

Board of Adjustment

Staff Report

CASE NUMBER: BA17- 032 (PLN2017-00188)
STAFF PLANNER: John D. Wesley, AICP – Planning Director
CITY’S LEGAL COUNSEL: Mesa City Attorney’s Office - Mary Grace McNear, Esq.; Charlotte McDermott, Esq.
LOCATION/ADDRESS: 1842 and 1911 W. Broadway
COUNCIL DISTRICT: 3
APPELLANT: Nova Dispensary
APPELLANT’S LEGAL COUNSEL: Jeffrey Blilie, Esq., Bues Gilbert

REQUEST: An appeal of a Zoning Administrator interpretation of the separation requirements for medical marijuana dispensaries located at 1842 W. Broadway and 1911 W. Broadway.

The appeal of the interpretation raises, as one of its issues, whether the City should have approved VHG because of the code required separation between dispensaries and churches. The separation requirement in the code is 1,200 feet and there is a church less than 1,000 feet from the VHG facility. A text amendment has been drafted by staff to remove this separation requirement for churches located in non-residential zoning districts. This ordinance modification has been recommended for approval by the Planning and Zoning Board and will be considered for action by the City Council on June 19. If approved by the Council, this issue will become moot.

For this reason, staff recommends continuance of this case to the July 12, 2017 Board meeting to allow Council to act on the proposed text amendment prior to consideration of this case. The appellant has not objected to this continuance.