 175 S. Arizona Avenue.

Planning and Zoning Commission

Regular Meeting Agenda - June 4, 2025

Call to Order/Roll Call **5:31PM**

Pledge of Allegiance

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

Items listed on the Consent Agenda may be enacted by one motion and one vote. If a discussion is required by members of the Board or Commission, the item will be removed from the Consent Agenda for discussion and determination will be made if the item will be considered separately.

1. **May 21, 2025, Planning and Zoning Commission Meeting Minutes**
Move Planning and Zoning Commission approve the meeting minutes of the Study Session and Regular Meeting held on May 21, 2025
2. **Entertainment Use Permit, PLH25-0002 Black Sheep Wine Bar, 98 S San Marcos Pl, generally located ¼ mile south of the southwest corner of Arizona Avenue and Chandler Boulevard**
Move Planning and Zoning Commission recommend approval of PLH25-0002 Black Sheep Wine Bar for an Entertainment Use Permit for live indoor entertainment, including live acoustical music performances and outdoor speakers for ambient music, subject to the conditions as recommended by Planning staff.
3. **Zoning Code Amendment, PLH25-0007 Medical Marijuana Code Amendment**
Move Planning and Zoning Commission recommend approval of a Zoning Code amendment to Chapter 35 - Section 2213 Medical marijuana facility, medical marijuana cultivation site, and infusion food establishment by replacing the one (1) year time condition for medical marijuana facilities approved through a Use Permit with any period of time approved by the City Council.

Consent Agenda items 1-3 approved unanimously (5-0)

Member Comments/Announcements

Calendar

4. The next Regular Meeting will be held on June 18th, 2025, in the Chandler City Council Chambers, 88 East Chicago Street, Chandler, Arizona.

Adjourn **5:33PM**



Planning & Zoning Commission Development Services Memo No.

Date: June 04, 2025
To: Planning and Zoning Commission
Thru: Kevin Mayo, Planning Administrator
From: Taylor Kosareff, Management Assistant
Subject: May 21, 2025, Planning and Zoning Commission Meeting Minutes

Proposed Motion:

Move Planning and Zoning Commission approve the meeting minutes of the Study Session and Regular Meeting held on May 21, 2025

Attachments

May 21, 2025 Study Session Minutes
May 21, 2025 Regular Meeting Minutes

Meeting Minutes

Planning and Zoning Commission

Study Session

May 21, 2025 | 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 5:16 p.m.

Roll Call

Commission Attendance

Chairman Rick Heumann
Commissioner Kyle Barichello
Commissioner Charlotte Golla
Commissioner Ryan Schwarzer
Commissioner Tom Bilsten

Staff Attendance

David de la Torre, Planning Manager
Lauren Schumann, Principal Planner
Mikayela Liburd, City Planner
Thomas Allen, Assistant City Attorney
Taylor Kosareff, Clerk
Danielle Smee, Clerk

Absent

Vice Chair Sherri Kolshiol- Excused
Commissioner Michael Quinn- Excused

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. March 19, 2025, Planning and Zoning Commission Meeting Minutes

Move Planning and Zoning Commission approve the meeting minutes of the Study Session and Regular Meeting held on March 19, 2025

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

2. April 2, 2025, Planning and Zoning Commission Meeting Minutes

Move Planning and Zoning Commission approve the meeting minutes of the Study Session and Regular Meeting held on April 2, 2025

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

3. Rezoning and Preliminary Development Plan, PLH24-0035 California Duplex, generally located 1/2 mile south of the southwest corner of Chandler Boulevard and Arizona Avenue.

MIKAYELA LIBURD, CITY PLANNER, presented details regarding rezoning PLH24-0035 California Duplex, Rezoning from Planned Area Development (PAD) for Single-Family Residential to PAD for a Duplex, subject to the conditions as recommended by Planning staff.

There is currently another property nearby, across the alley, that was approved and is now under construction for a duplex. Ms. Liburd reviewed setbacks, lot coverage, building height, parking options for both units and proposed architecture style of "modern farmhouse." A neighborhood meeting was held virtually on February 28, 2025. Applicant was the only person in attendance. A notice was posted on social media via NEXTDOOR.

Staff was made aware of concern from one resident in opposition in regards to traffic and building height. Staff recommends approval of rezoning and preliminary development plan.

CHAIRMAN HEUMANN asked about several emails of concern sent to the planner regarding PLH24-0035. Ms. Liburd reports one email was received. CHAIRMAN HEUMANN inquired about the e-mail and if it was included in the packet provided and that in the future copies of e-mails received would need to be included on the dais or in the presentation for review.

CHAIRMAN HEUMANN asked DAVID DE LA TORRE, PLANNING MANAGER to further explain about the zoning of this area and why this lot is zoned for MF-2 as the homes in the area are single-family homes. Mr. De La Torre elaborated on past zoning that allowed for the lots in this area to be developed for multifamily housing. The area continues to be single family homes zoned for multifamily housing. CHAIRMAN HEUMANN clarified that this specific lot was zoned to single family a few years ago, but now it is being requested to be rezoned for multifamily use.

CHAIRMAN HEUMANN asked about lot coverage percentages, noting that the pictures provided indicated a “massive” building on the lot. Ms. Liburd stated the standard for MF-2 was 45% coverage and the current proposal was a maximum of 50% coverage.

CHAIRMAN HEUMANN inquired about landscape plans. Ms. Liburd reported that a landscape plan is not required in this instance as it was treated similarly to a single-family home, but that the applicant did provide landscaping plans that could be shown. Chairman Huemann reported concerns with the size of the house and that residents would want to know about the trees or other landscaping options that would mitigate the concerns residents had with the height and size of the building.

COMMISSIONER SCHWARZER shared that the larger tree, a Chinese Pistache, that was proposed in landscape plan was a possible concern, due to the large size that the tree typically can grow being planted in a small area.

CHAIRMAN HEUMANN inquired about MF-2 zoning asked about height allowed by right. Mr. De La Torre reported the maximum height. limitations for MF-2 to be varying, noting that at the setback line, maximum height is 25 feet and that it can go higher at a 45 degree angle to maximum of 35 feet towards the center of the property. Single family residences are subject to the same height maximum.

Calendar

The next Study Session will be held before the Regular Meeting on Wednesday, June 4, 2025, in the Chandler City Council Chambers, 88 E. Chicago Street.

Adjourn

The meeting was adjourned at 5:26 p.m.



Kevin Mayo, Secretary

Rick Heumann, Chairman

Meeting Minutes

Planning and Zoning Commission

Regular Meeting

May 21, 2025 | 5:30 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 5:41 p.m.

Roll Call

Commission Attendance

Chairman Rick Heumann
Commissioner Kyle Barichello
Commissioner Charlotte Golla
Commissioner Ryan Schwarzer
Commissioner Tom Bilsten

Staff Attendance

David de la Torre, Planning Manager
Lauren Schumann, Principal Planner
Mikayela Liburd, City Planner
Thomas Allen, Assistant City Attorney
Taylor Kosareff, Clerk
Danielle Smee, Clerk

Absent

Vice Chair Sherri Kolshiol- Excused
Chairman Michael Quinn- Excused

Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Bilsten.

Scheduled and 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

Items listed on the Consent Agenda may be enacted by one motion and one vote. If a discussion is required by members of the Board or Commission, the item will be removed from the Consent Agenda for discussion and determination will be made if the item will be considered separately.

1. March 19, 2025, Planning and Zoning Commission Meeting Minutes

Move Planning and Zoning Commission approve the meeting minutes of the Study Session and Regular Meeting held on March 19, 2025

2. April 2, 2025, Planning and Zoning Commission Meeting Minutes

Move Planning and Zoning Commission approve the meeting minutes of the Study Session and Regular Meeting held on April 2, 2025

3. Rezoning and Preliminary Development Plan, PLH24-0035 California Duplex, generally located 1/2 mile south of the southwest corner of Chandler Boulevard and Arizona Avenue.

Rezoning Move Planning and Zoning Commission recommend approval of Rezoning PLH24-0035 California Duplex, Rezoning from Planned Area Development (PAD) for Single-Family Residential to PAD for a Duplex, subject to the conditions as recommended by Planning staff.

Preliminary Development Plan

Move Planning and Zoning Commission recommend approval of Preliminary Development Plan PLH24-0035 California Duplex for site layout and building architecture, subject to the conditions as recommended by Planning staff.

CHAIRMAN HEUMANN acknowledged a speaker card and invited speaker to the podium.

JULIETTE SPENCE, 220 S. Dakota St, Chandler, spoke about living in Downtown Chandler in the Pueblo Viejo area. Ms. Spence reflected on the changes that have already occurred in her neighborhood regarding the existing duplex being built in the area, with concern for the height and general large size of the building. Additionally, Ms. Spence does not think that the style of the proposed building is consistent with the current style of housing in the neighborhood.

CHAIRMAN HEUMANN stated that this is an 'unusual parcel' of zoning in its history. Chairman Heumann expressed concern for lot size and building size ratio. Chairman Heumann reported he would like to see the lot coverage reduced to 42-45% and inquired as to why the lot coverage is so large in this instance.

DAVID DE LA TORRE, PLANNING MANAGER, stated that actual proposed lot coverage is 47% with a staff allowance for a maximum of 50% to allow for covered patio area in the outdoor area, should applicant wish to add one in the future. Chairman Heumann asked why this lot coverage percentage being allowed for this instance and asked what the applicant was providing to the community. Mr. De La Torre stated it is making the lot developable and providing more housing. Chairman Heumann stated though the building was large, "but by right, it could be done."

COMMISSONER GOLLA asked about covered parking spaces being included in that lot coverage percentage. DAVID DE LA TORRE, PLANNING MANAGER stated percentage did include covered parking spaces.

CHAIRMAN HEUMANN directed staff to continue to look at lot coverage size percentages moving forward as he did not want to see them continue to increase. Additionally, Chairman Heumann would like e-mails from citizens included in documentation provided and presented in the future.

Consent Agenda Motion and Vote

COMMISSONER BARICHELLO moved to approve the Consent Agenda (Items 1, 2 and 3) of the May 21, 2025, Regular Planning and Zoning Commission Meeting; Seconded by COMMISSIONER GOLLA.

Motion carried unanimously (5-0).

Member Comments/Announcements

DAVID DE LA TORRE, PLANNING MANAGER, introduced Commission Board members to DANIELLE SMEE, CLERK. Mr. De La Torre reported that the meeting dates for the month of June will be June 4, 2025 and June 18, 2025. At the June 18, 2025 meeting, they will be reviewing the Downtown Region Area Plan update. The Planning and Zoning Commission Hearing slated for July 2, 2025 will likely be canceled at this time.

COMISSIONER BILSTEN wished COMISSIONER GOLLA a "Happy Birthday."

LAUREN SCHAUMANN, PRINCIPAL PLANNER, briefed the Commission on recent public events regarding the General Plan update.

Calendar

The next regular meeting will be held on Wednesday, June 4, 2025, in the Chandler City Council Chambers, 88 E. Chicago Street.

Informational Items

No additional items.

Adjourn

The meeting was adjourned at 5:52 p.m.

 for KM

Kevin Mayo, Secretary

Rick Heumann, Chairman



Planning & Zoning Commission Memorandum
Memo No. 25-014

Development Services

Date: June 04, 2025
To: Planning and Zoning Commission
Thru: Kevin Mayo, Planning Administrator
 David de la Torre, Planning Manager
From: Taylor Kosareff, Management Assistant
Subject: PLH25-0002 Black Sheep Wine Bar
Request: Entertainment Use Permit approval to allow live indoor entertainment, including live acoustic musical performances and outdoor speakers for ambient music
Location: 98 South San Marcos Place, generally located ¼ mile south of the southwest corner of Arizona Avenue and Chandler Boulevard
Applicant: Brianna Parisian, Thrive Social

Proposed Motion:

Move Planning and Zoning Commission recommend approval of PLH25-0002 Black Sheep Wine Bar for an Entertainment Use Permit for live indoor entertainment, including live acoustical music performances and outdoor speakers for ambient music, subject to the conditions as recommended by Planning staff.

Background Data:

- Subject site is zoned City Center District (CCD).
- Subject site currently has a Series 12 Restaurant License.
- Live indoor entertainment within 600' of residential properties required an Entertainment Use Permit.
- The nearest residential property is a single-family home located approximately 380 feet to the south and west of the subject site.

Surrounding Land Use Data:

North	CCD	South	CCD
-------	-----	-------	-----

East	Parking lot in CCD then Arizona Ave	West	CCD
------	-------------------------------------	------	-----

Proposed Business Operations (for Use Permit) or Proposed Development (for PDP)

Size of Restaurant	3,673 SF
Hours of Operation	Monday–Thursday: 11am to 11pm Friday: 11am to midnight Saturday: 10am to midnight Sunday: 10am to 11pm
Hours of Live Indoor Entertainment	8:30pm to 11pm
Types of Live Indoor Entertainment	Solo or Duo Acoustic

Review and Recommendation:

Per Zoning Code section 35-305(4), an Entertainment Use Permit is required when alcoholic beverages are sold or served; there is entertainment activity provided outdoors with the property being located 1,320 ft. or less from a residentially zoned property; and/or if there is entertainment provided indoors with the property being located 600 feet or less from a residentially zoned property. The distance is measured from the closest exterior wall or fence of any indoor or outdoor space occupied by the subject establishment to the closest property line of a residentially zoned property. The nearest single-family residential development to this project is located approximately 380 feet to the south and west.

In 2004, a liquor use permit for a series 12 restaurant license was approved for 98 South Wine Bar & Kitchen. In 2005 and 2007, use permit renewals were approved by city council. The suite has been occupied by the restaurant Black Sheep Wine Bar since 2021. In February 2025, Black Sheep Wine Bar received approval from the Historic Preservation Commission for an outdoor patio within the city right-of-way. Black Sheep Wine Bar indicated at the time of their interest in having outdoor speakers and live indoor entertainment, so staff advised to submit an entertainment use permit.

Planning staff is not proposing a time stipulation for the entertainment use permit due to the previous liquor use permit for the series 12 restaurant license for the previous business, and Black Sheep Wine Bar has occupied the space for four years, and has proved to be a good neighbor to Downtown Chandler businesses. Planning staff has reviewed the request and finds it to be consistent with the General Plan and applicable zoning. Live entertainment is a compatible land use with the surrounding commercial development and has similar hours and types of entertainment to the adjacent commercial developments with an entertainment

use permit in downtown Chandler.

Public / Neighborhood Notification

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting sign was posted on the site and on social media via NextDoor.
- A neighborhood meeting was held on April 22, 2025. No one attended the neighborhood meeting other than staff and the applicant. Staff was informed after the neighborhood meeting that a resident attempted to attend the neighborhood meeting, but could not find where the neighborhood meeting was located. A neighboring business owner was concerned about the hours of entertainment, but after letting the business owner know the proposed entertainment hours is between 8:30pm-11pm, the business owner stated he was no longer concerned with the request (Stakeholder Correspondence).
- As of the writing of this memo, Planning staff is not aware of any opposition to the request.

Recommended Conditions of Approval

Planning staff recommends Planning and Zoning Commission move to recommend approval of the Use Permit/Preliminary Development Plan, subject to the following conditions:

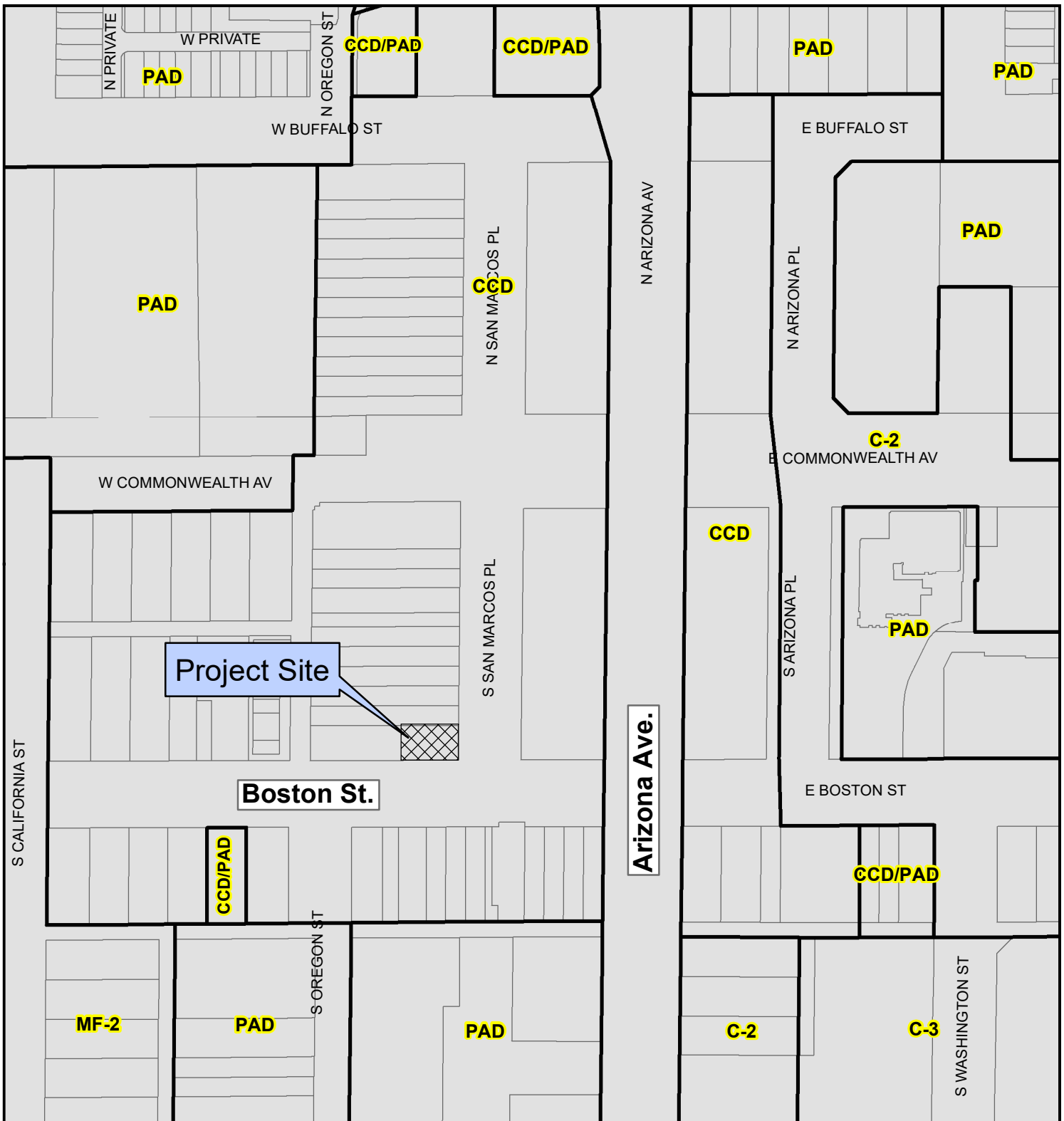
1. Substantial expansion or modification beyond the approved exhibits (Exhibits) shall void the Entertainment Use Permit and require a new Entertainment Use Permit application and approval.
 2. The Entertainment Use Permit is non-transferable to any other location.
 3. Entertainment Use Permit approval 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 Entertainment Use Permit shall apply.
 4. No noise shall be emitted from external speakers or live entertainment in such a manner that exceeds the general level of noise by uses outside the premises of the business and disturbs adjacent businesses and residential areas.
 5. The establishment shall provide a contact phone number for a responsible person (i.e. bar owner and/or manager) to any interested neighbors or property owners to resolve complaints quickly and directly.
 6. Entertainment activities shall only be permitted from 8:30pm - 11pm.
-

Attachments

Vicinity Maps

Exhibits

Stakeholder correspondence



PLH25-0002 Black Sheep Wine Bar



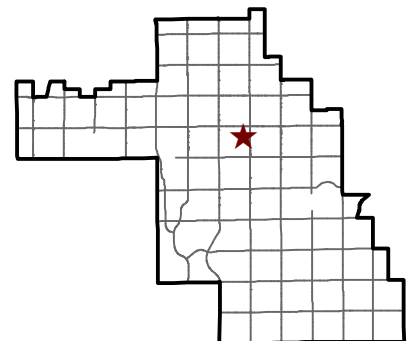
Proposed Project Details

98 S. San Marcos Pl.

Entertainment Use Permit to allow live indoor entertainment including live acoustic musical performances and outdoor speakers for ambient music



City of Chandler Planning Division
chandleraz.gov/planning
 For more information visit:
<https://gis.chandleraz.gov/planning>





PLH25-0002 Black Sheep Wine Bar



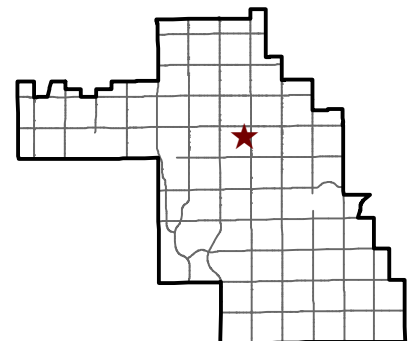
Proposed Project Details

98 S. San Marcos Pl.

Entertainment Use Permit to allow live indoor entertainment including live acoustic musical performances and outdoor speakers for ambient music



City of Chandler Planning Division
chandleraz.gov/planning
 For more information visit:
<https://gis.chandleraz.gov/planning>



PLH25-0002

BLACK SHEEP WINE BAR

Location:

98 South San Marcos Place

South of the southwest corner of Arizona
Avenue and Chandler Boulevard

BlackSheep Patio is an extension of premise of BlackSheep Wine Bar located at 98 S. San Marcos Place, Chandler, Arizona 85225.

This business, BlackSheep Wine bar, is a wine bar and restaurant located at 98 S. San Marcos Place. It is +/-3,673 S.F. existing building which will have no construction or structural changes made to it. It resides in the CCD (Chandler Commercial District) zoning area.

The proposed patio extension will not be attached to the existing structure in any way and all structures (shading and/or fencing) on the public sidewalk will be designed so that they are easily removable in case the right-of-way needs to be cleared. Our team is aware that things may be bolted to the sideways; however things such as poured foundations are not acceptable.

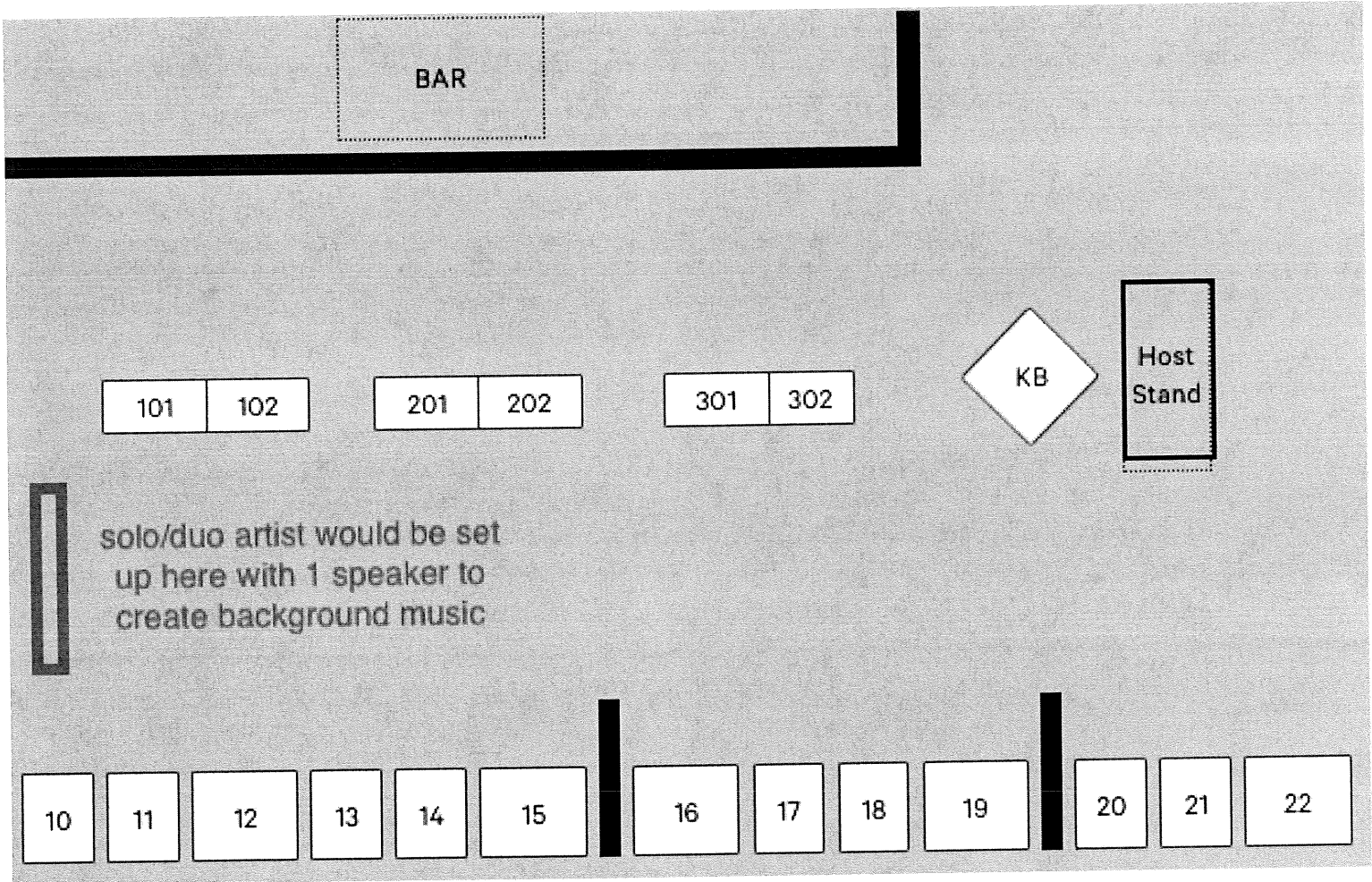
1. An upscale concept that serves a variety of food options as well as craft cocktails.
 - i. Extension of premise that will operate under an existing liquor license
 - ii. Extension of premise that will operate under the same company and/or business license as a separate dba for accounts payable & receivable purposes.
2. Entertainment
 - i. House music through speakers
 - ii. Live Entertainment (Solo or Duo Acoustic) inside from 8:30pm to 11pm.
3. Business Operations
 - i. Hours of operations are as follows:
 - Monday through Thursday 11am to 11pm
 - Friday 11am to Midnight
 - Saturday 10am to Midnight
 - Sunday 10am to 11pm
 - ii. Our team size will not change with the exception of hiring 2-3 more FOH team members for service purposes.

BlackSheep Wine Bar holds a series twelve liquor license. The extension of BlackSheep Wine Bar will simply extend our table service to an outdoor social area for guests to enjoy Downtown Chandler sights while dining. We will continue to offer food with wine options and a limited, cocktail menu. All new employees will receive liquor certificates and undergo respective training, as do all current employees.

For any questions related to business operations, please contact Brianna Parisian at brianna@thrive.social.

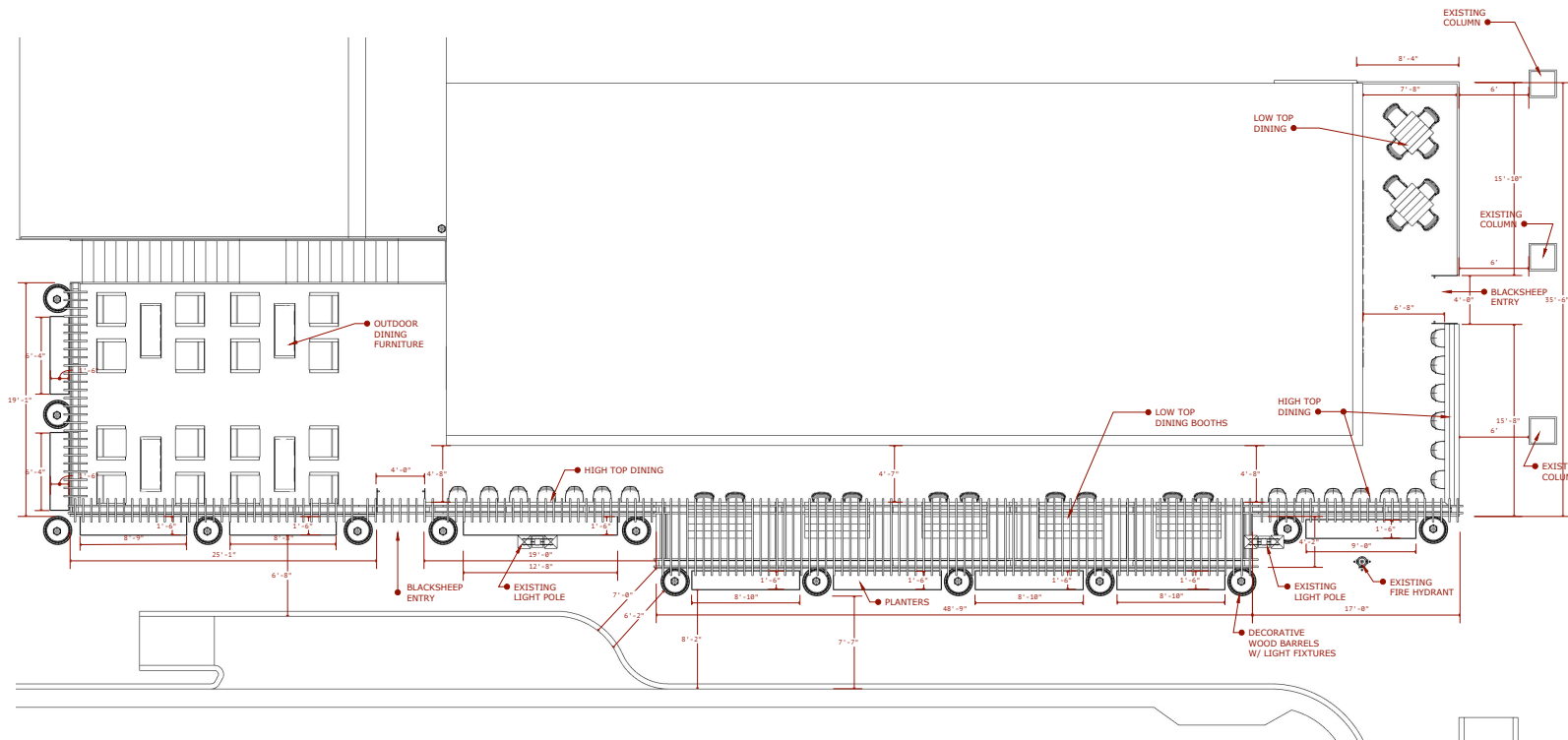
Per stipulation number 5, the best contact information for any complaints regarding noise will be Brianna Parisian at (602)-341-5114

Indoor Site Plan



BLACKSHEEP OUTDOOR DINING (DESIGN REVIEW)

Outdoor Patio Site Plan



DESIGNER NOTES

REVISION NOTES

chalk.

SITE PLAN

A 05

Darsy Smith

From: Darsy Smith
Sent: Tuesday, April 29, 2025 4:52 PM
To: Robert Brown
Subject: RE: Case No. PLH25-0002 Black Sheep

Robert,

Yes, it will be a stipulation. I will confirm with my applicant the hours, but we will include the stipulation as well as the standard stipulation that they are required to provide a managers phone number for residents to call if the music is ever too loud.

Darsy Smith

City Planner
Development Services Department | Planning Division
(480)782-3067

From: Robert Brown <robert@rbrownarch.com>
Sent: Tuesday, April 29, 2025 2:02 PM
To: Darsy Smith <Darsy.Smith@chandleraz.gov>
Subject: Case No. PLH25-0002 Black Sheep

This Message Is From an External Sender

This message came from outside your organization.

Report Suspicious

Darsy,

I received your phone message. After we last spoke, I found out my partner had a copy of the letter sent out to neighbors. In that letter, the hours for live music are stated as starting either 8:00 pm or 8:30 pm to 11:00 pm.

Our concern is live music during the regular business day prior to 6:00 pm. So, if the above stated time frame are or will be a stipulation, we have no issue.

Can you confirm this will be a stipulation? Thank you.

robert brown, ncarb
robert brown architects
88 south san marcos place
chandler, az 85225
p 480.377.2222
robert@rbrownarch.com
www.robertbrownarchitects.com

"Perfection is not attainable, but if we chase perfection we can catch excellence." -Vince Lombardi

**Planning & Zoning Commission Development Services Memo No. 25-012**

Date: June 04, 2025
To: Planning and Zoning Commission
Thru: Kevin Mayo, Planning Administrator
David de la Torre, Planning Manager
From: Taylor Kosareff, Management Assistant
Subject: PLH25-0007 Medical Marijuana Code Amendment

Proposed Motion:

Move Planning and Zoning Commission recommend approval of a Zoning Code amendment to Chapter 35 - Section 2213 Medical marijuana facility, medical marijuana cultivation site, and infusion food establishment by replacing the one (1) year time condition for medical marijuana facilities approved through a Use Permit with any period of time approved by the City Council.

Background/Discussion

In 2010, voters passed Proposition 203, the Arizona Medical Marijuana Act that legalized the use of medical marijuana and established regulations for its growth, cultivation and dispensation, which are administered by the Arizona Department of Health Services (ADHS). The proposition did not preempt cities from enacting reasonable zoning regulations for medical marijuana uses. Thus, in 2011, Chandler amended the Zoning Code (Ordinance No. 4278) requiring Use Permit approval for medical marijuana facilities, cultivation sites and infusion food establishments, and adopting approval criteria, definitions, and procedures by which these uses may be considered in Chandler.

Subsequently, in 2017, the Zoning Code was amended (Ordinance No. 4764) by replacing the Use Permit approval process with an administrative zoning clearance review and approval process, more closely aligning Chandler's regulatory process with neighboring valley cities. Also, the one-year approval expiration was removed, and the ability to reduce the separation requirements was prohibited. In 2018, the Zoning Code was amended (Ordinance No. 4855)

again to expand the hours of operation and no longer prohibit off-site deliveries and sale of other merchandise.

In 2020, Arizona voters approved Proposition 207 (the Smart and Safe Act), which legalized the possession, cultivation, and dispensing of recreational marijuana and set forth state licensing requirements. These licensing requirements and additional regulations are administered by ADHS; the Arizona Department of Revenue additionally collects both standard transaction privilege tax (TPT) and a 16% excise tax on the retail sale of recreational marijuana.

Finally, in 2023 the Zoning code was amended (Ordinance No, 5044) to establish several changes including: expanding hours of operation, increasing square-footage size limitations, and permitting the collocation of an ancillary medical marijuana facility in the I-1 and I-2 zoning districts with its affiliated onsite medical marijuana cultivation site and/or medical marijuana infusion food establishment when approved through a Conditional Use Permit. The Conditional Use Permits were issued with a one (1) year expiration from the date of Council approval, which requires a yearly renewal to remain active.

Proposed Code Amendment

The subject amendment was initiated by a request to remove the one (1) year expiration date and instead allow City Council to approve a longer time period, at its discretion.

The proposed amendment will allow for greater flexibility when reviewing applications for facilities that have shown their ability to be in conformance with their approval stipulations. This amendment will also align with the regulation of other Use Permits approved by City Council, which already allow for flexibility in expiration dates at the discretion of City Council.

Public Notification

- This request was noticed in accordance with the requirements of the Chandler Zoning Code
- The public hearing schedule was posted on the City's website and advertised in the newspaper
- As of the writing of this memo, City staff is unaware of any opposition to this proposed Code Amendment

Recommendation

Staff recommends approval of a Zoning Code amendment to Chapter 35 - Section 2213 Medical marijuana facility, medical marijuana cultivation site, and infusion food establishment by replacing the one (1) year time condition for medical

marijuana facilities approved through a Use Permit with any period of time approved by the City Council.

Attachments

Ordinance 5127

ORDINANCE NO. 5127

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING CHAPTER 35 LAND USE AND ZONING, ARTICLE XXII, SECTION 35-2213, RELATING TO THE REGULATION OF MEDICAL MARIJUANA FACILITIES, MEDICAL MARIJUANA CULTIVATION SITES, AND MEDICAL MARIJUANA INFUSION FOOD ESTABLISHMENTS, TO ALLOW FOR USE PERMIT TIME PERIODS TO BE ESTABLISHED BY THE CITY COUNCIL; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, in accordance with Ariz. Rev. Stat. § 9-240, the City Council may adopt by ordinance, any change or amendment to the regulations and provisions set forth in the Chandler City Code; and

WHEREAS, notice of this amendment has been published in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days' notice of the time, place, and date of public hearing; and

WHEREAS, the City Council has considered the probable impact of this ordinance on the cost to construct housing for sale or rent; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission on May 21, 2025.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. Subsection 3(F) of Section 35-2213 of the Chandler City Code is hereby amended to read as follows (additions in ALL CAPS, deletions in ~~strike through~~):

3(F). *Issuance of use permit.*

1. A use permit issued under this subsection shall be valid for ~~a~~ANY period of ~~one (1) year from the date of City Council approval of the use permit application~~ TIME AS APPROVED BY COUNCIL, except as provided in paragraph 3(F)(2) below.
2. A use permit issued under this subsection 3(F) shall be deemed void and to have automatically expired if the permitted use is not commenced by the permit holder or substantial construction has not taken place within nine (9) months after the date of City Council approval.
3. The validity of a use permit under this subsection 3(F) is further conditioned upon the permit holder and the permitted premises being at all times in compliance with applicable City building codes, development standards and other land use regulations stated in the Zoning Code or any other ordinance or code adopted by the City of Chandler.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance, or any parts hereof, are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona, this ____ day of _____, 2025.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona, this ____ day of _____, 2025.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 5127 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of _____, 2025, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY TA

Published: