



CITY OF SIERRA VISTA
PLANNING AND ZONING COMMISSION
JULY 23, 2024
CITY COUNCIL CHAMBERS
1011 N. CORONADO DRIVE

REGULAR MEETING.....5:00 PM

CALL TO ORDER

ROLL CALL

ACCEPTANCE OF AGENDA

ACCEPTANCE OF MINUTES

1. June 11, 2024

CHAIR COMMENTS

OLD BUSINESS

NEW BUSINESS

PUBLIC HEARING

2. Resolution 1205
Development Code Text Amendment
Section 151.06.005(E) Marijuana Facilities Operational Requirements

DISCUSSION ITEM

3. Discussion on a proposed shopping cart text amendment

FUTURE DISCUSSION ITEMS, COMMISSION REQUESTS, AND ANNOUNCEMENTS

INFORMATION

Update on Projects

CITY COUNCIL LIAISON COMMENTS

Update on City Council Items

ADJOURNMENT

The doors to the City Council Chambers at City Hall will open at 4:30pm.

SIERRA VISTA PLANNING AND ZONING COMMISSION

June 11, 2024
City Council Chambers
Meeting Minutes

The regular meeting of the Sierra Vista Planning and Zoning Commission was called to order at 5:00 p.m. in the City Council Chambers.

Members Present: Brad Snyder, Chair
Randy Wilcox, Vice-Chair
Daman Malone
Tait Wilcox
Paul Cimino

Members Absent: None

Staff Present: Matt McLachlan, Community Development Director
Jeff Pregler, Senior Planner

Council Present: Mayor Pro Tem Umphrey

Others Present:

ACCEPTANCE OF THE AGENDA:

Commission member Malone made the motion to accept the agenda. Commission member Tait Wilcox seconded the motion.

VOTE: Approved by a vote of 5-0.

ACCEPTANCE OF THE MINUTES:

1. Commission member Malone made the motion to accept the meeting minutes of May 15, 2024 and May 29, 2024. Commission member Cimino seconded.

VOTE: Approved by a vote of 5-0.

CHAIR COMMENTS

None.

OLD BUSINESS:

None.

NEW BUSINESS:

PUBLIC HEARING

2. Resolution 1204
General Plan Update
VISTA 2040

Mr. McLachlan gave the staff presentation. The presentation stated the public input from the surveys, social media, and from the City Commissions indicated that City was moving in a direction consistent with the Plan's goals and strategies. The updated General Plan is more of an elaboration on the current plans with additional supporting information provided with each chapter. The presentation then provides

a summary of important issues that VISTA 2040 will address such as growth, parks, economic vitality, environmental sustainability, transportation and circulation, support of Fort Huachuca, public safety, and arts and culture.

Commission member Snyder opened the meeting to the public.

Clyde Morris spoke to the Commission. He was supportive of the General Plan but requested additional emphasis on Citywide recycling programs.

Steve Scheumann was next to speak to the Commission. He asked that the appendices linked to the General Plan be valid and relevant.

Tricia Gerrodette spoke next to the Commission. Her first comment is that the General Plan and Appendices is too much information for the reader to understand and comprehend. Second, she asked if the Appendices were approved by City Council prior to their inclusion in the General Plan.

Mr. McLachlan stated that the text of the General Plan summarizes each of the Appendices and documents. Secondly, he clarified that each of the Appendices are valid and have gone through a public hearing process. Regarding the recycling question, Mr. McLachlan explained that staff received input from the City Commissions which was included in the General Plan. The Environmental Stewardship Commission provided policy guidance on recycling which was integrated into the Environmental Planning Section of the Plan. Mr. Pregler further explained that a Recycling Taskforce was created by the Environmental Stewardship Committee. This taskforce would be presenting recommendations to City Council at a future meeting date. Mr. McLachlan concludes by emphasizing that the General Plan is not a capital improvements plan but provides policy guidance that will help to form future strategic plans from the City Council. Therefore, there is guidance in the Plan about recycling, but the logistics on developing a recycling program will require further discussion with Public Works.

Ms. Gerrodette stated her objection to including Appendix J, the Memorandum of Understanding for Cooperative Monitoring and Management of the San Pedro, into the General Plan because it did not go through a public hearing process. Ms. Gerrodette also had a concern about the advertising of the public hearings on the Joint Resource Utilization Study with Fort Huachuca.

Mr. McLachlan responded that the document was a joint Agreement between government agencies that provided a proposed path to ensure mutually shared goals for an ecologically viable San Pedro Riparian National Conservation Area. The Agreement did take some time to create but ultimately was approved by all involved entities. Given the nature of the Agreement, it did not proceed through the same public review process as the other Appendices but is important to include in the General Plan to allow for further understanding of the issues and for transparency.

With no additional public comments, Commission Snyder closed the meeting to the public.

Mr. Malone asked staff to clarify Appendix J. Mr. McLachlan explained the Memorandum of Understanding for Cooperative Monitoring and Management of the San Pedro.

Mr. Cimino stated some of the reasons why the recycling program was not successful. Ms. Joelle Buffa, from the Environmental Stewardship Commission and the Recycling Taskforce provided potential recommendations to revive the recycling program. The Taskforce will be presenting these recommendations to the City Council.

VOTE: 5-0, unanimous to approve

FUTURE DISCUSSION ITEMS, COMMISSION REQUESTS, AND ANNOUNCEMENTS

None

INFORMATION

Mr. McLachlan stated that the Good 2 Go site plan review has been completed and a DRC will be scheduled for final approval.

CITY COUNCIL LIAISON COMMENTS

Mayor Pro Tem Umphrey stated the City Council was working on the budget.

ADJOURNMENT

The meeting was adjourned at approximately 6:00 pm.

STAFF MEMORANDUM

TO:	Planning and Zoning Commission
FROM:	Jeff Pregler AICP, Senior Planner
THRU:	Matt McLachlan, AICP, Community Development Director
MEETING DATE:	July 23, 2024
SUBJECT:	Proposed Text Amendment to Sierra Vista Development Code Relating to: Section 151.06.005(E), Operational Requirements for Marijuana Facilities
REQUESTED ACTION:	I move that Resolution 1205, providing for text amendments to Section 151.06.005(E) of the Development Code, as shown in Exhibit A, be recommended for approval to the Mayor and City Council.

APPLICANT

Formula 420 dba Trulieve of Sierra Vista
1633 State Route 92, Ste. 7

BACKGROUND:

The applicant is proposing a text amendment to the City's Development Code that would amend the hours of operation for recreational marijuana facilities. Operational requirements specified under Sec. 151.06.005 (E) of the Code restricts operating hours of marijuana facilities to no earlier than 9:00am and no later than 7:00pm. The requested amendment would expand the hours of operation for marijuana facilities (including dispensaries) to no earlier than 8:00am and no later than 10:00pm.

The Arizona voters passed Proposition 207 on November 3, 2020. The Proposition, also known as the Arizona Smart and Safe Act, allowed for the adult use of recreational marijuana within the state of Arizona. One component of the Act allowed for recreational marijuana establishments which, according to the state's definition, are retail establishments that can sell, cultivate, and manufacture marijuana and marijuana products. Although marijuana establishments are licensed and regulated by the Arizona Department of Health Services (ADHS), state law grants local municipalities limited discretion on regulating these establishments. As such, on February 11,

2021, the Mayor and City Council approved an Ordinance allowing for the establishment of recreational marijuana dispensaries within the City subject to specific development and operational requirements.

One such operational requirement was limiting the hours of operation for marijuana dispensaries. The City at the time, had an approved medical marijuana ordinance which limited the hours of operation of medical marijuana dispensaries to open no earlier than 9:00am and to close no later than 7:00pm. When the recreational marijuana facilities ordinance was written, these same hours of operation were applied. The medical marijuana ordinance and the hours of operation were approved in 2011. The purpose of limiting the hours was to minimize any negative impacts associated with the use.

ANALYSIS

Community Comparison

Staff researched the operating hours for recreational marijuana facilities currently permitted in other cities in Arizona. The findings revealed that most of the communities have dispensaries with hours of operation that are consistent with the requested amendment. See chart below:

MARIJUANA DISPENSARY HOURS OF OPERATION COMPARISON TABLE	
COMMUNITY	HOURS OF OPERATION
PHOENIX	8:00am-10:00pm
CASA GRANDE	7:00am-10:00pm
CHANDLER	7:00am-10:00pm
SCOTTSDALE	6:00am-10:00pm
TUCSON	7:00am-10:00pm
APACHE JUNCTION	Determined by CUP
LAKE HAVASU	7:00am to 10:00pm
AVONDALE	9:00am to 8:00pm
GILBERT	8:00am to 10:00pm
MARANA	7:00am to 10:00pm
ORO VALLEY	9:00am to 5:00pm
BISBEE	Determined by SUP

The requested amendment complies with Section R9-18-308 of the Arizona Administrative Code (A.A.C.) which states, “ensure that the marijuana establishment’s retail site is operating and available to provide marijuana and marijuana products to consumers at least 30 hours weekly

between the hours of 7:00am and 10:00pm.” Therefore, the requested amendment is consistent with this A.A.C. requirement.

Criminal Activity

Staff reviewed a police incident list of all police responses located at 1633 S. Highway 92. The list, which identified all incidents since 2022, the year Trulieve opened for business, did not indicate a significant amount of criminal activity at the marijuana dispensary. Chief Hiser indicated that he had no additional concerns with the expanded hours of operation based on the data available. (See police incident report as Attachment A.)

Sales Tax

The hours of operation will increase by approximately 40 percent with the approval of the amendment. As a result, there will likely be an increase in sales tax revenues to the City.

FACTORS TO CONSIDER

Pursuant to Section 151.31.005 of the Code, the burden of proof is upon the proponent. The more drastic the change or the greater the impact of the proposal, the greater is the burden upon the proponent.

The proponent included an Addendum to their Application that provides their reasoning and justification for the requested amendment (refer to Attachment B).

In summary, the Applicant claims that “the current regulations are outdated and do not adequately reflect the changing sentiment towards marijuana since it was first approved by the voters in 2012. Moreover, they state that the change will “align the city code” more closely with the minimum hours of operation required by the state.

In regard to public safety, the Applicant believes that the amendment will decrease congestion in the store and parking lot and make the area safer by not having the building and parking lot being vacant more hours of the day.

In regard to economic impact, expanding the store hours will allow for local employees to earn additional wages and bring in additional taxable revenue.

With respect to transportation, expanding store hours will lower congestion by spreading out store visits.

The Applicant asserts that the proposed text amendment is consistent with the General Plan by showing a proactive approach to regulatory updates, demonstrating that the city remains responsive to the needs of its residents and business community. Moreover, by connecting the amendment to the broader goals of economic development, regulatory consistency, and community support, it clearly fits within the vision and objectives of Sierra Vista's general plan.

STAFF FINDINGS AND RECOMMENDATION

Staff finds that Applicant, on balance, has provided sufficient justification to meet the required findings for text amendments as enumerated under [Section 151.31.005 \(B\)\(2\)](#) of the Code. Specifically, the applicant has: (1) provided sufficient need and justification for the change; (2) demonstrated the relationship of the proposed amendment to the City's General Plan with appropriate consideration as to whether the proposed change will further the purposes of the Code; and (3) is consistent with the purposes of the Development Code to promote the growth of the City in an orderly and sustainable manner and to promote the public health, safety, peace, comfort, and general public welfare.

The proposed amendment adjusts the operating hours of any marijuana facilities that may be licensed by the state. Therefore, while there is currently only one dispensary within the City limits, the amendment does not constitute a granting of special privileges to an individual owner.

Staff recommends that the Planning and Zoning Commission approve the text amendment as requested based on the findings required by the Code.

Attachments: Attachment A-Police Incident Report
Attachment B-Applicant's Submittal
Exhibit A

ATTACHMENT A

Nature	Incident address	Reported
HIT AND RUN	1633 S HIGHWAY 92	21:21:27 10/13/22
ALARM 104 (False alarm)	1633 S HIGHWAY 92 ; TRULIEVE	01:00:39 10/25/22
DISORDERLY 113	1633 S HIGHWAY 92; HANA TOKYO	18:36:40 11/06/22
INFORMATION	1633 S HIGHWAY 92; MJ DISPENSARY	10:56:00 12/08/22
BURGLARY 110	1633 S HIGHWAY 92 # 7; DISPENSARY	08:02:27 04/13/23
UNATTENDED JUV	1633 S HIGHWAY 92	13:49:11 04/14/23
PARKING VIOLATION 132	1633 S HIGHWAY 92; Dispensary	14:07:34 04/20/23
ALARM 104 (False Alarm)	1633 S HIGHWAY 92; TRULIVE	09:41:57 05/03/23
HIT AND RUN	SNYDER BLVD & S HIGHWAY 92	16:15:58 05/10/23
ALARM 104 (False Alarm)	1633 S HIGHWAY 92;trulive	17:33:19 05/25/23
911 HANG UP	1633 S HIGHWAY 92 # 7	12:24:14 06/09/23
SUSP CIRCUM	1633 S HIGHWAY 92 # 7	19:23:48 07/02/23
NON INJURY PP (Non injury accident on private property)	1633 S HIGHWAY 92 # 7; 7	13:26:20 07/12/23
DISORDERLY 113	1633 S HIGHWAY 92	16:39:18 09/30/23
DV DIS CONDUCT (Domestic violence Disorderly Conduct)	1633 S HIGHWAY 92 # 7	09:17:51 12/04/23
CRIMINAL DAMAGE 111	1633 S HIGHWAY 92; TRULIEVE	10:56:57 02/01/24
ALARM 104 (False Alarm)	1633 S HIGHWAY 92;TRULIEVE	06:25:25 02/21/24
CRIMINAL DAMAGE 111	1633 S HIGHWAY 92 # 7	13:05:49 06/17/24

ATTACHMENT B

DEVELOPMENT CODE TEXT AMENDMENT
APPLICATION FORM



DIRECT TO: City of Sierra Vista
Department of Community Development
1011 No. Coronado Drive
Sierra Vista, AZ 85635
(520) 458-3315

Date Submitted: 05/31/24

1. Applicant Name: Formula 420 dba Trulieve of Sierra Vista

Address: 1633 AZ-92 #7, Sierra Vista, AZ 85635

Telephone: 602-320-8206 E-mail: Andrew.Bauer@trulieve.com

2. Agent Name: Andrew Bauer

Address: 1155 W Rio Salado Pkwy., Suite 201, Tempe, AZ 85281

Telephone: 602-320-8206 E-mail: Andrew.Bauer@trulieve.com

3. Attachments (Check those which are included with this application):

Request Letter;

Application Fee - \$150 **AND** \$300 Publication Deposit;

Letter of Agency (if submitting for the applicant)

3. Section of existing Code for which amendment is requested:

Section 151.06.005 Marijuana Facilities E1a. Operating hours shall not be earlier than 9:00 a.m. and be not later than 7:00p.m.

4. Proposed amendment (s) wording (attach a separate sheet if necessary):

Operating hours shall not be earlier than ~~9~~8:00 a.m. and be not later than ~~7~~10:00p.m.

5. Reasons for the amendment (attach a separate sheet if necessary) _____

See attached

6. Justify how the proposed amendment will better meet the public interest(s) in the following areas, if applicable (attach separate sheet if additional space is needed): **See attached.**

Public Health & Safety: _____

Economic: _____

Transportation: _____

Water: _____

Recreation: _____

Schools: _____

Conservation/protection of natural resources: _____

Changes in community characteristics: _____

7. Explain how the text amendment is compatible with the General Plan (attach a separate sheet if additional space is necessary. **See attached.**

I ATTEST THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Andrew Bauer
Applicant Signature

05/31/24
Date



Trulieve of Sierra Vista
1633 AZ-92 #7
Sierra Vista, AZ 85635

Request Letter

Trulieve of Sierra Vista, located at 1633 AZ-92 #7, is requesting an amendment to Sierra Vista Code Section 151.06.005 E-1-a, relating to hours of operation of marijuana dispensaries. Trulieve of Sierra Vista is seeking to extend the hours of operation for licensed dispensaries in Sierra Vista from 9:00 am to 7:00 pm to 8:00 am to 10:00 pm. We believe this change, which would make Sierra Vista consistent with state law and other Arizona cities, will benefit customers while not adversely affecting public safety.

Currently, the majority of cities in Arizona allow dispensaries to operate within the window of 8:00 am to 10:00 pm including Casa Grande, Chandler, Phoenix, Scottsdale, and Tucson. In fact, state law states that dispensaries must operate at least 30 hours weekly between 7:00 am and 10:00 pm.

This change will not have an adverse effect on public safety. In fact, when recommending a similar change in Phoenix, city staff concluded that, based on the numerous reviews of existing marijuana dispensaries, there are not significant public safety issues or detrimental effects from these establishments, including the ones with extended operating hours. The Phoenix City Council adopted the change followed by the City of Tempe.

In conclusion, extending Sierra Vista's dispensary hours of operation is a simple change that will benefit city residents and will better align the City with the rest of the state.



Trulieve of Sierra Vista
1633 AZ-92 #7
Sierra Vista, AZ 85635

ADDENDUM

5. Reasons for the amendment

The proposed amendment to the city code, which updates allowed hours of operation for marijuana businesses, is crucial for several reasons. Firstly, the current regulations are outdated and do not adequately reflect the changing sentiment towards marijuana since it was first approved by voters in 2012. Secondly, this change will align the city code more closely with the state that states marijuana businesses must be open a minimum of 30hrs a week between the hours of 7am and 10pm. Additionally, providing clear, updated guidelines will demonstrate that the city is willing to work with businesses to help them grow and meet market demand. Ultimately, this code amendment modernizes the operational framework for marijuana businesses while enhancing public trust and confidence in local governance.

6. Justify how the proposed amendment will better meet the public interest in the following areas:

Public Health & Safety:

This amendment will better meet the public interest in Public Health & Safety by decreasing the congestion in the store and parking lot during the limited hours of operation. The expanded hours will also lead to a safer area as the parking lot and building will be in use and not vacant during more hours of the day.

Economic:

This amendment will better meet the public interest economically by bringing in additional taxable revenue through the expanded hours of operation. In addition, the expanded hours will allow for local employees to earn additional wages.

Transportation:

This amendment will better meet the public interest in transportation by lowering the congestion related to the limited hours of operation and vehicle traffic should decrease when store visits are spread out beyond the current confined allowed hours.

7. Explain how the text amendment is compatible with the General Plan

This amendment enhances public trust and confidence in local governance by showing a proactive approach to regulatory updates, demonstrating that the city remains responsive to the needs of its residents and business community. This responsiveness is integral to maintaining the high quality of life and progressive governance outlined in Sierra Vista's general plan.

By connecting the amendment to the broader goals of economic development, regulatory consistency, and community support, it clearly fits within the vision and objectives of Sierra Vista's general plan.

RESOLUTION 1205

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; BY RECOMMENDING APPROVAL OF AMENDMENTS TO CHAPTER 151 OF THE CITY CODE OF ORDINANCES, THE DEVELOPMENT CODE, AS SHOWN ON EXHIBIT A; AND DIRECTING THE EXECUTIVE SECRETARY TO TRANSMIT THE PLANNING AND ZONING COMMISSION'S RECOMMENDATION AND COMMENTS TO THE CITY COUNCIL.

WHEREAS, the provisions of A.R.S. 9-462.04 and Chapter 151, Development Code, of the City Code of Ordinances, allow text amendments to be granted by the City; and

WHEREAS, in accordance with the provisions of Article 151.31 of the Development Code and established policy, Formula 420 dba Trulieve of Sierra Vista, has proposed text amendments to the following: Section 151.06.005(E); and

WHEREAS, Article 151.31 of the Development Code requires that the Planning and Zoning Commission review all applications for text amendments, and to forward recommendation on the application to the City Council; and

WHEREAS, as required by Article 151.31 of the Development Code, the Planning & Zoning Commission held a public hearing on the application, after proper notice had been given; and

WHEREAS, the Planning and Zoning Commission considered all the facts of the application and the comments of the citizens at a public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1

The Planning and Zoning Commission reaffirms settled policy for recommending Development Code text amendments to City Council.

SECTION 2

That text amendments to Chapter 151 of the City Code of Ordinances, the Development Code, as shown on Exhibit "A" are hereby recommended to the Mayor and City Council.

SECTION 3

That the Executive Secretary be, and hereby is, directed to transmit the Planning and Zoning Commission's recommendation and comments to the City Council.

RECOMMENDED FOR APPROVAL BY THE CHAIRPERSON AND MEMBERS
OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, ARIZONA
THIS 23RD DAY OF JULY 2024.

BRAD SNYDER
Chairperson

APPROVED AS TO FORM:

ATTEST:

NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY:
Jeff Pregler, AICP,

EXHIBIT A

Section 151.06.005, Marijuana Facilities

E.. Operational Requirements

1. Marijuana establishments and medical marijuana dispensaries shall comply with the following:

a. Operating hours shall not be earlier than ~~9~~8:00a.m and be not later than ~~7~~10:00p.m. All areas of the premises, including adjacent public sidewalks, shall be illuminated during hours of darkness so that all areas are readily visible by law enforcement personnel.

Discussion Item: Abandoned Shopping Carts

Planning & Zoning
Commission Work Session
July 23, 2024



Issue/Challenges

- Shopping carts being removed (stolen) from shopping centers and being abandoned off site in apartment parking lots or on public lands thus creating a nuisance.
- Between March and December of last year, 450 shopping carts were collected and returned from within public rights of way by one code enforcement officer and a patrol volunteer.
- Additionally, participants in the Better Work Program have also cleaned up several city and state trust properties involving the removal of numerous shopping carts from abandoned homeless encampments including the debris that they carried.
- Abandoned shopping carts have also been found in city washes and culverts. At one location, over 30 shopping carts were removed from under a bridge.

Issue/Challenges

- In most cases, businesses aren't willing to be a victim of their theft. The store managers that have been contacted agree with the problem but don't have the support of corporate in allowing them to prosecute the cases.
- Store managers that have been interviewed have not been receptive to retrieving the carts on their own or through a third-party vendor. Carts that are not returned are considered to be a cost of doing business.
- Shopping carts cost ranges from \$260-\$425. The 450 carts that were returned by city personnel last year saved the local business community a minimum of \$117,000.

Proposed Ordinance Considerations

- Permanent marking or plate on the cart indicating:
 - *the name, address, and telephone number of the business owner;*
 - *the location of the premises at which the shopping cart is being used or to be used; and*
 - *warning “removal of this cart from the premises is prohibited by City ordinance.*
- Property posting:
 - *signage plainly visible at each public exit from the establishment stating “removal of any shopping cart from these premises is prohibited by City ordinance. Violators are subject to fines.”*

Proposed Ordinance Considerations

- Abandoned shopping carts found on any public street, sidewalk, right-of-way, drainageway may be removed and placed in storage.
 - *Unidentified carts may be immediately disposed of by the city (will investigate recycling options)*
 - *The owner of identifiable shopping carts will be notified upon being placed in storage. There will be a return fee of (suggest \$10) payable to the city. On the tenth day after removal by the city, there will be a storage charge (suggest \$10 per day). If not collected within 30 days of its removal and storage, the shopping cart will be deemed abandoned and may be disposed of by the city.*
- Penalty for violation (theft)
 - *Civil citation (suggest \$25 fine)*



Thoughts?

- Are we on the right track?
- Are there things that we haven't considered?
- Would you support a regulatory approach to dealing with shopping carts?