



Legislation Text

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TO: Chair and Planning Commission

FROM: Brian Dalke, Interim Town Manager
Andrew Miller, Town Attorney
Jeremy Knapp, Community Development Director

DATE: May 21, 2019

CONTACT:

Andrew Miller, 480-348-3526

AGENDA TITLE:

Citizen Review Session Regarding Approval of Town Manager Recommendations on Changes to Article XI, Section 1102.2.B of the Zoning Ordinance

BACKGROUND:

At its work study meeting on May 7, the Planning Commission discussed recommendations to changes to the draft ordinance regarding Article XI, Section 1102.2.B of the Zoning Ordinance as it relates to spacing requirements between medical marijuana dispensaries and residential properties. As background, the Town Council, at its meeting on April 25, 2019, discussed recommended changes to Article XI, Section 1102.2.B of the Zoning Ordinance. Based on the Council discussion the Town Manager determined (pursuant to his authority under Town Code §2-5-2D.1.(c)(3)) to recommend to the Planning Commission that the spacing standard between medical marijuana dispensaries and residential properties be set at 1,500 feet, similar to the spacing standards for other cities near Paradise Valley.

Many of the municipalities near Paradise Valley have adopted specific spacing standards between medical marijuana dispensaries and residential properties. The current Town Zoning Ordinance provisions do not have specific spacing requirements but instead suggest that spacing should be a "primary concern" and that the spacing distance between medical marijuana dispensaries and residential properties should be "optimized." The current Zoning Ordinance provision in Article XI, Section 1102.2.B.2.f.iv(11), states:

(11) A medical marijuana dispensary shall be at least 1,500 feet from the following existing uses, as measured within the Paradise Valley municipal limits only: (a) educational institutions (b) places of worship (c) parks and recreational facilities (d) youth centers; and at least 5,280 feet from any other medical marijuana dispensary, as measured within the Paradise Valley municipal limits only. Measurements are taken from nearest property lines of the medical office use and each of the uses noted above. The location of the dispensary shall optimize distance from residentially zoned property. Residential spacing shall be the primary consideration

for all reviews of intermediate SUP amendment applications for medical marijuana dispensaries. (Emphasis added)

By comparison, the spacing standards between medical marijuana dispensaries and residential properties contained in the zoning standards for other municipalities in the cities near Paradise Valley are as follows:

Specific Residential Spacing/Location Requirements for Medical Marijuana Dispensaries

	Residential Zoning District	Child Care Facility	Church/Place of Worship	Other Medical Marijuana Dispensaries
Town of Paradise Valley	None	1.500 Feet	1.500 Feet	5.280 Feet
City of Tempe	1.320 Feet	1.500 Feet	1.320 Feet	5.280 Feet
City of Scottsdale	1.500 Feet	1.500 Feet	1.500 Feet	2.640 Feet
Town of Gilbert	1.000 Feet	1.000 Feet	1.000 Feet	5.280 Feet
City of Chandler	1.320 Feet	1.320 Feet	1.320 Feet	5.280 Feet
City of Mesa	2.400 Feet	500 Feet	1.200 Feet	5.280 Feet

*Caregiver Cultivation

The Town Manager has recommended that the Commission review a draft ordinance (see attached Draft Ordinance 2019-07) and make a recommendation to the Council on one proposed change to Zoning Ordinance Section 1102.2.B.2.f.iv(11). The Manager’s recommended change would eliminate the references to spacing between medical marijuana dispensaries and residential properties being a “primary concern” and that such spacing distance should be “optimized;” and instead would create a spacing standard of 1,500 feet between a medical marijuana dispensary and “a residential zoning district or the property line of a parcel solely devoted to a residential use in any zoning district.” Not only is this standard similar to the standards in municipalities near Paradise Valley, it is the same as the existing spacing standard for Paradise Valley between medical marijuana dispensaries and educational institutions; places of worship; parks and recreational facilities; and youth centers.

It is recommended that the Commission hold a Citizen Review Session and obtain input from citizens regarding the draft ordinance and provide comments on any proposed changes before holding a hearing and making a final recommendation to the Town Council.

NEXT STEPS

Hold a Citizen Review Session and then set this matter for a Public Hearing on June 4, 2019.

ATTACHMENTS:

Draft Ordinance No. 2019-07