

Zoning Ordinance Text Amendment

Section 1303.B – Medical Marijuana Dispensary Hours of Operation

Application PL-16-0198

City Council Public Hearing
November 21, 2016

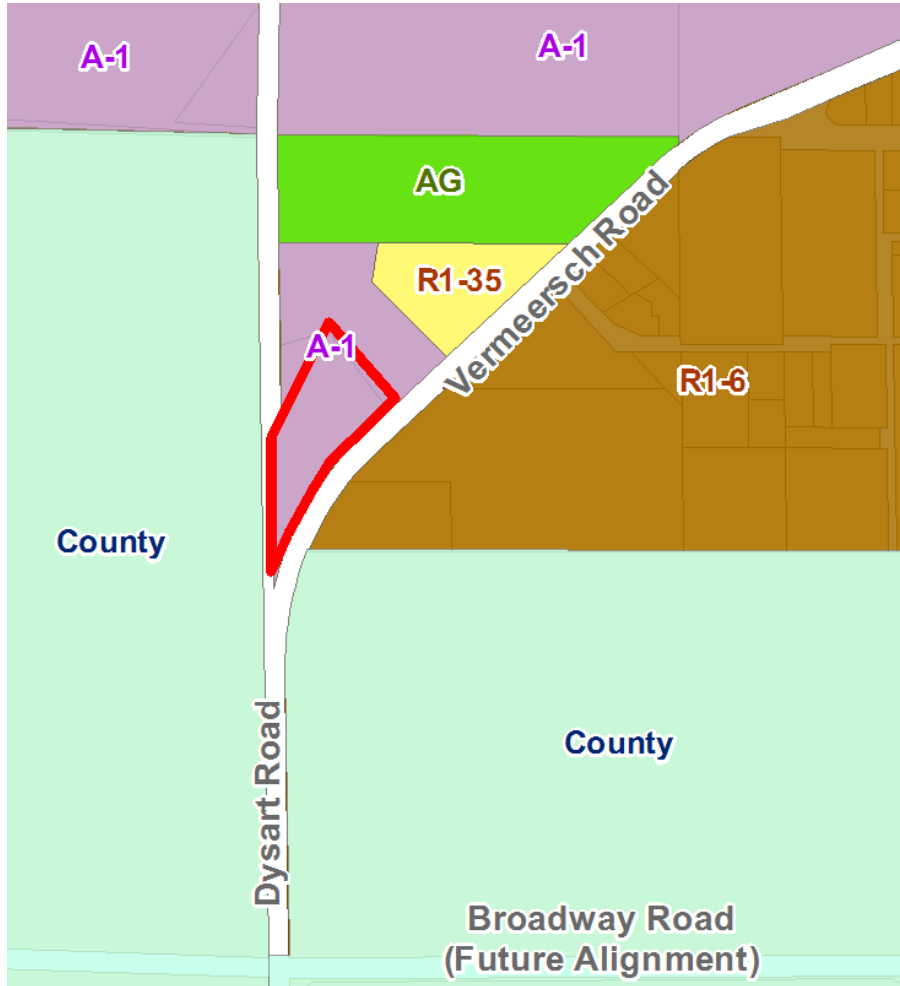
Presenter: Ken Galica, Senior Planner



Background

- November 2010 – Voters approve Proposition 203 (Arizona Medical Marijuana Act)
- February 2011 – City Council Approves “City of Avondale Medical Marijuana Uses Regulations”
 - Zoning Ordinance Section 13; Establishes regulations for medical marijuana dispensaries, including location requirements and limits on hours of operation
- August 2014 – City Council approves amendment to ZO Section 13, allowing dispensaries to operate on weekends.
- February 2016 – City’s First Dispensary Opens (Golden Leaf Wellness)

Golden Leaf Wellness



Request

1303.B. A medical marijuana dispensary shall have operating hours not earlier than ~~9:00~~ 8:00 a.m. and not later than ~~6:00~~ 9:00 p.m.



Analysis

- Concerns over Criminal Activity
 - Regulations were adopted in 2011 because there was sufficient concern/evidence that dispensaries may be linked to increases in crime in the surrounding vicinity
 - GLW is located in an isolated, remote location with minimal street lighting
 - Proposal is **not supported** by the Avondale Police Department due to concerns that operating in non-daylight hours could lead to increased crime

Analysis

- Comparison of City Restrictions
 - Avondale is generally comparable to other valley municipalities.
 - Avondale allows for dispensaries to operate 7 days a week, allowing people with a variety of work schedules ample opportunity to access the facility.

City	Permitted Dispensary Hours
Avondale	9:00 A.M. to 6:00 P.M.
Goodyear	8:00 A.M. to 7:00 P.M.
Glendale	8:00 A.M. to 8:00 P.M.
Tolleson	9:00 A.M. to 5:00 P.M.
Peoria	8:00 A.M. to 9:00 P.M.
Surprise	Unrestricted
Phoenix	8:00 A.M. to 7:00 P.M.
Scottsdale	6:00 A.M. to 7:00 P.M.
Mesa	8:00 A.M. to 9:00 P.M.
Gilbert	8:00 A.M. to 6:00 P.M.
Chandler	9:00 A.M. to 7:00 P.M.
Tempe	8:00 A.M. to 8:00 P.M.



Findings

- The proposed amendment does not constitute an improvement to the Zoning Ordinance.
- The proposed amendment is not supported due to concerns that operations outside of daylight hours could result in increased crime.
- The City's current regulations are largely in line with the regulations of other municipalities within the region.
- The City's current regulations allow for dispensaries to operate 7 days a week, from 9:00 a.m. to 6:00 p.m., affording people on nearly all work schedules the opportunity to access a dispensary.

Public Participation

- Legal Advertisement published in 10/5/16 West Valley View.
- Petition (unverified) with 208 signatures of patients in support of the proposed amendment.
- No additional public comments to date.



Planning Commission Recommendation

Planning Commission heard the case on October 20th and forwarded **NO RECOMMENDATION**
(Commission split 3-3)

Staff Recommendation

Staff recommends **DENIAL** of Application PL-16-0198



Public Hearing and Discussion

Zoning Ordinance Text Amendment

Section 1303.B (Medical Marijuana
Dispensary Hours of Operation)

Application PL-16-0198

