



## PLANNING COMMISSION

Wednesday, July 16, 2014, 6:00 P.M.  
Mayor and Council Chambers  
255 W. Alameda  
Tucson, Arizona 85701

### Legal Action Report and Summary Minutes

#### 1. Roll Call

Meeting was called to order by Chair Sayler-Brown at **6:00 p.m.** Those present and absent were:

Present:

Thomas Sayler-Brown	Chair, Mayor
Rick Lavaty	Member, Ward 1
Kim Patten	Member at Large, Ward 1
Quentin Bryson	Member, Ward 2
Kevin Dahl	Member, Ward 3
Joseph Maher	Member at Large, Ward 3
Joe Yee	Member, Ward 4
Peter Gavin	Member at Large, Ward 5
Ladd Keith	Member at Large, Ward 6
Marc Fink	Member, Ward 6

Absent:

William Podolsky	Vice Chair, at Large, Ward 4
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Staff Members Present:

Jim Mazzocco, Deputy Director, PDSD  
Piroschka Glinksky, Senior Assistant City Attorney, City Attorney's Office  
John Beall, Principal Planner, PDSD  
Carolyn Laurie, Interim Principal Planner, PDSD  
Alexandra Hines, Intern, PDSD  
Belinda Flores-McCleese, Administrative Assistant, PDSD  
Monica Sierra, City Clerk's Office

#### 2. Approval of Minutes/Legal Action Report – June 4, 2014

It was moved by Commissioner Bryson, duly seconded by Commissioner Gavin, and was carried by a voice vote of 10-0, to approve June 4, 2014 Minutes. (Vice-Chair Podolsky absent).

**3. Change Public Hearing date from August 6<sup>th</sup> to August 20<sup>th</sup>**

It was moved by Commissioner Yee, duly seconded by Commissioner Gavin, to approve the Change of the Public Hearing Date from August 6<sup>th</sup> to August 20<sup>th</sup>. It was passed by a vote of 10-0. (Vice-Chair Podolsky absent).

**4. Medical Marijuana Amendment**

Presentation given by Jim Mazzocco, PDSO

Public Hearing Speakers:

Jean-Paul Genet, representing Purple Med Dispensary

Vicky Puchi-Saavedra, representing Earth's Healing

Mary Denton, representing Medical Marijuana patients

Michael Robins, representing self

Demitri Downing, representing self

Michael Crawford, representing self

It was moved by Commissioner Keith, duly seconded, by Commissioner Gavin to close the public hearing. Motion passed with a vote of 10-0. (Vice-Chair Podolsky absent)

It was moved by Commissioner Gavin to approve the staff recommendation with the following detailed items:

1. Remove floor area restriction in I-1 and I-2 zones
2. Allow infusion kitchens within dispensaries and offsite cultivation locations
3. Establish a two year sunset clause
4. Require 500 ft. setback from elementary and secondary schools in I-1 and I-2 zones thereby removing the other setbacks
5. Extend hours of operation from 7a.m. to midnight
6. Allow delivery to hospice patients and other dispensaries

Chair Saylor-Brown restates that the Commission will act on the first three items of Commissioner Gavin's six item motion because those were the items requested by Mayor & Council. The other items were amendments discussed by the Planning Commission.

He clarifies item one of Commissioner Gavin's motion to confirm the size of limitation was just for the offsite cultivation areas, not dispensaries.

Motion by Commissioner Gavin, duly seconded, by Commissioner Keith to approve the items 1-3.

Discussion held

Commissioner Fink agrees with the first two items but not with the sunset clause. He feels the minimum should be 4 years.

Jim Mazzocco explains Propostion 207 is the reason behind the sunset clause.

Commissioner Fink requests the motion be amended to extend the sunset clause for four years. Commissioner Gavin and Commissioner Keith agree to this being acceptable.

Commissioner Keith adds that he feels four years makes more sense when trying to build and operate. Commissioner Lavaty also feels four years sunset is much more reasonable.

Motion was passed by a vote of 10-0 for items 1-3 of motion by Commissioner Gavin. (Vice-Chair Podolsky absent)

It was moved by Commissioner Fink, duly seconded, by Commissioner Lavaty to reduce limit to 500 ft. from schools in I-1 and I-2 zones. Motion passes with a vote of 10-0 (Vice-Chair Podolsky absent)

Motion by Commissioner Lavaty, duly seconded, by Commissioner Keith, to forward to Mayor & Council a recommendation to accept the Staff's recommendation and set the hours to 7 a.m. to 7 p.m.

Commissioner Gavin mentioned to extend the hours to midnight because there is a good argument - it is a legal substance dispensed legally as done by Walgreen's. He also states this would give flexibility to those who need them.

Commissioner Lavaty expressed concern with extending past 7:00 p.m. because Commission has made recommendation beyond what Mayor & Council agreed to consider. He has no objection to amending the motion.

Commissioner Fink agrees with Commissioner Gavin's request.

Commissioner Lavaty and Commissioner Keith agree to amend the motion to expand the hours of operation from 7 a.m. to midnight. Motion passed by a vote of 10-0. (Vice-Chair Podolsky absent).

Motion by Commissioner Fink, duly seconded, by Commissioner Bryson, to allow deliveries to hospices, to other State institutions and also to anybody who's entitled to purchase Medical Marijuana whether it's a private or public residence.

Commissioner Bryson asked for the practical aspect of video recording transactions when delivering to hospice or an elderly sick person. Commissioner Bryson states he wants to be helpful not hinder.

Jean-Paul Genet (member of the audience), said video recording is currently being done in Santa Cruz County. Protocol is as follows; patient has to be identified whether or not patient can come to the facility, and has to be recorded on video which is a State requirement. With today's technology video cameras and cell phone are used to record events. Jean- Paul Genet says that transaction is documented and the process is quite simple.

Commissioner Yee does not agree with allowing delivery to private homes for security reasons.

Commissioner Fink does not agree with Commissioner Yee's concern.

Commissioner Bryson wants to clarify delivery to a private home.

A private home involves delivering to people that have a valid prescription from a physician.

Commissioner Lavaty asked Mr. Jean-Paul Genet if there was a restriction on how many deliveries a driver can take with them at any one time.

Mr. Genet stated a majority of people come to the dispensary and look at the product; it is the people who are incapacitated and cannot come to the dispensary that they are trying to help out.

Commissioner Keith agrees with Commissioner Yee's viewpoint and feels that they are expanding the original reach of what the City's ordinance was and have allowed quite a bit tonight, moving forward in a positive direction. Staff hasn't researched the unintended consequences of that.

Commissioner Fink asked Mr. Genet what is the percentage of deliveries to private, non-institutional locations.

Mr. Genet responded that it is approximately 3% in Santa Cruz County.

Commissioner Fink states he would make the same motion and it is up to Mayor & Council to determine what they feel comfortable with.

Commissioner Fink restated his motion to allow deliveries to not only hospices and state licensed institutions but also any other location where there are qualified individuals who are allowed to receive medical marijuana.

Motion passes by a roll call vote of 7-3. (Maher, Keith, Yee dissenting; Vice-Chair Podolsky absent).

Jim Mazzocco asked for clarification on motions. On last motion, the point about delivery to other dispensaries, was that a part of the motion. Commissioner Fink agrees.

Jim Mazzocco asked, on the issues of C-1 cultivation sites and enlarging dispensaries those were taken off the table. Commissioner Gavin agrees.

## **5. Unified Development Code (UDC) Text Amendments: Condominium Conversions**

Presentation given by Jim Mazzocco, Deputy Director, PDSD

Discussion held

It was moved by Commissioner Gavin, duly seconded by Commissioner Maher, to close the Public Hearing. Motion passes with a vote of 10-0 (Vice-Mayor Podolsky absent)

It was moved by Commissioner Dahl, duly seconded, by Commissioner Lavaty to forward amendment to Mayor and Council. Motion passed by a voice vote of 10-0. (Vice-Chair Podolsky, absent)

**6. University Area Plan Amendment (PA-14-01)**

Presentation by John Beall, Principal Planner, PDSD and Applicants: Jim Portner, Richard Shenkarow, Philipp Neher representing Rick Joy Architects and Keri Silvyn.

Commissioner Gavin disclosed that he worked previously with the applicant on this proposal but his relationship with the applicant has ended and he does not at this time have a personal or financial relationship or benefit from this project.

Jim Portner gave an overview of the project and introduced the team:

Richard Shenkarow (owner/developer) shared his background and vision for this project.

Phillip Neher gave a Powerpoint presentation on concept and design

Keri Silvyn highlighted the neighborhood / community engagement.

It was moved by Commissioner Bryson, duly seconded, by Commissioner Gavin to set this item for public hearing on August 20<sup>th</sup>. It also included expanded notice area to adjacent Arizona Board of Regents property. Motion passed by a voice vote of 10-0 (Vice-Chair Podolsky, absent)

**Break @ 8:15 p.m.**

**Reconvene @ 8:20 p.m.**

**All members present (Vice-Chair Podolsky, absent)**

**7. Park Industrial Zone, Individual Parking Plan, Light Industrial Zone Text Amendments**

Presentation given by Jim Mazzocco, Deputy Director, PDSD

Mayor and Council gave direction on three issues in June:

1. Allow property owners within the Historic Preservation Zone to receive notice and be able to appeal an individual Parking Plan

2. Include certain C-2 zone uses in Park Industrial Zone or P-1 with appropriate standards
3. Reduced setbacks in the I-1 zone for the use type, Shelter Care intended for children and teenager who need full time supervision

Discussion held

Motion by Commissioner Dahl, duly seconded, by Commissioner Lavaty to move these three amendments for public hearing on August 20<sup>th</sup>.

Motion passes by a roll call vote of 8-2. (Bryson and Keith dissenting; Vice-Mayor Podolsky absent).

#### **8. Infill Incentive District Revisions**

Presentation given by Carolyn Laurie, Interim Principal Planner, PDSD

Discussion held

No action taken

#### **9. Broadway Corridor Update**

Update given by Commissioner Maher

No action taken

#### **10. Grant Road Update**

Presented by Commissioner Maher

No action taken

#### **11. Mayor and Council Update**

Update given by Jim Mazzocco

No action taken

#### **12. Future Agenda Items**

#### **13. Call to the Audience**

No Speakers

#### **14. Adjournment** – Meeting adjourned at 9:02 PM