



Planning and Zoning Commission
Monday, January 11, 2021
5:30 PM
Library Auditorium
7401 E. Skoog Blvd.

----- Minutes -----

I. Call to Order

Chairperson Zurcher called the January 11, 2021, public meeting of the Planning and Zoning Commission to order at 5:30 p.m.

II. Invocation

✚ Invocation given by Chaplin Gary Walker.

III. Pledge of Allegiance

IV. Attendance

Chairperson Zurcher asked for roll call attendance to be taken. Members present: Chairperson Zurcher, Vice-Chairperson Renken, Commissioner Rutherford and Commissioner Laney. Members absent: Commissioner Roberts and Commissioner Musarra. Staff Present: Richard Parker, Director; Eric Fitzer, Planner and Kristi Jones, Administrative Support II.

V. Approval of Minutes

Chairperson Zurcher asked if the Commission had amendments to the minutes from the December 14, 2020, meeting. No revisions were submitted; thus, Chairperson Zurcher called for a motion to approve the minutes. Commissioner Rutherford made the MOTION, seconded by Vice-Chairperson Renken, to approve the minutes from the December 14, 2020 Planning Commission meeting.

MOTION carried unanimously by voice call vote as follows: Chairperson Zurcher YES, Vice-Chairperson Renken, Commissioner Rutherford YES and Commissioner Laney YES.

MOTION carried with 4 ayes and 0 nays.

VI. Announcements

✚ Chairperson Zurcher outlined the Planning Commission procedures and guidelines.

VII. Public Hearing Items

1. **ZOA20-004.** At the request of the Community Development Department, the Planning and Zoning Commission is being requested to review and recommend to the Town Council a Zoning Ordinance Amendment to the following Articles: 13-02-010 B. 114 & 145 "DEFINITIONS"; 13-13-030 C. C1 (COMMERCIAL; NEIGHBORHOOD SALES AND SERVICES); 13-14-030 C. C2 (COMMERCIAL; GENERAL SALES AND SERVICES); 13-15-030 C. C3 (COMMERCIAL; MINOR INDUSTRIAL); 13-20-010 B. & C. DENSITY DISTRICTS; and 13-25-020 E.

MOBILE/MANUFACTURED HOME PARKS AND RECREATIONAL VEHICLE PARKS of Chapter 13 “ZONING” to modify definitions, Lot width and Lot Coverage Standards.

Eric Fitzer, Planner, stated this item was discussed in detail at the December 14, 2020 Planning Commission meeting. Mr. Fitzer reported that the main change between now and then is that the changes to the Planned Area Development modification have been removed. He noted that the Legal Department has reviewed the ordinance amendment as well.

In closing, Mr. Fitzer stated that Staff supports this request and recommends the Commission make a motion to recommend approval to the Town Council ZOA20-004 a Zoning Ordinance Amendment to the following Articles: 13-02-010 B. 114 & 145 “DEFINITIONS”; 13-13-030 C. C1 (COMMERCIAL; NEIGHBORHOOD SALES AND SERVICES); 13-14-030 C. C2 (COMMERCIAL; GENERAL SALES AND SERVICES); 13-15-030 C. C3 (COMMERCIAL; MINOR INDUSTRIAL); 13-20-010 B. & C. DENSITY DISTRICTS; and 13-25-020 E. MOBILE/MANUFACTURED HOME PARKS AND RECREATIONAL VEHICLE PARKS of Chapter 13 “ZONING” to modify definitions, Lot width and Lot Coverage Standards.

Chairperson Zurcher opened the item to questions or comments from the Commission.

There were no questions of Staff; therefore, Chairperson Zurcher opened the item to questions or comments from the public.

As there were no further questions or comments from the Commission or the public related to the item; Chairperson Zurcher called for a motion.

Action ZOA20-004

Vice-Chairperson Renken moved to approve ZOA20-004 and forward to the Town Council with a recommendation for approval.

Commissioner Laney seconded the motion.

MOTION carried 4:0 by roll call vote as follows: Chairperson Zurcher YES, Vice-Chairperson Renken, Commissioner Rutherford YES and Commissioner Laney YES.

MOTION carried with 4 ayes and 0 nays.

2. **ZOA20-005.** At the request of the Community Development Department, the Planning and Zoning Commission is being requested to review and recommend to the Town Council a Zoning Ordinance Amendment to the following Sections: 13-06-020 (A) “USE REGULATIONS”; 13-14-020(A) “USE REGULATIONS”; 13-14-080(B) “PERFORMANCE STANDARDS”; 13-15-070 (B) & (C)“PERFORMANCE STANDARDS” to enact reasonable regulations and to require compliance with laws for the retail sale, cultivation and manufacturing of marijuana or marijuana products in a marijuana establishment and the cultivation, processing, and manufacturing of marijuana in a primary residence in accordance with the statewide ballot measure I-23-2020, known as “Smart and Safe Arizona Act,” certified as Proposition 207 and approved by the voters of this state at the general election on November 3, 2020.

Eric Fitzer, Planner, stated that the statewide ballot measure I-23-2020, known as the “Smart and Safe Arizona Act,” certified as Proposition 207, was passed by Arizona voters at the November 3, 2020 General Election. He noted that the proposition allows for the recreational use, possession, purchase and transporting of marijuana.

Mr. Fitzer reported that Legal Staff drafted modifications to Sections 13-06-020, 13-14-020, 13-14-080 and 13-15-070 as well as to Section 10-07 of the Town Code. He indicated that the modifications related to Section 10-07 are not up for approval by the Commission; it is provided as background informational purposes only showing the penalties that could arise from violation of this code.

Mr. Fitzer stated that the Recreational Marijuana Regulations will prohibit recreational marijuana retail sales and marijuana testing facilities to the extent allowed by law. He noted that the prohibition on retail recreational marijuana sales in the Town shall not apply to establishments permitted by the State of Arizona as a dual licensee to operate as both a nonprofit medical marijuana dispensary and a recreational marijuana retail establishment at a shared location. Mr. Fitzer reported that Section 10-07 defines violations of the code and such violations are proposed to be a Class 1 Misdemeanor.

Mr. Fitzer discussed the next steps if ZOA20-005 is approved: A public hearing and first reading before Town Council tentatively scheduled for February 11, 2021 with a second reading before Town Council tentatively scheduled for February 25, 2021. The Ordinance would go into effect thirty (30) days after final Council action.

In closing, Mr. Fitzer stated that Staff supports this request and recommends the Commission make a motion to recommend approval to the Town Council ZOA20-005 entitled "RECREATIONAL MARIJUANA REGULATIONS", which amends Sections 13-06-020 "USE REGULATIONS"; 13-14-020 "USE REGULATIONS"; 13-14-080 "PERFORMANCE STANDARDS"; AND 13-15-070 "PERFORMANCE STANDARDS" IN CHAPTER 13 "ZONING" RELATING TO THE REGULATION OF RECREATIONAL MARIJUANA.

Chairperson Zurcher opened the item to questions or comments from the Commission.

There were no questions of Staff; therefore, Chairperson Zurcher opened the item to questions or comments from the public.

As there were no further questions or comments from the Commission or the public related to the item; Chairperson Zurcher called for a motion.

Action ZOA20-005

Vice-Chairperson Renken moved to approve ZOA20-005 and forward to the Town Council with a recommendation for approval.

Commissioner Rutherford seconded the motion.

MOTION carried 4:0 by roll call vote as follows: Chairperson Zurcher YES, Vice-Chairperson Renken, Commissioner Rutherford YES and Commissioner Laney YES.

MOTION carried with 4 ayes and 0 nays.

VIII. Action Items

- 1. FDP20-017.** Upon the application of Espire AZ, LLC, a request for a review of the Final Development Plan (FDP) for development and operation of the “Espire Sports Center & RV Resort” facility. The project comprises the following: an approximate 59,619 square foot two-story building which will include ten (10) indoor pickleball courts, multi-purpose sport court, golf simulators, pro shop, locker rooms, restaurant and bar, private lounge, billiards, fitness rooms, gym, massage rooms, conference rooms as well as an outdoor patio and balcony; a 4,078 square foot outdoor game yard; fourteen (14) outdoor pickleball courts (ten [10] of which are covered); 78 RV Spaces including amenities; thirty (30) 550 square foot rental casitas and twelve (12) 650 square foot rental cottages. The proposal is located on 13.7 acres located on the northeast corner of Florentine Road and Lake Valley Road on APN(s) 103-02-723, 103-02-722 and portions of APN(s) 103-02-716F, 103-02-752R within the incorporated limits of the Town of Prescott Valley.

Eric Fitzer, Planner, stated that after consultation with the applicant, it is requested to defer the item to the February 8, 2021 Planning Commission meeting.

Chairperson Zurcher called for a motion.

Action FDP20-017

Commissioner Laney moved to defer FDP20-017 to the February 8, 2021 Planning Commission meeting.

Vice-Chairperson Renken seconded the motion.

MOTION carried 4:0 by roll call vote as follows: Chairperson Zurcher YES, Vice-Chairperson Renken, Commissioner Rutherford YES and Commissioner Laney YES.

MOTION carried with 4 ayes and 0 nays.

IX. Call to the Public

Chairperson Zurcher called for further public comment. He stated that those wishing to address the Planning and Zoning Commission need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.

X. Adjournment

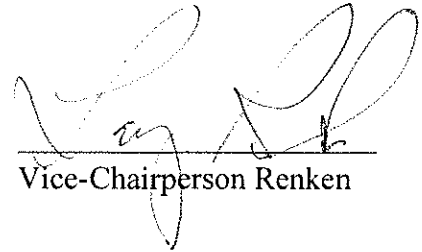
There was no further public comment related to any item presented during this meeting; therefore, Chairperson Zurcher called for a motion for adjournment.

Commissioner Rutherford made the MOTION, seconded by Vice-Chairperson Renken to adjourn by voice call vote.

Commission members voted as follows: Chairperson Zurcher YES, Vice-Chairperson Renken,

Commissioner Rutherford YES and Commissioner Laney YES.
MOTION carried with 4 ayes and 0 nays.

The January 11, 2021 meeting of the Planning and Zoning Commission adjourned at 5:39 p.m.



Vice-Chairperson Renken