

**Application
Narrative
Cash Transmittal
Pre-Application
Pre-App Narrative
Pre-App Cash Transmittal
Project Data Sheet**

M.M.RX, Inc.
medical marijuana dispensary

2012



Use Permit
Application

City of Scottsdale
North CHAA

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

ROSE | LAW GROUP
pc

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.



Conditional Use Permit Application Checklist

At your pre-application meeting, your project coordinator will identify which items are required for submittal. Please note that ALL items checked will be required at the time of formal submittal.

PART I -- GENERAL REQUIREMENTS

Req'd Rec'd Description of Documents Required for Complete Application. No application will be accepted without all items marked below.

1. Completed Application Checklist (*this form*)

2. Application Fee -- \$ 2440.00 (subject to change every July)
\$ _____ (subject to change every July)

3. Completed Application Form (*form provided*)

4. Proposition 207 information handout (sample agreement provided)

5. Authorization (from property owner(s) if property owner did not sign the application form)

- List owners of property and/or list of principal of Limited Liability Company (LLC) controlling property
- Affidavit of Authority to Act for Property Owner

6. Project Narrative (*form provided*) Describe criteria in Sect. 1.400 and any additional criteria
Add additional criteria : Bar Live Entertainment Other

7. Current Title Report (requirements form provided)

- 8-1/2" x 11" -- 1 copy
- Include legal description and complete Schedule A and Schedule B.

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

Conditional Use Permit Application Checklist

 8. Provide a Combined Context Aerial and Context Site Plan

Aerial shall not be more than 1 year old and shall include and overlay of the site plan showing lot lines, tracts, easements, street locations/names and surrounding zoning for a radius from the site of:

- 350 feet radius from site
- Other: _____
- 24" x 36"- FOLDED- 2 color copies
- 11" x 17" - 1 color copy (quality suitable for reproduction)

Show the proposed site plan in relation to surrounding development including the following:

- Building footprints and other site improvements such as drives, parking areas, site walls (indicate height of buildings and site walls);
- Label surrounding zoning and land uses;
- Streets including sidewalks, and any surrounding driveways or intersections;
- Show bike paths and trails; and
- Development plans approved by the Development Review Board during the past year that have not been constructed. (Approved plans are available at the Scottsdale Records Division at 7447 E. Indian School Road, Suite 105).

 9. Existing Conditions Photo Exhibit: Mounted Or Printed On 8-1/2"X11" Paper (Printed digital photos are OK)

- Photos mounted on cardboard, foamboard, particleboard, posterboard or other material will not be accepted.
- See attached Existing Conditions Photo Exhibit graphic showing required photograph locations and numbers.
- Provide 1 color original set and 12 color copy sets - 8-1/2" x 11"

 11. Assessor's Map (obtain from Records Department) identifying parcel(s); project location is to be clearly marked:

- 8-1/2" x 11" - 2 copies

 12. Location Map

Provide a map, drawn to scale, showing the location of the site in relation to arterial & intersecting streets and indicating the zoning of the site and adjacent properties.

- 8-1/2" x 11" - 1 copy (quality suitable for reproduction - sample attached)

 13. Neighborhood Involvement Requirements - (form provided) 14. Community Input Certification-(form provided) 15. School District Notification: map attached 16. Policy for Appeal of Required Dedications or Exactions (form provided)

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Use Permit Application Checklist

 17. Archaeological Resources (*information sheets provided*)

- Certificate of No Effect / Approval Application Form (*provided*)
- Archaeology Survey and Report - 3 copies
- Archaeology 'Records Check' Report Only - 3 copies
- Copies of Previous Archeological Research - 1 copy
- Maps(s)/Narrative for any archaeological resources within a Master Planned Development or larger project - 1 copy

 17. Historic Property (*existing or potential historic property*)

Narrative describing proposal to preserve the historic character or compliance with property's existing Historic Preservation Plan

 18. Completed Airport Vicinity Development Checklist

Your property is located within the vicinity of the Scottsdale Municipal Airport (within 20,000 foot radius of the runway; information packet provided)

 19. Site Posting Requirements and Affidavit (*decal provided*) 20. Purchase Agreement for "In Lieu Parking Credits" (*form provided*)

Completed form to be submitted prior to DRB hearing

PART II -- REQUIRED PLANS & RELATED DATA

All Graphics And Plans Shall Be To Scale And Dimensioned.

 1. Site Plan (Include all existing or approved site plan data. Use an engineer's scale not less than 1" = 40')

- 24" x 36" - 11 copies, FOLDED
- 11" x 17" - 1 copy (quality suitable for reproduction)
- Digital -1 copy (See Digital Submittal Plan Requirements)

 2. Project Data Sheet (*form provided*) 3. Site Plan Worksheet including calculations (*sample provided*)

- 24" x 36" - 1 copies, FOLDED

 4. Floor Plans: (Use an architect's scale not less than 1/8" = 1'. The floor plan data shall be used to determine parking requirements & kitchen area as a percentage of total square footage).

- 24" x 36" - 1 copies, FOLDED
- 11" x 17" - 1 copy
- Digital- 1 copy (See Digital Submittal Plan Requirements)

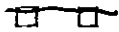
 5. Floor Plan Worksheet: (including calculations)

- 24" x 36" - 1 copies, FOLDED

Planning, Neighborhood & Transportation Division

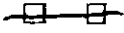
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Conditional Use Permit Application Checklist



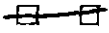
6. Elevations:

- 24" x 36" - 1 color copy FOLDED
- 11" x 17" - 1 color copy
- Digital- 1 copy (See Digital Submittal Plan Requirements)



7. Conceptual Landscaping Plan:

- 24" x 36" - 1 color copy FOLDED
- 11" x 17" - 1 color copy



8. Corporate Image Features



9. Lighting Details And Cut Sheets:

- 24" x 36" - 1 copy FOLDED



10. Photometric Analysis with horizontal foot-candle diagram

- 24" x 36" - 1 copy FOLDED



11. Lighting Site Plan, include landscape lighting, building lighting and all other lighting

- 24" x 36" - 1 copy FOLDED



12. Parking Analysis *on site/floor plan*



13. Parking Master Plan:

- 3 copies (required for reduction of ordinance requirements)



14. ~~Transportation Impact & Mitigation Analysis (TIMA):~~ Contact the TIMA Coordinator,

_____ at _____, for TIMA requirements.
 Name Phone

At time of submittal, provide letter from the TIMA coordinator.

_____ Trip Generation Analysis- 3 copies

_____ Traffic Impact Study- 3 copies

_____ Traffic Evaluation- 3 copies (for Bars, Live Entertainment)



15. Drainage Report: See Sec. 2-202 of the City's Design Standards & Policies Manual for specific submittal and content requirements. The report shall be bound (3 ring, GBC or coil wire, no staples) with card stock front and back covers, and must include all required exhibits, full color aerial/topo maps and preliminary grading and drainage plans. Full size plans/maps shall be folded and contained in pockets.

- Demonstrate compliance with Army Corp. of Engineers 404 compliance
- Demonstrate compliance with National Pollutant Discharge Elimination Systems (NPDES)
- 8-1/2" x 11" - 2 copies of the Drainage Report including full size plans/maps in pockets
- Digital- 1 copy (See Digital Submittal Plan Requirements)

Planning Systems will not process project applications until the Drainage Report contains sufficient information in detail, scale and clarity for review.

Conditional Use Permit Application Checklist

16. ESL Addendum, Slope Analysis, NAOS Plan, Site Plan with Superimposed Topographic Map

- 2 copies each (forms provided)

17. Security, Maintenance & Operations Plan (For Bars and Live Entertainment) *Pending*

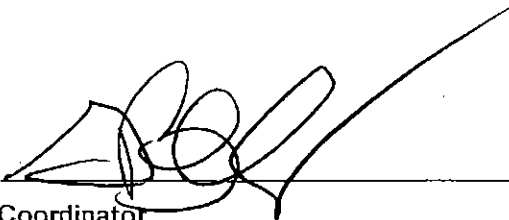
18. Operations Plan

19. Other

20. Submit items pursuant to the Submittal Instructions provided.

21. An appointment must be scheduled to submit this application. To schedule your submittal meeting, please call 480-312-7000. Request a submittal meeting with a Planning Specialist and provide your case pre-app number; _____-PA-_____

Notes:


Coordinator

1-25-12
Date

This application needs a: New Project Number _____ or Old Project Number: 168-PA-11 #2

Planning, Neighborhood & Transportation Division

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Neighborhood Notification Checklist

AB, BA, UP, DR, HE, MUMSP

Neighborhood notification is necessary for all Conditional Use Permits, including Municipal Use Master Site Permits, Abandonments, Development Review Board, Board of Adjustment, and Hardship Exemption cases. You are required to return this form with checked items completed, and your Neighborhood notification Report with your application submittal.

If you have questions on these requirements, please contact Planning & Development Services at 480-312-2328.

This application is for a:

- Abandon of ROW/GLO
- Board of Adjustment
- Conditional Use Permit
- Development Review Board
- Hardship Exemption
- Municipal Use Master Site Plan

If you are submitting an application for Re-Zoning, Zoning Ordinance Text Amendments, Zoning Stipulation Amendments, Council Approved Amended Standards, and City Council Site Plan Approval this is not the correct checklist; please obtain a copy of the Citizen Review Checklist from your project coordinator. If you are applying for a General Plan Amendment, please obtain a copy of the Neighborhood Involvement Checklist from your project coordinator.

Complete the following marked items prior to submitting your application

Step 1: Neighborhood Notification

<p>Provide information by:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> 1st Class Letter or Postcard <input type="checkbox"/> In Person <input type="checkbox"/> Phone call <input type="checkbox"/> Certified Mail <input type="checkbox"/> Door Hangers/Flyers 	<p>To:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Property owners and HOAs within 750' (*required for all WCF) <input type="checkbox"/> Adjacent property owners/ tenants/HOAs <input type="checkbox"/> School District(s) <input type="checkbox"/> Interested Party list (provided by Project Coordinator) <input type="checkbox"/> Tenants, employees, and students (*required for all WCF)
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* WCF requirements for Notification shall be completed a minimum of 15 days prior to the application submittal.

Project Notification shall include the following information:

- Project request and description
- Location
- Size (e.g. Number of Acres of project, Square Footage of Lot)
- Zoning
- Site Plan
- Applicant and City contact names and phone numbers
- Any scheduled open house(s) - including time, date, and location

Step 2: Project Under Consideration

- Post sign 10 calendar days prior to your Open House Meeting. (See Sign posting requirements)
- Post sign 15 calendar days prior to your formal application submittal. (See WFC requirements)

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Neighborhood Notification Checklist

AB, BA, UP, DR, HE, MUMSP

Step 3: ~~Hold An Open House Meeting~~

~~You are required to hold a minimum of ___ Open House Meeting(s).~~

~~Provide open house date, time, and location to Project Coordinator *at least* 14 calendar days prior to the meeting. E-mail open house information to project coordinator and to: planninginfo@scottsdaleaz.gov.~~

Step 4: Complete a Neighborhood Notification Report

Provide all of the checked items, in a report, with your submittal

- You are required to submit a Neighborhood Notification Report with your application.
- Submit either the original, or a copy of this marked Neighborhood Notification Packet.
- Document your Project Notification efforts as follows:
 - Provide a list of names, phone numbers/addresses of contacted parties (e.g. neighbors/property owners, School District representatives, and HOA's).
 - Provide a map showing where notified neighbors are located.
 - Provide the dates contacted, and the number of times contacted.
 - Indicate how they were contacted (e.g. letter, phone call). If certified mail was used, provide receipts of delivery.
 - Provide copies of letters or other means used to contact neighbors, the school district, and HOA's.
 - Provide originals of all comments, letters, and correspondence received.
 - Provide affidavit(s) of mailing(s).
- Verify the "Project Under Review" Sign Posting or Newspaper listing as follows:
 - Provide affidavit of posting, and pictures of sign, which are date and time stamped.
 - Copy of Newspaper listings with date of publication.
- Document the Open House Meeting(s) as follows:
 - List dates, times, and locations of open house meeting(s).
 - Provide the sign-in sheets, list of people attended the meeting(s), comment sheets, and written summary of the comments, issues and concerns provided at the open house meeting(s).
 - List the method by which the applicant has addressed, or intends to address, the issues, concerns, and problems identified during the process.
 - List dates, times, and locations of any follow-up with interested parties.
- List any other neighborhood, citizen involvement.

Related Resources:

- Project Under Consideration Sign Posting Requirements
- Affidavit of Posting
- Public Hearing Sign Posting Requirements

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Scottsdale Airport Vicinity Development Guidelines and Checklist and Declaration (Short Form)

Name of Development:	M.M.RX, Inc.
Development Pre-Application Number:	168-PA-2011#2
Site Address/APN:	15455 N. Greenway Hayden Loop, #C-22 Scottsdale, AZ 85260
Maximum Elevation Height of Building + Appurtenances:	NA
Latitude and Longitude of Highest Elevation Point:	NA
Contact Name and Phone Number:	Edward Gary Reisdorf, III 602-910-1492

PROJECT REVIEW ANALYSIS DESCRIPTION (short form)

This information pertains to object height, land use compatibility, aviation easements, aircraft noise and overflight disclosure and is in addition to other City Codes (building, fire, zoning). **Please review and complete EACH SECTION of this Short Form Declaration and submit it along with your development application.**

Part I: Height Analysis

Applicants must conduct an analysis for all projects within 20,000 feet of Scottsdale Airport to determine if a 100:1 slope is penetrated by proposed structures, appurtenances, or construction equipment and/or cranes. If structures, appurtenances, or construction equipment penetrate the 100:1 slope area from the airport, then the project applicant must complete an Federal Aviation Administration (FAA) form 7460-1 and submit it to FAA unless exemptions apply. Please allow approximately 30 days for FAA to review your project. An analysis and submission of form 7460-1 can be completed at the following website <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> and click on the "Notice Criteria Tool" on the left side. Accurate coordinates and site elevation will be needed to complete this analysis. Applicants are required to file their 7460-1 electronically at the above referenced website.

Check **ONLY** one declaration below:

<input checked="" type="checkbox"/>	1. Based on the height analysis of my proposed development, I declare structures or construction crane(s) DO NOT penetrate the airspace above the 100:1 slope from Scottsdale Airport's Runway. I attached a copy of the analysis to this form.
<input type="checkbox"/>	2. Based on the height analysis of my proposed development structures or construction crane(s) DO penetrate the airspace above the 100:1 slope from Scottsdale Airport's Runway. I completed the required FAA form 7460-1 and submitted it to the FAA with latitude and longitudes points of the highest point of each proposed structure, including appurtenances. I attached a copy of the completed FAA documents to this form. I will also provide a copy of FAA's response and determination to the Aviation Director prior to final plan approval.

Part II: Aircraft Noise and Overflight Disclosure

I have reviewed the traffic pattern airspace map and executive summaries for the adopted Scottsdale Airport Master Plan and 14 C.F.R. Part 150 Noise Compatibility Study, as part of the due diligence to determine any future impacts on my development by proposed airport growth or operational changes. These documents are available on <http://www.scottsdaleaz.gov/airport/Part150> or by calling the airport at 480-312-2321. In accordance with the Airport Influence Area and Noise Overlay Zone and the Airport Overlay Zone Matrix for Scottsdale Airport (see attached), I understand the following may be true for my development and will provide the City of Scottsdale all appropriate documentation as applicable below:

	Incorporate the Airport Disclosure For Development Around Scottsdale Airport language into the CC & R's or other procedural documents for my development.
	An Avigation Easement to the City of Scottsdale for recording. Download this document at http://www.scottsdaleaz.gov/bldgresources/forms/dedications.asp and must be completed prior to final plan approval.

The information provided for this project is certified to be true and correct. Staff will review the proposed development and all attached documents required by this form. All information shall be submitted and complete prior to approval by the City.

Signature of Applicant	2/1/12 Date
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Questions pertaining to this form or content required for airport review of proposed projects should be directed to Scottsdale Airport staff at (480) 312-2321.

Attachments: 1. Scottsdale Airport Vicinity Map FAA Notice

2. Airport Influence Area and Noise Overlay Zones

3. Airport Overlay Zone Matrix

4. Scottsdale Airport Traffic Pattern Airspace

5. Sample Airport Disclosure Notice

6. Avigation Easement

Revised October 2010

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



Project Application

Project Number: 168 - PA - 2011#2 Case Number: - - Date: 1/31/12

Staff Signature required PRIOR to submittal

This Document Constitutes A Public Disclosure Under ARS Section 39-121, Inspection of Public Records

Applicant to Complete Section Below

- Case Type:**
- | | | |
|--|---|---|
| <input type="checkbox"/> Abandonment (AB) | <input type="checkbox"/> Master Plan Map (MP) | <input type="checkbox"/> Rezoning (ZN) |
| <input type="checkbox"/> Changes to a Recorded Plat (PC) | <input type="checkbox"/> Master Sign Program (MS) | <input type="checkbox"/> Text Amendment (TA) |
| <input type="checkbox"/> Change to Existing Lots (PC) | <input type="checkbox"/> Minor Subdivision (MD) | <input checked="" type="checkbox"/> Use Permit (UP) |
| <input type="checkbox"/> Development Review (DR) | <input type="checkbox"/> Preliminary Plat (PP) | <input type="checkbox"/> Variance (BA) |
| <input type="checkbox"/> General Plan Amendment (GP) | <input type="checkbox"/> Other: _____ | |

Project Name: M.M.RX. Inc.

Project Address: 15445 N. Greenway Hayden Loop, #C-22 Scottsdale Arizona 85260

Current Zoning District: I-1 Parcel Number(s): 215_44_001_K Quarter Section: 35_45

Request: _____

The property owner shall designate an agent for the project. This person (the applicant) shall attend pre-application conferences and public hearings, will receive the agenda, recommendations, and case reports, and will communicate all case information to other parties as required. All contact for this project will be made through the applicant listed below.

Owner: Richard Donovan, managing member
 Company Scottsdale Commerce Center, LLC
 Phone: _____ Fax: _____
 E-mail: _____
 Address: PO Box 1679
Mercer Island, WA 98040


Developer: Edward Gary Reisdorf, III
 Company _____
 Phone: 602-910-1492 Fax: _____
 E-mail: _____
 Address: 9487 E. Desert Park Drive
Scottsdale, Arizona 85255

Architect: _____
 Company _____
 Phone: _____ Fax: _____
 E-mail: _____
 Address: _____

Engineer: _____
 Company _____
 Phone: _____ Fax: _____
 E-mail: _____
 Address: _____

Applicant Contact: Court Rich, Rose Law Group Phone: 480-505-3937
 Applicant E-mail: crich@roselawgroup.com Fax: 480-505-3925
 Applicant Address: 6613 N. Scottsdale Rd. #200 Scottsdale, AZ 85250

Owner Signature _____

Applicant Signature 

OFFICIAL USE ONLY

Staff Signature: _____ E-mail: _____@ScottsdaleAZ.gov 480-312-_____

This application needs a: New Project Number or Old Project Number: _____ Date: _____

Planning & Development Services Department

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