



**CITY OF SCOTTSDALE  
NEIGHBORHOOD ADVISORY COMMISSION  
REGULAR MEETING  
MINUTES**

**WEDNESDAY, FEBRUARY 24, 2021**

**MEETING HELD ELECTRONICALLY**

**PRESENT:** Rachel Putman, Chair  
William James, Vice Chair  
Jonathan Budwig, Commissioner  
Louise Lamb, Commissioner  
Carol Miraldi, Commissioner  
Amanda Nash, Commissioner (arrived at 5:04 p.m.)  
Michael Wills, Commissioner

**STAFF:** Greg Bloemberg, Senior Planner  
Taylor Reynolds, Project Coordination Liaison  
Brandon McMahon, Associate Planner

**Call to Order/Roll Call**

The meeting of the Neighborhood Advisory Commission was called to order at 5:00 p.m. A formal roll call was conducted, confirming members present as stated above.

**Public Comment**

No comments were submitted.

**1. Approve Draft Summary Meeting Minutes January 27, 2021**

Chair Putman called for comments/corrections.

COMMISSIONER LAMB MOVED TO APPROVE THE MINUTES OF THE JANUARY 27, 2001, MEETING AS PRESENTED. COMMISSIONER MIRALDI SECONDED THE MOTION, WHICH CARRIED SIX (6) TO ZERO (0) WITH CHAIR PUTMAN, VICE CHAIR JAMES, COMMISSIONERS BUDWIG, LAMB, MIRALDI AND WILLS VOTING IN THE AFFIRMATIVE WITH NO DISSENTING VOTES. COMMISSIONER NASH WAS NOT YET PRESENT.

## **2. 6-TA-2020: Marijuana Text Amendment (Prop. 207)**

Greg Bloemberg, Senior Planner, provided a brief background of the issue beginning with the historical timeline for legalized uses of marijuana for medical purposes in the State of Arizona and the related ordinances for Scottsdale. Currently five locations are approved and operating as medical marijuana uses in Scottsdale, four dispensaries and one cultivation site. Permits are valid for five years.

Vice Chair Nash arrived at 5:04 p.m.

Locations of dispensaries and the cultivation site were identified. Prop 207, legalizing recreational use, was approved by voters and adopted in November, 2020. Cities may adopt reasonable zoning to regulate the sale and use. Sale of recreational marijuana can only be banned outright if a city does not presently have any medical marijuana dispensaries within its jurisdiction. Therefore, Scottsdale must provide the opportunity for the sale of recreational marijuana. The state is still developing rules and regulations to enforce the new law. The City's proposal is that the sale of recreational marijuana will only be permitted with a valid State certification for a medical marijuana dispensary (dual license). If the amendment goes through as proposed, the sale of recreational marijuana will only be permitted at the four existing dispensaries. Others who wish to sell recreational marijuana in Scottsdale must also be able to prove that they have a medical marijuana certificate. A conditional use permit will be required with basically the same criteria as medical marijuana uses. Permitted zoning districts will not change. They will not be permitted in any general commercial district. The amendment will update definitions in the zoning ordinance to align with state law. All references to medical will be eliminated and the intent is to consolidate everything into one marijuana use definition.

The timeline includes virtual open houses in March. Staff will then go before the Planning Commission as a non-action item for feedback, questions and comments, Planning Commission shortly thereafter and then City Council review and adoption.

In response to a question from Vice Chair James, Mr. Bloemberg stated that a CUP is a conditional use permit, which is a City process to acquire a special use permit to operate. It requires Planning Commission and City Council approval.

Vice Chair James identified a point of contention, in that the way the proposition was written was seen as a giveaway to the operators of medical marijuana sites and would essentially block out anyone else. In addition, the proposition included wording regarding providing an advantage to communities that had been adversely affected by marijuana laws and that it was going to be easier for these communities to have a nonmedical dispensary. Mr. Bloemberg stated that City staff is still drafting the text amendment and pending conversations with the Legal department. In 2010, City Council deemed that the three identified districts were most appropriate for such businesses and that the uses at the time (medical), be treated as medical offices. The proposition allows cities to adopt reasonable zoning regulations. In terms of the recreational side, it makes sense from a process and regulation perspective to only allow these types of uses in conjunction

with a medical marijuana use to prevent proliferation of recreational uses throughout the City.

Chair Putman asked whether the ordinance requires product testing before sale in a dispensary and whether any of the requirements relate to testing sites and labs. Mr. Bloemberg stated that state licensed testing facilities will be excluded from the definition of medical marijuana use. Only the dispensaries and cultivation facilities will be regulated by the ordinance.

Chair Putman asked about the potential effect on the cost of a medical marijuana card. Mr. Bloemberg acknowledged that he does not have information on this. The state is still vetting the rules and regulations. Clarifications on details are expected in mid-March.

Commissioner Nash asked for further clarification on the zoning definitions. Mr. Bloemberg stated that CO is commercial office; I-1 is industrial park; and SC is special campus, primarily hospital campuses.

Commissioner Nash asked about the regulations being contemplated on the Salt River Pima-Maricopa Community. Mr. Bloemberg said that the City does not have information as to how Native American communities will be handling the regulations. He is unaware how such communities have handled the medical marijuana aspects, however he will be looking into this. Every city is different. For medical marijuana, some municipalities that do not require any conditional use permit or special zoning approval. Each city will likely have its own regulations and rules, as will Native American communities. Commissioner Nash said it would be interesting to see the borders of the map with this information added. Mr. Bloemberg said that the Salt River Pima-Maricopa Community border is at Pima Road.

Commissioner Nash asked about input received from the Downtown community and the Economic Development Department and how it has affected the text amendment. Mr. Bloemberg stated that he has not received much input from these areas. A private applicant is working on a text amendment, zoning and conditional use permit to allow medical marijuana dispensaries in the Old Town/Downtown area. This is not driven by the City. This has been tabled for the time being for several reasons, including the fact that the City is still working on its regulations for recreational marijuana. In addition, the City does not yet know the rules and regulations for the state.

### **3. 1-GP-2021: Draft Scottsdale General Plan 2035**

Taylor Reynolds, Project Coordination Liaison, reviewed that staff was before the Commission a year ago to seek membership on the Citizen Review Committee (CRC). The General Plan is a broad-based policy document, providing the community's vision and guiding broad decision making for the community. It is not a zoning ordinance, which means it does not serve a regulatory purpose. It is not a budgeting item nor specific project and not merely a land use map. State law requires the City to have a General Plan, effective for up to ten years and required to be updated every ten years. The process involves enhanced public

outreach, going before the Planning Commission for recommendations and City Council adoption. Following City Council adoption, it must proceed through the public ratification process by public vote. The current 2001 General Plan was adopted in 2001 and ratified by public vote in 2002. The General Plan update process proceeded in 2011. It was subsequently adopted, however failed at the public vote in 2012. Thus, the 2001 General Plan remains in effect. The 2035 General Plan update process was intended to update the General Plan and remain within state statute requirements. That process occurred between 2012 and 2014. It included a City Council appointed task force, which met over the course of 32 public meetings as well as a rigorous outreach process. Although the plan never reached the point of presentation to the Planning Commission or City Council, it was utilized as a baseline for the citizen review process. Much of the work put in by the task force was upheld and/or reinforced by the more recent work completed by the CRC.

The CRC was composed of 13 members from the 13 boards and commissions (including NAC) with relevant and related content. The CRC met throughout 2020 via electronic meetings and completed its charge by reviewing the entire plan. They reviewed public comments line by line, to ensure that the draft plan was fully updated, included further clarity and incorporated new goals and policies. The process and timeline was reviewed, currently at Phase 4, public outreach and state required adoption. The plan will be put before the public at large, boards and commissions, Planning Commission and City Council. If approved, it would proceed for consideration of voter ratification this fall. A broad overview of plan contents was provided on the following elements, including community involvement, neighborhood preservation and revitalization and conservation, rehabilitation and redevelopment and implementation. Next steps were discussed.

Vice Chair James asked why the General Plan was voted down and whether there is confidence it will be approved this time. Mr. Bloemberg stated that the 2012 election was a special election, which generally results in lower voter turnout. There was also some community disapproval of resort development being approved at the time by City Council. The new plan is a continuation of the 2035 effort, which was initially penned by the task force. The 2011 plan was drafted by the working group.

Commissioner Miraldi commented that it took significant time and effort to develop the plan and encouraged everyone to read through it.

Commissioner Nash inquired what other issues will be on the November ballot. Mr. Bloemberg stated his understanding that it will be a special election and he is unaware of other items being on the ballot.

Chair Putman recognized Commissioner Miraldi for her service and efforts in representing the NAC on the development of the Plan.

Commissioner Lamb noted that public comment continues to come in and inquired as to any changes may still be made as a result of these comments. Mr. Bloemberg confirmed that public comment will continue to be collected. Staff is forwarding comments to the Planning Commission and City Council for continued review. Work study sessions continue with City Council and Planning

Commission in terms of review and public input. City Council is free to make changes up to the adoption date.

Commissioner Lamb referenced page 133, CL2.1 and expressed concern over the language, "Provide public notification, based on the characteristic." Oftentimes public commenters at City Council meetings will state that they have never been notified regarding certain measures or developments. She asked whether there will be an expansion of notification requirements. Mr. Bloemberg stated that current notifications are based upon state statutes. Generally the City recommends that applicants go further in terms of their distance requirements for notification. If a case will more broadly affect the neighborhood at large, there is a push to stretch the limits of the distance requirement. There are also guiding state statute requirements. This particular policy may inform future policy decisions on distance requirements.

Commissioner Lamb addressed page 54, character and culture and referred to a printout regarding festive edge buffers and transitions (Downtown Scottsdale plan). It shows a gradual increase from a residential neighborhood to commercial to the height of the buildings. She has yet to see this happen in the City. She cited the condominiums on Miller Road between Osborn and 2nd Street, which does not represent a gradual increase from the infill incentive area. She inquired why this has occurred. Mr. Reynolds said he would have to look up the particular case being referenced in terms of when it was approved and the parameters under which it was approved. The document referenced may be the Old Town Scottsdale Character Area Plan or its urban design and architectural guidelines.

Commissioner James said he was very impressed with the Plan and stated it was difficult to see why anyone would object to the contents. There are a number of quality photographs accompanying the report, which shows people enjoying Scottsdale, attending public meetings, TPC and Barrett-Jackson. He noted that not one of the photographs included a person of color. Scottsdale has a ten percent Hispanic population, five percent Asian and two percent Black or African-American. The healthy community standard indicates, "Collaborate with multicultural, diverse community organizations to identify issues of discrimination within the City and develop programs to address them." It further states, "Foster inclusivity and increase access for people of color and individuals with diverse sexual orientation or gender identity." It may be a good idea to have a review of the photograph collection. Mr. Bloemberg stated that staff can take a look at that, in terms of diversity inclusion.

#### **4. Identification of Future Agenda Items**

Commissioner Nash inquired as to the status of the budget. Mr. Reynolds said he will pass this request to Adam Yaron, who would like to have a future item on the neighborhood enhancement grants. Vice Chair James noted that two meetings ago, Commissioner Miraldi requested that the item be put on the agenda. Mr. McMahon stated that a status of the program will be on the next meeting agenda.

Commissioner Miraldi noted that several meetings ago, a gentleman addressed the Commission regarding efforts to assist the homeless in Scottsdale. She would like to invite him back to provide an update.

Commissioner Miraldi asked for an update on the activities of Operation Fix-It.

## **5. Staff Updates**

Mr. McMahon stated that Mr. Yaron will be presenting the 2019 and 2020 Spirit Award winners at the March 2nd City Council meeting.

The next meeting is currently scheduled for Wednesday, March 24th, however there may be staffing conflict with the Planning Commission. Staff will be contacting Commissioners in terms of scheduling.

## **6. Adjournment**

With no further business to discuss, being duly moved by Vice Chair James and seconded by Commissioner Miraldi, the meeting adjourned at 5:58 p.m.

AYES: Chair Putman, Vice Chair James, Commissioners Budwig, Lamb, Miraldi and Nash. Commissioner Wills was not present at the time of adjournment.

NAYS: None

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