CERTIFICATE OF COMPLIANCE
FOR RESOLUTION NO. 9084

I, Kroy Ekblaw, am the Zoning Administrator of the City of Scottsdale. I certify that I have confirmed that the conditions stated in Section 2 of Resolution No. 9084 have been fulfilled and the resolution is hereby effective as of the date of this certification.

Dated this 1st day of October, 2012

Approved as to form
Office of the City Attorney

Bruce Washburn, City Attorney
By Joe Padilla

Kroy Ekblaw (printed name)
Zoning Administrator

Signature

RESOLUTION NO. 9084

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR A MEDICAL MARIJUANA USE IN A 1585 +/- SQUARE-FOOT SPACE LOCATED AT 8729 E. MANZANITA DRIVE, WITH COMMERCIAL OFFICE DISTRICT, PLANNED COMMUNITY DISTRICT (C-O PCD) ZONING.

WHEREAS, the Planning Commission held a public hearing on May 9, 2012 and

WHEREAS, the City Council held a public hearing on June 5, 2012.

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the City Council finds:

a) That the granting of this conditional use permit per stipulations set forth on Exhibit 2 will not be materially detrimental to the public health, safety or welfare based on, but not limited to, the following factors: damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic;

b) That the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas; and

c) That the additional zoning requirements necessary for a medical marijuana dispensary use, set forth on Exhibit 3 have been met with the express condition that the Zoning Administrator must certify that the use separation requirements set forth in the zoning ordinance are met following the receipt of a license/certificate from the State of Arizona and prior to this conditional use permit going into effect.

Section 2. This resolution shall not become effective until all of the following conditions are satisfied in accordance with all applicable laws, regulations and policies and at no expense to City:

a) The medical marijuana use has been issued the appropriate permit/license/certificate from the State of Arizona; Registration Certificate

b) After the appropriate license/certificate from the State of Arizona has been issued, the Applicant has demonstrated to the Zoning Administrator that it is located in conformance with the use separation requirements set forth in the Zoning Ordinance; and

c) The Zoning Administrator has signed a written certification that the above conditions were satisfied before December 31, 2012.

Section 3. That a description of the conditional use permit is set forth in Case No. 8-UP-2012. The property that is subject to the conditional use permit is shown on Exhibit 1 and the conditional use permit approval is conditioned upon compliance with all of the stipulations that are set forth in Exhibit 2. All exhibits are incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this 5th day of June, 2012.

ATTEST:

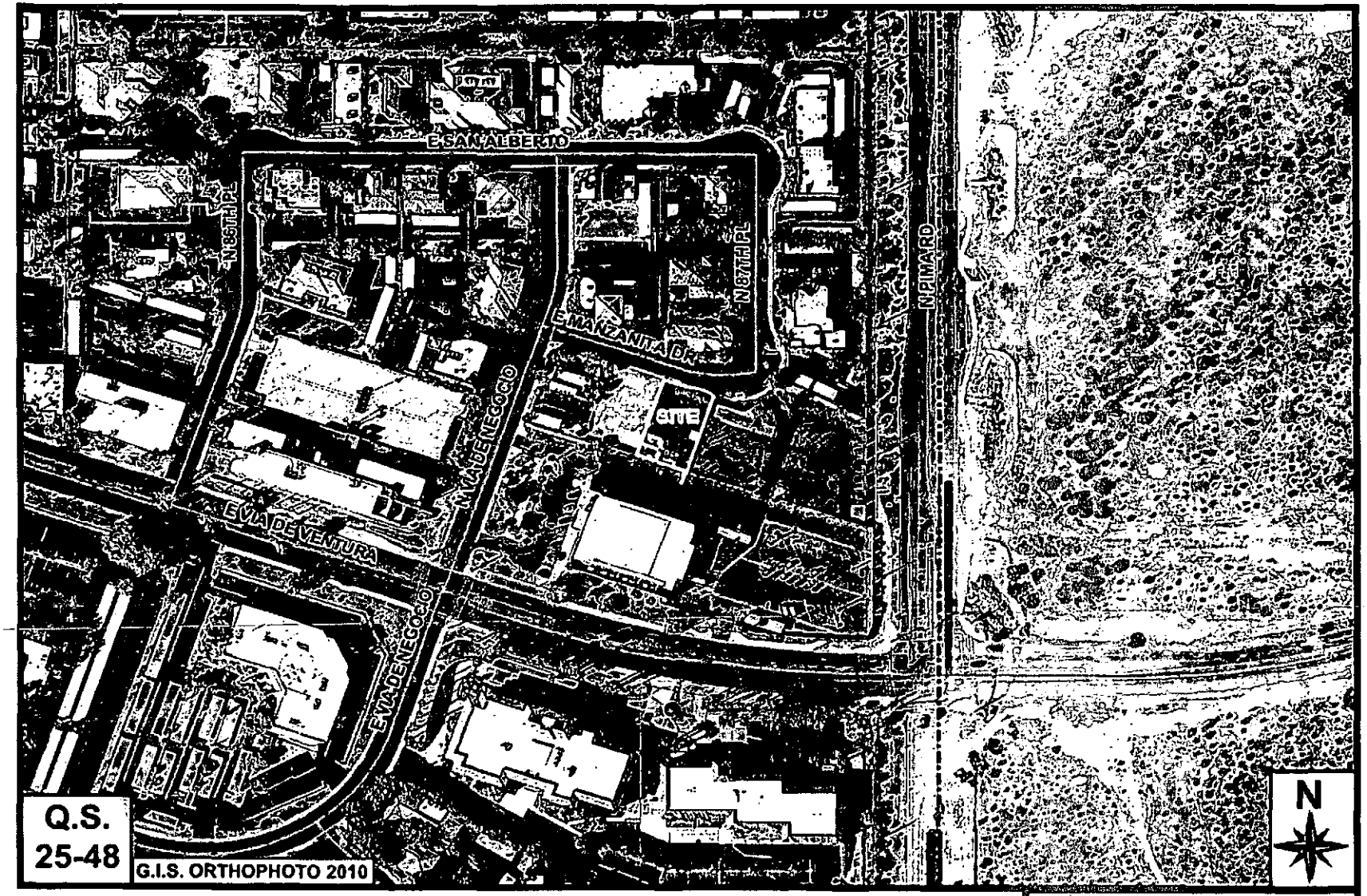
By: _____
Carolyn Jagger
City Clerk

CITY OF SCOTTSDALE, an Arizona Municipal Corporation

By: _____
W.J. "Jim" Lane
Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
Bruce Washburn, City Attorney
By: Sherry R. Scott, Deputy City Attorney



Monarch Wellness Centers

Exhibit 1
Resolution No. 9084

8-UP-2012

Conditional Use Permit – Medical Marijuana Use

Stipulations

Monarch Wellness Centers

Case Number: 8-UP-2012

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

NOTE: This conditional use permit will not go into effect until the Zoning Administrator has certified that the conditions set forth in the resolution have been fully satisfied.

OPERATIONS

1. 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 4/13/2012, and attached as Exhibit A to Exhibit 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.

2. 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.

3. 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

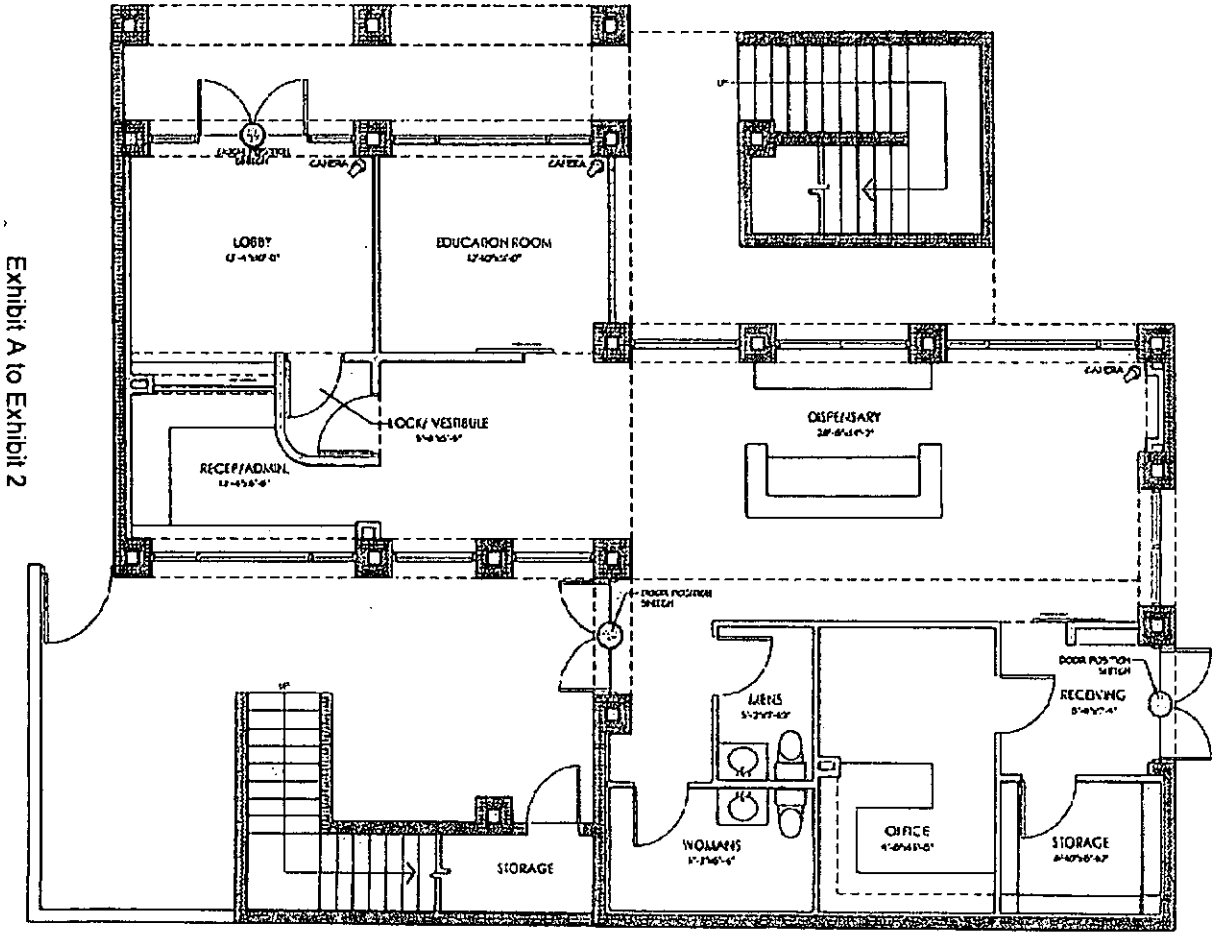
4. TERM OF CONDITIONAL USE PERMIT. This conditional use permit is valid for five (5) years, unless it is first amended or renewed.

5. 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.

6. 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.

7. COMPLIANCE WITH STATE LAW. The owner shall maintain in good standing all appropriate permits, licenses and certificates from the State of Arizona.

Exhibit A to Exhibit 2
Resolution No. 9084
Page 1 of 1



FLOOR PLAN

SCALE: 0' 4' 24'
1/4"=1'-0"

LEGEND

	DISPENSARY
	MILLWORK

SQAURE FOOTAGE

MAIN
1,585.6 SF

8-UP-2012
1st: 4/13/2012

Additional Conditions for a Medical Marijuana Dispensary
(Section 1.403.M of the Zoning Ordinance)

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 dispensary site is not located within 500 feet of any of the 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
3. The medical marijuana dispensary use is 1,320 feet or more from the following uses:
   a. Medical marijuana caregiver cultivation
   b. Any medical marijuana use; however, no separation between these uses is required in the Industrial Park District (I-1) where the medical marijuana caregiver cultivation use and a medical marijuana used hold a state issued caregiver registry identification card and a non-profit medical marijuana dispensary registration certificate under the same name or entity.
4. All distances are measured from the wall of the medical marijuana dispensary use nearest to the district(s) or use(s) listed above, to the nearest property line of the district(s) or use(s) listed above
5. The applicant has provided a written exterior refuse control plan, subject to City approval
6. The applicant has provided a written public safety plan, subject to City approval
7. The operating hours are no earlier than 6:00 AM and not later than 7:00 PM
8. There is no drive-through service, take-out window, or drive-in service