

# PLANNING COMMISSION REPORT



Meeting Date: November 9, 2016  
General Plan Element: *Land Use*  
General Plan Goal: *Create a sense of community through land uses*

## ACTION

Level Up  
9-UP-2015#2

Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met and recommend approval of a Conditional Use Permit renewal for an existing Medical Marijuana Use (dispensary) in a 3,770 square foot facility located at 14980 N. 78<sup>th</sup> Way, Suite 204 & 207, with Industrial Park (I-1) zoning.

### Key Items for Consideration

- Compliance with the Conditional Use Permit criteria
- No schools or residential properties within 500 feet
- Public Safety and Refuse Control Plan approved by the Scottsdale Police Department
- No known violations or complaints reported regarding existing use
- Proposed 5-year expiration term

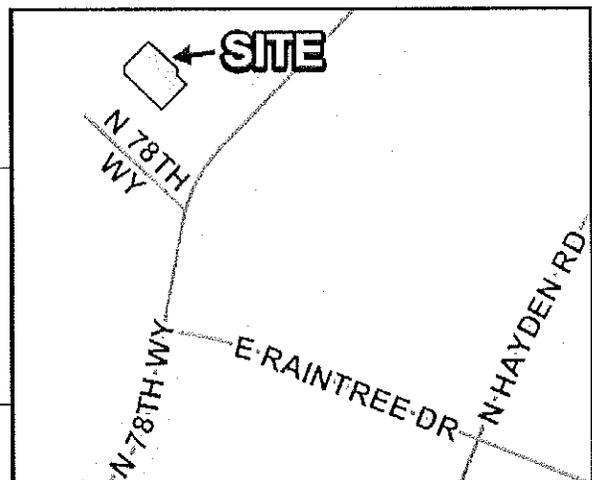
## OWNER

Premiere Arizona Rentals, LLC

## APPLICANT CONTACT

C. Michael Colburn  
Csi Solutions  
480-209-6424

## LOCATION



Action Taken \_\_\_\_\_

14980 N. 78<sup>th</sup> Way, Suite 204 & 207

## BACKGROUND

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### General Plan

General Plan Land Use Element designates the property as Employment. This category is intended to support a variety of employment uses including office, light manufacturing, and light industrial. Locations have been identified for employment areas where impacts on residential neighborhoods are limited and access is available to labor pools and transportation facilities.

### Character Area Plan

The subject property is located within the boundaries of the Greater Airpark Character Area Plan (GACAP). The GACAP future land use map designates this site as Aviation (AV). The Aviation area encompasses the Scottsdale Airport and includes properties with airport access via taxiway and taxiway, although this particular site does not have that access. Aviation and aviation-supporting uses are encouraged in this area, such as, corporate and personal aircraft hangars, fueling services, tourist/corporate accommodations, and aircraft maintenance/repair facilities.

### Zoning

The site is zoned Industrial Park (I-1) district. The I-1 zoning district allows for a variety of light manufacturing, light industrial, aeronautical, office, and support uses to sustain and enhance major employment opportunities. The I-1 district allows a medical marijuana use, subject a Conditional Use Permit.

### Context

The subject property is located on N. 78<sup>th</sup> Way approximately 250 feet north of Raintree Drive. The proposed site is within the existing 2-story office building, and will occupy a suite on the second floor. Surrounding uses include office, aviation, bank, and warehouse. Please refer to context graphics attached.

### Adjacent Uses and Zoning

- North: Office, hangar, warehouse, zoned Industrial Park (I-1) district.
- South: Vacant land, zoned Industrial Park (I-1) district.
- East: Office, zoned Industrial Park (I-1) district.
- West: City of Scottsdale Fire Station No. 9, zoned Industrial Park (I-1) district.

### Other Related Policies, References:

- 9-UP-2015: Existing Conditional Use Permit for a Medical Marijuana Use (Dispensary) at the subject site
- 8-TA-2010: text amendment to Zoning Ordinance to allow Medical Marijuana related uses
- 8-TA-2010#2: Revision to text amendment case 8-TA-2010 to clarify separation requirements
- 8-TA-2010#3: Text Amendment to Zoning Ordinance amending the location criteria for medical

marijuana uses to increase separation requirements and add 3 new protected uses

- Arizona Revised Statutes, Title 36, Chapter 28.1
- Arizona Department of Health Services, Title 9, Chapter 17

## APPLICANTS PROPOSAL

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### Goal/Purpose of Request

The applicant is requesting approval of a Conditional Use Permit renewal to continue operations of an existing +/- 3,770 square foot Medical Marijuana Use in a building with Industrial Park (I-1) zoning. The existing medical marijuana dispensary is operating under a use permit which was approved January 11, 2016. The existing use permit was stipulated to expire after one (1) year, unless it is amended or renewed. The applicant is requesting a renewal of the conditional use permit, with a new five (5) year term. There has been no change in the operations of the proposed use since its original approval (9-UP-2015).

### Development Information

- Existing Use: Medical Marijuana dispensary
- Proposed Use: Medical Marijuana dispensary
- Parcel Size: .78 acre
- Parking Required: 16 spaces (medical marijuana use)  
30 spaces (whole site)
- Parking Provided: 40 spaces (whole site)
- Floor Area: 3,770 square feet

## IMPACT ANALYSIS

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### Land Use

The dispensary occupies a suite on the 2<sup>nd</sup> floor of the building (3,770 square feet). The facility operates similar to a medical office use, with foot traffic limited to patients and/or caregivers. The dispensary is a non-profit organization, as required by State and Federal law, and will not function as a retail use open to the general public. The surrounding area is home to a variety of professional offices, similar in intensity and character to the proposed use. The applicant is not proposing any changes to the existing dispensary operations, and there have been no reported complaints regarding the existing use.

### City Regulations

The City allows Medical Marijuana Uses, including dispensaries, in only a few zoning district's (Industrial Park (I-1), Commercial Office (C-O), and Special Campus (SC)). In each of these zoning districts, a Conditional Use Permit is required for Medical Marijuana Uses to demonstrate compliance with specific criteria, including separation and compatibility requirements. A recent text amendment, initiated and adopted by the City Council, amended the location criteria for Medical

Marijuana uses by increasing the required separation between a Medical Marijuana uses, and between Medical Marijuana uses and specified protected uses. It also added three (3) new protected uses (church, day care, and public parks). The adopted text amendment included provisions for existing Medical Marijuana uses operating under an approved use permit prior to effective date of the text amendment. This “grandfather” provision allows the existing Medical Marijuana Use to continue operation as long as it maintains compliance with the prior Conditional Use Permit criteria. These criteria are outlined in detail below.

**Conditional Use Permit (Active Permitted Uses Existing as of September 30, 2016)**

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

- A. That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council’s consideration shall include, but not be limited to, the following factors:
  - 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
    - **All operations associated with this use, with the exception of occasional deliveries, will be conducted within the building. No processing or cultivation is proposed at this location that might require the use of machinery. All products offered for sale will arrive prepackaged in sealed, air tight, bar coded packages ready to sell. No damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination is anticipated.**
  - 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
    - **As the proposed use is a dispensary only with no cultivation or processing, it is anticipated the facility will generate traffic similar to a medical or professional office use, both of which are prominent in this area. No significant impacts to existing traffic patterns, or increase in traffic volume is anticipated.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
  - **It is anticipated the use will continue to operate similar to a medical or professional office use, both of which are prominent in this area. The subject site is located in an area occupied by a variety of professional office, retail, and restaurant uses of similar or higher intensity than the proposed use. The proposed use is reasonably compatible with the uses in the area.**
- C. The additional conditions in Section 1.403 have been satisfied:  
The proposal meets the provisions for Medical Marijuana use as identified in Zoning Ordinance Section 1.403.M., including:
  - 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.

- **All operations are conducted within a fully enclosed building, with the exception of occasional deliveries and necessary security measures as required by the Public Safety and Refuse Control Plan.**
2. The Medical Marijuana use is not located within 500 feet of any of the following protected districts or uses:
    - a. Any residential zoning district, or the residential portion of a Planned Community District (PCD), or any portion of a Planned Residential Development (PRD) with an underlying residential zoning district.
    - b. Manufactured Home District (M-H).
    - c. Any elementary or secondary school.
    - **The facility is not located within 500 feet of any of the above uses or districts.**
  3. The Medical Marijuana use is at least 1,320 feet from the following uses within the City limits:
    - a. Medical marijuana caregiver cultivation use.
    - b. Any 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 and a medical marijuana use hold a state issued caregiver registry identification card and a non-profit medical marijuana dispensary registration certificate under the same name or entity.
    - **The facility is not located within 1,320 feet of any other licensed medical marijuana facility.**
  4. All distances are measured from the wall of the medical marijuana dispensary 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.
    - **All separation requirements were measured and confirmed as indicated above.**
  5. The applicant has provided a written exterior refuse control plan, subject to City approval.
    - **A Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**
  6. The applicant has provided a written public safety plan, subject to City approval.
    - **A Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. Conditions of the plan will be implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**
  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 AM and not later than 7:00

PM.

- **The proposed hours of operation for this facility are Monday thru Sunday, 9:00 AM to 7:00 PM.**
8. There is no drive-through service, take-out window, or drive-in service.
- **None of the services listed above are proposed as part of this request.**

### **Water/Sewer**

No cultivation is proposed for this location. Existing water and sewer infrastructure is sufficient to accommodate a Medical Marijuana Use.

### **Public Safety**

A comprehensive Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. The nearest fire station is located at 14970 N 78<sup>th</sup> Way, which is directly adjacent to the subject site. No significant impacts to existing service levels are anticipated.

### **Community Involvement**

The applicant held an Open House on May 18, 2015 from 6:00 PM to 7:00 PM and property owners within 750 feet of the site have been notified by mail. Additionally, the site has been posted with required signage.

As of the date of this report, staff has received one (1) phone call in opposition to the proposed Conditional Use Permit renewal.

## **RECOMMENDATION**

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### **Recommended Approach:**

Find that the Conditional Use Permit criteria have been met, and recommend approval of a Conditional Use Permit renewal for an existing Medical Marijuana Use (dispensary) in a 3,770 +/- square foot facility located at 14980 N. 78 Way, Suite 204 & 207, with Industrial Park (I-1) zoning.

## **RESPONSIBLE DEPARTMENT**

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**Planning and Development Services**  
Current Planning Services

## **STAFF CONTACT**

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Bryan Cluff, LEED AP  
Senior Planner  
480-312-2258  
E-mail: bcluff@ScottsdaleAZ.gov

**STAFF CONTACT**

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Senior Planner  
480-312-2258  
E-mail: bcluff@ScottsdaleAZ.gov

**APPROVED BY**

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Bryan Cluff, Report Author

\_\_\_\_\_  
11/1/16  
Date



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

\_\_\_\_\_  
11/2/2016  
Date



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

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11/3/16  
Date

## ATTACHMENTS

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1. Context Aerial
- 1A. Aerial Close-Up
2. Stipulations
  - Exhibit A to Attachment 2: Site Plan
  - Exhibit B to Attachment 2: Floor Plan
  - Exhibit C. to Attachment 2: Additional Criteria for Medical Marijuana Use
3. Applicant's Narrative
4. Zoning Map
5. Public Safety and Refuse Control Plan
6. Citizen Involvement
7. City Notification Map



Level Up

9-UP-2015#2



Q.S.  
34-46

Google Earth Pro Imagery

Level Up

9-UP-2015#2

**Stipulations for the Conditional Use Permit**  
**For a Medical Marijuana Use**  
**Level Up**  
**Case Number: 9-UP-2015#2**

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

**OPERATIONS**

1. **CONFORMANCE TO SITE PLAN.** The location of the medical marijuana use on the property shall be in substantial conformance with the site plan provided by the applicant, with the city staff date of 10/3/16, and attached as Exhibit A to Attachment 2. Any proposed significant change to the conceptual site plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. **CONFORMANCE TO FLOOR PLAN.** The interior layout of the facility shall be in substantial conformance with the floor plan provided by the applicant, with the city staff date of 10/3/16, and attached as Exhibit B to Attachment 2. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. **PUBLIC SAFETY AND REFUSE CONTROL PLAN.** The operations of the Medical Marijuana Dispensary shall conform to the Public Safety and Refuse Control Plan approved by, and on record with, the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. A copy of the approved Public Safety and Refuse Control Plan shall be maintained on-site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Public Safety and Refuse Control Plan to the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. At least 10 days prior to any operational changes to the Medical Marijuana Dispensary that modify the requirements or contents of the Public Safety and Refuse Control Plan, the owner shall submit a revised Public Safety and refuse Control Plan to the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. Any proposed amendments to the Public Safety and Refuse Control Plan are subject to approval by the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division.
4. **HOURS OF OPERATIONS.** Per the applicant's Operation Plan, the hours of operation for this facility shall be limited to:

	Open to Customers	Close to Customers
Sunday	9:00 AM	7:00 PM
Monday	9:00 AM	7:00 PM
Tuesday	9:00 AM	7:00 PM
Wednesday	9:00 AM	7:00 PM
Thursday	9:00 AM	7:00 PM

Friday	9:00 AM	7:00 PM
Saturday	9:00 AM	7:00 PM

**ADMINISTRATIVE/PROCESS**

5. TERM OF CONDITIONAL USE PERMIT. This conditional use permit is valid for five (5) years, unless it is first amended or renewed.
  
6. CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW. Within ten (10) days after a request by the Zoning Administrator or designee, the owner shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
  
7. CHANGES IN OWNERSHIP. Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.
  
8. COMPLIANCE WITH STATE LAW. The owner shall maintain in good standing all appropriate permits, licenses and certificates from the State of Arizona.

6400 E. 15TH AVENUE  
SCOTTSDALE, ARIZONA 85251  
PH: 480.344.1111  
WWW.DIBFORUM.COM

d|b  
F

SITE  
PLAN



CSI SOLUTIONS, INC.  
14980 N. 78th Way  
Scottsdale, Arizona 85280

DATE: 8/20/15  
DRAWN BY:  
CHECKED BY:  
REVISIONS:

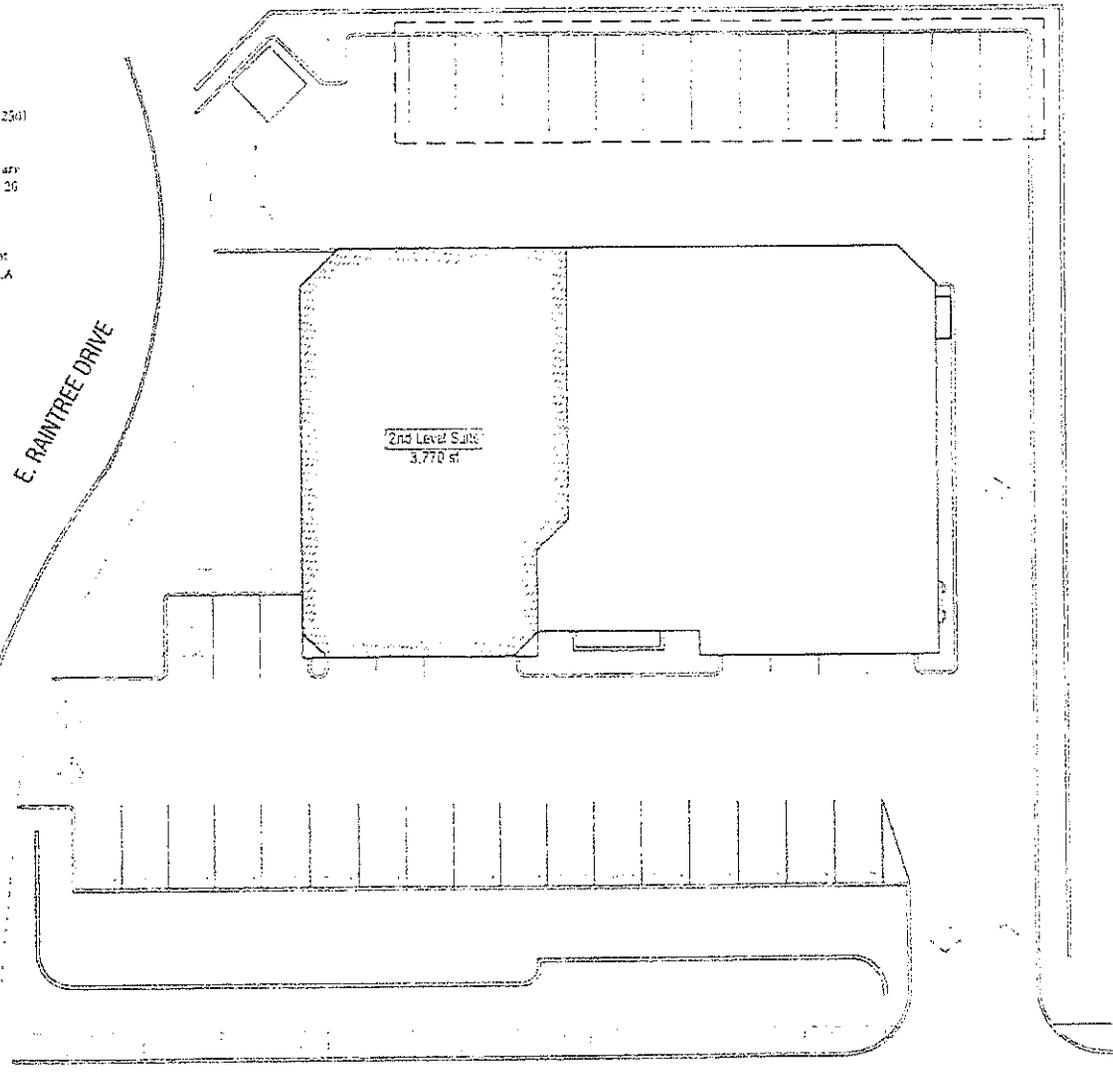
x1

SITE  
PLAN

Parking Calculations comply with Table 1.9C.3.A:  
Office (One (1) space for every two-hundred-fifty (250)  
square feet of gross floor area.

Intire including is 7,346 sq ft, therefore 294 spaces are  
required. There are a total of 40 spaces on site and 26  
spaces on Raintree, Tx.

Medical Marijuana Use is 3,770 sq ft, therefore 15.1  
spaces are required. This is a shared use parking lot  
with sufficient parking to comply with Table 1.9C.3.A



N. 78TH WAY

Exhibit A to  
Attachment 2

9-UP-2016  
8/20/2015

level up

14980 north 78th way, scottsdale, arizona, 85260

date: 05.09.2016  
revision: 00.00.0000

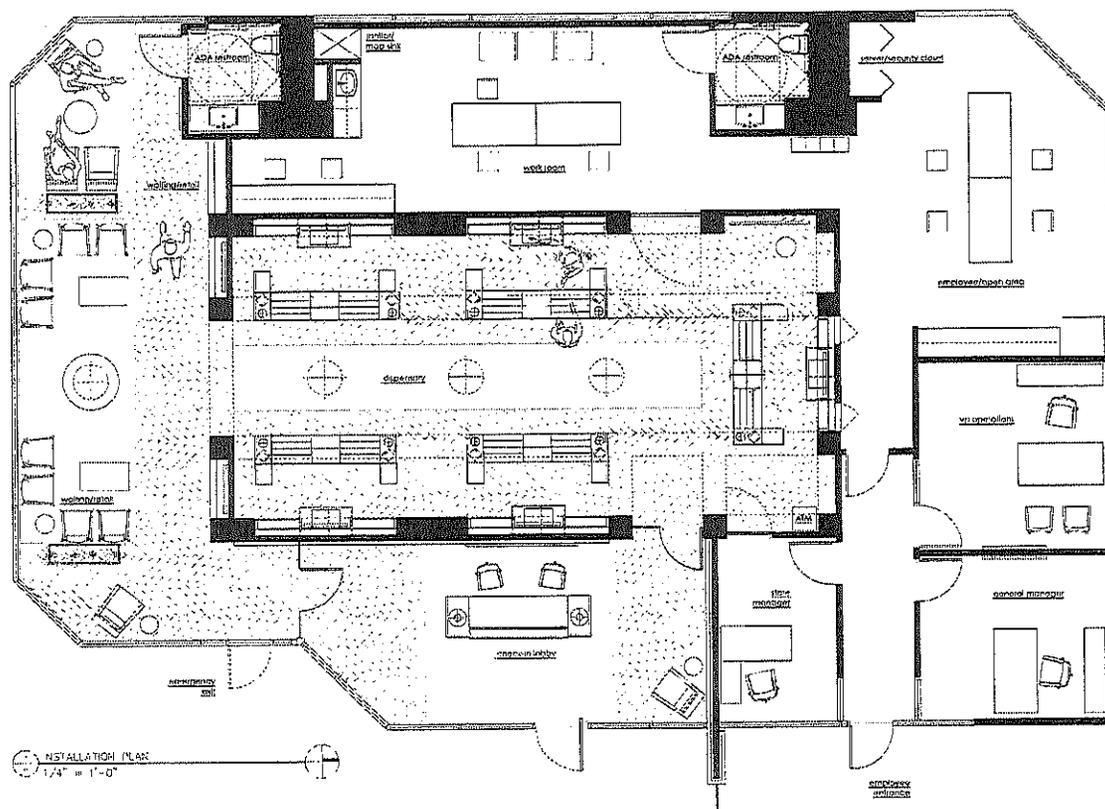


Exhibit B to  
Attachment 2

THE HIGH ROAD  
DESIGN STUDIO

id5.0

status: interior design documentation  
file: installation plan

9-UP-2015#2  
10/03/16

## **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.

## Scottsdale Dispensary Application Narrative

We are applying to renew our current conditional use permit to operate a dispensary in the Scottsdale Airpark per the City of Scottsdale's zoning ordinance. We will be making no changes to the exterior of the building with the exception of City approved signage.

### **Business Operations**

CSI Solutions operates on a non-profit basis and is 100% compliant with all rules and regulations set forth by the AZDHS and the AMMA.

Our Dispensary is not a retail operation, as we are only able to help designated patients with cards issued by the AZDHS. We are more like a medical office than a retail location. Our facility will have state of the art security and point of sale technology, thus ensuring maximum traceability of medicine. There is video surveillance on the entire facility and parking lot in excess of the requirements set forth by the AZDHS. All secured doors are controlled using magnetic locking technology and can only be opened by authorized personnel.

We maintain a security guard on site at all times the facility is open. The security guard patrols the parking lot as well as the dispensary to ensure the safety of patients and staff.

Very little product is stored at the facility. We have a cultivation facility that we store the vast majority of our product. Product is brought to the facility as needed.

There is sufficient parking at the site as there are 40 spaces on site and 20 spaces adjacent to the building on Raintree.

### **Patient Visit Illustration**

At the Scottsdale Dispensary, a qualified patient enters the dispensary via the patient entrance. The patient checks-in at the patient check-in desk and then waits in the waiting area for a staff member to bring them in to the sales floor. Once on the sales floor, the patient will be able to speak with a staff member and decide what to purchase. The registers are at the back of the sales floor and after the patient completes their transaction, they are buzzed out into the lobby where they are able to exit.

The flow is clockwise and will allow for the patient to be able to get in and out quickly. The average patient will be in and out within 15 minutes. The only furniture for patients will be in the lobby/waiting area.

### **Conditional Use Permit Criteria**

This site meets or exceeds the conditional use permit criteria under Section 1.401.

1. The use will not create damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.

The Scottsdale Dispensary uses state of the art air cleaning and odor eliminating systems. In accordance with the current regulations, the Scottsdale Dispensary will not do any cultivation at this location. We have a cultivation site outside of the City of Scottsdale where all of our cultivation takes place.

2. The use will not create an impact on surrounding areas resulting from an unusual volume or character of traffic.

The location has sufficient parking available for patients and staff. There will not be any unusual volume or any change in the character of traffic to this property.

3. The use is reasonably compatible with the types of uses permitted in the surrounding areas.

The location is zoned I-1. There is currently one other Medical Marijuana Facility (Pure Bliss) located in the area and at least one other Dispensary applying for a conditional use permit for this use in the airpark.

4. The additional conditions specified in Section 1.403, as applicable, have been satisfied.

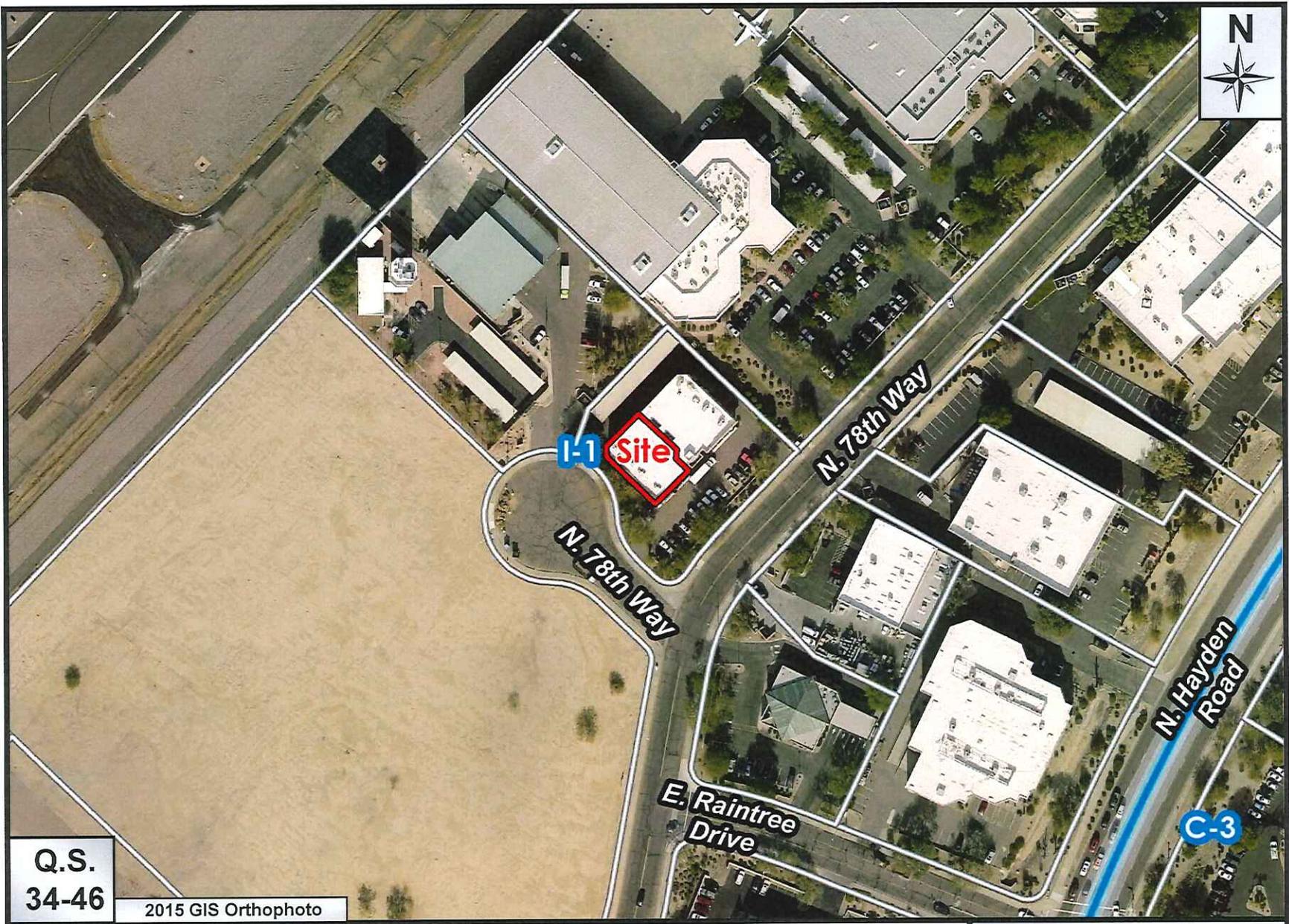
This location meets or exceeds all other zoning requirements for the City of Scottsdale. The property is zoned I-1. It is greater than 500 feet away from all protected uses (public and private schools, R-1, R-2 and M-H zoned areas) and is greater than 1320 feet away from all other Medical Marijuana Businesses and applicants.

5. The additional conditions specified in Section 1.403.M, as applicable, have been satisfied.

This location meets or exceeds all zoning requirements for the City of Scottsdale as described below:

- a. 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.
- b. The medical marijuana use is at least five hundred (500) feet away from 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 any elementary or secondary school.
- c. The medical marijuana use is at least one thousand three hundred twenty (1,320) feet from any Medical marijuana caregiver cultivation, or any other medical marijuana use.
- d. 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.
- e. The property owner has provided a written exterior refuse control plan, subject to City approval.
- f. The property owner has provided a written public safety plan, subject to City approval.
- g. 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.
- h. There is no drive-through service, take-out window, or drive-in service.

6. All operations at the Dispensary will be conducted within the facility and in compliance with ARS, Title 36, Chapter 28.1.  
Our Dispensary has always operated in total compliance with ARS, Title 36, Chapter 28.1 and will continue to do so.
7. The exterior refuse control plan as approved by the Arizona Department of Health Services.  
The Dispensary currently has a plan for waste removal that has been approved by the Arizona Department of Health Services. The plan includes strict documentation of any and all waste removal. The waste is placed in a marked and locked container inside the facility. The waste is mixed with a proprietary formula that destroys any THC and renders the material useless. The material is then picked up on a weekly basis and removed from the facility and destroyed in accordance with generally accepted waste disposal methods.
8. The facility has a public safety plan in place.  
The location is located in an area zoned I-1 and is surrounded by similar uses. We have submitted a security plan to the Scottsdale Police Department to ensure public safety. This plan include several items, including hours of operation, security guard on site, etc.
9. The facility will operate within the hours specified by the City.  
Our hours of operation will be from 10am to 7pm. This is in full compliance with the Scottsdale zoning regulation which limit the hours of operation between 6am and 7pm.
10. The facility has no drive-through service, take-out window, or drive-in service.  
The facility will comply with all City ordinances. We will not allow a drive-through service, drive-in service, or a take-out window.



Q.S.  
34-46

2015 GIS Orthophoto

Level Up

9-UP-2015#2

# CITY OF SCOTTSDALE

## Public Safety and Refuse Control Plan

### For Medical Marijuana Facilities

Please indicate by Circling: Dispensary Cultivation, or Both

Scottsdale Police Department, 3700 North 75<sup>th</sup> Street, Scottsdale, AZ 85251

Phone: 480-312-5000

City of Scottsdale Current Planning, 7447 E. Indian School #105, Scottsdale AZ 85251

Phone: 480-312-7000

Project # ~~427-PA-201X~~<sup>5</sup> or Case # \_\_\_-UP-2011

Assigned Planner: Bryan Cliff

Police Detective: John Miller

Facility Name: Pinnacle Dispensary

Facility State I.D. Number: ~~0000008DCJ500259791~~

Address: 14980 N 78<sup>th</sup> Way Ste 204+207

Business Phone: 480 209 6424

Business FAX: 480 323 2730

Maximum Occupancy: 100

Effective Date of the Plan: 9/1/15

Date of Plan Review: July 8th, 2015

Use Permit Issue Date: \_\_\_\_\_

Contact Person (1): Michael Colburn

Home Phone: 480 209 6424

Contact Person (2): Darryl DeSantis

Home Phone: 480 800 9812

9-UP-2015#2  
10/03/16

## Purpose of the Plan

To address security measures, maintenance, waste management and operations for a facility that requires a Security, Maintenance and Operations Plan pursuant to Scottsdale Revised Codes. The applicable uses are as follows: Medical Marijuana Dispensary, Medical Marijuana Cultivation and Medical Marijuana Processing, all of which require a Conditional Use Permit. The contents of this plan will address the listed concerns as well as community concerns regarding:

- Compatibility with surrounding structures and uses
- Dispensary security and patron safety
- Waste disposal measures related to the dispensing, cultivation or processing of the product

It is the intent of the City of Scottsdale to provide an environment that enhances the safeguarding of property as well as public welfare and to limit the need for law enforcement involvement.

The Permittee agrees that successful execution and enforcement of this Plan are a required condition of the use permit. Termination, cancellation, deviation or non-approval of the Plan constitutes a breach of the Plan and could result in the revocation of the use permit.

## Operations and Hours

1. Permittee: CSI Solutions Inc dba Pinnacle Dispensary  
Type of Organization:  Arizona Corporation     Corporation  
 Sole Proprietorship     LLC  
 Partnership     Other
2. Managing Agents Name: Michael Colburn  
Title: Director  
Address: 1817 E Southern Ave Ste 200, Tempe, AZ 85282  
Phone Numbers: 480 209 6424  
Fax or Other Numbers: 480 323 2730 (Fax)
3. Business Owner(s) (if different than Managing Agent) Name, Address, Phone:

*JFM*

4. Property Owner or Property Manager (if different from Managing Agent)  
 Name, Address, Phone: Premier Arizona Rentals, LLC 480 283 7989  
 6131 Melbury Way  
 Vernon, Ca. 91458

5. Hours of Operation:

	Open	Closed
Monday	9:00am	7pm
Tuesday	9:00am	7pm
Wednesday	9:00am	7pm
Thursday	9:00am	7pm
Friday	9:00am	7pm
Saturday	9:00am	7pm
Sunday	9:00am	7pm

6. Cooperation/Complaints/Concerns:

Permittee will maintain communications with establishments located on and adjacent to the premises, and with residents and other businesses that may be affected by patrons or operations of the Permittee. Permittee designates the following person to receive and respond to concerns or complaints from other residents or businesses:

Name: Michael Colburn Address: 14900 N 7th Way Ste 204 Scottsdale, AZ 85260 Phone: 480 209 6424

Permittee, managing agents, on-duty managers, supervisors and security personnel will cooperate closely with Scottsdale Police, City of Scottsdale Code Enforcement staff or other City staff as well as business and residential neighbors in addressing and investigating complaints, criminal acts, refuse issues and any other concerns.

## Security and Maintenance

### Security Attire

- Security personnel must be readily identifiable to police, patrons, and other employees to ensure the safety of the security staff when engaged with patrons.
- If on-site security personnel are utilized, they should wear an appropriate uniform-style shirt with the word "security" on both the front and back, in two

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(2) inch lettering and clearly visible. During cold weather, a jacket with the same inscription should be worn.

### **Security Officer Responsibilities**

The Permittee or management must clearly delineate the below responsibilities to all new security personnel and ensure these responsibilities are explained and understood.

- Civilian Security Officers will be responsible for patrolling the full property of the facility during all hours when patrons are in the facility, outside the facility, and in the facility parking areas.
- The Permittee warrants that there will be a minimum of 1 uniformed security officer(s). (Wearing the above-described uniform). The following responsibilities shall be agreed upon and adhered to:
  1. 1 Security officer(s) will be responsible for roaming the interior of the business and identifying hazards, problems, and maintaining patron safety.
  2. 1 Security officer(s) will be responsible for conducting roaming patrol of the exterior in an effort to prevent criminal behavior, maintain the peace and prevent refuse issues. This patrol shall include all parking areas to prevent a gathering of patrons during business hours and up to thirty (30) minutes after closing.
  3. 1 Security officer(s) will be responsible for ensuring that no persons are consuming marijuana on the dispensary property, or on adjacent properties.
- In addition, security officers will report all acts of violence to management personnel, complete a written report, log the act of violence, and contact Scottsdale Police Department immediately. Unreported acts of violence may result in revocation of the Permittee's Conditional Use Permit. Facility management, company members, corporate officers/shareholders, or facility ownership has the ultimate responsibility for the recording of the act of violence, logging of the act of violence, and reporting the act of violence to the Police Department and the Arizona Department of Health Services.

### **Management Responsibilities**

The Permittee must clearly delineate the below responsibilities to all managers, assistant managers, and person(s)-in-charge and ensure these responsibilities are understood and followed.

- The manager(s) shall ensure that all employees, security staff and off-duty officers employed by the facility be trained and knowledgeable about the contents of this plan. The following shall be agreed upon and adhered to:
  1. There will be a minimum of 1 manager(s) available on the premises during hours of operation.
  2. If security personnel are utilized, at least one manager shall be identified as the "Security Manager" for the facility and be responsible for ensuring that a safe environment exists, for the supervision of all security personnel and that all security personnel as identified here shall meet or exceed the requirements established by A.R.S. 32-2621



through A.R.S. 32-2636, as amended, relating to security personnel and guards, and any regulation issued pursuant thereto.

3. At least one security manager will be on duty until 30 minutes after closing or the last security officer is off duty, whichever occurs last.

#### **Uniformed Sworn Officer Responsibilities:**

If off-duty law enforcement is used for security, it is the responsibility of the Permittee or management to clearly delineate the following responsibilities, which include at a minimum the following:

1. Conduct traffic control as needed
2. Assist civilian security officer(s) in removal of disorderly and/or impaired patrons and maintain the peace outside the establishment.
3. If necessary, patrol the exterior portions of the business to maintain the peace as well as prevent criminal acts.

#### **Parking**

- In order to reduce criminal activity that negatively affects the nearby businesses or residential, the Permittee is responsible for the designated parking area to include any lots used by the Permittee's patrons and employees.
- It is the Permittee's responsibility to ensure that parking areas utilized by patrons and employees will be routinely patrolled so parking areas are not used: as a gathering place for use or consumption of medical marijuana or spirituous liquor, for other violations of state or city law or for acts of violence or disorderly conduct.

#### **Refuse Plan**

- It is the Permittee's responsibility to ensure refuse containers are properly used and the area in and around the business is kept clean. Failure to do so will result in an investigation and possible citation from the City of Scottsdale Code Enforcement or other governmental agencies.
- Waste associated with the medical marijuana, including seeds, stems, leaves, oils, etc. shall be disposed of in accordance with Title 36, Chapter 28.1 of the Arizona Revised Statutes and/or Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services.

#### **Establishment of Records**

- In addition to those requirements spelled out in Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services, the Permittee shall retain all records related to the operation of the establishment for a period of no less than 2 years. Records include all audio recordings, video recordings, written receipts, invoices and evidence of any transaction occurring within or without the establishment that are related to the establishment.
- Records may be maintained at an off-site location, but must be produced, if requested by any law enforcement officer, within 24 hours.
- Failure to maintain records for a minimum of 2 years may result in revocation of the Conditional Use Permit.

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- Failure to produce records subsequent to a written or verbal request by any law enforcement officer within 24 hours may result in revocation of the Conditional Use Permit.

### **Physical Security**

It is the Permittee's responsibility to utilize the following security measures throughout the property:

- Video Surveillance
  - In addition to those requirements spelled out in Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services, the Permittee must install and utilize 24-hour video surveillance and hardened video lines that record to a secure or off-site location, and that the Permittee can provide to the Arizona Department of Health Services or Scottsdale Police Department upon request.
  - Video surveillance must record all persons who enter the facility, persons who submit registry identification cards, and the registry identification cards.
  - Video surveillance must cover all interior patron areas and exterior parking areas.
- Audible and Silent Alarms
  - In addition to those requirements spelled out in Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services, the Permittee must install and utilize audio and silent monitored alarms and must obtain the required City of Scottsdale alarm permits.
- Physical Security Measures
  - The Permittee must develop a plan to address all aspects of physical security for the facility, including bollards to prevent vehicle intrusions into the facility, alarm security and written risk assessment by police personnel.
- Access to Employee Areas
  - The Permittee must utilize coded security doors that restrict access to any employee-only areas.
- Vending Machines
  - Vending machine operation for dispensing of product is restricted to the times when a manager or assistant manager is present and the facility is open for business.
- Lighting
  - All portions of the establishment and patron parking areas will be sufficiently illuminated, and the lighting will be consistent with the City Policy for Exterior and Site Lighting.

### **Enforcement of Security Plan**

Violations of this Security Plan will be enforceable by City of Scottsdale Police Officers and/or Code Enforcement employees and may constitute grounds for revocation of applicable use permits relating to the facility.

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**Violation, amendment, revocation, as defined in Scottsdale City Zoning Code  
Sec. 1.402.**

Conditional use-permits, which have been approved by the City Council, shall be subject to the following procedures and criteria regarding any violation, amendment, or revocation.

- The violation of any condition imposed by the conditional use permit shall constitute a violation of this ordinance and shall be subject to the requirements of Section 1.1400 et seq.
- Conditional uses shall be developed in conformance to the approved plans as determined by the Zoning Administrator. An amendment to a conditional use permit is required before implementation of any material change in the scope and nature of an approved conditional use, material change in any conditions or stipulations to a conditional use permit or material change in the physical size, placement or structure of property subject to a conditional use permit. The Zoning Administrator shall have the discretion to determine if a proposed change warrants an amendment. An amendment must be approved as provided in Section 1.400 et seq. for the approval of conditional use permits.
- The Zoning Administrator may recommend to the City Council and the City Council may affect revocation of a conditional use permit pursuant to Section 1.402 of the Scottsdale Zoning Code for acts including but not limited to:
  1. A violation of the Plan.
  2. Violation of the conditions of the Use Permit.
  3. Violation of Scottsdale ordinances or law.
  4. Repeated acts of violence or disorderly conduct as reflected by police calls for service or offenses occurring on premises utilized by patrons of the Permittee, or failure to report acts of violence
  5. Failure of the Permittee to take reasonable steps to protect the safety of persons entering, leaving or remaining on the premises when the Permittee knew or should have known of the danger to such person, or the Permittee fails to take reasonable steps to intervene by notifying law enforcement officials or otherwise to prevent or break-up an act of violence or an altercation occurring on the premises or on premises utilized by patrons and employees of the Permittee when the Permittee knew or reasonably should have known of such acts of violence or altercations.
  6. Any enlargement or expansion of the premises, plan of operation or program format without appropriate approval from the City.
  7. Misrepresentations or material misstatements of the Permittee, its agents or employees.

**Dissemination of the Security Plan**

- A copy of this security plan must be provided to each security officer, off-duty sworn law enforcement officer, manager(s) and assistant manager(s) employed by the permittee.

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- A reading log will be maintained and will be signed by each of the above persons, stating they have read and understood this plan. Each security employee must read the plan once per year, or when there are any changes to the plan.
- A current copy of this plan will be maintained on the premises at all times, and a copy of this plan must be made available upon request of any code enforcement officer or police officer.
- Failure to conform to this plan will be considered a violation of the use permit.

**Termination of the Plan**

- This plan terminates on the date that the permittee's use permit terminates.
- An annual review of this plan may be conducted by City staff and revisions may be required.

Ownership Disclosure, AZ DHS Approval,  
AZ DHS Registration Certificate

**Enclosures**

- Addendums attached \_\_\_\_\_
- Refuse Plan (Must Be Attached)

**APPLICANT/MANAGEMENT:**

Name: CSI Solutions, Inc.  
 Address: 1817 E Southern Ave #206, Tempe AZ 85282  
 Phone: 480 209 6424  
 Date: 6/23/15  
 Signature: C. Michael Clark Director CSI Solutions, Inc

The Scottsdale Police Department has limited its review to the details of this Security Plan and takes no position regarding the applicants' compliance with DHS requirements or Arizona Criminal Law.

**APPROVED BY:**

Detective: J. Miller #579  
 Phone: 480.312.8333  
 Date: July 8th, 2015  
 Signature: J. Miller

## REFUSE PLAN

The Dispensary currently has a plan for medicine waste ("waste") removal that has been approved by the Arizona Department of Health Services.

The plan includes strict documentation of any and all waste removal. This documentation is available upon request and is stored both on-site and on off-site secure servers.

All waste is placed in clearly marked ("Hazardous Material") and locked containers inside the facility. These containers are located in areas of the facility that only authorized personnel have access. Only the Manager and Owners have a key to the locked containers. Patients do not access to the area where these locked containers are located. The waste is mixed with a proprietary formula that destroys any THC and renders the material useless. The material is then picked up on a weekly basis (minimum), removed from the facility and destroyed in accordance with generally accepted waste disposal methods.

Employee handling of waste: There is very little waste in the dispensary, but there are instances that there is waste. When such an instance occurs, the employee shall notify the manager on duty that there is waste. The waste must be accurately documented in the Dispensary's waste removal log and placed in the waste receptacle marked "Hazardous Waste". The Manager ensures that the proprietary mixture that destroys THC is applied to the material prior to being placed in the receptacle. This receptacle is locked and only the Manager and the Owners have keys to these waste receptacles.

Security Procedure to ensure all waste is secure prior to pick up: All waste receptacles for medicine waste are clearly labeled "Hazardous Material" and are locked containers. The only personnel that have keys to these containers are the Dispensary Managers and the Owners. The Manager will coordinate the weekly pick up of waste and ensure that all waste has been properly documented prior to pick up. These weekly pick-ups of waste are to be on a random schedule and the Manager will coordinate to ensure this.

*JJM*

Neighborhood Notification Report

To whom it may concern,

Arizona Grassroots Dispensary, a state licensed Medical Marijuana Dispensary located at 14980 N. 78th Way, Suite 204 Scottsdale AZ, 85260, is renewing our Conditional Use Permit.

If you have any questions, please give us a call at (480) 420-3300 or call Bryan Cluff the City of Scottsdale Coordinator at 480-312-2258.

Thank you.

*C. Michael Colburn*

C. Michael Colburn  
President

This was the letter that was sent out to these business owners on the attached sheet.

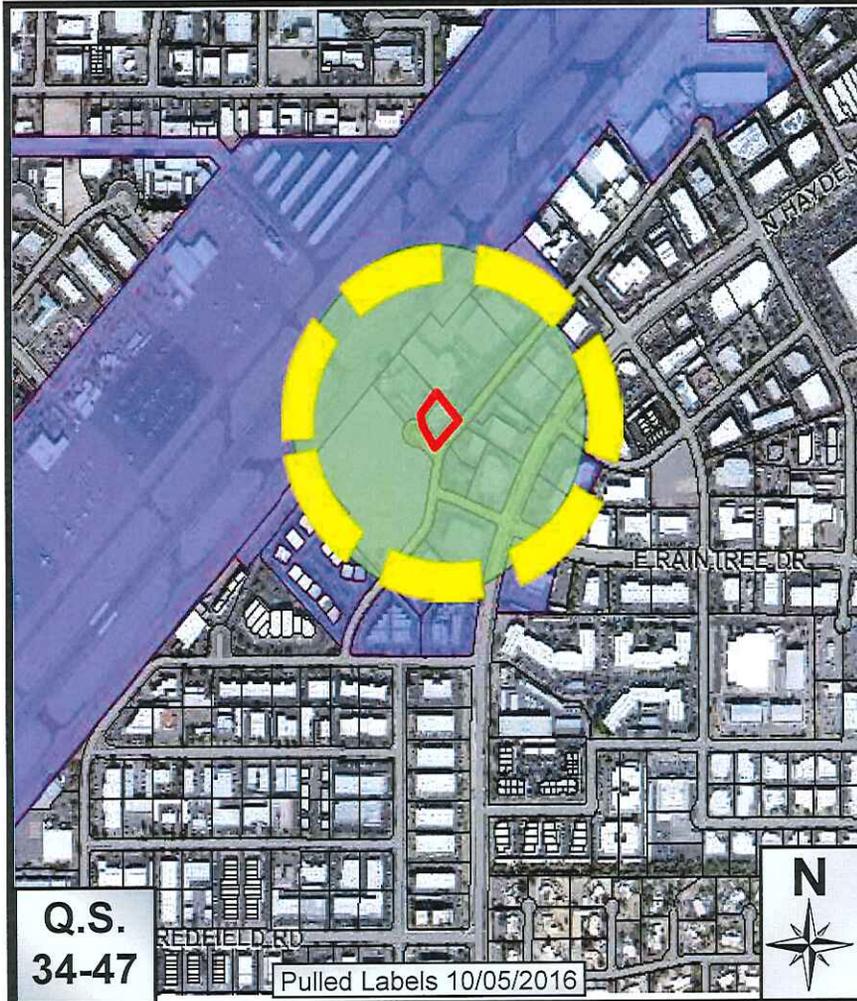
So far there have been no objections or problems to the letter. The only response to the letter has been please remove me from your mailing list.

Owner Name	Mailing Address1	Mailing Address City	Mail	Mailing	Property	Prd	Property S	Prop	Property City	Property	Property Address	Mailing Address
FIRST INTERNATIONAL BANK & TRUST	1628 N HIGLEY RD	GILBERT	AZ	85234	7900	E	RAINTREE	DR	SCOTTSDALE	85260	7900 E RAIN TREE DR SCOTTSDALE 85260	1628 N HIGLEY RD GILBERT AZ 85234
JUSTUS LIMITED PARTNERSHIP	PO BOX 1287	NORTHBROOK	IL	60065	14855	N	78TH	WY	SCOTTSDALE	85260	14855 N 78TH WY 101 SCOTTSDALE 85260	PO BOX 1287 NORTHBROOK IL 60065
DPMG HAYDEN LLLP	PO BOX 14055	PALM DESERT	CA	92255	15000	N	HAYDEN	RD	SCOTTSDALE	85260	15000 N HAYDEN RD SCOTTSDALE 85260	PO BOX 14055 PALM DESERT CA 92255
PARAGON INDUSTRIES II INC	15010 N HAYDEN RD	SCOTTSDALE	AZ	85260	15010	N	HAYDEN	RD	SCOTTSDALE	85260	15010 N HAYDEN RD SCOTTSDALE 85260	15010 N HAYDEN RD SCOTTSDALE AZ 85260
PRESSON SCOTTSDALE LLC	2122 E HIGHLAND AVE STE 400	PHOENIX	AZ	85016	15030	N	HAYDEN	RD	SCOTTSDALE	85260	15030 N HAYDEN RD SCOTTSDALE 85260	2122 E HIGHLAND AVE STE 400 PHOENIX AZ 85016
PRESSON SCOTTSDALE LLC	2122 E HIGHLAND AVE STE 400	PHOENIX	AZ	85016	15030	N	HAYDEN	RD	SCOTTSDALE	85260	15030 N HAYDEN RD SCOTTSDALE 85260	2122 E HIGHLAND AVE STE 400 PHOENIX AZ 85016
KNIGHT-DAME LLC	20225 N SCOTTSDALE	SCOTTSDALE	AZ	85255	15050	N	78TH	PL	SCOTTSDALE	85260	15050 N 78TH PL SCOTTSDALE 85260	20225 N SCOTTSDALE SCOTTSDALE AZ 85255
SOUTHWEST JET CENTER LLC	22633 RIVERA DE	LAGUNA BEACH	CA	92651	15010	N	78TH	WY	SCOTTSDALE	85260	15010 N 78TH WY SCOTTSDALE 85260	22633 RIVERA DE LAGUNA BEACH CA 92651
SOUTHWEST JET CENTER LLC	22633 RIVERA DE	LAGUNA BEACH	CA	92651	14988	N	78TH	WY	SCOTTSDALE	85260	14988 N 78TH WY SCOTTSDALE 85260	22633 RIVERA DE LAGUNA BEACH CA 92651
PREMIERE ARIZONA RENTALS LLC	14980 N 78TH WY STE 206	SCOTTSDALE	AZ	85260	14980	N	78TH	WY	SCOTTSDALE	85260	14980 N 78TH WY STE 206 SCOTTSDALE 85260	14980 N 78TH WY STE 206 SCOTTSDALE AZ 85260
SCOTTSDALE CITY OF	7447 E INDIAN SCHOOL RD STE 205	SCOTTSDALE	AZ	85251	14970	N	78TH	WY	SCOTTSDALE	85260	14970 N 78TH WY SCOTTSDALE 85260	7447 E INDIAN SCHOOL RD STE 205 SCOTTSDALE AZ 85251
HANSEN DONALD C/JOAN C TR	6598 EVENING GLOW DR	SCOTTSDALE	AZ	85262	14795	N	78TH	WY	SCOTTSDALE	85260	14795 N 78TH WY SCOTTSDALE 85260	6598 EVENING GLOW DR SCOTTSDALE AZ 85262
BOEING V LLC	3131 E CAMELBACK RD SUITE 310	PHOENIX	AZ	85016	14800	N	78TH	WY	SCOTTSDALE	85260	14800 N 78TH WY SCOTTSDALE 85260	3131 E CAMELBACK RD SUITE 310 PHOENIX AZ 85016

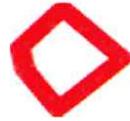
9-UP-2015#2  
10/03/16

# City Notifications – Mailing List Selection Map

ATTACHMENT #7



## Map Legend:



Site Boundary



Properties within 750-feet

Postcards 50

## Additional Notifications:

- Interested Parties List
- Adjacent HOA's
- P&Z E-Newsletter
- Facebook
- Twitter
- Nextdoor.com
- City Website-Projects in the hearing process

Level Up

9-UP-2015#2