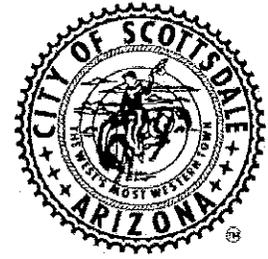


PLANNING COMMISSION REPORT



Meeting Date: July 27, 2016
General Plan Element: *Land Use, Economic Vitality*
General Plan Goal: *Create a sense of community through land uses*
Support a diversity of businesses

ACTION

Medical Marijuana Text Amendment 8-TA-2010#3

Request to consider the following:

1. A recommendation to City Council regarding a request by the City, as the applicant, for a text amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including revisions to separation requirements and possible addition of protected uses.

Key Items for Consideration

- City Council initiated text amendment
- Conformance with the adopted General Plan
- Increased separation requirements for Medical marijuana uses
- Additional protection for specified sensitive land uses

APPLICANT CONTACT

Bryan Cluff
City of Scottsdale
480-312-2258

LOCATION

Citywide

BACKGROUND

State Regulations

Action Taken _____

In 2012, the Arizona Department of Health Services (ADHS) based locations of medical marijuana facilities on established Community Health Analysis Areas, or “CHAAs”. There are seven (7) CHAAs that overlap the Scottsdale city limits. Two CHAAs cover the vast majority of the city. Five other CHAAs extend into the edges of the city limits. Please see Attachment #5 for a map of the CHAA areas in the City of Scottsdale. Originally, ADHS limited the number of medical marijuana licenses to one (1) per CHAA. When the Zoning Ordinance was revised in 2011 and updated in 2012 it was anticipated, based on the State licensing requirements, that there would only be one (1) or two (2) Medical marijuana uses within the boundaries of the city. However, once a licensed facility in good standing has been in operation for three (3) or more years, State rules allow the owner of the facility to relocate their license within the state based on market demand. To date, a total of three (3) dispensaries relocated to the City Scottsdale from another CHAA after having been in operation for 3 or more years. There are currently no active pending medical marijuana applications; however, several inquiries have been received regarding potential locations for new applications.

Each calendar year, ADHS reviews the current valid dispensary registration certificates to determine if any new certificates may be issued. The total number of certificates within the State may not exceed one (1) license for every ten (10) registered pharmacies. Currently, ADHS has issued 99 certificates within the State, 93 of which are active. According to ADHS, there will be an additional 31 certificates issued this year, statewide.

Possible Legislation:

There is a ballot initiative related to the legalization of recreational marijuana use within the State of Arizona which appears to have obtained the necessary number of signatures and will likely appear on the ballot in November 2016. Approval this initiative will have substantial impacts on how medical marijuana uses are handled within the State of Arizona. The language included in the proposed legislation is set up to allow for existing medical marijuana facilities to transition in to recreational marijuana facilities. These facilities will no longer need to comply with the ADHS Rules and Regulations for the Medical Marijuana Program and will rather be under the authority of a new State board similar to the State Liquor Board. The initiative also allows for recreational marijuana sales, cultivation, and infusion licenses to be granted to new applicants, after existing medical marijuana facilities have had the opportunity to transition.

The proposed language provides local governments with the authority to regulate and limit marijuana businesses. If the initiative passes, an additional text amendment may be necessary to modify zoning requirements accordingly.

City Regulations

The City allows Medical marijuana uses, including dispensaries, in only a few zoning districts (Industrial Park (I-1), Commercial Office (C-O), and Special Campus (SC)). With the adoption of the City’s existing regulations on Medical marijuana uses in 2011, these districts were chosen based on their predisposition to cater toward office and medical office type uses. Medical marijuana dispensaries essentially function in the same way a medical office and/or pharmacy would function. In each of these zoning districts, a Conditional Use Permit is required to demonstrate compliance with specific criteria, including separation and compatibility requirements. The current limited zoning district locations, separation requirements, and market forces will influence the eventual

number of medical marijuana facilities. See Attachment #6 for a map showing possible locations of future Medical Marijuana facilities within the City of Scottsdale under existing regulations. If future medical marijuana facilities were to locate in the most efficient way possible, it is estimated that up to 35 additional locations may meet the separation requirements of the current regulations. However, 35 may be an unrealistically high number. The City’s existing Conditional Use Permit criteria is summarized in the table below. For full Zoning Ordinance language of the current criteria, please refer to Attachment #3.

Criteria	Existing
<i>All operations to be within enclosed building</i>	Yes
<i>Separation required from protected uses:</i>	
<i>Residential</i>	500 feet
<i>Schools</i>	500 feet
<i>Separation required between other MMJ uses</i>	1,320 feet
<i>Refuse control plan required</i>	Yes
<i>Public safety plan required</i>	Yes
<i>Drive-through service allowed</i>	No

Other Municipalities

Other municipalities within the State of Arizona have enacted similar zoning regulations on Medical marijuana uses within their jurisdictions. Based on analysis of researched regulations across the valley, on average, the City of Scottsdale currently appears to be less restrictive than most other surrounding jurisdictions. Specifically, the City of Scottsdale has the least number of protected uses (i.e. schools, churches, residential, etc.), and is on the low end of separation requirements between Medical marijuana uses, and distance away from protected uses. Several other valley cities are dealing with the same concerns with regard to the increase in number of inquiries for new facilities, which has spurred changes in their regulations. Some key points of what these other communities are doing with their regulations are highlighted below.

Items of note:

- The average required separation between Medical marijuana uses for the surveyed municipalities (including the City of Scottsdale) is 3,706 feet. This is more than double the current requirement in the City of Scottsdale, which is 1,320 feet. Five (5) of the eight (8) cities surveyed require a 1-mile (5,280 feet) separation between facilities.
- The average required separation between medical marijuana Uses and schools for the surveyed municipalities (including the City of Scottsdale) is 1,220 feet. This is almost three times the current requirement in the City of Scottsdale, which is 500 feet.
- Other protected uses that have been identified in other valley jurisdictions that are not

currently protected in the City of Scottsdale include: Churches, Child Care, Parks, Community Buildings, Libraries, Hospitals, Homeless Shelters, Youth Centers, and Rehab Facilities.

- On April, 20 2016, the City of Phoenix approved a text amendment to their zoning ordinance which increased the required separation between a dispensary and residential from 250 feet to 500 feet, increased the required separation from a place of worship from 500 feet to 1,320 feet, and added Dependent Care, Homeless Shelter, and Youth Center as protected uses, with a required separation of 1,320 feet.
- In December of 2015, the City of Tempe amended their zoning ordinance to place a hard cap on the number of Medical Marijuana Uses allowed within the city limits, limiting the total number of uses to two (2).
- In May of 2016, the Town of Gilbert approved a text amendment to their zoning ordinance placing a hard cap on the number of Medical Marijuana Uses allowed within the town limits, limiting the number of uses to two (2).
- Per their amended ordinance approved in 2011, the Town of Paradise Valley has placed a hard cap on the number of Medical Marijuana Uses allowed in the Town, limiting the use to one (1).

Other Related Policies, References:

- Zoning Ordinance
- 8-TA-2010: Approved a zoning ordinance text amendment for the purpose of creating ordinance regulations resulting from and related to the legalization of the medical use of marijuana (Arizona Proposition 203).
- 8-TA-2010#2: Approved a zoning ordinance text amendment updating regulations related to Medical marijuana uses, which clarified separation requirements from multi-family residential uses, clarified the intent of school protections, and combined dispensary uses in to one Medical marijuana use.
- Arizona Revised Statutes, Title 36, Chapter 28.1
- Arizona Department of Health Services, Title 9, Chapter 17

APPLICANTS PROPOSAL

Goal/Purpose of Request

On May 17, 2016, the City Council initiated this text amendment to amend the Medical marijuana criteria and/or other provisions within the Zoning Ordinance to ensure compatibility with surrounding uses. The specific direction was to increase the required separation between Medical marijuana uses, increase the required separation from schools and residential uses, and to add churches, day care, and public parks as protected uses. The Council direction also included the provision of grandfathering language that would allow the existing medical marijuana facilities to continue operation.

The proposed text amendment includes revisions to Sections 1.403.L. and 1.403.M. regarding the

Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation. The specific changes to the text are highlighted in the table below:

Criteria	Existing	Proposed
<i>All operations to be within enclosed building</i>	Yes	No change
<i>Separation required from protected uses:</i>		
<i>Residential</i>	500 feet	1,500 feet
<i>Schools</i>	500 feet	1,500 feet
<i>Church</i>	none	1,500 feet
<i>Public Park</i>	none	1,500 feet
<i>Day Care</i>	none	1,500 feet
<i>Separation required between other MMJ uses</i>	1,320 feet	2,640 feet
<i>Refuse control plan required</i>	Yes	No change
<i>Public safety plan required</i>	Yes	No change
<i>Drive-through service allowed</i>	No	No change

In addition to the changes identified above, provisions are included that allow existing Medical marijuana uses that are legally established prior to September 30, 2016 (effective date of this ordinance if approved) to continue operation, including renewals, extensions, and/or expansions, under the current requirements for Medical marijuana uses. For the full draft language of the proposed text amendment, please refer to Attachment #4.

IMPACT ANALYSIS

General Plan

The 2001 General Plan is a policy document that establishes the community's long term vision, establishes locations for general land uses and guides the physical development of the City. The Plan encourages a high-quality, attractive community for residents, businesses and visitors. The Zoning Ordinance regulations help to implement the goals and objectives of the General Plan. As a result, when requests to amend implementation tools of the General Plan are brought forward for consideration, the impacts of those changes are assessed in relation to the community's best interests as described in the Plan.

This text amendment to the Zoning Ordinance implements the goals and policies of the 2001 General Plan that encourage protection of local neighborhoods, by providing citizens with greater clarity as to where the community can expect this particular land use to locate, as well as, giving

applicants a clear understanding of the locations available to accommodate the land use through the administration of the Zoning Ordinance.

Land Use

The proposed amendments to the Conditional Use Permit criteria for Medical marijuana uses and Medical marijuana caregiver cultivation will provide better compatibility with surrounding land uses through increased separation from the existing specified sensitive uses of schools and residential, and also identifies and protects additional sensitive uses that are not protected by the existing criteria. The proposed ordinance changes continue to provide for potential future locations of Medical marijuana uses within the city.

Public Safety

The existing Conditional Use Permit criteria for Medical marijuana uses and Medical marijuana caregiver cultivation include the requirement for a public safety plan and refuse control plan which are subject to review and approval by the Scottsdale Police Department. These requirements are not changing and will remain in effect.

Community Involvement

The City of Scottsdale, as the applicant, placed a 1/8 page ad in the newspaper, and sent notice to the City of Scottsdale’s interested parties list regarding the proposed text amendment and open house dates. The City held two (2) open house meetings, one June 14, 2016 and the second June 16, 2016. There were a total of two (2) attendees from both open house meetings. One attendee was a member of the development community and was in attendance for informational purposes. The second attendee was an attorney representing a client in the medical marijuana industry. This attendee submitted formal comments in support of the language to allow existing facilities to continue operation under the existing criteria. Formal public comments received are included in this report in Attachment #8. As of the date of this report, city staff has received several other general inquiries through phone and email.

Community Impact

It is not anticipated that the proposed text amendment will have any effect on city infrastructure, traffic, or services. The proposed amendments to the Conditional Use Permit criteria for Medical marijuana uses and Medical marijuana caregiver cultivation will better provide for compatibility with surrounding land uses through increased separation from the existing specified sensitive uses of schools and residential, and also identifies and protects additional sensitive uses that are not protected by the existing criteria.

OTHER BOARDS & COMMISSIONS

City Council

The City Council initiated this text amendment as the “Medical Marijuana Text Amendment” (65-PA-2016) at their May 17, 2016 meeting.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Planning Commission find that the zoning text amendment is consistent and conforms with the adopted General Plan, and make a recommendation to City Council for approval.

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

Bryan Cluff

Senior Planner

480-312-2258

E-mail: bcluff@ScottsdaleAZ.gov

APPROVED BY



Bryan Cluff, Report Author

Date 7/20/16



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

Date 7/20/2016



Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

Date 7/21/16

ATTACHMENTS

1. Applicant's Narrative
2. Citizen Involvement
3. Existing Conditional Use Permit Criteria for Medical Marijuana Uses
4. Proposed Zoning Ordinance Text
5. Community Health Analysis Areas (CHAA) Map
6. Potential Medical Marijuana Use Locations Map – EXISTING
7. Potential Medical Marijuana Use Locations Map – PROPOSED
8. Public Comment



Project Narrative

This document will be uploaded to a Case Fact Sheet on the City's web site.

Date: 5/18/16

Project No: 65 -PA-2016

Coordinator: Bryan Cluff

Case No: _____

Project Name: Medical Marijuana Text Amendment

Project Location: City-Wide

Property Details: Single-Family Residential Multi-Family Residential Commercial Industrial

Current Zoning: N/A Proposed Zoning: N/A

Number of Buildings: N/A Parcel Size: N/A

Gross Floor Area/Total Units: N/A Floor Area Ration/Density: N/A

Parking Required: N/A Parking Provided: N/A

Setbacks: N - N/A E - N/A S - N/A W - N/A

Description or Request:

Request by the City of Scottsdale, as the applicant, for a Text Amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including possible revisions to separation requirements and addition of protected uses.

Planning, Neighborhood & Transportation Division

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088

Citizen Review Report
8-TA-2010#3 (65-PA-2016)
Medical Marijuana Text Amendment

Overview

This Citizen Review Report has been prepared in association with the request by the City of Scottsdale, as applicant, for a text amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including possible revisions to separation requirements and addition of protected uses.

The text amendment was initiated by the City of Scottsdale City Council as the “Medical Marijuana Text Amendment” (65-PA-2016) at their May 18, 2016 meeting.

Community Involvement

Open Houses

The City of Scottsdale, as the applicant, placed a 1/8 page ad in the newspaper, and sent notice to the City of Scottsdale’s interested parties list regarding the proposed text amendment and open house dates. The City held two (2) open house meetings, one June 14, 2016 and the second June 16, 2016. There were a total of two (2) attendees from both open house meetings. One attendee was a member of the development community and was in attendance for informational purposes. The second attendee was an attorney representing a client in the medical marijuana industry. This attendee submitted formal comments in support of the language to allow existing facilities to continue operation under the existing criteria.

City Website

Case information regarding the proposed Planned Shared Development (PSD) text amendment has been posted on the case information sheet on the City website since May 18, 2016. The case information sheet includes information regarding the request, any submitted documents, notable dates, and contact information for the Staff Coordinator. The case information sheet was updated with new information as the proposal progressed.

Attachments

- Case Information Sheet
- Open House notice (1/8th page ad)
- Open House sign-in sheets
- Interested parties mailing list
- Planning Commission notice (1/8th page ad)



CASE INFO SHEET

ACTIVE

8-TA-2010#3

MEDICAL MARIJUANA TEXT AMENDMENT

Active & Proposed Projects: The complete file is available to view at the Current Planning office located at 7447 E. Indian School Road, Scottsdale, AZ 85251. 
(<https://www.google.com/maps/place/7447+East+Indian+School+Road+Scottsdale+AZ+85251>)

Request

Request by the City of Scottsdale, as the applicant, for a Text Amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including possible revisions to separation requirements and addition of protected uses.

Applicant's Submittal (PDF, 625.8 KB)

(http://eservices.scottsdaleaz.gov/planning/projectsummary/applicant_submittals/ProjInfo_8_TA_2010_)

Location

City-Wide 

Show on City Map (<http://eservices.scottsdaleaz.gov/maps/cases>)

Public Hearing Information

Open House

6/14/2016

Open House

6/16/2016

Planning Commission

7/27/2016

Dates given for public hearings are tentative and subject to change.

Please call 480-312-7000 (tel:480-312-7000) the day before the scheduled hearing to confirm the date and time.

If you wish to speak, please arrive early to fill out a comment card.

Applicant

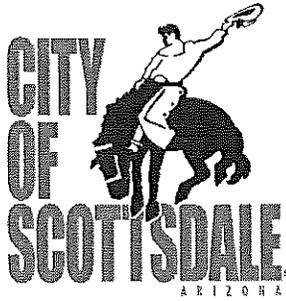
CITY OF SCOTTSDALE
Bryan Cluff
480-312-2258 (tel:480-312-2258)

Coordinator

Bryan Cluff
480-312-2258 (tel:480-312-2258)
Contact Staff Coordinator (/bldgresources/Contact/?id=46218&mode=coordinator)

Contact Information

The preceding data provides general information only.
The complete file is available to view at the Current Planning office located at 7447 E. Indian School Road, Scottsdale, AZ 85251. 
(<https://www.google.com/maps/place/7447+East+Indian+School+Road+Scottsdale+AZ+85251>)
For additional information about this application, please contact Current Planning at 480-312-3111 (tel:480-312-3111) or click the link below to send an email.
Please mention the specific case number when calling or e-mailing.
Contact Current Planning (/bldgresources/Contact/?id=46218&mode=planning)



Seeking Community Input

**SEEKING COMMUNITY INPUT ON PROPOSED REVISIONS TO THE CITY OF
SCOTTSDALE ZONING ORDINANCE FOR
Medical Marijuana Text Amendment (8-TA-2010#3 / 65-PA-2016)**

The City of Scottsdale is preparing a Zoning Ordinance text amendment that will amend the Conditional Use Permit criteria for Medical marijuana caregiver cultivation and Medical marijuana uses.

The proposal may amend portions of Article I "Administration and Procedures" related to the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, increasing the required distance of separation from residential districts and schools from 500 feet to 2,640 feet, increasing the required distance of separation from other Medical marijuana uses from 1,320 feet to 2,640 feet, adding Church, Day care, and Public park as protected uses with a required separation distance of 2,640 feet, and adding grandfather provision for existing Medical marijuana uses. The proposal may include revisions to definitions, district regulations, general provisions, parking, and landscaping.

As part of a broad city-wide outreach on this proposal, the community is invited for review and comment.

Please attend one of two Open Houses regarding the proposed text amendment.

Tuesday, June 14, 2016, 5:00-6:00 p.m.
Scottsdale Airport Terminal Lobby
15000 North Airport Drive
Scottsdale, AZ

or

Thursday, June 16, 2016, 5:00-6:00 p.m.
One Civic Center
7447 E. Indian School Road
Scottsdale, AZ

City Staff Contact: Bryan Cluff, Senior Planner
bcluff@scottsdaleaz.gov
480-312-2258

Additional project information is available on the internet at:
<http://eservices.scottsdaleaz.gov/bldgresources/Cases>



OPEN HOUSE INVITATION



8-TA-2010#3 Medical Marijuana

The City is preparing a Zoning Ordinance amendment, changing the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, by increasing the required distance of separation from residential districts and schools from 500 feet to 2,640 feet, increasing the required distance of separation from other Medical marijuana uses from 1,320 feet to 2,640 feet, adding Church, Day care, and Public park as protected uses with a required separation distance of 2,640 feet, and adding grandfather provisions for existing Medical marijuana uses. The proposal may also include revisions to definitions, district regulations, general provisions, parking, and landscaping.

For more information, call **480-312-7000** or e-mail **ProjectInput@ScottsdaleAZ.gov**.

You are invited. Two open house meetings will be hosted by the City for the purpose of gathering community input on this proposal.

Tuesday, June 14, 5:00 to 6:00 p.m.
Scottsdale Airport Terminal Lobby
15000 North Airport Drive

or

Thursday, June 16, 5:00 to 6:00 p.m.
One Civic Center
7447 E. Indian School Road
Community Development Conf. Rm. 1, 2, 3

Staff representatives will be available to provide information and respond to questions.

Staff Contact:

Bryan Cluff, Senior Planner
bcluff@ScottsdaleAZ.gov
480-312-2258



Medical Marijuana 8-TA-2010#3
June 14, 2016
Sign-In Sheet

Open House



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: _____ Phone: _____

Address: _____

E-mail: _____

Affiliation: _____

Name: _____ Phone: _____

Address: _____

E-mail: _____

Affiliation: _____

Name: _____ Phone: _____

Address: _____

E-mail: _____

Affiliation: _____

Name: _____ Phone: _____

Address: _____

E-mail: _____

Affiliation: _____

Name: _____ Phone: _____

Address: _____

E-mail: _____

Affiliation: _____

Name: _____ Phone: _____

Address: _____

E-mail: _____

Affiliation: _____



Medical Marijuana 8-TA-2010#3
June 16, 2016
Sign-In Sheet

Open House



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Mike Bergfeld Phone: 480-239-5170
 Address: 4602 N. 75th Way
 E-mail: mbarzmb@yahoo.com
 Affiliation: Citizen

Name: Jen Hall/Rose Law Group Phone: (480) 595 3900
 Address: 7144 E. Stetson Dr. #300
 E-mail: jhall@roselawgroup.com
 Affiliation: March

Name: _____ Phone: _____
 Address: _____
 E-mail: _____
 Affiliation: _____

Name: _____ Phone: _____
 Address: _____
 E-mail: _____
 Affiliation: _____

Name: _____ Phone: _____
 Address: _____
 E-mail: _____
 Affiliation: _____

Name: _____ Phone: _____
 Address: _____
 E-mail: _____
 Affiliation: _____

Owner	Company	Address	City	State	Zip
Kurt Merschman		6750 E Camelback Rd, Ste 100	Scottsdale	AZ	85251
AZ Natural Selections		7320 E. Butherus Dr., Suite 100	Scottsdale	AZ	85260
Green Sky Patient Center of Scottsdale North, Inc.		10115 E. Bell Rd., Suite 107-204	Scottsdale	AZ	85260
Sky Peak, LLC		14901 N. Scottsdale Rd. #201	Scottsdale	AZ	85254
Premier Arizona Rentals, LLC		6131 Halburg Way	Vernon	CA	90058
The Scottsdale Dispensary		14980 N. 78th Way Suite 204 & 207	Scottsdale	AZ	85260
CLG Investments, LLC		30600 n. Pima Rd., Suite 75	Scottsdale	AZ	85262
Harvest of Scottsdale		15190 N. Hayden Rd	Scottsdale	AZ	85260
Pure Bliss Premium Medibles, LLC		7655 E. Evans Rd., Suite 5	Scottsdale	AZ	85260
Hot Properties, LLC		8220 E. Bronco Trail	Scottsdale	AZ	85255
Hot Properties, LLC		P. O. Box 13931	Scottsdale	AZ	85267
Real Estate Holdings Group, LLC		5013 E. Washington St., Suite 100	Phoenix	AZ	85034
Dustin Johnson		8729 E. Manzanita Drive	Scottsdale	AZ	85258
Annette Petrillo		1169 E. Clovefield Street	Gilbert	AZ	85298
Audry Villaverde	Withey Morris, PLC	2525 E. Arizona Biltmore Circle; Suite A-212	Phoenix	AZ	85016
Chris Schaffner		7346 E. Sunnyside Dr.	Scottsdale	AZ	85260
Dan Sommer		12005 N 84th Street	Scottsdale	AZ	85260
David G. Gulino		7525 E. Camelback Road, Suite 104	Scottsdale	AZ	85251
Dr. Sonnie Kirtley	COGS	8507 East Highland Avenue	Scottsdale	AZ	85251-1822
Ed Toschik, President		7657 E Mariposa Grande Dr	Scottsdale	AZ	85255
Guy Phillips		7131 E. Cholia St.	Scottsdale	AZ	85254
Jim Funk	Gainey Ranch Community Association	7720 Gainey Ranch Road	Scottsdale	AZ	85258
Jim Haxby		7336 E. Sunnyside Dr.	Scottsdale	AZ	85260
John Berry/Michele Hammond	Berry Riddell, LLC	6750 E Camelback Rd, Ste 100	Scottsdale	AZ	85251
John Washington		3518 N Cambers Court	Scottsdale	AZ	85251
Leon Spiro		7814 E Oberlin Way	Scottsdale	AZ	85266
Linda Whitehead		9681 E Chuckwagon Lane	Scottsdale	AZ	85262
Lori Haye		P.O. Box 426	Cave Creek	AZ	85327
Maricopa County Superintendent of Schools		4041 N. Central Avenue Suite 1200	Phoenix	AZ	85012
Mike Leary	Michael P. Leary, LTD, Real Estate Development Co	10278 E. Hillery Dr.	Scottsdale	AZ	85255
Mike McNeal, Supervisor	AT&T	1231 W. University Drive	Mesa	AZ	85201
Planning & Engineering Section Manager	Arizona State Land Department	1616 W. Adams Street	Phoenix	AZ	85007
Project Management	Arizona Department of Transportation	205 S. 17th Avenue MD 6012E	Phoenix	AZ	85007
Randall P. Brown	Spring Creek Development	7134 E. Stetson Drive; Suite 400	Scottsdale	AZ	85251
Richard Turner, Planning and Zoning Admii	Town of Fountain Hills	16705 E. Avenue of the Fountains	Fountain Hills	AZ	85268
Sherry Wagner/Right-of-Way Technician, S	Mail Station PAB348	P.O. Box 52025	Phoenix	AZ	85072-2025
	Withey Morris, PLC	2525 E. Arizona Biltmore Circle; Suite A-212	Phoenix	AZ	85016
	Gammage & Burnham, PLC	2 N. Central Avenue, 15th Floor	Phoenix	AZ	85004
	Arizona Commerce Authority	333 N. Central Avenue, Suite 1900	Phoenix	AZ	85004
	Paradise Valley Unified School District	15002 N. 32nd Street	Phoenix	AZ	85032
	Granite Reef Neighborhood Resource Center	1700 N Granite Reef Road	Scottsdale	AZ	85257
	Southwest Gas Corporation	10851 N Black Canyon Hwy Ste 100	Phoenix	AZ	85029-4756
Edwin Bull	Burch & Cracchiolo PA	P.O. Box 16882	Phoenix	AZ	85011
Jim Lane, Mayor	City of Scottsdale	7666 E. El Rancho Drive	Scottsdale	AZ	85260
John Berry/Michele Hammond	Berry Riddell, LLC	6750 E Camelback Rd, Ste 100	Scottsdale	AZ	85251
Mike McNeal, Supervisor	AT&T	1231 W. University Drive	Mesa	AZ	85201
Steve Weiss		11146 E Beck Lane	Scottsdale	AZ	85259

Please publish the following as an 8th Page Ad:



Project Name: Medical Marijuana Text Amendment
Case Numbers: 8-TA-2010#3
Location: City-Wide
Purpose: Request by the City of Scottsdale, as the applicant, for a Text Amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including revisions to separation requirements and possible addition of protected uses.

Applicant/Staff contact: Bryan Cluff, 480-312-2258
Email – bcluff@scottsdaleaz.gov

A copy of the proposed amendments is available for review in Suite 105, 7447 East Indian School Road, Scottsdale, Arizona.

For more information, call 480-312-7000 or enter case number at:
<https://eservices.scottsdaleaz.gov/bldgresources/Cases>

NOTICE IS HEREBY GIVEN that the City Council of the City of Scottsdale, Arizona, will hear public comment regarding these cases at the hearing listed below:

Hearing Date: July 27, 2016 @ 5 P.M.
Location: City Hall Kiva, 3939 N. Drinkwater Blvd

Attest
Lorraine Castro
Planning Specialist



Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting Lorraine Castro at 480-312-7620. Requests should be made as early as possible to allow time to arrange accommodation. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT Lorraine Castro at 480-312-7620.

ADDITIONAL CRITERIA FOR MEDICAL MARIJUANA USE

M. Medical marijuana use.

1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
2. The medical marijuana use is at least five hundred (500) feet from the following uses within the City limits:
 - a. Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., and
 - b. Any elementary or secondary school.
3. The medical marijuana use is at least one thousand three hundred twenty (1,320) feet from the following uses within the City limits:
 - a. Medical marijuana caregiver cultivation, or
 - b. Another medical marijuana use.However, no separation between these uses is required in the Industrial Park District I-1 where a medical marijuana caregiver cultivation use or a medical marijuana use hold a state issued caregiver registry identification card and/or a nonprofit medical marijuana dispensary registration certificate under the same name or organization.
4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
5. The property owner has provided a written exterior refuse control plan, subject to City approval.
6. The property owner has provided a written public safety plan, subject to City approval.
7. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than 7:00 p.m.
8. There is no drive-through service, take-out window, or drive-in service.

**ZONING ORDINANCE TEXT AMENDMENT
8-TA-2010#3 Medical Marijuana Text Amendment**

Draft 7/8/16

Staff Coordinator:

Bryan Cluff

Senior Planner

480-312-2258

bcluff@scottsdaleaz.gov

How to read this document.

Unless otherwise stated, provisions that are being deleted are shown with a strike-through, like this: ~~Provisions that are being deleted are shown with a strike-through.~~

Provisions that are being added are shown as highlighted, like this: **Provisions that are being added are shown as highlighted.**

ARTICLE I. ADMINISTRATION AND PROCEDURES

Sec. 1.400. Conditional Use Permits.

Sec. 1.403. Additional conditions for specific conditional uses.

L. Medical marijuana caregiver cultivation.

1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
2. The medical marijuana caregiver cultivation use is at least ~~five hundred (500)~~ **one thousand five hundred (1,500)** feet from the following uses within the City limits:
 - a. Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., and
 - b. Any elementary or secondary school **or pre-school.**
 - c. **Any Church.**
 - d. **Any Day care.**
 - e. **Any Public park.**

3. The medical marijuana caregiver cultivation use is at least ~~one thousand three hundred twenty (1,320)~~ two thousand six hundred forty (2,640) feet from the following uses within the City limits:
 - a. Another medical marijuana caregiver cultivation use, or
 - b. Any medical marijuana use.

However, no separation between these uses is required in the Industrial Park I-1 where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued caregiver registry identification card and a nonprofit medical marijuana dispensary registration certificate, respectively, under the same name or organization.

4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
5. The property owner has provided a written exterior refuse control plan, subject to City approval.
6. The property owner has provided a written public safety plan, subject to City approval.

M. Medical marijuana use.

Active Medical marijuana uses legally established operating under a valid Conditional Use Permit before September 30, 2016, including extensions, renewals, and amendments to existing approvals, shall be subject to the following conditions:

1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
2. The medical marijuana use is at least five hundred (500) feet from the following uses within the City limits:
 - f. Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., and
 - g. Any elementary or secondary school ~~or pre-school~~.
3. The medical marijuana caregiver cultivation use is at least one thousand three hundred twenty (1,320) feet from the following uses within the City limits:
 - a. Medical marijuana caregiver cultivation use, or
 - b. Another medical marijuana use.

However, no separation between these uses is required in the Industrial Park I-1 where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued

caregiver registry identification card and a nonprofit medical marijuana dispensary registration certificate, respectively, under the same name or organization.

4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
5. The property owner has provided a written exterior refuse control plan, subject to City approval.
6. The property owner has provided a written public safety plan, subject to City approval.
7. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than 7:00 p.m.
8. There is no drive-through service, take-out window, or drive-in service.

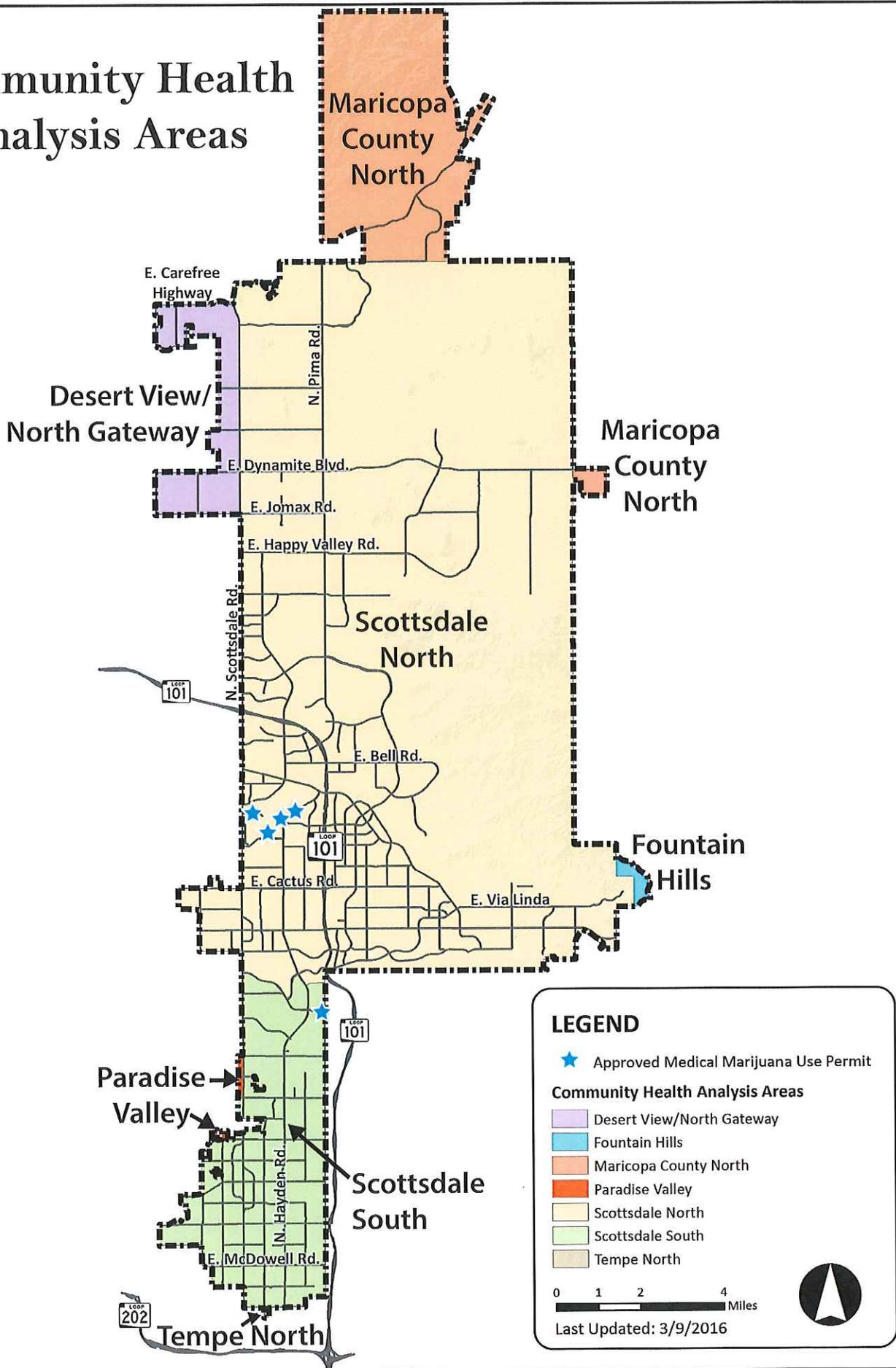
Medical marijuana uses seeking a Conditional Use Permit after September 30, 2016, shall be subject to the following conditions:

1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
2. The medical marijuana use is at least one thousand five hundred (1,500) feet from the following uses within the City limits:
 - a. Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
 - b. Any elementary or secondary school or pre-school.
 - c. Any Church.
 - d. Any Day care.
 - e. Any Public park.
3. The medical marijuana caregiver cultivation use is at least two thousand six hundred forty (2,640) feet from the following uses within the City limits:
 - c. Medical marijuana caregiver cultivation use, or
 - d. Another medical marijuana use.

However, no separation between these uses is required in the Industrial Park I-1 where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued caregiver registry identification card and a nonprofit medical marijuana dispensary registration certificate, respectively, under the same name or organization.

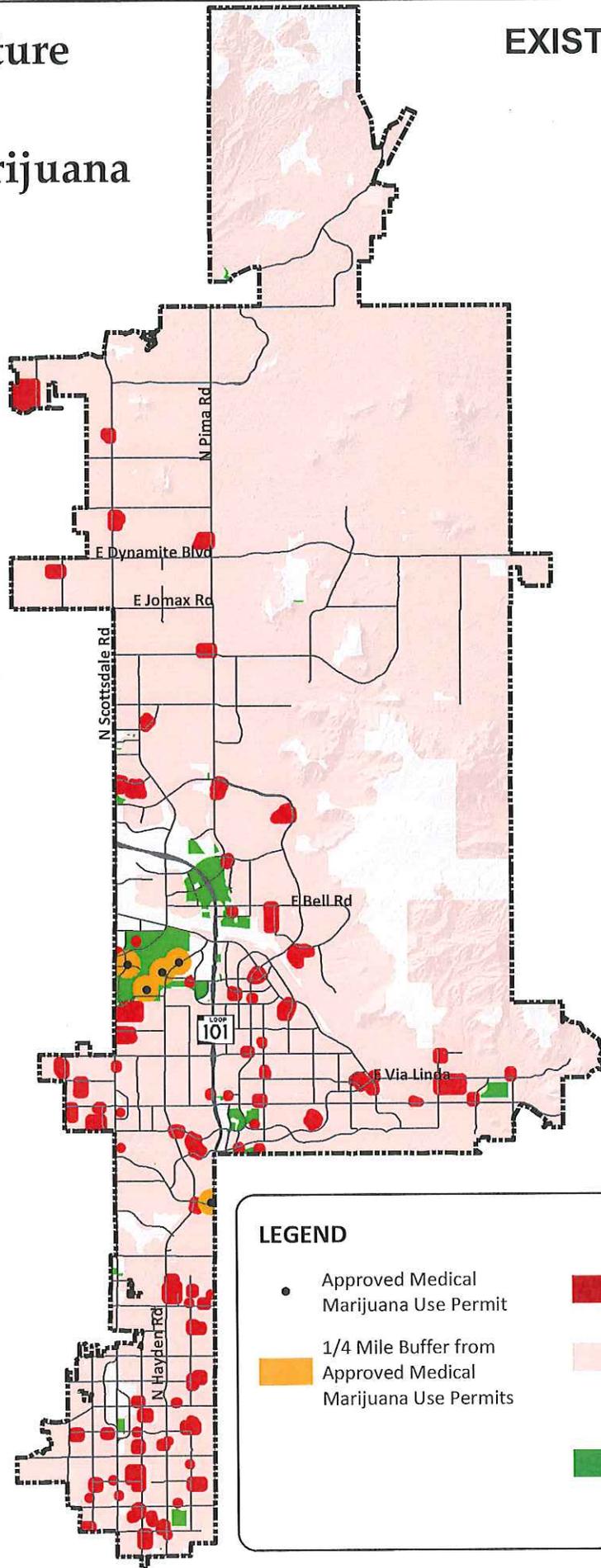
4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
5. The property owner has provided a written exterior refuse control plan, subject to City approval.
6. The property owner has provided a written public safety plan, subject to City approval.
7. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than 7:00 p.m.
8. There is no drive-through service, take-out window, or drive-in service.

Community Health Analysis Areas



Potential Future Locations of Medical Marijuana Uses

EXISTING CONDITIONS



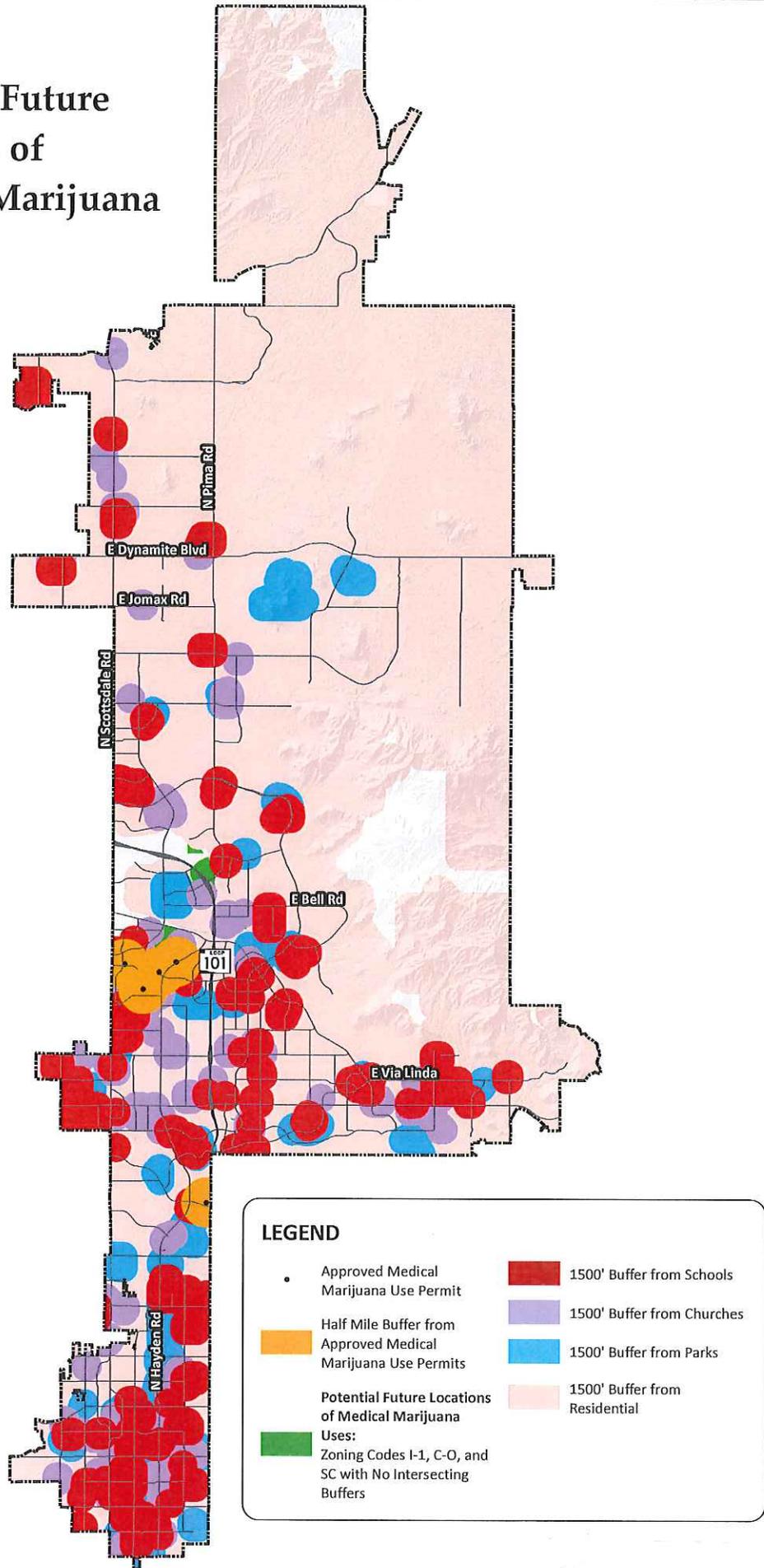
LEGEND

- Approved Medical Marijuana Use Permit
- 1/4 Mile Buffer from Approved Medical Marijuana Use Permits
- 500' Buffer from Existing Schools
- 500' Buffer from Residential Areas

Potential Future Locations of Medical Marijuana Uses:

- Zoning Codes I-1, C-O, and SC with No Intersecting Buffers

Proposed Potential Future Locations of Medical Marijuana Uses



LEGEND

- Approved Medical Marijuana Use Permit
- Half Mile Buffer from Approved Medical Marijuana Use Permits
- Potential Future Locations of Medical Marijuana Uses:
- Zoning Codes I-1, C-O, and SC with No Intersecting Buffers
- 1500' Buffer from Schools
- 1500' Buffer from Churches
- 1500' Buffer from Parks
- 1500' Buffer from Residential

Cluff, Bryan

From: Jennifer Hall <jhall@roselawgroup.com>
Sent: Friday, June 17, 2016 12:48 PM
To: Cluff, Bryan
Cc: Jennifer Hall
Subject: FW: 485-PA-16 Expansion Legal issue

Hey Bryan – please discard my comment card as my choice of wording does not accurately reflect our position. Please replace with the following:

We are in favor of staff's proposed text amendment language that allows existing MMJ facilities to continue to operate (and potentially expand) under the old zoning conditions.

Thanks!

Jennifer Hall
Senior Project Manager



7144 E Stetson Drive, Suite 300
Scottsdale, Arizona 85251
Direct: 480.505.3938
Cell: 602.369.0810

roselawgroup.com
roselawgroupreporter.com
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Winner "Best place to work in Arizona"

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Think green, please don't print unnecessarily

From: Bloomberg, Greg [mailto:Gbloemberg@scottsdaleaz.gov]
Sent: Friday, June 17, 2016 11:14 AM
To: Jennifer Hall <jhall@roselawgroup.com>
Cc: Ryan Hurley <RHurley@roselawgroup.com>; Cluff, Bryan <BCluff@Scottsdaleaz.gov>; Padilla, Joe <JPadilla@Scottsdaleaz.gov>
Subject: RE: 485-PA-16 Expansion Legal issue

Jennifer,

The proposed text is structured to include language that protects existing facilities. It does not "grandfather" the existing facilities; it allows them to continue operating under the existing conditions. That's significant because if they are just "grandfathered" as non-conforming uses, they will not be able to expand (Sec. 1.1304 of the Zoning Ordinance). Under the existing conditions, there is a 500-foot separation required from residential and schools. If your applicant can meet those buffers, as well as all the other current conditions and zoning requirements, than expansion will be possible; but of course all of this is subject to City Council approval.

Greg Bloemberg

Senior Planner

Current Planning

City of Scottsdale

e-mail: gbloemberg@scottsdaleaz.gov

phone: 480-312-4306

From: Jennifer Hall [<mailto:jhall@roselawgroup.com>]

Sent: Friday, June 17, 2016 10:50 AM

To: Bloemberg, Greg

Cc: Ryan Hurley; Jennifer Hall

Subject: 485-PA-16 Expansion Legal issue

Hi Greg – I was trying to explain to Ryan what we talked about yesterday in relation to the expansion legal issue. My understanding is that city's Legal Dept is trying to determine if an existing dispensary (grandfathered in) has the ability to expand after the TA is approved. Please confirm and thanks!

Jennifer Hall

Senior Project Manager

ROSE
LAW GROUP^{PC}
RICH ■ HURLEY ■ CARTER

7144 E Stetson Drive, Suite 300

Scottsdale, Arizona 85251

Direct: 480.505.3938

Cell: 602.369.0810

roselawgroup.com

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