

**SIERRA VISTA PLANNING AND ZONING COMMISSION**

July 23, 2024  
City Council Chambers  
Meeting Motion Minutes

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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  
Officer Scott Borgstadt

Council Present: None

Others Present: Andrew Bauer, Trulieve

**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 Randy Wilcox made the motion to accept the meeting minutes of June 11, 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 1205  
Development Code Text Amendment  
Section 151.06.005(E) Marijuana Facilities Operational Requirements

Mr. Pregler gave the staff presentation. He states that Trulieve is requesting an amendment to expand the hours of operation for marijuana establishments from 9:00am-7:00pm to 8:00am-10:00pm. The staff memo provided background information on marijuana legislation at both the state and local levels. According to Arizona Revised Statutes, the local jurisdictions can regulate operational requirements for marijuana establishments such as hours of operation. Restrictions on hours of operations were created to limit negative impacts of the business. Mr. Pregler stated that the staff memo included a community comparison table which indicated most Arizona communities had similar hours of operation to the proposed amendment. The memo also referenced a police incident report showing that there was not a significant amount of criminal activity associated with the business. The Chief of Police had no concerns with the expanded hours of operation based on the data available. Finally, the memo stated that there

would be a 40 percent increase in operational hours which would potentially increase sales tax revenues. After a review of the applicant's request and staff's own analysis, Mr. Pregler said that staff recommended approval of the proposed amendment.

Andrew Bauer, representing the applicant gave a power point presentation. The presentation provided background information about Trulieve and explained the advantages of increasing the hours of operation which included:

- better hours to serve customers;
- bringing the Development Code in-line with other Arizona communities;
- Increasing sales tax revenue;
- No adverse impacts and less congestion.

Mr. Cimino asked how the extended hours would affect the other surrounding businesses. Mr. Bauer stated that the extended hours of operation should alleviate some of the congestion in the parking areas because traffic will be spread out throughout the day.

Mr. Snyder asked if the expanded hours actually increased revenues or were simply allowing the same customers to purchase products in an expanded window of time. Mr. Bauer stated that both statements are correct.

Mr. Cimino asked what the occupant load was for the building. Mr. Bauer stated that he was not sure what the occupant load was, but that the increase in customers would not exceed any fire code requirements.

Mr. Cimino asked about security on the property. Mr. Bauer stated there was not a security guard on the site, but that there was a 24-hour security system monitoring the premises. In addition, staff checks the parking lot for any illicit activity.

Mr. Malone asked to further explain the process for purchasing marijuana. Mr. Bauer stated that staff greets people at the front entrance to check identification. Then prior to purchasing the marijuana a second staff member requests an identification check. After the purchase, the marijuana is placed in a sealed childproof bag.

Mr. Tait Wilcox stated that he had minimal concerns for illegal activities on the premises at 10:00pm given the security measures and the location.

Mr. Randy Wilcox stated that he had no concerns about increases in traffic and supported the extended hours of operation.

Mr. Malone asked staff if the Chief of Police had concerns about the expanded hours of operation. Mr. Pregler stated that the Chief had no concerns about the amended hours given the information provided (referencing the police incident report).

Mr. Tait Wilcox asked the applicant if Trulieve would revise the hours should there be safety issues in the future. Mr. Bauer stated that they would revise the hours to ensure the safety of staff. Mr. Snyder added, that from his research, crime statistics at dispensaries do not rise, because those purchasing marijuana from dispensaries are not involved in illegal activities.

Mr. Snyder opened the meeting to the public. There being no response, Mr. Snyder closed the meeting to the public.

VOTE: 5-0, unanimous to approve

### 3. DISCUSSION ITEM

Discussion on a proposed shopping cart text amendment.

Mr. McLachlan and Officer Borgstadt gave the staff presentation. They indicated that shopping carts are being removed from shopping centers and being abandoned in apartment parking lots, public lands, city washes, and culverts, creating nuisances. The presentation stated that 450 shopping carts were collected in public rights-of-way between March and December of last year. Businesses do not prosecute theft of the carts and consider the loss to be the cost of doing business. The 450 carts returned last year by city personnel saved the local

business community \$117,000. Officer Borgstadt offered recommendations to reduce the theft of the shopping carts such as:

- permanent marking or plate on the cart indicating business owner contact information and a warning sign stating, removal of cart from premises is prohibited by City Ordinance;
- Posting signage next to the shopping cart areas stating that removal of carts from premises is prohibited by the City and subject to fines;
- Penalty for violation;
- Abandoned shopping carts collected by the City could be placed in storage and either be disposed of or recycled (if carts unidentified); or a return fee will be payable to the City from the business.

General discussion ensued regarding the pros and cons of the proposed shopping cart amendment. One suggestion was to create a shopping cart licensing fee where the monies from the fee would go toward removal expenses.

**FUTURE DISCUSSION ITEMS, COMMISSION REQUESTS, AND ANNOUNCEMENTS**

None

**INFORMATION**


Mr. Pregler mentioned that staff will be presenting their annual work program before the Commission at the next meeting and encouraged the Commissioners to provide their thoughts on potential code amendments. Mr. Pregler explained that proposed changes to the sign code and the parking regulations will be presented as part of the work program.

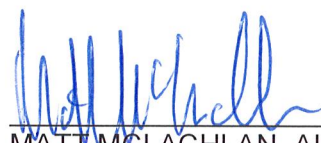
**CITY COUNCIL LIAISON COMMENTS**

None

**ADJOURNMENT**

The meeting was adjourned at approximately 6:30pm.

  
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~~RANDY WILCOX~~ *Brad Snyder*  
Vice-Chairperson  
Planning & Zoning Commission

  
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MATT MCLACHLAN, AICP  
Executive Secretary  
Planning & Zoning Commission

  
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Jeff Pregler, AICP  
Recording Secretary