Marked Agendas
Approved Minutes
Approved Reports

KUSH CLINIC

MEDICINAL CANNABIS

Use Permit Application

Project No: 111-PA-11

8729 East Manzanita Drive
Scottsdale, AZ 85258

Submitted: February 2011

Applicant:
Kush Clinic, LLC
10458 E Jomax Rd. #102
Scottsdale, AZ 85262

KUSH CLINIC
MEDICINAL CANNABIS

Kush Clinic, LLC
PO Box 27874
Scottsdale, AZ 85255

Phone: (480) 628-2575
Fax: (480) 588-5137
E-mail: GregJewett@cox.net

Greg Jewett
Chief Operating Officer

Resolution No. 8697

Official /Signed Resolution/Ordinance can be found at:

https://eservices.scottsdaleaz.gov/eServices/ClerkDocs/Default.aspx

Planning Commission

4/27/2011

City Council Hearing 6/7/2011

9-UP-2011

Kush Clinic LLC - Medical Marijuana Dispensary

Approved Minutes can be found at:
https://eservices.scottsdaleaz.gov/eServices/ClerkDocs/Default.aspx

Planning Commission

4/27/2011

City Council Hearing 6/7/2011

9-UP-2011

Kush Clinic LLC - Medical Marijuana Dispensary

Item 7

CITY COUNCIL REPORT

Meeting Date: June 7, 2011
General Plan Element: *Land Use*
General Plan Goal: *Create a sense of community through land uses*

ACTION

Kush Clinic
9-UP-2011

Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 8697 approving a Conditional Use Permit for a +/- 1,585 square foot Medical Marijuana Dispensary, located at 8729 E. Manzanita Drive, with Commercial Office District, Planned Community District (C-O PCD) zoning.

OWNER

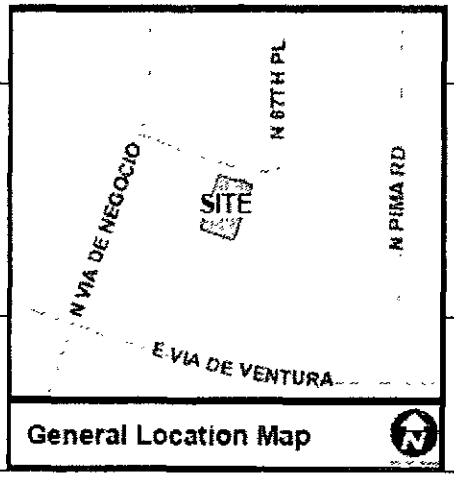
N.L. Booth & Son Inc.
928-772-0077

APPLICANT CONTACT

Lance Norick
Kush Clinic LLC
602-680-8741

LOCATION

8729 E Manzanita Drive



General Location Map

BACKGROUND

General Plan

Per the General Plan Land Use element, the subject site falls under the Office category. This category is intended to support a variety of office uses, residential in scale and character, often arranged in a commercial subdivision or campus setting.

Action Taken _____

Zoning

The site is zoned Commercial Office District, Planned Community District (C-O PCD). The C-O district allows for a variety of office and service uses. Medical Marijuana Dispensaries are allowed subject to a Conditional Use Permit.

State Regulations

The Arizona Department of Health Services (ADHS) bases locations of Medical Marijuana facilities on established Community Health Analysis Areas, or "CHAAs" (See Attachment #8). 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.

The current state rules require applicants for an ADHS Medical Marijuana registration certificate must submit verification to the ADHS that the site meets all local zoning restrictions. For the City of Scottsdale, the CUP is part of the "local zoning restrictions". As such, the CUP must be *approved* prior to the applicant applying to the ADHS for the registration certificate. Subsequently, the City's process requires that the CUP become *effective* prior to the applicant receiving approval to operate from the State. Below is an outline of the application process showing the City and ADHS steps:

1. Applicant has a pre-application meeting and makes a formal submittal to the City for a CUP. All applicants are informed of the CUP criteria, including the various separation requirements, and that any application may be at risk of failing to meet those criteria or any other CUP condition prior to ADHS granting approval to operate.
2. CUP is heard by the Planning Commission for recommendation.
3. CUP is heard by the City Council for approval or denial.
    - If the CUP is approved, the applicant provides confirmation to the ADHS that the facility is in compliance with City zoning restrictions as part of their application for a ADHS registration certificate.
    - The approved CUP resolution does not become effective until Step 5 below.
4. ADHS confirms site meets local zoning restrictions and allocates the registration certificate.
5. Applicant presents the ADHS registration certificate to the City Zoning Administrator for confirmation that the conditions of the CUP resolution have been satisfied, including all separation requirements (See Attachment #1). City staff coordinates with ADHS on timing, location, and number of ADHS certificates.
    - Approved CUP resolutions will not become effective if they do not meet the conditions, including the separation requirements, at the time of the Zoning Administrator review.
6. Upon confirmation that the CUP resolution is in effect, the applicant applies to the ADHS for approval to operate.

Other Related Policies, References:

- 23-ZN-1981: Rezoned the subject site from R-5 PCD to C-O PCD
- 8-TA-2010: text amendment to Zoning Ordinance to allow Medical Marijuana related uses
- Arizona Revised Statutes, Title 36, Chapter 28.1
- Arizona Department of Health Services, Title 9, Chapter 17

Context

The subject property is located in a commercial subdivision, consisting primarily of small scale professional and medical office uses on parcels ranging in size from 10,000 to 43,000 square feet. All surrounding parcels in the immediate vicinity are also zoned C-O PCD. In addition to office uses, there is multi-family residential approximately 550 feet to the north of the subject site and a post office to the south.

Key Items for Consideration

- Compliance with the Conditional Use Permit criteria
- Another facility proposed within 1,320 feet of the subject site
- No public/private schools or residential properties within 500 feet
- Public Safety and Refuse Control Plan approved by the Scottsdale Police Department
- Several calls from property and business owners in the area expressing opposition
- Planning Commission recommended approval by a unanimous vote of 7-0

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant seeks approval to operate a +/- 1,585 square foot Medical Marijuana Dispensary in a building with Commercial Office District, Planned Community District (C-O PCD) zoning. In addition to dispensing of product, the applicant intends to have staff on-site to provide consultations and educational materials to patients. No cultivation or processing is proposed at this location; instead, the applicant intends to contract with a separate facility to provide the product, which will either be delivered or picked up by the applicant. This may include contracting with an off-site bakery for processing and preparation of marijuana-infused edibles. Some incidental packaging and sorting of product will occur on-site as needed, all of which will be done by hand.

For security purposes, the main entrance to the dispensary will consist of two (2) separate doorways. The first door will be locked, only accessible by patrons after visual identification has been confirmed. The second door will then be opened electronically, but only after the first door has closed and locked. All other doors used to access restricted areas will be secured and accessible only by employees with coded access privileges. During off-hours, the facility will be monitored

remotely by a 24-hour security system that will include video surveillance, motion sensors, glass breaking sensors and intrusion detection.

Development Information

- Existing Use: Professional Office
- Proposed Use: Medical Marijuana Dispensary
- Parcel Size: 10,481 square feet
- Parking Required: 7 spaces
- Parking Provided: 13 spaces
- Floor Area: 1,585 square feet

IMPACT ANALYSIS

Land Use

The proposed use will occupy the entire 1st floor of the building. The 2nd floor, currently vacant, will be devoted to professional or medical office. It is anticipated the facility will operate similar to a medical office use, with foot traffic limited to patients and/or caregivers. The dispensary will be 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 medical and professional offices, similar in intensity and character to the proposed use.

Conditional Use Permit

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 a 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 incidental product separation and packaging will be done by hand. The applicant intends to use a sophisticated air filtration system to prevent any odors associated with the use from becoming a nuisance to adjacent tenants or property owners. Any deliveries to the site will be accomplished utilizing small vehicles and will occur within the building only, utilizing a door on the east side of the building. Per the applicant, the existing external lighting is sufficient to meet their needs. No additional external lighting is proposed at this time. Any future security lighting will be subject to**

separate review and approval. 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. Consistent with medical offices, visitation will be by appointment only, with between three (3) and five (5) visitors per hour anticipated. Occasional delivery of product will be required. All unloading of product will occur on-site in the parking area and will not affect off-site circulation. No significant impacts to existing traffic patterns, or increase in traffic volume is anticipated.**

3. There are no other factors associated with this project that will be materially detrimental to the public.
   - **There are no other factors associated with this use that will be materially detrimental to the public.**

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 proposed use will operate similar to a medical or professional office use, both of which are prominent in this area. The subdivision where this site is located is home to a variety of medical and professional office uses, with some personal service uses mixed in. 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 Dispensaries 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 will be 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. Deliveries will occur via small vehicles that will park in the parking area. Product will then be walked up to the delivery door on the east side of the building, under the supervision of security staff.**

2. The Medical Marijuana Dispensary use is not located within 500 feet of any of the following protected districts or uses:
   a. Single-Family Residential District (R-1)
   b. Two-Family Residential District (R-2)

c. Manufactured Home District (M-H)

d. Public, private, or charter school

- **The proposed facility is not located within 500 feet of any of the above uses or districts.**

3. The Medical Marijuana Dispensary use is 1,320 feet or more from the following uses:

   a. medical marijuana caregiver cultivation use

   b. another medical marijuana dispensary use

   c. medical marijuana dispensary cultivation use

   d. medical marijuana dispensary processing use

   - **The proposed 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 operating hours 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 Saturday, 8:00 AM to 5:00 PM. The facility will be closed on Sundays.**

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 Dispensary. No upgrades are required.

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 9045 E. Via Linda Road, approximately 1.2 miles from the subject site. No significant impacts to existing service levels are anticipated.

Community Involvement

The applicant held an Open House on March 9, 2011 from 5:00 PM to 6:00 PM. The applicant estimates between 35-40 people attended and posed several questions to the applicant team (Please see Attachment #7, Citizen Involvement). Property owners within 750 feet of the site have been notified by mail, and the site has been posted with required signage twice, once 10 days prior to the Open House, and again after the formal application was submitted.

OTHER BOARDS & COMMISSIONS

Planning Commission

Planning Commission heard this case on April 27, 2011, and found that the Conditional Use Permit criteria have been met and recommended approval with a unanimous vote of 7-0, per the attached stipulations.

Staff Recommendation to Planning Commission

Staff recommended that the Planning Commission find that the Conditional Use Permit criteria have been met, and make a recommendation to City Council for approval per the attached stipulations.

STAFF RECOMMENDATION

Recommended Approach:

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 8697 approving a Conditional Use Permit for a +/- 1,585 square foot Medical Marijuana Dispensary, located at 8729 E. Manzanita Drive, with Commercial Office District, Planned Community District (C-O PCD) zoning.

RESPONSIBLE DEPARTMENT

Planning, Neighborhood and Transportation

Current Planning Services

STAFF CONTACT

Greg Bloemberg
Planner
480-312-4306
E-mail: gbloemberg@ScottsdaleAZ.gov

APPROVED BY

Greg Bloemberg, Report Author — Date: 5-12-11

Tim Curtis, AICP, Current Planning Director — Date: 5/22/2011
480-312-4210, tcurtis@scottsdaleaz.gov

Connie Padian, Administrator — Date: 5/23/11
Planning, Neighborhood and Transportation
480-312-2664, cpadian@scottsdaleaz.gov

ATTACHMENTS

1. Resolution No. 8697
   Exhibit 1. Context Aerial
   Exhibit 2. Stipulations
   Exhibit A to Exhibit 2. Floor Plan
   Exhibit 3. Additional Criteria
2. Applicant's Narrative
3. Aerial Close-Up
4. General Plan Map
5. Zoning Map
6. Public Safety and Refuse Control Plan
7. Citizen Involvement
8. Community Health Analysis Area (CHAA) Map
9. City Notification Map
10. April 27, 2011 Planning Commission Meeting Minutes

RESOLUTION NO. 8697

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR A MEDICAL MARIJUANA DISPENSARY IN A 1,585 +/- SQUARE FOOT FACILITY 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 April 27, 2011; and

WHEREAS, the City Council, held a public hearing on June 7, 2011.

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 as 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 dispensary has been issued the appropriate permit/license/certificate from the State of Arizona,

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

ATTACHMENT #1

c) The Zoning Administrator has signed a written certification that the above conditions were satisfied within six months of the date of this Resolution.

Section 3. That a description of the conditional use permit is set forth in Case No. 9-UP-2011. 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 7th day of June, 2011.

ATTEST:

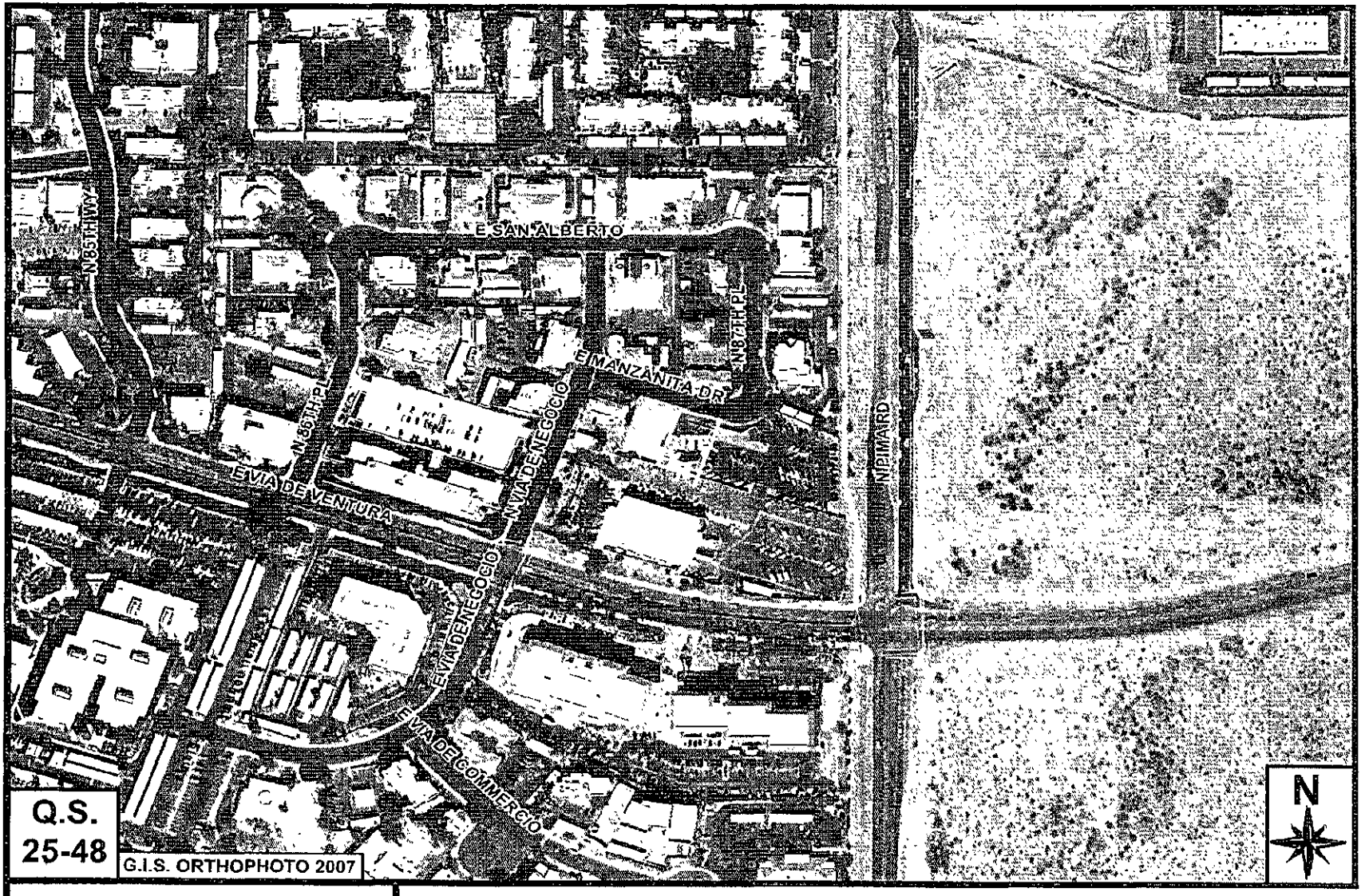
CITY OF SCOTTSDALE, an Arizona Municipal Corporation

By: _____
Carolyn Jagger
City Clerk

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



9-UP-2011

Exhibit 1
Resolution No. 8697

Kush Clinic LLC
medical marijuana

Conditional Use Permit – Medical Marijuana Dispensary

Stipulations

Kush Clinic LLC

Case Number: 9-UP-2011

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 Resolution 8697 have been fully satisfied.

OPERATIONS

1. CONFORMANCE TO FLOOR PLAN. The interior of the facility shall conform with the floor plan provided by Drewett + Brenden Architecture, with the city staff date of 3/1/2011, and attached as Exhibit A to Exhibit 2. Any proposed significant change to the 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.

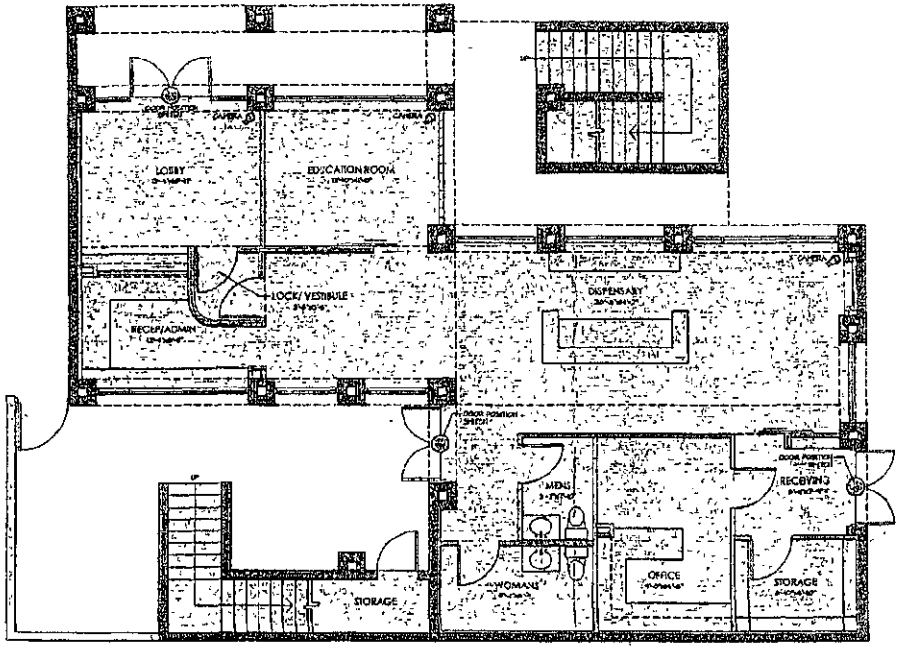
3. HOURS OF OPERATION. Per the applicant's Operation Plan, the hours of operation for this facility shall be limited to:

	Open to Customers	*Close to Customers*
Monday	8:00 AM	5:00 PM
Tuesday	8:00 AM	5:00 PM
Wednesday	8:00 AM	5:00 PM
Thursday	8:00 AM	5:00 PM
Friday	8:00 AM	5:00 PM
Saturday	8:00 AM	5:00 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. 8697
Page 1 of 1



FLOOR PLAN

SCALE: 0' 4' 24'

KUSH CLINIC
MEDICINAL CANNABIS

LEGEND

DISPENSARY

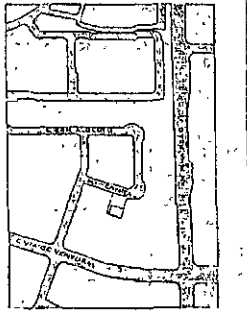
MILLWORK

SQAURE FOOTAGE

MAIN

1,583.5 SF

VICINITY MAP



9-UP-2011
1st 3/1/2011

REWETT + BRENDEN
ARCHITECTURE

BD2

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
2. The medical marijuana dispensary site is not located within 500 feet of any of the protected districts or uses:
   a Single-Family Residential District (R1-)
   b. Two-Family Residential (R-2)
   c. Manufactured Home District (M-H)
   d. Public, private, or charter school
3. The medical marijuana dispensary use is 1,320 feet or more from the following uses:
   a. Medical marijuana caregiver cultivation
   b. Another medical marijuana dispensary use
   c. Medical marijuana dispensary cultivation use
   d. Medical marijuana dispensary processing use
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

Project Narrative

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

Date: 3-1-2011 Project No: 111 -PA- 11

Coordinator: GREG BLOEMBERG Case No: ____-__-____

Project Name: KUSH CLINIC LLC MEDICAL MARIJUANA USE PERMIT

Project Location: 8729 E MANZANITA Dr. SCOTTSDALE AZ 85258

Property Details:

____Single-Family Residential ____Multi-Family Residential ✓ Commercial ____Industrial

Current Zoning: C-O Proposed Zoning: C-O

Number of Buildings: 1 Parcel Size: 10,400 Square Foot

Gross Floor Area/Total Units: 3,337 / 3 Floor Area Ration/Density: ____

Parking Required: 12 Parking Provided: 13

Setbacks: N - 81' E - 16'4" S - 6" W - 5'

Description or Request:

ATTACHMENT #2

Planning, Neighborhood & Transportation Division

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

Overview

In November 2010, Arizona voters passed Proposition 203 the "Arizona Medical Marijuana Act" allowing patients suffering from debilitating medical conditions such as cancer and acquired immune deficiency syndrome (AIDS) to utilize marijuana for medicinal purposes. The use of medical marijuana will only be allowed through qualifying patients or designated caregivers applying for and attaining a Registry Identification Card through the Arizona Department of Health Services (ADHS). As part of this process each qualifying patient will have to attain a physician's written certification in an ADHS-provided format.

Arizona is now the 15th state to legalize marijuana for medicinal use Since the Arizona Medical Marijuana Act was certified on November 29, 2010, Arizona officials have been developing regulations for the medical marijuana industry that will be finalized on March 28, 2011.

The Arizona regulations will limit the number of medical marijuana dispensaries and require dispensaries to strictly check and monitor both its employees as well as its patients and caregivers. Unlike other state dispensary models, Arizona dispensaries will be professionally managed and operate in a similar manner as a pharmacy. Dispensaries will also have to adhere to stringent security guidelines helping to insure the safety of its employees, patients and caregivers.

About Kush Clinic

Kush Clinic will be a medical marijuana dispensary that will operate in keeping with the Arizona Medical Marijuana Act and related regulations.

The Kush Clinic vision is:

Kush Clinic is seeking to assist the health and welfare of patients suffering from medically debilitating conditions where scientific research has shown the validity of medical marijuana may help prolong or improve the quality of life.

Kush Clinic will operate as a not-for-profit limited-liability corporation. Profits over usual and customary business expenses will be utilized in one of three ways: (1) **Scientific Research** conducted with Arizona medical organizations, public and private universities as well as private contract-research companies that demonstrate the effective applications and use of medical marijuana for debilitating medical conditions, (2) **Charitable Contributions** for organizations in Arizona related to the debilitating medical conditions, and (3) **Community Service** contributions benefiting Arizona residents through City of Scottsdale programs or State of Arizona programs.

Kush Clinic has been established by three successful Arizona businessmen – Lance Norick, Greg Jewett and Steve Hanson. Each individual fulfills the requirements set by the State of Arizona and brings his own distinct experiences which have made opening a dispensary for the betterment of others a primary passion. Supporting Kush Clinic will be a team of medical doctors and leading researchers from Arizona and throughout the world. This **Scientific Advisory Council will support Kush Clinic by identifying research needs and developing a number of research studies** for medical marijuana related to specific debilitating medical conditions.

Kush Clinic will offer a range of medical marijuana products that will be in a raw material form as well as infused edible products. Kush Clinic will have educational advisors on staff along with educational materials on site for patients and caregivers to learn about medical marijuana's responsible use.

Use Permit Request

Kush Clinic has completed a purchase offer for the property 8729 East Manzanita Drive, Scottsdale, AZ 85258 for use as a medical marijuana dispensary. The property fulfills the zoning requirements as set by the City of Scottsdale related to its distance from schools, churches, hospitals and residences. This request is for a Conditional Use Permit to operate a medical marijuana dispensary at 8729 East Manzanita Drive. **This facility will be a medical marijuana dispensary ONLY** and no cultivation or growing will be done at this site.

Kush Clinic will have operational guidelines that will allow it to operate similar to a

doctor's office or pharmacy. The Kush Clinic location is ideal as it is unobtrusive and not located on a major public thoroughfare. Its location is private and discreet.

Kush Clinic has developed a comprehensive security plan that will exceed both state and city requirements. Representatives from Kush Clinic have worked closely with Detective John Miller from the Scottsdale Police Department to insure that its plan fulfills necessary requirements for a medical marijuana dispensary. The security monitoring system will allow Kush Clinic owners and employees to observe the dispensary at any given time by using an secure internet connection. Other security features will include an alarm system, panic buttons and motion detectors to name a few. The security and site plan also includes a reception area protected with bulletproof glass, a man lock and a TL-30 rated safe bolted to the ground. Additionally, Kush Clinic employees will also undergo comprehensive security and crisis response training.

Raw material products sold by Kush Clinic will be kept in air-tight storage to eliminate odors. For infused food items, they will be sold in prepackaged, sealed packages that will have no significant odor.

Kush Clinic will run similar to a doctor's office or pharmacy. Kush Clinic will allow qualifying patients to call ahead to schedule appointments or to request a verified order for pick up. The software system utilized by Kush Clinic will keep complete patient records and allow for retrieval of patient information with a card scan upon arrival. This system will reduce waiting times and allow patients to get in and out of Kush Clinic efficiently. Kush Clinic's daily activities will merge effectively into the neighborhood, allow for easy patient access and serve as a private and discreet location.

Zoning Compliance

The property is zoned C-O and complies to the regulations in the newly adopted Text Amendment allowing medical marijuana dispensaries. There are no public, private and/or charter schools along with no residential zoning within 500 feet of the site. This site fulfills the required separation setbacks outlined in the City's Ordinance.

Project Narrative

Use Permit Compliance

This Use Permit Request is for 8729 East Manzanita Drive, Scottsdale, AZ 85258. The Owner/Applicant is seeking a Use Permit for a medical marijuana dispensary. The existing property and building is zoned C-O and is in compliance with these zoning requirements.

Kush Clinic meets or exceeds conditions for the use permit requirements set forth in the Scottsdale Zoning Code section 1.401.

A. The granting of this site as a medical marijuana dispensary will not be materially detrimental to the public health, safety or welfare.

1. The use will not create damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination. Since there will be no manufacturing or processing at this site, noise will be as common as any other business in the neighborhood and no smoke, dust or vibration will be created. Odor will be managed by air-tight packaging selected for its odor-eliminating properties. Kush Clinic's impact will be similar to having a doctor's office.
2. No impact on traffic resulting from an unusual volume or character of traffic. The traffic flow would be similar to a doctor's office. Patients will schedule appointments or call ahead to pick up verified orders.

B. The characteristics of the use is compatible with the types of use permitted in the area. Kush Clinic will operate as a professional medical marijuana dispensary. Other businesses in the area include doctor's offices, dental offices, medical offices and other general business offices.

C. The location meets all other conditions.

Summary

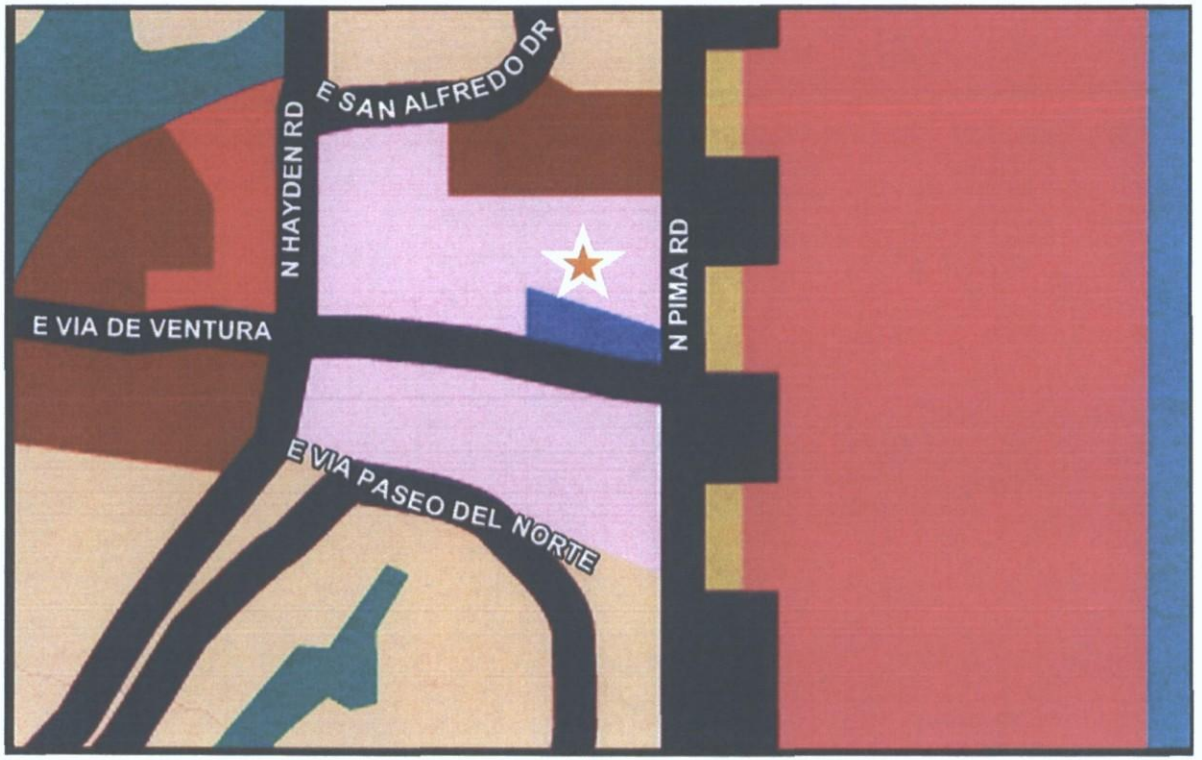
Kush Clinic will be operated in accordance to city and state regulations. Kush Clinic ownership is aware of the enormous responsibility in having a medical marijuana dispensary and is confident that no one will equal its integrity and passion.



9-UP-2011 **Kush Clinic LLC; medical marijuana**

ATTACHMENT #3

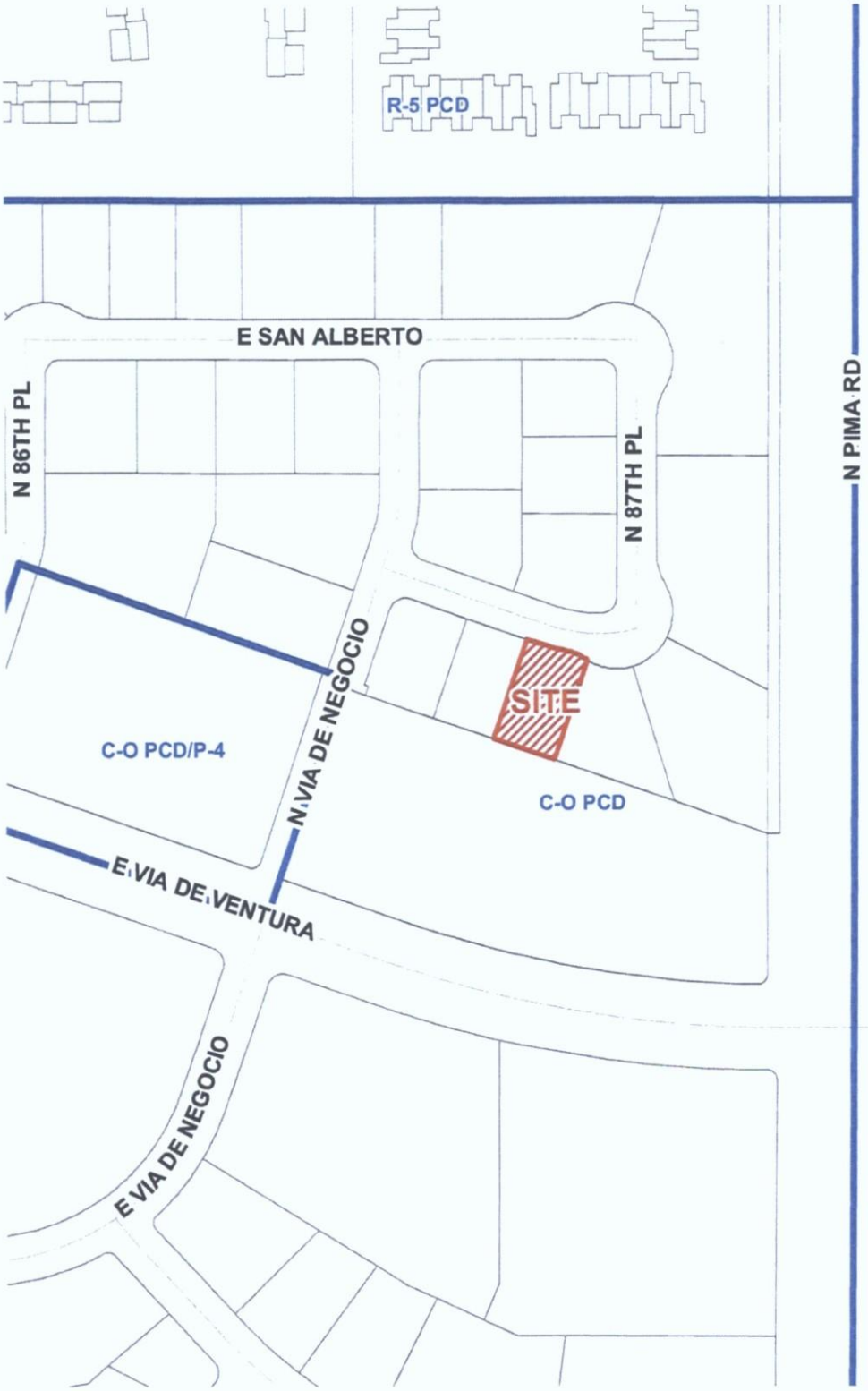
General Plan



- RURAL NEIGHBORHOODS
- SUBURBAN NEIGHBORHOODS
- URBAN NEIGHBORHOODS
- MIXED-USE NEIGHBORHOODS
- RESORTS/TOURISM
- SHEA CORRIDOR
- MAYO SUPPORT DISTRICT
- REGIONAL USE DISTRICT
- COMMERCIAL
- OFFICE
- EMPLOYMENT
- NATURAL OPEN SPACE
- DEVELOPED OPEN SPACE (PARKS)
- DEVELOPED OPEN SPACE (GOLF COURSES)
- CULTURAL/INSTITUTIONAL OR PUBLIC USE
- MCDOWELL SONORAN PRESERVE (AS OF 8/2003)
- RECOMMENDED STUDY BOUNDARY OF THE MCDOWELL SONORAN PRESERVE
- CITY BOUNDARY
- LOCATION NOT YET DETERMINED

N

9-UP-2011
ATTACHMENT #4



9-UP-2011

ATTACHMENT #5

N

KUSH CLINIC
MEDICINAL CANNABIS

Security Plan

Security will be of the utmost importance to protect Kush Clinic employees, patients and the neighborhood.

The following security requirements exceed the existing requirements currently set by the State of Arizona and for the City of Scottsdale. Kush Clinic at 8729 E. Manzanita Drive in Scottsdale AZ.

Security Equipment to be Installed on Property

Closed Circuit Television (CCTV):
The following system will be installed:

- (12) Panasonic Super Dynamic Megapixel Vandal Resistant IP Cameras
- (12) ExacqVision Single Channel IP Camera Licenses
- (1) Intransa 8TB Server/Storage with RAID 5
- (1) IFS 24 port POE 1 Gigabit Switch
- (1) APC Smart Uninterrupted Power Supply
- (1) Lowell Wall Mount Rack-24RU and Solid Steel Locking Door
- (LOT) Conduit/ Connectors/ Cables/ Misc. Hardware

Security Controls in Storage Room:
CCTV head end equipment in the storage room. The Lowell rack will be mounted to one of the walls for extra security. The UPS, server/storage, and point-of-entry switch will be rack mounted. A solid steel locking door will be installed on the front of the rack for added security.

Cameras:
12 IP CCTV cameras will be installed in designated locations. Cameras video/data/power will run over a single Cat5e Ethernet cable. Cameras will be landed to the IFS POE switch. A single Ethernet cable will then be landed to the LAN Ethernet interface on the Server/Storage. Cameras will be recorded at an H.264 compression. All cameras are vandal resistant with day/night function, wide dynamic range, progressive scan, and a 1/3" CCD image sensor. The server/storage consists of 8TB of storage and RAID 5 to provide increased storage functions and reliability through redundancy. For authorized personnel the cameras can be accessed via the network 24/7. The server/storage will provide up to 30 days on-site storage and 2 years off-site storage and is capable of recording at H 264@ 4CIF@1,600Kbits/s Bit Rate All cameras will be setup to record on motion.
Storage information will be on cameras recording on motion at an H.264 compression and a resolution of 1280x960 @ 10FPS.

ATTACHMENT #6

- Outdoor cameras at each of the three entrances will be surface mounted directly above each door on the exterior wall.
- Indoor cameras will be surface mounted in designated locations. (2) Of the indoor cameras will be mounted above each of the point of sales locations.

Please see attached drawings for camera locations.

Alarms/Intrusion Detection:

The following alarm system will be installed:
(1) Honeywell Vista 20P Control Panel
(2) 6160 Keypads
(1) 6160RF Keypad
(5) Wireless Panic Switches
(6) Armored Door Position Switches
(4) Optex DX Series Motion Detectors
(4) Glass Break Detectors
(2) Honeywell Zone Expanders
(1) Armored Siren/Strobe
(1) Cooper B-Line Enclosure
(1) Altronix Power Supply
(1) Altronix Power Distribution Module
(LOT)Conduit/ Connectors/ Cables/ Misc. Hardware

Security Controls in Storage Room:

The intrusion detection systems head end equipment will be installed in the storage room. The control panel will be in a locked enclosure with a tamper switch. An additional enclosure will be installed to house the power supplies and battery backup. A tamper switch will also be installed on this enclosure.

Panic Buttons:

(5) wireless panic buttons will be installed in designated locations:
- The first panic will be installed at the receptionist's desk.
- The second panic will be installed at the check/registration desk.
- The third panic will be installed in the dispensary area.
- The fourth panic will be installed in the southeast office.
- The fifth panic will be installed in the storage room.

Motion Detectors:

(4) motion detectors will be installed in designated locations:
- The first motion detector will be installed in the reception/lobby area
- The second motion detector will be installed in the education and consultation area.
- The third motion detector will be installed in the dispensary area.

- The fourth motion detector will be installed in the storage area.

Glass Breaks:
(4) glass break detectors in designated locations:
- The first glass break detector will be installed in the reception/lobby area.
- The second glass break detector will be installed in the education and consultation area.
- The third and fourth glass break detectors will be installed in the dispensary areas.

Door Position Switches:
(6) armored cable door position switches will be installed in designated locations. Door positions switches at each entry will be wired in series.
- The first and second door positions switches will be installed on the main front entry doors into the reception/lobby.
- The third and fourth door position switches will be installed on the storage area doors.
- The fifth and sixth door position switches will be installed on the west rear exit doors.

Keypads:
(2) 6160 entry keypads will be installed. The third keypad will be installed on the front of the control panel cabinet. This keypad has a built in RF receiver for the wireless panics.

Armored Siren/Strobe:
(1) Armored siren/strobe will be installed on the outside of the building in a location where the strobe can be seen and heard.

Please see attached drawings for IDS device locations.

Additional equipment has been added to the quote based on the City of Scottsdale Public Safety and Refuse Control Plan for security, maintenance, and operation of Medical Marijuana Facilities requirements.

Product Accessibility & Security

Product will be stored in a TL-30 jeweler's safe bolted to the ground. This safe will have welded shelves and product will be stored in elongated metal boxes to insure security. Product storage will meet or exceed the Arizona Department of Health Services guidelines.

Access to the medicine will only be granted to approved employees and protected by card access as well as video monitoring. All handling breakdown and packaging will be conducted in a locked area. The activity will be video

monitored and stored for 30 days.

Waste Management Plan

This location will be a dispensary only.

Raw Material
Raw product material will be provided for the Kush Clinic growing site. The handling of the raw material will be monitored very closely and very little waste will result. If any waste is gathered, it will be placed in a small storage jar According to state guidelines, this waste will need to be recorded and deducted as a particular product number from the system. If the product can be utilized for another use, it will be transferred as material for another product.

Infused Product
Raw material will be provided to an approved dispensary agent that can make infused food or beverage products. This raw material must be logged as its particular form (e.g., solid or liquid) and utilized in the development of the infused products. Whatever is not utilized by the bakery must be returned to Kush Clinic. Infused products will be manufactured off site and delivered to Kush Clinic in pre-sealed packages. If the product is not sold, it will be returned in its original package to the bakery.

Crisis Response/Emergency Preparedness Training
The following Standard Operating Procedures will be developed and Kush Clinic employees will have training in the following.

- Robbery Procedure
- Bomb Threat Procedure
- External Disaster Plan
- Fire Procedure

Outside Lighting
The building Kush Clinic has an approved outside lighting system in place. If additional lights are added, they will be motion detection lights

Locked and Secured Patient Records
All paper records will be stored in a secure area Paper records will be copied electronically and will be stored off site. Any paper documents from Kush Clinic will be shredded and placed in the trash facility.

Scottsdale Police Department Lock Box
The Scottsdale Police Department will be provided with a lock box and security codes to access the building at any time.

Scottsdale Fire Department Lock Box
The fire department will be provided with a lock box and security codes to access the building any time.

Operations Plan

For this location, Kush Clinic will operate as a medical marijuana dispensary. The products it will offer will include marijuana strains as a raw material and infused medicinal food products.

Business Address:	8729 East Manzanita Drive Scottsdale, AZ 85258
Business Use:	Medical Marijuana Dispensary
Days/Hours of Operation:	Proposed is Monday through Saturday, 8 a.m. to 5 p.m May change if state regulations specify days and hours of operation.
Number of Employees:	3 Full time 2 Part time
Employee Training:	Draft employee handbook has been developed.

Business Procedure:

1. Patient arrives at Kush Clinic
2. Patient enters reception area and provides identification and Registry Card to receptionist
3. Patient enters man lock while identification is confirmed
4. Once patient's identification is confirmed, the patient is escorted into the education room where he/she is able to ask questions to a Medical Support Consultant. Educational materials will be reviewed with and available to patient.
5. In consultation, patient selects appropriate product.
6. Patient may wait in education room or wait in a dispensary area.
7. Patient order is fulfilled by dispensary staff. Order is recorded in proprietary software system. Similar to a pharmacy, patient reviews a product release statement, approves and signs for release of product.
8. Payment of order is made by patient by credit card. For prior customers, payment may also be made by check.
9. Patient is then escorted to front door and monitored until safely off the premises.

Customer Characteristics: Seating for customers will be 12 chairs between education room and customer waiting area.
Anticipated business will be 3 to 5 customers per hour with peak time 10:30 a.m. to 2:30 p.m.

Outdoor Operations: Parking: Customer will walk from car to dispensary and back to car when complete.
Loading: Kush Clinic has a dedicated loading/unloading secured area.
Storage: No outdoor storage
Display: None
Product Demonstration/Testing: None
Activities that take place within areas that are walled but not roofed or covered: None
Other Activities: None

Description of services and activities such as parking lot sweeping, loading, trash hauling and similar associated activities: None

Description of refuse removal: Parking: Parking is located in front of building as customer drives into street entrance.
Area surrounded the property cleaned by applicant: None
Time of refuse removal: Weekly by Wednesday around 10 a.m.

Description of activities that generate noise to adjoining properties: The site is a stand-alone building. No activities will generate noise any more than any other business characteristic in the neighborhood.

Description and documentation of how noise is abated: Not applicable

Proposal for noise monitoring and maintenance of acceptable noise level: Not applicable

Schools only: Not applicable

KUSH CLINIC
MEDICINAL CANNABIS

OPEN HOUSE REPORT

NEIGHBORBOOD NOTIFICATION MEETING FOR USE PERMIT
Location: 8729 East Manzanita Drive, Scottsdale, AZ 85258
Date: Wednesday, March 9th
Time: 5:00-6:00 p.m.

An open house was held on March 9th related to the conditional use permit application for Kush Clinic at 8729 East Manzanita Drive, Scottsdale, AZ 85258

The following materials were available as hand outs for the participants:

- Kush Clinic Security Plan
- Review on Clinical Studies with Cannabis and Cannabinoids 2005-2009
- Excerpt from "Arizona Medical Marijuana: The Clinical Perspective"
- the GREENleaf Arizona Medical Marijuana Magazine
- Kush Clinic Background Sheet
- Kush Clinic Fact Sheet
- Kush Clinic Owner Bios

The following materials were available for review by the participants:

- Copies of Proposition 203 - In Binders
- Copies of Draft Rules - In Binders
- Copy of Emerging Clinical Applications for Cannabis and Cannabinoids - In Binder
- Copy of "Arizona Medical Marijuana: The Basics" - In Binder
- Copy of "Arizona Medical Marijuana: The Clinical Perspective" - In Binder
- Copy Marijuana as Medicine? The Science Beyond the Controversy - National Academy Press - In Binder
- Site Plan Diagram with Security Features Noted

Approximately 50 people were present for the open house. The open house was initiated by a representative from Paul Gilbert's office who opened the meeting and discussed the site and its compliance with the zoning regulations for a medical marijuana dispensary.

Lance Norick provided an overview of Kush Clinic and the use. The meeting was then opened for questions. The following questions were asked and responded to accordingly:

ATTACHMENT #7

Q. What is your security plan?

A. It is the goal of Kush Clinic to make the dispensary as safe as possible for its employees, patients and neighbors. To this end, Kush Clinic has developed a security plan that exceeds both city and state requirements.
The plan includes the following:

- Recording cameras operating 24 hours, 7 days a week
- Alarm Systems
- Panic Buttons
- Motion Detectors
- Glass Breaks
- Door Position Switches
- Security Man Lock
- Bulletproof Glass
- Unarmed Security Guards

Kush Clinic employees will also undergo comprehensive security and crisis response training.

Q. What impact does this have on the Indian reservation?

A. The property is zoned based on the City of Scottsdale regulations and the site is in compliance.

Q. I don't want a bunch of kids hanging out in our neighborhood. How will you prevent this?

A. Loitering will not be allowed on Kush Clinic property and will be monitored through security cameras and Kush Clinic employees.

Q. Will you be growing at this facility?

A. No. This site will only be a dispensary.

Q. Will there be enough parking?

A. Yes. The property has more parking spaces than required for use as a dispensary.

Q. What impact will Kush Clinic have on our neighborhood?

A. Based on Arizona regulations that require a dispensary to operate in a similar manner as a doctor's or medical office, the impact will be minimal and in keeping with the surrounding businesses.

Q. Why did you pick this location?

A. The location fulfills all city and state requirements for a medical marijuana dispensary.

Q. **What are your hours of operation?**

A. Kush Clinic is planning to have hours of operation similar to a doctor's office. Its hours of operation will comply with state and city laws for dispensary operation.

Q. **Will people be allowed to smoke or consume Kush Clinic products in the dispensary?**

A. No, this will not be allowed and is against the law. Kush Clinic patients will be asked to sign a Kush Clinic policy statement informing the patient that smoking or consuming products in the dispensary is against the law and law enforcement authorities will be notified if found in violation.

After the questions & answers period, participants were able to meet with Kush Clinic representatives one-on-one for the remaining portion of the open house.

Summary

The participants shared their concerns during the open house and these were addressed by Kush Clinic. Any apprehensions related to Kush Clinic were discussed openly and it was felt that those attending the event left with a positive impression. Participants appreciated the detail in the materials for review and the hand outs made available to them by Kush Clinic.

Kush Clinic was made aware of some concerns made to the City of Scottsdale by specific individuals. Representatives from Kush Clinic have reached out to these individuals on multiple occasions. These contacts have been documented. Unfortunately, none of these individuals attended the open house.

Kush Clinic has recorded contact with individuals from the neighborhood and will continue to do so.

KUSH CLINIC
MEDICINAL CANNABIS

Open House – March 9th, 5 to 6 p.m.
8729 East Manzanita Drive, Scottsdale, AZ 85258

Name	E-mail Address	Phone Number	Comments
Jeanette McCauley	umac2rock@hotmail.com	928-848-3110	
Merle Hanson	mhjm@rconnect.com	641-381-0095	
Earle Howard, M.D.			
Barry Serniors?	?		
Griggs Wright, M.D.	gwright.md@hotmail.com	480-353-4551	
Phyllis Hall		602-714-8505	
Laura Jewett		480-628-2563	
Ron & Margaret Story	rstory@iserv.net		
Patrick Rice	patrickerice@aol.com	480-575-1713	
Crystal Melk	crystal@dakotamanagement.com	480-315-6564	
Jeffrey Leon	jleonsprint@cox.net	480-473-3508	
Mike Mattson	mike@mattsonconstruction.com		
David Gilbreth	dgilbreth@rpryan.com	602-992-9700	
Deanna Henry	henrydea7@yahoo.com	480-326-2217	
Lori Henry	lmazoff@gmail.com	480-970-6869	
Michele Hammond	michelehammond@cox.net	602-463-4081	

Name	E-mail Address	Phone Number	Comments
Lee Holloway		602-482-7963	
Chris Wilson	cwilson777@cox.net	480-236-0023	?
Shel Kaplan		602-430-3333	
Derek Oldham	doldham@ipsasecurityservices.com		
Frank Helton	fhelton@ipsasecurityservices.com		
Eric Means	emeans@bcdlvs.com	480-836-7208	
Mandy Royse	mandy_royse@yahoo.com		
Keith Colombik	kcolombik@hotmail.com		
Jeff Pearson	jeffpearsonaz@aol.com		
Barry Margolin	barry_margolin2000@yahoo.com	602-750-8303	
Travis Figueroa	droopymac001@aol.com	602-489-0757	
William R. Green	bill.banisagency@cox.net		
Doug Banfelder	dougb@psigiic.com	480-315-9051	Nice Facility!
Joan Miller	joanm31@gmail.com	602-525-0332	
Dean Wegner		602-432-6388	
Christine Padgett		602-481-0757	
Fred Grant, M.D.	fjgseattle@aol.com		

Kush Clinic
Community Call Log

Date	Time	Person Contacted	Method of Contact	Contacted by	Comments
Thursday, February 24	5:50 p.m.	Steve Johns	By Phone 602-376-7363	Steve Hanson	Mr. Johns answered the call. Introductions were made. Hanson expressed that representatives from Kush Clinic would like to meet to listen and discuss his concerns. Mr. Johns said to call him Friday morning between 9-11 a.m to schedule a meeting for Monday.
Thursday, February 25	6:00 p.m.	Rick Schibler	By Phone 480-980-3398	Steve Hanson	Mr. Schibler answered the call. Introductions were made. Hanson inquired regarding his concerns and meeting to discuss. Mr Schibler responded by saying he had no desire to talk to Hanson and hung up the phone.
Thursday, February 25	6:10 p.m.	Dr. José Kanshepolsky	By Phone 480-451-5357	Steve Hanson	Dr. Kanshepolsky answered the call. Introductions were made. Dr. Kanshepolsky informed Hanson that he was a retired neurosurgeon and that he owned the vacant lot next to our location. His primary concern was the negative impact a medical marijuana dispensary would have on his property value. Dr. Kanshepolsky explained to Hanson that he understood the medicinal benefits of marijuana and its importance for specific patients. Dr. Kanshepolsky just does not want a dispensary in his neighborhood.

					Dr. Kanshepolsky informed me that he is opposed to our application and mentioned that he was aware that the dentist across the street and another person on that street corner was opposed as well. He informed me that he also called the building's current owner and expressed his opposition. Dr. Kanshepolsky also mentioned that loitering, smoking marijuana in the parking lot and security were concerns. Hanson explained to him that loitering will be monitored and not allowed, that smoking marijuana on premises will not be tolerated and is against the law and that the security plan for the site will exceed proposed state and city guidelines. Dr. Kanshepolsky reiterated his property value concerns and that he felt we should find another location. Dr. Kanshepolsky suggested the Pavilions for a location. Hanson informed him that Kush Clinic conducted a search of the area looking for available locations that met the city's zoning requirements, being away from public view and being unobtrusive. Dr. Kanshepolsky responded by saying, if this is your "A" location, then you should have "plan B and C". Dr. Kanshepolsky told me that Kush Clinic has a fight on our hands and Hanson responded by telling him that he hoped we could have a discussion to alleviate his concerns. Dr. Kanshepolsky is open to continued dialog and contact with representatives from Kush

					Clinic via phone but is not willing to meet with Kush Clinic representatives in person.
Friday, February 25	9:00 a.m.	Dr. Abbas Fazel	By Phone 480-991-5077	Steve Hanson	Hanson called Dr. Fazel. The receptionist Carol informed Hanson that Dr. Fazel was not in the office today. Hanson left message for Dr. Fazel to call regarding his questions regarding the special use permit request for Kush Clinic.
Friday, February 25	9:12 a.m.	Steve Johns	By Phone 602-376-7363	Steve Hanson	Followed up call to Mr. Johns. Left voicemail message.
Monday, February 28	11:00 a.m.	Dr. Kalamshi	Contacted Norick By Phone	Lance Norick	Norick received a call from Dr. Kalamshi. Lance offered three different times for Kush Clinic to meet with Dr. Kalamshi and educate him on what we are doing and how the clinic will be run. Norick offered information about our operations and security plan but Dr. Kalamshi was not interested in talking about it or meeting with representatives of Kush Clinic. Dr. Kalamshi wanted to express to us that he was not with our use and could potentially lose a lease tenant.
Wednesday, March 1	9:33 a.m.	Steve Johns	By Phone 602-376-7363	Steve Hanson	Followed up call to Mr. Johns. Left voicemail message. Expressed that we wanted to hear and address his concerns.
Wednesday, March 1	9:37 a.m.	Dr. Abbas Fazel	By Phone 480-991-5077	Steve Hanson	Hanson called Dr. Fazel. The receptionist Laura informed Hanson that Dr. Fazel was attending to a patient Hanson left message for Dr. Fazel to call regarding his questions regarding the special use permit

					request for Kush Clinic.
Wednesday, March 9	8:29 a.m.	Dr. Abbas Fazel	By Phone	Steve Hanson	Dr. Fazel returned call. Dr. Fazel explained that he was a supporter of medical marijuana and voted for Proposition 203. His concern is having a medical marijuana dispensary in the neighborhood and its impact. Hanson explained how Kush Clinic would be operated along with the strict regulations that have been proposed by the State of Arizona. Dr. Fazel cited traffic concerns and parking concerns and Hanson explained that the building meets requirements for parking and that the operation plan takes into account fulfilling patient recommendations quickly. Dr. Fazel expressed concerns about people smoking in the facility and on premises. Hanson informed Dr. Fazel that this will not be tolerated and is against the law. Hanson also said that loitering will not be tolerated either. Additionally, Hanson discussed the security system that Kush Clinic will have in place. Hanson reminded Dr. Fazel about the open house and hoped that he could attend. Hanson informed Dr. Fazel that Kush Clinic wants to work with the neighborhood to insure that people are comfortable. Dr. Fazel is going to try to make the open house.

REQUEST TO SPEAK

*Request to Speak cards must be submitted to City Staff **BEFORE** public testimony begins*
Public testimony is limited to three (3) minutes per speaker.
Additional time MAY be granted to speakers representing two or more persons.
Cards for designated speakers and the person(s) they represent must be submitted together.

NAME (*print*) Court Rich MEETING DATE 4/27/1

NAME OF GROUP/ORGANIZATION (*if applicable*) Rose Law Group

ADDRESS 10846 N. Sundown Dr. Scottsdale AZ ZIP 85260

HOME PHONE 480 429.8785 WORK PHONE 480 505-3937

E-MAIL ADDRESS (*optional*) CRich@RoseLawGroup.com

☒ I WISH TO SPEAK ON AGENDA ITEM # 7 ☐ I WISH TO DONATE MY TIME TO

☐ I WISH TO SPEAK DURING "PUBLIC COMMENT"* CONCERNING

**Citizens may complete one Request to Speak "Public Comment" card per meeting and submit it to City Staff. "Public Comment" time is reserved for citizen comments regarding non-agendized items. The Board and Commission may hear "Public Comment" testimony, but is prohibited by state law from discussing items which are not listed on the agenda.*

This card constitutes a public record under Arizona law.

REQUEST TO SPEAK

*Request to Speak cards must be submitted to City Staff **BEFORE** public testimony begins.*
Public testimony is limited to three (3) minutes per speaker.
Additional time MAY be granted to speakers representing two or more persons.
Cards for designated speakers and the person(s) they represent must be submitted together.

NAME (*print*) Wendy Riddell MEETING DATE April 27th

NAME OF GROUP/ORGANIZATION (*if applicable*) Berry & Damore LLC / Arizona Natural Selections

ADDRESS 6750 E Camelback, Ste. 100 ZIP 85251

HOME PHONE 602 616.8771 WORK PHONE 602 616.8771

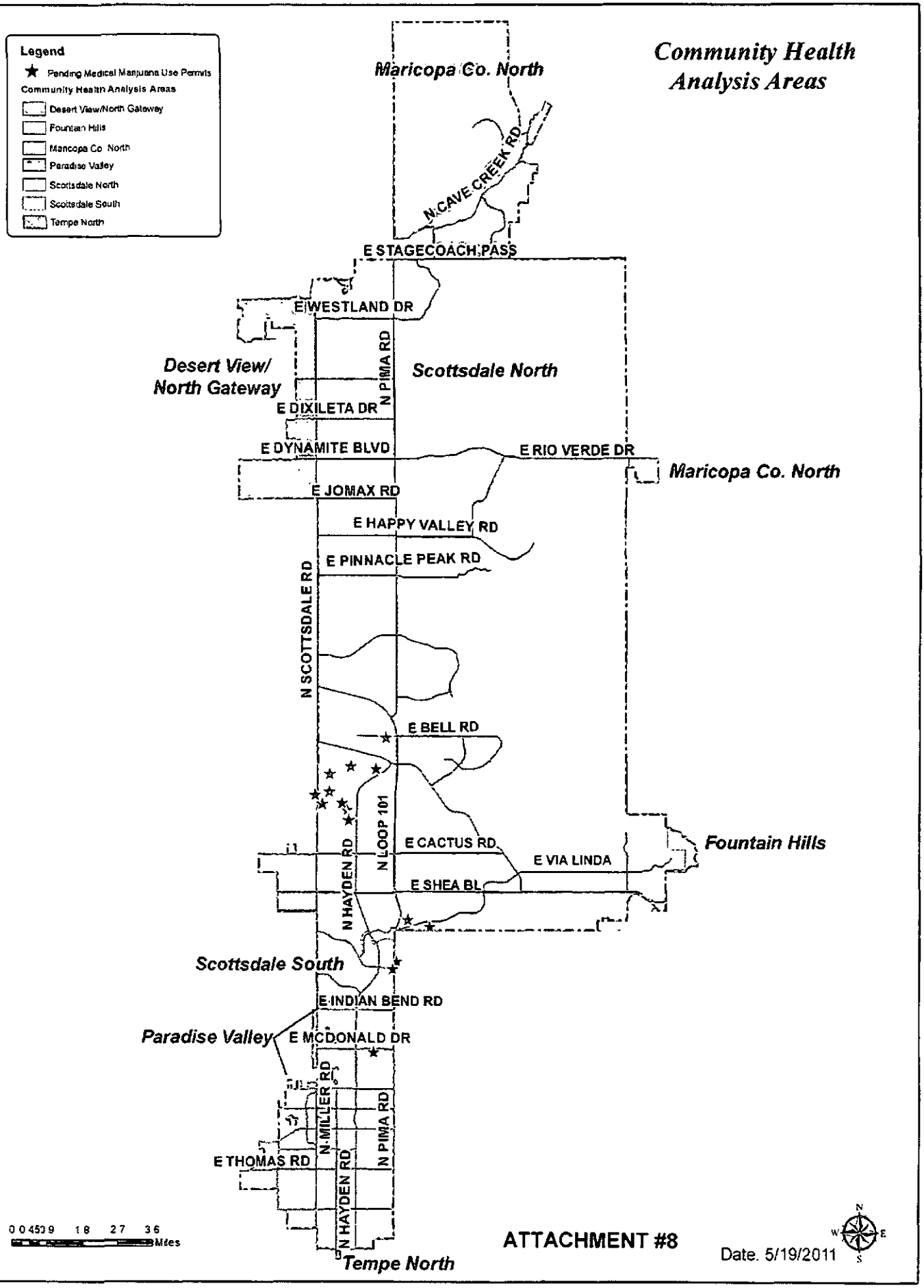
E-MAIL ADDRESS (*optional*) wr@berrydamore.com

☒ I WISH TO SPEAK ON AGENDA ITEM # 7 ☐ I WISH TO DONATE MY TIME TO

☐ I WISH TO SPEAK DURING "PUBLIC COMMENT"* CONCERNING

**Citizens may complete one Request to Speak "Public Comment" card per meeting and submit it to City Staff. "Public Comment" time is reserved for citizen comments regarding non-agendized items. The Board and Commission may hear "Public Comment" testimony, but is prohibited by state law from discussing items which are not listed on the agenda.*

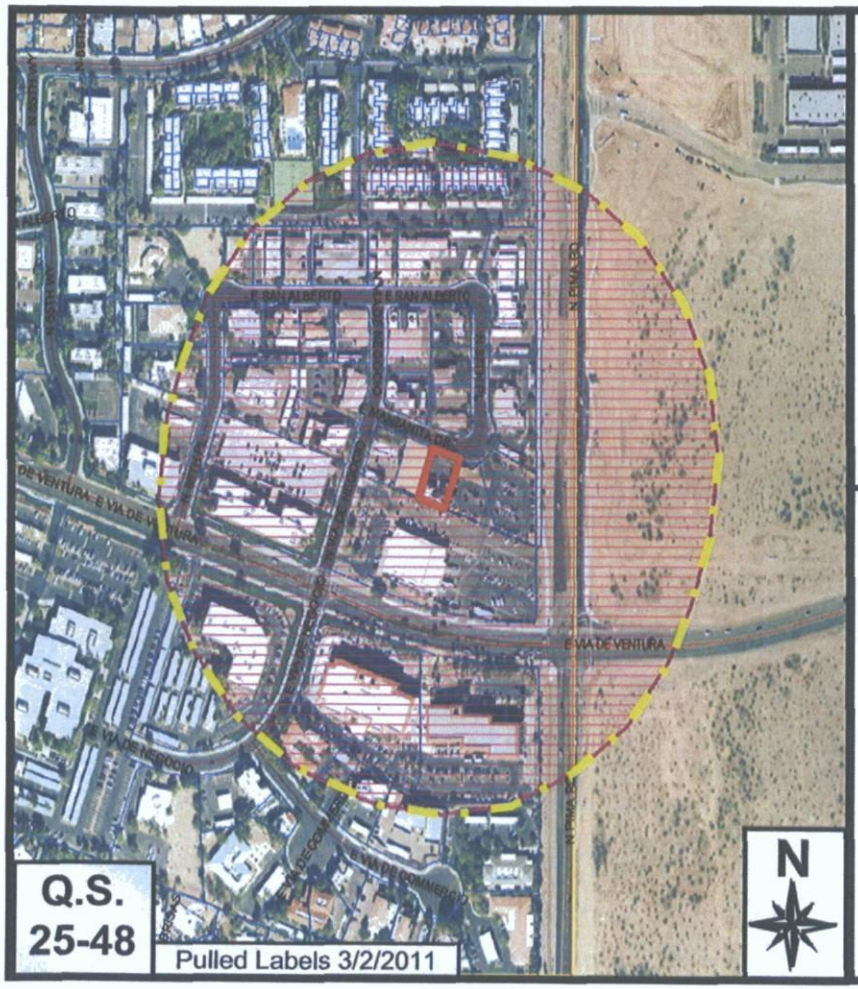
This card constitutes a public record under Arizona law.



ATTACHMENT #8

Date. 5/19/2011

City Notifications – Mailing List Selection Map



Map Legend:

Site Boundary

Properties within 750-feet

Additional Notifications:

- Interested Parties List
- Adjacent HOA's

Kush Clinic LLC; Medical Marijuana

9-UP-2011

ATTACHMENT #9

Rick Strusiner provided comments and concerns regarding architectural elements of the project

VICE-CHAIR GRANT MOVED TO CONTINUE 1-ZN-2004#2 TO A DATE TO BE DETERMINED. SECONDED BY COMMISSIONER EDWARDS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

EXPEDITED AGENDA

3 6-AB-2011 (Quails Nest Lot 1)

COMMISSIONER PETKUNAS MOVED TO RECOMMEND THAT CITY COUNCIL APPROVE CASE 6-AB-2011, PER THE STAFF RECOMMENDED STIPULATIONS. SECONDED BY COMMISSIONER FILSINGER, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

REGULAR AGENDA

4. 13-ZN-2010 (Villa Monterey Units 1-7 HP Overlay Zoning)
5. 4-HP-2010 (Villa Monterey Units 1-7 HP Overlay Zoning)

Jim Bennett and Valerie Bennett provided written comments in support of the request.

COMMISSIONER FILSINGER MOVED TO RECOMMEND THAT CITY COUNCIL APPROVE CASES 13-ZN-2010 AND 4-HP-2010, AFTER DETERMINING THAT THE PROPOSED ZONING MAP AMENDMENT IS CONSISTENT AND CONFORMS WITH THE ADOPTED GENERAL PLAN, AND AFTER FINDING THAT VILLA MONTEREY UNITS 1-7 TOWNHOUSE DEVELOPMENT MEETS THE ELIGIBILITY CRITERIA FOR HISTORIC PRESERVATION DESIGNATION, AND WITH THE ADDED RECOMMENDATION THAT THE HISTORIC PRESERVATION DESIGNATION NOT RESTRICT THE CITY OF SCOTTSDALE FROM FUTURE TRANSPORTATION AND TRAFFIC PLANNING IN THE AREA. SECONDED BY COMMISSIONER EDWARDS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

6. Shea Area General Plan Amendment Initiation

COMMISSIONER PETKUNAS MOVED TO INITIATE CASE 256-PA-2011. SECONDED BY VICE-CHAIR GRANT, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

7. 9-UP-2011 (Kush Clinic LLC- Medical Marijuana Dispensary)

Court Rich and Wendy Riddell provided comments on the request.

COMMISSIONER CODY MOVED TO RECOMMEND THAT CITY COUNCIL APPROVE CASE 9-UP-2011, PER THE STAFF RECOMMENDED STIPULATIONS, AND WITH THE ADDED RECOMMENDATION THAT THE CONDITIONAL USE PERMIT RESOLUTION CONDITIONS BE SATISFIED WITHIN SIX MONTHS OF THE DATE OF THE RESOLUTION, BASED UPON THE FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET. SECONDED BY COMMISSIONER PETKUNAS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission website at: www.scottsdaleaz.gov/boards/PC.asp

PLANNING COMMISSION REPORT

Meeting Date: April 27, 2011
General Plan Element: *Land Use*
General Plan Goal: *Create a sense of community through land uses*

ACTION

Kush Clinic
9-UP-2011

Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met, and recommend that City Council approve a Conditional Use Permit for a +/- 1,585 square foot Medical Marijuana Dispensary, located at 8729 E. Manzanita Drive, with Commercial Office District, Planned Community District (C-O PCD) zoning.

OWNER

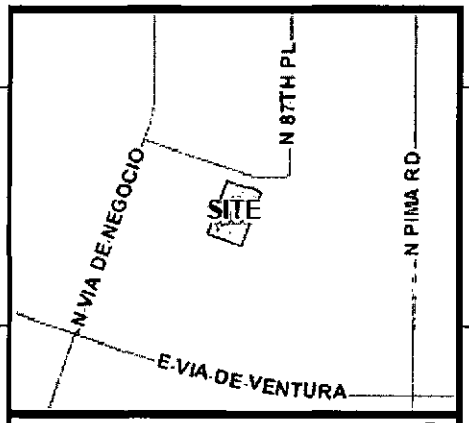
N.L. Booth & Son Inc.
928-772-0077

APPLICANT CONTACT

Lance Norick
Kush Clinic LLC
602-680-8741

LOCATION

8729 E Manzanita Drive



General Location Map

BACKGROUND

General Plan

Per the General Plan Land Use element, the subject site falls under the Office category. This category is intended to support a variety of office uses, residential in scale and character, often arranged in a commercial subdivision or campus setting.

Action Taken _____

Zoning

The site is zoned Commercial Office District, Planned Community District (C-O PCD). The C-O district allows for a variety of office and service uses. Medical Marijuana Dispensaries are allowed subject to a Conditional Use Permit.

State Regulations

The Arizona Department of Health Services (ADHS) bases locations of Medical Marijuana facilities on established Community Health Analysis Areas, or "CHAAs" (See Attachment #8). 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. The rules released by the State on 3/29/11 indicate the potential for more than one (1) facility per CHAA, based on specific criteria, subject to approval by the ADHS. These rules are not yet final at the time of this staff report.

The current rules require applicants for an ADHS Medical Marijuana registration certificate must submit verification to the ADHS that the site meets all local zoning restrictions. For the City of Scottsdale, the CUP is part of the "local zoning restrictions". As such, the CUP must be *approved* prior to the applicant applying to the ADHS for the registration certificate. Subsequently, the City's process requires that the CUP become *effective* prior to the applicant receiving approval to operate from the State. Below is an outline of the application process showing the City and ADHS steps:

1. Applicant has a pre-application meeting and makes a formal submittal to the City for a CUP. All applicants are informed of the CUP criteria, including the various separation requirements, and that any application may be at risk of failing to meet those criteria or any other CUP condition prior to ADHS granting approval to operate.
2. CUP is heard by the Planning Commission for recommendation.
3. CUP is heard by the City Council for approval or denial.
    - If the CUP is approved, the applicant provides confirmation to the ADHS that the facility is in compliance with City zoning restrictions as part of their application for a ADHS registration certificate.
    - The approved CUP resolution does not become effective until Step 5 below.
4. ADHS confirms site meets local zoning restrictions and allocates the registration certificate.
5. Applicant presents the ADHS registration certificate to the City Zoning Administrator for confirmation that the conditions of the CUP resolution have been satisfied, including all separation requirements (See Attachment #10). City staff coordinates with ADHS on timing, location, and number of ADHS certificates.
    - Approved CUP resolutions will not become effective if they do not meet the conditions, including the separation requirements, at the time of the Zoning Administrator review.
6. Upon confirmation that the CUP resolution is in effect, the applicant applies to the ADHS for approval to operate.

Other Related Policies, References:

- 23-ZN-1981: Rezoned the subject site from R-5 PCD to C-O PCD
- 8-TA-2010: text amendment to Zoning Ordinance to allow Medical Marijuana related uses
- Arizona Revised Statutes, Title 36, Chapter 28.1
- Arizona Department of Health Services, Title 9, Chapter 17

Context

The subject property is located in a commercial subdivision, consisting primarily of small scale professional and medical office uses on parcels ranging in size from 10,000 to 43,000 square feet. All surrounding parcels in the immediate vicinity are also zoned C-O PCD. In addition to office uses, there is multi-family residential approximately 550 feet to the north of the subject site and a post office to the south.

Key Items for Consideration

- Compliance with the Conditional Use Permit criteria
- Another facility proposed within 1,320 feet of the subject site
- No public/private schools or residential properties within 500 feet
- Public Safety and Refuse Control Plan approved by the Scottsdale Police Department
- Several calls from property and business owners in the area expressing opposition

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant seeks approval to operate a +/- 1,585 square foot Medical Marijuana Dispensary in a building with Commercial Office District, Planned Community District (C-O PCD) zoning. In addition to dispensing of product, the applicant intends to have staff on-site to provide consultations and educational materials to patients. No cultivation or processing is proposed at this location; instead, the applicant intends to contract with a separate facility to provide the product, which will either be delivered or picked up by the applicant. This may include contracting with an off-site bakery for processing and preparation of marijuana-infused edibles. Some incidental packaging and sorting of product will occur on-site as needed, all of which will be done by hand.

For security purposes, the main entrance to the dispensary will consist of two (2) separate doorways. The first door will be locked, only accessible by patrons after visual identification has been confirmed. The second door will then be opened electronically, but only after the first door has closed and locked. All other doors used to access restricted areas will be secured and accessible only by employees with coded access privileges, including the roll-up delivery door at the rear of the suite. During off-hours, the facility will be monitored remotely by a 24-hour security system that will include video surveillance, motion sensors, glass breaking sensors and intrusion detection.

Development Information

- Existing Use: Professional Office
- Proposed Use: Medical Marijuana Dispensary
- Parcel Size: 10,481 square feet
- Parking Required: 7 spaces
- Parking Provided: 13 spaces
- Floor Area: 1,585 square feet

IMPACT ANALYSIS

Land Use

The proposed use will occupy the entire 1st floor of the building. The 2nd floor, currently vacant, will be devoted to professional or medical office. It is anticipated the facility will operate similar to a medical office use, with foot traffic limited to patients and/or caregivers. The dispensary will be 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 medical and professional offices, similar in intensity and character to the proposed use.

Conditional Use Permit

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 a 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 incidental product separation and packaging will be done by hand. The applicant intends to use a sophisticated air filtration system to prevent any odors associated with the use from becoming a nuisance to adjacent tenants or property owners. Any deliveries to the site will be accomplished utilizing small vehicles and will occur within the building only, utilizing a door on the east side of the building. Per the applicant, the existing external lighting is sufficient to meet their needs. No additional external lighting is proposed at this time. Any future security lighting will be subject to separate review and approval. 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. Consistent with medical offices, visitation will be by appointment only, with between three (3) and five (5) visitors per hour anticipated. Occasional delivery of product will be required. All unloading of product will occur on-site in the parking area and will not affect off-site circulation. No significant impacts to existing traffic patterns, or increase in traffic volume is anticipated.**

3. There are no other factors associated with this project that will be materially detrimental to the public.

   - **There are no other factors associated with this use that will be materially detrimental to the public.**

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 proposed use will operate similar to a medical or professional office use, both of which are prominent in this area. The subdivision where this site is located is home to a variety of medical and professional office uses, with some personal service uses mixed in. 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 Dispensaries 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 will be 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. Deliveries will occur via small vehicles that will park in the parking area. Product will then be walked up to the delivery door on the east side of the building, under the supervision of security staff.**

2. The Medical Marijuana Dispensary use is not located within 500 feet of any of the following protected districts or uses:

   a. Single-Family Residential District (R-1)

   b. Two-Family Residential District (R-2)

   c. Manufactured Home District (M-H)

   d. Public, private, or charter school

- **The proposed facility is not located within 500 feet of any of the above uses or districts.**

3. The Medical Marijuana Dispensary use is 1,320 feet or more from the following uses:
   a. medical marijuana caregiver cultivation use
   b. another medical marijuana dispensary use
   c. medical marijuana dispensary cultivation use
   d. medical marijuana dispensary processing use
      - **The proposed 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 operating hours 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 Saturday, 8:00 AM to 5:00 PM. The facility will be closed on Sundays.**

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 Dispensary. No upgrades are required.

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 9045 E. Via Linda Road, approximately 1.2 miles from the subject site. No significant impacts to existing service levels are anticipated.

Community Involvement

The applicant held an Open House on March 9, 2011 from 5:00 PM to 6:00 PM. The applicant estimates between 35-40 people attended and posed several questions to the applicant team (Please see Attachment #7, Citizen Involvement). Property owners within 750 feet of the site have been notified by mail, and the site has been posted with required signage twice, once 10 days prior to the Open House, and again after the formal application was submitted.

STAFF RECOMMENDATION

Recommended Approach:

Staff recommends that the Planning Commission find that the Conditional Use Permit criteria have been met, and make a recommendation to City Council for approval per the attached stipulations.

RESPONSIBLE DEPARTMENT

Planning, Neighborhood and Transportation

Current Planning Services

STAFF CONTACT

Greg Bloemberg
Planner
480-312-4306
E-mail: gbloemberg@ScottsdaleAZ.gov

APPROVED BY

Greg Bloemberg, Report Author — Date: 4.21.11

Tim Curtis, AICP, Current Planning Director — Date: 4/21/2011
480-312-4210, tcurtis@scottsdaleaz.gov

Connie Padian, Administrator — Date: 4/21/11
Planning, Neighborhood and Transportation
480-312-2664, cpadian@scottsdaleaz.gov

ATTACHMENTS

1. Stipulations
   Exhibit A, Floor Plan
2. Applicant's Narrative
3. Context Aerial
3A. Aerial Close-Up
4. General Plan Map
5. Zoning Map
6. Public Safety and Refuse Control Plan
7. Citizen Involvement
8. Community Health Analysis Area (CHAA) Map
9. City Notification Map
10. Draft Resolution

Conditional Use Permit – Medical Marijuana Dispensary

Stipulations

Kush Clinic LLC

Case Number: 9-UP-2011

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 Resolution _____ have been fully satisfied.

OPERATIONS

1. CONFORMANCE TO FLOOR PLAN. The interior of the facility shall conform with the floor plan provided by Drewett + Brenden Architecture, with the city staff date of 3/1/2011, and attached as Exhibit A to Attachment 1. Any proposed significant change to the 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.

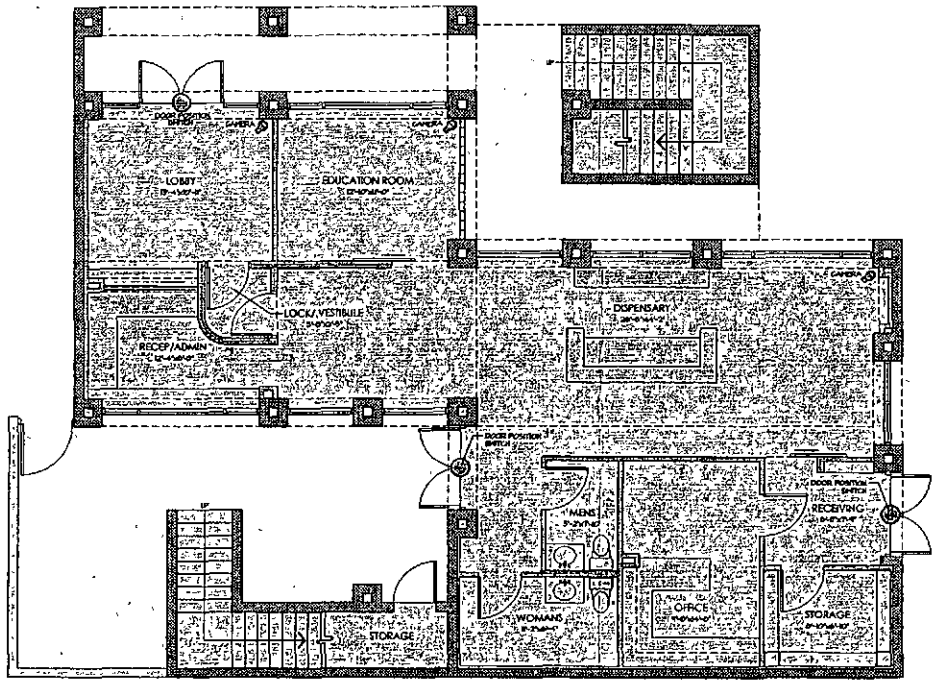
3. HOURS OF OPERATION. Per the applicant's Operation Plan, the hours of operation for this facility shall be limited to:

	Open to Customers	Close to Customers
Monday	8:00 AM	5:00 PM
Tuesday	8:00 AM	5:00 PM
Wednesday	8:00 AM	5:00 PM
Thursday	8:00 AM	5:00 PM
Friday	8:00 AM	5:00 PM
Saturday	8:00 AM	5:00 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 ATTACHMENT 1: FLOOR PLAN



FLOOR PLAN

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

KUSH CLINIC
MEDICINAL CANNABIS

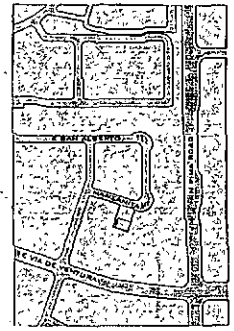
LEGEND

- DISPENSARY
- MILLWORK

SQAURE FOOTAGE

MAIN
1,585 6 SF

VICINITY MAP



9-UP-2011
1st: 3/1/2011

REWETT + BRENDEN
ARCHITECTURE

11-009
PRELIM. DESIGN
2011 FEB 28

BD2

Project Narrative

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

Date: 3-1-2011 Project No: 111 -PA- 11

Coordinator: GREG BLOEMBERG Case No: ____-__-____

Project Name: KUSH CLINIC LLC MEDICAL MARIJUANA USE PERMIT

Project Location: 8729 E MANZANITA Dr. SCOTTSDALE AZ 85258

Property Details:

____Single-Family Residential ____Multi-Family Residential ✓ Commercial ____Industrial

Current Zoning: C-O Proposed Zoning: C-O

Number of Buildings: 1 Parcel Size: 10,400 Square Foot

Gross Floor Area/Total Units: 3,337 / 3 Floor Area Ration/Density: ____

Parking Required: 12 Parking Provided: 13

Setbacks: N - 81' E - 16'4" S - 6" W - 5'

Description or Request:

ATTACHMENT #2

Planning, Neighborhood & Transportation Division

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

Overview

In November 2010, Arizona voters passed Proposition 203 the "Arizona Medical Marijuana Act" allowing patients suffering from debilitating medical conditions such as cancer and acquired immune deficiency syndrome (AIDS) to utilize marijuana for medicinal purposes. The use of medical marijuana will only be allowed through qualifying patients or designated caregivers applying for and attaining a Registry Identification Card through the Arizona Department of Health Services (ADHS). As part of this process each qualifying patient will have to attain a physician's written certification in an ADHS-provided format.

Arizona is now the 15th state to legalize marijuana for medicinal use. Since the Arizona Medical Marijuana Act was certified on November 29, 2010, Arizona officials have been developing regulations for the medical marijuana industry that will be finalized on March 28, 2011.

The Arizona regulations will limit the number of medical marijuana dispensaries and require dispensaries to strictly check and monitor both its employees as well as its patients and caregivers. Unlike other state dispensary models, Arizona dispensaries will be professionally managed and operate in a similar manner as a pharmacy. Dispensaries will also have to adhere to stringent security guidelines helping to insure the safety of its employees, patients and caregivers.

About Kush Clinic

Kush Clinic will be a medical marijuana dispensary that will operate in keeping with the Arizona Medical Marijuana Act and related regulations.

The Kush Clinic vision is:

Kush Clinic is seeking to assist the health and welfare of patients suffering from medically debilitating conditions where scientific research has shown the validity of medical marijuana may help prolong or improve the quality of life.

Kush Clinic will operate as a not-for-profit limited-liability corporation. Profits over usual and customary business expenses will be utilized in one of three ways: (1) **Scientific Research** conducted with Arizona medical organizations, public and private universities as well as private contract-research companies that demonstrate the effective applications and use of medical marijuana for debilitating medical conditions, (2) **Charitable Contributions** for organizations in Arizona related to the debilitating medical conditions, and (3) **Community Service** contributions benefiting Arizona residents through City of Scottsdale programs or State of Arizona programs.

Kush Clinic has been established by three successful Arizona businessmen – Lance Norick, Greg Jewett and Steve Hanson. Each individual fulfills the requirements set by the State of Arizona and brings his own distinct experiences which have made opening a dispensary for the betterment of others a primary passion. Supporting Kush Clinic will be a team of medical doctors and leading researchers from Arizona and throughout the world. This **Scientific Advisory Council will support Kush Clinic by identifying research needs and developing a number of research studies** for medical marijuana related to specific debilitating medical conditions.

Kush Clinic will offer a range of medical marijuana products that will be in a raw material form as well as infused edible products. Kush Clinic will have educational advisors on staff along with educational materials on site for patients and caregivers to learn about medical marijuana's responsible use.

Use Permit Request

Kush Clinic has completed a purchase offer for the property 8729 East Manzanita Drive, Scottsdale, AZ 85258 for use as a medical marijuana dispensary. The property fulfills the zoning requirements as set by the City of Scottsdale related to its distance from schools, churches, hospitals and residences. This request is for a Conditional Use Permit to operate a medical marijuana dispensary at 8729 East Manzanita Drive. **This facility will be a medical marijuana dispensary ONLY** and no cultivation or growing will be done at this site.

Kush Clinic will have operational guidelines that will allow it to operate similar to a

doctor's office or pharmacy. The Kush Clinic location is ideal as it is unobtrusive and not located on a major public thoroughfare. Its location is private and discreet.

Kush Clinic has developed a comprehensive security plan that will exceed both state and city requirements. Representatives from Kush Clinic have worked closely with Detective John Miller from the Scottsdale Police Department to insure that its plan fulfills necessary requirements for a medical marijuana dispensary. The security monitoring system will allow Kush Clinic owners and employees to observe the dispensary at any given time by using an secure internet connection. Other security features will include an alarm system, panic buttons and motion detectors to name a few. The security and site plan also includes a reception area protected with bulletproof glass, a man lock and a TL-30 rated safe bolted to the ground Additionally, Kush Clinic employees will also undergo comprehensive security and crisis response training.

Raw material products sold by Kush Clinic will be kept in air-tight storage to eliminate odors. For infused food items, they will be sold in prepackaged, sealed packages that will have no significant odor.

Kush Clinic will run similar to a doctor's office or pharmacy. Kush Clinic will allow qualifying patients to call ahead to schedule appointments or to request a verified order for pick up. The software system utilized by Kush Clinic will keep complete patient records and allow for retrieval of patient information with a card scan upon arrival. This system will reduce waiting times and allow patients to get in and out of Kush Clinic efficiently. Kush Clinic's daily activities will merge effectively into the neighborhood, allow for easy patient access and serve as a private and discreet location.

Zoning Compliance

The property is zoned C-O and complies to the regulations in the newly adopted Text Amendment allowing medical marijuana dispensaries. There are no public, private and/or charter schools along with no residential zoning within 500 feet of the site. This site fulfills the required separation setbacks outlined in the City's Ordinance.

Project Narrative

Use Permit Compliance

This Use Permit Request is for 8729 East Manzanita Drive, Scottsdale, AZ 85258. The Owner/Applicant is seeking a Use Permit for a medical marijuana dispensary. The existing property and building is zoned C-O and is in compliance with these zoning requirements.

Kush Clinic meets or exceeds conditions for the use permit requirements set forth in the Scottsdale Zoning Code section 1.401.

A. The granting of this site as a medical marijuana dispensary will not be materially detrimental to the public health, safety or welfare

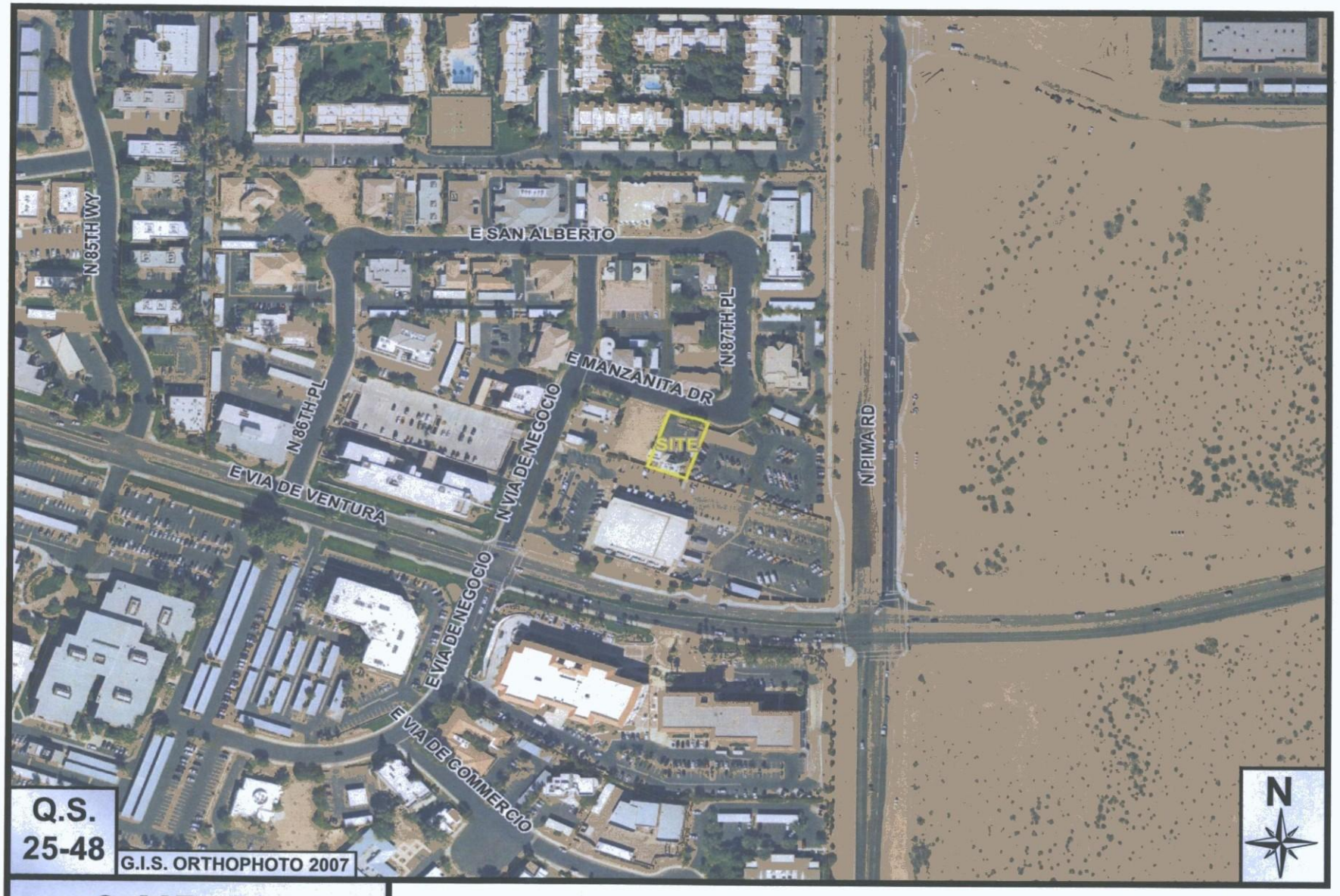
1. The use will not create damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination. Since there will be no manufacturing or processing at this site, noise will be as common as any other business in the neighborhood and no smoke, dust or vibration will be created. Odor will be managed by air-tight packaging selected for its odor-eliminating properties. Kush Clinic's impact will be similar to having a doctor's office.
2. No impact on traffic resulting from an unusual volume or character of traffic. The traffic flow would be similar to a doctor's office. Patients will schedule appointments or call ahead to pick up verified orders.

B. The characteristics of the use is compatible with the types of use permitted in the area. Kush Clinic will operate as a professional medical marijuana dispensary. Other businesses in the area include doctor's offices, dental offices, medical offices and other general business offices.

C. The location meets all other conditions.

Summary

Kush Clinic will be operated in accordance to city and state regulations. Kush Clinic ownership is aware of the enormous responsibility in having a medical marijuana dispensary and is confident that no one will equal its integrity and passion.



9-UP-2011

ATTACHMENT #3

Kush Clinic LLC; medical marijuana

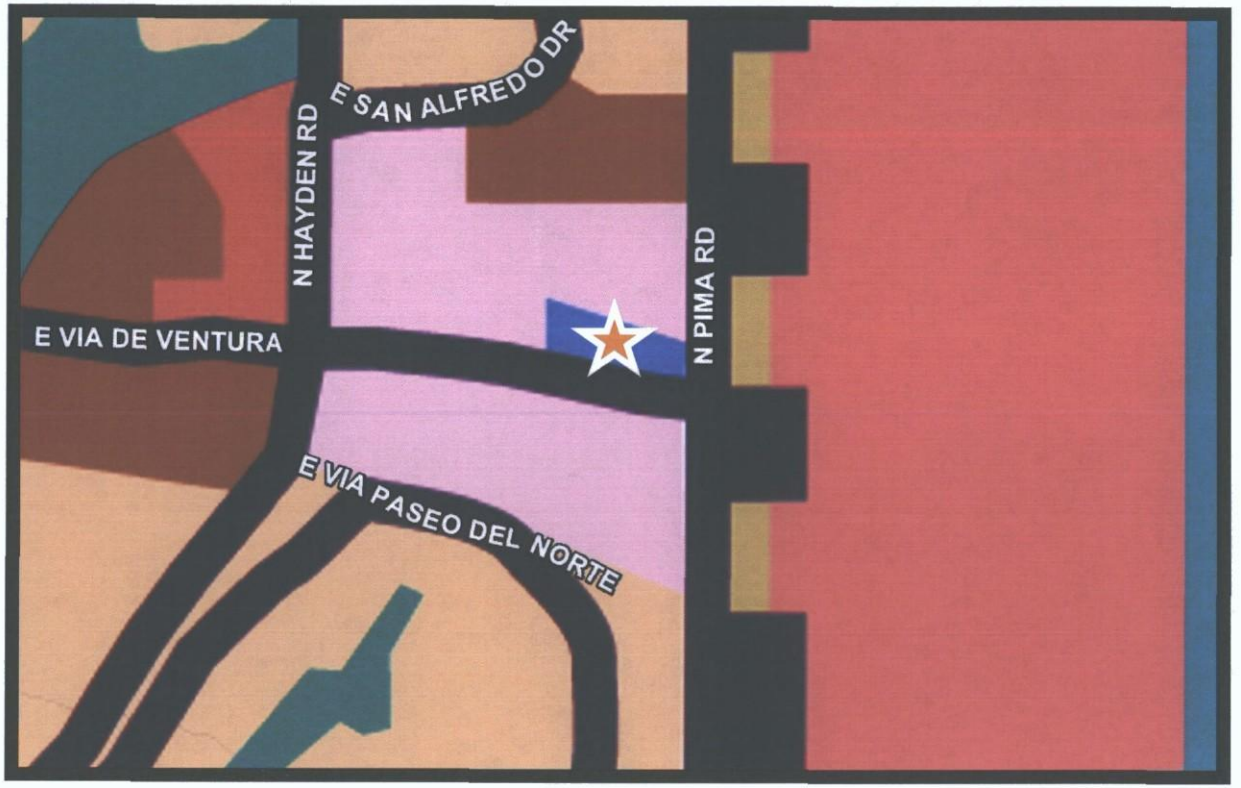


9-UP-2011

ATTACHMENT #3A

Kush Clinic LLC; medical marijuana

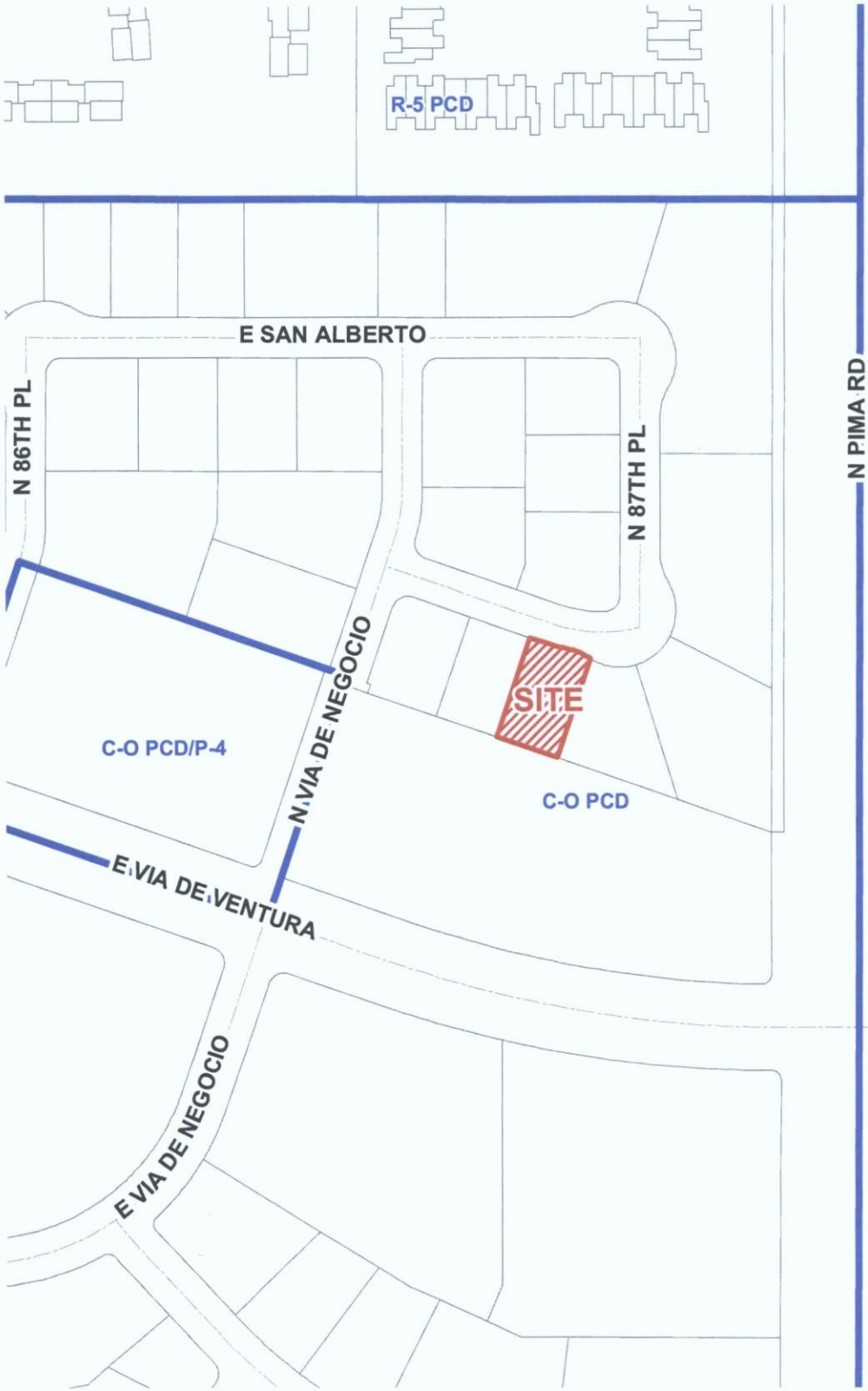
General Plan



- RURAL NEIGHBORHOODS
- SUBURBAN NEIGHBORHOODS
- URBAN NEIGHBORHOODS
- MIXED-USE NEIGHBORHOODS
- RESORTS/TOURISM
- SHEA CORRIDOR
- MAYO SUPPORT DISTRICT
- REGIONAL USE DISTRICT
- COMMERCIAL
- OFFICE
- EMPLOYMENT
- NATURAL OPEN SPACE
- DEVELOPED OPEN SPACE (PARKS)
- DEVELOPED OPEN SPACE (GOLF COURSES)
- CULTURAL/INSTITUTIONAL OR PUBLIC USE
- MCDOWELL SONORAN PRESERVE (AS OF 8/2003)
- RECOMMENDED STUDY BOUNDARY OF THE MCDOWELL SONORAN PRESERVE
- CITY BOUNDARY
- LOCATION NOT YET DETERMINED

N

9-UP-2011
ATTACHMENT #4



9-UP-2011

ATTACHMENT #5

N

KUSH CLINIC
MEDICINAL CANNABIS

Security Plan

Security will be of the utmost importance to protect Kush Clinic employees, patients and the neighborhood.

The following security requirements exceed the existing requirements currently set by the State of Arizona and for the City of Scottsdale. Kush Clinic at 8729 E Manzanita Drive in Scottsdale AZ

Security Equipment to be Installed on Property

Closed Circuit Television (CCTV):
The following system will be installed:

- (12) Panasonic Super Dynamic Megapixel Vandal Resistant IP Cameras
- (12) ExacqVision Single Channel IP Camera Licenses
- (1) Intransa 8TB Server/Storage with RAID 5
- (1) IFS 24 port POE 1 Gigabit Switch
- (1) APC Smart Uninterrupted Power Supply
- (1) Lowell Wall Mount Rack-24RU and Solid Steel Locking Door
- (LOT) Conduit/ Connectors/ Cables/ Misc. Hardware

Security Controls in Storage Room:
CCTV head end equipment in the storage room. The Lowell rack will be mounted to one of the walls for extra security. The UPS, server/storage, and point-of-entry switch will be rack mounted. A solid steel locking door will be installed on the front of the rack for added security.

Cameras:
12 IP CCTV cameras will be installed in designated locations. Cameras video/data/power will run over a single Cat5e Ethernet cable. Cameras will be landed to the IFS POE switch. A single Ethernet cable will then be landed to the LAN Ethernet interface on the Server/Storage. Cameras will be recorded at an H.264 compression. All cameras are vandal resistant with day/night function, wide dynamic range, progressive scan, and a 1/3" CCD image sensor. The server/storage consists of 8TB of storage and RAID 5 to provide increased storage functions and reliability through redundancy. For authorized personnel the cameras can be accessed via the network 24/7. The server/storage will provide up to 30 days on-site storage and 2 years off-site storage and is capable of recording at H 264@ 4CIF@1,600Kbits/s Bit Rate All cameras will be setup to record on motion.
Storage information will be on cameras recording on motion at an H.264 compression and a resolution of 1280x960 @ 10FPS.

ATTACHMENT #6

- Outdoor cameras at each of the three entrances will be surface mounted directly above each door on the exterior wall.
- Indoor cameras will be surface mounted in designated locations. (2) Of the indoor cameras will be mounted above each of the point of sales locations.

Please see attached drawings for camera locations.

Alarms/Intrusion Detection:

The following alarm system will be installed.
(1) Honeywell Vista 20P Control Panel
(2) 6160 Keypads
(1) 6160RF Keypad
(5) Wireless Panic Switches
(6) Armored Door Position Switches
(4) Optex DX Series Motion Detectors
(4) Glass Break Detectors
(2) Honeywell Zone Expanders
(1) Armored Siren/Strobe
(1) Cooper B-Line Enclosure
(1) Altronix Power Supply
(1) Altronix Power Distribution Module
(LOT)Conduit/ Connectors/ Cables/ Misc. Hardware

Security Controls in Storage Room:

The intrusion detection systems head end equipment will be installed in the storage room. The control panel will be in a locked enclosure with a tamper switch. An additional enclosure will be installed to house the power supplies and battery backup. A tamper switch will also be installed on this enclosure.

Panic Buttons:

(5) wireless panic buttons will be installed in designated locations:
- The first panic will be installed at the receptionist's desk.
- The second panic will be installed at the check/registration desk.
- The third panic will be installed in the dispensary area.
- The fourth panic will be installed in the southeast office.
- The fifth panic will be installed in the storage room

Motion Detectors:

(4) motion detectors will be installed in designated locations:
- The first motion detector will be installed in the reception/lobby area
- The second motion detector will be installed in the education and consultation area.
- The third motion detector will be installed in the dispensary area.

- The fourth motion detector will be installed in the storage area.

Glass Breaks:
(4) glass break detectors in designated locations:
- The first glass break detector will be installed in the reception/lobby area.
- The second glass break detector will be installed in the education and consultation area.
- The third and fourth glass break detectors will be installed in the dispensary areas.

Door Position Switches:
(6) armored cable door position switches will be installed in designated locations. Door positions switches at each entry will be wired in series.
- The first and second door positions switches will be installed on the main front entry doors into the reception/lobby.
- The third and fourth door position switches will be installed on the storage area doors.
- The fifth and sixth door position switches will be installed on the west rear exit doors.

Keypads:
(2) 6160 entry keypads will be installed. The third keypad will be installed on the front of the control panel cabinet. This keypad has a built in RF receiver for the wireless panics.

Armored Siren/Strobe:
(1) Armored siren/strobe will be installed on the outside of the building in a location where the strobe can be seen and heard.

Please see attached drawings for IDS device locations.

Additional equipment has been added to the quote based on the City of Scottsdale Public Safety and Refuse Control Plan for security, maintenance, and operation of Medical Marijuana Facilities requirements.

Product Accessibility & Security

Product will be stored in a TL-30 jeweler's safe bolted to the ground. This safe will have welded shelves and product will be stored in elongated metal boxes to insure security. Product storage will meet or exceed the Arizona Department of Health Services guidelines.

Access to the medicine will only be granted to approved employees and protected by card access as well as video monitoring. All handling breakdown and packaging will be conducted in a locked area. The activity will be video

monitored and stored for 30 days.

Waste Management Plan

This location will be a dispensary only.

Raw Material
Raw product material will be provided for the Kush Clinic growing site. The handling of the raw material will be monitored very closely and very little waste will result. If any waste is gathered, it will be placed in a small storage jar. According to state guidelines, this waste will need to be recorded and deducted as a particular product number from the system If the product can be utilized for another use, it will be transferred as material for another product.

Infused Product
Raw material will be provided to an approved dispensary agent that can make infused food or beverage products. This raw material must be logged as its particular form (e.g , solid or liquid) and utilized in the development of the infused products. Whatever is not utilized by the bakery must be returned to Kush Clinic. Infused products will be manufactured off site and delivered to Kush Clinic in pre-sealed packages. If the product is not sold, it will be returned in its original package to the bakery.

Crisis Response/Emergency Preparedness Training
The following Standard Operating Procedures will be developed and Kush Clinic employees will have training in the following:

- Robbery Procedure
- Bomb Threat Procedure
- External Disaster Plan
- Fire Procedure

Outside Lighting
The building Kush Clinic has an approved outside lighting system in place. If additional lights are added, they will be motion detection lights.

Locked and Secured Patient Records
All paper records will be stored in a secure area Paper records will be copied electronically and will be stored off site. Any paper documents from Kush Clinic will be shredded and placed in the trash facility.

Scottsdale Police Department Lock Box
The Scottsdale Police Department will be provided with a lock box and security codes to access the building at any time.

Scottsdale Fire Department Lock Box
The fire department will be provided with a lock box and security codes to access the building any time.

Operations Plan

For this location, Kush Clinic will operate as a medical marijuana dispensary. The products it will offer will include marijuana strains as a raw material and infused medicinal food products

Business Address:	8729 East Manzanita Drive Scottsdale, AZ 85258
Business Use:	Medical Marijuana Dispensary
Days/Hours of Operation:	Proposed is Monday through Saturday, 8 a.m. to 5 p.m. May change if state regulations specify days and hours of operation.
Number of Employees:	3 Full time 2 Part time
Employee Training:	Draft employee handbook has been developed.

Business Procedure:

1. Patient arrives at Kush Clinic
2. Patient enters reception area and provides identification and Registry Card to receptionist
3. Patient enters man lock while identification is confirmed
4. Once patient's identification is confirmed, the patient is escorted into the education room where he/she is able to ask questions to a Medical Support Consultant. Educational materials will be reviewed with and available to patient.
5. In consultation, patient selects appropriate product.
6. Patient may wait in education room or wait in a dispensary area.
7. Patient order is fulfilled by dispensary staff. Order is recorded in proprietary software system. Similar to a pharmacy, patient reviews a product release statement, approves and signs for release of product.
8. Payment of order is made by patient by credit card. For prior customers, payment may also be made by check.
9. Patient is then escorted to front door and monitored until safely off the premises.

Customer Characteristics: Seating for customers will be 12 chairs between education room and customer waiting area.
Anticipated business will be 3 to 5 customers per hour with peak time 10:30 a.m. to 2:30 p.m.

Outdoor Operations: Parking: Customer will walk from car to dispensary and back to car when complete.
Loading: Kush Clinic has a dedicated loading/unloading secured area.
Storage: No outdoor storage
Display: None
Product Demonstration/Testing: None
Activities that take place within areas that are walled but not roofed or covered: None
Other Activities: None

Description of services and activities such as parking lot sweeping, loading, trash hauling and similar associated activities: None

Description of refuse removal: Parking: Parking is located in front of building as customer drives into street entrance.
Area surrounded the property cleaned by applicant: None
Time of refuse removal: Weekly by Wednesday around 10 a.m.

Description of activities that generate noise to adjoining properties: The site is a stand-alone building. No activities will generate noise any more than any other business characteristic in the neighborhood.

Description and documentation of how noise is abated: Not applicable

Proposal for noise monitoring and maintenance of acceptable noise level: Not applicable

Schools only: Not applicable

KUSH CLINIC
MEDICINAL CANNABIS

OPEN HOUSE REPORT

NEIGHBORBOOD NOTIFICATION MEETING FOR USE PERMIT
Location: 8729 East Manzanita Drive, Scottsdale, AZ 85258
Date: Wednesday, March 9th
Time: 5:00-6:00 p.m.

An open house was held on March 9th related to the conditional use permit application for Kush Clinic at 8729 East Manzanita Drive, Scottsdale, AZ 85258.

The following materials were available as hand outs for the participants:

- Kush Clinic Security Plan
- Review on Clinical Studies with Cannabis and Cannabinoids 2005-2009
- Excerpt from "Arizona Medical Marijuana: The Clinical Perspective"
- the GREENleaf Arizona Medical Marijuana Magazine
- Kush Clinic Background Sheet
- Kush Clinic Fact Sheet
- Kush Clinic Owner Bios

The following materials were available for review by the participants:

- Copies of Proposition 203 - In Binders
- Copies of Draft Rules - In Binders
- Copy of Emerging Clinical Applications for Cannabis and Cannabinoids - In Binder
- Copy of "Arizona Medical Marijuana: The Basics" - In Binder
- Copy of "Arizona Medical Marijuana: The Clinical Perspective" - In Binder
- Copy Marijuana as Medicine? The Science Beyond the Controversy - National Academy Press - In Binder
- Site Plan Diagram with Security Features Noted

Approximately 50 people were present for the open house. The open house was initiated by a representative from Paul Gilbert's office who opened the meeting and discussed the site and its compliance with the zoning regulations for a medical marijuana dispensary.

Lance Norick provided an overview of Kush Clinic and the use. The meeting was then opened for questions. The following questions were asked and responded to accordingly:

ATTACHMENT #7

Q. What is your security plan?

A. It is the goal of Kush Clinic to make the dispensary as safe as possible for its employees, patients and neighbors. To this end, Kush Clinic has developed a security plan that exceeds both city and state requirements.
The plan includes the following:

- Recording cameras operating 24 hours, 7 days a week
- Alarm Systems
- Panic Buttons
- Motion Detectors
- Glass Breaks
- Door Position Switches
- Security Man Lock
- Bulletproof Glass
- Unarmed Security Guards

Kush Clinic employees will also undergo comprehensive security and crisis response training.

Q. What impact does this have on the Indian reservation?

A. The property is zoned based on the City of Scottsdale regulations and the site is in compliance.

Q. I don't want a bunch of kids hanging out in our neighborhood. How will you prevent this?

A. Loitering will not be allowed on Kush Clinic property and will be monitored through security cameras and Kush Clinic employees.

Q. Will you be growing at this facility?

A. No. This site will only be a dispensary.

Q. Will there be enough parking?

A. Yes. The property has more parking spaces than required for use as a dispensary.

Q. What impact will Kush Clinic have on our neighborhood?

A. Based on Arizona regulations that require a dispensary to operate in a similar manner as a doctor's or medical office, the impact will be minimal and in keeping with the surrounding businesses.

Q. Why did you pick this location?

A. The location fulfills all city and state requirements for a medical marijuana dispensary.

Q. What are your hours of operation?

A. Kush Clinic is planning to have hours of operation similar to a doctor's office. Its hours of operation will comply with state and city laws for dispensary operation.

Q. Will people be allowed to smoke or consume Kush Clinic products in the dispensary?

A. No, this will not be allowed and is against the law. Kush Clinic patients will be asked to sign a Kush Clinic policy statement informing the patient that smoking or consuming products in the dispensary is against the law and law enforcement authorities will be notified if found in violation.

After the questions & answers period, participants were able to meet with Kush Clinic representatives one-on-one for the remaining portion of the open house.

Summary

The participants shared their concerns during the open house and these were addressed by Kush Clinic. Any apprehensions related to Kush Clinic were discussed openly and it was felt that those attending the event left with a positive impression. Participants appreciated the detail in the materials for review and the hand outs made available to them by Kush Clinic.

Kush Clinic was made aware of some concerns made to the City of Scottsdale by specific individuals. Representatives from Kush Clinic have reached out to these individuals on multiple occasions. These contacts have been documented. Unfortunately, none of these individuals attended the open house.

Kush Clinic has recorded contact with individuals from the neighborhood and will continue to do so.

KUSH CLINIC
MEDICINAL CANNABIS

Open House – March 9th, 5 to 6 p.m.
8729 East Manzanita Drive, Scottsdale, AZ 85258

Name	E-mail Address	Phone Number	Comments
Jeanette McCauley	umac2rock@hotmail.com	928-848-3110	
Merle Hanson	mhjm@rconnect.com	641-381-0095	
Earle Howard, M.D.			
Barry Serniors?	?		
Griggs Wright, M.D.	gwright.md@hotmail.com	480-353-4551	
Phyllis Hall		602-714-8505	
Laura Jewett		480-628-2563	
Ron & Margaret Story	rstory@iserv.net		
Patrick Rice	patrickerice@aol.com	480-575-1713	
Crystal Melk	crystal@dakotamanagement.com	480-315-6564	
Jeffrey Leon	jleonsprint@cox.net	480-473-3508	
Mike Mattson	mike@mattsonconstruction.com		
David Gilbreth	dgilbreth@rpryan.com	602-992-9700	
Deanna Henry	henrydea7@yahoo.com	480-326-2217	
Lori Henry	lmazoff@gmail.com	480-970-6869	
Michele Hammond	michelehammond@cox.net	602-463-4081	

Name	E-mail Address	Phone Number	Comments
Lee Holloway		602-482-7963	
Chris Wilson	cwilson777@cox.net	480-236-0023	?
Shel Kaplan		602-430-3333	
Derek Oldham	doldham@ipsasecurityservices.com		
Frank Helton	fhelton@ipsasecurityservices.com		
Eric Means	emeans@bcdlvs.com	480-836-7208	
Mandy Royse	mandy_royse@yahoo.com		
Keith Colombik	kcolombik@hotmail.com		
Jeff Pearson	jeffpearsonaz@aol.com		
Barry Margolin	barry_margolin2000@yahoo.com	602-750-8303	
Travis Figueroa	droopymac001@aol.com	602-489-0757	
William R. Green	bill.banisagency@cox.net		
Doug Banfelder	dougb@psigiic com	480-315-9051	Nice Facility!
Joan Miller	joanm31@gmail.com	602-525-0332	
Dean Wegner		602-432-6388	
Christine Padgett		602-481-0757	
Fred Grant, M.D.	fjgseattle@aol.com		

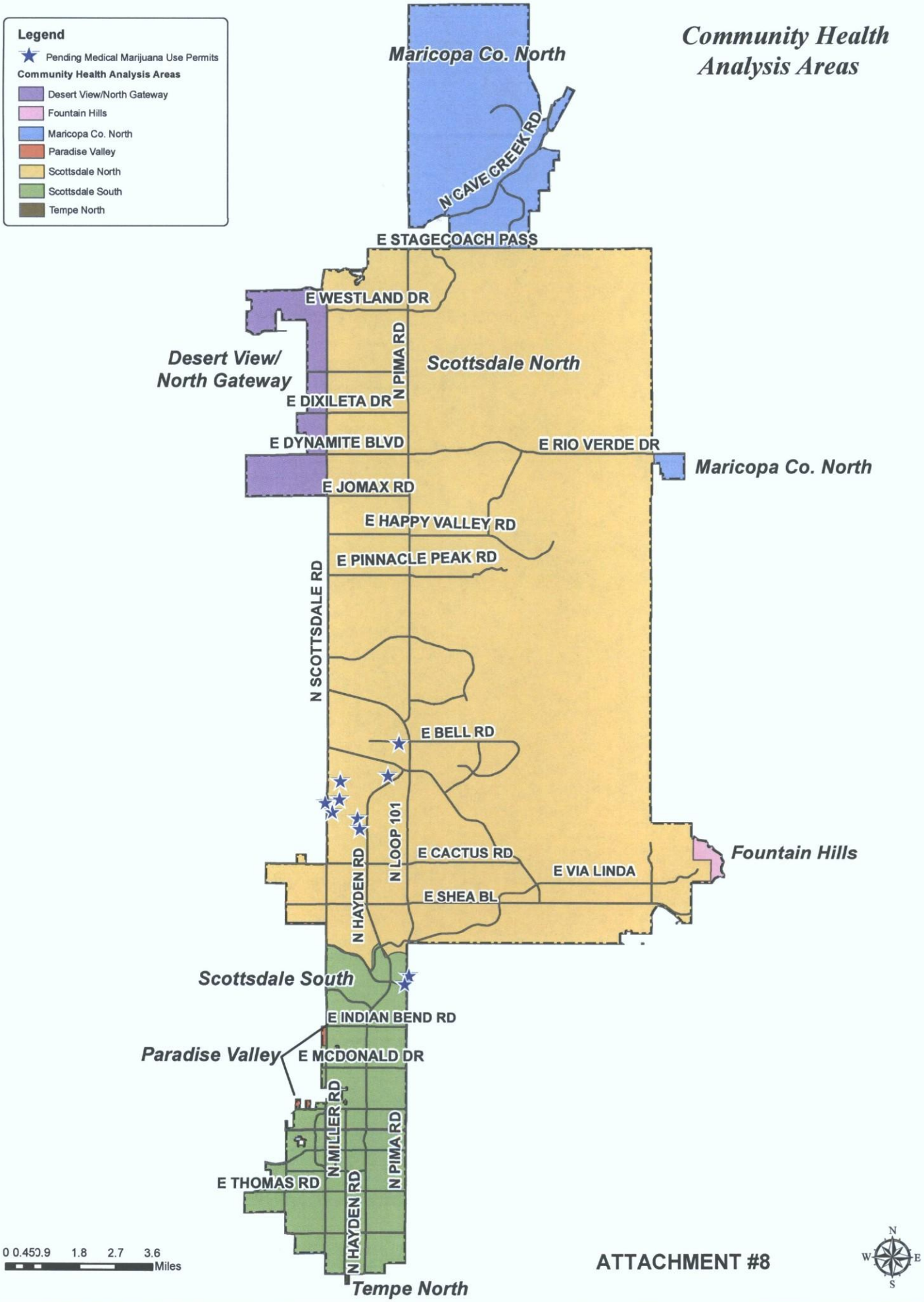
Kush Clinic
Community Call Log

Date	Time	Person Contacted	Method of Contact	Contacted by	Comments
Thursday, February 24	5:50 p.m.	Steve Johns	By Phone 602-376-7363	Steve Hanson	Mr. Johns answered the call. Introductions were made. Hanson expressed that representatives from Kush Clinic would like to meet to listen and discuss his concerns. Mr. Johns said to call him Friday morning between 9-11 a.m. to schedule a meeting for Monday.
Thursday, February 25	6:00 p.m.	Rick Schibler	By Phone 480-980-3398	Steve Hanson	Mr. Schibler answered the call. Introductions were made. Hanson inquired regarding his concerns and meeting to discuss. Mr. Schibler responded by saying he had no desire to talk to Hanson and hung up the phone.
Thursday, February 25	6:10 p.m.	Dr. José Kanshepolsky	By Phone 480-451-5357	Steve Hanson	Dr. Kanshepolsky answered the call. Introductions were made. Dr. Kanshepolsky informed Hanson that he was a retired neurosurgeon and that he owned the vacant lot next to our location. His primary concern was the negative impact a medical marijuana dispensary would have on his property value. Dr. Kanshepolsky explained to Hanson that he understood the medicinal benefits of marijuana and its importance for specific patients. Dr. Kanshepolsky just does not want a dispensary in his neighborhood.

					Dr. Kanshepolsky informed me that he is opposed to our application and mentioned that he was aware that the dentist across the street and another person on that street corner was opposed as well. He informed me that he also called the building's current owner and expressed his opposition. Dr. Kanshepolsky also mentioned that loitering, smoking marijuana in the parking lot and security were concerns. Hanson explained to him that loitering will be monitored and not allowed, that smoking marijuana on premises will not be tolerated and is against the law and that the security plan for the site will exceed proposed state and city guidelines. Dr. Kanshepolsky reiterated his property value concerns and that he felt we should find another location. Dr. Kanshepolsky suggested the Pavilions for a location. Hanson informed him that Kush Clinic conducted a search of the area looking for available locations that met the city's zoning requirements, being away from public view and being unobtrusive. Dr. Kanshepolsky responded by saying, if this is your "A" location, then you should have "plan B and C". Dr. Kanshepolsky told me that Kush Clinic has a fight on our hands and Hanson responded by telling him that he hoped we could have a discussion to alleviate his concerns. Dr. Kanshepolsky is open to continued dialog and contact with representatives from Kush

					Clinic via phone but is not willing to meet with Kush Clinic representatives in person.
Friday, February 25	9:00 a.m.	Dr. Abbas Fazel	By Phone 480-991-5077	Steve Hanson	Hanson called Dr. Fazel. The receptionist Carol informed Hanson that Dr. Fazel was not in the office today. Hanson left message for Dr. Fazel to call regarding his questions regarding the special use permit request for Kush Clinic.
Friday, February 25	9:12 a.m.	Steve Johns	By Phone 602-376-7363	Steve Hanson	Followed up call to Mr. Johns. Left voicemail message.
Monday, February 28	11:00 a.m.	Dr. Kalamshi	Contacted Norick By Phone	Lance Norick	Norick received a call from Dr. Kalamshi. Lance offered three different times for Kush Clinic to meet with Dr. Kalamshi and educate him on what we are doing and how the clinic will be run. Norick offered information about our operations and security plan but Dr. Kalamshi was not interested in talking about it or meeting with representatives of Kush Clinic. Dr. Kalamshi wanted to express to us that he was not with our use and could potentially lose a lease tenant.
Wednesday, March 1	9:33 a.m.	Steve Johns	By Phone 602-376-7363	Steve Hanson	Followed up call to Mr. Johns. Left voicemail message. Expressed that we wanted to hear and address his concerns.
Wednesday, March 1	9:37 a.m.	Dr. Abbas Fazel	By Phone 480-991-5077	Steve Hanson	Hanson called Dr. Fazel. The receptionist Laura informed Hanson that Dr. Fazel was attending to a patient. Hanson left message for Dr. Fazel to call regarding his questions regarding the special use permit

					request for Kush Clinic.
Wednesday, March 9	8:29 a.m.	Dr. Abbas Fazel	By Phone	Steve Hanson	Dr. Fazel returned call. Dr. Fazel explained that he was a supporter of medical marijuana and voted for Proposition 203. His concern is having a medical marijuana dispensary in the neighborhood and its impact. Hanson explained how Kush Clinic would be operated along with the strict regulations that have been proposed by the State of Arizona. Dr. Fazel cited traffic concerns and parking concerns and Hanson explained that the building meets requirements for parking and that the operation plan takes into account fulfilling patient recommendations quickly. Dr. Fazel expressed concerns about people smoking in the facility and on premises. Hanson informed Dr. Fazel that this will not be tolerated and is against the law. Hanson also said that loitering will not be tolerated either. Additionally, Hanson discussed the security system that Kush Clinic will have in place. Hanson reminded Dr. Fazel about the open house and hoped that he could attend. Hanson informed Dr. Fazel that Kush Clinic wants to work with the neighborhood to insure that people are comfortable. Dr. Fazel is going to try to make the open house.


Legend
Pending Medical Marijuana Use Permits
Community Health Analysis Areas
Desert View/North Gateway
Fountain Hills
Maricopa Co. North
Paradise Valley
Scottsdale North
Scottsdale South
Tempe North
Community Health Analysis Areas
Maricopa Co. North
N CAVE CREEK RD
E STAGECOACH PASS
E WESTLAND DR
N PIMA RD
Desert View/ North Gateway
Scottsdale North
E DIXILETA DR
E DYNAMITE BLVD
E RIO VERDE DR
Maricopa Co. North
E JOMAX RD
E HAPPY VALLEY RD
E PINNACLE PEAK RD
N SCOTTSDALE RD
E BELL RD
N LOOP 101
E CACTUS RD
E VIA LINDA
E SHEA BL
N HAYDEN RD
Fountain Hills
Scottsdale South
E INDIAN BEND RD
Paradise Valley
E MCDONALD DR
N MILLER RD
N PIMA RD
E THOMAS RD
N HAYDEN RD
Tempe North
0 0.45 0.9 1.8 2.7 3.6
Miles
ATTACHMENT #8
N
W
E
S

DRAFT

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR A MEDICAL MARIJUANA DISPENSARY IN A _____ +/- SQUARE-FOOT SPACE LOCATED AT _____, WITH _____ZONING

WHEREAS, the Planning Commission held a public hearing on _____, and

WHEREAS, the City Council, held a public hearing on _____.

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 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 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 dispensary has been issued the appropriate permit/license/certificate from the State of Arizona;

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 within one year of the date of this Resolution.

ATTACHMENT #10

DRAFT

Section 3 That a description of the conditional use permit is set forth in Case No. _____ 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 ____ day of _____, 201__.

ATTEST:

By:_____

City Clerk

CITY OF SCOTTSDALE, an Arizona Municipal Corporation

By._____

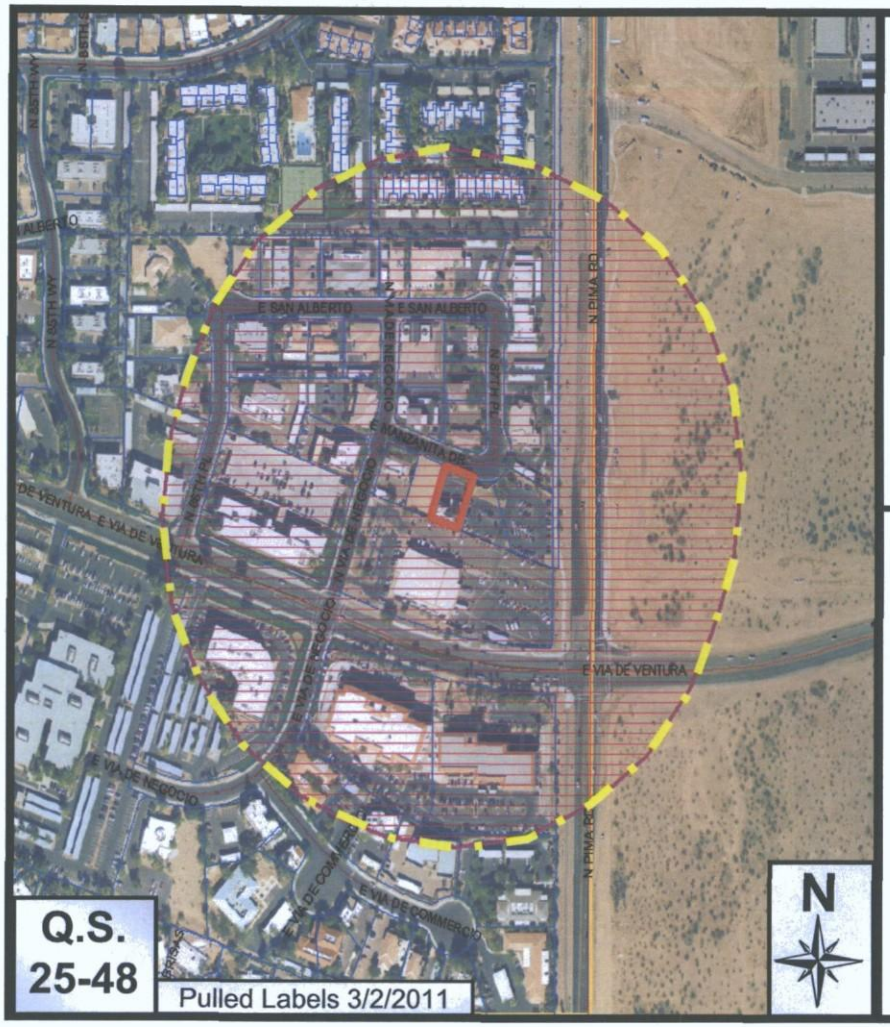
Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By:_____

City Attorney
Deputy City Attorney

City Notifications – Mailing List Selection Map



Map Legend:

Site Boundary

Properties within 750-feet

Additional Notifications:

- ***Interested Parties List***
- ***Adjacent HOA's***

Kush Clinic LLC; Medical Marijuana

9-UP-2011

ATTACHMENT #9