

AGENDA
Special Session
THE PLANNING AND ZONING COMMISSION
TOWN OF CAMP VERDE COUNCIL CHAMBERS
THURSDAY MARCH 31, 2011
6:30 PM

Because All Commission meetings will end at 9 PM, any remaining agenda items will be heard at the next Commission meeting.

A majority of Town Council may be present at this meeting.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Consent Agenda** - All those items listed below may be enacted upon by one motion and approved as Consent Agenda Items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Commission so requests.
 - a. **Approval of Minutes:**
March 03, 2011 Special Session
 - b. **Set Next Meeting, Date and Time:**
April 07, 2011 Special Session
April 14, 2011 Special Session
5. **Call to the Public for Items not on the Agenda**
(Residents are encouraged to comment about any matter not included on the agenda. State law prevents the Commission from taking any action on items not on the agenda, except to set them for consideration at a future date.)
6. **Public Hearing, Discussion, Consideration and possible recommendation to Council for proposed revisions to the Planning and Zoning Ordinance and Subdivision Regulations.** May include discussion on an addendum regarding Medical Marijuana.

There will be no Public input on the following items:

7. **Commission Informational Reports:** Individual members of the Commission may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the public of such events and activities. The Commission will take no discussion, consideration, or action on any such item, except that an individual Commission member may request an item be placed on a future agenda.
8. **Staff**
9. **Adjournment**

Please note: The Planning and Zoning Staff makes every attempt to provide a complete agenda packet for public review. However, it is not always possible to include all information in the packet. You are encouraged to check with The Community Development Department prior to a meeting for copies of supporting documentation, if any that were unavailable at the time agenda packets were prepared.

Posted by: *J Owens* Date/Time: *3-24-11 1:00 PM*

The Town of Camp Verde Council Chambers is accessible to the handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.

MINUTES DRAFT
Regular Session
THE PLANNING AND ZONING COMMISSION
TOWN OF CAMP VERDE COUNCIL CHAMBERS
THURSDAY MARCH 03, 2011
6:30 PM

Minutes are a summary of the actions taken. They are not verbatim.
Public input is placed after Commission motions to facilitate future research.
Public input, where appropriate, is heard prior to the motion

1. **Call to Order**
The meeting was called to order at 6:30 p.m.

2. **Roll Call**
Chairperson Butner, Vice Chairperson Norton, Commissioners Hisrich, Buchanan, Parrish, Freeman and Hough were present.

Also Present: Acting Community Development Director Mike Jenkins, Asst. Planner Jenna Owens and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**
The Pledge was led by Parrish.

4. **Consent Agenda** - All those items listed below may be enacted upon by one motion and approved as Consent Agenda Items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Commission so requests.
 - a. **Approval of Minutes:**
February 17, 2011 Special Session
 - b. **Set Next Meeting, Date and Time:**
March 17, 2011 Special Session
March 24, 2011 Special SessionOn a motion by Hough, seconded by Hisrich, the Consent Agenda was unanimously approved as presented, deleting the March 17, 2011 meeting as noted.

Asst. Planner Owens confirmed that the March 17, 2011 Special Session has been canceled; that will be removed from the Consent Agenda. Commissioner Hough requested confirmation that he would have 14 days to review the revisions made to the Code; Jenkins confirmed that he would.

5. **Call to the Public for Items not on the Agenda**
There was no public input.

6. **Public Hearing, Discussion, consideration and possible recommendation to Council for UP 2011-01:** An application submitted by John & Margaret McReynolds for early renewal of their current Use Permit Resolution 2004-588, due February 2014, on parcel 404-18-171H, property also known as "Campo De Ensueno", a private party event site, that includes the operation of a commercial kitchen for catering of private parties.
The current Use Permit includes:
 - All events to end at 10:00 pm.
 - Limited to eight (8) night events a month.

- No sale of alcohol without license or permit.
- Retail sales limited to Western paraphernalia.

Proposed additional uses:

- Option of four (4) events per year to end at midnight 12:00 pm.
- Unlimited celebrations of life, government sponsored meetings and non-profit organizations and all indoor events.
- Retail sales of yard decorations, antiques and collectables.
- Retail sales of site grown seedling trees, flowers and natural native plants & vegetables.
- No time limit on the Use Permit and transferable to new parties pending approval of the Town Council.

This request comes with the understanding that any future additional, or change in uses, must come before the Planning & Zoning Commission and Town Council for approval. Property is located at 115 W. Camp Lincoln Rd.

On a motion by Parrish, seconded by Freeman, the Commission unanimously recommended to Council approval of an application submitted by John & Margaret McReynolds for Use Permit 2011-01 on Parcel 404-18-171H, property also known as "Campo De Ensueno," a private party event site, that includes the operation of a commercial kitchen for catering of private parties; this request comes with the understanding that any future additional, or change in uses, must come before the Planning & Zoning Commission and Town Council for approval; property is located at 115 W. Camp Lincoln Rd.

The Use Permit is to include:

- All events to end at 10:00 p.m. with an option of four (4) events per year to end at midnight (12:00 p.m.)
- Limited to eight (8) night events a month.
- Unlimited celebrations of life, government sponsored meetings and non-profit organizations and all indoor events.
- Retail sales of Western paraphernalia, yard decorations, antiques and collectibles.
- Retail sales of site grown seedling trees, flowers and natural native plants and vegetables.
- No sale of alcohol without license or permit.
- Use permit in perpetuity.

STAFF PRESENTATION

Asst. Planner Owens reviewed the purpose and background information in connection with the subject request. The application is submitted in response to a request from the Camp Verde School District to accommodate a proposed function in April of this year. The School District is requesting that they be able to continue the event past the current stipulation of 10:00 p.m., to conclude at 12:00 midnight. The current Use Permit will expire in 2014; the application for a new Use Permit includes the additional uses listed above, including no limit on the term of the new Use Permit. In the past 10 years, the Community Development Department has received no complaints. A neighborhood meeting was held on Thursday, February 17, 2011, and letters were mailed or delivered to neighbors within 300', and the information posted on the property as required. The six neighbors in attendance at the meeting all indicated support of the proposed uses. No comments were received from the agencies contacted, except for the recommendation from Yavapai County Environmental Services for additional temporary facilities to prevent overload of the existing septic systems if 60 or more guests are anticipated. The School District will provide their comments

following their Board meeting on March 8th; those comments will be forwarded to the Town Council for the meeting of March 16, 2011.

APPLICANT'S STATEMENT

Commission Discussion

John McReynolds explained that when the project was originally started he said what he was going to do, and he believes that he has accomplished what he had promised in working with the General Plan and achieving the rural atmosphere. Mr. McReynolds said that although the original zoning would have allowed seven houses on his property, he elected to have it down-zoned in order to be able to use the property as he wanted, and to preserve the site as much as possible, keeping a valuable piece of real estate for Camp Verde. There have never been any problems with neighbors. In order to hold the School District function, with the later ending time, the ordinance requires a new Use Permit, and that is why he has made the application now instead of waiting out the remaining two years on the current one.

The Commission discussed with the applicant the additional uses being requested, including the unlimited "celebrations of life," for example, memorial services held in connection with funerals, and other community and agency meetings, all of which would be held in the daytime. Butner questioned the statement in connection with requesting the Use Permit in perpetuity, "and transferable to new parties pending approval of the Town Council." Mr. McReynolds explained that he added that to be totally transparent, as a way to let the public know that such approval would be necessary in the event of sale of the property. Butner requested that the phrase be deleted since requiring approval of the Council would be a given under the ordinance. There was some additional discussion regarding the School District event being planned for April.

For the record, Parrish said he has been to several events at the property, especially the Camp Verde Cavalry event, and wanted everyone to know that Mr. McReynolds holds very nice events, and always goes far beyond what is asked of him; everyone is real proud of John.

7. **Public Hearing, Discussion, Consideration and possible recommendation to Council for proposed revisions to the Planning and Zoning Ordinance and Subdivision Regulations.**

On a motion by Norton, seconded by Buchanan, the Commission unanimously voted to continue Item 7 to the scheduled meeting on March 24, 2011.

8. **Commission Informational Reports:**

There were no Commission informational reports.

9. **Staff**

Owens noted that the meeting previously scheduled for March 10, 2011 has been canceled, as well as the March 17th meeting.

Jenkins explained that the delay in providing the revisions for review on March 10th became necessary after realizing that the existing chaining down of uses could cause a problem with being able to regulate the location of medical marijuana dispensaries. In order to prevent that chaining effect, and put the dispensaries in specific districts, based on the Marshal's recommendation, it has been necessary to work on a large transfer of text. Staff will have the changes

ready on March 10th for the Commissioners for review, and then brought back for hearing on March 24, 2011. Hough suggested that the medical marijuana issue be allowed by Use Permit. There was a brief discussion regarding that option, including requiring a specific zoning district plus a Use Permit.

10. Adjournment

On a motion by Buchanan, seconded by Parrish, the meeting was adjourned at 7:02 p.m.

Joe Butner, Chairman

Planning & Zoning

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Planning & Zoning Commission of the Town of Camp Verde during the Regular Session of the Planning & Zoning Commission of the Town of Camp Verde, Arizona, held on the 3rd day of March 2011. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2011.

Margaret Harper, Recording Secretary



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ADDENDUM

TO: Planning & Zoning Commission

**FROM: Michael Jenkins
Acting Community Development Director**

Date Sent: March 17, 2011

Ref: Proposed Amendments to the DRAFT Planning & Zoning Ordinance Regarding Medical Marijuana Dispensaries, Offsite Cultivation Locations and Medical Marijuana Infusion.

DESCRIPTION

This proposed Addendum to the Town of Camp Verde Planning & Zoning Ordinance RE-WRITE provides information on proposed amendments relating to the “Arizona Medical Marijuana Act” approved by Arizona voters as Proposition 203 in November 2010. An overview of the P&Z Ordinance amendments and the reasons behind their inclusions into the Camp Verde Zoning District C2 are provided below:

Background & History:

Proposition 203, the “Arizona Medical Marijuana Act” allows for the use of medical marijuana, its cultivation and sale, and for the establishment of medical marijuana dispensaries (MMDs). The initiative further provides that cities – towns may enact “**reasonable zoning regulations that limit the use of land for registered MMDs to specified areas**”.

Proposition 203 Summary is as follows:

The Arizona Medical Marijuana Act protects terminally or seriously ill patients from state prosecution for using limited amounts of Marijuana with their doctor’s recommendations. Qualifying patients who register with the Arizona Department of Health Services (ADHS) will obtain marijuana from non-profit medical marijuana dispensaries regulated by ADHS. Private cultivation will be allowed by ADHS only when no dispensary is available within 25 miles. The Act is self-funding and establishes safeguards:

- Registration cards; fingerprinting of caregivers and dispensary personnel to exclude drug and violent felons; felons; strict security; recordkeeping and oversight requirements; inspections of dispensaries; restrictions on number and location of dispensaries; and providing penalties.

The Arizona Department of Health Services is currently writing rules to regulate Medical Marijuana. The final rules are supposed to be published by ADHS on March 28, 2011.

It was previously discussed with the Commission to possibly require a Use Permit for Dispensary and Cultivation sites. It is held by the attorneys, that have provided direction to the state chapter of the American Planning Association, that Prop. 203 is specific in that it allows cities, towns and counties to adopt reasonable zoning regulations. Since, an applicant for a Medical Marijuana Dispensary or a Cultivation Site must first gain a zoning clearance on a specific property from the municipality they want to locate in, Hard Zoning or a right to use is the best avenue in order to prevent legal contests to local ordinances. This would then require a town, Camp Verde, to allow the Medical Marijuana land uses within one or more zoning districts as an allowed use. As the Commission knows, Use Permits would require a hearing before the Commission and the Council with no guaranteed outcome from the Town. The ADHS application processes would have to first be approved and then a Use Permit through the Town would need to be submitted with no guarantee of approval. Therefore, a Use Permit process may not be considered as reasonable.

It is recommended that the C2 Zoning District be the district that would allow Medical Marijuana Facilities by right for the following reasons.

- A high majority of the C2 Zoning Districts in Camp Verde are located in the central commercial areas of the town. Per conversations with the Town Marshall, it is preferred to locate the Medical Marijuana Facilities in the central and highly visible locations of the Town for security purposes. The C2 (General Sales and Services) district of Camp Verde appears to meet this preference per the Town Zoning Map.
- There are multiple vacant business locations in existing shopping plazas that could accommodate the MMDs. Also, there are ample vacant properties in the C2 Districts should new construction be the choice.

Location & Use Restrictions imposed by Proposition 203:

- All Medical Marijuana at Dispensaries or Cultivation sites must be in an “Enclosed, Locked Facility. This could be in a closet, room, greenhouse or other enclosed area equipped with locks other security devices that permit access only by a cardholder. A physical address must be provided to ADHS. This location can only be accessed by a registered nonprofit medical marijuana dispensary and/or cultivation agents.
- A medical marijuana dispensary shall not permit any person to consume marijuana on the property of a medical marijuana dispensary.
- A Medical Marijuana Caregiver may not grow Medical Marijuana for their patients within 25 miles of a Medical Marijuana Dispensary.

Location & Use Restrictions imposed by ADHS DRAFT RULES: (Not published until March 28, 2011)

- A dispensary requesting approval to operate shall be located at least 500 feet from a public or private school. (It is not clear if ADHS or the Town will be responsible to verify the distance separation)
- A dispensary shall provide on-site parking or parking adjacent to the building used as the dispensary. (It is not clear if ADHS or the Town will be responsible to verify the on-site Parking)

Special Conditions and Requirements pertaining to the Proposed Planning & Zoning Ordinance to Medical Marijuana Dispensaries, Cultivation & Caregivers:

- Prop 203 & the Draft ADHS Rules require only one access door allowed in a Medical Marijuana Dispensary. As proposed by the City of Flagstaff, there are certain requirements of the Building Codes that may require more than one access door to a building. If more than one access door is required, any additional doors will need to be facilitated with an alarm to notice the Dispensary agents if someone either is leaving or entering through a restricted access door.
- All Caregivers that are conducting their business within their private residence must meet the requirements of a Home Occupation as defined in the proposed Planning & Zoning Ordinance of Camp Verde and per Town Code, apply for and receive a valid Town Business License.

Proposed Changes Required to the Draft Planning & Zoning Ordinance:

- Under Part Two (ZONING CLASSIFICATIONS), Section 203 (USE DISTRICTS), G (C2 DISTRICT, Commercial: General Sales and Services): Include under Permitted Uses and Structures:
 - dd. Medical Marijuana Dispensary.
Special conditions: Medical Marijuana infusion facilities shall only be permitted within a medical marijuana dispensary or at a medical marijuana offsite cultivation location. All Medical Marijuana Dispensaries must be located at least 500 feet from any private or public school or a Day Care Facility for children.
 - ee. Medical Marijuana Dispensary Offsite Cultivation Location.
Special conditions: Medical Marijuana infusion facilities shall only be permitted within a medical marijuana dispensary or at a medical marijuana offsite cultivation location. All Medical Marijuana offsite cultivation facilities must be located at least 500 feet from any private or public school or a Day Care Facility for children .
- Under Part One (INTRODUCTION), Section 103 (Definition of Terms): Include the following definitions:
 - MEDICAL MARIJUANA.** All parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated the patient's debilitating medical condition.
 - MEDICAL MARIJUANA DESIGNATED CAREGIVER CULTIVATION LOCATION.** A medical marijuana designated caregiver cultivation location or cultivation by a designated caregiver refers to cultivation of medical marijuana by a designated caregiver and cardholder whose registration card indicates that the cardholder has been authorized to cultivate marijuana plants for a qualifying patient(s) medical use pursuant to the Arizona Medical Marijuana Act A.R.S. §36-2804.A.7.

MEDICAL MARIJUANA DISPENSARY. A nonprofit medical marijuana dispensary registered and certified pursuant to A.R.S. § 36-2804 that may also include a medical infusion facility.

MEDICAL MARIJUANA DISPENSARY OFFSITE CULTIVATION

LOCATION. The one additional location, if any, where marijuana may be cultivated for the use of a medical marijuana dispensary as disclosed pursuant to A.R.S. § 36-2804.

MEDICAL MARIJUANA INFUSION FACILITY. A facility that incorporates medical marijuana by means of cooking, blending, or incorporation into consumable/edible goods.

MEDICAL MARIJUANA QUALIFYING PATIENT CULTIVATION

LOCATION. A medical marijuana qualifying patient cultivation location shall mean cultivation of medical marijuana by a qualifying patient pursuant to A.R. S. § 36-2801 but shall only include a qualifying patient who is also a cardholder, authorized to cultivate marijuana plants pursuant to the provisions of A.R.S. §36-2804.02.

MEDICAL MARIJUANA PROGRAM INACTMENT DATES:

- **March 28, 2011: ADHS will publish final rules for the Medical Marijuana ACT.**
- **April, 2011: ADHS begins accepting applications for qualified patients and caregivers.**
- **May 1, 2011: ADHS begins to accept applications for DISPENSARY REGISTRATION CERTIFICATES.**


Signature: Michael Jenkins
Acting Community Development Director

3-17-2011
Date