

TOWN OF SPRINGERVILLE
PLANNING AND ZONING COMMISSION
AGENDA
TUESDAY, OCTOBER 12, 2021 at 6:00 PM
TOWN OF SPRINGERVILLE COUNCIL CHAMBERS

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the Springerville Planning and Zoning Commission and to the general public, that the Commission will hold a meeting open to the public at the at the Springerville Town Hall Council Chambers, 418 E. Main St., Springerville, Arizona on September 14, 2021 at 6:00 PM.

The Planning and Zoning Commission reserves the right to adjourn into Executive Session in accordance with Arizona Revised Statutes Section 38-431.03 (A)(3) and (4) for legal consultation on any of the following agenda items.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Members of the Planning and Zoning Commission or Legal Council that are unable to be present in person at a scheduled meeting may participate in the meeting by telephone.
4. **CONSENT ITEMS:**
 - a. **Consider approval of the September 14, 2021 Planning and Zoning Commission meeting minutes**
5. **PUBLIC PARTICIPATION:** Non-agenda items presented during the public participation portion of this agenda cannot be acted on at this time by the Commission. Individual commission members may ask questions of the public or ask staff to review the matter, or defend themselves, but are prohibited by State of Arizona Open Meeting Laws from discussing the item among themselves until the item is noticed according to open meeting requirements as an agenda item. The Chair MAY allow public comment on agenda items, and will limit time of discussion to three (3) minutes per person, with no longer than ten (10) minutes per topic.
6. **EXECUTIVE SESSION:** Discussion and possible action to enter executive session as allowed under A.R.S. §38-431.03(A)(3) and (4) for legal consultation in reference to the Conditional Use Permit Application for 279 S. Mountain Ave.
7. **PUBLIC HEARING:** Discussion and possible action regarding going into a public hearing to take commission and public comments Application to Rezone 364 N. Becker Lake Rd. and Conditional Use Permit Application for 279 S. Mountain Ave.
 - a. **Conditional Use Permit Application for 279 S. Mountain Ave. (Parcel #105-18-025D), applicant is requesting to utilize the property as a marijuana dispensary.**
8. **EXECUTIVE SESSION:** Discussion and possible action to enter executive session as allowed under A.R.S. §38-431.03(A)(3) and (4) for legal consultation in reference to the Conditional Use Permit Application for 279 S. Mountain Ave.
9. **ZONING ADMINISTRATOR'S REPORT:** Summary reports will be made as necessary. No action will be taken on any matters mentioned unless listed on the agenda.
10. **LIAISON REPORT:** Council Liaison report.

OLD BUSINESS

11. Discussion and possible action regarding Conditional Use Permit Application for 279 S. Mountain Ave. (Parcel #105-18-25D) requesting to utilize the property as a marijuana dispensary.

NEW BUSINESS

12. NONE
13. ADJOURNMENT

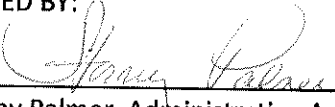
SUBMITTED BY:

Tim Rasmussen

October 6, 2021

Americans with disabilities act (A.D.A.): The Town of Springerville intends to comply with A.D.A. If you are physically challenged or disabled and need special accommodations to participate in this town meeting, please contact the Town Clerk forty-eight (48) hours prior to the meeting to arrange necessary accommodations.

POSTED BY:



Stormy Palmer, Administrative Assistant

10/6/2021
Date

**TOWN OF SPRINGERVILLE PLANNING AND ZONING COMMISSION
SPECIAL MEETING MINUTES**

September 14, 2021, at 6:00 PM

Springerville Town Council Chambers-418 E. Main St., Springerville, AZ 85938

Attendees: Chairman-Don Scott, Vice Chairwoman-Terry Shove, Commissioner-Teresa Becker, Commissioner-Trinity Raymer, Commissioner-Will Sands, Tim Rasmussen-Interim Community Development Director/Zoning Administrator, Stormy Palmer-Administrative Assistant

1. **CALL MEETING TO ORDER:** Chairman Don Scott called the meeting to order at 6:00 PM.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Administrative Assistant Stormy Palmer completed a roll call: Chairman Don Scott-Present, Vice Chairwoman Terry Shove-Present, Commissioner Theresa Becker-Present, Commissioner Trinity Raymer-Present, Commissioner Will Sands-Present. A quorum is present.
4. **CONSENT ITEM:** Vice Chairwoman Shove motioned to approve consent items a) special meeting minutes from August 24, 2021, Commissioner Raymer seconded. Chairman Scott called for the vote; motion passed unanimously, 5-0.
5. **PUBLIC PARTICIPATION:**
 - a. Kerry Nedrow: wanted to bring attention to the definition of 'marijuana establishment' in the proposed ordinance. Mr. Nedrow read the definition from the proposed ordinance. Stated that he is confused on how it applies, and would like some clarification. Would like to know what it exactly means, and what the Town "intends" it to mean. Wanted to know if you're looking at giving the Chinese food restaurant a license to cultivate as well? Because it seems to him that if giving a license to sell out of a retail store, then the Town is also giving a license to cultivate, and why would you do that? Commissioner Becker stated that the Commission is not granting licenses, but only making a recommendation on the ordinance to the Town Council who will make the final decision. Mr. Rasmussen suggested to the Commission that if possible that we could move on and that Mr. Nedrow was welcome to come into Town Hall and Mr. Rasmussen could help answer his questions. Chairman Scott agreed with Mr. Rasmussen and tried to let Mr. Nedrow that it does take some time to review and understand the ordinance. Mr. Nedrow left the podium.
 - b. There was a question at this time requesting to know if this was the Public Hearing portion of the meeting, Commissioner Scott explained that this is the Public Participation portion and primarily for items that are not on the agenda and that the Public Hearing is the next item on the agenda.
 - c. Brian Carpenter: Stated that he has lived in Springerville, but currently resides in Greer, and that he works for RV Community Services/Senior Center. Stated that he thinks that some clarification and education to happen of the 70's idea about what marijuana is. He then stated that in 2018 the FDA approved marijuana for the treatment of seizures and epilepsy under the name Epidiolex. He also stated other illnesses where marijuana has been used for treatment; including Alzheimer's, cancer, HIV/AIDS, chronic pain, and PTSD. He stated that in his employment that he sees people nervous and anxious, especially in this time of pandemic. He stated that the statements made by other speakers of "let them go to Show Low" is "nuts" and if we can provide a service, which is

what God wants us to do, to help the vulnerable, elderly, and disadvantaged, that is what we should do. He thinks that people need to stretch their horizons that this is a gateway drug. That gateway drug is a 70's term, and that people need to remember that once upon a time alcohol and tobacco were approved by the FDA as being "safe", and he thinks that alcohol and tobacco are the actual gateway drugs. He stated that the Town has become divided, he thinks that we need to come together and communicate whether or not someone is "big money." He began to read letters from people that are stuck at home when the three-minute speaking time was up. Commissioner Scott advised him that he could submit the letters to be read by the Administrative Assistant during the Public Hearing portion of the meeting. The letters were given to Admin Assistant Stormy Palmer.

- d. Dan Torres: had questions about who maintains the dog park behind the rest area. Chairman Scott advised Mr. Torres about the See-Click-Fix app on the Town's website where he could notify the Town about things that needed repair or maintenance in the Town. Mr. Rasmussen advised that he would put the weed eating on the Public Works schedule.

There were no further speakers for the Public Participation agenda item.

6. **PUBLIC HEARING:** Vice Chairwoman Shove motioned that the Commission go into a Public Hearing regarding items a and b; Commissioner Becker seconded. Chairman Scott called for the vote; motion was approved unanimously, 5-0. Public Hearing was conducted as follows:
 - a. Application to Rezone 364 North Becker Lake Road (Parcel # 105-15-004A) from current zone of R1-7, Single Family Residential to AR-20, Agricultural Residential:
 - i. Andrea Charley: Administrative Assistant read aloud, for the record, a letter from Ms. Charley opposing the zoning change, due to nuisances and adverse effects of allowing horses on the property.
 - ii. Brianna Laney: Administrative Assistant read aloud, for the record a letter from Ms. Laney opposing the zoning change, because the it is not for the owner's enjoyment of the property but to facilitate a sale of the property.
 - iii. Bridgette Laney: Please note that Ms. Laney did submit a letter to be read if she was unable to make it to the meeting, but when she was able to attend spoke instead. Ms. Laney stated that she is from Springerville. She is in opposition of the zoning change due to the nuisances it can become if allowed to be horse property. That this "spot zone" has come before the board two times before, one being September 14, 2000. She stated that changing the zoning is in conflict of the "Master Plan" on usages of property. She also submitted to the Commission a copy of the meeting minutes from the aforementioned September 14, 2000 meeting.

The Commission had a brief discussion at this time regarding the zoning map and which types of zones were around the property in question, with the majority in this area either being C-1, Commercial or Agricultural zones.
 - iv. Kerry Nedrow: Mr. Nedrow stated that he lives in Springerville. He stated that to rezone this area would be a mistake. He also stated that horses and trees do not

get along. And that if horses are allowed on the property, they will kill all the trees and beat it down into a dirt patch not the green grass that it is now.

b. Conditional Use Permit Application for 279 South Mountain Avenue (Parcel # 105-18-025D) requesting to utilize the property as a marijuana dispensary:

- i. Bob and Kay Dyson: Admin Assistant read aloud, for the record, a letter submitted by Mr. and Ms. Dyson. They stated that the Town has spent almost a year trying to come to a decision on where they stand concerning marijuana businesses in Town. They stated that the Commission has heard from many citizens of the area including community leaders, school employees and medical personnel etc., that all oppose allowing marijuana businesses in the area. They spoke of issues with the previous dispensary that was in Town, and the drug problems that are already in the area. They believe that the Town has the right to refuse allowing a dispensary to open in Town. They also listed five items that they would like to see as changes to the proposed ordinance: 1) Limit it to one dispensary; 2) not allow the cultivation site within the city limits; 3) Consider allowing the drive thru service for the dispensary; 4) Not allowing variances to the distance requirements; and 5) Limit to 1,000 sq. ft., not 5,000 sq. ft. as listed in the proposed ordinance. Admin Assistant advised the Commission that there were several pages of statistics attached to the letter and inquired if the Commission would like them read aloud as well? Chairman Scott stated that due to time, they would not have them read aloud, but advised the audience that the statistics were summarized from an article on the adverse effects of marijuana. Please note that all Commission members were given a physical copy of the letter in its entirety.
- ii. Anonymous: Admin Assistant, read aloud, for the record a letter submitted to Brian Carpenter for this meeting. The person wanted to express their support of a dispensary in Springerville. Marijuana has helped them with their Bi-Polar disorder, and they know other people with medical conditions that it has helped. They also believe that the tax revenue will help the Town, and that customers will also go to the other local businesses in the area.
- iii. Anonymous: Admin Assistant, read aloud, for the record a letter submitted to Brian Carpenter for this meeting. They believed a dispensary would be beneficial because the majority of the people in the State voted for it, and that the Town would make taxes off of it.
- iv. Lisa Carpenter: Stated she resides in Springerville. She stated that she just got done fighting cancer, and that she spoke with her oncologist about pot for treatment. She stated that he directed her to find a person that grows it, and to "eat" as much as she could. She is now cancer free. She stated that she lived at the previous dispensary in Town, and that it was never broken into as stated in the Dyson's letter. She spoke of the security measures that were in place at the dispensary, including 24-hour surveillance cameras that could be accessed on her smartphone. She wanted it known that it was the owner's, not the manager's, fault that the dispensary failed, that the owner was a shyster. She recommends that the Town not allow a similar situation happen again, and that

they should research and future dispensary owners carefully. She stated that she does not believe that marijuana is not a gateway drug, that she tried it at several different ages and stages of her life, and that it wasn't for her. She stated that she believes that she is a productive member of society, and she is and has been employed for a long time. She stated that the dispensary that was here was ran well, and that again it was the ownership behind the failure. Children were not allowed inside the dispensary at all. She stated that the revenue from the dispensary was significant, and that at one time they were bringing in around \$60k a month.

- v. Pele Fisher: Stated that she represents Apache County Dispensary, who was awarded one of the rural licenses available for this area. That they are in compliance with the current medical marijuana ordinance. That the Conditional Use Permit application is just for a retail location. She stated that Prop. 207 allows for reasonable zoning requirements that are not to be more restrictive than what the State allows. She also stated that Springerville has not currently prohibited marijuana businesses, and their application does currently meet the medical ordinance. They are requesting two variances in alignment with the proposed ordinance; the first being the square footage, 1000 sq. ft. is not adequate enough to allow for a secure facility, including a waiting room, bathrooms, inventory storage space etc., the second being the allowance of a drive thru, which helps maintain security and is beneficial to those with mobility issues.
- vi. Monica Boehning: Stated that she currently resides in Eagar, but has lived in the area for almost 40 years, with 15 of those years living in Springerville. She also noted that the majority of her spending occurs in Springerville, that her place of worship is in Springerville, and that she supports and volunteers with several charities located in Springerville as well. She is concerned the Town is putting the cart ahead of the horse on this matter. That there is only a medical marijuana ordinance in place at this time. She wanted it noted that personally she is okay with the responsible use of medical marijuana. She is concerned because the Town Council has yet to officially voted to adopt a revised ordinance which would provide oversight of recreational marijuana businesses. It is premature, in her opinion, to issue a permit to an adult marijuana business until a revised ordinance is adopted. She believes that all operational use permits should adhere to the current ordinance; that allowing permits before the proposed ordinance is adopted could lead to misunderstandings and confusion between the Town and permittees.
- vii. Sara Pressler: Introduced herself as the applicant and in the ownership group for Apache County Dispensary and Divine Holdings. She gave some information about herself, stating that she was an attorney; she is from Mohave Valley area; her business partners are friends that she has known from the 9th grade; she served as public defender for the City of Flagstaff for children and psych patients; she also served as Mayor of Flagstaff for two terms. She stated that she understands and appreciates a relentless commitment to public service, and

that trying to find common solutions is "good government." She also gave a bit of her personal background stating that she is a mom of four children. She stated that the Conditional Use Permit Application does meet the current requirements. She also stated that they are asking for two variances: the first being size, that 1,000 sq. ft. She stated that more space would allow for better security, break spaces, and separate employee and customer restrooms. The second variance that they are requesting is for a drive thru service; which also allows for better security, as the customers are not physically coming into the building. She stated that customers must first come in and register before they are allowed to utilize drive thru services, and that it is a really serious process. She believes that a dispensary could really help members of the community safely access cannabis products. She also explained the difference in tax for medical marijuana and adult use marijuana products. She also explained that she would be available later in this meeting if the Commission had further questions.

- viii. Kerry Nedrow: Advised that he is from Springerville. Stated that Monica (Boehning) nailed it on the head, that he does not believe that the Town is not at point in this process to issue a Conditional Use Permit. He stated that he is confused by what we are doing here and what you (the Commission) intend to do at this point. Chairman Scott explains that this is just the first hearing on this matter. Mr. Nedrow responds, stating that we cannot have a hearing because we do not have a statute to have a hearing on, that the Town does not have anything to put the Conditional Use Permit to. Chairman Scott explains that in the current Commercial zoning code there is an allowance for medical marijuana sales with a Conditional Use Permit. Mr. Nedrow disagrees with this. Mr. Rasmussen asks the Commission if they would like him to clarify now, or wait until the meeting goes out of Public Hearing? Chairman Scott states that they would like to wait until they go back into regular meeting. Mr. Nedrow states that he would like to hear the answer now, because in regular meeting he cannot participate or respond. Mr. Rasmussen speaks to the Commission advising them he can respond now or in regular meeting. Chairman Scott tells Mr. Nedrow that the Commission does allow people to speak further in the regular session. Mr. Nedrow states that he didn't know that people were allowed to speak outside of the Public Hearing. Commissioner Scott tells him that yes, especially with this situation, they are going beyond to make sure that people get their say. Mr. Nedrow says they may have, but from a public standpoint that they do not know when this will be allowed or not. Commissioner Scott stated that for the sake of this matter, and tonight they will allow further questions.
- ix. Mike Campbell: Advised he is from Eagar, but that this matter affects the whole community. He stated that he puts on the Chrome in the Dome event, and that money raised from the event goes to help kids in the vocational programs. Stated that he cannot speak for anyone else but that for him, marijuana was a gateway drug and let him to doing harder drugs. He stated that not everyone

gets clean, and that addictions are different for everyone, but he is fighting to give the kids in this area a chance. He knows that kids can't legally go into dispensaries, but kids also can't buy alcohol either, "but we all did it, got an adult to buy it for us." He believes it will be the same with marijuana. He asking that marijuana not be put in front of the kids, he states that people can go to Show Low to buy their pot. He doesn't believe that this is something the community needs, doesn't believe it is good for the community. He stated that yes, the tax revenue is great, but now California is a mess. He stated that he came from California 20 years ago, and he now lives in a nice quiet neighborhood, doesn't have the problems that he had before. Opening a dispensary would be inviting problems. He stated that we should look at the major cities where they show homeless people, the addictions that are going on, people are walking around looking like the living dead. He stated that we are inviting things like that into our community. Personally, he does not think we need it. He stated that one dispensary is plenty (spoke about license being issued to the Smoke Shop?), that we may as well put liquor stores around the high school. He urged the Commission to "act like adults, please", stating that revenue is great, but money isn't everything; that the community has survived without all this tax revenue.

- x. Mitch Udall: Advised that he is from Springerville. Stated that he was at the last meeting several weeks ago. Spoke of the letter that was read earlier, and that it has been expressed by leaders, the police chief, business owners, families, and other organizations, that this is not wanted. He hopes that it would be considered that when it was voted on, that Prop 207 did not pass in Springerville. He thought that it was apparent at the last meeting that this is wanted. He knows that the Town is in a pretty bad situation after the dealings with marijuana at the airport. He stated that it will be a long time before we recover from that. He also asked that at what point will we learn our lesson that this is not wanted or accepted in our community?
- xi. Gabriel Candelaria: Is from Springerville, his family has been in the area since the early 1900s, and he currently resides in Springerville. He stated that the Commission does not represent Arizona as a whole, or Phoenix, that they represent the citizens of Springerville. He stated that economically Springerville is hurting, it needs some kind of dramatic boost to help revitalize it and rejuvenate the economy. It's losing all kinds of businesses. We don't have a furniture store anymore, no appliance store anymore; we have grocery stores. The only way to bring businesses is back is to show them that you can make them viable, to show them that this economy is thriving. He stated that he bought the old Allred's building, and that the reason it came up for sale is because it wasn't making any money, it was losing money. He stated that Mr. Allred was tired, and wouldn't even pass the business along to his children, so they just decided to up and go. He stated that someone made the correlation between alcohol and adult use marijuana, and that yes-people but alcohol for teenagers which is terrible. He stated that buying thirty 6-packs is legal, buying

20 bottles of liquor is legal, but that the sale of adult use marijuana is limited to one ounce per person, per day, and that unlike alcohol this transaction and the customer's name is recorded. He also cannot understand why anyone would share with kids, citing that marijuana is expensive at a dispensary. He commented that at the previous meeting the police chief said that there had been a house broken into where 5 pounds of marijuana was stolen, Mr. Candelaria stated that marijuana was not from a dispensary. He stated that it is illegal for a person to share or sell their "personal" marijuana. He also stated that he believes that there is more of a problem with alcohol and other drugs in the area. He stated that a dispensary would be highly regulated and looked at. Chairman Scott asked about the limit of one ounce, if it was per day or per month. The Admin Assistant clarified and stated that you can buy up to one ounce per day, and can only possess one ounce outside your residence, and that a person over 21 can grow up to 6 plants in their residence, with up to 12 plants in a residence with two legal age adults in the home.

- xii. Dan Torres: Stated he lives in Springerville. He said that someone spoke at the last meeting that the hate to deny a business, and he agrees he hates to see that kind of thing as well. He replied to the previous speaker in regards to Allred's; he said that he spoke with Mr. Allred who stated that he was liquidating because his daughter-in-law had cancer, and he was selling everything to help the family financially. He stated that in Nevada prostitution is legal, and that if Arizona did the same would we want a house of prostitution in our town?
- xiii. Mike Otero: Stated that he lives in Springerville. He wanted to remind the people that everyone has opinions on this matter. He does agree with people not selling to kids. Stated that he sees people walking around town that are "methed out", and he doesn't seen people trying to get them out of town. He just wanted to remind everyone that everyone does have an opinion and that is his.

Chairman Scott had inquired if there was any further discussion on the item for Public Hearing; Vice Chairwoman Shove had motioned to go out of public hearing, Commissioner Becker seconded. Chairman Scott called for the vote, motion passed unanimously, 5-0. The Public Hearing portion was closed and the regular Public Meeting reopened.

- 7. **ZONING ADMINISTRATORS REPORT:** Mr. Rasmussen stated that the department is busy issuing building permits. He also wanted to clarify why we are asking speakers for their names each time they speak, it is for the recording and the minutes, so that we can make sure they are correct. He also stated that the asking of where a speaker lives is not to segregate them or that their opinion doesn't matter, it is for the record as well. He also advised the Commission that Pele Fisher and Sara Pressler, as the applicants for the CUP would be available to speak or answer questions.
- 8. **LIAISON REPORT:** None, no Town Council meeting since last Commission meeting.

OLD BUSINESS

9. Regarding Application to Rezone 364 North Becker Lake Road from its current zone of R1-7, Single Family Residential to AR-20, Agricultural Residential. Discussion was conducted as follows: Commission discussed the other zoning districts in the area mainly being commercial or agricultural, that this parcel is the only one zoned residential. The Admin Assistant asked the Commission if they would like the document submitted by Ms. Laney read aloud, the Commission requested that she do so. The Admin Assistant read aloud from the Planning and Zoning Commission meeting minutes from September 14, 2000, which stated that a similar application had been put before the commission to rezone the property to AR-20, the application was denied. The P & Z Commission at that time reasoning that a rezone to AR-20 would go against the "Master Plan." The Commission also had questions about lot size, and how many horses would be allowed, Mr. Rasmussen replied that up to four horses could be allowed. Chairman Scott stated that being that the other properties around this either being commercial or agricultural made him feel like this parcel is a "spot zone" and that the residential zone has been wrongly applied to it. Mr. Rasmussen advised the Commission that how this parcel became residential is unknown and unfortunately, he is unable to find out exactly how it happened. Chairman Scott spoke to Ms. Laney confirming that her property is actually zoned commercial, she confirmed. Ms. Laney also stated that when it was zoned that way the previous general plan had anticipated that the area would be commercial businesses coming into Town from that direction. Commissioner Becker states that she feels pretty strongly that the people that are opposing the change should speak pretty loudly as they have been in the area a long time, and that Ms. Sharp is requesting the change so that she can more easily sell the property. Vice Chairwoman Shove inquires if all the area property owners have been notified of the rezone application; Admin Assistant responds saying that all residents within at least 300 ft. have been notified, but that she has received return letters from one property owner. The Commission reviewed the zoning maps again. Commissioner Raymer recused herself from the vote. Vice Chairwoman Shove states that she understands why it is residential, and in the past the Commission has always listened to the neighbors and their concerns when making a decision. Chairman Scott says the surrounding properties are commercial; Commissioner Becker says that is true but people live there. Chairman Scott says he understands they live there but the zoning is the zoning and cannot understand why we are penalizing this property as everyone else has the ability to enjoy their property as they see fit. Commission took a few more minutes reviewing the zoning maps. Vice Chairwoman Shove motions to not accept the rezoning application; Commissioner Becker seconds. Chairman Scott called for the vote; Yea, 2 and Nay, 2 with one abstention and no tie breaker motion dies.

NEW BUSINESS

10. Chairman Scott introduced the item; a Conditional Use Permit application for 279 South Mountain Avenue that is requesting to utilize the property as a marijuana dispensary. He also reminds the Commission and the audience that this is the first hearing on this matter, and that a second hearing on the matter has already been scheduled for October 12, 2021 at 6:00 PM. Chairman Scott requests at this time for Mr. Rasmussen responds to Mr. Nedrow's questions that were asked during the Public Hearing portion of this meeting. Mr. Rasmussen states that this application was received, and that within the current C-1, Commercial zoning there is a provision that allows the sale of medical marijuana with a conditional use permit. He also states

that the Town has a current and clearly defined medical marijuana ordinance, and that the previous dispensary that was in town also operated under that ordinance. He stated that there is a proposed ordinance where the first hearing has been held, with the second hearing on the ordinance being scheduled for next week (Sept. 21). He continues on stating that the Town is following under its current Town Code, and that with anything having to do with marijuana the Town Attorney is being consulted. Mr. Rasmussen advised that this application was forwarded to the attorney for review, the attorney agreed and directed us to go ahead and process the application as it is allowed currently in the zoning. Per Town Code, once the application has been filed a hearing must be held in 30 days, and that is what is going on with this meeting. He finishes up by stating that tabling this matter until after the proposed ordinance has been cleared or denied was not an option. Chairman Scott asks Mr. Nedrow if that helped answer some of his questions. Mr. Nedrow asked if there was an option of tabling the matter? The Commission said no, there is no option to table the matter. Mr. Nedrow stated that he thinks that we do, because we don't have a statute that it can be tied to, whether we have an old one for medical marijuana or not. Vice Chairwoman Shove reminds him that this is only the first hearing and that they are not voting at this time. Chairman Scott advises Mr. Nedrow that the current zoning code for C-1, Commercial does allow for an application for a Conditional Use Permit for a marijuana dispensary. Mr. Nedrow responds, stating that "sounds like to me that it doesn't matter to you, the input at that other hearing, because you've made up your mind that the existing zoning is good enough for you, regardless of what happens." Chairman Scott replied that no, he and he believes the rest of the Commission, are trying to listen to everyone; and that he has not made up his mind yet. Vice Chairwoman Shove reminds Mr. Nedrow that this first hearing had to happen within thirty days of the application to comply with the rights Conditional Use Permit applicant. Mr. Nedrow says he understands that, but that it still seems out of sync. Chairman Scott asks the applicant Sara Pressler if she is requesting to sell medical as well as recreational marijuana. Ms. Pressler responds that when law was passed in November, it married medical and recreational, making about 100 what are called "dual" licenses. She stated that she does have dual license facilities, and when the customer comes in, they will state whether they are a patient or a recreational user. She continued stating that taxation is different for patients, and that patients are allowed access to products that can only be sold for medical use. She continued on stating that when Proposition 207 passed it stopped the issuance of any more medical licenses. She further stated that where medical licenses had been previously removed from the rural areas, it created a "vacuum", making way for illegal and illicit sales, so the State created the lottery system. She goes on to explain the lottery system; where it allowed for adult use products only, and two licenses were issued in Apache County for these sales, and that these two licenses cannot be moved out of Apache County. She believes that the intent of this was to suffocate the illegal market by having regulated sales. She continues on stating that while she cannot give a medical patient the lower tax rate, or the higher dose products (because the higher dose products cannot be in inventory), a dispensary would help them from having to travel as far. She further stated that every product is tested and that under Prop 207 products must be in packaging that is not attractive to children as well as being child-resistant. Ms. Pressler then responded to a question from an unknown audience member regarding her plans for a possible cultivation facility in Springerville; she stated that this time she has a cultivation facility in her town, but at this time does not have any plans for a cultivation facility here. Ms.

Pressler then responded to another audience question regarding security; she explained that there are security cameras everywhere in the dispensary, that allow for offsite surveillance along with an outside alarm company, she also stated that every product is inventoried and counted on a regular basis, and that employees are licensed by the State as well as needing to adhere to the business' own policies and procedures. She also stated that they keep track of sales with a system not unlike a grocery store rewards card. She further explains some about Prop 207, and encourages the town to consult with legal council on it, and also states that it is important for lots of questions to be asked of anyone applying to start a marijuana business in the community. She also spoke of donations and community help that they have done in the area they are from. Vice Chairwoman Shove asks her about having a grow facility. Ms. Pressler responds that each marijuana establishment license starts with a retail store, but under this code they are permitted to have an offsite cultivation facility. Vice Chairwoman Shove states that even though there are no plans at this time for a cultivation facility, there is nothing that says the company can't change their mind. Ms. Pressler states that is true, but this application is only for a retail store, and that any further plans would require a separate application, which would have to follow along with town code. She stated that at this time they do not have plans to cultivate in the area, there is no secret plan to do so in the future. She also states that she knows that cultivation in the area has been a controversial subject, and at this time they are only applying for the retail location. An audience member questions if Ms. Pressler is relocating to the area; Ms. Pressler responds and states that she has no plans to move here, she explains about her family life and children's schools where she lives now. She also states that they will be hiring local people, with the possibility of bringing in an experienced employee here temporarily to assist with getting things going. She in turn questions about other business owners not living here citing McDonald's as an example. She states that even though she will not be living here, she does encourage people that if they see something wrong or if the dispensary does not seem to be operating as it should to contact the State, that ownership is what matters to the State. Audience member Mike Campbell speaks, stating that what she says sounds great, but the citizens are concerned with the "aftermath" of a dispensary opening. He knows that it will be good for businesses and tax revenue, but wants to know what the company is going to do in partnership with the community (i.e., anti-drug programs in schools etc.) Ms. Pressler states that a company's past actions, and future actions can speak better than promises. She believes that not having a regulated market creates a "void" in which illegal and illicit sales can be detrimental to a community. She spoke of ways that the company's dispensaries have helped people with physical and mental disabilities, even some who were not customers. She stated that they have engaged in the communities where they operate, to the extent that new versions of DARE programs are successful, and have a positive impact on children. Mr. Campbell asks how much are they financing that, or willing to finance that? He also states that bottom line is they are a business and only out to make money. Ms. Pressler responds that is correct, every business person is out to make money, otherwise they are a charity and not a business. Mr. Campbell states that bottom line he could grow it and sell it cheaper than the dispensary. Ms. Pressler tells him to "go for it" but that is illegal. Mr. Campbell states that "illegal sales are going to happen anyway and as small as a community we are we do not need it here." Ms. Pressler responds that Proposition 207 has authorized this dispensary license to be issued, and that the community does have an existing ordinance on its books, that cannot be more restrictive than

what the state allows, a marijuana establishment that must be allowed in Apache County. She furthers that while she cannot give an exact amount of money that will be given back to the community, their business model states that the most amount of money donated must be given to the community where the most employees reside, at this time being Mohave; but that money can be committed back to the community depending on what the need is, generally health, education, kid's sports. Mr. Konorosky, asked about the volume of an ounce of marijuana, Ms. Pressler used hand measurements to show him. He also asked about sales being all in cash, Ms. Pressler stated that they used to be all in cash, but now they are a legitimate business with banking, and that payments can also be made using an ACH transfer system. Ms. Konorosky stated that the security measures seem extreme, and its alarming to hear that the propensity for a problem is that high; Ms. Pressler responds that the security and camera requirements are part of State law. There is additional brief discussion about security requirements. Ms. Konorosky and Ms. Pressler have a discussion where Ms. Konorosky inquires about how committed they are to a lawsuit if they dispensary is not allowed; Ms. Pressler replies that they would like to just be collaborative, and that they have never filed a lawsuit before, it just depends what goes on. Ms. Konorosky states that she believes that they are committed to a lawsuit, and states that the people that are against it outweighs the people that are for it. Mr. Rasmussen just reminds the Commission that for a cultivation facility it would need to be in the I-1, Industrial Zone, and that an applicant would need to go through the Conditional Use Permit process. Ms. Harding speaks wondering about the requirement that the Town cannot be more restrictive than the State, and how that would apply to a grow facility; Mr. Rasmussen stated that would be something the Town Attorney would need to be consulted on for an answer. Chairman Scott reminds the audience that the Commission does not have to approve a Conditional Use Permit application. Mr. Rasmussen states that there was a statement made where that if you have an existing medical marijuana ordinance that you cannot change it, this is untrue, per the Town Attorney another ordinance can be created to abolish the existing ordinance. He wanted to remind the audience things are not premeditated with the Town, that the reason these hearings are happening is so the Commission can make an informed recommendation to the Council. Commissioner Becker makes a motion to continue this matter for a second public hearing on October 12, 2021 at 6:00 PM; Vice Chairwoman Shove seconds. Chairman Scott calls for the vote; motion passed unanimously 5-0.

11. **ADJOURNMENT:** Vice Chairwoman Shove motioned to adjourn; Commissioner Raymer seconded. Chairman Scott called for the vote; motion passed unanimously, 5-0. Meeting was adjourned at 8:12 PM.

Town of Springerville Community Development
418 E. Main St. • Springerville, AZ 85938
928-333-2858 fax 928-333-5598



Town of Springerville Conditional Use Permit Application

Apache County Dispensary LLC
Name of applicant(s)

4121 E Valley Auto Dr, Ste 120, Mesa, AZ 85208
Mailing address

Telephone number(s)
WANG WEN YANG & STEPHANY F (JT)
Name of property owner(s) (if different)

7748 Tigewoods Dr, Sacramento, CA 95828
Mailing address
[Redacted]
Telephone number

279 S Mountain Ave, Springerville, AZ 85938
Address of proposed site

105-18-025D
Parcel number

C-1
Zoning classification

Marijuana Establishment
Type of proposed business (if possible, use name/type of business listed in the zoning code)

NOTE: The Springerville Planning and Zoning Commission normally meets at 7 p.m. the second Wednesday of the month, but may, occasionally, change the meeting date. Deadline for applications is twenty (20) calendar days in advance of the meeting date. It is the responsibility of the applicant to verify the meeting date and submit a complete application by 4 p.m. on the deadline day.

Signature of applicant(s)
7/9/2021
Date

AuthenticSign
Wen Y. Wang
Stephanie F. Wang
Signature of owner(s) (if different)
07/12/2021 07/12/2021
Date

Fee: \$125.00 01-4007
Received by: KP
Date: 7/2/2021

Approved: Y ___ N ___
Date: _____
Minutes attached: _____

**Apache County Dispensary LLC
Conditional Use Permit
Town of Springerville, Arizona**

The applicant, Apache County Dispensary LLC, ("applicant") is a state licensed marijuana dispensary with a marijuana establishment license issued by the Arizona Department of Health Services in accordance with Smart and Safe Arizona, also known as Proposition 207. The applicant operates and/or owns multiple state licensed dispensaries, both medical and adult use. The applicant is actively engaged in compliance and leadership with the Arizona Department of Health Services. As an experienced Arizona dispensary operator and business owner with a strong track record of rural dispensary operations, the Town of Springerville will benefit from the applicant's professional, safe, and organized business operations.

The site at 279 S. Mountain Ave., Springerville, Arizona 85938, APN 105-18-025D presents no issues that create a negative potential impact on persons residing or working in the vicinity. The 17,500 square foot lot and 2,592 stand-alone square foot building is located in a retail area of Springerville. The subject property is zoned C-1 general commercial, subject to the requirements outlined in the Town of Springerville Code of Ordinances. The property meets all of the requirements and will not require any variances for its use as a marijuana dispensary. It meets all the required setbacks established by the Town of Springerville in 17.68.030 and its operations are provided for in the Town's Code of Ordinances.

However, two minor variances for ease of business operation are included in this application and the applicant respectfully requests approval to ensure the business will not only operate but thrive to benefit the citizens of Apache County and the community.

The first is a dispensary square footage restriction. The current code provides for 1,000 square feet, gross. Our stand alone building is at 2,592. The increase in square footage from 1,000 to 2,592 is 1,592 square feet. This increase will ensure that our customers can be safely and appropriately distanced in the dispensary during the current health pandemic and beyond. We take great pride in an orderly and organized operation. The Town's Code does not distinguish between the sales area and other dispensary functions. To ensure a thriving business and organized operation, spaces for a secure lobby, manager's office, customer bathroom, employee bathroom, reception desk, staff break room, dedicated employee entrance, and inventory storage and control. The level of professional planning is not required in the current state regulations or in the Town's code. This means that the dispensary could operate in a manner where the public could come into the front door and immediately into the dispensary sales floor space. With the level of experience, the applicant's operators bring to the project, there are significant safety, operational, and staff benefits to a floor plan that includes a secure lobby, manager's office, customer bathroom, employee bathroom reception desk, staff break room,

Apache County Dispensary LLC
Conditional Use Permit
Town of Springerville, Arizona

dedicated employee entrance, and inventory storage and control. These elements enhance the safety and professional operations of the dispensary.

The second variance is related to accessing inventory. The dispensary's operators own a dispensary with a drive through located in another rural community. During the pandemic, it accounts for 1/3 of the business at the dispensary. Elderly customers and those requiring discretion prefer the drive through opportunity at the dispensary. In accordance with the Arizona Department of Health regulations and Arizona law, this is entirely permissible and is a public health and safety solution not just during the pandemic but on an ongoing basis. Customers benefit from 1 to 1 care and attention, while the staff benefits from a barrier during dispensing procedures, limited access to inventory, inventory control, and increased safety for the dispensary and the health of the staff and customers. All activities at the dispensary are under camera, alarm, and recording 24/7 with on and off-site monitoring around the clock. This includes every square inch of the dispensary and its potential drive through at this facility.

The use covered by the permit and manner of conducting the use will not cause a significant increase in traffic, vehicular or pedestrian, in any adjacent residential area and there will be no unusual volume or character of traffic due to the use or nature of this traditional retail business. It will not emit odor, dust, gas, noise, vibration, smoke, heat, or glare and will not contribute to any deterioration or downgrading of property values in any way. The use and premises will comply with the and the law of the Town of Springerville and the State of Arizona. There is no damage, nuisance, noise, smoke, odor, dust, vibration, or illumination from the proposed use of a marijuana dispensary. There are no hazards to persons or property from any possible explosion, contamination, fire, or flood. It is a retail purpose and no manufacturing, or any activities of a related nature would occur on the premises. There are no hazards occasioned by unusual volume or character of traffic due to the use or nature of this traditional retail business. The character of the proposed building and previous site of a former fast-food restaurant are consistent. Furthermore, the site has been vacant over six months.

The marijuana dispensary license was issued for a retail store at this specific location and address as a direct result of a voter initiative that passed in the City limits on a 407 to 408 vote split with one provisional vote. While it was a closer election in Apache County, Proposition 207 was successful on a statewide basis. Further, the only reason that additional licenses were issued through Proposition 207 is because access to marijuana was so severely restricted when licenses originally awarded in 2012 moved away from their original Community Health Analysis Areas and relocated to metro areas such as Phoenix, Scottsdale, and Tucson.

**Apache County Dispensary LLC
Conditional Use Permit
Town of Springerville, Arizona**

The applicant dispensary operators and owner have a strong track record of rural dispensary operations and have been operating marijuana businesses in a legal and compliant manner in Arizona since Proposition 203 in 2012 was implemented by the Arizona Department of Health Services. The demonstrated need for the use is furthered by the fact that this rural license cannot be moved to a metro area and must open and operate in the county where it was awarded. Therefore, it will be a business and team of operators that will establish a long-term investment in Springerville and intend to be a helpful and engaged community partner. It is projected that fifteen new jobs will be created through the dispensary's operations and sales tax revenue to the Town of Springerville will be significant because every product sold is subject to state, local, and excise taxes per Proposition 207. The economic impact of the tenant improvements to the property and the increased community and business value of an operating business in a currently vacant space will further the Town's economic development interests and further its community plans. The business is highly secure, organized, and structured.

The applicant operators have 9+ years of operating experience in this legal industry and prior experience in law, education, and real estate/construction services. This use and its operations are guided by an experienced team of professionals that will be contributing to the economic development and future growth of business opportunities in the Town of Springerville through this business. All operations are approved and reviewed on an ongoing basis by the Arizona Department of Health Services. The business employs a significant number of professionals dedicated to the ongoing compliance, safety, and professional operations of the use.

The applicant respectfully requests the Town of Springerville approve its Conditional Use Permit. We also respectfully request that the application be approved with the two minor variances of the additional square footage to 2,592 and the drive through at the site. The two minor variances would greatly benefit the business operations and, in turn, the citizens of Apache County, resulting in increased tax revenues, safer operations, and a more professional business environment.

Any additional information can be provided. For more information, please contact Pele Fischer, Attorney, at 602-803-3660 or pele@peacock.legal.

Thank you,
Pele Fischer



MOHAVE CANNABIS COMPANY
SPRINGVILLE
2220 W. SPRINGVILLE AVENUE
SPRINGVILLE, AZ 85339



SITE PLAN
GENERAL NOTES

- 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SPRINGVILLE ZONING ORDINANCES AND THE ARIZONA LAND DEVELOPMENT CODE.
- 2. THE DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS FROM THE CITY OF SPRINGVILLE AND THE ARIZONA DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION.
- 3. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- 4. THE DEVELOPER SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE SPECIFIED.
- 5. THE DEVELOPER SHALL MAINTAIN ALL EXISTING TREES AND LANDSCAPING UNLESS OTHERWISE SPECIFIED.
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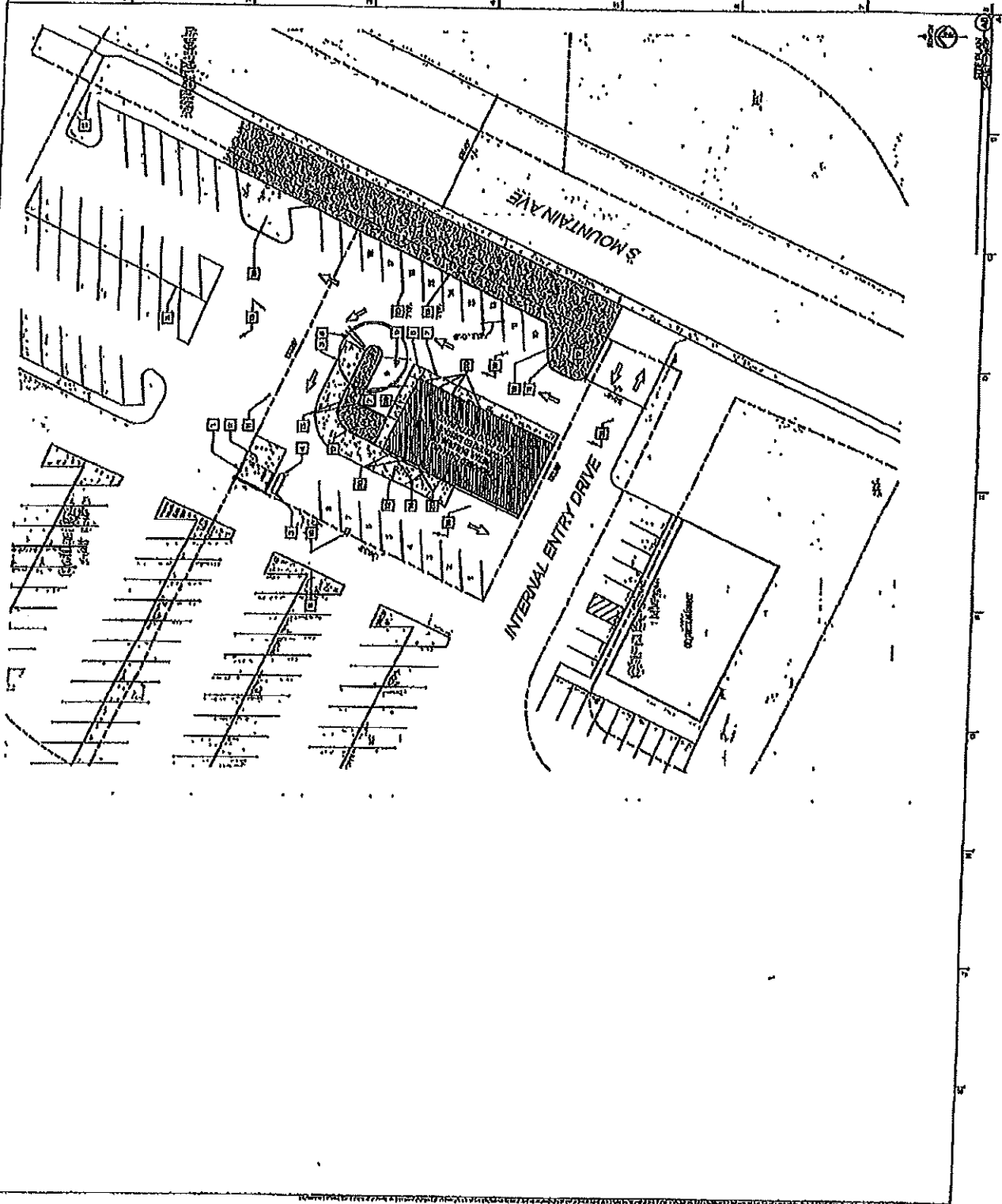


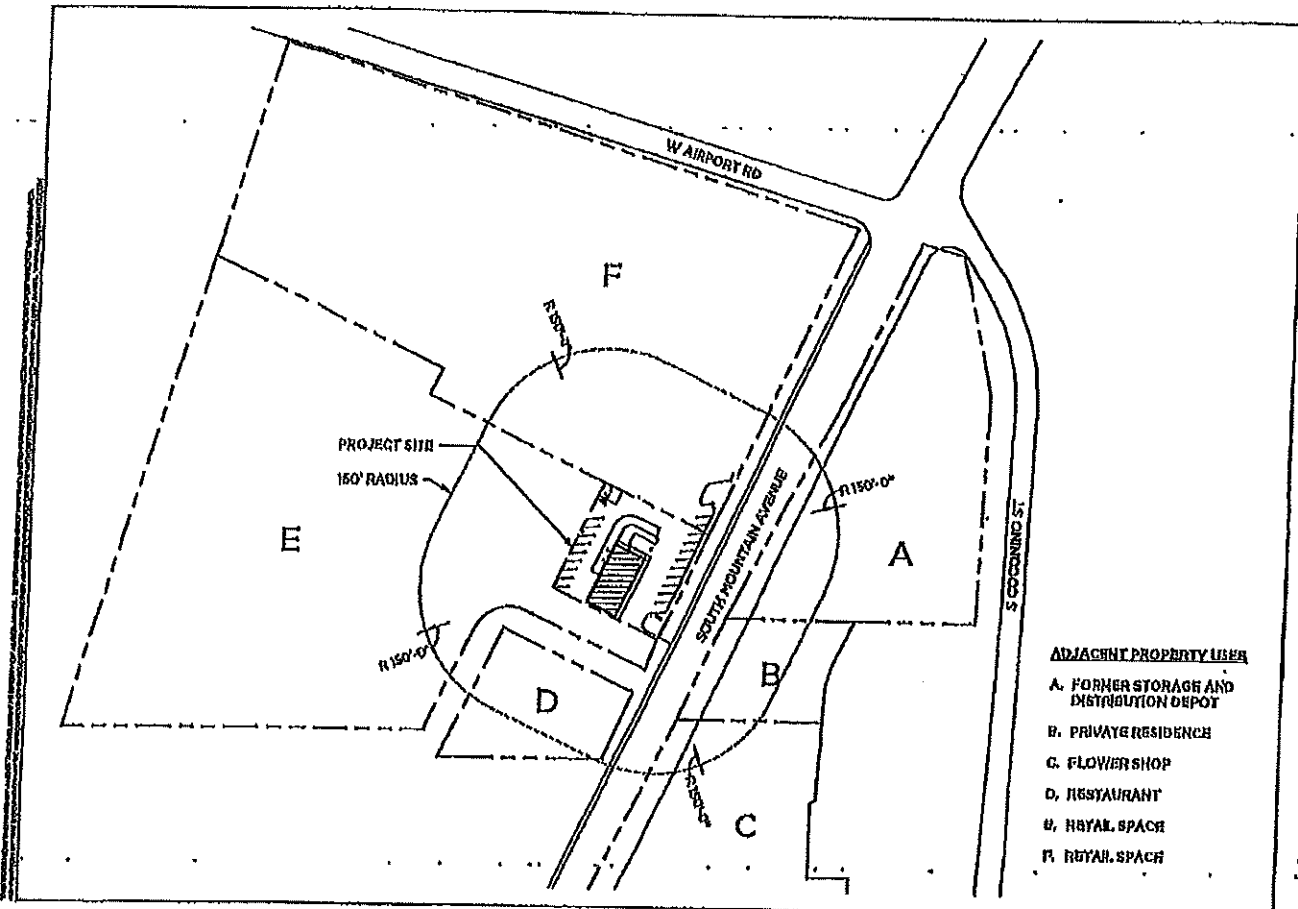
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PARKING COUNTS

DESCRIPTION	AMOUNT
STREET PARKING	10
LOT PARKING	100
BIKE PARKING	5
TRUCK PARKING	5
TOTAL	120





ADJACENT PROPERTY USER

- A. FORMER STORAGE AND DISTRIBUTION DEPOT
- B. PRIVATE RESIDENCE
- C. FLOWER SHOP
- D. RESTAURANT
- E. RETAIL SPACE
- F. RETAIL SPACE

ALDER JAMES
 31502 Her Vida
 Laguna Beach, California
 92651

T 848-528-9070
 www.alderjames.com



Revisions

MOHAVE CANNABIS COMPANY
 SPRINGVILLE

DEBORAH LONGINES
 270 SOUTH MOUNTAIN AVE
 SPRINGVILLE, AZ 85302

Project No. 21-05
 Issue US11 PER-417
 Issue Date 08/24/2021
 Permit No.

VICINITY MAP
CUP-1