

**Marked Agendas
Approved Minutes
Approved Reports**

Resolution No. 9008

Official /Signed Resolution/Ordinance can
be found at:

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

Planning Commission

3/14/2012

City Council Hearing 4/17/2012, 5/08/2012

1-UP-2012

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

1-UP-2012

CITY COUNCIL REPORT



Meeting Date: May 8, 2012
 General Plan Element: Land Use
 General Plan Goal: Create a sense of community through land uses

ACTION

M.M.R.X
 1-UP-2012

Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 9008 approving a Conditional Use Permit for a +/- 1,944 square foot Medical Marijuana use, located at 15455 N. Greenway-Hayden Loop Suite #C-22, with Industrial Park District (I-1) zoning.

OWNER

Scottsdale Commerce Center LLC

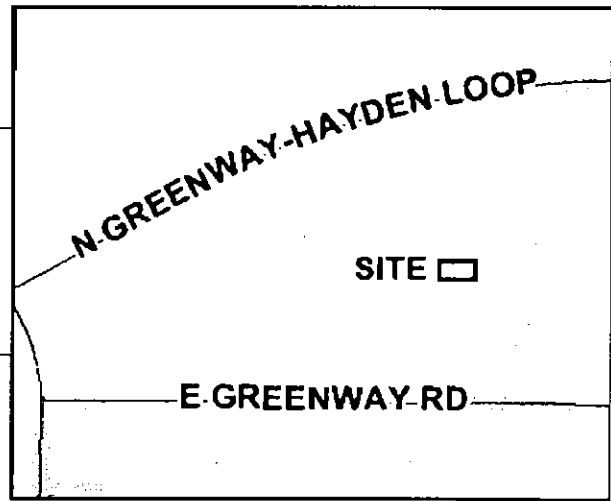
APPLICANT CONTACT

Jennifer Hall
 Rose Law Group
 480-505-3937

LOCATION

15455 N Greenway-Hayden Loop #C-22

BACKGROUND



Zoning

The site is zoned Industrial Park District (I-1). This zoning allows for a wide variety of light industrial and office uses. A Medical Marijuana use is allowed subject to a Conditional Use Permit (CUP).

Context

The subject site is located approximately 1,000 feet east of N. Scottsdale Road, on the south side of E. Greenway-Hayden Loop. The proposed use occupies a suite in a building that is part of a 3-

building complex. The use mix in the complex includes office, light industrial and warehouse operations.

Key Items for Consideration

- Compliance with Conditional Use Permit criteria
- No schools or residential properties within 500 feet
- Public Safety and Refuse Control Plan approved by the Scottsdale Police Department
- General opposition to medical marijuana uses and general inquiries received (See attachment #7)
- Planning Commission recommended approval with a vote of 5-2

Other Related Policies, References:

- 8-TA-2010: text amendment to Zoning Ordinance to allow Medical Marijuana related uses
- 8-TA-2010#2: Revision to text amendment case 8-TA-2010 to clarify separation requirements
- 68-ZN-1982: rezoned site from R1-35 to I-1
- 11-UP-2011: approval of a Conditional Use Permit for a Medical Marijuana Dispensary (expired)
- Arizona Revised Statutes, Title 36, Chapter 28.1
- Arizona Department of Health Services, Title 9, Chapter 17
- Greater Airport Character Area Plan

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant seeks approval to operate a 1,944 +/- square foot Medical Marijuana use in the Industrial Park District (I-1). In addition to dispensing of product, certified medical personnel will be available, either by phone or in person, to provide consultations to patients as needed. 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 as needed as part of day to day operations, all of which will be done by hand.

For security purposes, the main entrance will be secured and will only open after facility staff has verified patient identification. Once identification is confirmed, the door will open electronically to allow the patient access to the facility. All other doors used to access restricted areas will also be secured and accessible only by employees with coded access privileges or electronic access cards. Additionally, at least one (1) security guard will be present to monitor activities inside and outside the facility. 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: Vacant
- Proposed Use: Medical Marijuana use
- Parking Required: 6 spaces
- Parking Provided: 339 spaces (for entire center)
- Floor Area: 1,944 square feet

IMPACT ANALYSIS

Land Use

The proposed use will occupy one (1) suite in a multi-tenant complex. The surrounding use mix consists primarily of professional or medical office with some light industrial and wholesale uses mixed in. 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.

Airport Vicinity

The site is approximately 2,000 feet northwest of the Scottsdale Airport's runway. The site is not located within the fifty-five (55) DNL or higher noise contour. The applicant has completed the required Airport Vicinity Checklist as part of this application.

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. 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.

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 such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - **All operations associated with this use, with the exception of occasional deliveries, will be conducted within the building. No processing or cultivation is proposed at this location that might require the use of machinery. All 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 occur at the rear of the suite, away from employee and visitor parking areas. Per the applicant, the existing external lighting on-site 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 in the designated delivery area at the rear of the suite and will not affect on-site or off-site circulation. No significant impacts to existing traffic patterns, or increase in traffic volume is anticipated.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
- **It is anticipated the proposed use will operate similar to a medical or professional office use, both of which are prominent in this area. The subject site consists of**

three (3) large buildings, all of which are home to uses of similar character and intensity, including a variety of professional office and wholesale uses. The proposed use is reasonably compatible with the uses in the area.

C. The additional conditions in Section 1.403 have been satisfied:

The proposal meets the provisions for Medical Marijuana use as identified in Zoning Ordinance Section 1.403.M., including:

1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
 - **All operations 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 use is not located within 500 feet of any of the following protected districts or uses:
 - a. Any residential zoning district, or the residential portion of a Planned Community District (PCD), or any portion of a Planned Residential Development (PRD) with an underlying residential zoning district.
 - b. Manufactured Home District (M-H)
 - c. Any elementary or secondary school
 - **The proposed facility is not located within 500 feet of any of the above uses or districts.**
3. The Medical Marijuana use is at least 1,320 feet from the following uses within the City limits:
 - a. Medical marijuana caregiver cultivation use
 - b. Any medical marijuana use; however, no separation between these uses is required in the Industrial Park District (I-1) where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued caregiver registry identification card and a non-profit medical marijuana dispensary registration certificate under the same name or entity
 - **The 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 hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 AM and not later than 7:00 PM.
 - **The proposed hours of operation for this facility are Monday thru Sunday, 6:00 AM to 7:00 PM.**
8. There is no drive-through service, take-out window, or drive-in service.
 - **None of the services listed above are proposed as part of this request**

Water/Sewer

No cultivation is proposed for this location. Existing water and sewer infrastructure is sufficient to accommodate a Medical Marijuana Dispensary. No upgrades are required.

Public Safety

A Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. The nearest fire station is located at 14960 N. 78th Way, approximately ½ mile from the subject site. No significant impacts to existing service levels are anticipated.

Community Involvement

The applicant held an Open House on February 15, 2012 from 6:00 PM to 7:00 PM. Property owners within 750 feet of the site have been notified by mail, and the site has been posted with required signage. Staff has received general opposition to medical marijuana uses (See Attachment #7)

OTHER BOARDS & COMMISSIONS

Planning Commission

Planning Commission heard this case on March 14, 2012, and found that the conditional Use Permit criteria have been met and recommended approval by a vote of 5-2, 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 of a Conditional Use Permit for a Medical Marijuana use, per the attached stipulations.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 9008 approving a Conditional Use Permit for a +/- 1,944 square foot Medical Marijuana use, located at 15455 N. Greenway-Hayden Loop Suite #C-22, with Industrial Park District (I-1) 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



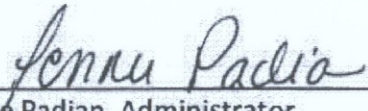
Greg Bloemberg, Report Author

4-23-12
Date



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

4/23/2012
Date



Connie Padian, Administrator
Planning, Neighborhood and Transportation
480-312-2664, cpadian@scottsdaleaz.gov

4/23/12
Date

ATTACHMENTS

1. Resolution No. 9008
 - 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. March 14, 2012 Planning Commission minutes

RESOLUTION NO. 9008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR A MEDICAL MARIJUANA USE IN A 1944 +/- SQUARE-FOOT SPACE LOCATED AT 15455 N. GREENWAY-HAYDEN LOOP SUITE #C-22 WITH INDUSTRIAL PARK DISTRICT (I-1) ZONING.

WHEREAS, the Planning Commission held a public hearing on March 14, 2012 and

WHEREAS, the City Council held a public hearing on May 8, 2012.

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

Section 1. That the City Council finds:

- a) that the granting of this conditional use permit per stipulations set forth on Exhibit 2 will not be materially detrimental to the public health, safety or welfare based on, but not limited to, the following factors: damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic;
- b) that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas; and
- c) that the additional zoning requirements necessary for a medical marijuana dispensary use, set forth on Exhibit 3 have been met with the express condition that the Zoning Administrator must certify that the use separation requirements set forth in the zoning ordinance are met following the receipt of a license/certificate from the State of Arizona and prior to this conditional use permit going into effect.

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

- a) The medical marijuana use has been issued the appropriate permit/license/certificate from the State of Arizona;
- b) After the appropriate license/certificate from the State of Arizona has been issued, the Applicant has demonstrated to the Zoning Administrator that it is located in conformance with the use separation requirements set forth in the Zoning Ordinance; and
- c) The Zoning Administrator has signed a written certification that the above conditions were satisfied before December 31, 2012.

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

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this ___ day of _____, 2012.

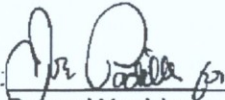
ATTEST:

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



Medical Marijuana / M M RX

Exhibit 1
Resolution No. 9008

1-UP-2012

Conditional Use Permit – Medical Marijuana use

Stipulations

Medical Marijuana / M M RX

Case Number: 1-UP-2012

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

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

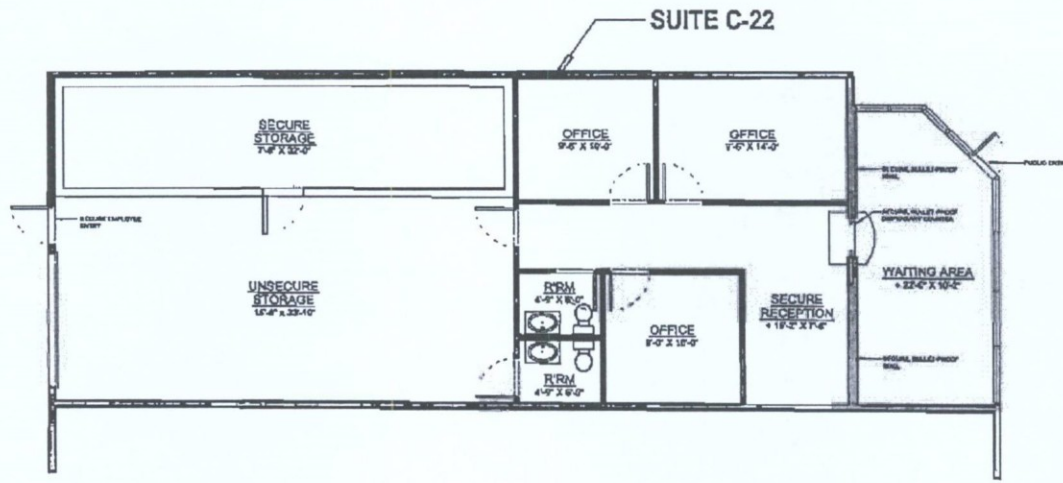
OPERATIONS

1. **CONFORMANCE TO FLOOR PLAN.** The interior layout of the facility shall be in substantial conformance with the floor plan provided by Phoenix Architecture, with the city staff date of 2/2/2012, and attached as Exhibit A to Exhibit 2. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. **PUBLIC SAFETY AND REFUSE CONTROL PLAN.** The operations of the Medical Marijuana Dispensary shall conform to the Public Safety and Refuse Control Plan approved by, and on record with, the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. A copy of the approved Public Safety and Refuse Control Plan shall be maintained on-site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Public Safety and Refuse Control Plan to the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. At least 10 days prior to any operational changes to the Medical Marijuana Dispensary that modify the requirements or contents of the Public Safety and Refuse Control Plan, the owner shall submit a revised Public Safety and refuse Control Plan to the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. Any proposed amendments to the Public Safety and Refuse Control Plan are subject to approval by the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division.
3. **HOURS OF OPERATIONS.** Per the applicant's Operation Plan, the hours of operation for this facility shall be limited to:

	Open to Customers	Close to Customers
Sunday	6:00 AM	7:00 PM
Monday	6:00 AM	7:00 PM
Tuesday	6:00 AM	7:00 PM
Wednesday	6:00 AM	7:00 PM
Thursday	6:00 AM	7:00 PM
Friday	6:00 AM	7:00 PM
Saturday	6:00 AM	7:00 PM

ADMINISTRATIVE/PROCESS

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



MONTX
Preliminary Floor Plan
 SCALE: 1/8" = 1'-0"
 March 10, 2011

M.M.RX
 10455 N. Greenway-Hayden Loop, Suite C-22
 Scottsdale, AZ 85160 APN - 215-44-001-K
 Zoning I-1 Total U.S.F. - 1,944 sq. ft.

M.M.RX
 15455 N. Greenway-Hayden Loop, Suite C-22
 Scottsdale, AZ 85160 APN - 215-44-001-K
 March 9, 2011
 Zoning I-1
 Preliminary Site Plan



B
 1-UP-2012
 1st: 2/2/12

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

1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
2. The medical marijuana dispensary site is not located within 500 feet of any of the protected districts or uses:
 - a. Any residential zoning district, or the residential portion of a Planned Community District (PCD), or any portion of a Planned Residential Development (PRD) with an underlying residential zoning district
 - b. Manufactured Home District (M-H)
 - c. Any elementary or secondary school
3. The medical marijuana dispensary use is 1,320 feet or more from the following uses:
 - a. Medical marijuana caregiver cultivation
 - b. Any medical marijuana use; however, no separation between these uses is required in the Industrial Park District (I-1) where the medical marijuana caregiver cultivation use and a medical marijuana used hold a state issued caregiver registry identification card and a non-profit medical marijuana dispensary registration certificate under the same name or entity.
4. All distances are measured from the wall of the medical marijuana dispensary use nearest to the district(s) or use(s) listed above, to the nearest property line of the district(s) or use(s) listed above
5. The applicant has provided a written exterior refuse control plan, subject to City approval
6. The applicant has provided a written public safety plan, subject to City approval
7. The operating hours are no earlier than 6:00 AM and not later than 7:00 PM
8. There is no drive-through service, take-out window, or drive-in service

INTRODUCTION

This application seeks City approval of a Use Permit for a medical marijuana facility in the exact location, and with the same applicant, as the medical marijuana Use Permit that the City previously approved on June 7, 2011. Edward Gary Reisdorf and Edward Gary Reisdorf, III, a father and son, recently formed M.M.RX, Inc., the applicant requesting this Use Permit. The Reisdorfs are long time residents of Arizona and successful Real Estate developers for over 17 years. With the approval of Proposition 203, the Reisdorfs saw an opportunity to combine their extensive professional experience and history of success with a top-notch Medical Director to operate a medical marijuana dispensary. M.M.RX has recruited Dr. Scott Orava, MD – an Emergency Room Physician who has over 15 years experience in Arizona to oversee all of the patient care and education programs at the dispensary. As an ER Physician, the majority of Dr. Orava's patients are in desperate need of pain management treatment. He has seen the harmful effects caused by prescription narcotics and truly believes in the regulated and supervised use of medicinal marijuana as an alternative for suffering patients.

Last June, the City of Scottsdale approved an identical Use Permit for M.M.RX to operate a medical marijuana dispensary at 15455 N. Greenway Hayden Loop, Suite C-22. This site is zoned correctly and continues to meet all of the City's requirements for operating a dispensary at this location.

REQUEST

Since the City of Scottsdale approved M.M.RX's Use Permit, the medical marijuana dispensary program was placed on hold by Governor Jan Brewer and the Arizona Department of Health Services and litigation ensued. During this delay the approved Use Permit expired. Recently, the Governor and the

Department of Health Services has stated that the litigation has been resolved and they are planning on initiating the dispensary license program in the next few months. M.M.RX is respectfully requesting that the City of Scottsdale again approve their Use Permit for this site to allow the operation of a medical marijuana dispensary. There have been no changes to the zoning case that was approved by City Council last June. This site continues to meet all of the City's zoning and separation requirements of the recently amended Zoning Ordinance.

ZONING COMPLIANCE

The property complies with all of the City's amended zoning requirements for this type of use. It is zoned I-1 and surrounded by mostly Industrial type businesses. Therefore, this use will have no negative impact on the surrounding area. There are no private, public nor charter schools located within 500 feet. There are no residential zoning districts within 500 feet of this location. M.M.RX has submitted the required public safety and refuse management plan to the City of Scottsdale Police Department which was approved last year and will not change with this new application. Hours of operation for this dispensary will be no earlier than 6:00 A.M. and no later than 7:00 P.M. as outlined in the City Ordinance. Finally, there will be no drive-through, take-out window, nor drive-in service offered at this facility.

MEETS AND EXCEEDS CITY'S USE PERMIT CRITERIA

The proposed site meets and/or exceeds all the use permit criteria outlined in the Scottsdale Zoning Ordinance.

A. The granting of this Use Permit will in no way be detrimental to the public health, safety or welfare of the surrounding area.

1. This use does not create damage or nuisance caused from noise, odor, dust, vibration or illumination. This dispensary will operate just as any other medical office; therefore there will be no nuisance.

2. No Impact on surrounding area from traffic. The proposed medical marijuana center is located in the Scottsdale Airpark and is surrounded by other industrial uses. This facility will not generate abnormal amounts of increased traffic. It will operate just like every other business in the area.

B. This use is compatible with surrounding uses. Again, this property is located in the Scottsdale Airpark which is zoned I-1. It is surrounded by Industrial type businesses.

C. This location meets all other additional conditions. As stated above, this location complies with all of the City of Scottsdale's zoning requirements.

CONCLUSION

In conclusion, M.M.RX is prepared to meet and/or exceed all of the requirements and rules set forth by the City of Scottsdale as well as the Department of Health Services. Granting this Conditional Use Permit, again, will allow local Scottsdale business leaders the opportunity to ensure success in this new strictly regulated industry and will eliminate any self-cultivation within twenty-five miles of this site.



Medical Marijuana / M M RX

1-UP-2012

ATTACHMENT #3

Existing General Plan Land Use Map



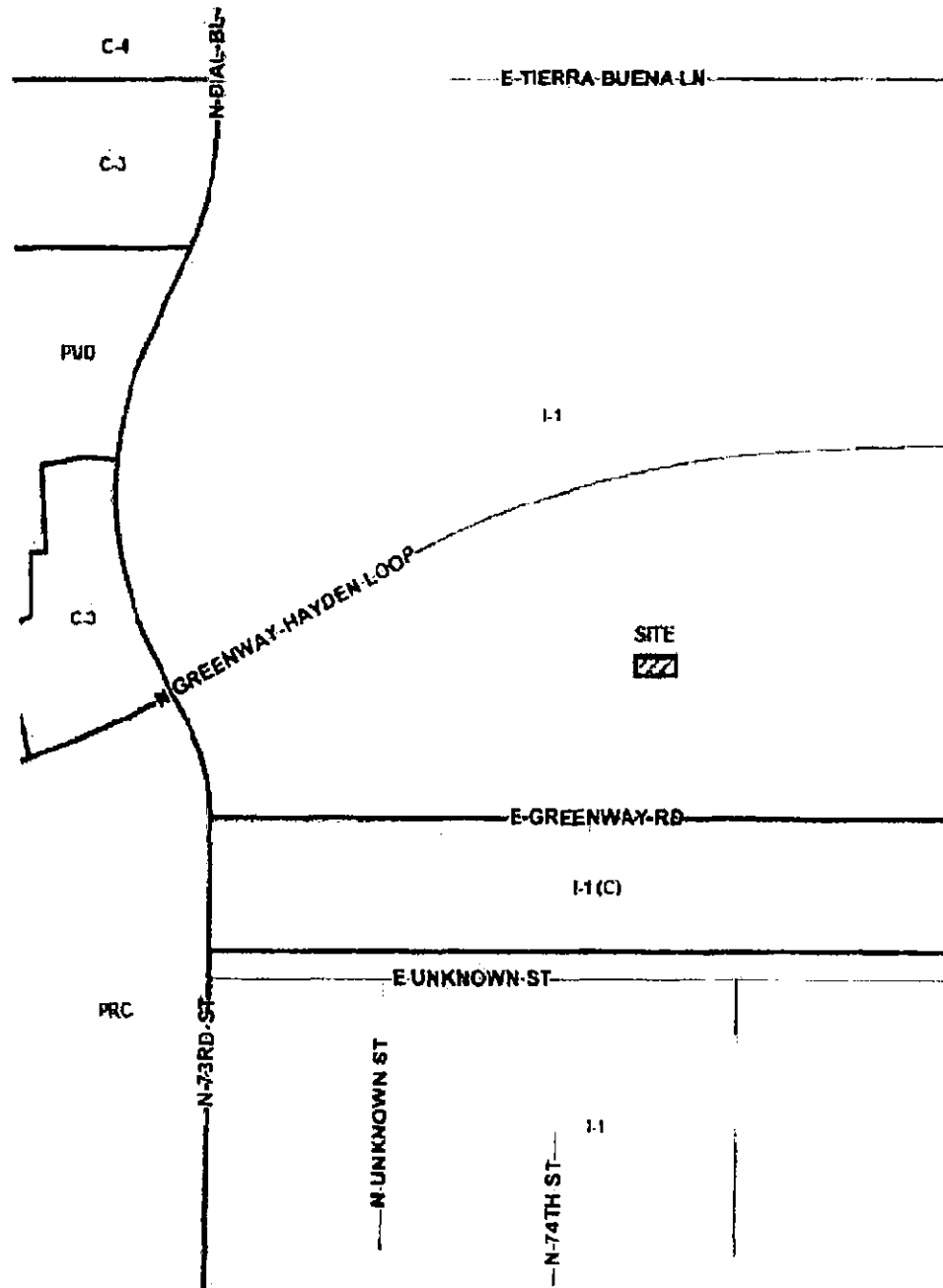
	RURAL NEIGHBORHOODS		EMPLOYMENT
	SUBURBAN NEIGHBORHOODS		NATURAL OPEN SPACE
	URBAN NEIGHBORHOODS		DEVELOPED OPEN SPACE (PARKS)
	MIXED-USE NEIGHBORHOODS		DEVELOPED OPEN SPACE (GOLF COURSES)
	RESORTS/TOURISM		CULTURAL/INSTITUTIONAL OR PUBLIC USE
	SHEA CORRIDOR		MCDOWELL SONORAN PRESERVE (AS OF 8/2003)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



1-UP-2012

ATTACHMENT #4

Zoning Map



1-UP-2012

ATTACHMENT #5

Purpose of the Plan

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

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

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

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

Operations and Hours

1. Permittee: M.M.RX, Inc.
Type of Organization: Arizona Corporation Corporation
 Sole Proprietorship LLC
 Partnership Other
2. Managing Agents Name: Edward Gary Reisdorf / Edward Gary Reisdorf, III
Title: Directors
Address: 7502 Clearwater Parkway Paradise Valley, AZ 85253
9487 E. Desert Park Drive Scottsdale AZ 85255
Phone Numbers: Edward Gary Reisdorf 480-695-1197
Edward Gary Reisdorf, III 602-910-1492
Fax or Other Numbers:
3. Business Owner(s) (if different than Managing Agent) Name, Address,
Phone:

4. Property Owner or Property Manager (If different from Managing Agent)
 Name, Address, Phone: Richard Donovan, managing partner
 Scottsdale Commerce Center, LLC
 PO Box 1679 Mercer Island, WA 98040

	Open	Closed
Monday	<u>6am</u>	<u>7pm</u>
Tuesday	<u>6am</u>	<u>7pm</u>
Wednesday	<u>6am</u>	<u>7pm</u>
Thursday	<u>6am</u>	<u>7pm</u>
Friday	<u>6am</u>	<u>7pm</u>
Saturday	<u>6am</u>	<u>7pm</u>
Sunday	<u>6am</u>	<u>7pm</u>

6. Cooperation/Complaints/Concerns:

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

9487 E. Desert Park Drive
 Scottsdale, AZ
 Name: Edward Reisdorf, III Address: 85255 Phone: 602-910-1492

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

Security and Maintenance

Security Attire

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

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

Security Officer Responsibilities

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

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

Management Responsibilities

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

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

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

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

Uniformed Sworn Officer Responsibilities:

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

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

Parking

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

Refuse Plan

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

Establishment of Records

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

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

Physical Security

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

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

Enforcement of Security Plan

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

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

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

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

Dissemination of the Security Plan

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

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


Termination of the Plan

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


Enclosures

- Addendums attached
- No enclosures

APPLICANT/MANAGEMENT:

Name: Edward Gary Reisdorf, III
 Address: 9487 E. Desert Park Drive Scottsdale, AZ 85255
 Phone: 602-910-1197
 Date: 2/1/12
 Signature: 

APPROVED BY:

Detective: J. MILLER
 Phone: 480-215-6135
 Date: 2/7/12
 Signature: 



JENNIFER HALL
6613 N. Scottsdale Road, Suite 200
Scottsdale, Arizona 85250
Phone 480.505.3938 480.505.3925
jhall@RoseLawGroup.com
www.RoseLawGroup.com

February 2, 2012

Dear Property Owner:

This letter is to inform you that an application is being submitted on behalf of M.M.RX, Inc. to the City of Scottsdale to allow the operation of a medical marijuana dispensary at 15455 N. Greenway Hayden Loop, Suite #C-22.

M.M. RX submitted the exact same application last year to operate a dispensary at this exact location and received approval on June 7, 2011. Unfortunately, the dispensary program was placed on hold and the approved Use Permit expired. M.M.RX is required to start the entire process all over even though there have been no changes to the application.

This site is ideal as it is located just east of Scottsdale Road, off of Greenway Hayden Loop and the property is zoned I-1 which allows dispensaries with a conditional use permit. This site meets all of the separation setback requirements for protected uses, such as residential and schools.

M.M.RX was formed by Scottsdale business leaders who have joined forces with medical professionals to bring their combined experience and history of success to this new industry. Without medical marijuana dispensaries, this industry will continue to be unregulated and self grow will remain uncontrolled.

An Open House will be held to address any questions or concerns that anyone may have.

Wednesday, February 15, 2012
6:00PM -7:00PM
15455 N. Greenway Hayden Loop, Suite C-22

Representative contact info:
Jennifer Hall
480-505-3938
jhall@roselawgroup.com

City staff contact info:
Greg Bloemberg
480-312-7000
gbloemberg@scottsdaleaz.gov

If you are unable to attend, please do not hesitate to contact me if you have questions or would just like to discuss the request.

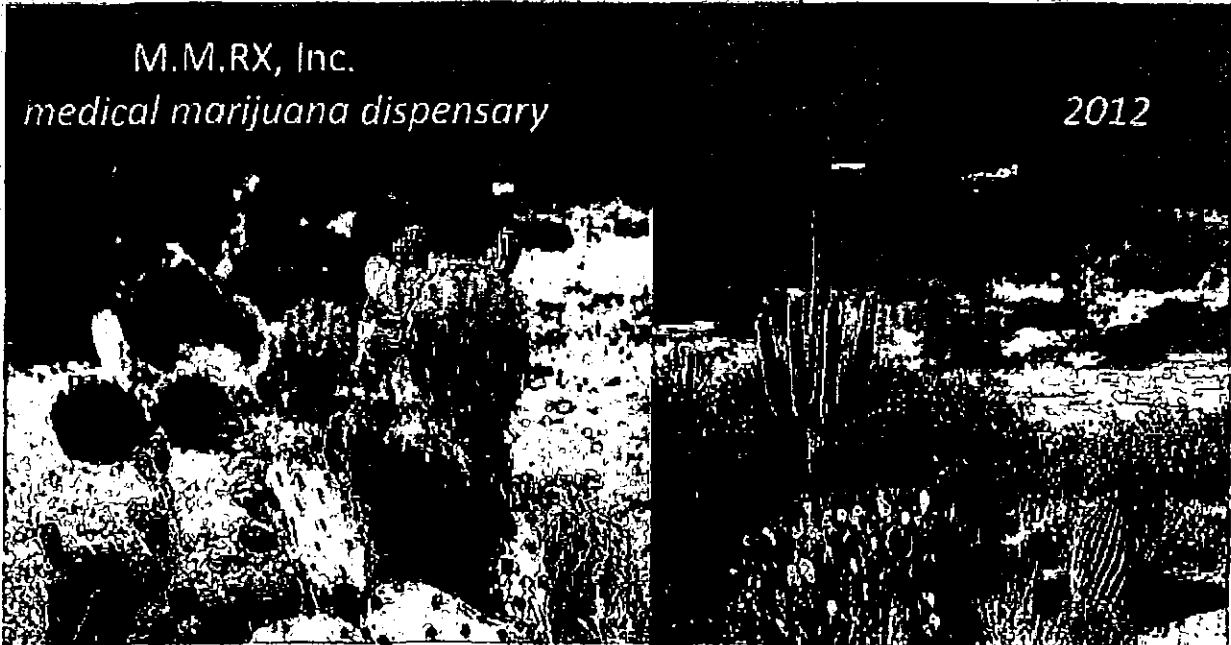
Sincerely,

Jennifer Hall
Project Manager

ATTACHMENT #7

M.M.RX, Inc.
medical marijuana dispensary

2012



1-UP-2012
Notification Report

City of Scottsdale
North CHAA

15455 N. Greenway Hayden Loop, #C-22
Scottsdale Arizona 85260

ROSE
LAW GROUP
P.C.

ATTACH TO NEIGHBOR NOTIFICATION REPORT
1008 DA 0111 2
1.10.2012

Contacted Parties:

Attached is a complete list of the property owners within 750 feet contacted prior to this Neighbor Notification Report being submitted to the city.

Notification Map:

Attached is a map of the 750 foot area within which all property owners notified of the CUP application.

Contact Dates:

All property owners within the 750 foot notification area will be notified on February 2, 2012 via first class letter of the CUP application request and upcoming open house to be held on February 15, 2012.

Contact Methods:

All notification was made by U.S. Mail in the attached letter containing all of the required and pertinent information regarding the application and upcoming open house.

Notification Documents:

We have already submitted copies of the notification materials used in this process.

Comments and Correspondence Received:

To date, we have only received one phone call regarding our CUP request. Sean Babson, property manager for 15500 N. Greenway Hayden Loop. His only question was in relation to the size of the dispensary. We informed Mr. Babson that if awarded the license to operate by DHS, this dispensary will be 1,944 square feet and will only operate as a dispensary and not a grow site. Mr. Babson stated that he had no further questions regarding our application. We encouraged Mr. Babson to feel free to contact us directly with additional questions and/or concerns.

Affidavits:

We have already submitted the required affidavit of the neighborhood mailing.

Site Posting:

The site was posted on February 3, 2012 with all of the required information regarding the application, including a description of the request, location of the property, and contact information for the Applicant and the Staff. The Affidavit of Posting has already been submitted to the city.

Open House:

An Open House was scheduled and held at the site on Wednesday, February 15, 2012 at 6:00pm in order to inform surrounding property owners and community members of our application request. Please see the attached summary for a full report listing the names of all attendees along with comments and concerns, if any.

M.M.RX, Inc.
medical marijuana dispensary

OPEN HOUSE SUMMARY
Wednesday, February 15, 2012
6:00PM

Applicants: Ed Reisdorf - M.M.RX
Ted Reisdorf - M.M.RX
Jennifer Hall – Project Manager, Rose Law Group

Attendees: Lewis Patrick – True Health Care
Michelle Severton – True Health Care

The Open House began promptly at 6:00pm and was held inside building suite C-22. Floor plans and CUP application submitted to the City was available for viewing and discussion. Lewis Patrick and Michelle Severton from True Health Care, LLC were the only attendees. True Health Care also filed a CUP application to operate a medical marijuana facility in the North Scottsdale CHAA. Currently, True Health Care is the only known competition in the CHAA. Ms. Severton had questions regarding the security plan for the dispensary. We explained that the City of Scottsdale Police Department has already approved the required security/maintenance/operations plan for this dispensary and M.M.RX plans to meet or exceed all of the local and state requirements for security. We discussed last year's application and explained that nothing has changed. There were no other attendees so we ended the Open House at 7:00pm.

At this time, there is no known opposition from neighbors and/or property owners in the immediate area.

Cookson, Frances

From: ScottsdaleGregGlenn@gmail.com
Sent: Wednesday, February 22, 2012 1:22 PM
To: Cookson, Frances
Subject: Medical Marijuana Dispensaries

City of Scottsdale Email

I am writing to you regarding medical marijuana dispensaries in Scottsdale. I am sure you have received many comments both in favor of and against dispensaries. While I do believe that dispensaries may be responsible and upstanding businesses in the community, I am not in favor of them in Scottsdale at this time. I am not against ever having them in Scottsdale, I am only against having them in Scottsdale at this point in time. As of right now, Marijuana is classified by the Controlled Substances Act (CSA) as a Class 1 substance. This means that it is totally and completely illegal in every way shape and form. However, as many states (16 and counting) have created state legalization laws, the federal government has been sending mixed signals as to their enforcement of the CSA. As such I believe it would not be prudent for City Council or Planning and Zoning Commission to issue such Special Use Permits as Scottsdale's zoning amendment requires. I also believe there is precedent for doing such. The Town of Paradise Valley has written their own zoning amendment for medical marijuana dispensaries and they also require a Special Use Permit. However, Paradise Valley recognizes the clear legal problems of this industry and they will not be issuing such permits. In addition, cities in both California and Colorado have enacted outright bans on dispensaries. I'm not suggesting Scottsdale outright ban them, I'm only asking for a delay as the federal government clarifies their position. In addition, the Arizona Department of Health Services is requiring a "comfort letter" from the municipality of the dispensary applicant. If Scottsdale does not issue such letter, the applicant cannot apply for a dispensary permit in Scottsdale. If there is no applicant in Scottsdale in the first year (April 2012) then an applicant may apply for one in 2013 (with the proper zoning and "comfort letter"). I am asking for Scottsdale to simply delay the implementation of dispensaries while the federal government clarifies its position. There is no reason for Scottsdale to be the test case for federal action or the potential impacts of dispensaries in our community. We can watch what happens to dispensaries in other communities and perhaps make amendments to our own zoning ordinance that are prudent and perhaps better than those Scottsdale has in place now. As of last Friday, Scottsdale P&Z had received 3 applications for dispensary Special Use Permits. Each of them are scheduled to go to P&Z Commission in mid-March. They would then go to City Council in mid-April. Any delay (even one month) by either P&Z or Council would push the applicants beyond the state dispensary application process timeline and they would not be able to apply to the state for a license in Scottsdale. For those on the Council that are opposed to dispensaries, this is a great opportunity to simply delay having dispensaries in our city for another year. For those in favor of dispensaries, this is an opportunity to see what works and what doesn't work in other surrounding cities and to make appropriate changes to our own ordinances. I think that a simple delay suits both groups and is something we can all agree upon. I think this is the only prudent thing for Scottsdale to do. Let's simply wait and see what happens in other communities rather than rush into something we regret later. The citizens of Scottsdale deserve your prudence. Sincerely, Greg Glenn



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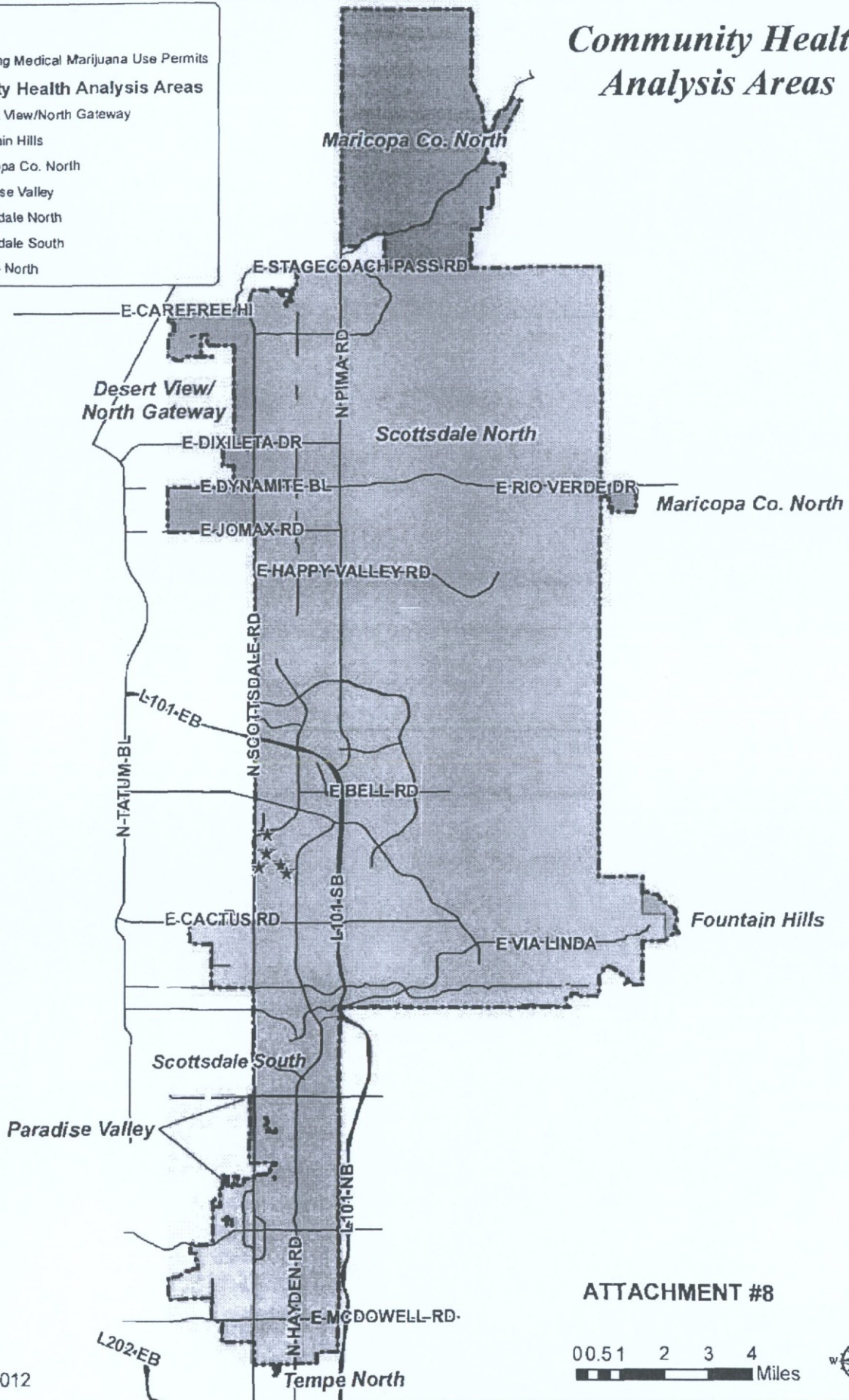
Community Health Analysis Areas

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



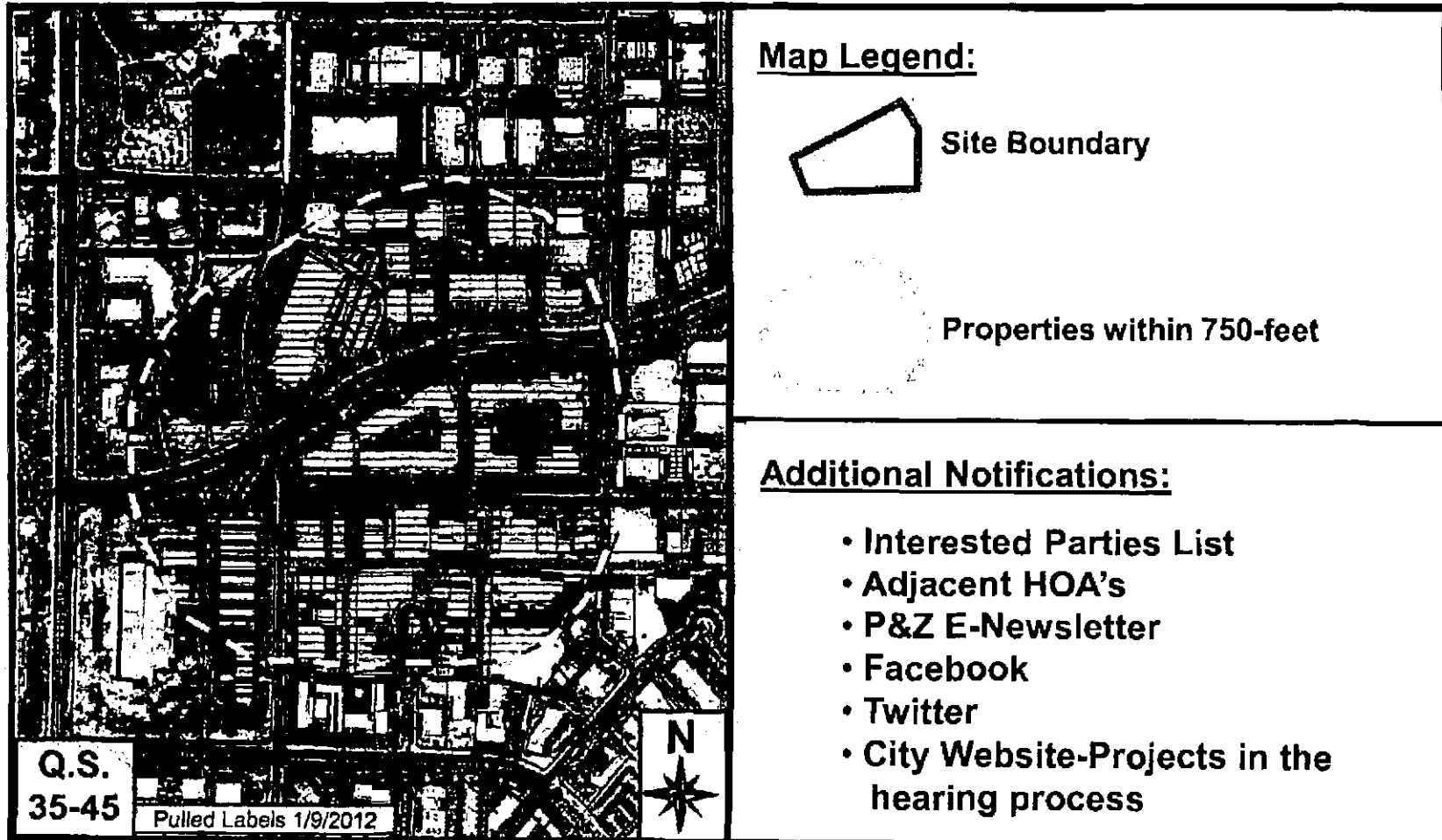
Date: 2/21/2012

ATTACHMENT #8

0 0.5 1 2 3 4 Miles



City Notifications – Mailing List Selection Map



Medical Marijuana / M M RX

1-UP-2012

ATTACHMENT #9

COMMISSIONER PETKUNAS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

EXPEDITED AGENDA

2. 1-UP-2012 (Medical Marijuana / M M RX)
**CHAIR D'ANDREA MOVED TO THE REGULAR AGENDA.
COMMISSIONER FILSINGER MOVED TO MAKE A RECOMMENDATION TO CITY COUNCIL FOR APPROVAL OF CASE 1-UP-2012, PER THE STAFF RECOMMENDED STIPULATIONS, BASED UPON THE FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET. SECONDED BY COMMISSIONER CODY, THE MOTION CARRIED WITH A VOTE OF FIVE (5) TO TWO (2) WITH COMMISSIONER EDWARDS AND VICE-CHAIR GRANT DISSENTING.**

3. 2-UP-2012 (True Health Care Medical Marijuana)
Ryan Hurley and George Leach provided comments on the proposal.
**CHAIR D'ANDREA MOVED TO THE REGULAR AGENDA.
COMMISSIONER BRANTNER MOVED TO MAKE A RECOMMENDATION TO CITY COUNCIL FOR APPROVAL OF CASE 2-UP-2012, PER THE STAFF RECOMMENDED STIPULATIONS, BASED UPON THE FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET. THE MOTION DIES DUE TO LACK OF A SECOND MOTION.

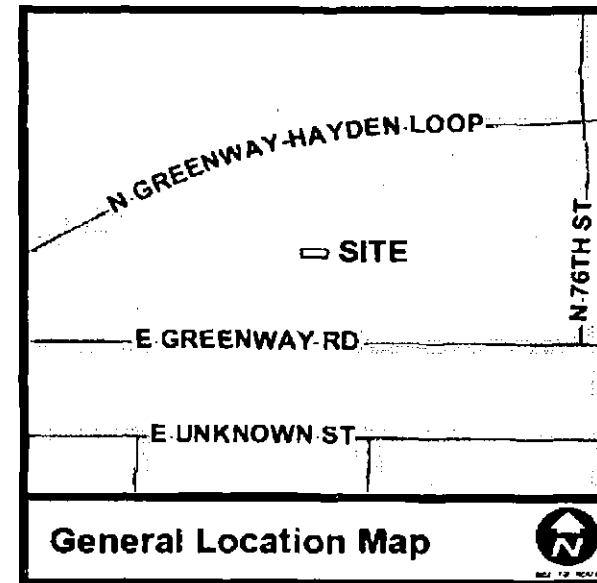
VICE-CHAIR GRANT MOVED TO MAKE A RECOMMENDATION TO CITY COUNCIL FOR DENIAL OF CASE 2-UP-2012, BASED UPON THE FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE NOT BEEN MET. SECONDED BY COMMISSIONER FILSINGER, THE MOTION CARRIED WITH A VOTE OF FIVE (5) TO TWO (2) WITH COMMISSIONERS BRANTNER AND CODY DISSENTING.**

4. 4-UP-2012 (Giving Tree Wellness Center of Arizona, Inc.)
Ryan Hurley provided comments on the proposal.
**CHAIR D'ANDREA MOVED TO THE REGULAR AGENDA.
COMMISSIONER PETKUNAS MOVED TO MAKE A RECOMMENDATION TO CITY COUNCIL FOR APPROVAL OF CASE 4-UP-2012, PER THE STAFF RECOMMENDED STIPULATIONS, BASED UPON THE FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET. SECONDED BY COMMISSIONER BRANTNER, THE MOTION CARRIED WITH A VOTE OF FOUR (4) TO THREE (3) WITH CHAIR D'ANDREA, VICE-CHAIR GRANT, AND COMMISSIONER EDWARDS DISSENTING.**

5. 5-UP-2012 (Valley Wellness Center)
Ryan Hurley and Adam Baugh provided comments on the proposal.
**CHAIR D'ANDREA MOVED TO THE REGULAR AGENDA.
COMMISSIONER BRANTNER MOVED TO MAKE A RECOMMENDATION TO CITY COUNCIL FOR APPROVAL OF CASE 5-UP-2012, PER THE STAFF**

* 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

M.M.RX



1-UP-2012

City Council

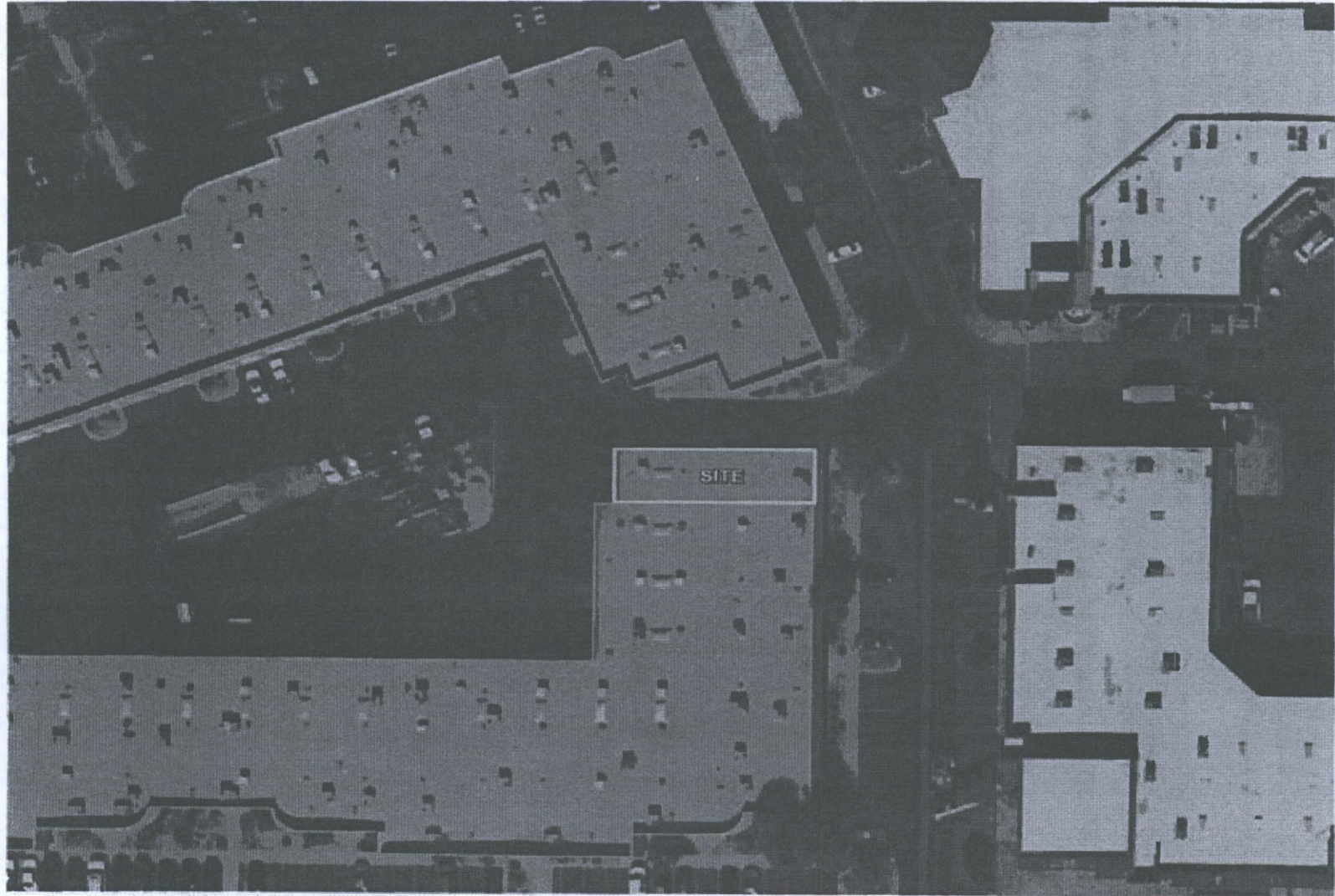
May 8, 2012

Coordinator: Greg Bloemberg

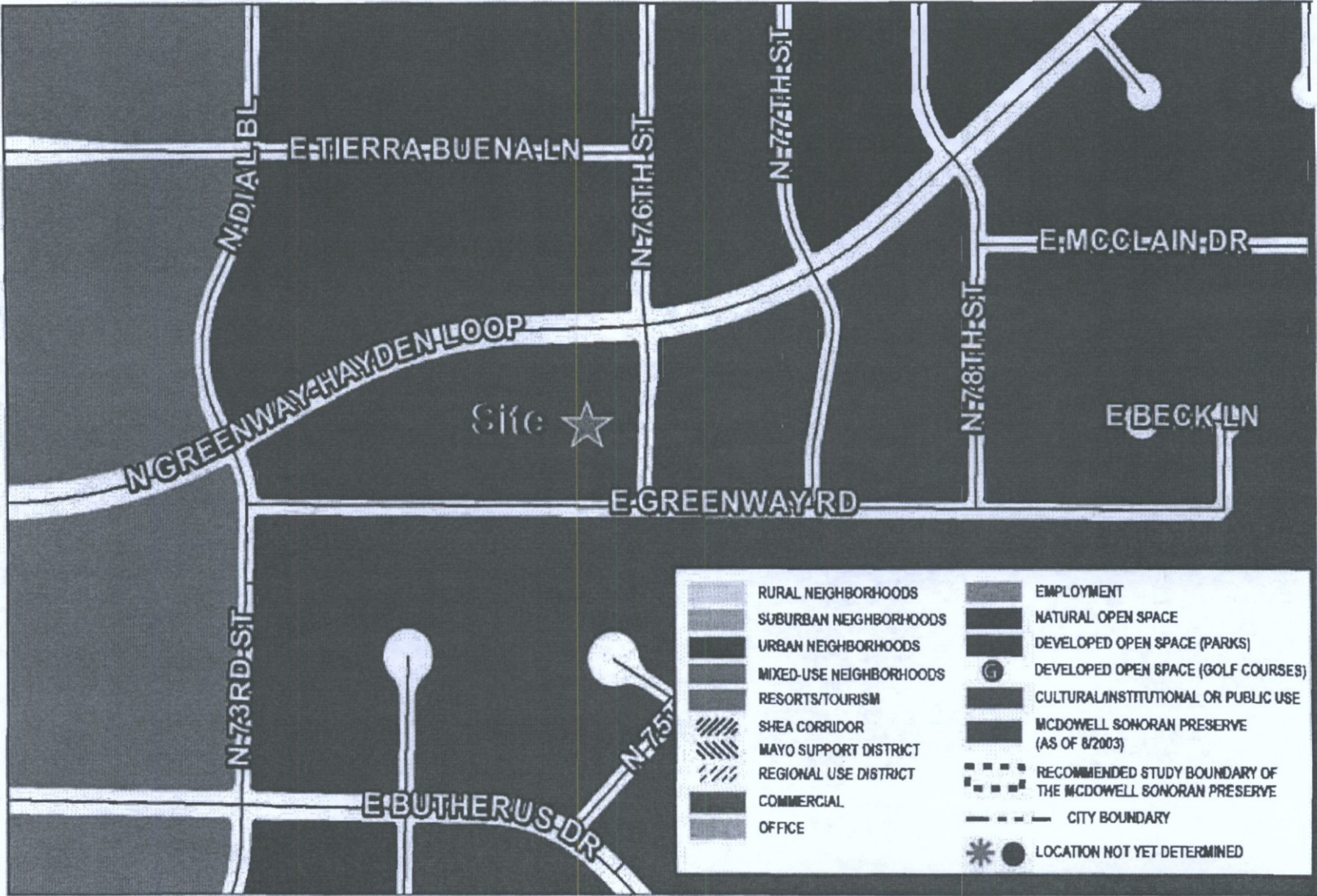
Contextual Aerial Photo



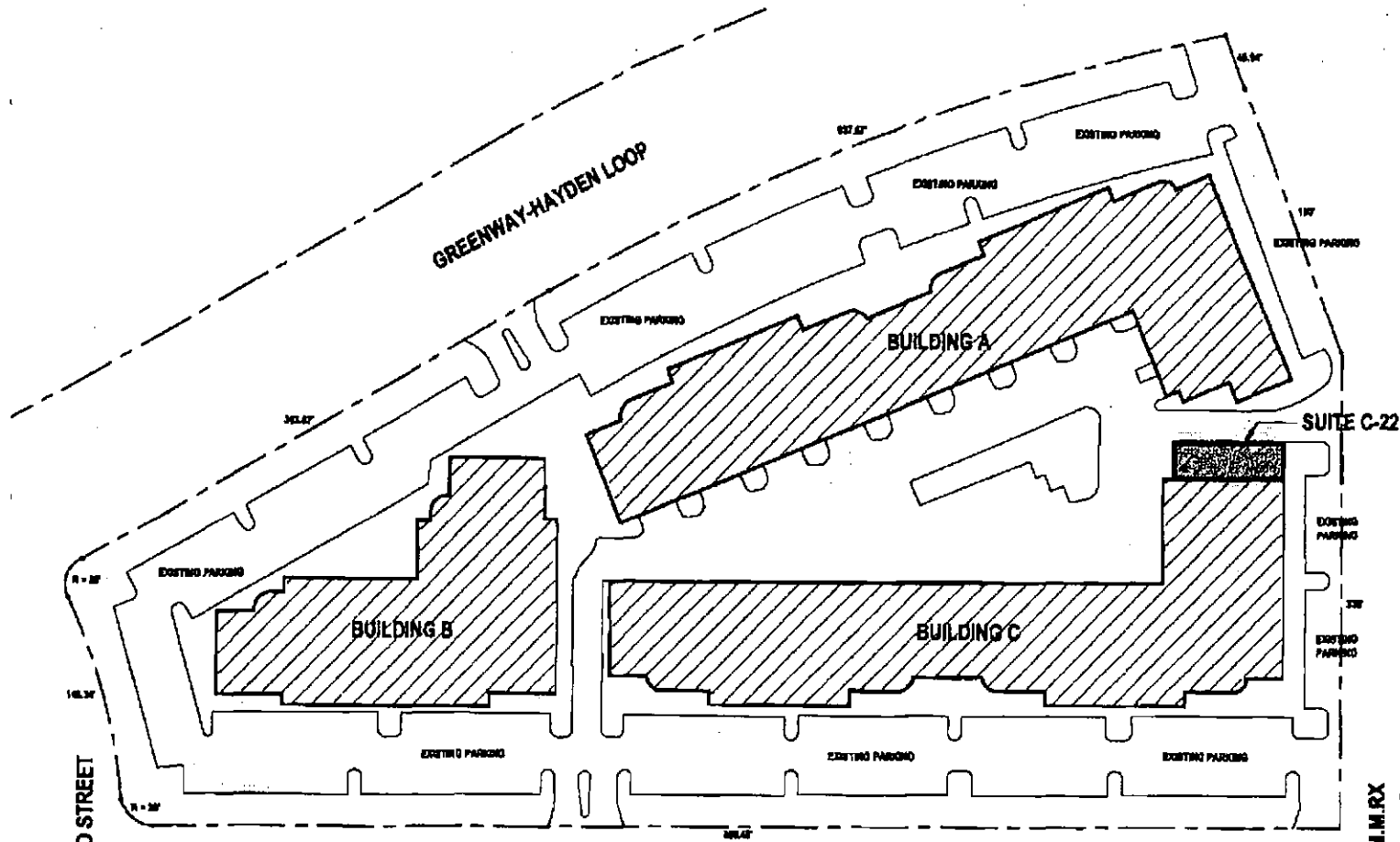
Close Aerial Photo



General Plan



Site Plan



73RD STREET
A
sheet

GREENWAY ROAD



Preliminary Site Plan

MARCH 9, 2011

M.M.RX

15495 N. Greenway-Hayden Loop, Suite C-22
Scottsdale, AZ 85160 APN - 215-44-001-K
Zoning I-1

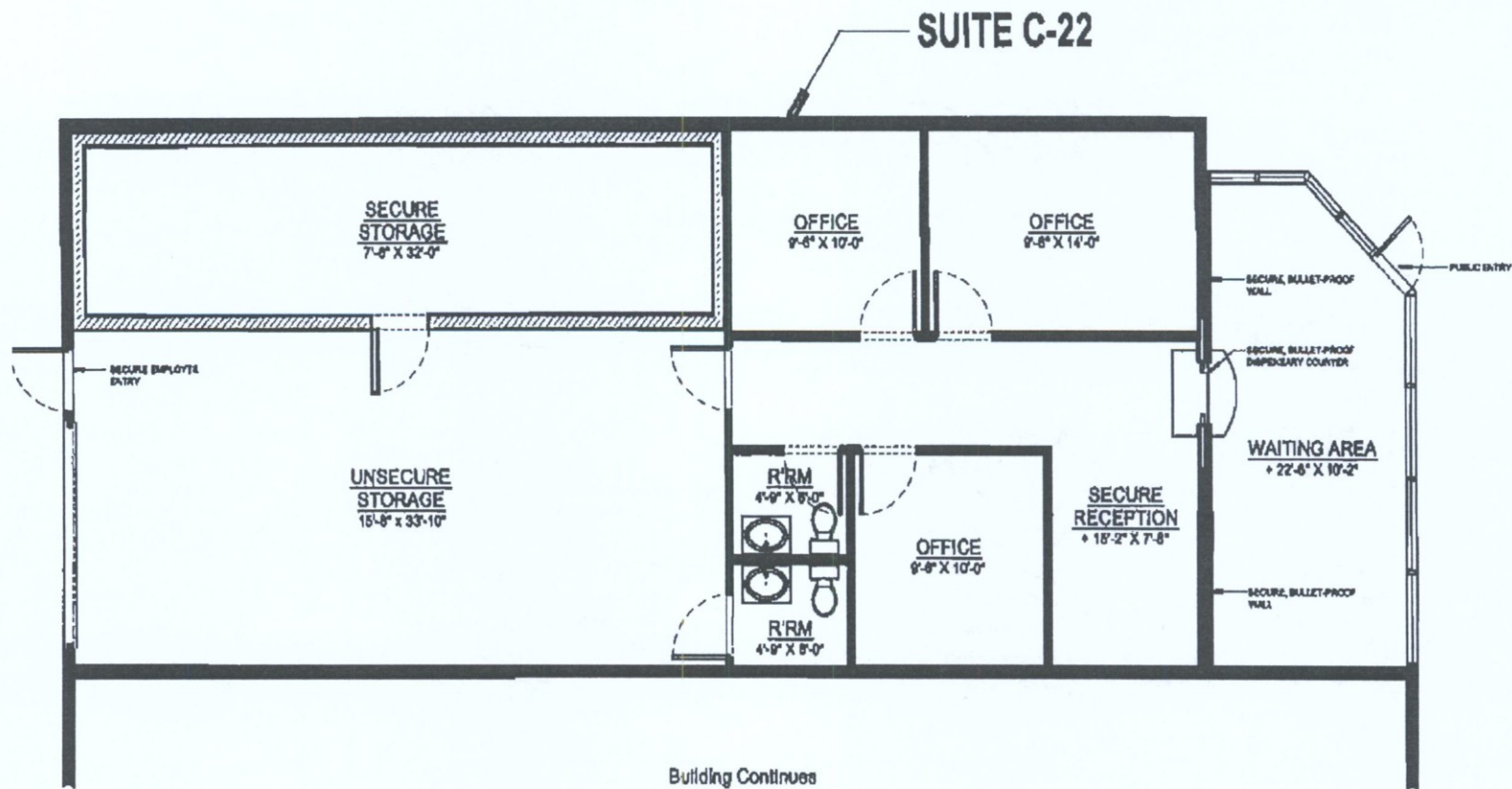
M.M.RX

15495 N. Greenway-Hayden Loop, Suite C-22
Scottsdale, AZ 85160 APN - 215-44-001-K
March 9, 2011 Zoning I-1

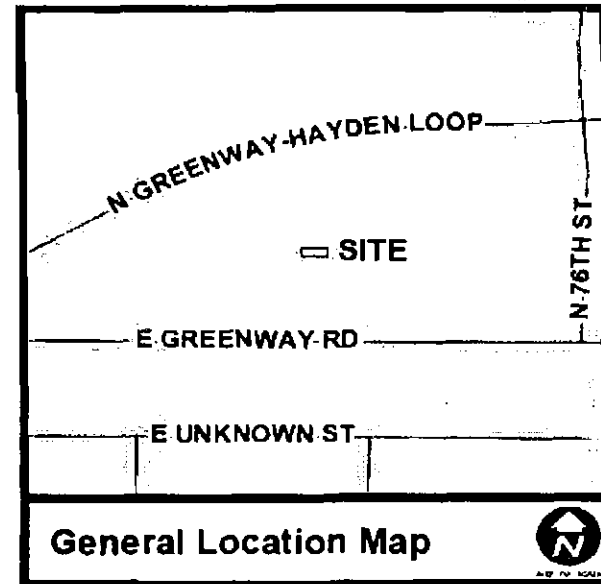
Preliminary Site Plan



Floor Plan



M.M.RX



1-UP-2012

City Council

May 8, 2012

Coordinator: Greg Bloemberg

CITY COUNCIL REPORT



Meeting Date: April 17, 2012
 General Plan Element: Land Use
 General Plan Goal: Create a sense of community through land uses

ACTION

M.M.R.X
 1-UP-2012

Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 9008 approving a Conditional Use Permit for a +/- 1,944 square foot Medical Marijuana use, located at 15455 N. Greenway-Hayden Loop Suite #C-22, with Industrial Park District (I-1) zoning.

OWNER

Scottsdale Commerce Center LLC

APPLICANT CONTACT

Jennifer Hall
 Rose Law Group
 480-505-3937

LOCATION

15455 N Greenway-Hayden Loop #C-22

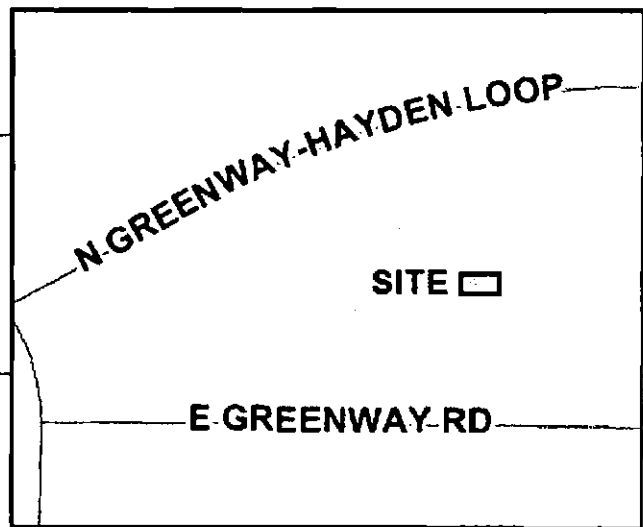
BACKGROUND

Zoning

The site is zoned Industrial Park District (I-1). This zoning allows for a wide variety of light industrial and office uses. A Medical Marijuana use is allowed subject to a Conditional Use Permit (CUP).

Context

The subject site is located approximately 1,000 feet east of N. Scottsdale Road, on the south side of E. Greenway-Hayden Loop. The proposed use occupies a suite in a building that is part of a 3-



Action Taken

Continued to 5/8/12

building complex. The use mix in the complex includes office, light industrial and warehouse operations.

Key Items for Consideration

- Compliance with Conditional Use Permit criteria
- No schools or residential properties within 500 feet
- Public Safety and Refuse Control Plan approved by the Scottsdale Police Department
- General opposition to medical marijuana uses and general inquiries received (See attachment #7)
- Planning Commission recommended approval with a vote of 5-2

Other Related Policies, References:

- 8-TA-2010: text amendment to Zoning Ordinance to allow Medical Marijuana related uses
- 8-TA-2010#2: Revision to text amendment case 8-TA-2010 to clarify separation requirements
- 68-ZN-1982: rezoned site from R1-35 to I-1
- 11-UP-2011: approval of a Conditional Use Permit for a Medical Marijuana Dispensary (expired)
- Arizona Revised Statutes, Title 36, Chapter 28.1
- Arizona Department of Health Services, Title 9, Chapter 17
- Greater Airpark Character Area Plan

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant seeks approval to operate a 1,944 +/- square foot Medical Marijuana use in the Industrial Park District (I-1). In addition to dispensing of product, certified medical personnel will be available, either by phone or in person, to provide consultations to patients as needed. 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 as needed as part of day to day operations, all of which will be done by hand.

For security purposes, the main entrance will be secured and will only open after facility staff has verified patient identification. Once identification is confirmed, the door will open electronically to allow the patient access to the facility. All other doors used to access restricted areas will also be secured and accessible only by employees with coded access privileges or electronic access cards. Additionally, at least one (1) security guard will be present to monitor activities inside and outside the facility. 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: Vacant
- Proposed Use: Medical Marijuana use
- Parking Required: 6 spaces
- Parking Provided: 339 spaces (for entire center)
- Floor Area: 1,944 square feet

IMPACT ANALYSIS

Land Use

The proposed use will occupy one (1) suite in a multi-tenant complex. The surrounding use mix consists primarily of professional or medical office with some light industrial and wholesale uses mixed in. 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.

Airport Vicinity

The site is approximately 2,000 feet northwest of the Scottsdale Airport's runway. The site is not located within the fifty-five (55) DNL or higher noise contour. The applicant has completed the required Airport Vicinity Checklist as part of this application.

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. 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.

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 such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - **All operations associated with this use, with the exception of occasional deliveries, will be conducted within the building. No processing or cultivation is proposed at this location that might require the use of machinery. All 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 occur at the rear of the suite, away from employee and visitor parking areas. Per the applicant, the existing external lighting on-site 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 in the designated delivery area at the rear of the suite and will not affect on-site or off-site circulation. No significant impacts to existing traffic patterns, or increase in traffic volume is anticipated.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
- **It is anticipated the proposed use will operate similar to a medical or professional office use, both of which are prominent in this area. The subject site consists of**

three (3) large buildings, all of which are home to uses of similar character and intensity, including a variety of professional office and wholesale uses. The proposed use is reasonably compatible with the uses in the area.

C. The additional conditions in Section 1.403 have been satisfied:

The proposal meets the provisions for Medical Marijuana use as identified in Zoning Ordinance Section 1.403.M., including:

1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
 - **All operations 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 use is not located within 500 feet of any of the following protected districts or uses:
 - a. Any residential zoning district, or the residential portion of a Planned Community District (PCD), or any portion of a Planned Residential Development (PRD) with an underlying residential zoning district.
 - b. Manufactured Home District (M-H)
 - c. Any elementary or secondary school
 - **The proposed facility is not located within 500 feet of any of the above uses or districts.**
3. The Medical Marijuana use is at least 1,320 feet from the following uses within the City limits:
 - a. Medical marijuana caregiver cultivation use
 - b. Any medical marijuana use; however, no separation between these uses is required in the Industrial Park District (I-1) where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued caregiver registry identification card and a non-profit medical marijuana dispensary registration certificate under the same name or entity
 - **The 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 hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 AM and not later than 7:00 PM.
 - **The proposed hours of operation for this facility are Monday thru Sunday, 6:00 AM to 7:00 PM.**
8. There is no drive-through service, take-out window, or drive-in service.
 - **None of the services listed above are proposed as part of this request**

Water/Sewer

No cultivation is proposed for this location. Existing water and sewer infrastructure is sufficient to accommodate a Medical Marijuana Dispensary. No upgrades are required.

Public Safety

A Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. The nearest fire station is located at 14960 N. 78th Way, approximately ½ mile from the subject site. No significant impacts to existing service levels are anticipated.

Community Involvement

The applicant held an Open House on February 15, 2012 from 6:00 PM to 7:00 PM. Property owners within 750 feet of the site have been notified by mail, and the site has been posted with required signage. Staff has received general opposition to medical marijuana uses (See Attachment #7)

OTHER BOARDS & COMMISSIONS

Planning Commission

Planning Commission heard this case on March 14, 2012, and found that the conditional Use Permit criteria have been met and recommended approval by a vote of 5-2, 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 of a Conditional Use Permit for a Medical Marijuana use, per the attached stipulations.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 9008 approving a Conditional Use Permit for a +/- 1,944 square foot Medical Marijuana use, located at 15455 N. Greenway-Hayden Loop Suite #C-22, with Industrial Park District (I-1) zoning.

RESPONSIBLE DEPARTMENT

Planning, Neighborhood and Transportation

Current Planning Services

STAFF CONTACT

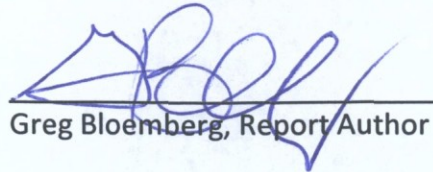
Greg Bloemberg

Planner

480-312-4306

E-mail: gbloemberg@ScottsdaleAZ.gov

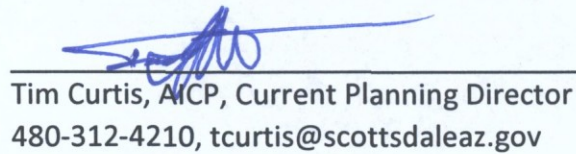
APPROVED BY



Greg Bloemberg, Report Author

3-26-12

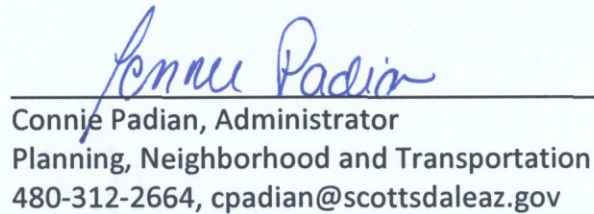
Date



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

4/2/2012

Date



Connie Padian, Administrator
Planning, Neighborhood and Transportation
480-312-2664, cpadian@scottsdaleaz.gov

4/2/12

Date

ATTACHMENTS

1. Resolution No. 9008
 - 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. March 14, 2012 Planning Commission minutes

PLANNING COMMISSION REPORT



Meeting Date: March 14, 2012
General Plan Element: *Land Use*
General Plan Goal: *Create a sense of community through land uses*

ACTION

M.M.R.X
1-UP-2012

Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met and recommend City Council approve a Conditional Use Permit for a +/- 1,944 square foot Medical Marijuana use, located at 15455 N. Greenway-Hayden Loop Suite #C-22, with Industrial Park District (I-1) zoning.

OWNER

Scottsdale Commerce Center LLC

APPLICANT CONTACT

Jennifer Hall
Rose Law Group
480-505-3937

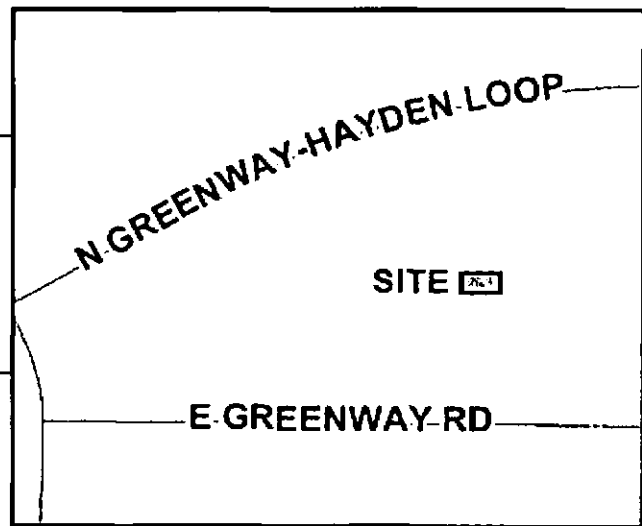
LOCATION

15455 N Greenway-Hayden Loop #C-22

BACKGROUND

Zoning

The site is zoned *Industrial Park District (I-1)*. This zoning allows for a wide variety of light industrial and office uses. A Medical Marijuana use is allowed subject to a Conditional Use Permit (CUP).



Other Related Policies, References:

- 8-TA-2010: text amendment to Zoning Ordinance to allow Medical Marijuana related uses
- 8-TA-2010#2: Revision to text amendment case 8-TA-2010 to clarify separation requirements
- 68-ZN-1982: rezoned site from R1-35 to I-1
- 11-UP-2011: approval of a Conditional Use Permit for a Medical Marijuana Dispensary
- Arizona Revised Statutes, Title 36, Chapter 28.1
- Arizona Department of Health Services, Title 9, Chapter 17
- Greater Airpark Character Area Plan

Context

The subject site is located approximately 1,000 feet east of N. Scottsdale Road, on the south side of E. Greenway-Hayden Loop. The proposed use occupies a suite in a building that is part of a 3-building complex. The use mix in the complex includes office, light industrial and warehouse operations.

Key Items for Consideration

- Compliance with Conditional Use Permit criteria
- No schools or residential properties within 500 feet
- Public Safety and Refuse Control Plan approved by the Scottsdale Police Department
- General opposition to medical marijuana uses and general inquiries received by staff (See attachment #7)

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant seeks approval to operate a 1,944 +/- square foot Medical Marijuana use in the Industrial Park District (I-1). In addition to dispensing of product, certified medical personnel will be available, either by phone or in person, to provide consultations to patients as needed. 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 as needed as part of day to day operations, all of which will be done by hand.

For security purposes, the main entrance will be secured and will only open after facility staff has verified patient identification. Once identification is confirmed, the door will open electronically to allow the patient access to the facility. All other doors used to access restricted areas will also be secured and accessible only by employees with coded access privileges or electronic access cards. Additionally, at least one (1) security guard will be present to monitor activities inside and outside

the facility. 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: Vacant
- Proposed Use: Medical Marijuana use
- Parking Required: 6 spaces
- Parking Provided: 339 spaces (for entire center)
- Floor Area: 1,944 square feet

IMPACT ANALYSIS

Land Use

The proposed use will occupy one (1) suite in a multi-tenant complex. The surrounding use mix consists primarily of professional or medical office with some light industrial and wholesale uses mixed in. 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.

Airport Vicinity

The site is approximately 2,000 feet northwest of the Scottsdale Airport's runway. The site is not located within the fifty-five (55) DNL or higher noise contour. The applicant has completed the required Airport Vicinity Checklist as part of this application.

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. 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.

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 such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - **All operations associated with this use, with the exception of occasional deliveries, will be conducted within the building. No processing or cultivation is proposed at this location that might require the use of machinery. All 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 occur at the rear of the suite, away from employee and visitor parking areas. Per the applicant, the existing external lighting on-site 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 in the designated delivery area at the rear of the suite and will not affect on-site or 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 subject site consists of three (3) large buildings, all of which are home to uses of similar character and intensity, including a variety of professional office and wholesale uses. The proposed use is reasonably compatible with the uses in the area.**
- C. The additional conditions in Section 1.403 have been satisfied:
The proposal meets the provisions for Medical Marijuana use as identified in Zoning Ordinance Section 1.403.M., including:
1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
 - **All operations 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 use is not located within 500 feet of any of the following protected districts or uses:
 - a. Any residential zoning district, or the residential portion of a Planned Community District (PCD), or any portion of a Planned Residential Development (PRD) with an underlying residential zoning district.
 - b. Manufactured Home District (M-H)
 - c. Any elementary or secondary school
 - **The proposed facility is not located within 500 feet of any of the above uses or districts.**
 3. The Medical Marijuana use is at least 1,320 feet from the following uses within the City limits:
 - a. Medical marijuana caregiver cultivation use
 - b. Any medical marijuana use; however, no separation between these uses is required in the Industrial Park District (I-1) where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued caregiver registry identification card and a non-profit medical marijuana dispensary registration certificate under the same name or entity

- **The 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 hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 AM and not later than 7:00 PM.
 - **The proposed hours of operation for this facility are Monday thru Sunday, 6:00 AM to 7:00 PM.**
 8. There is no drive-through service, take-out window, or drive-in service.
 - **None of the services listed above are proposed as part of this request**

Water/Sewer

No cultivation is proposed for this location. Existing water and sewer infrastructure is sufficient to accommodate a Medical Marijuana Dispensary. No upgrades are required.

Public Safety

A Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. The nearest fire station is located at 14960 N. 78th Way, approximately ½ mile from the subject site. No significant impacts to existing service levels are anticipated.

Community Involvement

The applicant held an Open House on February 15, 2012 from 6:00 PM to 7:00 PM. Property owners within 750 feet of the site have been notified by mail, and the site has been posted with required signage. Staff has received general opposition to medical marijuana uses (See Attachment #7)

OPTIONS & 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 of a Conditional Use Permit for a Medical Marijuana use, per the attached stipulations.

RESPONSIBLE DEPARTMENT

Planning, Neighborhood and Transportation

Current Planning Services

STAFF CONTACT

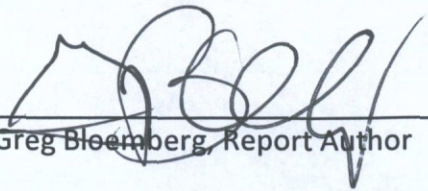
Greg Bloemberg

Planner

480-312-4306

E-mail: gbloemberg@ScottsdaleAZ.gov

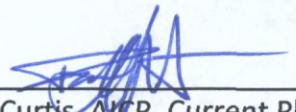
APPROVED BY



Greg Bloomberg, Report Author

3-5-12

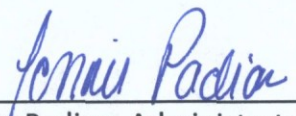
Date



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

3/5/2012

Date



Connie Padian, Administrator
Planning, Neighborhood and Transportation
480-312-2664, cpadian@scottsdaleaz.gov

3/6/12

Date

ATTACHMENTS

1. Stipulations
Exhibit A to Attachment 1: 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 use

Stipulations

Medical Marijuana / M M RX

Case Number: 1-UP-2012

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

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

OPERATIONS

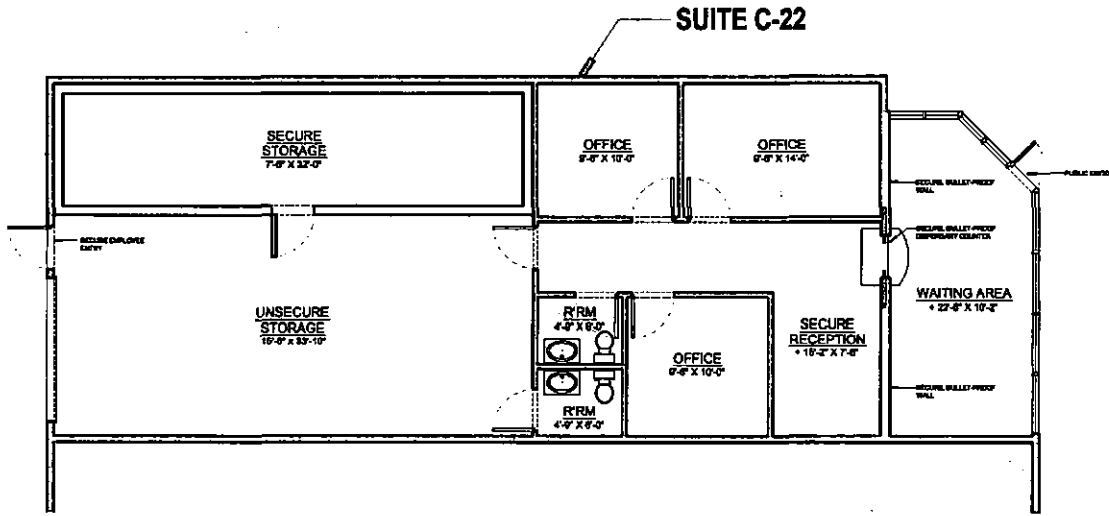
1. **CONFORMANCE TO FLOOR PLAN.** The interior layout of the facility shall be in substantial conformance with the floor plan provided by Phoenix Architecture, with the city staff date of 2/2/2012, and attached as Exhibit A to Attachment 1. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. **PUBLIC SAFETY AND REFUSE CONTROL PLAN.** The operations of the Medical Marijuana Dispensary shall conform to the Public Safety and Refuse Control Plan approved by, and on record with, the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. A copy of the approved Public Safety and Refuse Control Plan shall be maintained on-site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Public Safety and Refuse Control Plan to the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. At least 10 days prior to any operational changes to the Medical Marijuana Dispensary that modify the requirements or contents of the Public Safety and Refuse Control Plan, the owner shall submit a revised Public Safety and refuse Control Plan to the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. Any proposed amendments to the Public Safety and Refuse Control Plan are subject to approval by the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division.
3. **HOURS OF OPERATIONS.** Per the applicant's Operation Plan, the hours of operation for this facility shall be limited to:

	Open to Customers	Close to Customers
Sunday	6:00 AM	7:00 PM
Monday	6:00 AM	7:00 PM
Tuesday	6:00 AM	7:00 PM
Wednesday	6:00 AM	7:00 PM
Thursday	6:00 AM	7:00 PM
Friday	6:00 AM	7:00 PM
Saturday	6:00 AM	7:00 PM

ADMINISTRATIVE/PROCESS

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

EXHIBIT A TO ATTACHMENT 1: FLOOR PLAN



1-UP-2012
1st: 2/2/12

B



Preliminary Floor Plan

SCALE: 1/4" = 1'-0" March 10, 2011

M.M.RX

16455 N. Greenway-Hayden Loop, Suite C-22
Scottsdale, AZ 85160 APN - 215-44-001-K
Zoning I-1 Total U.S.F. - 1,944 sq. ft.

M.M.RX

16455 N. Greenway-Hayden Loop, Suite C-22
Scottsdale, AZ 85160 APN - 215-44-001-K
March 9, 2011
Zoning I-1
Preliminary Site Plan



INTRODUCTION

This application seeks City approval of a Use Permit for a medical marijuana facility in the exact location, and with the same applicant, as the medical marijuana Use Permit that the City previously approved on June 7, 2011. Edward Gary Reisdorf and Edward Gary Reisdorf, III, a father and son, recently formed M.M.RX, Inc., the applicant requesting this Use Permit. The Reisdorfs are long time residents of Arizona and successful Real Estate developers for over 17 years. With the approval of Proposition 203, the Reisdorfs saw an opportunity to combine their extensive professional experience and history of success with a top-notch Medical Director to operate a medical marijuana dispensary. M.M.RX has recruited Dr. Scott Orava, MD – an Emergency Room Physician who has over 15 years experience in Arizona to oversee all of the patient care and education programs at the dispensary. As an ER Physician, the majority of Dr. Orava's patients are in desperate need of pain management treatment. He has seen the harmful effects caused by prescription narcotics and truly believes in the regulated and supervised use of medicinal marijuana as an alternative for suffering patients.

Last June, the City of Scottsdale approved an identical Use Permit for M.M.RX to operate a medical marijuana dispensary at 15455 N. Greenway Hayden Loop, Suite C-22. This site is zoned correctly and continues to meet all of the City's requirements for operating a dispensary at this location.

REQUEST

Since the City of Scottsdale approved M.M.RX's Use Permit, the medical marijuana dispensary program was placed on hold by Governor Jan Brewer and the Arizona Department of Health Services and litigation ensued. During this delay the approved Use Permit expired. Recently, the Governor and the

Department of Health Services has stated that the litigation has been resolved and they are planning on initiating the dispensary license program in the next few months. M.M.RX is respectfully requesting that the City of Scottsdale again approve their Use Permit for this site to allow the operation of a medical marijuana dispensary. There have been no changes to the zoning case that was approved by City Council last June. This site continues to meet all of the City's zoning and separation requirements of the recently amended Zoning Ordinance.

ZONING COMPLIANCE

The property complies with all of the City's amended zoning requirements for this type of use. It is zoned I-1 and surrounded by mostly Industrial type businesses. Therefore, this use will have no negative impact on the surrounding area. There are no private, public nor charter schools located within 500 feet. There are no residential zoning districts within 500 feet of this location. M.M.RX has submitted the required public safety and refuse management plan to the City of Scottsdale Police Department which was approved last year and will not change with this new application. Hours of operation for this dispensary will be no earlier than 6:00 A.M. and no later than 7:00 P.M. as outlined in the City Ordinance. Finally, there will be no drive-through, take-out window, nor drive-in service offered at this facility.

MEETS AND EXCEEDS CITY'S USE PERMIT CRITERIA

The proposed site meets and/or exceeds all the use permit criteria outlined in the Scottsdale Zoning Ordinance.

A. The granting of this Use Permit will in no way be detrimental to the public health, safety or welfare of the surrounding area.

1. This use does not create damage or nuisance caused from noise, odor, dust, vibration or illumination. This dispensary will operate just as any other medical office; therefore there will be no nuisance.

2. No Impact on surrounding area from traffic. The proposed medical marijuana center is located in the Scottsdale Airpark and is surrounded by other industrial uses. This facility will not generate abnormal amounts of increased traffic. It will operate just like every other business in the area.

B. This use is compatible with surrounding uses. Again, this property is located in the Scottsdale Airpark which is zoned I-1. It is surrounded by Industrial type businesses.

C. This location meets all other additional conditions. As stated above, this location complies with all of the City of Scottsdale's zoning requirements.

CONCLUSION

In conclusion, M.M.RX is prepared to meet and/or exceed all of the requirements and rules set forth by the City of Scottsdale as well as the Department of Health Services. Granting this Conditional Use Permit, again, will allow local Scottsdale business leaders the opportunity to ensure success in this new strictly regulated industry and will eliminate any self-cultivation within twenty-five miles of this site.



Medical Marijuana / M M RX

1-UP-2012

ATTACHMENT #3



Q.S.
30-61

G.I.S. ORTHOPHOTO 2010

SITE

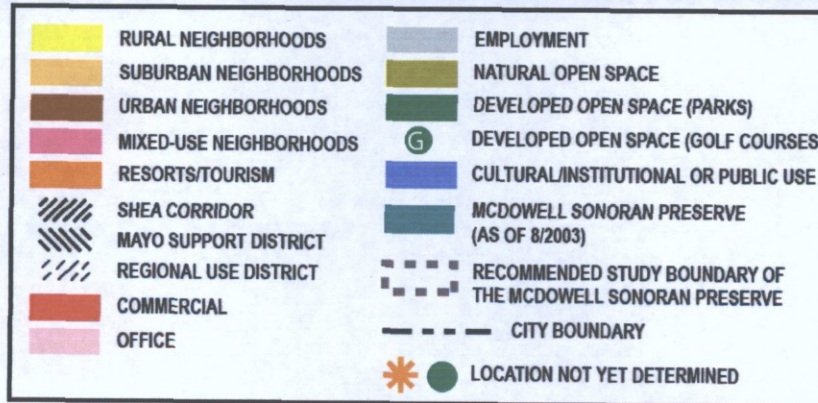


Medical Marijuana / M M RX

1-UP-2012

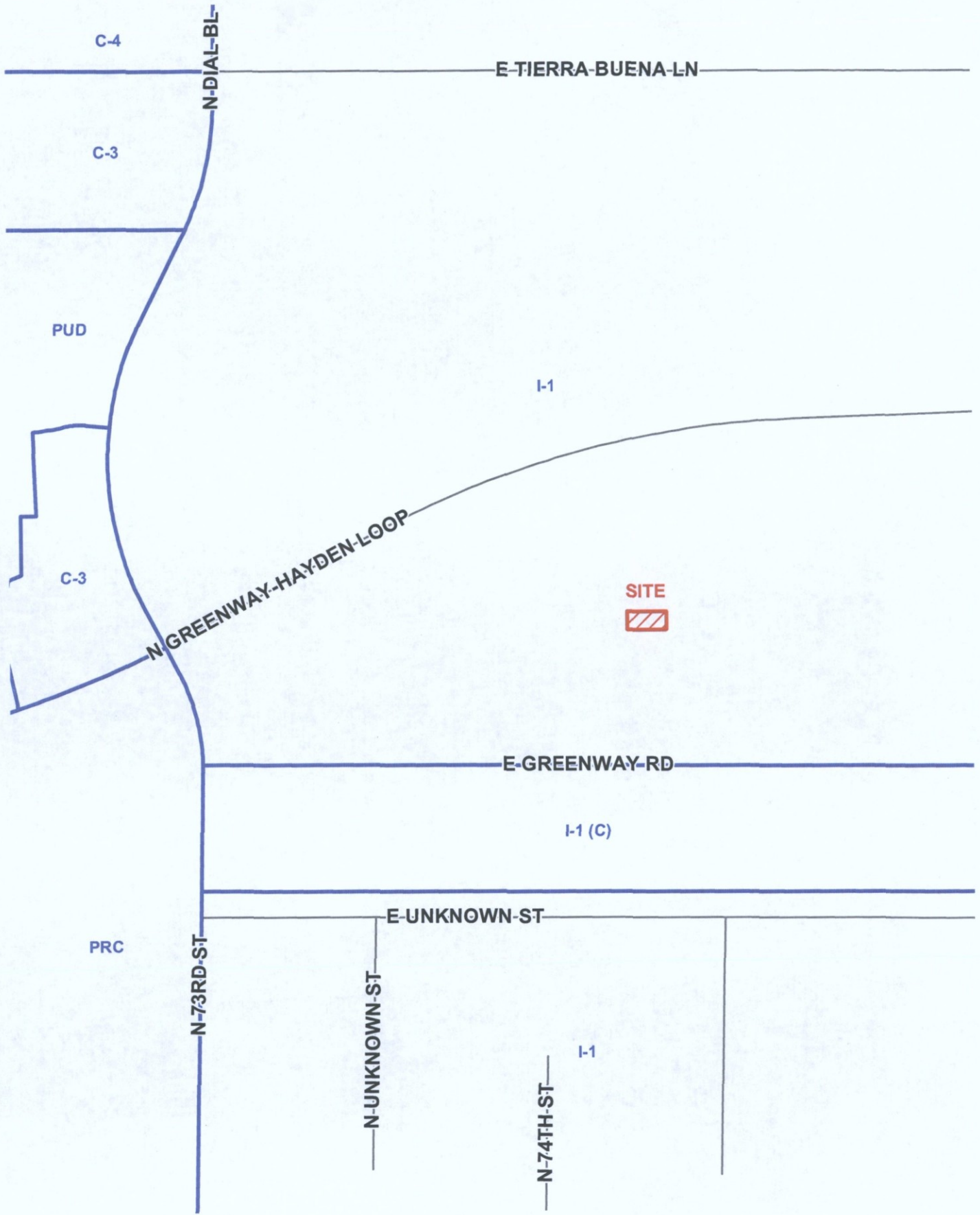
ATTACHMENT #3A

Existing General Plan Land Use Map



1-UP-2012

ATTACHMENT #4



1-UP-2012

ATTACHMENT #5



Purpose of the Plan

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

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

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

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

Operations and Hours

1. Permittee: M.M.RX, Inc.
Type of Organization: Arizona Corporation Corporation
 Sole Proprietorship LLC
 Partnership Other
2. Managing Agents Name: Edward Gary Reisdorf / Edward Gary Reisdorf, III
Title: Directors
Address: 7502 Clearwater Parkway Paradise Valley, AZ 85253
9487 E. Desert Park Drive Scottsdale AZ 85255
Phone Numbers: Edward Gary Reisdorf 480-695-1197
Edward Gary Reisdorf, III 602-910-1492
Fax or Other Numbers:
3. Business Owner(s) (If different than Managing Agent) Name, Address,
Phone:

4. Property Owner or Property Manager (if different from Managing Agent)
 Name, Address, Phone: Richard Donovan, managing partner
 Scottsdale Commerce Center, LLC
 PO Box 1679 Mercer Island, WA 98040

	Open	Closed
Monday	<u>6am</u>	<u>7pm</u>
Tuesday	<u>6am</u>	<u>7pm</u>
Wednesday	<u>6am</u>	<u>7pm</u>
Thursday	<u>6am</u>	<u>7pm</u>
Friday	<u>6am</u>	<u>7pm</u>
Saturday	<u>6am</u>	<u>7pm</u>
Sunday	<u>6am</u>	<u>7pm</u>

6. Cooperation/Complaints/Concerns:

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

Edward Reisdorf, III 9487 E. Desert Park Drive
 Name: _____ Address: Scottsdale, AZ Phone: 602-910-1492
 85255

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

Security and Maintenance

Security Attire

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

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

Security Officer Responsibilities

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

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

Management Responsibilities

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

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

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

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

Uniformed Sworn Officer Responsibilities:

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

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

Parking

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

Refuse Plan

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

Establishment of Records

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

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

Physical Security

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

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

Enforcement of Security Plan

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

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

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

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

Dissemination of the Security Plan

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

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

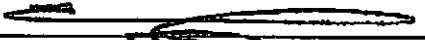
Termination of the Plan

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

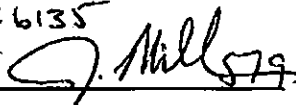
Enclosures

- Addendums attached
- No enclosures

APPLICANT/MANAGEMENT:

Name: Edward Gary Reisdorf, III
 Address: 9487 E. Desert Park Drive Scottsdale, AZ 85255
 Phone: 602-910-1197
 Date: 2/1/12
 Signature: 

APPROVED BY:

Detective: J. Miller
 Phone: 480-215-6135
 Date: 2/7/12
 Signature: 

ROSE
LAW GROUP
pc

JENNIFER HALL
6613 N. Scottsdale Road, Suite 200
Scottsdale, Arizona 85250
Phone 480.505.3938 480.505.3925
JHall@RoseLawGroup.com
www.RoseLawGroup.com

February 2, 2012

Dear Property Owner:

This letter is to inform you that an application is being submitted on behalf of M.M.RX, Inc. to the City of Scottsdale to allow the operation of a medical marijuana dispensary at 15455 N. Greenway Hayden Loop, Suite #C-22.

M.M. RX submitted the exact same application last year to operate a dispensary at this exact location and received approval on June 7, 2011. Unfortunately, the dispensary program was placed on hold and the approved Use Permit expired. M.M.RX is required to start the entire process all over even though there have been no changes to the application.

This site is ideal as it is located just east of Scottsdale Road, off of Greenway Hayden Loop and the property is zoned I-1 which allows dispensaries with a conditional use permit. This site meets all of the separation setback requirements for protected uses, such as residential and schools.

M.M.RX was formed by Scottsdale business leaders who have joined forces with medical professionals to bring their combined experience and history of success to this new industry. Without medical marijuana dispensaries, this industry will continue to be unregulated and self grow will remain uncontrolled.

An Open House will be held to address any questions or concerns that anyone may have.

Wednesday, February 15, 2012
6:00PM -7:00PM
15455 N. Greenway Hayden Loop, Suite C-22

Representative contact info:
Jennifer Hall
480-505-3938
jhall@roselawgroup.com

City staff contact info:
Greg Bloemberg
480-312-7000
gbloemberg@scottsdaleaz.gov

If you are unable to attend, please do not hesitate to contact me if you have questions or would just like to discuss the request.

Sincerely,

Jennifer Hall
Project Manager

ATTACHMENT #7

M.M.RX, Inc.
medical marijuana dispensary

2012



**1-UP-2012
Notification Report**

**City of Scottsdale
North CHAA**

**15455 N. Greenway Hayden Loop, #C-22
Scottsdale Arizona 85260**

ROSE | LAW GROUP
PC

Contacted Parties:

Attached is a complete list of the property owners within 750 feet contacted prior to this Neighbor Notification Report being submitted to the city.

Notification Map:

Attached is a map of the 750 foot area within which all property owners notified of the CUP application.

Contact Dates:

All property owners within the 750 foot notification area will be notified on February 2, 2012 via first class letter of the CUP application request and upcoming open house to be held on February 15, 2012.

Contact Methods:

All notification was made by U.S. Mail in the attached letter containing all of the required and pertinent information regarding the application and upcoming open house.

Notification Documents:

We have already submitted copies of the notification materials used in this process.

Comments and Correspondence Received:

To date, we have only received one phone call regarding our CUP request. Sean Babson, property manager for 15500 N. Greenway Hayden Loop. His only question was in relation to the size of the dispensary. We informed Mr. Babson that if awarded the license to operate by DHS, this dispensary will be 1,944 square feet and will only operate as a dispensary and not a grow site. Mr. Babson stated that he had no further questions regarding our application. We encouraged Mr. Babson to feel free to contact us directly with additional questions and/or concerns.

Affidavits:

We have already submitted the required affidavit of the neighborhood mailing.

Site Posting:

The site was posted on February 3, 2012 with all of the required information regarding the application, including a description of the request, location of the property, and contact information for the Applicant and the Staff. The Affidavit of Posting has already been submitted to the city.

Open House:

An Open House was scheduled and held at the site on Wednesday, February 15, 2012 at 6:00pm in order to inform surrounding property owners and community members of our application request. Please see the attached summary for a full report listing the names of all attendees along with comments and concerns, if any.

M.M.RX, Inc.
medical marijuana dispensary

OPEN HOUSE SUMMARY
Wednesday, February 15, 2012
6:00PM

Applicants: Ed Reisdorf - M.M.RX
Ted Reisdorf - M.M.RX
Jennifer Hall – Project Manager, Rose Law Group

Attendees: Lewis Patrick – True Health Care
Michelle Severton – True Health Care

The Open House began promptly at 6:00pm and was held inside building suite C-22. Floor plans and CUP application submitted to the City was available for viewing and discussion. Lewis Patrick and Michelle Severton from True Health Care, LLC were the only attendees. True Health Care also filed a CUP application to operate a medical marijuana facility in the North Scottsdale CHAA. Currently, True Health Care is the only known competition in the CHAA. Ms. Severton had questions regarding the security plan for the dispensary. We explained that the City of Scottsdale Police Department has already approved the required security/maintenance/operations plan for this dispensary and M.M.RX plans to meet or exceed all of the local and state requirements for security. We discussed last year's application and explained that nothing has changed. There were no other attendees so we ended the Open House at 7:00pm.

At this time, there is no known opposition from neighbors and/or property owners in the immediate area.

From: ScottsdaleGregGlenn@gmail.com
Sent: Wednesday, February 22, 2012 1:22 PM
To: Cookson, Frances
Subject: Medical Marijuana Dispensaries

City of Scottsdale Email

I am writing to you regarding medical marijuana dispensaries in Scottsdale. I am sure you have received many comments both in favor of and against dispensaries. While I do believe that dispensaries may be responsible and upstanding businesses in the community, I am not in favor of them in Scottsdale at this time. I am not against ever having them in Scottsdale, I am only against having them in Scottsdale at this point in time. As of right now, Marijuana is classified by the Controlled Substances Act (CSA) as a Class 1 substance. This means that it is totally and completely illegal in every way shape and form. However, as many states (16 and counting) have created state legalization laws, the federal government has been sending mixed signals as to their enforcement of the CSA. As such I believe it would not be prudent for City Council or Planning and Zoning Commission to issue such Special Use Permits as Scottsdale's zoning amendment requires. I also believe there is precedent for doing such. The Town of Paradise Valley has written their own zoning amendment for medical marijuana dispensaries and they also require a Special Use Permit. However, Paradise Valley recognizes the clear legal problems of this industry and they will not be issuing such permits. In addition, cities in both California and Colorado have enacted outright bans on dispensaries. I'm not suggesting Scottsdale outright ban them, I'm only asking for a delay as the federal government clarifies their position. In addition, the Arizona Department of Health Services is requiring a "comfort letter" from the municipality of the dispensary applicant. If Scottsdale does not issue such letter, the applicant cannot apply for a dispensary permit in Scottsdale. If there is no applicant in Scottsdale in the first year (April 2012) then an applicant may apply for one in 2013 (with the proper zoning and "comfort letter"). I am asking for Scottsdale to simply delay the implementation of dispensaries while the federal government clarifies its position. There is no reason for Scottsdale to be the test case for federal action or the potential impacts of dispensaries in our community. We can watch what happens to dispensaries in other communities and perhaps make amendments to our own zoning ordinance that are prudent and perhaps better than those Scottsdale has in place now. As of last Friday, Scottsdale P&Z had received 3 applications for dispensary Special Use Permits. Each of them are scheduled to go to P&Z Commission in mid-March. They would then go to City Council in mid-April. Any delay (even one month) by either P&Z or Council would push the applicants beyond the state dispensary application process timeline and they would not be able to apply to the state for a license in Scottsdale. For those on the Council that are opposed to dispensaries, this is a great opportunity to simply delay having dispensaries in our city for another year. For those in favor of dispensaries, this is an opportunity to see what works and what doesn't work in other surrounding cities and to make appropriate changes to our own ordinances. I think that a simple delay suits both groups and is something we can all agree upon. I think this is the only prudent thing for Scottsdale to do. Let's simply wait and see what happens in other communities rather than rush into something we regret later. The citizens of Scottsdale deserve your prudence. Sincerely, Greg Glenn



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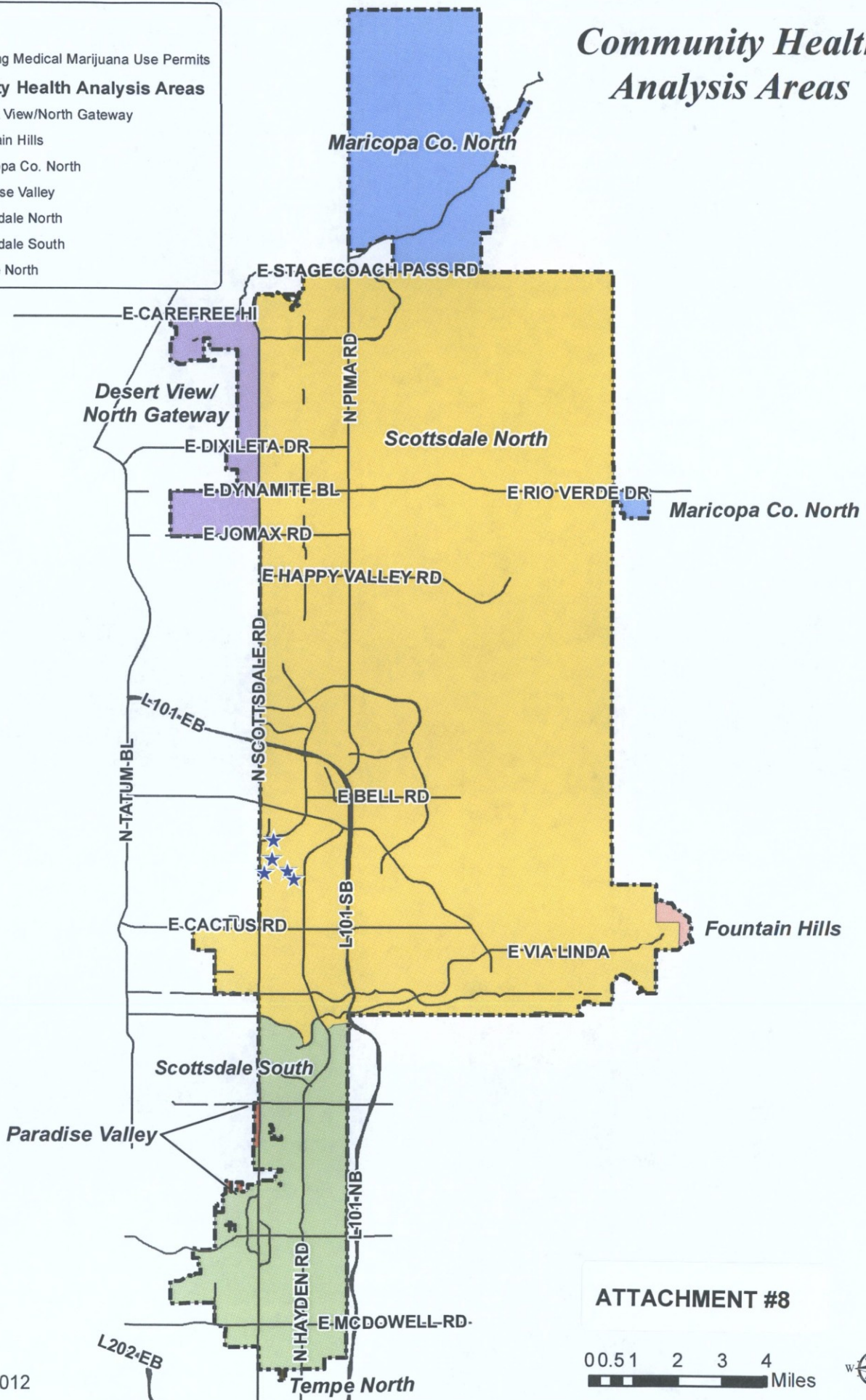
Community Health Analysis Areas

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



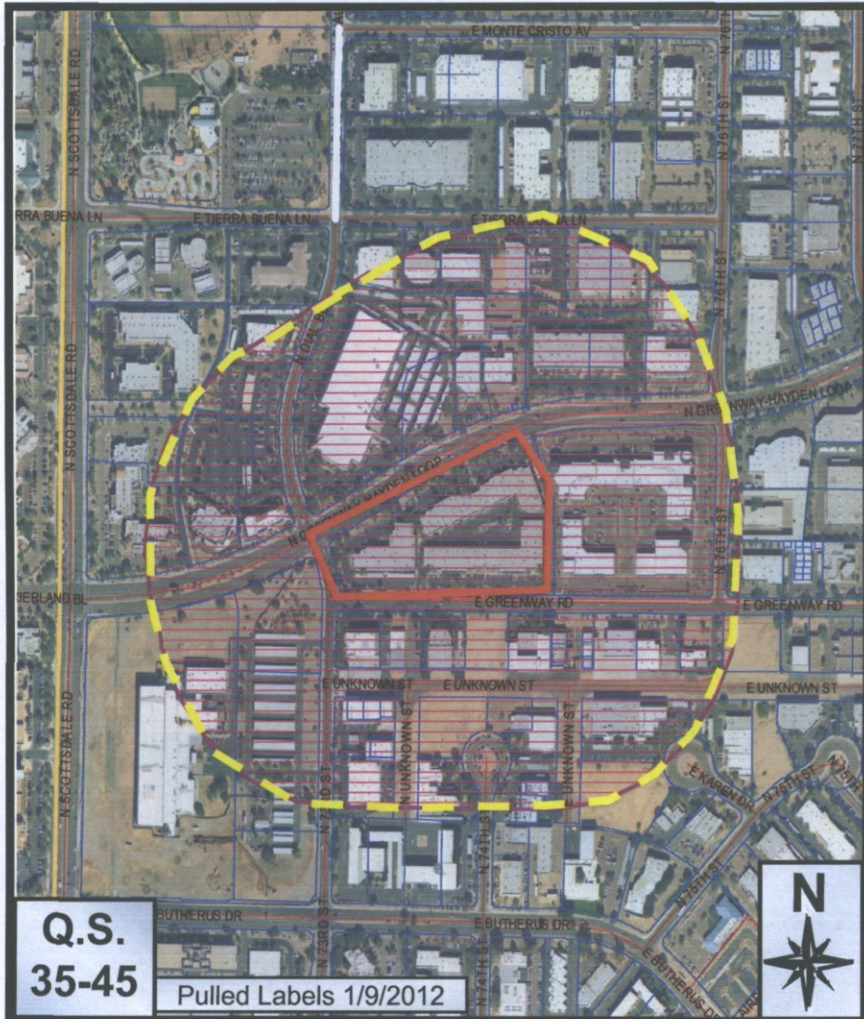
ATTACHMENT #8

0 0.5 1 2 3 4 Miles



Date: 2/21/2012

City Notifications – Mailing List Selection Map



**Q.S.
35-45**

Pulled Labels 1/9/2012

Map Legend:



Site Boundary



Properties within 750-feet

Additional Notifications:

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

Medical Marijuana / M M RX

1-UP-2012

ATTACHMENT #9

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 USE 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, but not limited to, the following factors: damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic;
- b) that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas; and
- c) that the additional zoning requirements necessary for a medical marijuana dispensary use, set forth on Exhibit 3 have been met with the express condition that the Zoning Administrator must certify that the use separation requirements set forth in the zoning ordinance are met following the receipt of a license/certificate from the State of Arizona and prior to this conditional use permit going into effect.

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

- a) The medical marijuana 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 before December 31, 2012.

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 _____, 2012.

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:

CITY COUNCIL REPORT



Meeting Date: April 17, 2012
 General Plan Element: Land Use
 General Plan Goal: Create a sense of community through land uses

ACTION

M.M.R.X
 1-UP-2012

Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 9008 approving a Conditional Use Permit for a +/- 1,944 square foot Medical Marijuana use, located at 15455 N. Greenway-Hayden Loop Suite #C-22, with Industrial Park District (I-1) zoning.

OWNER

Scottsdale Commerce Center LLC

APPLICANT CONTACT

Jennifer Hall
 Rose Law Group
 480-505-3937

LOCATION

15455 N Greenway-Hayden Loop #C-22

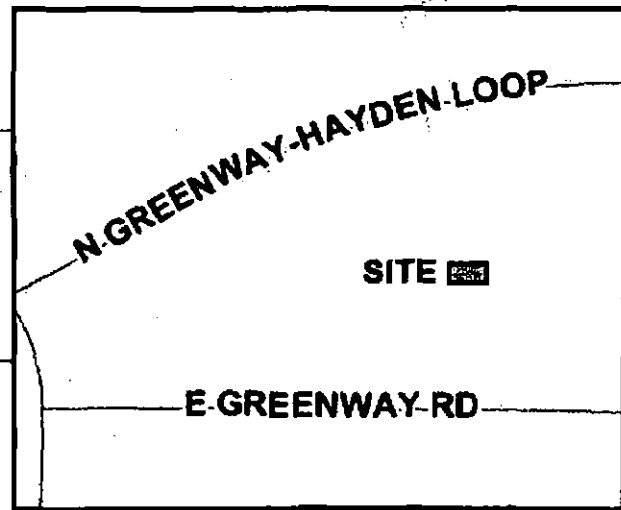
BACKGROUND

Zoning

The site is zoned Industrial Park District (I-1). This zoning allows for a wide variety of light industrial and office uses. A Medical Marijuana use is allowed subject to a Conditional Use Permit (CUP).

Context

The subject site is located approximately 1,000 feet east of N. Scottsdale Road, on the south side of E. Greenway-Hayden Loop. The proposed use occupies a suite in a building that is part of a 3-



building complex. The use mix in the complex includes office, light industrial and warehouse operations.

Key Items for Consideration

- Compliance with Conditional Use Permit criteria
- No schools or residential properties within 500 feet
- Public Safety and Refuse Control Plan approved by the Scottsdale Police Department
- General opposition to medical marijuana uses and general inquiries received (See attachment #7)
- Planning Commission recommended approval with a vote of 5-2

Other Related Policies, References:

- 8-TA-2010: text amendment to Zoning Ordinance to allow Medical Marijuana related uses
- 8-TA-2010#2: Revision to text amendment case 8-TA-2010 to clarify separation requirements
- 68-ZN-1982: rezoned site from R1-35 to I-1
- 11-UP-2011: approval of a Conditional Use Permit for a Medical Marijuana Dispensary (expired)
- Arizona Revised Statutes, Title 36, Chapter 28.1
- Arizona Department of Health Services, Title 9, Chapter 17
- Greater Airpark Character Area Plan

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant seeks approval to operate a 1,944 +/- square foot Medical Marijuana use in the Industrial Park District (I-1). In addition to dispensing of product, certified medical personnel will be available, either by phone or in person, to provide consultations to patients as needed. 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 as needed as part of day to day operations, all of which will be done by hand.

For security purposes, the main entrance will be secured and will only open after facility staff has verified patient identification. Once identification is confirmed, the door will open electronically to allow the patient access to the facility. All other doors used to access restricted areas will also be secured and accessible only by employees with coded access privileges or electronic access cards. Additionally, at least one (1) security guard will be present to monitor activities inside and outside the facility. 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: Vacant
- Proposed Use: Medical Marijuana use
- Parking Required: 6 spaces
- Parking Provided: 339 spaces (for entire center)
- Floor Area: 1,944 square feet

IMPACT ANALYSIS

Land Use

The proposed use will occupy one (1) suite in a multi-tenant complex. The surrounding use mix consists primarily of professional or medical office with some light industrial and wholesale uses mixed in. 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.

Airport Vicinity

The site is approximately 2,000 feet northwest of the Scottsdale Airport's runway. The site is not located within the fifty-five (55) DNL or higher noise contour. The applicant has completed the required Airport Vicinity Checklist as part of this application.

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. 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.

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 such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - **All operations associated with this use, with the exception of occasional deliveries, will be conducted within the building. No processing or cultivation is proposed at this location that might require the use of machinery. All 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 occur at the rear of the suite, away from employee and visitor parking areas. Per the applicant, the existing external lighting on-site 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 in the designated delivery area at the rear of the suite and will not affect on-site or off-site circulation. No significant impacts to existing traffic patterns, or increase in traffic volume is anticipated.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
- **It is anticipated the proposed use will operate similar to a medical or professional office use, both of which are prominent in this area. The subject site consists of**

three (3) large buildings, all of which are home to uses of similar character and intensity, including a variety of professional office and wholesale uses. The proposed use is reasonably compatible with the uses in the area.

C. The additional conditions in Section 1.403 have been satisfied:

The proposal meets the provisions for Medical Marijuana use as identified in Zoning Ordinance Section 1.403.M., including:

- 1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.**
 - All operations 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 use is not located within 500 feet of any of the following protected districts or uses:**
 - a. Any residential zoning district, or the residential portion of a Planned Community District (PCD), or any portion of a Planned Residential Development (PRD) with an underlying residential zoning district.**
 - b. Manufactured Home District (M-H)**
 - c. Any elementary or secondary school**
 - The proposed facility is not located within 500 feet of any of the above uses or districts.**
- 3. The Medical Marijuana use is at least 1,320 feet from the following uses within the City limits:**
 - a. Medical marijuana caregiver cultivation use**
 - b. Any medical marijuana use; however, no separation between these uses is required in the Industrial Park District (I-1) where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued caregiver registry identification card and a non-profit medical marijuana dispensary registration certificate under the same name or entity**
 - The 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 hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 AM and not later than 7:00 PM.
 - **The proposed hours of operation for this facility are Monday thru Sunday, 6:00 AM to 7:00 PM.**
8. There is no drive-through service, take-out window, or drive-in service.
 - **None of the services listed above are proposed as part of this request**

Water/Sewer

No cultivation is proposed for this location. Existing water and sewer infrastructure is sufficient to accommodate a Medical Marijuana Dispensary. No upgrades are required.

Public Safety

A Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. The nearest fire station is located at 14960 N. 78th Way, approximately ½ mile from the subject site. No significant impacts to existing service levels are anticipated.

Community Involvement

The applicant held an Open House on February 15, 2012 from 6:00 PM to 7:00 PM. Property owners within 750 feet of the site have been notified by mail, and the site has been posted with required signage. Staff has received general opposition to medical marijuana uses (See Attachment #7)

OTHER BOARDS & COMMISSIONS

Planning Commission

Planning Commission heard this case on March 14, 2012, and found that the conditional Use Permit criteria have been met and recommended approval by a vote of 5-2, 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 of a Conditional Use Permit for a Medical Marijuana use, per the attached stipulations.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 9008 approving a Conditional Use Permit for a +/- 1,944 square foot Medical Marijuana use, located at 15455 N. Greenway-Hayden Loop Suite #C-22, with Industrial Park District (I-1) 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 Bloomberg, Report Author

3-26-12

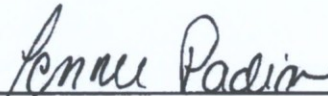
Date



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

4/2/2012

Date



Connie Padian, Administrator
Planning, Neighborhood and Transportation
480-312-2664, cpadian@scottsdaleaz.gov

4/2/12

Date

ATTACHMENTS

1. Resolution No. 9008
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. March 14, 2012 Planning Commission minutes

RESOLUTION NO. 9008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ADOPTING A CONDITIONAL USE PERMIT FOR A MEDICAL MARIJUANA USE IN A 1944 +/- SQUARE-FOOT SPACE LOCATED AT 15455 N. GREENWAY-HAYDEN LOOP SUITE #C-22 WITH INDUSTRIAL PARK DISTRICT (I-1) ZONING.

WHEREAS, the Planning Commission held a public hearing on March 14, 2012 and

WHEREAS, the City Council held a public hearing on April 17, 2012.

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

Section 1. That the City Council finds:

- a) that the granting of this conditional use permit per stipulations set forth on Exhibit 2 will not be materially detrimental to the public health, safety or welfare based on, but not limited to, the following factors: damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic;
- b) that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas; and
- c) that the additional zoning requirements necessary for a medical marijuana dispensary use, set forth on Exhibit 3 have been met with the express condition that the Zoning Administrator must certify that the use separation requirements set forth in the zoning ordinance are met following the receipt of a license/certificate from the State of Arizona and prior to this conditional use permit going into effect.

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

- a) The medical marijuana use has been issued the appropriate permit/license/certificate from the State of Arizona;
- b) After the appropriate license/certificate from the State of Arizona has been issued, the Applicant has demonstrated to the Zoning Administrator that it is located in conformance with the use separation requirements set forth in the Zoning Ordinance; and
- c) The Zoning Administrator has signed a written certification that the above conditions were satisfied before December 31, 2012.

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

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this ___ day of _____, 2012.

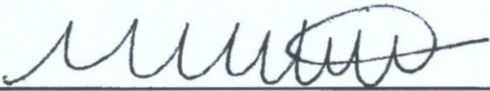
ATTEST:

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



Q.S.
30-61

G.I.S. ORTHOPHOTO 2010

Medical Marijuana / M M RX

Exhibit 1
Resolution No. 9008

1-UP-2012

**Conditional Use Permit – Medical Marijuana use
Stipulations**

Medical Marijuana / M M RX

Case Number: 1-UP-2012

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

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

OPERATIONS

1. **CONFORMANCE TO FLOOR PLAN.** The interior layout of the facility shall be in substantial conformance with the floor plan provided by Phoenix Architecture, with the city staff date of 2/2/2012, and attached as Exhibit A to Exhibit 2. Any proposed significant change to the conceptual floor plan as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. **PUBLIC SAFETY AND REFUSE CONTROL PLAN.** The operations of the Medical Marijuana Dispensary shall conform to the Public Safety and Refuse Control Plan approved by, and on record with, the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. A copy of the approved Public Safety and Refuse Control Plan shall be maintained on-site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Public Safety and Refuse Control Plan to the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. At least 10 days prior to any operational changes to the Medical Marijuana Dispensary that modify the requirements or contents of the Public Safety and Refuse Control Plan, the owner shall submit a revised Public Safety and refuse Control Plan to the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. Any proposed amendments to the Public Safety and Refuse Control Plan are subject to approval by the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division.
3. **HOURS OF OPERATIONS.** Per the applicant's Operation Plan, the hours of operation for this facility shall be limited to:

	Open to Customers	Close to Customers
Sunday	6:00 AM	7:00 PM
Monday	6:00 AM	7:00 PM
Tuesday	6:00 AM	7:00 PM
Wednesday	6:00 AM	7:00 PM
Thursday	6:00 AM	7:00 PM
Friday	6:00 AM	7:00 PM
Saturday	6:00 AM	7:00 PM

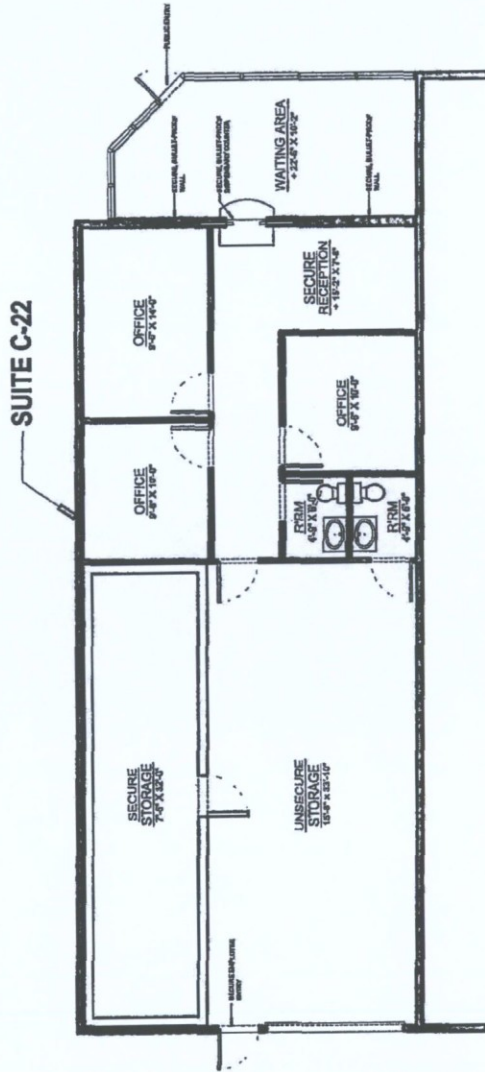
ADMINISTRATIVE/PROCESS

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

5. **CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW.** Within ten (10) days after a request by the Zoning Administrator or designee, the owner shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.

6. **CHANGES IN OWNERSHIP.** Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.

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



SUITE C-22

M.M.RX

15455 N. Greenway-Hayden Loop, Suite C-22
 Scottsdale, AZ 85160 APN - 215-44-001-K
 Zoning I-1
 Preliminary Site Plan
 March 9, 2011



M.M.RX
 15455 N. Greenway-Hayden Loop, Suite C-22
 Scottsdale, AZ 85160 APN - 215-44-001-K
 Zoning I-1 Total U.S.F. - 1,044 sq. ft.

 Preliminary Floor Plan
 SCALE: 1/8" = 1'-0"
 March 16, 2011

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

- 1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.**
- 2. The medical marijuana dispensary site is not located within 500 feet of any of the protected districts or uses:**
 - a. Any residential zoning district, or the residential portion of a Planned Community District (PCD), or any portion of a Planned Residential Development (PRD) with an underlying residential zoning district**
 - b. Manufactured Home District (M-H)**
 - c. Any elementary or secondary school**
- 3. The medical marijuana dispensary use is 1,320 feet or more from the following uses:**
 - a. Medical marijuana caregiver cultivation**
 - b. Any medical marijuana use; however, no separation between these uses is required in the Industrial Park District (I-1) where the medical marijuana caregiver cultivation use and a medical marijuana used hold a state issued caregiver registry identification card and a non-profit medical marijuana dispensary registration certificate under the same name or entity.**
- 4. All distances are measured from the wall of the medical marijuana dispensary use nearest to the district(s) or use(s) listed above, to the nearest property line of the district(s) or use(s) listed above**
- 5. The applicant has provided a written exterior refuse control plan, subject to City approval**
- 6. The applicant has provided a written public safety plan, subject to City approval**
- 7. The operating hours are no earlier than 6:00 AM and not later than 7:00 PM**
- 8. There is no drive-through service, take-out window, or drive-in service**

INTRODUCTION

This application seeks City approval of a Use Permit for a medical marijuana facility in the exact location, and with the same applicant, as the medical marijuana Use Permit that the City previously approved on June 7, 2011. Edward Gary Reisdorf and Edward Gary Reisdorf, III, a father and son, recently formed M.M.RX, Inc., the applicant requesting this Use Permit. The Reisdorfs are long time residents of Arizona and successful Real Estate developers for over 17 years. With the approval of Proposition 203, the Reisdorfs saw an opportunity to combine their extensive professional experience and history of success with a top-notch Medical Director to operate a medical marijuana dispensary. M.M.RX has recruited Dr. Scott Orava, MD – an Emergency Room Physician who has over 15 years experience in Arizona to oversee all of the patient care and education programs at the dispensary. As an ER Physician, the majority of Dr. Orava's patients are in desperate need of pain management treatment. He has seen the harmful effects caused by prescription narcotics and truly believes in the regulated and supervised use of medicinal marijuana as an alternative for suffering patients.

Last June, the City of Scottsdale approved an identical Use Permit for M.M.RX to operate a medical marijuana dispensary at 15455 N. Greenway Hayden Loop, Suite C-22. This site is zoned correctly and continues to meet all of the City's requirements for operating a dispensary at this location.

REQUEST

Since the City of Scottsdale approved M.M.RX's Use Permit, the medical marijuana dispensary program was placed on hold by Governor Jan Brewer and the Arizona Department of Health Services and litigation ensued. During this delay the approved Use Permit expired. Recently, the Governor and the

Department of Health Services has stated that the litigation has been resolved and they are planning on initiating the dispensary license program in the next few months. M.M.RX is respectfully requesting that the City of Scottsdale again approve their Use Permit for this site to allow the operation of a medical marijuana dispensary. There have been no changes to the zoning case that was approved by City Council last June. This site continues to meet all of the City's zoning and separation requirements of the recently amended Zoning Ordinance.

ZONING COMPLIANCE

The property complies with all of the City's amended zoning requirements for this type of use. It is zoned I-1 and surrounded by mostly Industrial type businesses. Therefore, this use will have no negative impact on the surrounding area. There are no private, public nor charter schools located within 500 feet. There are no residential zoning districts within 500 feet of this location. M.M.RX has submitted the required public safety and refuse management plan to the City of Scottsdale Police Department which was approved last year and will not change with this new application. Hours of operation for this dispensary will be no earlier than 6:00 A.M. and no later than 7:00 P.M. as outlined in the City Ordinance. Finally, there will be no drive-through, take-out window, nor drive-in service offered at this facility.

MEETS AND EXCEEDS CITY'S USE PERMIT CRITERIA

The proposed site meets and/or exceeds all the use permit criteria outlined in the Scottsdale Zoning Ordinance.

A. The granting of this Use Permit will in no way be detrimental to the public health, safety or welfare of the surrounding area.

1. This use does not create damage or nuisance caused from noise, odor, dust, vibration or illumination. This dispensary will operate just as any other medical office; therefore there will be no nuisance.

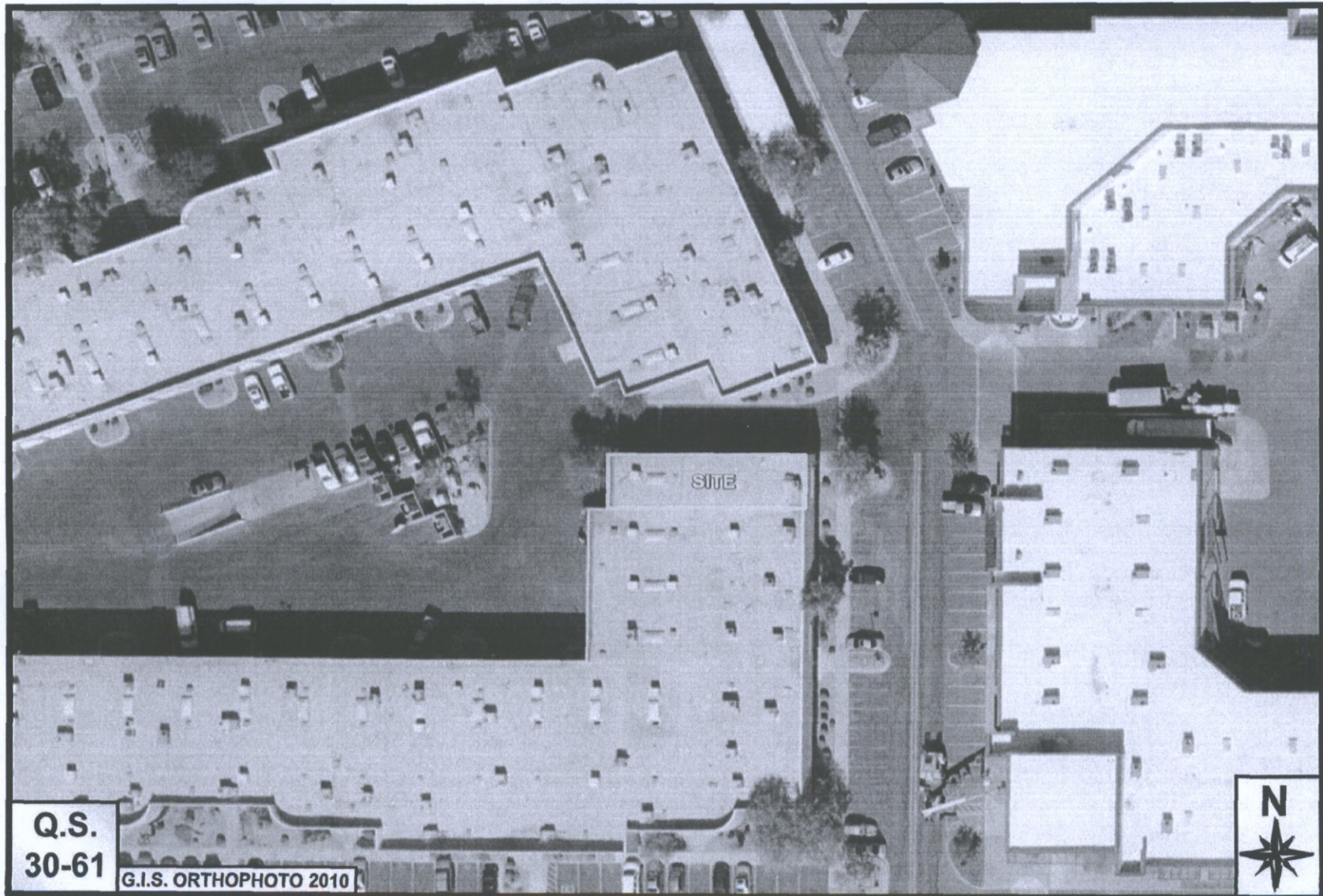
2. No Impact on surrounding area from traffic. The proposed medical marijuana center is located in the Scottsdale Airpark and is surrounded by other industrial uses. This facility will not generate abnormal amounts of increased traffic. It will operate just like every other business in the area.

B. This use is compatible with surrounding uses. Again, this property is located in the Scottsdale Airpark which is zoned I-1. It is surrounded by Industrial type businesses.

C. This location meets all other additional conditions. As stated above, this location complies with all of the City of Scottsdale's zoning requirements.

CONCLUSION

In conclusion, M.M.RX is prepared to meet and/or exceed all of the requirements and rules set forth by the City of Scottsdale as well as the Department of Health Services. Granting this Conditional Use Permit, again, will allow local Scottsdale business leaders the opportunity to ensure success in this new strictly regulated industry and will eliminate any self-cultivation within twenty-five miles of this site.



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G.I.S. ORTHOPHOTO 2010

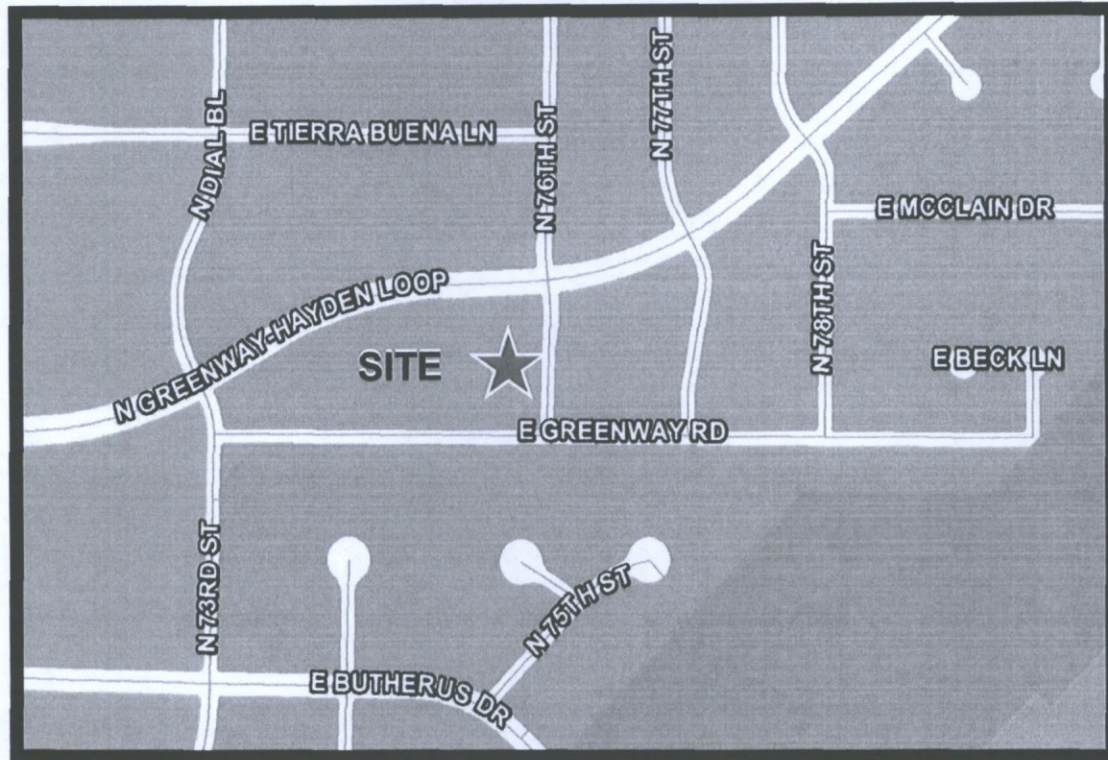


Medical Marijuana / M M RX

1-UP-2012

ATTACHMENT #3

Existing General Plan Land Use Map



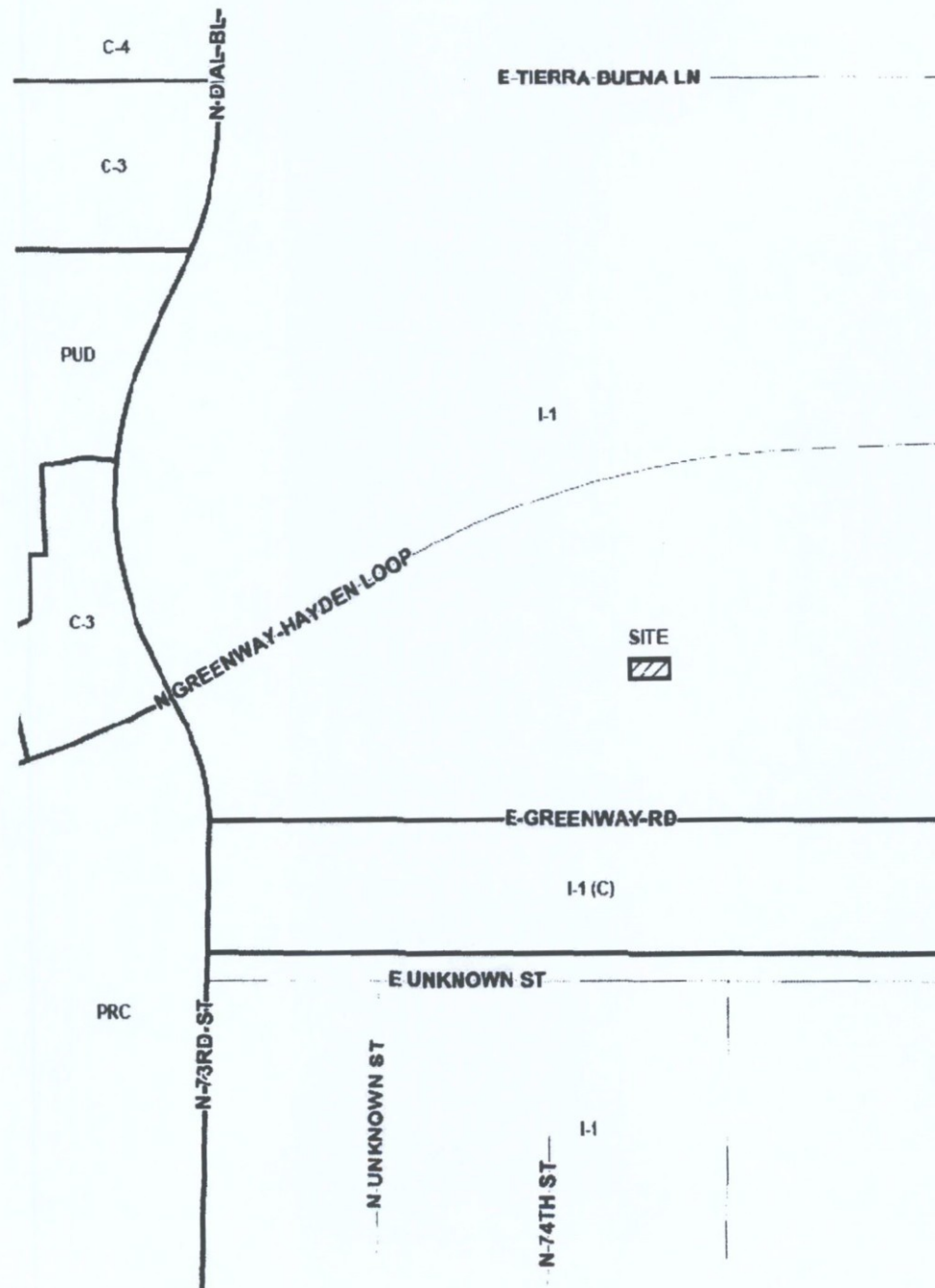
	RURAL NEIGHBORHOODS		EMPLOYMENT
	SUBURBAN NEIGHBORHOODS		NATURAL OPEN SPACE
	URBAN NEIGHBORHOODS		DEVELOPED OPEN SPACE (PARKS)
	MIXED-USE NEIGHBORHOODS		DEVELOPED OPEN SPACE (GOLF COURSES)
	RESORTS/TOURISM		CULTURAL/INSTITUTIONAL OR PUBLIC USE
	SHEA CORRIDOR		MCDOWELL SONORAN PRESERVE (AS OF 8/2003)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



1-UP-2012

ATTACHMENT #4

Zoning Map



1-UP-2012

ATTACHMENT #5

Purpose of the Plan

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

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

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

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

Operations and Hours

1. Permittee: M.M.RX, Inc.
Type of Organization: Arizona Corporation Corporation
 Sole Proprietorship LLC
 Partnership Other
2. Managing Agents Name: Edward Gary Reisdorf / Edward Gary Reisdorf, III
Title: Directors
Address: 7502 Clearwater Parkway Paradise Valley, AZ 85253
9487 E. Desert Park Drive Scottsdale AZ 85255
Phone Numbers: Edward Gary Reisdorf 480-695-1197
Edward Gary Reisdorf, III 602-910-1492
Fax or Other Numbers:
3. Business Owner(s) (If different than Managing Agent) Name, Address,
Phone:

4. Property Owner or Property Manager (if different from Managing Agent)
 Name, Address, Phone: Richard Donovan, managing partner
 Scottsdale Commerce Center, LLC
 PO Box 1679 Mercer Island, WA 98040
5. Hours of Operation:

	Open	Closed
Monday	<u>6am</u>	<u>7pm</u>
Tuesday	<u>6am</u>	<u>7pm</u>
Wednesday	<u>6am</u>	<u>7pm</u>
Thursday	<u>6am</u>	<u>7pm</u>
Friday	<u>6am</u>	<u>7pm</u>
Saturday	<u>6am</u>	<u>7pm</u>
Sunday	<u>6am</u>	<u>7pm</u>

6. Cooperation/Complaints/Concerns:

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

Edward Reisdorf, III 9487 E. Desert Park Drive
 Name: _____ Address: Scottsdale, AZ Phone: 602-910-1492
85255

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

Security and Maintenance

Security Attire

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

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

Security Officer Responsibilities

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

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

Management Responsibilities

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

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

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

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

Uniformed Sworn Officer Responsibilities:

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

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

Parking

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

Refuse Plan

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

Establishment of Records

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

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

Physical Security

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

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

Enforcement of Security Plan

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

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

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

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

Dissemination of the Security Plan

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

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


Termination of the Plan

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

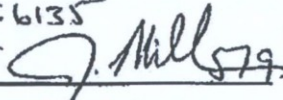
Enclosures

- Addendums attached
- No enclosures

APPLICANT/MANAGEMENT:

Name: Edward Gary Reisdorf, III
 Address: 9487 E. Desert Park Drive Scottsdale, AZ 85255
 Phone: 602-910-1197
 Date: 2/1/12
 Signature: 

APPROVED BY:

Detective: J. Miller
 Phone: 480-215-6135
 Date: 2/7/12
 Signature: 

ROSE
LAW GROUP
pc

JENNIFER HALL
6613 N. Scottsdale Road, Suite 200
Scottsdale, Arizona 85250
Phone 480.505.3938 480.505.3925
JHall@RoseLawGroup.com
www.RoseLawGroup.com

February 2, 2012

Dear Property Owner:

This letter is to inform you that an application is being submitted on behalf of M.M.RX, Inc. to the City of Scottsdale to allow the operation of a medical marijuana dispensary at 15455 N. Greenway Hayden Loop, Suite #C-22.

M.M. RX submitted the exact same application last year to operate a dispensary at this exact location and received approval on June 7, 2011. Unfortunately, the dispensary program was placed on hold and the approved Use Permit expired. M.M.RX is required to start the entire process all over even though there have been no changes to the application.

This site is ideal as it is located just east of Scottsdale Road, off of Greenway Hayden Loop and the property is zoned I-1 which allows dispensaries with a conditional use permit. This site meets all of the separation setback requirements for protected uses, such as residential and schools.

M.M.RX was formed by Scottsdale business leaders who have joined forces with medical professionals to bring their combined experience and history of success to this new industry. Without medical marijuana dispensaries, this industry will continue to be unregulated and self grow will remain uncontrolled.

An Open House will be held to address any questions or concerns that anyone may have.

Wednesday, February 15, 2012
6:00PM -7:00PM
15455 N. Greenway Hayden Loop, Suite C-22

Representative contact info:
Jennifer Hall
480-505-3938
jhall@roselawgroup.com

City staff contact info:
Greg Bloemberg
480-312-7000
gbloemberg@scottsdaleaz.gov

If you are unable to attend, please do not hesitate to contact me if you have questions or would just like to discuss the request.

Sincerely,

Jennifer Hall
Project Manager

ATTACHMENT #7

M.M.RX, Inc.
medical marijuana dispensary

2012



1-UP-2012
Notification Report

City of Scottsdale
North CHAA

15455 N. Greenway Hayden Loop, #C-22
Scottsdale Arizona 85260

ROSE | LAW GROUP
PC

Contacted Parties:

Attached is a complete list of the property owners within 750 feet contacted prior to this Neighbor Notification Report being submitted to the city.

Notification Map:

Attached is a map of the 750 foot area within which all property owners notified of the CUP application.

Contact Dates:

All property owners within the 750 foot notification area will be notified on February 2, 2012 via first class letter of the CUP application request and upcoming open house to be held on February 15, 2012.

Contact Methods:

All notification was made by U.S. Mail in the attached letter containing all of the required and pertinent information regarding the application and upcoming open house.

Notification Documents:

We have already submitted copies of the notification materials used in this process.

Comments and Correspondence Received:

To date, we have only received one phone call regarding our CUP request. Sean Babson, property manager for 15500 N. Greenway Hayden Loop. His only question was in relation to the size of the dispensary. We informed Mr. Babson that if awarded the license to operate by DHS, this dispensary will be 1,944 square feet and will only operate as a dispensary and not a grow site. Mr. Babson stated that he had no further questions regarding our application. We encouraged Mr. Babson to feel free to contact us directly with additional questions and/or concerns.

Affidavits:

We have already submitted the required affidavit of the neighborhood mailing.

Site Posting:

The site was posted on February 3, 2012 with all of the required information regarding the application, including a description of the request, location of the property, and contact information for the Applicant and the Staff. The Affidavit of Posting has already been submitted to the city.

Open House:

An Open House was scheduled and held at the site on Wednesday, February 15, 2012 at 6:00pm in order to inform surrounding property owners and community members of our application request. Please see the attached summary for a full report listing the names of all attendees along with comments and concerns, if any.

M.M.RX, Inc.
medical marijuana dispensary

OPEN HOUSE SUMMARY
Wednesday, February 15, 2012
6:00PM

Applicants: Ed Reisdorf - M.M.RX
Ted Reisdorf - M.M.RX
Jennifer Hall – Project Manager, Rose Law Group

Attendees: Lewis Patrick – True Health Care
Michelle Severton – True Health Care

The Open House began promptly at 6:00pm and was held inside building suite C-22. Floor plans and CUP application submitted to the City was available for viewing and discussion. Lewis Patrick and Michelle Severton from True Health Care, LLC were the only attendees. True Health Care also filed a CUP application to operate a medical marijuana facility in the North Scottsdale CHAA. Currently, True Health Care is the only known competition in the CHAA. Ms. Severton had questions regarding the security plan for the dispensary. We explained that the City of Scottsdale Police Department has already approved the required security/maintenance/operations plan for this dispensary and M.M.RX plans to meet or exceed all of the local and state requirements for security. We discussed last year's application and explained that nothing has changed. There were no other attendees so we ended the Open House at 7:00pm.

At this time, there is no known opposition from neighbors and/or property owners in the immediate area.

Cookson, Frances

From: ScottsdaleGregGlenn@gmail.com
Sent: Wednesday, February 22, 2012 1:22 PM
To: Cookson, Frances
Subject: Medical Marijuana Dispensaries

City of Scottsdale Email

I am writing to you regarding medical marijuana dispensaries in Scottsdale. I am sure you have received many comments both in favor of and against dispensaries. While I do believe that dispensaries may be responsible and upstanding businesses in the community, I am not in favor of them in Scottsdale at this time. I am not against ever having them in Scottsdale, I am only against having them in Scottsdale at this point in time. As of right now, Marijuana is classified by the Controlled Substances Act (CSA) as a Class 1 substance. This means that it is totally and completely illegal in every way shape and form. However, as many states (16 and counting) have created state legalization laws, the federal government has been sending mixed signals as to their enforcement of the CSA. As such I believe it would not be prudent for City Council or Planning and Zoning Commission to issue such Special Use Permits as Scottsdale's zoning amendment requires. I also believe there is precedent for doing such. The Town of Paradise Valley has written their own zoning amendment for medical marijuana dispensaries and they also require a Special Use Permit. However, Paradise Valley recognizes the clear legal problems of this industry and they will not be issuing such permits. In addition, cities in both California and Colorado have enacted outright bans on dispensaries. I'm not suggesting Scottsdale outright ban them, I'm only asking for a delay as the federal government clarifies their position. In addition, the Arizona Department of Health Services is requiring a "comfort letter" from the municipality of the dispensary applicant. If Scottsdale does not issue such letter, the applicant cannot apply for a dispensary permit in Scottsdale. If there is no applicant in Scottsdale in the first year (April 2012) then an applicant may apply for one in 2013 (with the proper zoning and "comfort letter"). I am asking for Scottsdale to simply delay the implementation of dispensaries while the federal government clarifies its position. There is no reason for Scottsdale to be the test case for federal action or the potential impacts of dispensaries in our community. We can watch what happens to dispensaries in other communities and perhaps make amendments to our own zoning ordinance that are prudent and perhaps better than those Scottsdale has in place now. As of last Friday, Scottsdale P&Z had received 3 applications for dispensary Special Use Permits. Each of them are scheduled to go to P&Z Commission in mid-March. They would then go to City Council in mid-April. Any delay (even one month) by either P&Z or Council would push the applicants beyond the state dispensary application process timeline and they would not be able to apply to the state for a license in Scottsdale. For those on the Council that are opposed to dispensaries, this is a great opportunity to simply delay having dispensaries in our city for another year. For those in favor of dispensaries, this is an opportunity to see what works and what doesn't work in other surrounding cities and to make appropriate changes to our own ordinances. I think that a simple delay suits both groups and is something we can all agree upon. I think this is the only prudent thing for Scottsdale to do. Let's simply wait and see what happens in other communities rather than rush into something we regret later. The citizens of Scottsdale deserve your prudence. Sincerely, Greg Glenn



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


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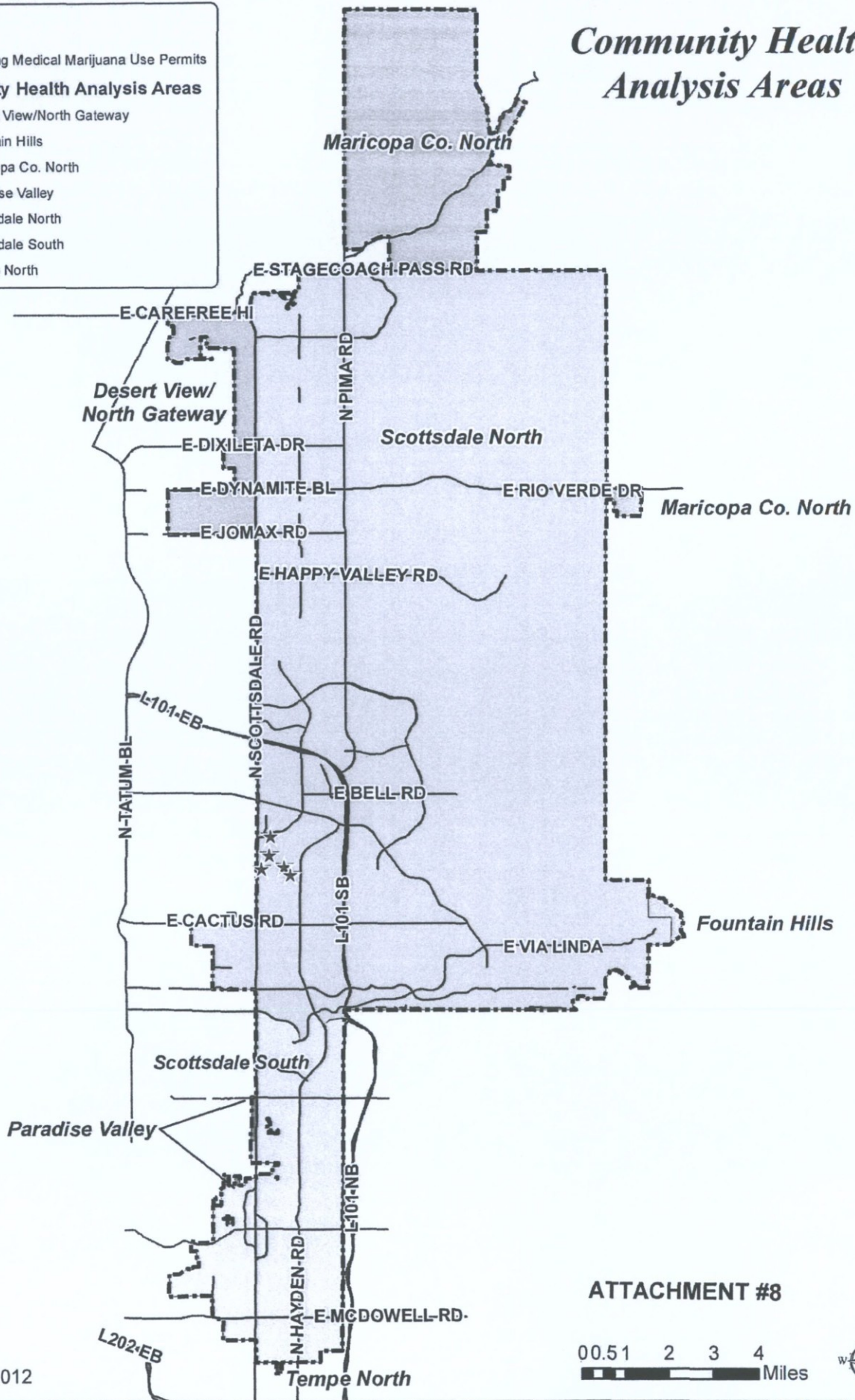
Community Health Analysis Areas

Legend

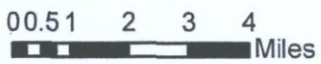
★ Pending Medical Marijuana Use Permits

Community Health Analysis Areas

-  Desert View/North Gateway
-  Fountain Hills
-  Maricopa Co. North
-  Paradise Valley
-  Scottsdale North
-  Scottsdale South
-  Tempe North

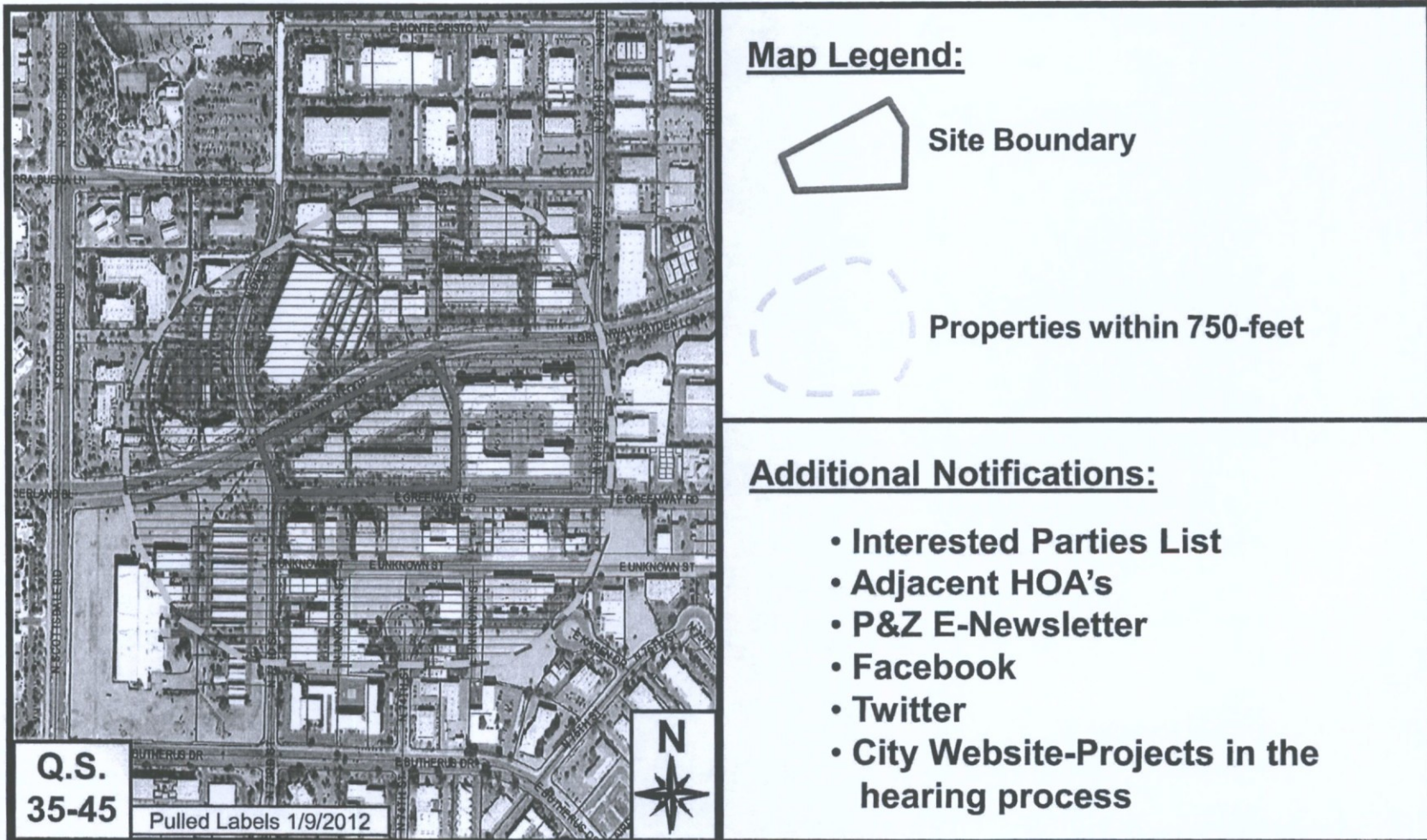


ATTACHMENT #8



Date: 2/21/2012

City Notifications – Mailing List Selection Map



Medical Marijuana / M M RX

1-UP-2012

COMMISSIONER PETKUNAS, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

EXPEDITED AGENDA

2. **1-UP-2012** **(Medical Marijuana / M M RX)**
CHAIR D'ANDREA MOVED TO THE REGULAR AGENDA.
COMMISSIONER FILSINGER MOVED TO MAKE A RECOMMENDATION TO CITY COUNCIL FOR APPROVAL OF CASE 1-UP-2012, PER THE STAFF RECOMMENDED STIPULATIONS, BASED UPON THE FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET. SECONDED BY COMMISSIONER CODY, THE MOTION CARRIED WITH A VOTE OF FIVE (5) TO TWO (2) WITH COMMISSIONER EDWARDS AND VICE-CHAIR GRANT DISSENTING.

3. **2-UP-2012** **(True Health Care Medical Marijuana)**
Ryan Hurley and George Leach provided comments on the proposal.
CHAIR D'ANDREA MOVED TO THE REGULAR AGENDA.
COMMISSIONER BRANTNER MOVED TO MAKE A RECOMMENDATION TO CITY COUNCIL FOR APPROVAL OF CASE 2-UP-2012, PER THE STAFF RECOMMENDED STIPULATIONS, BASED UPON THE FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET. THE MOTION DIES DUE TO LACK OF A SECOND MOTION.
VICE-CHAIR GRANT MOVED TO MAKE A RECOMMENDATION TO CITY COUNCIL FOR DENIAL OF CASE 2-UP-2012, BASED UPON THE FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE NOT BEEN MET. SECONDED BY COMMISSIONER FILSINGER, THE MOTION CARRIED WITH A VOTE OF FIVE (5) TO TWO (2) WITH COMMISSIONERS BRANTNER AND CODY DISSENTING.

4. **4-UP-2012** **(Giving Tree Wellness Center of Arizona, Inc.)**
Ryan Hurley provided comments on the proposal.
CHAIR D'ANDREA MOVED TO THE REGULAR AGENDA.
COMMISSIONER PETKUNAS MOVED TO MAKE A RECOMMENDATION TO CITY COUNCIL FOR APPROVAL OF CASE 4-UP-2012, PER THE STAFF RECOMMENDED STIPULATIONS, BASED UPON THE FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET. SECONDED BY COMMISSIONER BRANTNER, THE MOTION CARRIED WITH A VOTE OF FOUR (4) TO THREE (3) WITH CHAIR D'ANDREA, VICE-CHAIR GRANT, AND COMMISSIONER EDWARDS DISSENTING.

5. **5-UP-2012** **(Valley Wellness Center)**
Ryan Hurley and Adam Baugh provided comments on the proposal.
CHAIR D'ANDREA MOVED TO THE REGULAR AGENDA.
COMMISSIONER BRANTNER MOVED TO MAKE A RECOMMENDATION TO CITY COUNCIL FOR APPROVAL OF CASE 5-UP-2012, PER THE STAFF

* 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