

**MINUTES  
ORO VALLEY PLANNING AND ZONING COMMISSION  
REGULAR SESSION  
May 3, 2016  
HOPI CONFERENCE ROOM  
11000 N. LA CAÑADA DRIVE**

**REGULAR SESSION AT OR AFTER 6:00 PM**

**CALL TO ORDER**

Chairman Leedy called the May 3, 2016 Planning and Zoning Commission meeting to order at 6:00 PM.

**ROLL CALL**

**PRESENT:** Bill Leedy, Chair  
Charlie Hurt, Vice Chair  
Tom Drzazgowski, Commissioner  
Tom Gribb, Commissioner  
Greg Hitt, Commissioner  
Bob Swope, Commissioner  
Melanie Barrett, Commissioner

**ALSO PRESENT:**

Joe Andrews, Chief Civil Deputy Attorney  
Michael Spaeth, Senior Planner

**PLEDGE OF ALLEGIANCE**

Chairman Leedy led the audience and the Commission in the Pledge of Allegiance.

**CALL TO AUDIENCE**

No speaker request.

**COUNCIL LIAISON COMMENTS**

The Council Liaison was not present at the meeting.

**REGULAR SESSION AGENDA**

- 1. REVIEW AND/OR APPROVAL OF THE APRIL 5, 2016 REGULAR SESSION MEETING MINUTES**

**MOTION:** A motion was made by Commissioner Drzazgowski and seconded by Vice Chair Hurt to approve the April 5, 2016 Regular Session Meeting Minutes.

**MOTION** carried, 6-0.

**2. DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR THE PLANNING AND ZONING COMMISSION TO INITIATE A ZONING CODE AMENDMENT RELATIVE TO THE HOURS OF OPERATION FOR MEDICAL MARIJUANA DISPENSARIES**

Rosevelt Arellano, Senior Planner, presented an overview of the initiation.

Commissioner Barrett proposed listening to the information about the amendment before a motion is made about the initiation.

Joe Andrews, Chief Civil Deputy Attorney responded that initially you would have no information upfront. The initiation is only to inform staff about moving forward, if not staff can request the initiation in front of Town Council.

**MOTION:** A motion was made by Vice Chair Hurt and seconded by Commissioner Drzazgowski to initiate and set a public hearing for a Zoning Code Amendment to Section 25.1.v (Medical Marijuana Dispensaries) regarding hours of operation.

**MOTION** carried, 7-0.

**3. PUBLIC HEARING: DISCUSSION AND POSSIBLE ACTION REGARDING A ZONING CODE AMENDMENT RELATED TO THE HOURS OF OPERATION FOR MEDICAL MARIJUANA DISPENSARIES, OV1500512**

Rosevelt Arellano, Senior Planner, provided a presentation that included the following:

- Applicant's request
- Hours of Operation
- Approval

Jennifer Corey, Principal Planner, Zoning Strategies LLC, representing the applicant, provided the presentation that included the following:

- Text Amendment
- About Catalina Care
- What do we propose?
- Site Location
- MMJ History (CHAA Map)
- Locations in Metro Tucson
- Hours of Operation

- Is this a public safety problem?
- Community Benefit
- Neighborhood Outreach

Steve Cottrell, owner and operator of Catalina Hills Care, provided an overview on the hours of operation and comments from residents.

Commissioner Swope questioned the amount of clientele seen throughout the day.

Mr. Cottrell responded between 45-65 clients a day.

Chairman Leedy requested the representative from Oro Valley Police Department comment on the performance of this facility and concerns of the extension of hours.

Sargent Dean of the Oro Valley Police Department commented that upon review the Police Department looked at this as any other business here in Oro Valley. A history was ran for this location and there were no concerns. The Oro Valley Police Department has had an excellent working relationship and based upon their history over the last 24 months, the police department has no objections.

Chairman Leedy questioned whether the proposed extended hours of operation posed any concerns.

Sargent Dean responded that the police department is completely indifferent to the hours of operation.

Commissioner Barrett is uncertain as to why this proposed code amendment is being treated as any other commercial use. Given the fact the Oro Valley code has two full pages of conditions on this specific use. Commissioner Barrett doesn't find it appropriate to come at it from the perspective that it is similar to other commercial uses.

Chairman Leedy opened the public hearing.

Dave Perry, President and CEO of the Greater Oro Valley Chamber of Commerce and Oro Valley resident, commented that the proposed project is a member of the Chamber and they did not ask Mr. Perry to speak. In general terms, if the Oro Valley Police Department doesn't see a problem with the extended hours, he doesn't see a problem either. Mr. Cottrell, owner is running a legitimate business in our community and one that has been approved by the voters. Mr. Perry thinks that if the extension of hours makes their business more viable, he is in support of that.

Chairman Leedy closed the public hearing.

**MOTION:** A motion was made by Vice Chair Hurt and seconded by Commissioner Drzazowski to recommend approval of the Zoning Code Amendment in Attachment 2

related to the hours of operation for medical marijuana dispensaries, based on the finding that the request would be consistent with the retail operations.

Commissioner Barrett proposed a friendly amendment that the operating hours be the same as our neighboring communities, 7 am - 7 pm.

Vice Chair Hurt accepted the friendly amendment.

Commissioner Drzazgowski denied the friendly amendment.

**MOTION** carried, 6-1 with Commissioner Barrett opposed.

#### **4. ORO VALLEY MAIN STREETS PLANNING AND ZONING COMMISSION LIAISON UPDATE**

Commissioner Drzazgowski, Main Street Committee Representative, provided the following Main Streets update:

- The Town is doing great things
- Two meetings were held for the Design Focus Groups, and spoke about what make a great main street
- Things that were considered: Urban Design and Public Art
- Highlights: Necessary component with economic viability
- Locations: Oracle and First Avenue and Lambert and La Canada
- Workshop is May 5-7

#### **PLANNING UPDATE (INFORMATIONAL ONLY)**

Michael Spaeth, Senior Planner, provided the following planning update that included the following:

- Main Street Workshop, May 5 -7
- Planning items for the Town Council May 4th meeting
- Planning items for the Town Council May 19th meeting
- Upcoming items for the Planning and Zoning Commission meeting on June 7th
- Upcoming Neighborhood meetings

#### **ADJOURNMENT**

**MOTION:** A motion was made by Commissioner Hitt and seconded by Vice Chair Hurt to adjourn the Planning and Zoning Commission meeting at 7:12 PM.

**MOTION** carried, 7-0.