

TOWN OF PATAGONIA
PLANNING AND DEVELOPMENT COMMITTEE
MEETING MINUTES
July 14, 2021
Zoom Meeting I.D. 957-511-4862 Password 338501

PLANNING & DEVELOPMENT COMMITTEE MEETING ON AGENDA ITEMS

1. CALL TO ORDER – The meeting was call to order at 6:50 P.M.

2. ROLL CALL

Present: Gerry Isaac, Todd Norton, Laurie Monti via zoom, Patrick O’Neal via zoom, Georgette Larrouy via zoom, Melissa Murrieta via phone. Absent: Ike Isaacson .

PUBLIC ATTENDANCE: Dick Bauerbach, Samantha Carlson, Tempest Smith, Aari Ruben, Miles Baca, Robert Kellock, Sandra Young, Jeff Maxwell, Starr Norton, Duke Norton, Robert Gay, Ron Reibslager, Mary Tolena, Sandra Powell, Damien Kennedy, Michael Stabil
Via Zoom: Denise Bowdon, Philip Brister, Zander Ault, Diana Aussenmacher, V30, 37

3. CORRECTION AND/OR APPROVAL OF MINUTES FROM: June 1, 2021 and June 24, 2021.

MOTION: Committee Member Norton moved to approve the minutes of June 1, 2021.

SECOND: Committee Member O’Neal

DISCUSSION: Committee Member O’Neal noted that the future agenda items should include a discussion of Dark Sky rules for residential properties, and asked that the minutes be amended to reflect this.

VOTE: The motion, as amended, passed by a 6-0 vote, with Committee Members voting as follows:

AYES: Committee Chair Isaac, Committee Members Norton, Monti, O’Neal, Larrouy, Murrieta

NAYS: None

ABSTAINERS: None

ABSENT: Committee Member Isaacson

MOTION: Committee Member Norton moved to approve the minutes of June 24, 2021.

SECOND: Committee Chair Isaac

DISCUSSION: No Comments were made

VOTE: The motion passed by a 6-0 vote, with Committee Members voting as follows:

AYES: Committee Chair Isaac, Committee Members Norton, Monti, O’Neal, Larrouy, Murrieta

NAYS: None

ABSTAINERS: None

ABSENT: Committee Member Isaacson

CALL TO PUBLIC: Only three items are on the agenda for this meeting, and they were the subject of a Public Hearing just preceding this meeting. Accordingly, due to shortness of time, there was no call to the public.

OLD BUSINESS

5. POSSIBLE ACTION ON A USE PERMIT REQUEST SUBMITTED BY ALEXANDER AULT FOR A RETAIL STORE AND BEER & WINE BAR AT 295 MCKEOWN AVE.

MOTION: Committee Member Murrieta moved to RECOMMEND TO THE TOWN COUNCIL TO APPROVE A USE PERMIT REQUEST SUBMITTED BY ALEXANDER AULT FOR A RETAIL STORE AND BEER & WINE BAR AT 295 MCKEOWN AVE.

SECOND: Committee Member Norton

VOTE: The motion passed by a 6-0 vote, with Committee Members voting as follows:

AYES: Committee Chair Isaac, Committee Members Norton, Monti, O'Neal, Larrouy, Murrieta

NAYS: None

ABSTAINERS: None

ABSENT: Committee Member Isaacson

The Committee's recommendation to the Town Council is attached.

6. POSSIBLE ACTION ON A USE PERMIT REQUEST SUBMITTED BY MARY TOLENA FOR AN EVENT AND CAMPING CENTER AT 542 HARSHAW RD.

MOTION: Committee Member Norton moved to RECOMMEND TO THE TOWN COUNCIL TO APPROVE A USE PERMIT REQUEST SUBMITTED BY MARY TOLENA FOR AN EVENT AND CAMPING CENTER AT 542 HARSHAW RD.

SECOND: Committee Chair Isaac

VOTE: The motion passed by a 6-0 vote, with Committee Members voting as follows:

AYES: Committee Chair Isaac, Committee Members Norton, Monti, O'Neal, Larrouy, Murrieta

NAYS: None

ABSTAINERS: None

ABSENT: Committee Member Isaacson

The committee's recommendation to the Town Council is attached.

7. POSSIBLE ACTION ON A USE PERMIT REQUEST SUMITTED BY AARI RUBEN, OWNER OF CACTUS FLOWERS LLC, FOR AN ADULT USE MARIJUANA ESTABLISHMENT AT 436 W. NAUGLE AVE.

MOTION: Committee Member Norton moved to RECOMMEND TO THE TOWN COUNCIL TO APPROVE A USE PERMIT REQUEST SUBMITTED BY AARI RUBEN, OWNER OF CACTUS FLOWERS LLC, FOR AN ADULT USE MARIJUANA ESTABLISHMENT AT 436 W. NAUGLE AVE.

SECOND: Committee Member O'Neal

DISCUSSION: Committee members noted that in the Public Hearing preceding this meeting that some members of the public had expressed concerns and opposition to having a marijuana establishment in Patagonia. The Town Council enacted Town Ordinance 21-01 in January of this year allowing such an establishment, so it is Town policy to allow such activity. Given that there is some controversy regarding the matter, the Committee recommends that the permit be subject to certain conditions which are enumerated in the attached recommendation to the Town Council.

VOTE: The motion passed by a 5-1 vote, with Committee Members voting as follows:

AYES: Committee Chair Isaac, Committee Members Norton, O'Neal, Larrouy, Murrieta

NAYS: Committee Member Monti

ABSTAINERS: None

ABSENT: Committee Member Isaacson

The Committee's recommendation to the Town Council is attached.

NEW BUSINESS

9. NONE

10. Adjourn

MOTION: Committee Member Norton moved to adjourn.

SECOND: Committee Member Larrouy

VOTE: The motion passed by a 6-0 vote, with Committee Members voting as follows:

AYES: Committee Chair Isaac, Committee Members Norton, Monti, O'Neal, Larrouy, Murrieta

NAYS: None

ABSTAINERS: None

ABSENT: Committee Member Isaacson

Meeting adjourned at 7:07 P.M.

Town of Patagonia
Planning & Development Committee
Public Hearing and Possible Action on Use Permit
July 14, 2021

Applicant: Alexander Ault
281 N 3rd Ave
Patagonia, AZ 85624
505-670-9418

Property: 295 McKeown Ave

Parcel #: 106-35-037-A

Parcel size: Total 0.45 Acre approximately, Permit area 2,000sf approximately

Prior Uses: Pilates Studio, Office Space, Retail

Date Applied For: 4/30/21

P&D Review: 6/01/21

Public Hearing Posted: 6/29/21

Public Hearing: 7/14/21

P&D Agenda: 7/14/21

Proposed Use: Retail facility offering beer and wine and hiking and bicycling products

The applicant proposes to operate a business in the old Patagonia Lumber Company property that will offer support for hiking and bicycling activities and a beer & wine bar (including soft drinks, coffee, tea, etc.). It will provide a basic inventory of hiking supplies and bicycle parts, bicycle repair, maps and basic necessities for these outdoor activities. The building and outdoor space is owned by Ted Piper and will be leased to the applicant.

The business will operate under an Arizona Class 7 liquor license, which permits on and off premise beer and wine sales. Food sales are not required under this license, but the applicant is planning to provide food by contracting food truck service Thursday through Sunday. There will be no commercial kitchen on the property. Both indoor and outdoor seating will be available. Indoor space is 450sf and outdoor patio space is 1600sf. Planned regular hours are 7:00AM to 9:00PM. Music will be provided occasionally on weekends in the early evening. Special events will be conducted, with Town approval as necessary, and will comply with curfew closing of 10:00PM. Parking is available on both sides of McKeown Ave and along 3rd Avenue.

Recommendation to the Patagonia Town Council

The Planning & Development Committee has reviewed the permit application, conducted a public hearing on July 14, 2021, and recommends to the Patagonia Town Council that it be approved subject to the following conditions:

1. Applicant or applicant's landlord must obtain a Town of Patagonia Building Permit for any interior or exterior alterations to the property requiring such a permit. The permit will comply with all local building codes.
2. Applicant will apply to the Patagonia Town Manager for signage approvals.
3. Exterior lighting will comply with the Santa Cruz County Dark Sky regulations.

Town of Patagonia
Planning & Development Committee
Public Hearing and Possible Action on Use Permit
July 14, 2021

Applicant: Mary Tolena
542 Harshaw Rd
Patagonia, AZ 85624
520-987-0770

Property: 542 Harshaw Rd

Parcel #: 106-33-008

Parcel size: 0.99 Acre approximately

Prior Uses: Residence, Residential Rental

Date Applied For: 05/06/21

Application Posted: 06/29/21

Public Hearing: 07/14/21

P&D Agenda: 07/14/21

Proposed Use: Facility for meetings, workshops, camping and RV parking.

The applicant proposes to operate a facility to host community meetings, workshops, camps and other social events. The facility would include parking for up to 6 small vans and Class B RVs without waste hookups. Event sizes could range from 15 to 25 participants once or twice per month.

There are two buildings on the property, a "West Building" of about 976sf and the "Main Residence" of about 1268sf. The property borders the Patagonia RV Park on the East, a residence on the West and vacant land on the North. There is adequate ingress, egress and parking on the property for the planned use.

The applicant plans to first construct an approximately 19 'x 12 'restroom, shower and laundry facility for use by guests and Arizona Trail hikers. There are no RV waste dumps planned. Potable water is supplied by well and waste water is connected to the Patagonia Town Sewer. Electricity for the camping area will be provided through an existing meter (currently unused), supplemented by solar. No gas lines will be installed to the camping area.

Applicant will also renovate the existing West Building to create two studio living units. One will be a residence for the applicant and the other for guests, including occasional Airbnb rental. Renovations will include replacing the roof and gutters, upgrading windows and doors, and applying painted acrylic stucco to the exterior

In a second phase, expected to be done in 2022, applicant plans to renovate the Main House and make it into the event meeting facility. Fencing along the Front, West and North will be upgraded with bamboo roll screening, plants and artistic metal work to be aesthetically pleasing, Fencing between the property and the Patagonia RV Park is in good condition and adequate.

The applicant plans to add a street light to the main front street entrance, and other exterior and pathway lighting for the camping area. All lighting will comply with Santa Cruz County Dark Sky regulations. Signage will comply with Patagonia signage rules.

Recommendation to the Patagonia Town Council

The Planning & Development Committee has reviewed the permit application, conducted a public hearing on July 14, 2021, and recommends to the Patagonia Town Council that it be approved subject to the following conditions:

1. Applicant must obtain a Town of Patagonia Building Permit for any interior or exterior alterations to the property requiring such a permit. The permit will comply with all local building codes.
2. Applicant will apply to the Patagonia Town Manager for signage approvals.
3. Exterior lighting will comply with the Santa Cruz County Dark Sky regulations.

Town of Patagonia
Planning & Development Committee
Recommendation to Patagonia Town Council
July 14, 2021

Applicant: Cactus Flowers LLC
Aari Ruben
4426 E Blackridge
Tucson, AZ 85712
520-982-9212

Property: 436 W Naugle Avenue
Parcel #: 106-37-081A
Parcel size: 0.1 Acre approximately
Prior Uses: Restaurant, Laundromat, Residence
Date Applied For: 05/13/21
Application Posted: 06/29/21
P&D Hearing: 07/14/21
P&D Agenda: 07/14/21

Proposed Use: Adult Use Marijuana Retail Establishment

The Town of Patagonia adopted Town Ordinance 21-01 on January 27, 2021: **RELATING TO THE REGULATION OF RECREATIONAL MARIJUANA; ESTABLISHING A PURPOSE; SETTING FORTH DEFINITIONS; PROHIBITING MARIJUANA ON PUBLIC PROPERTY; REGULATING MARIJUANA ESTABLISHMENTS AND/OR MARIJUANA TESTING FACILITIES; ESTABLISHING REGULATIONS FOR PERSONAL USE AT AN INDIVIDUALS PRIMARY RESIDENCE; AUTHORIZING RETAIL SALES FROM MARIJUANA AND MARIJUANA PRODUCTS; IMPOSING FEES; SETTING FORTH VIOLATIONS; AND PROVIDING FOR ENFORCEMENT AND PENALTIES.**

The applicant currently owns and operates a medical marijuana dispensary in East Tucson. He was awarded one of two Arizona adult marijuana lottery licensees in Santa Cruz County, and proposes to open an adult use marijuana retail establishment on the property. He is the current owner of the property.

The establishment will contain a showroom, retail sales area, storage space and the existing commercial kitchen, which may be used to make edible product for sale. Marijuana plants may be grown to produce cuttings for sale to individuals who wish to grow marijuana at home. It is not contemplated at this time to perform other processing or lab testing at the establishment.

When fully operational, the establishment will be open from 8am to 8pm 7 days a week. It is expected to have 80 to 100 customers per day, which would average 6 to 8 per hour. The facility has only two parking spaces off street, but there is adequate parking along Naugle Avenue.

The facility will have adequate physical security and security cameras. Any new exterior lighting will comply with Santa Cruz County Dark Skies regulations.

Recommendation to the Patagonia Town Council

The Planning & Development Committee has reviewed the permit application, conducted a public hearing on July 14, 2021, and recommends to the Patagonia Town Council, on a vote of 5 to 1, with one not present, that the permit be approved subject to the following conditions:

1. Applicant must obtain a Town of Patagonia Building Permit for any interior or exterior alterations to the property requiring such a permit. The permit will comply with all local building codes.
2. Applicant will apply to the Patagonia Town Manager for signage approvals.
3. Exterior lighting will comply with the Santa Cruz County Dark Sky regulations.
4. Continuation of the Permit is subject to full compliance with all Arizona, Santa Cruz County and Town of Patagonia laws, regulations, administrative and court decisions regarding Adult Use Marijuana Establishments.
5. The Permit will be reviewed annually beginning 12 months after operations commence.
6. The Permit may be revoked if any of these conditions are violated or the Town Council determines that continuation of the permitted activity presents public safety concerns or is not in the public interest. If a revocation is under consideration, the Town Council will give the permit holder a reasonable opportunity to remedy the concerns of the Council.