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Ordinance No. 4271

Planning Commission Hearing 07/27/2016

City Council Hearing 08/31/2016

### **Case History**

65-PA-2016

**8-TA-2010#3**

**Medical Marijuana Text Amendment**



# PLANNING COMMISSION REPORT



Meeting Date: July 27, 2016  
General Plan Element: *Land Use, Economic Vitality*  
General Plan Goal: *Create a sense of community through land uses*  
*Support a diversity of businesses*

## ACTION

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### Medical Marijuana Text Amendment 8-TA-2010#3

#### Request to consider the following:

1. A recommendation to City Council regarding a request by the City, as the applicant, for a text amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including revisions to separation requirements and possible addition of protected uses.

#### Key Items for Consideration

- City Council initiated text amendment
- Conformance with the adopted General Plan
- Increased separation requirements for Medical marijuana uses
- Additional protection for specified sensitive land uses

## APPLICANT CONTACT

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Bryan Cluff  
City of Scottsdale  
480-312-2258

## LOCATION

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Citywide

## BACKGROUND

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### State Regulations

In 2012, the Arizona Department of Health Services (ADHS) based locations of medical marijuana facilities on established Community Health Analysis Areas, or “CHAAs”. 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. Please see Attachment #5 for a map of the CHAA areas in the City of Scottsdale. Originally, ADHS limited the number of medical marijuana licenses to one (1) per CHAA. When the Zoning Ordinance was revised in 2011 and updated in 2012 it was anticipated, based on the State licensing requirements, that there would only be one (1) or two (2) Medical marijuana uses within the boundaries of the city. However, once a licensed facility in good standing has been in operation for three (3) or more years, State rules allow the owner of the facility to relocate their license within the state based on market demand. To date, a total of three (3) dispensaries relocated to the City Scottsdale from another CHAA after having been in operation for 3 or more years. There are currently no active pending medical marijuana applications; however, several inquiries have been received regarding potential locations for new applications.

Each calendar year, ADHS reviews the current valid dispensary registration certificates to determine if any new certificates may be issued. The total number of certificates within the State may not exceed one (1) license for every ten (10) registered pharmacies. Currently, ADHS has issued 99 certificates within the State, 93 of which are active. According to ADHS, there will be an additional 31 certificates issued this year, statewide.

*Possible Legislation:*

*There is a ballot initiative related to the legalization of recreational marijuana use within the State of Arizona which appears to have obtained the necessary number of signatures and will likely appear on the ballot in November 2016. Approval this initiative will have substantial impacts on how medical marijuana uses are handled within the State of Arizona. The language included in the proposed legislation is set up to allow for existing medical marijuana facilities to transition in to recreational marijuana facilities. These facilities will no longer need to comply with the ADHS Rules and Regulations for the Medical Marijuana Program and will rather be under the authority of a new State board similar to the State Liquor Board. The initiative also allows for recreational marijuana sales, cultivation, and infusion licenses to be granted to new applicants, after existing medical marijuana facilities have had the opportunity to transition.*

*The proposed language provides local governments with the authority to regulate and limit marijuana businesses. If the initiative passes, an additional text amendment may be necessary to modify zoning requirements accordingly.*

**City Regulations**

The City allows Medical marijuana uses, including dispensaries, in only a few zoning districts (Industrial Park (I-1), Commercial Office (C-O), and Special Campus (SC)). With the adoption of the City’s existing regulations on Medical marijuana uses in 2011, these districts were chosen based on their predisposition to cater toward office and medical office type uses. Medical marijuana dispensaries essentially function in the same way a medical office and/or pharmacy would function. In each of these zoning districts, a Conditional Use Permit is required to demonstrate compliance with specific criteria, including separation and compatibility requirements. The current limited zoning district locations, separation requirements, and market forces will influence the eventual



number of medical marijuana facilities. See Attachment #6 for a map showing possible locations of future Medical Marijuana facilities within the City of Scottsdale under existing regulations. If future medical marijuana facilities were to locate in the most efficient way possible, it is estimated that up to 35 additional locations may meet the separation requirements of the current regulations. However, 35 may be an unrealistically high number. The City's existing Conditional Use Permit criteria is summarized in the table below. For full Zoning Ordinance language of the current criteria, please refer to Attachment #3.

<b><i>Criteria</i></b>	<b><i>Existing</i></b>
<i>All operations to be within enclosed building</i>	Yes
<i>Separation required from protected uses:</i>	
<i>Residential</i>	500 feet
<i>Schools</i>	500 feet
<i>Separation required between other MMJ uses</i>	1,320 feet
<i>Refuse control plan required</i>	Yes
<i>Public safety plan required</i>	Yes
<i>Drive-through service allowed</i>	No

### **Other Municipalities**

Other municipalities within the State of Arizona have enacted similar zoning regulations on Medical marijuana uses within their jurisdictions. Based on analysis of researched regulations across the valley, on average, the City of Scottsdale currently appears to be less restrictive than most other surrounding jurisdictions. Specifically, the City of Scottsdale has the least number of protected uses (i.e. schools, churches, residential, etc.), and is on the low end of separation requirements between Medical marijuana uses, and distance away from protected uses. Several other valley cities are dealing with the same concerns with regard to the increase in number of inquiries for new facilities, which has spurred changes in their regulations. Some key points of what these other communities are doing with their regulations are highlighted below.

#### *Items of note:*

- The average required separation between Medical marijuana uses for the surveyed municipalities (including the City of Scottsdale) is 3,706 feet. This is more than double the current requirement in the City of Scottsdale, which is 1,320 feet. Five (5) of the eight (8) cities surveyed require a 1-mile (5,280 feet) separation between facilities.
- The average required separation between medical marijuana Uses and schools for the surveyed municipalities (including the City of Scottsdale) is 1,220 feet. This is almost three times the current requirement in the City of Scottsdale, which is 500 feet.
- Other protected uses that have been identified in other valley jurisdictions that are not

currently protected in the City of Scottsdale include: Churches, Child Care, Parks, Community Buildings, Libraries, Hospitals, Homeless Shelters, Youth Centers, and Rehab Facilities.

- On April, 20 2016, the City of Phoenix approved a text amendment to their zoning ordinance which increased the required separation between a dispensary and residential from 250 feet to 500 feet, increased the required separation from a place of worship from 500 feet to 1,320 feet, and added Dependent Care, Homeless Shelter, and Youth Center as protected uses, with a required separation of 1,320 feet.
- In December of 2015, the City of Tempe amended their zoning ordinance to place a hard cap on the number of Medical Marijuana Uses allowed within the city limits, limiting the total number of uses to two (2).
- In May of 2016, the Town of Gilbert approved a text amendment to their zoning ordinance placing a hard cap on the number of Medical Marijuana Uses allowed within the town limits, limiting the number of uses to two (2).
- Per their amended ordinance approved in 2011, the Town of Paradise Valley has placed a hard cap on the number of Medical Marijuana Uses allowed in the Town, limiting the use to one (1).

**Other Related Policies, References:**

- Zoning Ordinance
- 8-TA-2010: Approved a zoning ordinance text amendment for the purpose of creating ordinance regulations resulting from and related to the legalization of the medical use of marijuana (Arizona Proposition 203).
- 8-TA-2010#2: Approved a zoning ordinance text amendment updating regulations related to Medical marijuana uses, which clarified separation requirements from multi-family residential uses, clarified the intent of school protections, and combined dispensary uses in to one Medical marijuana use.
- Arizona Revised Statutes, Title 36, Chapter 28.1
- Arizona Department of Health Services, Title 9, Chapter 17

**APPLICANTS PROPOSAL**

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**Goal/Purpose of Request**

On May 17, 2016, the City Council initiated this text amendment to amend the Medical marijuana criteria and/or other provisions within the Zoning Ordinance to ensure compatibility with surrounding uses. The specific direction was to increase the required separation between Medical marijuana uses, increase the required separation from schools and residential uses, and to add churches, day care, and public parks as protected uses. The Council direction also included the provision of grandfathering language that would allow the existing medical marijuana facilities to continue operation.

The proposed text amendment includes revisions to Sections 1.403.L. and 1.403.M. regarding the



Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation. The specific changes to the text are highlighted in the table below:

<b><i>Criteria</i></b>	<b><i>Existing</i></b>	<b><i>Proposed</i></b>
<i>All operations to be within enclosed building</i>	Yes	No change
<i>Separation required from protected uses:</i>		
<i>Residential</i>	500 feet	<b>1,500 feet</b>
<i>Schools</i>	500 feet	<b>1,500 feet</b>
<i>Church</i>	none	<b>1,500 feet</b>
<i>Public Park</i>	none	<b>1,500 feet</b>
<i>Day Care</i>	none	<b>1,500 feet</b>
<i>Separation required between other MMJ uses</i>	1,320 feet	<b>2,640 feet</b>
<i>Refuse control plan required</i>	Yes	No change
<i>Public safety plan required</i>	Yes	No change
<i>Drive-through service allowed</i>	No	No change

In addition to the changes identified above, provisions are included that allow existing Medical marijuana uses that are legally established prior to September 30, 2016 (effective date of this ordinance if approved) to continue operation, including renewals, extensions, and/or expansions, under the current requirements for Medical marijuana uses. For the full draft language of the proposed text amendment, please refer to Attachment #4.

## **IMPACT ANALYSIS**

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### **General Plan**

The 2001 General Plan is a policy document that establishes the community's long term vision, establishes locations for general land uses and guides the physical development of the City. The Plan encourages a high-quality, attractive community for residents, businesses and visitors. The Zoning Ordinance regulations help to implement the goals and objectives of the General Plan. As a result, when requests to amend implementation tools of the General Plan are brought forward for consideration, the impacts of those changes are assessed in relation to the community's best interests as described in the Plan.

This text amendment to the Zoning Ordinance implements the goals and policies of the 2001 General Plan that encourage protection of local neighborhoods, by providing citizens with greater clarity as to where the community can expect this particular land use to locate, as well as, giving



applicants a clear understanding of the locations available to accommodate the land use through the administration of the Zoning Ordinance.

### **Land Use**

The proposed amendments to the Conditional Use Permit criteria for Medical marijuana uses and Medical marijuana caregiver cultivation will provide better compatibility with surrounding land uses through increased separation from the existing specified sensitive uses of schools and residential, and also identifies and protects additional sensitive uses that are not protected by the existing criteria. The proposed ordinance changes continue to provide for potential future locations of Medical marijuana uses within the city.

### **Public Safety**

The existing Conditional Use Permit criteria for Medical marijuana uses and Medical marijuana caregiver cultivation include the requirement for a public safety plan and refuse control plan which are subject to review and approval by the Scottsdale Police Department. These requirements are not changing and will remain in effect.

### **Community Involvement**

The City of Scottsdale, as the applicant, placed a 1/8 page ad in the newspaper, and sent notice to the City of Scottsdale's interested parties list regarding the proposed text amendment and open house dates. The City held two (2) open house meetings, one June 14, 2016 and the second June 16, 2016. There were a total of two (2) attendees from both open house meetings. One attendee was a member of the development community and was in attendance for informational purposes. The second attendee was an attorney representing a client in the medical marijuana industry. This attendee submitted formal comments in support of the language to allow existing facilities to continue operation under the existing criteria. Formal public comments received are included in this report in Attachment #8. As of the date of this report, city staff has received several other general inquiries through phone and email.

### **Community Impact**

It is not anticipated that the proposed text amendment will have any effect on city infrastructure, traffic, or services. The proposed amendments to the Conditional Use Permit criteria for Medical marijuana uses and Medical marijuana caregiver cultivation will better provide for compatibility with surrounding land uses through increased separation from the existing specified sensitive uses of schools and residential, and also identifies and protects additional sensitive uses that are not protected by the existing criteria.

## **OTHER BOARDS & COMMISSIONS**

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### **City Council**

The City Council initiated this text amendment as the "Medical Marijuana Text Amendment" (65-PA-2016) at their May 17, 2016 meeting.

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## **OPTIONS & STAFF RECOMMENDATION**

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### **Recommended Approach:**

Staff recommends that the Planning Commission find that the zoning text amendment is consistent and conforms with the adopted General Plan, and make a recommendation to City Council for approval.

## **RESPONSIBLE DEPARTMENT**

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### **Planning and Development Services**

Current Planning Services

## **STAFF CONTACT**

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Bryan Cluff

Senior Planner

480-312-2258

E-mail: [bcluff@ScottsdaleAZ.gov](mailto:bcluff@ScottsdaleAZ.gov)

**APPROVED BY**

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Bryan Cluff, Report Author

7/20/16  
Date



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

7/20/2016  
Date



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

7/21/16  
Date

**ATTACHMENTS**

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1. Applicant's Narrative
2. Citizen Involvement
3. Existing Conditional Use Permit Criteria for Medical Marijuana Uses
4. Proposed Zoning Ordinance Text
5. Community Health Analysis Areas (CHAA) Map
6. Potential Medical Marijuana Use Locations Map – EXISTING
7. Potential Medical Marijuana Use Locations Map – PROPOSED
8. Public Comment





# Project Narrative

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

Date: 5/18/16

Project No: 65 -PA- 2016

Coordinator: Bryan Cluff

Case No: \_\_\_\_\_

Project Name: Medical Marijuana Text Amendment

Project Location: City-Wide

Property Details: ☐ Single-Family Residential ☐ Multi-Family Residential ☒ Commercial ☐ Industrial

Current Zoning: N/A Proposed Zoning: N/A

Number of Buildings: N/A Parcel Size: N/A

Gross Floor Area/Total Units: N/A Floor Area Ration/Density: N/A

Parking Required: N/A Parking Provided: N/A

Setbacks: N - N/A E - N/A S - N/A W - N/A

## Description or Request:

Request by the City of Scottsdale, as the applicant, for a Text Amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including possible revisions to separation requirements and addition of protected uses.

## Planning, Neighborhood & Transportation Division

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

**Citizen Review Report**  
**8-TA-2010#3 (65-PA-2016)**  
Medical Marijuana Text Amendment

**Overview**

This Citizen Review Report has been prepared in association with the request by the City of Scottsdale, as applicant, for a text amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including possible revisions to separation requirements and addition of protected uses.

The text amendment was initiated by the City of Scottsdale City Council as the "Medical Marijuana Text Amendment" (65-PA-2016) at their May 18, 2016 meeting.

**Community Involvement**

Open Houses

The City of Scottsdale, as the applicant, placed a 1/8 page ad in the newspaper, and sent notice to the City of Scottsdale's interested parties list regarding the proposed text amendment and open house dates. The City held two (2) open house meetings, one June 14, 2016 and the second June 16, 2016. There were a total of two (2) attendees from both open house meetings. One attendee was a member of the development community and was in attendance for informational purposes. The second attendee was an attorney representing a client in the medical marijuana industry. This attendee submitted formal comments in support of the language to allow existing facilities to continue operation under the existing criteria.

City Website

Case information regarding the proposed Planned Shared Development (PSD) text amendment has been posted on the case information sheet on the City website since May 18, 2016. The case information sheet includes information regarding the request, any submitted documents, notable dates, and contact information for the Staff Coordinator. The case information sheet was updated with new information as the proposal progressed.

**Attachments**

Case Information Sheet  
Open House notice (1/8<sup>th</sup> page ad)  
Open House sign-in sheets  
Interested parties mailing list  
Planning Commission notice (1/8<sup>th</sup> page ad)






## CASE INFO SHEET

ACTIVE

8-TA-2010#3

### MEDICAL MARIJUANA TEXT AMENDMENT

Active & Proposed Projects: The complete file is available to view at the Current Planning office located at 7447 E. Indian School Road, Scottsdale, AZ 85251.   
(<https://www.google.com/maps/place/7447+East+Indian+School+Road+Scottsdale+AZ+85251>)

#### Request

Request by the City of Scottsdale, as the applicant, for a Text Amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including possible revisions to separation requirements and addition of protected uses.

Applicant's Submittal (PDF, 625.8 KB)

([http://eservices.scottsdaleaz.gov/planning/projectsummary/applicant\\_submittals/ProjInfo\\_8\\_TA\\_2010\\_](http://eservices.scottsdaleaz.gov/planning/projectsummary/applicant_submittals/ProjInfo_8_TA_2010_))

#### Location

City-Wide 

Show on City Map (<http://eservices.scottsdaleaz.gov/maps/cases>)

#### Public Hearing Information

Open House

6/14/2016

Open House

6/16/2016

Planning Commission

7/27/2016

Dates given for public hearings are tentative and subject to change.

Please call 480-312-7000 (tel:480-312-7000) the day before the scheduled hearing to confirm the date and time.

If you wish to speak, please arrive early to fill out a comment card.

**Applicant**

CITY OF SCOTTSDALE

Bryan Cluff

480-312-2258 (tel:480-312-2258)

**Coordinator**

Bryan Cluff

480-312-2258 (tel:480-312-2258)

Contact Staff Coordinator (/bldgresources/Contact/?id=46218&mode=coordinator)

**Contact Information**

The preceding data provides general information only.

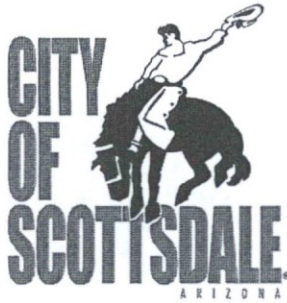
The complete file is available to view at the Current Planning office located at 7447 E. Indian School Road, Scottsdale, AZ 85251. 

(<https://www.google.com/maps/place/7447+East+Indian+School+Road+Scottsdale+AZ+85251>)

For additional information about this application, please contact Current Planning at 480-312-3111 (tel:480-312-3111) or click the link below to send an email.

Please mention the specific case number when calling or e-mailing.

Contact Current Planning (/bldgresources/Contact/?id=46218&mode=planning)



Seeking Community Input

SEEKING COMMUNITY INPUT ON PROPOSED REVISIONS TO THE CITY OF  
SCOTTSDALE ZONING ORDINANCE FOR  
**Medical Marijuana Text Amendment (8-TA-2010#3 / 65-PA-2016)**

The City of Scottsdale is preparing a Zoning Ordinance text amendment that will amend the Conditional Use Permit criteria for Medical marijuana caregiver cultivation and Medical marijuana uses.

The proposal may amend portions of Article I "Administration and Procedures" related to the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, increasing the required distance of separation from residential districts and schools from 500 feet to 2,640 feet, increasing the required distance of separation from other Medical marijuana uses from 1,320 feet to 2,640 feet, adding Church, Day care, and Public park as protected uses with a required separation distance of 2,640 feet, and adding grandfather provision for existing Medical marijuana uses. The proposal may include revisions to definitions, district regulations, general provisions, parking, and landscaping.

As part of a broad city-wide outreach on this proposal, the community is invited for review and comment.

Please attend one of two Open Houses regarding the proposed text amendment.

**Tuesday, June 14, 2016, 5:00-6:00 p.m.**  
**Scottsdale Airport Terminal Lobby**  
**15000 North Airport Drive**  
**Scottsdale, AZ**

or

**Thursday, June 16, 2016, 5:00-6:00 p.m.**  
**One Civic Center**  
**7447 E. Indian School Road**  
**Scottsdale, AZ**

**City Staff Contact:** Bryan Cluff, Senior Planner  
bcluff@scottsdaleaz.gov  
480-312-2258

Additional project information is available on the internet at:  
<http://eservices.scottsdaleaz.gov/bldgresources/Cases>



## OPEN HOUSE INVITATION



### 8-TA-2010#3 Medical Marijuana

The City is preparing a Zoning Ordinance amendment, changing the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, by increasing the required distance of separation from residential districts and schools from 500 feet to 2,640 feet, increasing the required distance of separation from other Medical marijuana uses from 1,320 feet to 2,640 feet, adding Church, Day care, and Public park as protected uses with a required separation distance of 2,640 feet, and adding grandfather provisions for existing Medical marijuana uses. The proposal may also include revisions to definitions, district regulations, general provisions, parking, and landscaping.

For more information, call **480-312-7000** or e-mail **ProjectInput@ScottsdaleAZ.gov**.

**You are invited.** Two open house meetings will be hosted by the City for the purpose of gathering community input on this proposal.

**Tuesday, June 14, 5:00 to 6:00 p.m.**  
**Scottsdale Airport Terminal Lobby**  
**15000 North Airport Drive**

or

**Thursday, June 16, 5:00 to 6:00 p.m.**  
**One Civic Center**  
**7447 E. Indian School Road**  
**Community Development Conf. Rm. 1, 2, 3**

Staff representatives will be available to provide information and respond to questions.

**Staff Contact:**

Bryan Cluff, Senior Planner  
bcluff@ScottsdaleAZ.gov  
480-312-2258





**Medical Marijuana 8-TA-2010#3**  
**June 14, 2016**  
**Sign-In Sheet**

**Open House**



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_





**Medical Marijuana 8-TA-2010#3**  
**June 16, 2016**  
**Sign-In Sheet**

**Open House**



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Mike Bergfeld Phone: 480-239-5170  
Address: 4602 N. 75th Way  
E-mail: mbergfeld@yahoo.com  
Affiliation: Citizen

Name: Jen Hall/Rose Law Group Phone: (480) 595 3900  
Address: 7144 E. Stetson Dr. #300  
E-mail: jhall@roslawgroup.com  
Affiliation: Monarch

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
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E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_

Owner	Company	Address	City	State	Zip
Kurt Merschman		6750 E Camelback Rd, Ste 100	Scottsdale	AZ	85251
AZ Natural Selections		7320 E. Butherus Dr., Suite 100	Scottsdale	AZ	85260
Green Sky Patient Center of Scottsdale North, Inc.		10115 E. Bell Rd., Suite 107-204	Scottsdale	AZ	85260
Sky Peak, LLC		14901 N. Scottsdale Rd. #201	Scottsdale	AZ	85254
Premier Arizona Rentals, LLC		6131 Halburg Way	Vernon	CA	90058
The Scottsdale Dispensary		14980 N. 78th Way Suite 204 & 207	Scottsdale	AZ	85260
CLG Investments, LLC		30600 n. Pima Rd., Suite 75	Scottsdale	AZ	85262
Harvest of Scottsdale		15190 N. Hayden Rd	Scottsdale	AZ	85260
Pure Bliss Premium Medibles, LLC		7655 E. Evans Rd., Suite 5	Scottsdale	AZ	85260
Hot Properties, LLC		8220 E. Bronco Trail	Scottsdale	AZ	85255
Hot Properties, LLC		P. O. Box 13931	Scottsdale	AZ	85267
Real Estate Holdings Group, LLC		5013 E. Washington St., Suite 100	Phoenix	AZ	85034
Dustin Johnson		8729 E. Manzanita Drive	Scottsdale	AZ	85258
Annette Petrillo		1169 E. Clovefield Street	Gilbert	AZ	85298
Audry Villaverde	Withey Morris, PLC	2525 E. Arizona Biltmore Circle; Suite A-212	Phoenix	AZ	85016
Chris Schaffner		7346 E. Sunnyside Dr.	Scottsdale	AZ	85260
Dan Sommer		12005 N 84th Street	Scottsdale	AZ	85260
David G. Gulino		7525 E. Camelback Road, Suite 104	Scottsdale	AZ	85251
Dr. Sonnie Kirtley	COGS	8507 East Highland Avenue	Scottsdale	AZ	85251-1822
Ed Toschik, President		7657 E Mariposa Grande Dr	Scottsdale	AZ	85255
Guy Phillips		7131 E. Cholla St.	Scottsdale	AZ	85254
Jim Funk	Gainey Ranch Community Association	7720 Gainey Ranch Road	Scottsdale	AZ	85258
Jim Haxby		7336 E. Sunnyside Dr.	Scottsdale	AZ	85260
John Berry/Michele Hammond	Berry Riddell, LLC	6750 E Camelback Rd, Ste 100	Scottsdale	AZ	85251
John Washington		3518 N Cambers Court	Scottsdale	AZ	85251
Leon Spiro		7814 E Oberlin Way	Scottsdale	AZ	85266
Linda Whitehead		9681 E Chuckwagon Lane	Scottsdale	AZ	85262
Lori Hays		P.O. Box 426	Cave Creek	AZ	85327
Maricopa County Superintendent of Schools		4041 N. Central Avenue Suite 1200	Phoenix	AZ	85012
Mike Leary	Michael P. Leary, LTD, Real Estate Development Co	10278 E. Hillery Dr.	Scottsdale	AZ	85255
Mike McNeal, Supervisor	AT&T	1231 W. University Drive	Mesa	AZ	85201
Planning & Engineering Section Manager	Arizona State Land Department	1616 W. Adams Street	Phoenix	AZ	85007
Project Management	Arizona Department of Transportation	205 S. 17th Avenue MD 6012E	Phoenix	AZ	85007
Randall P. Brown	Spring Creek Development	7134 E. Stetson Drive; Suite 400	Scottsdale	AZ	85251
Richard Turner, Planning and Zoning Admin	Town of Fountain Hills	16705 E. Avenue of the Fountains	Fountain Hills	AZ	85268
Sherry Wagner/Right-of-Way Technician, S	Mail Station PAB348	P.O. Box 52025	Phoenix	AZ	85072-2025
	Withey Morris, PLC	2525 E. Arizona Biltmore Circle; Suite A-212	Phoenix	AZ	85016
	Gammage & Burnham, PLC	2 N. Central Avenue, 15th Floor	Phoenix	AZ	85004
	Arizona Commerce Authority	333 N. Central Avenue, Suite 1900	Phoenix	AZ	85004
	Paradise Valley Unified School District	15002 N. 32nd Street	Phoenix	AZ	85032
	Granite Reef Neighborhood Resource Center	1700 N Granite Reef Road	Scottsdale	AZ	85257
	Southwest Gas Corporation	10851 N Black Canyon Hwy Ste 100	Phoenix	AZ	85029-4756
Edwin Bull	Burch & Cracchiolo PA	P.O. Box 16882	Phoenix	AZ	85011
Jim Lane, Mayor	City of Scottsdale	7666 E. El Rancho Drive	Scottsdale	AZ	85260
John Berry/Michele Hammond	Berry Riddell, LLC	6750 E Camelback Rd, Ste 100	Scottsdale	AZ	85251
Mike McNeal, Supervisor	AT&T	1231 W. University Drive	Mesa	AZ	85201
Steve Weiss		11146 E Beck Lane	Scottsdale	AZ	85259

Please publish the following as an 8<sup>th</sup> Page Ad:



**Project Name:** Medical Marijuana Text Amendment  
**Case Numbers:** 8-TA-2010#3  
**Location:** City-Wide  
**Purpose:** Request by the City of Scottsdale, as the applicant, for a Text Amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including revisions to separation requirements and possible addition of protected uses.

**Applicant/Staff contact:** Bryan Cluff, 480-312-2258  
Email – [bcluff@scottsdaleaz.gov](mailto:bcluff@scottsdaleaz.gov)

A copy of the proposed amendments is available for review in Suite 105, 7447 East Indian School Road, Scottsdale, Arizona.

For more information, call **480-312-7000** or enter case number at:  
<https://eservices.scottsdaleaz.gov/bldgresources/Cases>

---

NOTICE IS HEREBY GIVEN that the City Council of the City of Scottsdale, Arizona, will hear public comment regarding these cases at the hearing listed below:

**Hearing Date:** July 27, 2016 @ 5 P.M.  
**Location:** City Hall Kiva, 3939 N. Drinkwater Blvd

Attest  
Lorraine Castro  
Planning Specialist



Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting Lorraine Castro at 480-312-7620. Requests should be made as early as possible to allow time to arrange accommodation. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT Lorraine Castro at 480-312-7620.



## ADDITIONAL CRITERIA FOR MEDICAL MARIJUANA USE

### M. Medical marijuana use.

1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
2. The medical marijuana use is at least five hundred (500) feet from the following uses within the City limits:
  - a. Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., and
  - b. Any elementary or secondary school.
3. The medical marijuana use is at least one thousand three hundred twenty (1,320) feet from the following uses within the City limits:
  - a. Medical marijuana caregiver cultivation, or
  - b. Another medical marijuana use.However, no separation between these uses is required in the Industrial Park District I-1 where a medical marijuana caregiver cultivation use or a medical marijuana use hold a state issued caregiver registry identification card and/or a nonprofit medical marijuana dispensary registration certificate under the same name or organization.
4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
5. The property owner has provided a written exterior refuse control plan, subject to City approval.
6. The property owner has provided a written public safety plan, subject to City approval.
7. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than 7:00 p.m.
8. There is no drive-through service, take-out window, or drive-in service.

**ZONING ORDINANCE TEXT AMENDMENT**  
**8-TA-2010#3 Medical Marijuana Text Amendment**

Draft 7/8/16

**Staff Coordinator:**

**Bryan Cluff**

**Senior Planner**

**480-312-2258**

**[bcluff@scottsdaleaz.gov](mailto:bcluff@scottsdaleaz.gov)**

**How to read this document.**

Unless otherwise stated, provisions that are being deleted are shown with a strike-through, like this: ~~Provisions that are being deleted are shown with a strike through.~~

Provisions that are being added are shown as highlighted, like this: **Provisions that are being added are shown as highlighted.**

**ARTICLE I. ADMINISTRATION AND PROCEDURES**

**Sec. 1.400. Conditional Use Permits.**

**Sec. 1.403. Additional conditions for specific conditional uses.**

*L. Medical marijuana caregiver cultivation.*

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 caregiver cultivation use is at least ~~five hundred (500)~~ **one thousand five hundred (1,500)** feet from the following uses within the City limits:
  - a. Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., and
  - b. Any elementary or secondary school **or pre-school.**
  - c. **Any Church.**
  - d. **Any Day care.**
  - e. **Any Public park.**



3. The medical marijuana caregiver cultivation use is at least ~~one thousand three hundred twenty (1,320)~~ two thousand six hundred forty (2,640) feet from the following uses within the City limits:

- a. Another medical marijuana caregiver cultivation use, or
- b. Any medical marijuana use.

However, no separation between these uses is required in the Industrial Park I-1 where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued caregiver registry identification card and a nonprofit medical marijuana dispensary registration certificate, respectively, under the same name or organization.

4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
5. The property owner has provided a written exterior refuse control plan, subject to City approval.
6. The property owner has provided a written public safety plan, subject to City approval.

*M. Medical marijuana use.*

Active Medical marijuana uses legally established operating under a valid Conditional Use Permit before September 30, 2016, including extensions, renewals, and amendments to existing approvals, shall be subject to the following conditions:

1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
2. The medical marijuana use is at least five hundred (500) feet from the following uses within the City limits:
  - f. Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., and
  - g. Any elementary or secondary school or pre-school.
3. The medical marijuana caregiver cultivation use is at least one thousand three hundred twenty (1,320) feet from the following uses within the City limits:
  - a. Medical marijuana caregiver cultivation use, or
  - b. Another medical marijuana use.

However, no separation between these uses is required in the Industrial Park I-1 where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued

caregiver registry identification card and a nonprofit medical marijuana dispensary registration certificate, respectively, under the same name or organization.

4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
5. The property owner has provided a written exterior refuse control plan, subject to City approval.
6. The property owner has provided a written public safety plan, subject to City approval.
7. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than 7:00 p.m.
8. There is no drive-through service, take-out window, or drive-in service.

Medical marijuana uses seeking a Conditional Use Permit after September 30, 2016, shall be subject to the following conditions:

1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
2. The medical marijuana use is at least one thousand five hundred (1,500) feet from the following uses within the City limits:
  - a. Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
  - b. Any elementary or secondary school or pre-school.
  - c. Any Church.
  - d. Any Day care.
  - e. Any Public park.
3. The medical marijuana caregiver cultivation use is at least two thousand six hundred forty (2,640) feet from the following uses within the City limits:
  - c. Medical marijuana caregiver cultivation use, or
  - d. Another medical marijuana use.

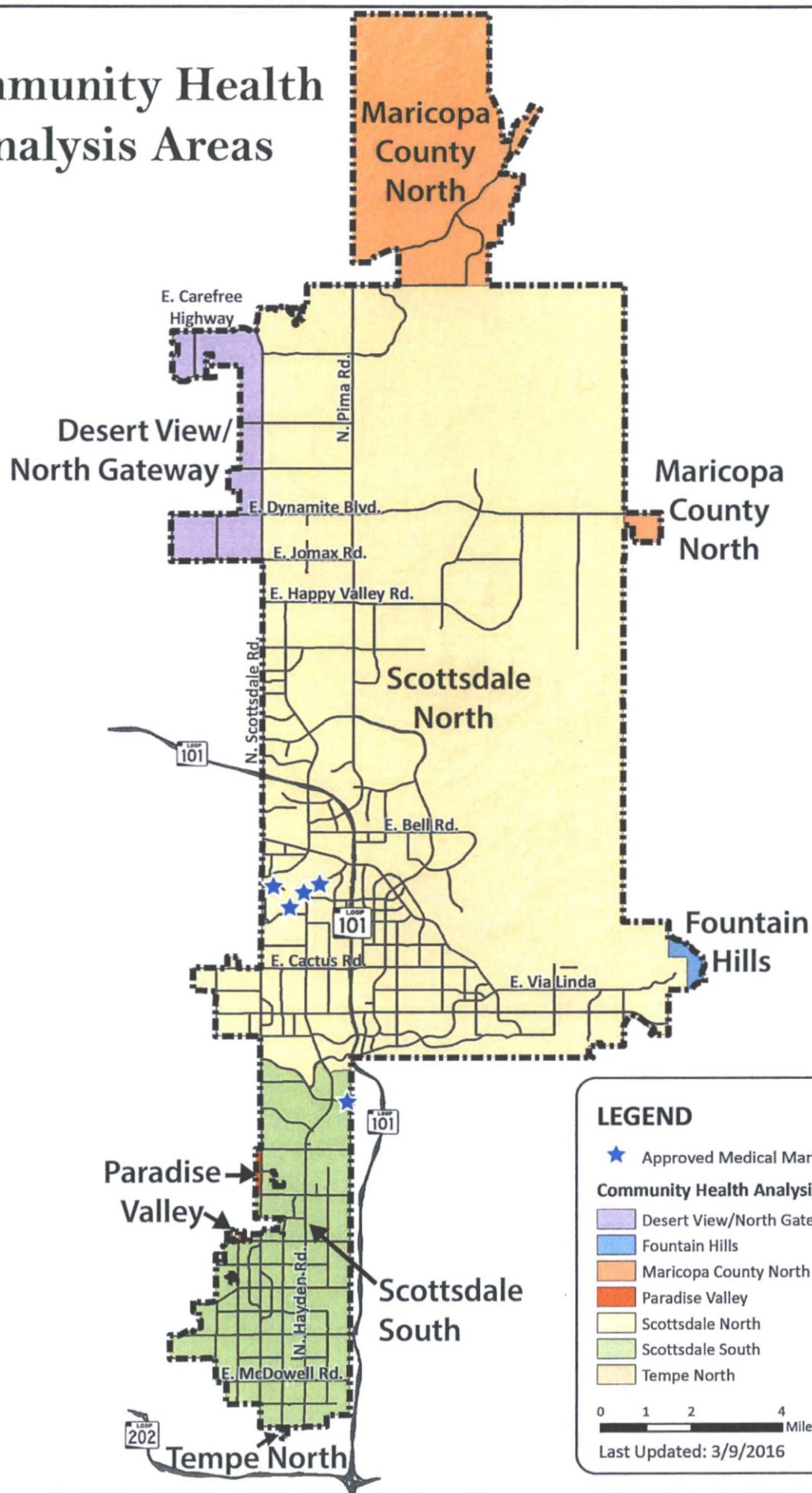
However, no separation between these uses is required in the Industrial Park I-1 where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued caregiver registry identification card and a nonprofit medical marijuana dispensary registration certificate, respectively, under the same name or organization.



4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
5. The property owner has provided a written exterior refuse control plan, subject to City approval.
6. The property owner has provided a written public safety plan, subject to City approval.
7. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than 7:00 p.m.
8. There is no drive-through service, take-out window, or drive-in service.

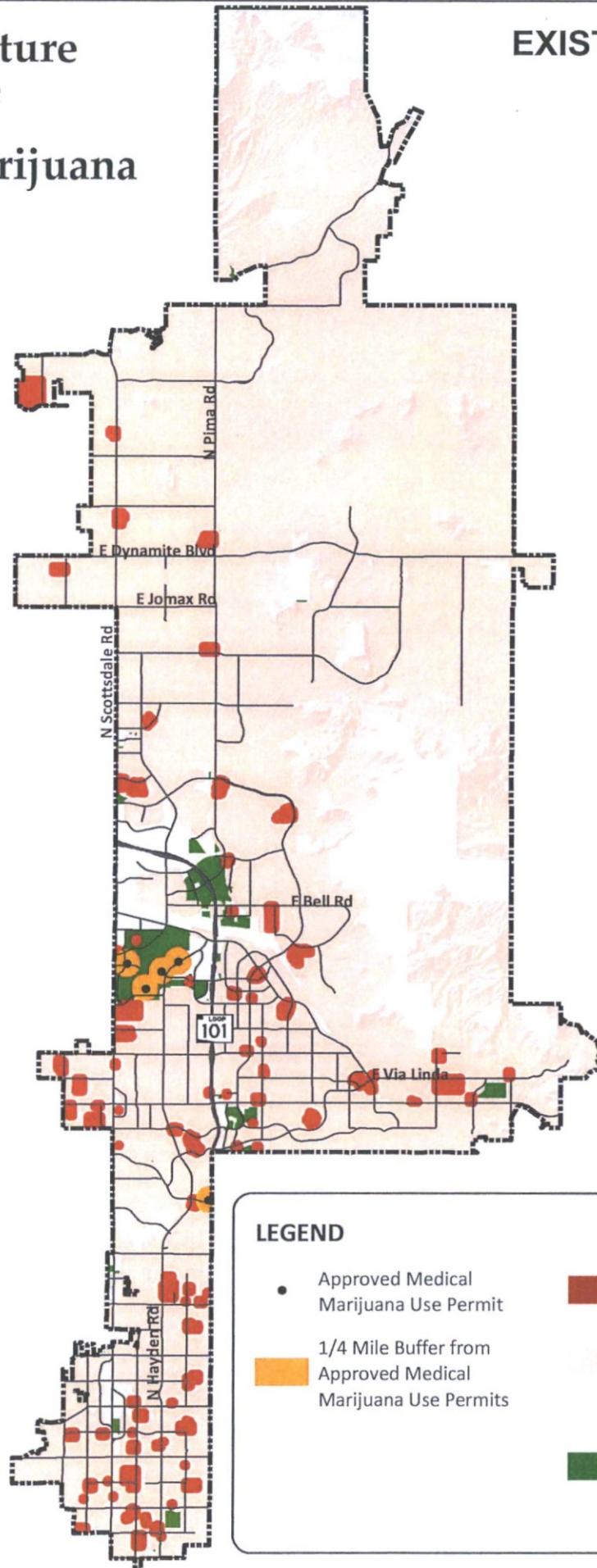


# Community Health Analysis Areas



# Potential Future Locations of Medical Marijuana Uses

## EXISTING CONDITIONS



### LEGEND

• Approved Medical Marijuana Use Permit

1/4 Mile Buffer from Approved Medical Marijuana Use Permits

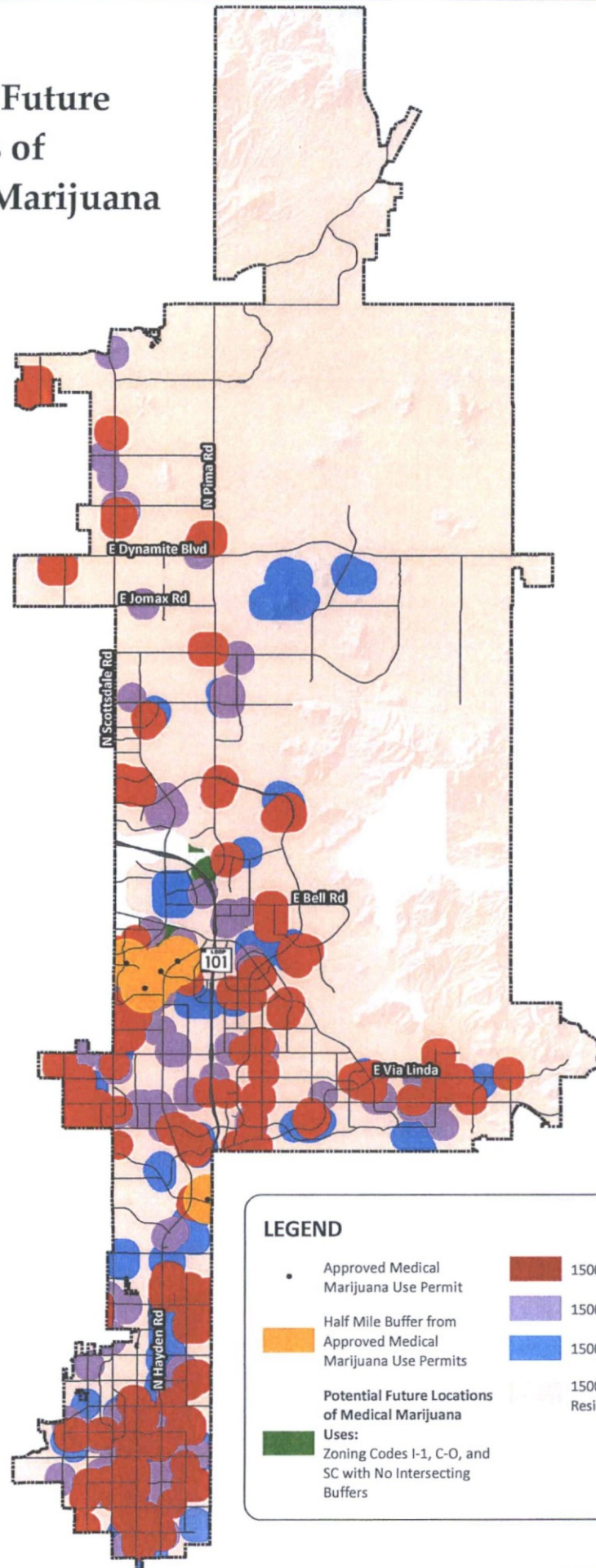
500' Buffer from Existing Schools

500' Buffer from Residential Areas

**Potential Future Locations of Medical Marijuana Uses:**  
Zoning Codes I-1, C-O, and SC with No Intersecting Buffers



# Proposed Potential Future Locations of Medical Marijuana Uses



## LEGEND

- Approved Medical Marijuana Use Permit
- Half Mile Buffer from Approved Medical Marijuana Use Permits
- Potential Future Locations of Medical Marijuana Uses:  
Zoning Codes I-1, C-O, and SC with No Intersecting Buffers
- 1500' Buffer from Schools
- 1500' Buffer from Churches
- 1500' Buffer from Parks
- 1500' Buffer from Residential



## Cluff, Bryan

---

**From:** Jennifer Hall <jhall@roselawgroup.com>  
**Sent:** Friday, June 17, 2016 12:48 PM  
**To:** Cluff, Bryan  
**Cc:** Jennifer Hall  
**Subject:** FW: 485-PA-16 Expansion Legal issue

Hey Bryan – please discard my comment card as my choice of wording does not accurately reflect our position. Please replace with the following:

We are in favor of staff's proposed text amendment language that allows existing MMJ facilities to continue to operate (and potentially expand) under the old zoning conditions.

Thanks!

**Jennifer Hall**  
**Senior Project Manager**



7144 E Stetson Drive, Suite 300  
Scottsdale, Arizona 85251  
Direct: 480.505.3938  
Cell: 602.369.0810

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[roselawgroupreporter.com](http://roselawgroupreporter.com)  
[social.roselawgroup.com](http://social.roselawgroup.com)

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Think green, please don't print unnecessarily

**From:** Bloemberg, Greg [<mailto:Gbloemberg@scottsdaleaz.gov>]  
**Sent:** Friday, June 17, 2016 11:14 AM  
**To:** Jennifer Hall <jhall@roselawgroup.com>  
**Cc:** Ryan Hurley <RHurley@roselawgroup.com>; Cluff, Bryan <BCluff@Scottsdaleaz.gov>; Padilla, Joe <JPadilla@Scottsdaleaz.gov>  
**Subject:** RE: 485-PA-16 Expansion Legal issue

Jennifer,

The proposed text is structured to include language that protects existing facilities. It does not "grandfather" the existing facilities; it allows them to continue operating under the existing conditions. That's significant because if they are just "grandfathered" as non-conforming uses, they will not be able to expand (Sec. 1.1304 of the Zoning Ordinance). Under the existing conditions, there is a 500-foot separation required from residential and schools. If your applicant can meet those buffers, as well as all the other current conditions and zoning requirements, than expansion will be possible; but of course all of this is subject to City Council approval.

Greg Bloomberg

Senior Planner

Current Planning

City of Scottsdale

e-mail: [gbloomberg@scottsdaleaz.gov](mailto:gbloomberg@scottsdaleaz.gov)

phone: 480-312-4306

---

**From:** Jennifer Hall [<mailto:jhall@roselawgroup.com>]

**Sent:** Friday, June 17, 2016 10:50 AM

**To:** Bloomberg, Greg

**Cc:** Ryan Hurley; Jennifer Hall

**Subject:** 485-PA-16 Expansion Legal issue

Hi Greg – I was trying to explain to Ryan what we talked about yesterday in relation to the expansion legal issue. My understanding is that city's Legal Dept is trying to determine if an existing dispensary (grandfathered in) has the ability to expand after the TA is approved. Please confirm and thanks!

**Jennifer Hall**

**Senior Project Manager**

**ROSE**  
**LAW GROUP<sup>pc</sup>**  
RICH ■ HURLEY ■ CARTER

7144 E Stetson Drive, Suite 300

Scottsdale, Arizona 85251

Direct: 480.505.3938

Cell: 602.369.0810

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# CITY COUNCIL REPORT



Meeting Date: March 29, 2016  
General Plan Element: *Land Use*  
General Plan Goal: *Create a sense of community through land uses*

## **ACTION**

### **Medical Marijuana Text Amendment Initiation 65-PA-2016**

#### **Request to consider the following:**

1. Discussion and possible initiation of a Zoning Ordinance text amendment regarding the Conditional Use Permit criteria for Medical Marijuana uses, including but not limited to separation requirements and location criteria.

#### *Related Policies, References:*

- Zoning Ordinance
- 8-TA-2010: Approved a zoning ordinance text amendment for the purpose of creating ordinance regulations resulting from and related to the legalization of the medical use of marijuana (Arizona Proposition 203).
- 8-TA-2010#2: Approved a zoning ordinance text amendment updating regulations related to medical marijuana uses, which clarified separation requirements from multi-family residential uses, clarified the intent of school protections, and combined dispensary uses in to one medical marijuana use.
- Arizona Revised Statutes, Title 36, Chapter 28.1
- Arizona Department of Health Services, Title 9, Chapter 17

## **APPLICANT CONTACT**

Bryan Cluff, Senior Planner  
City of Scottsdale  
480-312-2258

## **LOCATION**

City-wide



## BACKGROUND

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### State Regulations

In 2012, the Arizona Department of Health Services (ADHS) based locations of Medical Marijuana facilities on established Community Health Analysis Areas, or "CHAAs". 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. Originally, the ADHS limited the number of Medical Marijuana licenses to one (1) per CHAA. However, once a licensed facility in good standing has been in operation for three (3) or more years, State rules allow the owner of the facility to relocate their license within the state based on market demand.

Although ADHS is not issuing any new licenses for Medical Marijuana facilities, there are currently no State regulations in place to limit the relocation of existing licensed facilities.

#### *Possible Legislation:*

*There are a number of ballot initiatives obtaining signatures that are proposing legalization of recreational marijuana use within the State of Arizona. If these initiatives obtain the required amount of signatures, they may appear on the 2016 State-wide election ballot.*

### City Regulations

The City allows Medical Marijuana Uses, including dispensaries, in only a few zoning districts (Industrial Park (I-1), Commercial Office (C-O), and Special Campus (SC)). In each of these zoning districts, a Conditional Use Permit is required for Medical Marijuana Uses to demonstrate compliance with specific criteria, including separation and compatibility requirements. The current limited zoning district locations, separation requirements, and market forces will influence the eventual number of Medical Marijuana facilities. See Attachment #3 for a map showing possible locations of future Medical Marijuana facilities within the City of Scottsdale.

#### *Existing Conditional Use Permit Criteria:*

1. *All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.*
2. *The medical marijuana use is at least five hundred (500) feet from the following uses within the City limits:*
  - a. *Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., and*
  - b. *Any elementary or secondary school.*
3. *The medical marijuana use is at least one thousand three hundred twenty (1,320) feet from the following uses within the City limits:*
  - a. *Medical marijuana caregiver cultivation, or*
  - b. *Another medical marijuana use.*



*However, no separation between these uses is required in the Industrial Park District I-1 where a medical marijuana caregiver cultivation use or a medical marijuana use hold a state issued caregiver registry identification card and/or a nonprofit medical marijuana dispensary registration certificate under the same name or organization.*

- 4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.*
- 5. The property owner has provided a written exterior refuse control plan, subject to City approval.*
- 6. The property owner has provided a written public safety plan, subject to City approval.*
- 7. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than 7:00 p.m.*
- 8. There is no drive-through service, take-out window, or drive-in service.*

## **DISCUSSION**

---

When the Zoning Ordinance was revised in 2011 and updated in 2012, introducing the provisions and requirements for Medical Marijuana Uses in the City of Scottsdale it was anticipated, based on the State licensing requirements, that there would only be one (1) or two (2) Medical Marijuana Uses within the boundaries of the City. The current State requirements are allowing licensed facilities in good standing that have been in operation for three (3) or more years, to relocate their license anywhere within the State of Arizona. We are now seeing that some of these licensed facilities are interested in moving in to the Scottsdale market, and subsequently an increase in the number of Medical Marijuana Conditional Use Permit applications.

On July 1, 2015, the City Council approved a Conditional Use Permit for a Medical Marijuana Use in the airport area. Then on January 11, 2016 another two (2) Conditional Use Permit applications for Medical Marijuana Uses were reviewed and approved by the City Council, bringing the total number of approved Medical Marijuana Uses in the City to five (5). Four (4) of these are in the airport area. The two (2) Medical Marijuana Uses closest to each other are in the airport area, separated by approximately 1,800 feet as measured from property line to property line. The separation between these two locations is 480 feet more than the current separation requirement of 1,320 feet, per the existing Medical Marijuana Use Permit Criteria. There are currently no active pending medical marijuana applications.

At the January 11, 2016 hearing, multiple Councilmembers gave direction for staff to schedule a City Council agenda item for discussion of the Conditional Use Permit criteria for Medical Marijuana Uses, more specifically, amending the criteria and/or other provisions within the Zoning Ordinance to further restrict the location and separation requirements for these uses, with the intent of reducing the number of potential locations within the City of Scottsdale.



Based on the direction from City Council, staff has prepared this discussion item and submits the following options:

- The Council may consider initiation of a text amendment to the Zoning Ordinance that will increase the distance of separation required between Medical Marijuana Uses. By way of increasing the minimum distance between locations, the potential number of Medical Marijuana Uses within the City would be reduced. As previously stated, the current separation requirement is 1,320 feet, and the two (2) closest existing locations are separated by approximately 1,800 feet. Given the proximity of the existing locations, if the criteria are amended to require a separation greater than 1,800 feet, the two (2) locations mentioned above would become legally non-conforming.
- The Council may consider initiation of a text amendment to the Zoning Ordinance that would further limit the zoning districts that allow medical marijuana uses. Currently, the City allows Medical Marijuana Uses, including dispensaries, in three (3) zoning district's (Industrial Park (I-1), Commercial Office (C-O), and Special Campus (SC)). In each of these zoning districts, a Conditional Use Permit is required for Medical Marijuana Uses to demonstrate compliance with specific criteria, including separation and compatibility requirements. Removing the Medical Marijuana Use provisions from one or more of the districts that currently allow the use will reduce the potential number of Medical Marijuana Uses within the City.

For reference, please see Attachment #4, which illustrates the existing potential Medical Marijuana Use locations by zoning district. As, shown in green on the map, the vast majority of potential locations is within the Industrial Park (I-1) district. Four (4) out of the five (5) existing locations are in the I-1 zoning district, with the fifth in the Commercial Office (C-O) district. Although this method may achieve the intent of reducing possible locations, there may be unintended legal consequences related to diminished property values due to removal of land use rights, and creation of non-conforming conditions for existing Medical Marijuana Uses.

- The Council may direct staff to conduct further analysis on regulatory options for Medical Marijuana Uses within the City of Scottsdale.
- The Council may choose to not take action at this time pending possible future legislation that may impact Medical Marijuana Use regulations.

## **OPTIONS**

---

1. Initiate a text amendment to amend the Conditional Use Permit Criteria and/or other Zoning Ordinance provisions pertaining to Medical Marijuana Uses, based on the given direction.
2. Take no action at this time.

## **RESPONSIBLE DEPARTMENT(S)**

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*Planning, Neighborhood and Transportation*  
Current Planning Services



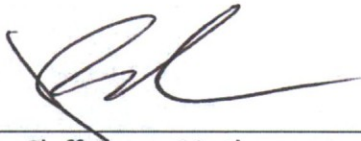
## STAFF CONTACTS (S)

---

Bryan Cluff  
Senior Planner  
480-312-2258  
E-mail: [bcluff@ScottsdaleAZ.gov](mailto:bcluff@ScottsdaleAZ.gov)

## APPROVED BY

---



Bryan Cluff, Report Author

3/15/16  
Date



Tim Curtis, AICP, Current Planning Director  
480-312-4210, [tcurtis@scottsdaleaz.gov](mailto:tcurtis@scottsdaleaz.gov)

3/14/2016  
Date



Randy Grant, Administrator  
Planning and Development Services  
480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

3/11/16  
Date

## ATTACHMENTS

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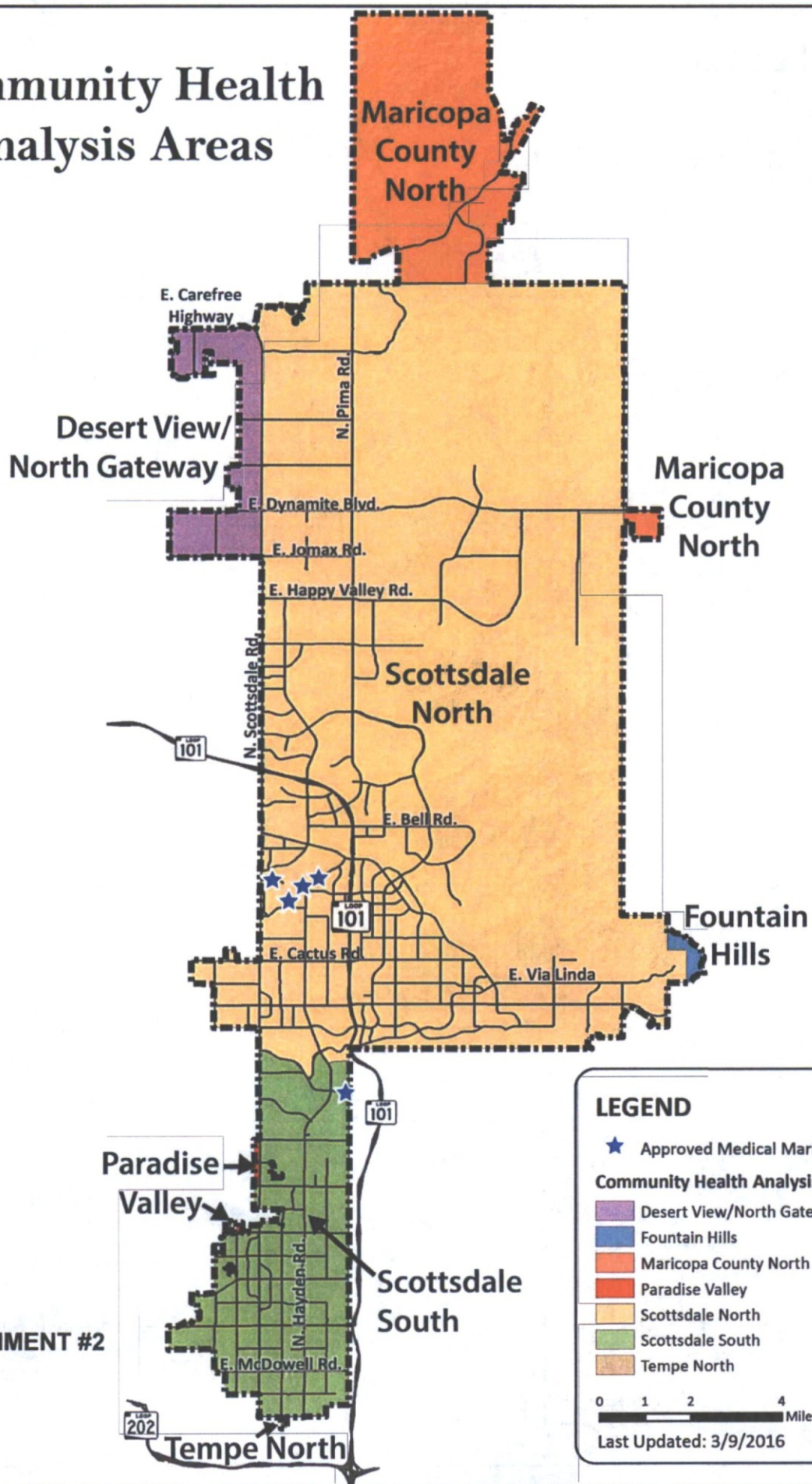
1. Existing Conditional Use Permit Criteria for Medical Marijuana Uses
2. Community Health Analysis Areas (CHAA's) Map
3. Potential Medical Marijuana Use Locations Map
4. Potential Medical Marijuana Use Locations Map (by zoning district)

## **ADDITIONAL CRITERIA FOR MEDICAL MARIJUANA USE**

### **M. Medical marijuana use.**

1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
2. The medical marijuana use is at least five hundred (500) feet from the following uses within the City limits:
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  - b. Another medical marijuana use.However, no separation between these uses is required in the Industrial Park District I-1 where a medical marijuana caregiver cultivation use or a medical marijuana use hold a state issued caregiver registry identification card and/or a nonprofit medical marijuana dispensary registration certificate under the same name or organization.
4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
5. The property owner has provided a written exterior refuse control plan, subject to City approval.
6. The property owner has provided a written public safety plan, subject to City approval.
7. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than 7:00 p.m.
8. There is no drive-through service, take-out window, or drive-in service.

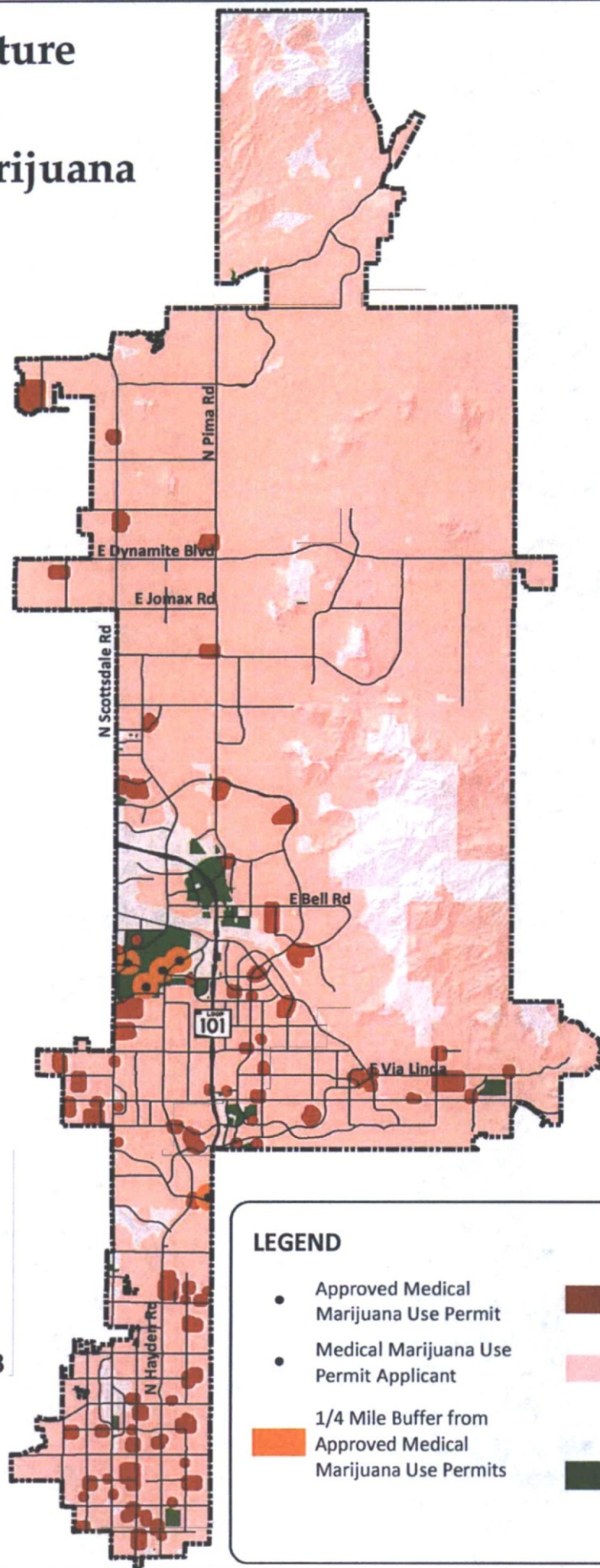
# Community Health Analysis Areas



ATTACHMENT #2



# Potential Future Locations of Medical Marijuana Uses



ATTACHMENT #3

## LEGEND

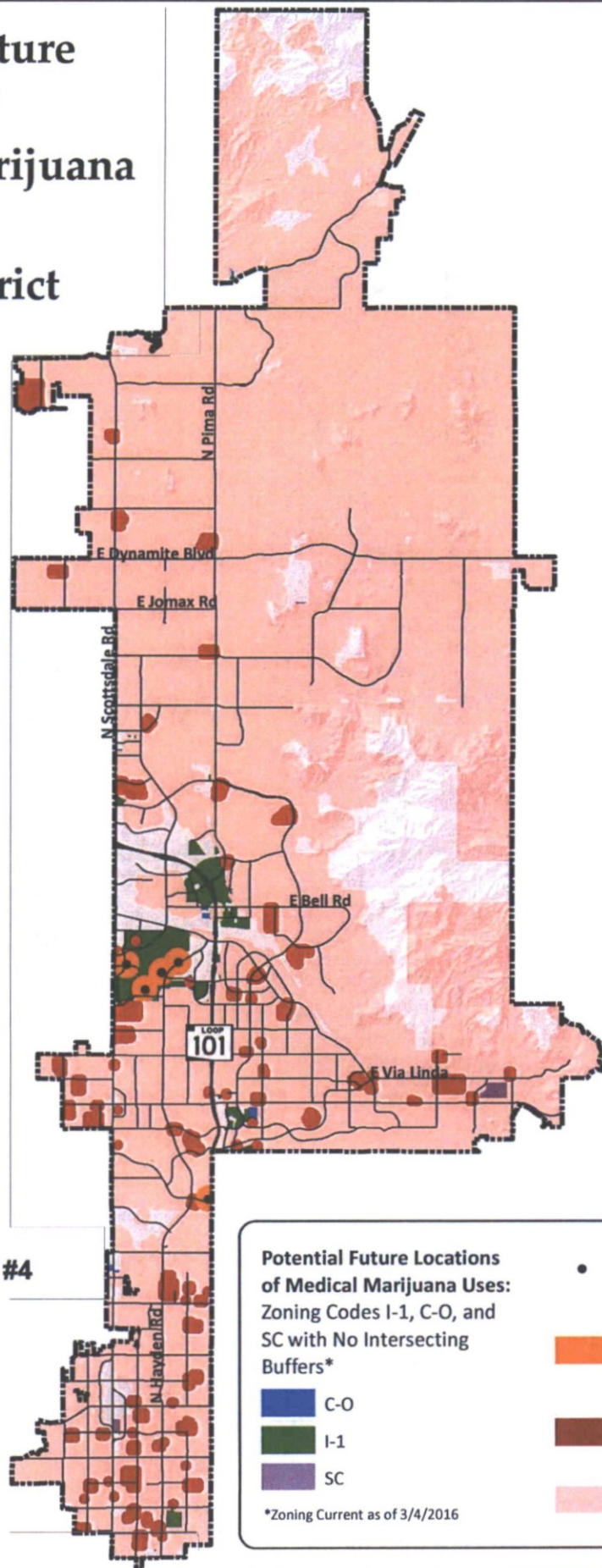
- Approved Medical Marijuana Use Permit
- Medical Marijuana Use Permit Applicant
- 1/4 Mile Buffer from Approved Medical Marijuana Use Permits

500' Buffer from Existing Schools

500' Buffer from Residential Areas

**Potential Future Locations of Medical Marijuana Uses:**  
Zoning Codes I-1, C-O, and SC with No Intersecting Buffers

# Potential Future Locations of Medical Marijuana Uses by Zoning District



## ATTACHMENT #4



Notice: This document is provided for general information purposes only. The City of Scottsdale does not warrant its accuracy, completeness, or suitability for any particular purpose. It should not be relied upon without field verification.

**Potential Future Locations of Medical Marijuana Uses:**  
Zoning Codes I-1, C-O, and SC with No Intersecting Buffers\*

- C-O
- I-1
- SC

\*Zoning Current as of 3/4/2016

- Approved Medical Marijuana Use Permit
- 1/4 Mile Buffer from Approved Medical Marijuana Use Permits
- 500' Buffer from Existing Schools
- 500' Buffer from Residential Areas

# **Medical Marijuana Text Amendment Initiation**

**65-PA-2016**

City Council

March 29, 2016

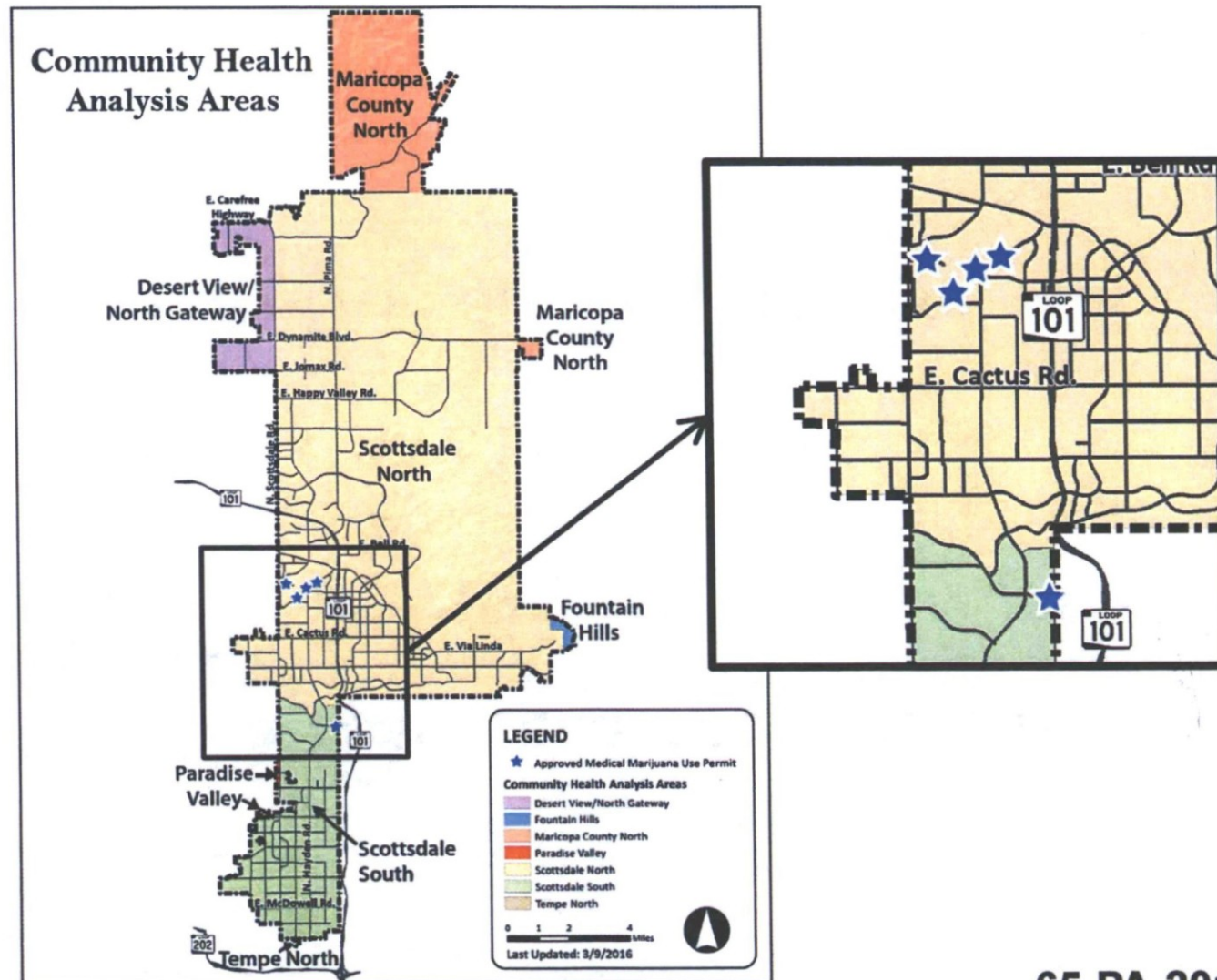
Coordinator: Bryan Cluff



## **Medical Marijuana Text Amendment**

- In 2012 ADHS based locations on CHAA's (1 per CHAA).
- There are 7 CHAA's in Scottsdale, although 2 cover most of the city.
- After 3 years ADHS allows a facility to relocate.

# Medical Marijuana Text Amendment



CHAA MAP

65-PA-2016

# **Medical Marijuana Text Amendment**

## **Existing Conditional Use Permit Criteria**

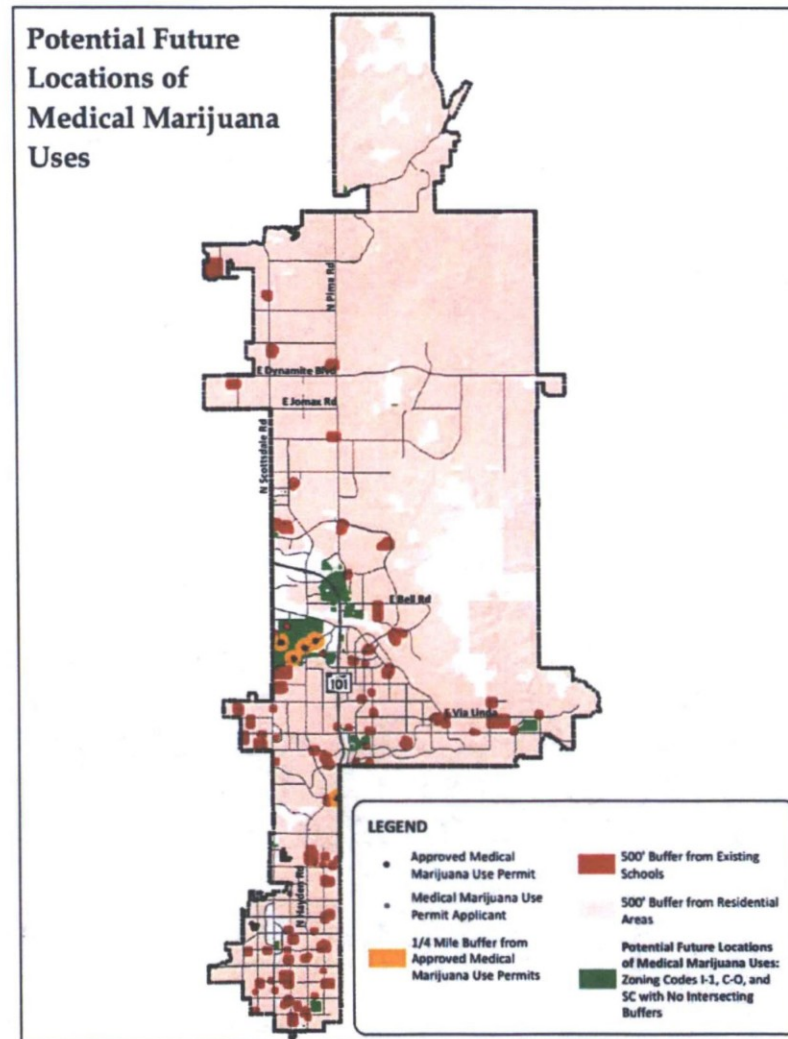
- Operations within enclosed building.
- At least 500 feet from:
  - Residential District
  - Elementary or Secondary School
- At least 1,320 feet from:
  - MMJ Caregiver Cultivation
  - Another MMJ Use
- Approval of Public Safety Plan
- Limited Hours of Operation - 6:00 am to 7:00pm
- No Drive-through, Take-out Window, or Drive-in Service

**BACKGROUND**

**65-PA-2016**



# Medical Marijuana Text Amendment



POTENTIAL LOCATIONS MAP

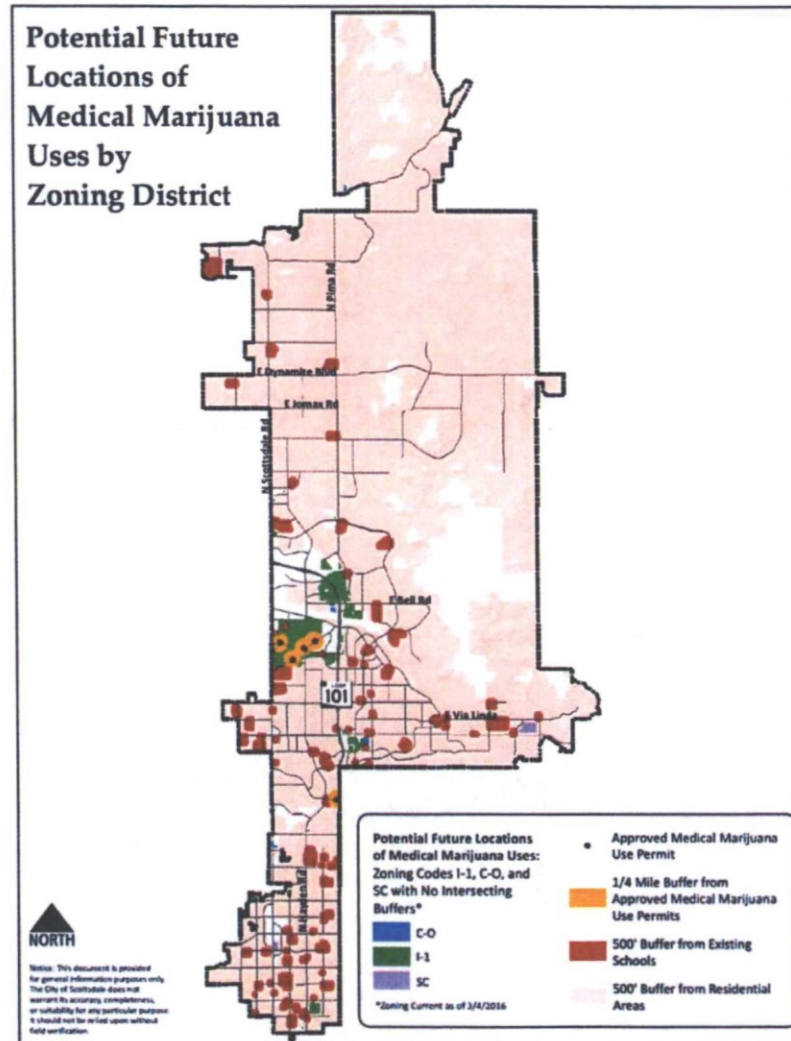
65-PA-2016

## **Medical Marijuana Text Amendment**

1. Increase distance between MMJ uses.
2. Further limit the zoning districts that allow MMJ uses.
3. Further analysis of regulatory options.
4. No action.



# Medical Marijuana Text Amendment



**POTENTIAL LOCATIONS BY ZONING DISTRICT**

**65-PA-2016**

## **Medical Marijuana Text Amendment**

1. Initiate a text amendment to amend the Conditional Use Permit Criteria and/or other Zoning Ordinance provisions pertaining to Medical Marijuana Uses, based on the given direction.
2. Take no action at this time.

# CITY COUNCIL REPORT

PHILLIPS - D

SMITH - C

LITTLE - CHAIR - D

GRANDFATHER



Meeting Date: May 17, 2016  
General Plan Element: Land Use  
General Plan Goal: Create a sense of community through land uses

## ACTION

### Medical Marijuana Text Amendment Initiation 65-PA-2016

#### Request to consider the following:

1. Discussion and possible initiation of a Zoning Ordinance text amendment regarding the Conditional Use Permit criteria for Medical Marijuana uses, including but not limited to separation requirements and location criteria.

#### Related Policies, References:

- Zoning Ordinance
- 8-TA-2010: Approved a zoning ordinance text amendment for the purpose of creating ordinance regulations resulting from and related to the legalization of the medical use of marijuana (Arizona Proposition 203).
- 8-TA-2010#2: Approved a zoning ordinance text amendment updating regulations related to medical marijuana uses, which clarified separation requirements from multi-family residential uses, clarified the intent of school protections, and combined dispensary uses in to one medical marijuana use.
- Arizona Revised Statutes, Title 36, Chapter 28.1
- Arizona Department of Health Services, Title 9, Chapter 17

## APPLICANT CONTACT

Bryan Cluff, Senior Planner  
City of Scottsdale  
480-312-2258

## LOCATION

City-wide



## BACKGROUND

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### State Regulations

In 2012, the Arizona Department of Health Services (ADHS) based locations of Medical Marijuana facilities on established Community Health Analysis Areas, or "CHAAs". 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. Please see Attachment #2 for a map of the CHAA areas in the City of Scottsdale. Originally, ADHS limited the number of Medical Marijuana licenses to one (1) per CHAA. However, once a licensed facility in good standing has been in operation for three (3) or more years, State rules allow the owner of the facility to relocate their license within the state based on market demand. To date, a total of nine (9) dispensaries throughout the state have relocated out of their original designated CHAA and in to another CHAA after having been in operation for 3 or more years. Three (3) of these dispensaries relocated to the City Scottsdale, and the other six (6) relocated to the City of Phoenix.

Each calendar year, ADHS reviews the current valid dispensary registration certificates to determine if any new certificates may be issued. The total number of certificates within the State may not exceed one (1) license for every ten (10) registered pharmacies. Currently, ADHS has issued 99 certificates within the State, 93 of which are active. According to ADHS, there will be additional certificates issued this year; however the exact number is unknown at this time.

#### *Possible Legislation:*

*There are two (2) ballot initiatives related to the legalization of recreational marijuana use within the State of Arizona. One of the initiatives appears to have obtained the necessary number of signatures and will likely appear on the ballot in November 2016. The second is still in the process of obtaining signatures. The deadline for signatures is July 7, 2016.*

*The two (2) initiatives mentioned above are very similar to one another, and approval of either initiative will have substantial impacts on how medical marijuana uses are handled within the State of Arizona. The language included in the proposed legislation is set up to allow for existing medical marijuana facilities to transition in to recreational facilities. These facilities will no longer need to comply with the ADHS Rules and Regulations for the Medical Marijuana Program and will rather be under the authority of a new State board similar to the Liquor Board. The initiative also allows for recreational marijuana sales, cultivation, and infusion licenses to be granted to new applicants, after existing medical marijuana facilities have had the opportunity to transition.*

*Both initiatives provide local governments with the authority to regulate and limit marijuana businesses. If either initiative passes, an additional text amendment may be required to modify zoning requirements accordingly.*

### City Regulations

The City allows Medical Marijuana Uses, including dispensaries, in only a few zoning districts (Industrial Park (I-1), Commercial Office (C-O), and Special Campus (SC)). With the adoption of

the City's existing regulations on Medical Marijuana Uses in 2011, these districts were chosen based on their predisposition to cater toward office and medical office type uses. Medical Marijuana dispensaries essentially function in the same way a medical office and/or pharmacy would function. In each of these zoning districts, a Conditional Use Permit is required to demonstrate compliance with specific criteria, including separation and compatibility requirements. The current limited zoning district locations, separation requirements, and market forces will influence the eventual number of Medical Marijuana facilities. See Attachment #4 for a map showing possible locations of future Medical Marijuana facilities within the City of Scottsdale. If future Medical Marijuana facilities were to locate in the most efficient way possible, staff estimates that up to 35 additional locations may meet the separation requirements of the current regulations. However, 35 may be an unrealistically high number.

*Existing Conditional Use Permit Criteria:*

1. *All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.*
2. *The medical marijuana use is at least five hundred (500) feet from the following uses within the City limits:*
  - a. *Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., and*
  - b. *Any elementary or secondary school.*
3. *The medical marijuana use is at least one thousand three hundred twenty (1,320) feet from the following uses within the City limits:*
  - a. *Medical marijuana caregiver cultivation, or*
  - b. *Another medical marijuana use.*

*However, no separation between these uses is required in the Industrial Park District I-1 where a medical marijuana caregiver cultivation use or a medical marijuana use hold a state issued caregiver registry identification card and/or a nonprofit medical marijuana dispensary registration certificate under the same name or organization.*

4. *All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.*
5. *The property owner has provided a written exterior refuse control plan, subject to City approval.*
6. *The property owner has provided a written public safety plan, subject to City approval.*



7. *The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than 7:00 p.m.*
8. *There is no drive-through service, take-out window, or drive-in service.*

### **Other Municipalities**

Other municipalities within the State of Arizona have enacted similar zoning regulations on Medical Marijuana Uses within their jurisdictions. Staff has researched the regulations of eight (8) of these valley cities and compiled the data in a spreadsheet included in this report as Attachment #3. Based on the analysis of regulations across the valley, on average, the City of Scottsdale appears to be less restrictive than most other surrounding jurisdictions. Specifically, the City of Scottsdale has the least number of protected uses (i.e. schools, churches, residential, etc.), and is on the low end of separation requirements between Medical Marijuana Uses, and distance away from protected uses. Several other valley cities are dealing with the same concerns with regard to the increase in number of inquiries for new facilities. Some key points of what these other communities are doing with their regulations are highlighted below.

#### *Items of note:*

- The average required separation between Medical Marijuana Uses for the surveyed municipalities (including the City of Scottsdale) is 3,706 feet. This is more than double the current requirement in the City of Scottsdale, which is 1,320 feet. Five (5) of the eight (8) cities surveyed require a 1-mile (5,280 feet) separation between facilities.
- The average required separation between Medical Marijuana Uses and schools for the surveyed municipalities (including the City of Scottsdale) is 1,220 feet. This is almost three times the current requirement in the City of Scottsdale, which is 500 feet.
- Other protected uses that have been identified in other valley jurisdictions that are not currently protected in the City of Scottsdale include: Churches, Child Care, Parks, Community Buildings, Libraries, Hospitals, Homeless Shelters, Youth Centers, and Rehab Facilities.
- On April, 20 2016, the City of Phoenix approved a text amendment to their zoning ordinance which increased the required separation between a dispensary and residential from 250 feet to 500 feet, increased the required separation from a place of worship from 500 feet to 1,320 feet, and added Dependent Care, Homeless Shelter, and Youth Center as protected uses, with a required separation of 1,320 feet.
- In December of 2015, the City of Tempe amended their zoning ordinance to place a hard cap on the number of Medical Marijuana Uses allowed within the city limits, limiting the total number of uses to two (2).
- The Town of Gilbert has initiated a text amendment to their zoning ordinance with the intent of placing a hard cap on the number of Medical Marijuana Uses allowed within the town limits, limiting the number of uses to two (2). This text amendment is scheduled to be heard by their Planning Commission and Town Council in May of this year.



- Per their amended ordinance approved in 2011, the Town of Paradise Valley has placed a hard cap on the number of Medical Marijuana Uses allowed in the Town, limiting the use to one (1).

## **DISCUSSION**

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### **Key Issue**

When the Zoning Ordinance was revised in 2011 and updated in 2012 it was anticipated, based on the State licensing requirements, that there would only be one (1) or two (2) Medical Marijuana Uses within the boundaries of the City. The current State regulations are allowing licensed facilities in good standing that have been in operation for three (3) or more years, to relocate their license anywhere within the State of Arizona. Some of these licensed facilities are interested in moving in to the Scottsdale market, and subsequently there has been an increase in the number of Medical Marijuana Conditional Use Permit applications.

Since July of 2015, three (3) dispensaries have submitted Conditional Use Permit applications to relocate their facility to the City of Scottsdale. These applications demonstrated compliance with the existing Conditional Use Permit criteria and were approved by City Council, bringing the total number of approved Medical Marijuana Uses in the City to five (5), which includes 4 dispensaries, 1 processing facility, and no cultivation facilities. There are currently no active pending medical marijuana applications; however, several inquiries have been received regarding potential locations for new applications.

### **Discussion to Date**

At the January 11, 2016 hearing, multiple Councilmembers gave direction for staff to schedule a City Council agenda item for discussion of the Conditional Use Permit criteria for Medical Marijuana Uses, more specifically, amending the criteria and/or other provisions within the Zoning Ordinance to ensure compatibility with surrounding uses. Based on the direction from Council, staff prepared an item that went before Council for discussion on March 29, 2016. In short, staff presented the following potential text amendment options at the March 29, 2016 hearing:

- Initiate a text amendment to the Zoning Ordinance that will increase the distance of separation required between Medical Marijuana Uses, and/or distance required from protected uses.
- Initiate a text amendment to the Zoning Ordinance that would further limit the zoning districts that allow medical marijuana uses.
- Direct staff to conduct further analysis on regulatory options for Medical Marijuana Uses within the City of Scottsdale.
- Take no action pending possible future legislation that may impact Medical Marijuana Use regulations.

With the March 29, 2016 discussion, the City Council continued the item for further consideration, and gave direction to staff conduct further analysis on the regulatory options for

Medical Marijuana Uses within the City of Scottsdale. Some Councilmembers gave specific direction for staff to look in to the following items:

- Research other valley community's regulations on the issue. Are other communities having the same problem and what are they doing about it?
- Look in to "grandfathering" language for the existing facilities in the City of Scottsdale, so they may continue to operate as specified, if the revised ordinance requirements create conflicts.
- Look in to revising the separation requirements between medical marijuana uses, as well as the separation requirements between medical marijuana uses and protected uses (i.e. schools and residential). A one-half-mile separation was suggested for both instances.
- Consider eliminating Medical Marijuana as a permitted use from the I-1 and C-O zoning districts, thereby only allowing the use in the SC zoning district.
- Provide additional information with regard to how legalization of recreational marijuana may impact our regulations on medical marijuana.

### Options and Analysis

Based on the direction given by City Council at the March 29, 2016 hearing, staff has conducted further analysis into the recommended items and has prepared the following potential text amendment options and analyses. The below table provides a brief summary of the options, with more detailed discussion of each option following the table.

Options	Analysis
<b>Increase Separation Requirements</b>	
A. Increase separation between other MMJ to 2,640' and Schools to 1,320'.	Consistent with other Jurisdictions. Reduces potential locations by 51% (17 potential). See Attachment #5.
B. Increase separation between other MMJ to 2,640', Schools & Residential to 1,320'.	Consistent with other Jurisdictions. Reduces potential locations by 77% (8 potential). See Attachment #6.
C. Increase separation between other MMJ, Schools, & Residential to 2,640'.	Reduces potential locations by 97% (1 potential). See Attachment #7.
<b>Add Protected Uses</b>	
D. Add Church, Child Care, and/or Parks, etc. as protected uses w/ associated separation requirements (1,320').	Consistent with other Jurisdictions. May combine with Option A, B, or C. Impacts require additional analysis.



Options	Analysis
<b>Cap Total Number of Facilities</b>	
E. Limit the number of MMJ facilities within the City to five (5).	No new facilities unless an existing facility vacates. Other requirements remain the same. Existing facilities remain in conformance.
<b>Reduce Permitted Districts</b>	
F. Only allow MMJ uses in the SC zoning district.	Reduces potential locations by 83% (6 potential). Limited to the 3 hospital campuses (Mayo, Shea, Osborn).

- A. Increase separation requirement between Medical Marijuana Uses from 1,320 feet to one-half-mile, increase the required separation from schools from 500 feet to 1,320 feet, and leave separation requirements from residential unchanged, at 500 feet.

*Analysis:*

- *Option A is the most consistent with the separation requirements of surrounding jurisdictions.*
- *Reduces the potential number of medical marijuana locations by approximately 51%, decreasing the potential number of future facilities to approximately 17.*
- *Still leaves multiple locations for the specified use to locate within the City.*
- *All five (5) of the existing Medical Marijuana facilities in the City would become non-conforming.*
- *Attachment #5 illustrates the potential Medical Marijuana Use locations within the City if the separation requirements of this option were enacted.*

- B. Increase separation requirement between Medical Marijuana Uses from 1,320 feet to one-half-mile, and increase the required separation from schools and residential from 500 feet to 1,320 feet.

*Analysis:*

- *Option B is consistent with the separation requirements of surrounding jurisdictions; however, the proposed separation from residential is higher than most. One (1) other surveyed city requires more than 500 feet from residential.*
- *Reduces the potential number of medical marijuana locations by approximately 77%, decreasing the potential number of future facilities to approximately eight (8).*
- *Still leaves multiple locations for the specified use to locate within the City.*
- *All five (5) of the existing Medical Marijuana facilities in the City would become non-conforming.*
- *Attachment #6 illustrates the potential medical marijuana use locations within the City if the separation requirements of this option were enacted.*



- C. Increase separation requirement between Medical Marijuana Uses from 1,320 feet to one-half-mile, and increase the required separation from existing protected uses (residential and schools) from 500 feet to one-half-mile.

*Analysis:*

- *Based on the locations map, it appears that only one (1) additional Medical Marijuana Use would be permitted.*
- *All five (5) of the existing facilities would become non-conforming.*
- *Attachment #7 illustrates the potential medical marijuana use locations within the City if the separation requirements of this option were enacted.*

- D. Add more protected uses to the zoning ordinance with corresponding separation requirements. Potential protected uses that could be added in line with other municipalities may include Church, Child Care, Parks, Community Buildings, Libraries, Hospitals, Homeless Shelters, Youth Centers, and/or Rehab Facilities.

*Analysis:*

- *With the exception of Glendale, the City of Scottsdale has the least number of protected uses out of the eight (8) jurisdictions surveyed.*
- *Six (6) of the eight (8) jurisdictions surveyed require separation from churches, child care facilities, parks, and community buildings, with an average required separation of 1,250 feet.*
- *Could also be used in combination with Option A or Option B to achieve the intended results.*
- *The effect of this option on the existing facilities will require further analysis.*

- E. Put a hard cap on the total number of Medical Marijuana Uses permitted within the City of Scottsdale. There are currently five (5) Medical Marijuana Uses approved within the City limits, language could be added to the Zoning Ordinance to limit the number of Medical Marijuana Uses to five (5).

*Analysis:*

- *The only opportunity for a new facility to locate within the City would be if an existing facility discontinued operations.*
- *No need to make any changes to the other regulations or separation requirements that are currently within the Zoning Ordinance.*
- *All five (5) of the existing facilities would remain in conformance with the current requirements.*

- F. Eliminate Medical Marijuana as a permitted use from one or more of the three (3) zoning districts that currently allow the use.

*Analysis:*

- *Elimination of Medical Marijuana Use from the I-1 zoning district would have the greatest impact on reducing the number of potential facilities. Eliminating the use from C-O or SC would further limit the number of potential facilities.*
- *The Special Campus (SC) district is specifically intended to accommodate large campus development with primary uses related to medical, educational, and research facilities.*
- *Currently, there are three (3) applicable locations in the City that have SC zoning. These three (3) properties are associated with the Mayo, Shea, and Osborn hospital campuses. If all other regulations remain the same, it appears each existing SC campus could possibly accommodate two (2) facilities each, which would allow for up to six (6) more potential facilities within the City of Scottsdale.*
- *All five (5) existing facilities would become non-conforming if eliminated from the I-1 and C-O districts.*
- *Option F would result in all six (6) potential locations being controlled by only two (2) property owners.*
- *Attachment #8 identifies the potential future locations of Medical Marijuana Uses if only permitted in the SC district.*

### **Other Considerations**

Some of the new requirements discussed in the above options may create conflicts for the existing medical marijuana facilities that are operating under previous approvals. The existing Conditional Use Permit approvals for these facilities have timing conditions which will cause the approval to expire in the specified time period, in which case the owner would need to re-apply for a Conditional Use Permit. To allow the existing facilities to continue operations and potentially extend their approvals after expiration, the Council may consider enacting language to amend the Medical Marijuana zoning ordinance, allowing existing medical marijuana uses established before July 1, 2016 that have been granted a conditional use permit (CUP) the ability to make an application for renewal of their existing CUP pursuant the regulations and criteria established under Ordinance No. 3982.

### **OPTIONS**

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1. Initiate a text amendment to amend the Conditional Use Permit Criteria and/or other Zoning Ordinance provisions pertaining to Medical Marijuana Uses, with direction towards one or more of the above options.
2. Take no action at this time.

### **RESPONSIBLE DEPARTMENT(S)**

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*Planning, Neighborhood and Transportation  
Current Planning Services*



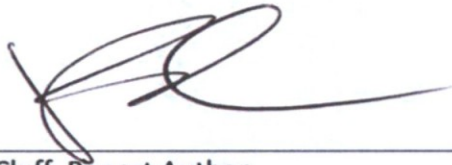
## STAFF CONTACTS (S)

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

## APPROVED BY

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Bryan Cluff, Report Author

5/3/16  
Date



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

5/3/2016  
Date



Raddy Grant, Administrator  
Planning and Development Services  
480-312-2664, rgrant@scottsdaleaz.gov

5/3/16  
Date

## ATTACHMENTS

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1. Existing Conditional Use Permit Criteria for Medical Marijuana Uses
2. Community Health Analysis Areas (CHAA's) Map
3. Other Municipalities Standards Comparison Table
4. Potential Medical Marijuana Use Locations Map – EXISTING
5. Potential Medical Marijuana Use Locations Map – OPTION A
6. Potential Medical Marijuana Use Locations Map – OPTION B
7. Potential Medical Marijuana Use Locations Map – OPTION C
8. Potential Medical Marijuana Use Locations Map – OPTION F

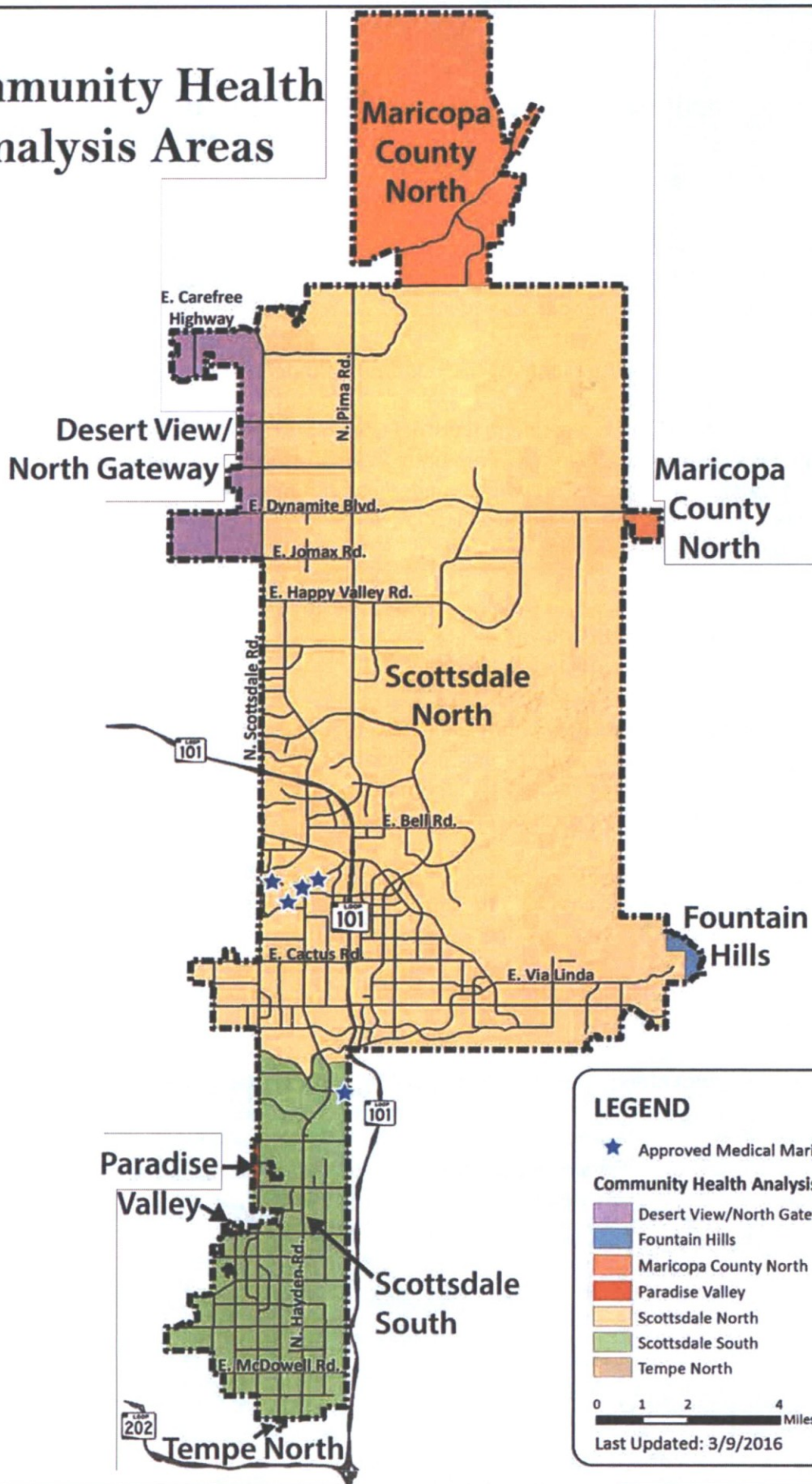


## **ADDITIONAL CRITERIA FOR MEDICAL MARIJUANA USE**

### ***M. Medical marijuana use.***

1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
2. The medical marijuana use is at least five hundred (500) feet from the following uses within the City limits:
  - a. Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., and
  - b. Any elementary or secondary school.
3. The medical marijuana use is at least one thousand three hundred twenty (1,320) feet from the following uses within the City limits:
  - a. Medical marijuana caregiver cultivation, or
  - b. Another medical marijuana use.However, no separation between these uses is required in the Industrial Park District I-1 where a medical marijuana caregiver cultivation use or a medical marijuana use hold a state issued caregiver registry identification card and/or a nonprofit medical marijuana dispensary registration certificate under the same name or organization.
4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
5. The property owner has provided a written exterior refuse control plan, subject to City approval.
6. The property owner has provided a written public safety plan, subject to City approval.
7. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than 7:00 p.m.
8. There is no drive-through service, take-out window, or drive-in service.

# Community Health Analysis Areas



## LEGEND

★ Approved Medical Marijuana Use Permit

### Community Health Analysis Areas

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

0 1 2 4 Miles

Last Updated: 3/9/2016



## LAND USE REGULATIONS

MUNICIPALITY	Permitted Districts	Use Permit Required	Size Limitations	Hours of Operation	Limited # of Facilities
Phoenix	C-2, A-1	YES (1 year)	2,000 SF	8am - 7pm	
Chandler	C-2, C-3, PAD w/ C-2, C-3	YES (1 year)	2,500 SF (storage - 500)	9am - 7pm	
Gilbert	LI, GI	YES	3,000 SF (storage - 1000)	8am - 6pm	***TBD
Mesa	LI, GI	NO	2,500 SF (storage - 500)		
Surprise	Industrial, C-2, C-3	NO			
Glendale	G-O, C-2, C-3	NO	2,000 SF	8am - 8pm	
Paradise Valley	Medical Office SUP	YES		8:30am - 2:30pm	YES (1)
Tempe	CSS, CC, PCC-1, PCC-2, RCC, LID, GID, HID	YES (Admin)	5,000 SF	8am - 8pm	YES (2)
Scottsdale	I-1, C-O, SC	YES		6am - 7pm	

## SEPARATION REQUIREMENTS

MUNICIPALITY	Other MMJ	Residential	Schools	Churches	Child Care	Park, Com. Bldgs.	Library	Hospitals	Homeless Shelt.	Youth Center	Rehab Facility
Phoenix	5,280'	*500	1,320'	*1,320	*1,320	1,320'			*1,320	*1,320	
Chandler	5,280'	1,320'	1,320'	1,320'	1,320'	1,320'	1,320'	1,320'			
Gilbert	**1,320'	500'	1,000'	1,000'	1,000'	1,000'		1,320'			
Mesa	5,280'		1,200'	1,200'	500'	1,200' (in LI, GI) 500' (not LI, GI)	1,200'				2,400'
Surprise	3,000'	500'	1,500'		1,500'	1,500'					
Glendale	5,280'	500'	1,320'								
Paradise Valley	5,280'		1,500'	1,500'		1,500'				1,500'	
Tempe	1,320'	500'	1,320'	1,320'	1,320'	1,320'	1,320'				
Scottsdale	1,320'	500'	500'								

\* Revised by Phoenix City Council 4/20/16. Increased Residential from 250' to 500', increased Churches from 500' to 1,320'; Added Child Care, Homeless Shelter, Youth Center.

\*\* No separation distance required if uses are separated by a freeway.

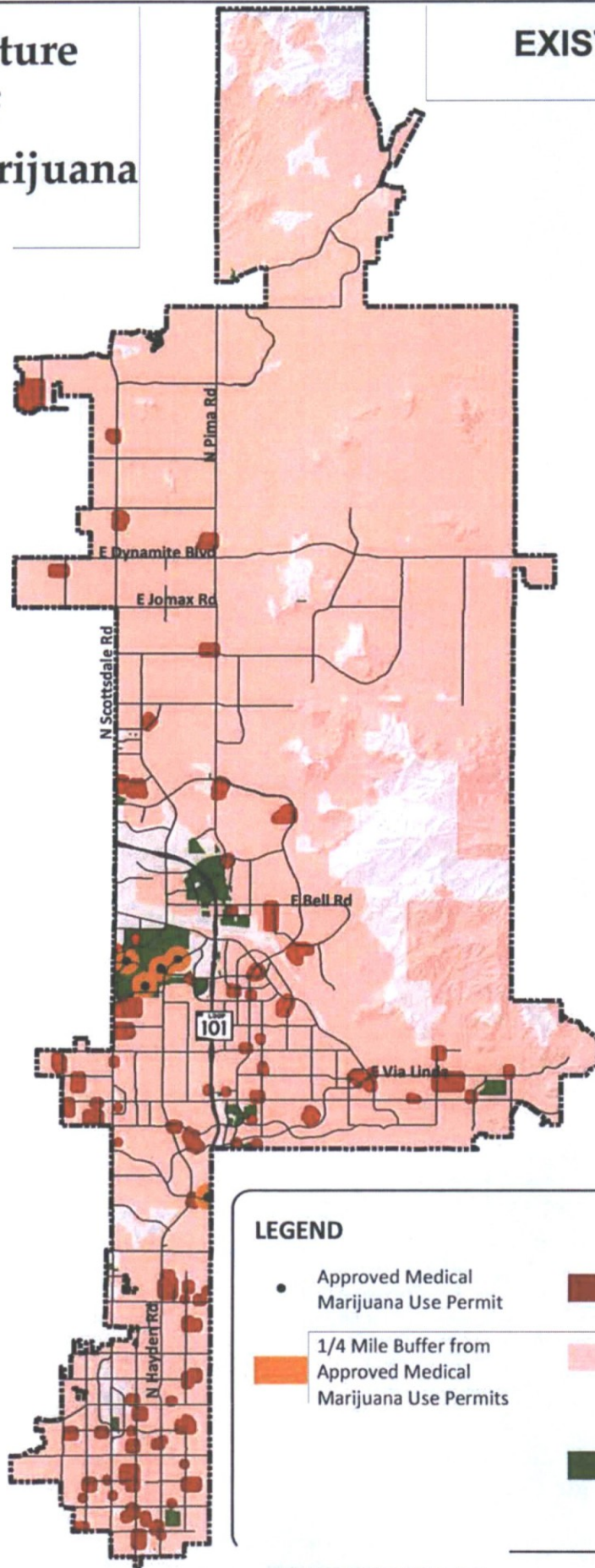
\*\*\* Town of Gilbert has initiated a text amendment with the intent of limiting the total number of dispensaries to two (2) facilities.

PLEASE NOTE: Information identified in this table is intended to represent the most common jurisdictional requirements for Medical Marijuana Dispensaries. This is not an all inclusive representation of requirements for the listed jurisdictions.



# Potential Future Locations of Medical Marijuana Uses

## EXISTING CONDITIONS



### LEGEND

• Approved Medical Marijuana Use Permit

1/4 Mile Buffer from Approved Medical Marijuana Use Permits

500' Buffer from Existing Schools

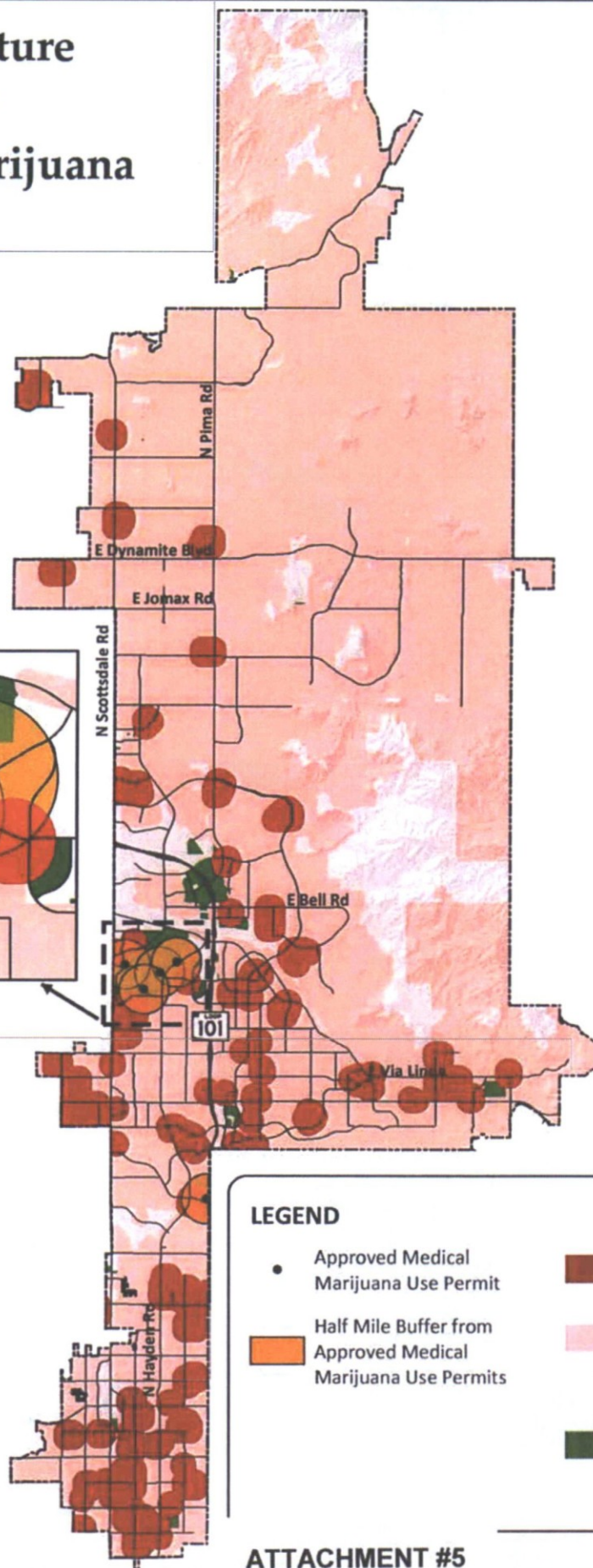
500' Buffer from Residential Areas

#### Potential Future Locations of Medical Marijuana Uses:

Zoning Codes I-1, C-O, and SC with No Intersecting Buffers

# Potential Future Locations of Medical Marijuana Uses

OPTION A



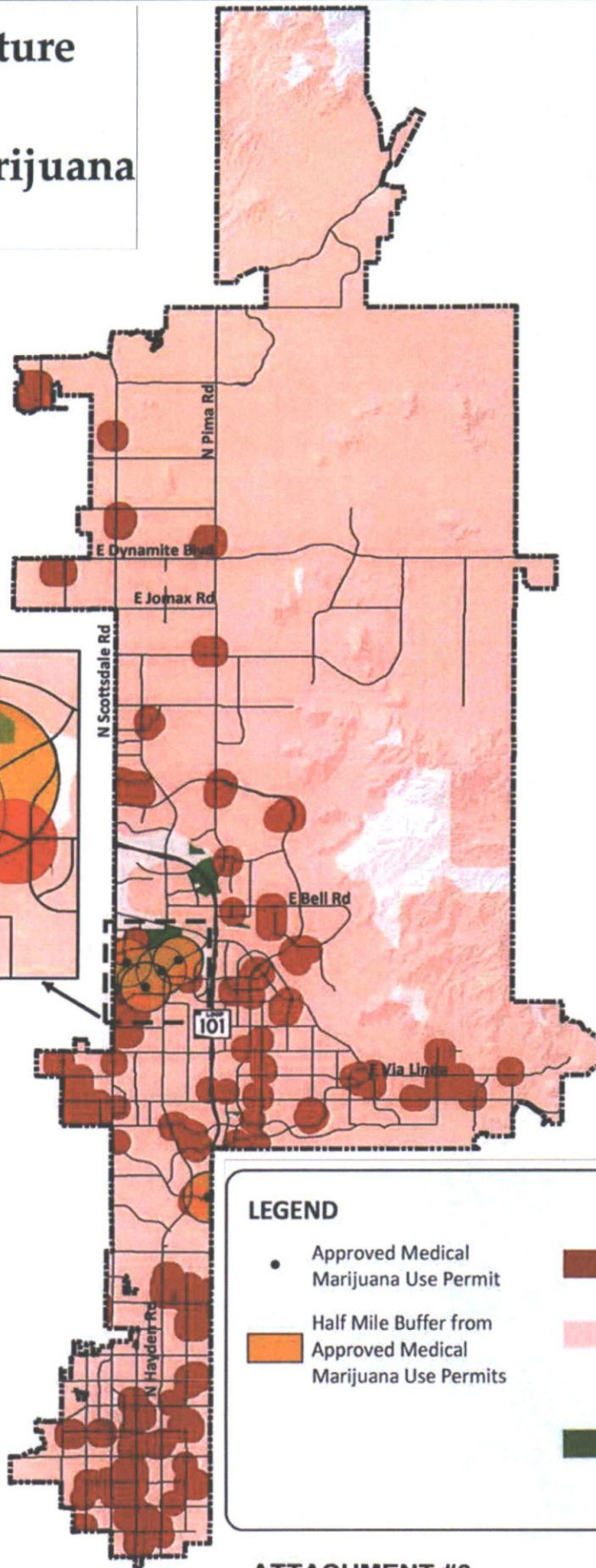
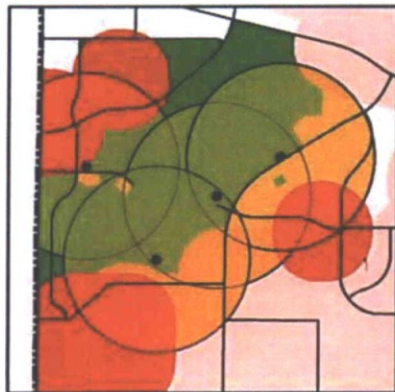
## LEGEND

- Approved Medical Marijuana Use Permit
- Half Mile Buffer from Approved Medical Marijuana Use Permits
- 1,320' Buffer from Existing Schools
- 500' Buffer from Residential Areas
- Potential Future Locations of Medical Marijuana Uses:**
- Zoning Codes I-1, C-O, and SC with No Intersecting Buffers



# Potential Future Locations of Medical Marijuana Uses

OPTION B



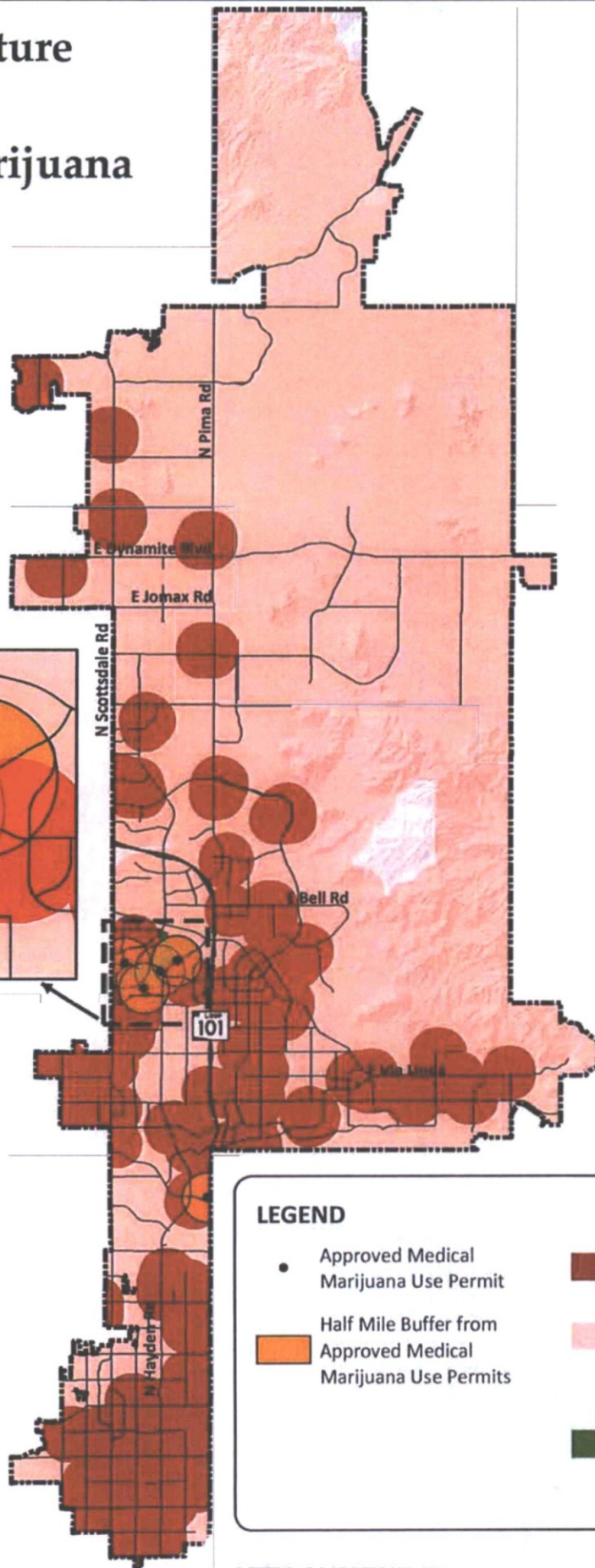
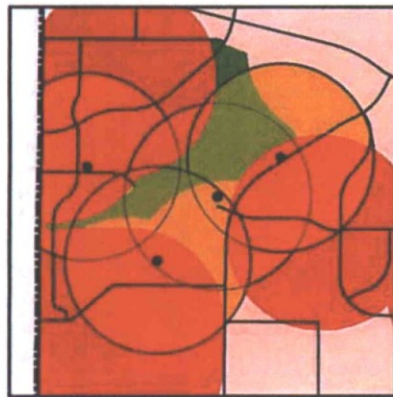
## LEGEND

- Approved Medical Marijuana Use Permit
- Half Mile Buffer from Approved Medical Marijuana Use Permits
- 1,320' Buffer from Existing Schools
- 1,320' Buffer from Residential Areas
- Potential Future Locations of Medical Marijuana Uses:**
- Zoning Codes I-1, C-O, and SC with No Intersecting Buffers



# Potential Future Locations of Medical Marijuana Uses

OPTION C



## LEGEND

• Approved Medical Marijuana Use Permit

Half Mile Buffer from Approved Medical Marijuana Use Permits

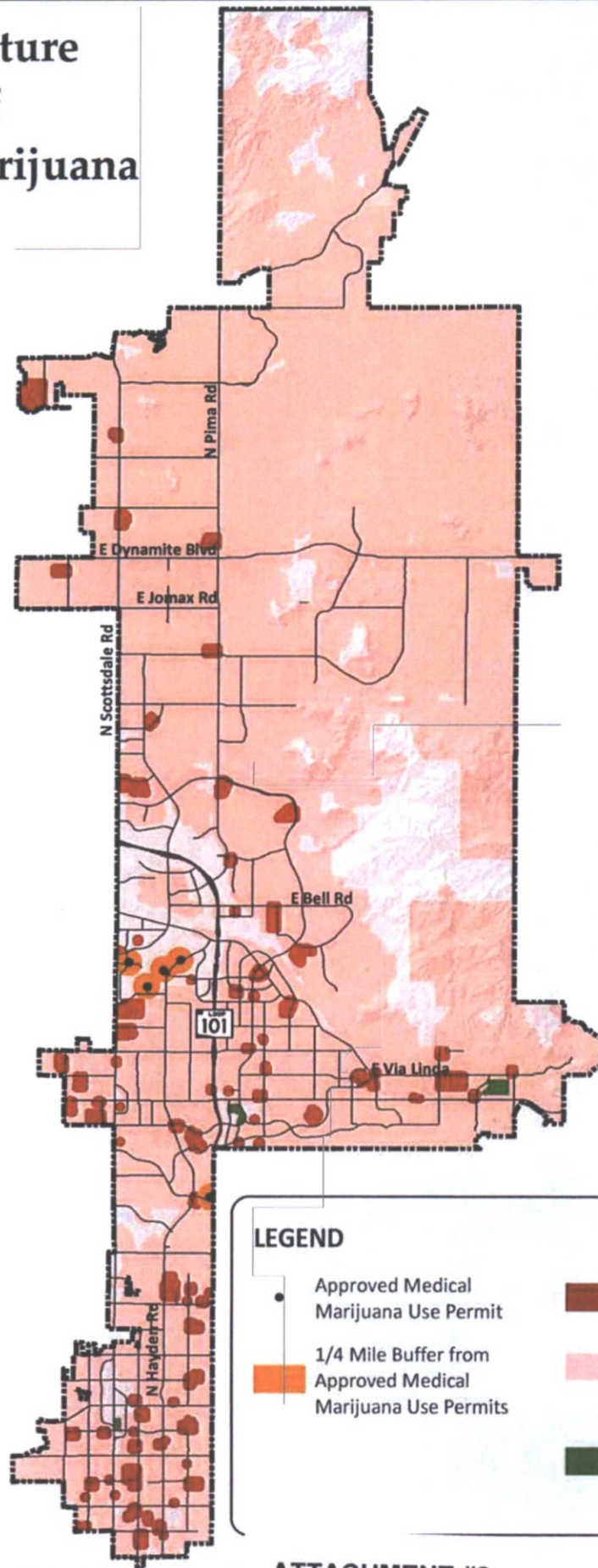
Half Mile Buffer from Existing Schools

Half Mile Buffer from Residential Areas

**Potential Future Locations of Medical Marijuana Uses:**  
Zoning Codes I-1, C-O, and SC with No Intersecting Buffers

# Potential Future Locations of Medical Marijuana Uses

OPTION F



## LEGEND

- Approved Medical Marijuana Use Permit
- 1/4 Mile Buffer from Approved Medical Marijuana Use Permits

500' Buffer from Existing Schools

500' Buffer from Residential Areas

**Potential Future Locations of Medical Marijuana Uses:**  
Zoning Code SC with No Intersecting Buffers



# **Medical Marijuana Text Amendment Initiation**

**65-PA-2016**

City Council

May 17, 2016

Coordinator: Bryan Cluff

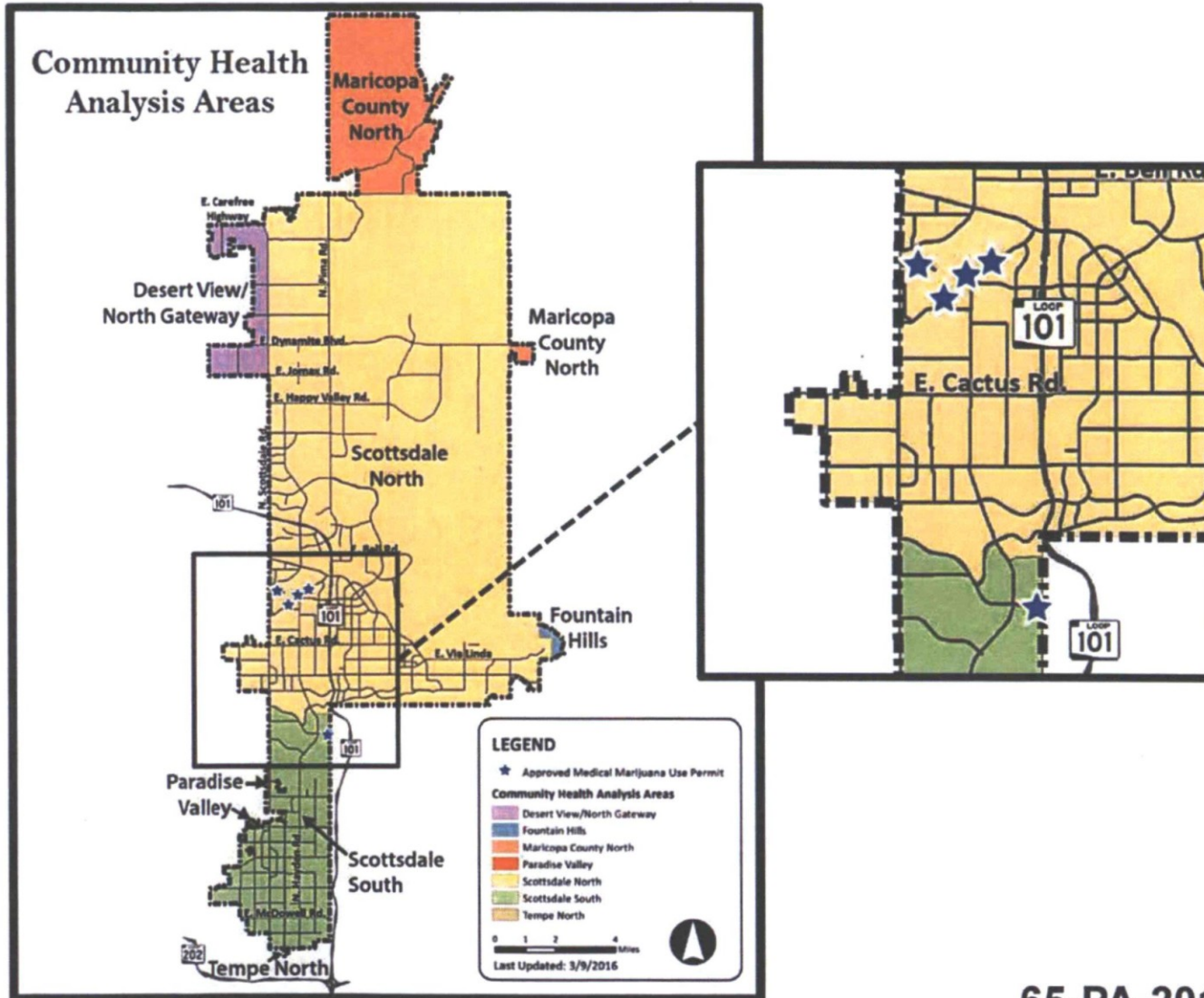
# **Medical Marijuana Text Amendment**

## **State Regulations**

- In 2012 ADHS based locations on CHAA's (1 per CHAA).
- There are 7 CHAA's in Scottsdale, although 2 cover most of the city.
- After 3 years ADHS allows a facility to relocate.
- Annually reviews registration certificates. New licenses will be issued this summer.
- Allocation of new licenses based on qualified patient population. Scottsdale #4 and #10.



# Medical Marijuana Text Amendment



CHAA MAP

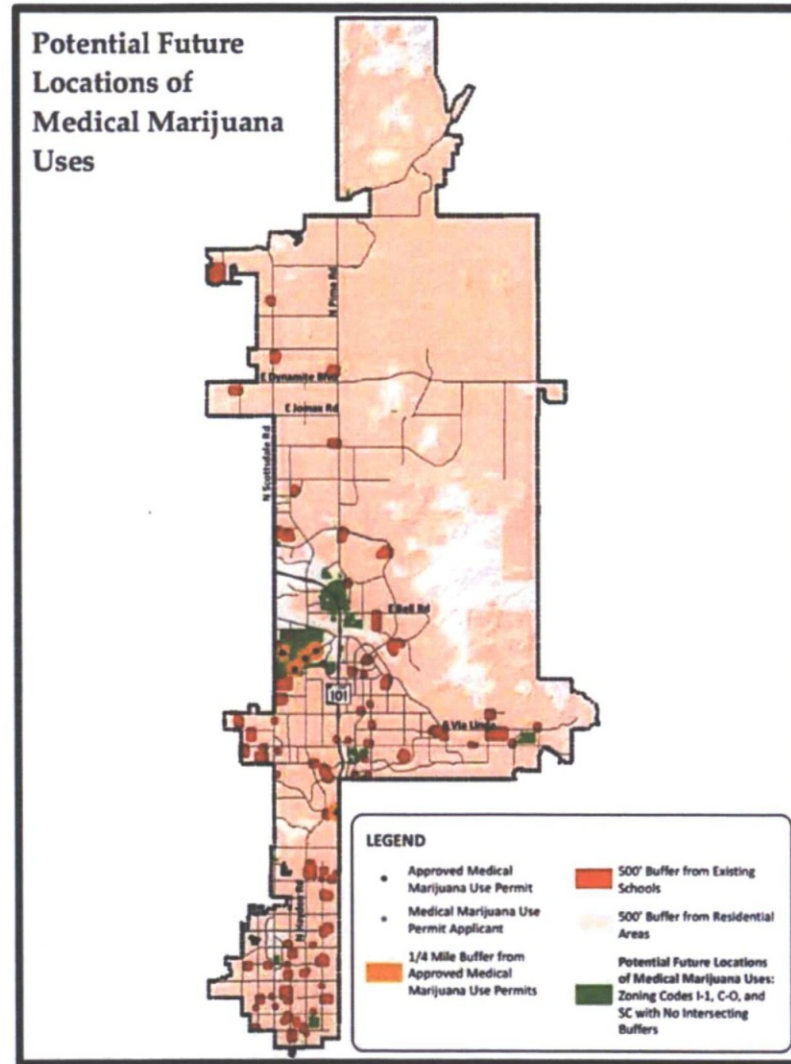
65-PA-2016

# **Medical Marijuana Text Amendment**

## **Existing Conditional Use Permit Criteria**

- Operations within enclosed building
- At least 500 feet from:
  - Residential District
  - Elementary or Secondary School
- At least 1,320 feet from:
  - MMJ Caregiver Cultivation
  - Another MMJ Use
- Approval of Public Safety Plan
- Limited Hours of Operation - 6:00 am to 7:00pm
- No Drive-through, Take-out Window, or Drive-in Service

# Medical Marijuana Text Amendment



POTENTIAL LOCATIONS MAP (EXISTING CONDITIONS)

65-PA-2016



# **Medical Marijuana Text Amendment**

## **March 29, 2016 discussion**

- Research other valley community's regulations on the issue.
- Look in to specific changes the separation requirements. A one-half-mile separation was suggested.
- Consider allowing Medical Marijuana as a permitted use in the SC zoning district only.
- How might legalization of recreational marijuana impact our regulations on medical marijuana.
- Look in to "grandfathering" language for the existing facilities.

## **Medical Marijuana Text Amendment**

### **Other Cities, Items of note:**

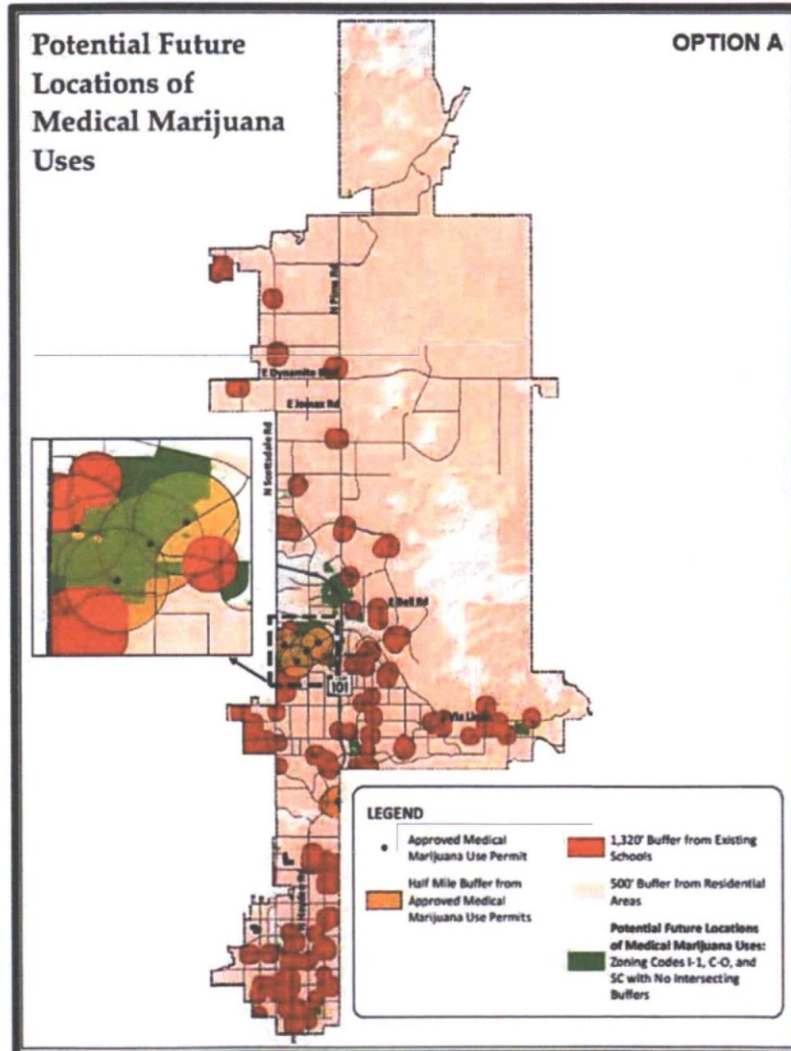
- Average separation between MMJ uses is 3,700' (cos1,320').
- Average protection for schools is 1,220' (cos 500').
- Scottsdale has the least number of protected uses. Others include Churches, Child Care, Parks, Community Buildings.
- Others are making changes:
  - Dec. 2015 City of Tempe capped number of facilities allowed (2).
  - April 2016, Phoenix updated Ord. increasing distances from protected uses and added more protected uses.
  - Town of Gilbert is in process of updating ord. to cap number of facilities.

# Medical Marijuana Text Amendment

Increase Separation Requirements	
A.	Increase separation between other MMJ to 2,640' and Schools to 1,320'.
B.	Increase separation between other MMJ to 2,640', Schools & Residential to 1,320'.
C.	Increase separation between other MMJ, Schools, & Residential to 2,640'.
Add Protected Uses	
D.	Add Church, Child Care, and/or Parks, etc. as protected uses w/ associated separation requirements (1,320').
Cap Total Number of Facilities	
E.	Limit the number of MMJ facilities within the City to five (5).
Reduce Permitted Districts	
F.	Only allow MMJ uses in the SC zoning district.



# Medical Marijuana Text Amendment



OPTION A

Increase Separation Requirements	
A.	Increase separation between other MMJ to 2,640' and Schools to 1,320'.
B.	Increase separation between other MMJ to 2,640', Schools & Residential to 1,320'.
C.	Increase separation between other MMJ, Schools, & Residential to 2,640'.
Add Protected Uses	
D.	Add Church, Child Care, and/or Parks, etc. as protected uses w/ associated separation requirements (1,320').
Cap Total Number of Facilities	
E.	Limit the number of MMJ facilities within the City to five (5).
Reduce Permitted Districts	
F.	Only allow MMJ uses in the SC zoning district.

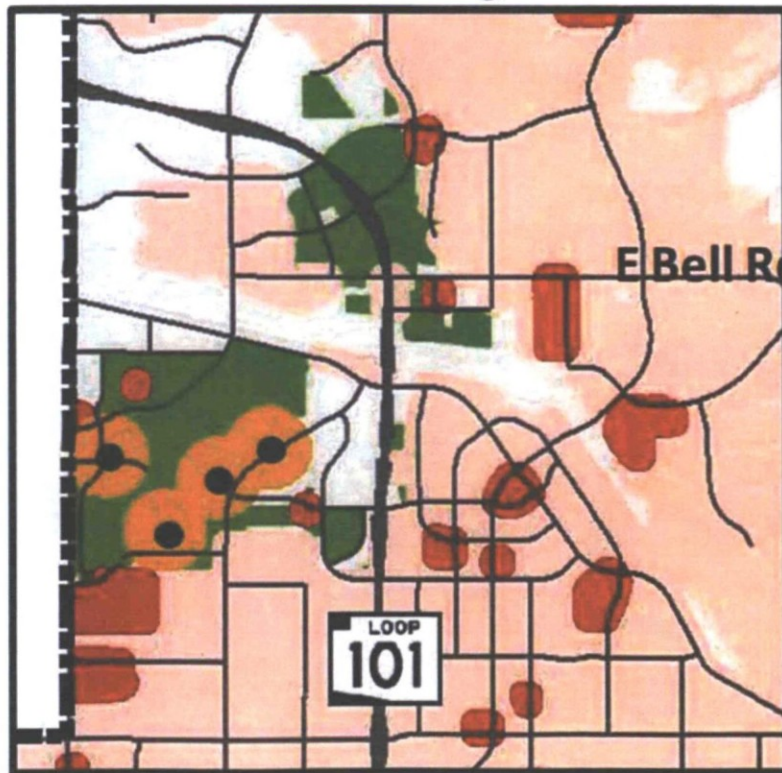
51% Reduction.

17 potential locations.

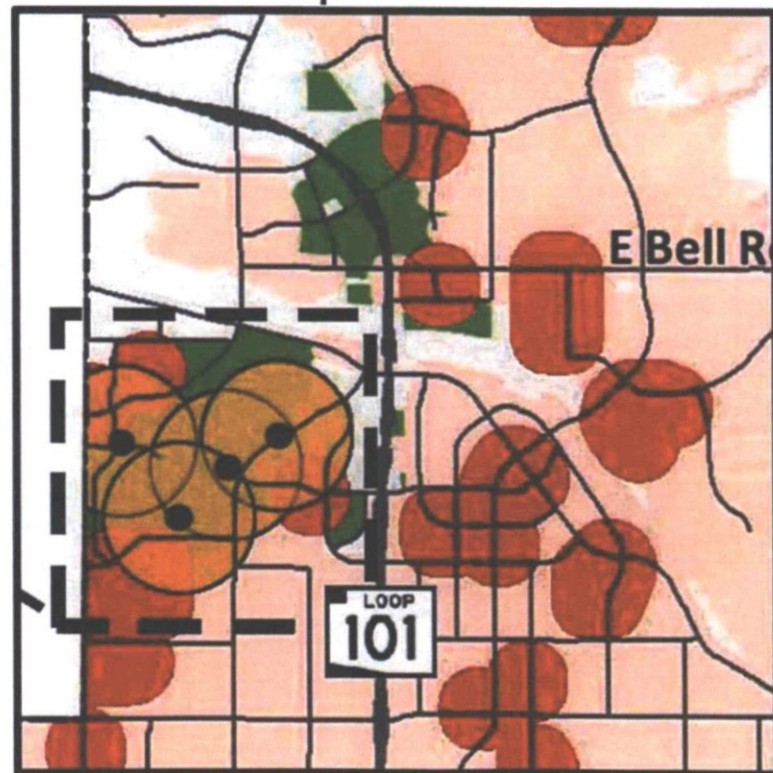
65-PA-2016

# Medical Marijuana Text Amendment

Existing



Option A

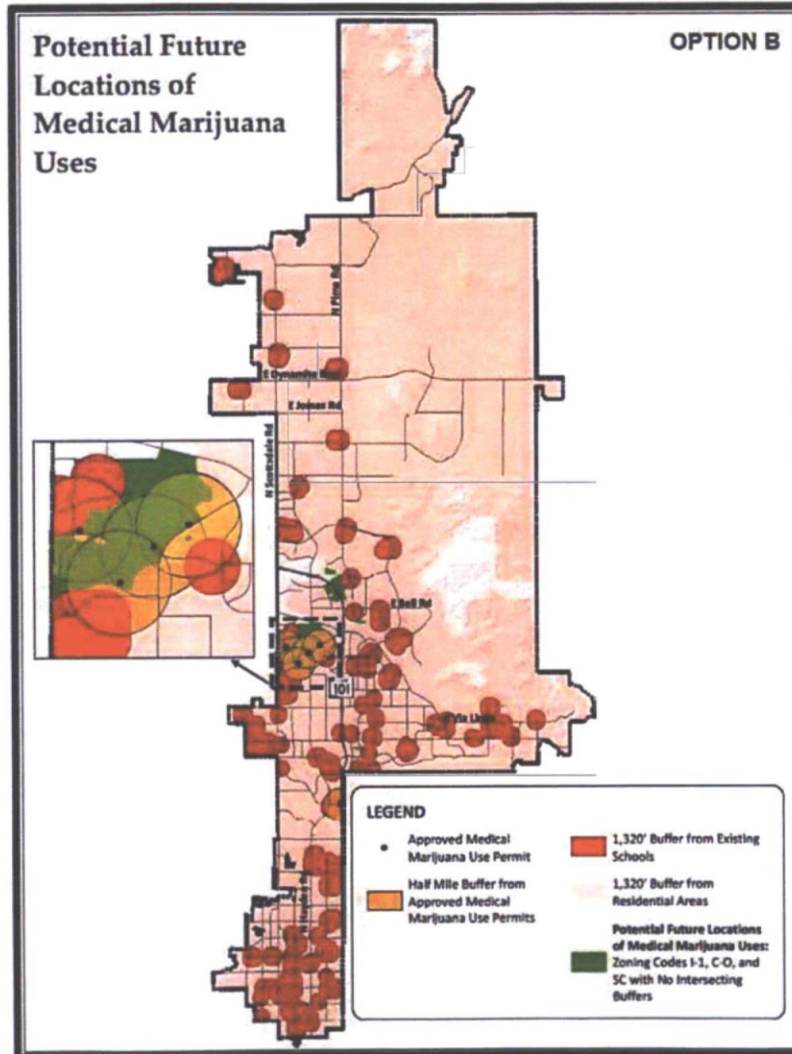


OPTION A

65-PA-2016



# Medical Marijuana Text Amendment



OPTION B

Increase Separation Requirements	
A.	Increase separation between other MMJ to 2,640' and Schools to 1,320'.
B.	Increase separation between other MMJ to 2,640', Schools & Residential to 1,320'.
C.	Increase separation between other MMJ, Schools, & Residential to 2,640'.
Add Protected Uses	
D.	Add Church, Child Care, and/or Parks, etc. as protected uses w/ associated separation requirements (1,320').
Cap Total Number of Facilities	
E.	Limit the number of MMJ facilities within the City to five (5).
Reduce Permitted Districts	
F.	Only allow MMJ uses in the SC zoning district.

77% Reduction.

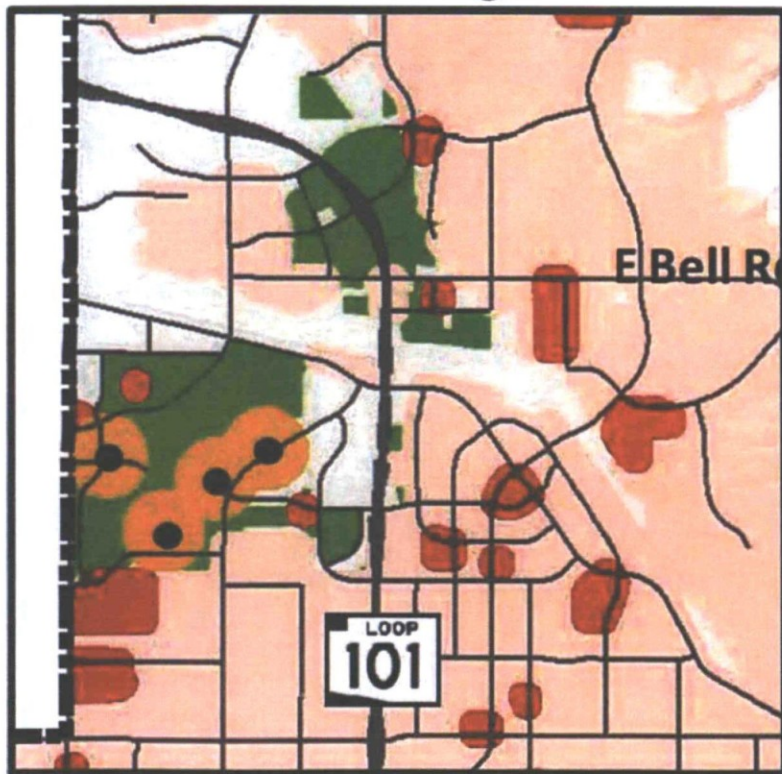
8 potential locations.

65-PA-2016

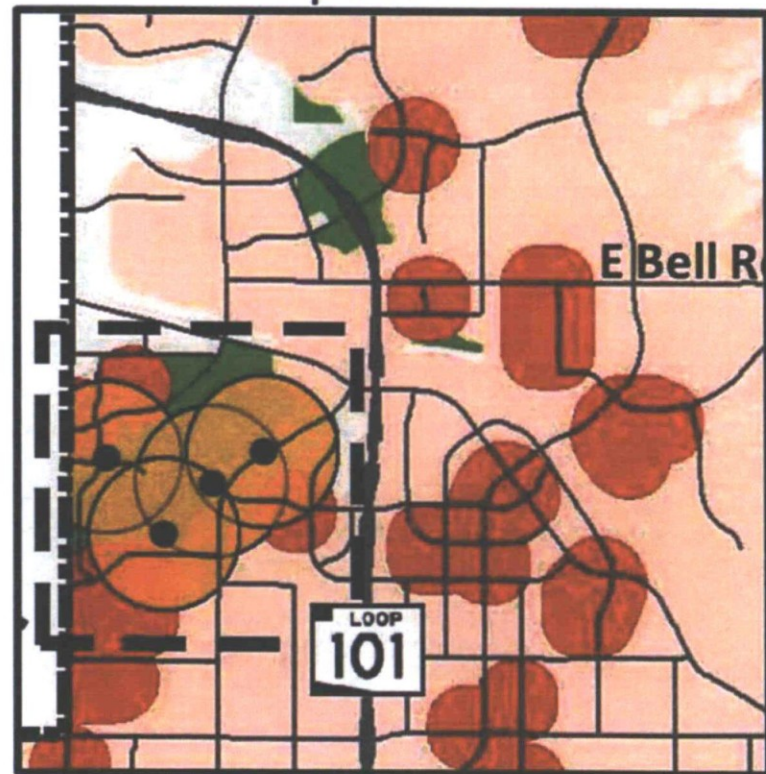


# Medical Marijuana Text Amendment

Existing



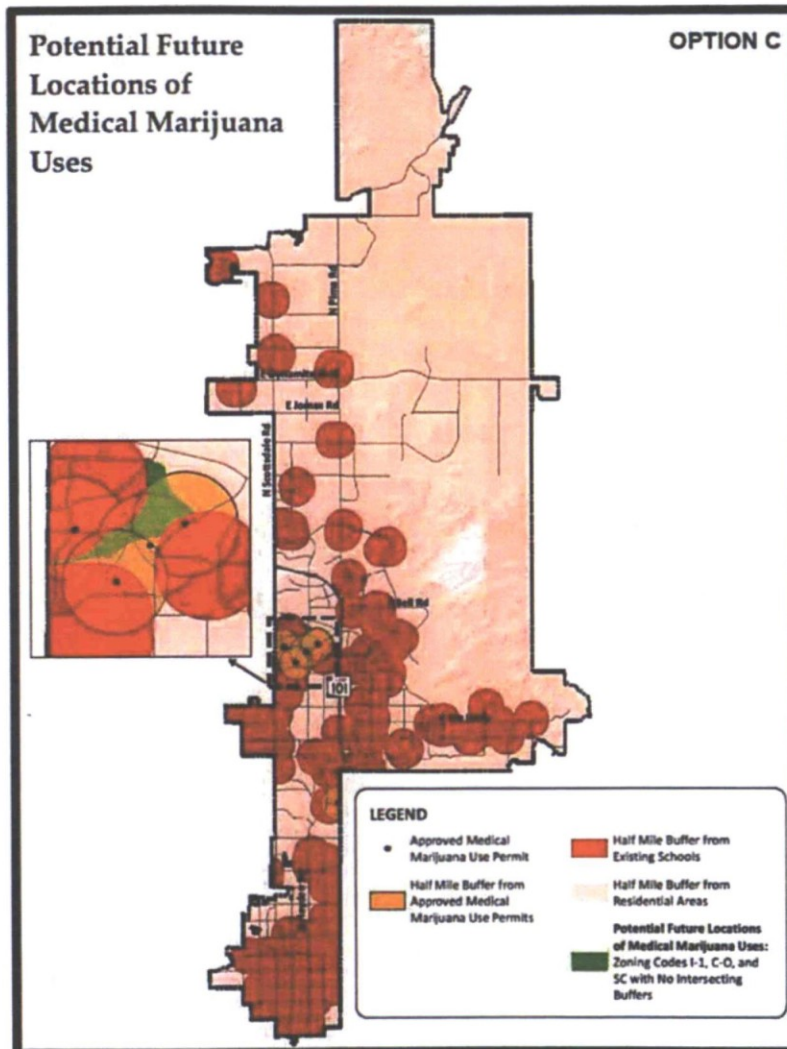
Option B



OPTION B

65-PA-2016

# Medical Marijuana Text Amendment



OPTION C

Increase Separation Requirements	
A.	Increase separation between other MMJ to 2,640' and Schools to 1,320'.
B.	Increase separation between other MMJ to 2,640', Schools & Residential to 1,320'.
C.	Increase separation between other MMJ, Schools, & Residential to 2,640'.
Add Protected Uses	
D.	Add Church, Child Care, and/or Parks, etc. as protected uses w/ associated separation requirements (1,320').
Cap Total Number of Facilities	
E.	Limit the number of MMJ facilities within the City to five (5).
Reduce Permitted Districts	
F.	Only allow MMJ uses in the SC zoning district.

97% Reduction.

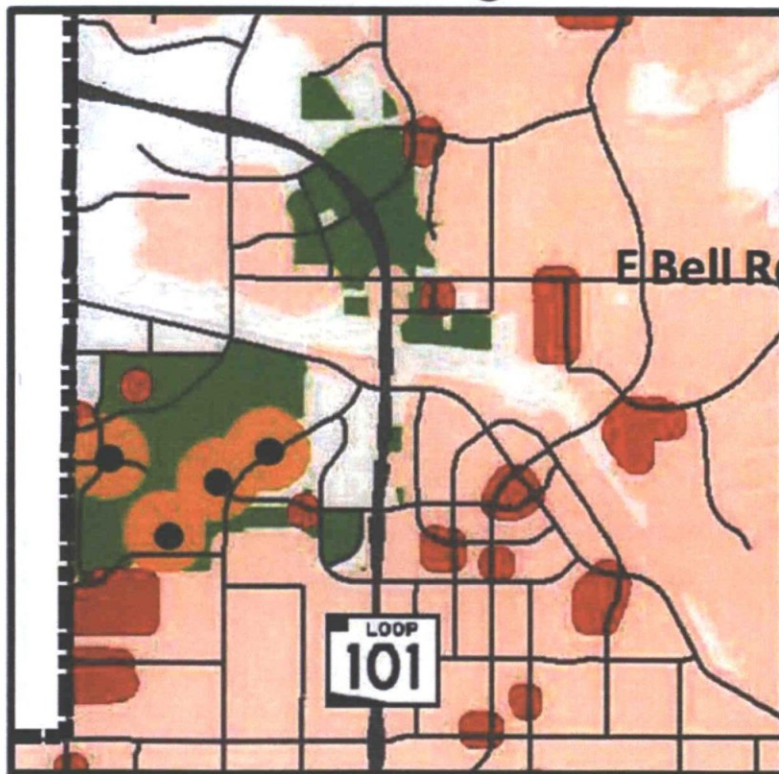
1 potential location.

65-PA-2016

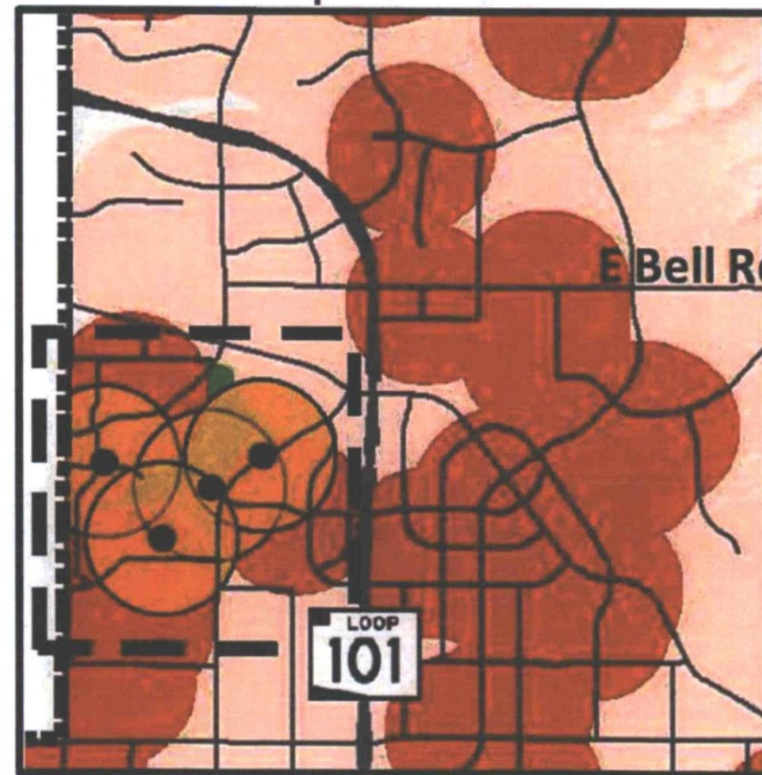


# Medical Marijuana Text Amendment

Existing



Option C



OPTION C

65-PA-2016



# Medical Marijuana Text Amendment

## Additional Protected Uses

- 6 out of 8 Cities surveyed protect Churches, Child Care, Parks, and community buildings with an average separation requirement of 1,250'.
- May be combined with other options.
- Additional analysis required based on specific uses.

Increase Separation Requirements	
A.	Increase separation between other MMJ to 2,640' and Schools to 1,320'.
B.	Increase separation between other MMJ to 2,640', Schools & Residential to 1,320'.
C.	Increase separation between other MMJ, Schools, & Residential to 2,640'.
Add Protected Uses	
D.	Add Church, Child Care, and/or Parks, etc. as protected uses w/ associated separation requirements (1,320').
Cap Total Number of Facilities	
E.	Limit the number of MMJ facilities within the City to five (5).
Reduce Permitted Districts	
F.	Only allow MMJ uses in the SC zoning district.

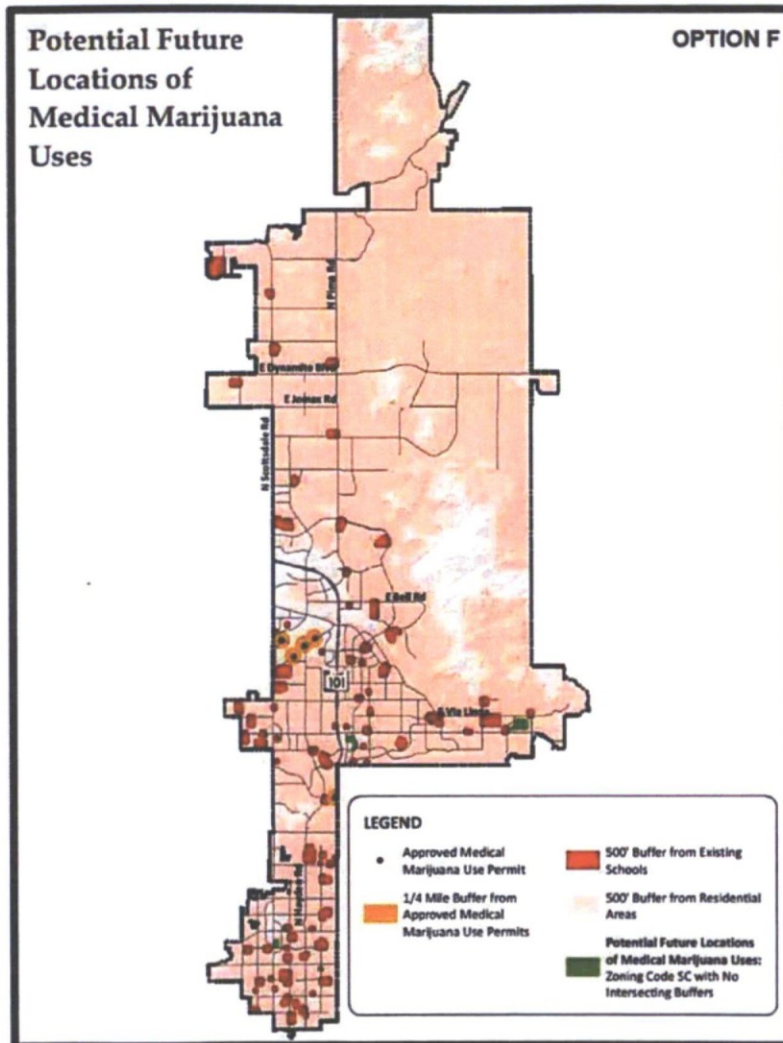
# Medical Marijuana Text Amendment

## Hard Cap (5)

- 5 existing facilities within the City.
- Would not require any other modifications to the existing requirements.
- Tempe and Paradise Valley have similar requirement. Gilbert is pursuing.

Increase Separation Requirements	
A.	Increase separation between other MMJ to 2,640' and Schools to 1,320'.
B.	Increase separation between other MMJ to 2,640', Schools & Residential to 1,320'.
C.	Increase separation between other MMJ, Schools, & Residential to 2,640'.
Add Protected Uses	
D.	Add Church, Child Care, and/or Parks, etc. as protected uses w/ associated separation requirements (1,320').
Cap Total Number of Facilities	
E.	Limit the number of MMJ facilities within the City to five (5).
Reduce Permitted Districts	
F.	Only allow MMJ uses in the SC zoning district.

# Medical Marijuana Text Amendment



OPTION F

Increase Separation Requirements	
A.	Increase separation between other MMJ to 2,640' and Schools to 1,320'.
B.	Increase separation between other MMJ to 2,640', Schools & Residential to 1,320'.
C.	Increase separation between other MMJ, Schools, & Residential to 2,640'.
Add Protected Uses	
D.	Add Church, Child Care, and/or Parks, etc. as protected uses w/ associated separation requirements (1,320').
Cap Total Number of Facilities	
E.	Limit the number of MMJ facilities within the City to five (5).
Reduce Permitted Districts	
F.	Only allow MMJ uses in the SC zoning district.

83% Reduction.

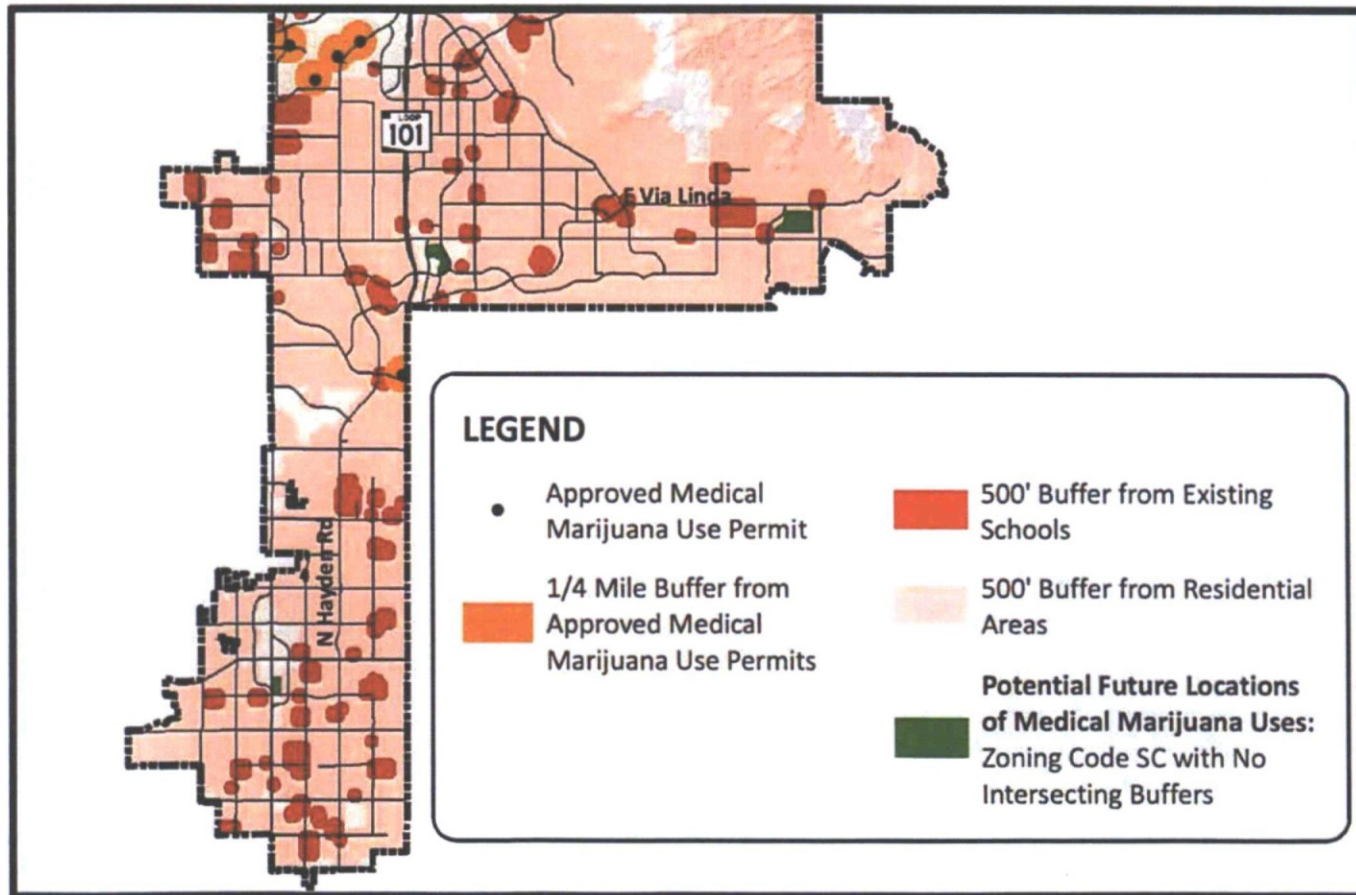
6 potential locations.

65-PA-2016



# Medical Marijuana Text Amendment

## Option F



OPTION F

65-PA-2016

# **Medical Marijuana Text Amendment**

## **Other Considerations**

Enact provisions to add non-conforming Medical Marijuana Use provisions for existing locations.

“Medical Marijuana Uses established prior to August 1, 2016 which have been granted a Conditional Use Permit shall have the ability to make an application for renewal of that existing Conditional Use Permit pursuant to the regulations established under Ordinance No. 3982.”

# **Medical Marijuana Text Amendment**

## **Next Steps if Initiated**

- Prepare draft ordinance per recommendation.
- Public involvement.
  - Notification of interested parties.
  - Required publications and advertisement.
  - 2 open house meetings.
- Planning Commission recommendation
- Return to Council for action (3 – 4 mos.)



# Medical Marijuana Text Amendment

<b>Increase Separation Requirements</b>
A. Increase separation between other MMJ to 2,640' and Schools to 1,320'.
B. Increase separation between other MMJ to 2,640', Schools & Residential to 1,320'.
C. Increase separation between other MMJ, Schools, & Residential to 2,640'.
<b>Add Protected Uses</b>
D. Add Church, Child Care, and/or Parks, etc. as protected uses w/ associated separation requirements (1,320').
<b>Cap Total Number of Facilities</b>
E. Limit the number of MMJ facilities within the City to five (5).
<b>Reduce Permitted Districts</b>
F. Only allow MMJ uses in the SC zoning district.

# CITY COUNCIL REPORT



Meeting Date: August 31, 2016  
General Plan Element: *Land Use, Economic Vitality*  
General Plan Goal: *Create a sense of community through land uses*  
*Support a diversity of businesses*

## ACTION

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### Medical Marijuana Text Amendment 8-TA-2010#3

#### Request to consider the following:

1. Adopt Ordinance No. 4271 approving a text amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including revisions to separation requirements and addition of protected uses.

#### Key Items for Consideration

- City Council initiated text amendment
- Conformance with the adopted General Plan
- Increased separation requirements for Medical marijuana uses
- Additional protection for specified sensitive land uses
- Planning Commission heard this case on July 27, 2016 and recommended approval with a 5-0 vote, with the additional direction that the City Council consider placing a hard cap on medical marijuana uses

## APPLICANT CONTACT

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Bryan Cluff  
City of Scottsdale  
480-312-2258

## LOCATION

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Citywide



## BACKGROUND

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### State Regulations

In 2012, the Arizona Department of Health Services (ADHS) based locations of medical marijuana facilities on established Community Health Analysis Areas, or "CHAAs". 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. Please see Attachment #6 for a map of the CHAA areas in the City of Scottsdale. Originally, ADHS limited the number of medical marijuana licenses to one (1) per CHAA. When the Zoning Ordinance was revised in 2011 and updated in 2012 it was anticipated, based on the State licensing requirements, that there would only be one (1) or two (2) Medical marijuana uses within the boundaries of the city. However, once a licensed facility in good standing has been in operation for three (3) or more years, State rules allow the owner of the facility to relocate their license within the state based on market demand. To date, a total of three (3) dispensaries relocated to the City Scottsdale from another CHAA after having been in operation for 3 or more years. There are currently no active pending medical marijuana applications; however, several inquiries have been received regarding potential locations for new applications.

Each calendar year, ADHS reviews the current valid dispensary registration certificates to determine if any new certificates may be issued. The total number of certificates within the State may not exceed one (1) license for every ten (10) registered pharmacies. Currently, ADHS has issued 99 certificates within the State, 93 of which are active. According to ADHS, there will be an additional 31 certificates issued this year, statewide.

#### *Possible Legislation:*

*There is a ballot initiative related to the legalization of recreational marijuana use within the State of Arizona which appears to have obtained the necessary number of signatures and will likely appear on the ballot in November 2016. Approval this initiative will have substantial impacts on how medical marijuana uses are handled within the State of Arizona. The language included in the proposed legislation is set up to allow for existing medical marijuana facilities to transition in to recreational marijuana facilities. These facilities will no longer need to comply with the ADHS Rules and Regulations for the Medical Marijuana Program and will rather be under the authority of a new State board similar to the State Liquor Board. The initiative also allows for recreational marijuana sales, cultivation, and infusion licenses to be granted to new applicants, after existing medical marijuana facilities have had the opportunity to transition.*

*The proposed language provides local governments with the authority to regulate and limit marijuana businesses. If the initiative passes, an additional text amendment may be necessary to modify zoning requirements accordingly.*

### City Regulations

The City allows Medical marijuana uses, including dispensaries, in only a few zoning districts (Industrial Park (I-1), Commercial Office (C-O), and Special Campus (SC)). With the adoption of the City's existing regulations on Medical marijuana uses in 2011, these districts were chosen based on



their predisposition to cater toward office and medical office type uses. Medical marijuana dispensaries essentially function in the same way a medical office and/or pharmacy would function. In each of these zoning districts, a Conditional Use Permit is required to demonstrate compliance with specific criteria, including separation and compatibility requirements. The current limited zoning district locations, separation requirements, and market forces will influence the eventual number of medical marijuana facilities. See Attachment #7 for a map showing possible locations of future Medical Marijuana facilities within the City of Scottsdale under existing regulations. If future medical marijuana facilities were to locate in the most efficient way possible, it is estimated that up to 35 additional locations may meet the separation requirements of the current regulations. However, 35 may be an unrealistically high number. The City's existing Conditional Use Permit criteria is summarized in the table below. For full Zoning Ordinance language of the current criteria, please refer to Attachment #4.

<b><i>Criteria</i></b>	<b><i>Existing</i></b>
<i>All operations to be within enclosed building</i>	Yes
<i>Separation required from protected uses:</i>	
<i>Residential</i>	500 feet
<i>Schools</i>	500 feet
<i>Separation required between other MMJ uses</i>	1,320 feet
<i>Refuse control plan required</i>	Yes
<i>Public safety plan required</i>	Yes
<i>Drive-through service allowed</i>	No
<i>Hours of operation</i>	6:00am – 7:00pm

### **Other Municipalities**

Other municipalities within the State of Arizona have enacted similar zoning regulations on Medical marijuana uses within their jurisdictions. Based on analysis of researched regulations across the valley, on average, the City of Scottsdale currently appears to be less restrictive than most other surrounding jurisdictions. Specifically, the City of Scottsdale has the least number of protected uses (i.e. schools, churches, residential, etc.), and is on the low end of separation requirements between Medical marijuana uses, and distance away from protected uses. Several other valley cities are dealing with the same concerns with regard to the increase in number of inquiries for new facilities, which has spurred changes in their regulations. Some key points of what these other communities are doing with their regulations are highlighted below.

#### *Items of note:*

- The average required separation between Medical marijuana uses for the surveyed municipalities (including the City of Scottsdale) is 3,706 feet. This is more than double the

current requirement in the City of Scottsdale, which is 1,320 feet. Five (5) of the eight (8) cities surveyed require a 1-mile (5,280 feet) separation between facilities.

- The average required separation between medical marijuana Uses and schools for the surveyed municipalities (including the City of Scottsdale) is 1,220 feet. This is almost three times the current requirement in the City of Scottsdale, which is 500 feet.
- Other protected uses that have been identified in other valley jurisdictions that are not currently protected in the City of Scottsdale include: Churches, Child Care, Parks, Community Buildings, Libraries, Hospitals, Homeless Shelters, Youth Centers, and Rehab Facilities.
- On April, 20 2016, the City of Phoenix approved a text amendment to their zoning ordinance which increased the required separation between a dispensary and residential from 250 feet to 500 feet, increased the required separation from a place of worship from 500 feet to 1,320 feet, and added Dependent Care, Homeless Shelter, and Youth Center as protected uses, with a required separation of 1,320 feet.
- In December of 2015, the City of Tempe amended their zoning ordinance to place a hard cap on the number of Medical Marijuana Uses allowed within the city limits, limiting the total number of uses to two (2).
- In May of 2016, the Town of Gilbert approved a text amendment to their zoning ordinance placing a hard cap on the number of Medical Marijuana Uses allowed within the town limits, limiting the number of uses to two (2).
- Per their amended ordinance approved in 2011, the Town of Paradise Valley has placed a hard cap on the number of Medical Marijuana Uses allowed in the Town, limiting the use to one (1).

**Other Related Policies, References:**

- Zoning Ordinance
- 8-TA-2010: Approved a zoning ordinance text amendment for the purpose of creating ordinance regulations resulting from and related to the legalization of the medical use of marijuana (Arizona Proposition 203).
- 8-TA-2010#2: Approved a zoning ordinance text amendment updating regulations related to Medical marijuana uses, which clarified separation requirements from multi-family residential uses, clarified the intent of school protections, and combined dispensary uses in to one Medical marijuana use.
- Arizona Revised Statutes, Title 36, Chapter 28.1
- Arizona Department of Health Services, Title 9, Chapter 17

**APPLICANTS PROPOSAL**

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**Goal/Purpose of Request**

On May 17, 2016, the City Council initiated this text amendment to amend the Medical marijuana criteria and/or other provisions within the Zoning Ordinance to ensure compatibility with



surrounding uses. The specific direction was to increase the required separation between Medical marijuana uses, increase the required separation from schools and residential uses, and to add churches, day care, and public parks as protected uses. The Council direction also included the provision of grandfathering language that would allow the existing medical marijuana facilities to continue operation.

The proposed text amendment includes revisions to Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation. The specific changes to the text are highlighted in the table below:

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
<i>All operations to be within enclosed building</i>	Yes	No change
<i>Separation required from protected uses:</i>		
<i>Residential</i>	500 feet	<b>1,500 feet</b>
<i>Schools</i>	500 feet	<b>1,500 feet</b>
<i>Church</i>	none	<b>1,500 feet</b>
<i>Public Park</i>	none	<b>1,500 feet</b>
<i>Day Care</i>	none	<b>1,500 feet</b>
<i>Separation required between other MMJ uses</i>	1,320 feet	<b>2,640 feet</b>
<i>Refuse control plan required</i>	Yes	No change
<i>Public safety plan required</i>	Yes	No change
<i>Drive-through service allowed</i>	No	No change
<i>Hours of operation</i>	6:00am – 7:00pm	No change

In addition to the changes identified above, provisions are included that allow existing Medical marijuana uses that are legally established prior to September 30, 2016 (effective date of this ordinance if approved) to continue operation, including renewals, extensions, and/or expansions, under the current requirements for Medical marijuana uses. For the full draft language of the proposed text amendment, please refer to Attachment #5.

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## IMPACT ANALYSIS

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### General Plan

The 2001 General Plan is a policy document that establishes the community's long term vision, establishes locations for general land uses and guides the physical development of the City. The Plan encourages a high-quality, attractive community for residents, businesses and visitors. The Zoning



Ordinance regulations help to implement the goals and objectives of the General Plan. As a result, when requests to amend implementation tools of the General Plan are brought forward for consideration, the impacts of those changes are assessed in relation to the community's best interests as described in the Plan.

This text amendment to the Zoning Ordinance implements the goals and policies of the 2001 General Plan that encourage protection of local neighborhoods, by providing citizens with greater clarity as to where the community can expect this particular land use to locate, as well as, giving applicants a clear understanding of the locations available to accommodate the land use through the administration of the Zoning Ordinance.

### **Land Use**

The proposed amendments to the Conditional Use Permit criteria for Medical marijuana uses and Medical marijuana caregiver cultivation will provide better compatibility with surrounding land uses through increased separation from the existing specified sensitive uses of schools and residential, and also identifies and protects additional sensitive uses that are not protected by the existing criteria. The proposed ordinance changes continue to provide for potential future locations of Medical marijuana uses within the city.

### **Public Safety**

The existing Conditional Use Permit criteria for Medical marijuana uses and Medical marijuana caregiver cultivation include the requirement for a public safety plan and refuse control plan which are subject to review and approval by the Scottsdale Police Department. These requirements are not changing and will remain in effect.

### **Community Involvement**

The City of Scottsdale, as the applicant, placed a 1/8 page ad in the newspaper, and sent notice to the City of Scottsdale's interested parties list regarding the proposed text amendment and open house dates. The City held two (2) open house meetings, one June 14, 2016 and the second June 16, 2016. There were a total of two (2) attendees from both open house meetings. One attendee was a member of the development community and was in attendance for informational purposes. The second attendee was an attorney representing a client in the medical marijuana industry. This attendee submitted formal comments in support of the language to allow existing facilities to continue operation under the existing criteria. Formal public comments received are included in this report in Attachment #9. As of the date of this report, city staff has received several other general inquiries through phone and email.

### **Community Impact**

It is not anticipated that the proposed text amendment will have any effect on city infrastructure, traffic, or services. The proposed amendments to the Conditional Use Permit criteria for Medical marijuana uses and Medical marijuana caregiver cultivation will better provide for compatibility with surrounding land uses through increased separation from the existing specified sensitive uses of schools and residential, and also identifies and protects additional sensitive uses that are not protected by the existing criteria.

## **OTHER BOARDS & COMMISSIONS**

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### **City Council**

The City Council initiated this text amendment as the "Medical Marijuana Text Amendment" (65-PA-2016) at their May 17, 2016 meeting.

### **Planning Commission**

Planning Commission heard this case on July 27, 2016 and recommended approval with a 5-0 vote, with the additional direction that the City Council consider placing a hard cap on the number of medical marijuana uses allowed within the City limits.

### **Staff Recommendation to Planning Commission**

Staff recommended that the Planning Commission find that the zoning text amendment is consistent and conforms with the adopted General Plan, and make a recommendation to City Council for approval.

## **RECOMMENDATION**

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### **Recommended Approach:**

Adopt Ordinance No. 4271 a text amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including revisions to separation requirements and possible addition of protected uses.

## **RESPONSIBLE DEPARTMENT**

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### **Planning and Development Services**

Current Planning Services

## **STAFF CONTACT**

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Bryan Cluff

Senior Planner

480-312-2258

E-mail: [bcluff@ScottsdaleAZ.gov](mailto:bcluff@ScottsdaleAZ.gov)

**APPROVED BY**

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Bryan Cluff, Report Author

8/10/16  
Date



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

8/11/2016  
Date



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

8/16/16  
Date

**ATTACHMENTS**

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1. Ordinance No. 4271
2. Applicant's Narrative
3. Citizen Involvement
4. Existing Conditional Use Permit Criteria for Medical Marijuana Uses
5. Proposed Zoning Ordinance Text
6. Community Health Analysis Areas (CHAA) Map
7. Potential Medical Marijuana Use Locations Map – EXISTING
8. Potential Medical Marijuana Use Locations Map – PROPOSED
9. Public Correspondence
10. July 27, 2016 Planning Commission minutes
11. July 27, 2016 Planning Commission public comment



ORDINANCE NO. 4271

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, TO APPROVE A TEXT AMENDMENT (8-TA-2010#3) TO THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE (ORDINANCE NO. 455), BY AMENDING SECTION 1.403, ADDITIONAL CONDITIONS FOR SPECIFIC CONDITION USES, SUBSECTIONS L, MEDICAL MARIJUANA CAREGIVER CULTIVATION, AND M, MEDICAL MARIJUANA USE, BY ADDING PROTECTED USES AND AMENDING THE DISTANCES BETWEEN MEDICAL MARIJUANA USES AND SPECIFIED PROTECTED USES.

WHEREAS, the City of Scottsdale wishes to approve a text amendment to the City of Scottsdale Zoning Ordinance, to amend the conditions for approving conditional use permits for medical marijuana facilities and uses; and

WHEREAS, the Planning Commission held a public hearing on Case No. 8-TA-2010#3 on July 27, 2016; and

WHEREAS, the City Council held a public hearing on August 31, 2016 to consider a text amendment to the City of Scottsdale Zoning Ordinance, Case No. 8-TA-2010#3; and

WHEREAS, the City Council has determined that the subject Zoning Ordinance amendment is in conformance with the General Plan, now, therefore,

BE IT ORDAINED by the Council of the City of Scottsdale that a text amendment to the City of Scottsdale Zoning Ordinance is hereby approved as follows.

Section 1. The Zoning Ordinance of the City of Scottsdale, subsection L of Section 1.403, Additional conditions for specific conditional uses, is amended as follows:

*L. Medical marijuana caregiver cultivation.*

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 caregiver cultivation use is at least ~~five hundred (500)~~ one thousand five hundred (1,500) feet from the following uses within the City limits:
  - a. Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential

Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A, and

- b. Any elementary or secondary school or pre-school.
  - c. Any Place of worship.
  - d. Any Day care.
  - e. Any Public park.
3. The medical marijuana caregiver cultivation use is at least ~~one thousand three hundred twenty (1,320)~~ two thousand six hundred forty (2,640) feet from the following uses within the City limits:
- a. Another medical marijuana caregiver cultivation use, or
  - b. Any medical marijuana use.

However, no separation between these uses is required in the Industrial Park I-1 where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state-issued caregiver registry identification card and a nonprofit medical marijuana dispensary registration certificate, respectively, under the same name or organization.

- 4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
- 5. The property owner has provided a written exterior refuse control plan, subject to City approval.
- 6. The property owner has provided a written public safety plan, subject to City approval.

Section 2. The Zoning Ordinance of the City of Scottsdale, subsection M of Section 1.403, Additional conditions for specific conditional uses, is amended as follows:

*M. Medical marijuana use.*

1. Active Permitted Uses Existing as of September 30, 2016: Active Medical marijuana uses legally established and operating under a valid Conditional Use Permit before September 30, 2016, including extensions, renewals, and amendments to existing approvals, shall be subject to the following conditions:

- 4a. 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.
- 2b. The medical marijuana use is at least five hundred (500) feet from the following uses within the City limits:
  - a.(1) Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., and
  - b.(2) Any elementary or secondary school or pre-school.



3c. The medical marijuana use is at least one thousand three hundred twenty (1,320) feet from the following uses within the City limits:

a.(1) Medical marijuana caregiver cultivation use, or

b.(2) Another medical marijuana use.

However, no separation between these uses is required in the Industrial Park I-1 where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued caregiver registry identification card and a nonprofit medical marijuana dispensary registration certificate, respectively, under the same name or organization.

4d. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.

5e. The property owner has provided a written exterior refuse control plan, subject to City approval.

6f. The property owner has provided a written public safety plan, subject to City approval.

7g. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than 7:00 p.m.

8h. There is no drive-through service, take-out window, or drive-in service.

2. Permits Issued After September 30, 2016: Medical marijuana uses seeking a Conditional Use Permit after September 30, 2016, shall be subject to the following conditions:

a. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.

b. The medical marijuana use is at least one thousand five hundred (1,500) feet from the following uses within the City limits:

(1) Any residential use in a residential district shown on Table 4:100.A, or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4:100.A.

(2) Any elementary or secondary school or pre-school.

(3) Any Place of worship.

(4) Any Day care.

(5) Any Public park.

c. The medical marijuana use is at least two thousand six hundred forty (2,640) feet from the following uses within the City limits:

(1) Medical marijuana caregiver cultivation use, or

(2) Another medical marijuana use.

Ordinance No. 4271

Page 3 of 4



However, no separation between these uses is required in the Industrial Park I-1 where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued caregiver registry identification card and a nonprofit medical marijuana dispensary registration certificate, respectively, under the same name or organization.

- d. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
- e. The property owner has provided a written exterior refuse control plan, subject to City approval.
- f. The property owner has provided a written public safety plan, subject to City approval.
- g. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than 7:00 p.m.
- h. There is no drive-through service, take-out window, or drive-in service.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this \_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

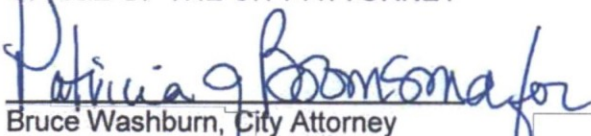
CITY OF SCOTTSDALE, an  
Arizona Municipal Corporation

By: \_\_\_\_\_  
Carolyn Jagger, City Clerk

By: \_\_\_\_\_  
W. J. "Jim" Lane, Mayor

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

  
Bruce Washburn, City Attorney

By: Patricia J. Boomsma, Assistant City Attorney



# Project Narrative

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

Date: 5/18/16

Project No. 65 PA 2016

Coordinator: Bryan Cluff

Case No.

Project Name: Medical Marijuana Text Amendment

Project Location: City-Wide

Property Details: ☐ Single-Family Residential ☐ Multi-Family Residential ☒ Commercial ☐ Industrial

Current Zoning: N/A Proposed Zoning: N/A

Number of Buildings: N/A Parcel Size: N/A

Gross Floor Area/Total Units: N/A Floor Area Ration/Density: N/A

Parking Required: N/A Parking Provided: N/A

Setbacks: N - N/A E - N/A S - N/A W - N/A

## Description or Request:

Request by the City of Scottsdale, as the applicant, for a Text Amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including possible revisions to separation requirements and addition of protected uses.

## Planning, Neighborhood & Transportation Division

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



**Citizen Review Report**  
**8-TA-2010#3 (65-PA-2016)**  
Medical Marijuana Text Amendment

**Overview**

This Citizen Review Report has been prepared in association with the request by the City of Scottsdale, as applicant, for a text amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including possible revisions to separation requirements and addition of protected uses.

The text amendment was initiated by the City of Scottsdale City Council as the "Medical Marijuana Text Amendment" (65-PA-2016) at their May 18, 2016 meeting.

**Community Involvement**

**Open Houses**

The City of Scottsdale, as the applicant, placed a 1/8 page ad in the newspaper, and sent notice to the City of Scottsdale's interested parties list regarding the proposed text amendment and open house dates. The City held two (2) open house meetings, one June 14, 2016 and the second June 16, 2016. There were a total of two (2) attendees from both open house meetings. One attendee was a member of the development community and was in attendance for informational purposes. The second attendee was an attorney representing a client in the medical marijuana industry. This attendee submitted formal comments in support of the language to allow existing facilities to continue operation under the existing criteria.

**City Website**

Case information regarding the proposed Planned Shared Development (PSD) text amendment has been posted on the case information sheet on the City website since May 18, 2016. The case information sheet includes information regarding the request, any submitted documents, notable dates, and contact information for the Staff Coordinator. The case information sheet was updated with new information as the proposal progressed.

**Attachments**

Case Information Sheet  
Open House notice (1/8<sup>th</sup> page ad)  
Open House sign-in sheets  
Interested parties mailing list  
Planning Commission notice (1/8<sup>th</sup> page ad)






## CASE INFO SHEET

ACTIVE

8-TA-2010#3

### MEDICAL MARIJUANA TEXT AMENDMENT

Active & Proposed Projects: The complete file is available to view at the Current Planning office located at 7447 E. Indian School Road, Scottsdale, AZ 85251.   
(<https://www.google.com/maps/place/7447+East+Indian+School+Road+Scottsdale+AZ+85251>)

#### Request

Request by the City of Scottsdale, as the applicant, for a Text Amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including possible revisions to separation requirements and addition of protected uses.

Applicant's Submittal (PDF, 625.8 KB)

([http://eservices.scottsdaleaz.gov/planning/projectsummary/applicant\\_submittals/ProjInfo\\_8\\_TA\\_2010\\_](http://eservices.scottsdaleaz.gov/planning/projectsummary/applicant_submittals/ProjInfo_8_TA_2010_))

#### Location

City-Wide 

Show on City Map (<http://eservices.scottsdaleaz.gov/maps/cases>)

#### Public Hearing Information

Open House

6/14/2016

Open House

6/16/2016

Planning Commission

7/27/2016

Dates given for public hearings are tentative and subject to change.

Please call 480-312-7000 (tel:480-312-7000) the day before the scheduled hearing to confirm the date and time.

If you wish to speak, please arrive early to fill out a comment card.

**Applicant**

CITY OF SCOTTSDALE

Bryan Cluff

480-312-2258 (tel:480-312-2258)

**Coordinator**

Bryan Cluff

480-312-2258 (tel:480-312-2258)

Contact Staff Coordinator (/bldgresources/Contact/?id=46218&mode=coordinator)

**Contact Information**

The preceding data provides general information only.

The complete file is available to view at the Current Planning office located at 7447 E. Indian School Road, Scottsdale, AZ 85251. 

(<https://www.google.com/maps/place/7447+East+Indian+School+Road+Scottsdale+AZ+85251>)

For additional information about this application, please contact Current Planning at 480-312-3111 (tel:480-312-3111) or click the link below to send an email.

Please mention the specific case number when calling or e-mailing.

Contact Current Planning (/bldgresources/Contact/?id=46218&mode=planning)



## Seeking Community Input

### SEEKING COMMUNITY INPUT ON PROPOSED REVISIONS TO THE CITY OF SCOTTSDALE ZONING ORDINANCE FOR **Medical Marijuana Text Amendment (8-TA-2010#3 / 65-PA-2016)**

The City of Scottsdale is preparing a Zoning Ordinance text amendment that will amend the Conditional Use Permit criteria for Medical marijuana caregiver cultivation and Medical marijuana uses.

The proposal may amend portions of Article I "Administration and Procedures" related to the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, increasing the required distance of separation from residential districts and schools from 500 feet to 2,640 feet, increasing the required distance of separation from other Medical marijuana uses from 1,320 feet to 2,640 feet, adding Church, Day care, and Public park as protected uses with a required separation distance of 2,640 feet, and adding grandfather provision for existing Medical marijuana uses. The proposal may include revisions to definitions, district regulations, general provisions, parking, and landscaping.

As part of a broad city-wide outreach on this proposal, the community is invited for review and comment.

Please attend one of two Open Houses regarding the proposed text amendment.

**Tuesday, June 14, 2016, 5:00-6:00 p.m.**  
**Scottsdale Airport Terminal Lobby**  
**15000 North Airport Drive**  
**Scottsdale, AZ**

or

**Thursday, June 16, 2016, 5:00-6:00 p.m.**  
**One Civic Center**  
**7447 E. Indian School Road**  
**Scottsdale, AZ**

**City Staff Contact:** Bryan Cluff, Senior Planner  
bcluff@scottsdaleaz.gov  
480-312-2258

Additional project information is available on the internet at:  
<http://eservices.scottsdaleaz.gov/bldgresources/Cases>





## OPEN HOUSE INVITATION



### 8-TA-2010#3 Medical Marijuana

The City is preparing a Zoning Ordinance amendment, changing the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, by increasing the required distance of separation from residential districts and schools from 500 feet to 2,640 feet, increasing the required distance of separation from other Medical marijuana uses from 1,320 feet to 2,640 feet, adding Church, Day care, and Public park as protected uses with a required separation distance of 2,640 feet, and adding grandfather provisions for existing Medical marijuana uses. The proposal may also include revisions to definitions, district regulations, general provisions, parking, and landscaping.

For more information, call **480-312-7000** or e-mail **ProjectInput@ScottsdaleAZ.gov**.

**You are invited.** Two open house meetings will be hosted by the City for the purpose of gathering community input on this proposal.

**Tuesday, June 14, 5:00 to 6:00 p.m.**  
**Scottsdale Airport Terminal Lobby**  
**15000 North Airport Drive**

or

**Thursday, June 16, 5:00 to 6:00 p.m.**  
**One Civic Center**  
**7447 E. Indian School Road**  
**Community Development Conf. Rm. 1, 2, 3**

Staff representatives will be available to provide information and respond to questions.

**Staff Contact:**

Bryan Cluff, Senior Planner  
bcluff@ScottsdaleAZ.gov  
480-312-2258



**Medical Marijuana 8-TA-2010#3**  
**June 14, 2016**  
**Sign-In Sheet**

**Open House**



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_



# Medical Marijuana 8-TA-2010#3

# Open House

June 16, 2016

## Sign-In Sheet



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Mike Bergfeld Phone: 480-239-5170  
Address: 4602 N. 75th Way  
E-mail: mbergfeld@yahoo.com  
Affiliation: Citizen

Name: Jen Hall/Rose Law Group Phone: (480) 595 3900  
Address: 7144 E. Stetson Dr. #300  
E-mail: jhall@roslawgroup.com  
Affiliation: Monarch

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Affiliation: \_\_\_\_\_



Owner	Company	Address	City	State	Zip
Kurt Merschman		6750 E Camelback Rd, Ste 100	Scottsdale	AZ	85251
AZ Natural Selections		7320 E. Butherus Dr., Suite 100	Scottsdale	AZ	85260
Green Sky Patient Center of Scottsdale North, Inc.		10115 E. Bell Rd., Suite 107-204	Scottsdale	AZ	85260
Sky Peak, LLC		14901 N. Scottsdale Rd. #201	Scottsdale	AZ	85254
Premier Arizona Rentals, LLC		6131 Halburg Way	Vernon	CA	90058
The Scottsdale Dispensary		14980 N. 78th Way Suite 204 & 207	Scottsdale	AZ	85260
CLG Investments, LLC		30600 n. Pima Rd., Suite 75	Scottsdale	AZ	85262
Harvest of Scottsdale		15190 N. Hayden Rd	Scottsdale	AZ	85260
Pure Bliss Premium Medibles, LLC		7655 E. Evans Rd., Suite 5	Scottsdale	AZ	85260
Hot Properties, LLC		8220 E. Bronco Trail	Scottsdale	AZ	85255
Hot Properties, LLC		P. O. Box 13931	Scottsdale	AZ	85267
Real Estate Holdings Group, LLC		5013 E. Washington St., Suite 100	Phoenix	AZ	85034
Dustin Johnson		8729 E. Manzanita Drive	Scottsdale	AZ	85258
Annette Petrillo		1169 E. Clovefield Street	Gilbert	AZ	85298
Audry Villaverde	Withey Morris, PLC	2525 E. Arizona Biltmore Circle; Suite A-212	Phoenix	AZ	85016
Chris Schaffner		7346 E. Sunnyside Dr.	Scottsdale	AZ	85260
Dan Sommer		12005 N 84th Street	Scottsdale	AZ	85260
David G. Gulino		7525 E. Camelback Road, Suite 104	Scottsdale	AZ	85251
Dr. Sonnie Kirtley	COGS	8507 East Highland Avenue	Scottsdale	AZ	85251-1822
Ed Toschik, President		7657 E Mariposa Grande Dr	Scottsdale	AZ	85255
Guy Phillips		7131 E. Cholla St.	Scottsdale	AZ	85254
Jim Funk	Gainey Ranch Community Association	7720 Gainey Ranch Road	Scottsdale	AZ	85258
Jim Haxby		7336 E. Sunnyside Dr.	Scottsdale	AZ	85260
John Berry/Michele Hammond	Berry Riddell, LLC	6750 E Camelback Rd, Ste 100	Scottsdale	AZ	85251
John Washington		3518 N Cambers Court	Scottsdale	AZ	85251
Leon Spiro		7814 E Oberlin Way	Scottsdale	AZ	85266
Linda Whitehead		9681 E Chuckwagon Lane	Scottsdale	AZ	85262
Lori Haye		P.O. Box 426	Cave Creek	AZ	85327
Maricopa County Superintendent of Schools		4041 N. Central Avenue Suite 1200	Phoenix	AZ	85012
Mike Leary	Michael P. Leary, LTD, Real Estate Development Co	10278 E. Hillery Dr.	Scottsdale	AZ	85255
Mike McNeal, Supervisor	AT&T	1231 W. University Drive	Mesa	AZ	85201
Planning & Engineering Section Manager	Arizona State Land Department	1616 W. Adams Street	Phoenix	AZ	85007
Project Management	Arizona Department of Transportation	205 S. 17th Avenue MD 6012E	Phoenix	AZ	85007
Randall P. Brown	Spring Creek Development	7134 E. Stetson Drive; Suite 400	Scottsdale	AZ	85251
Richard Turner, Planning and Zoning Admin	Town of Fountain Hills	16705 E. Avenue of the Fountains	Fountain Hills	AZ	85268
Sherry Wagner/Right-of-Way Technician, S	Mail Station PAB348	P.O. Box 52025	Phoenix	AZ	85072-2025
	Withey Morris, PLC	2525 E. Arizona Biltmore Circle; Suite A-212	Phoenix	AZ	85016
	Gammage & Burnham, PLC	2 N. Central Avenue, 15th Floor	Phoenix	AZ	85004
	Arizona Commerce Authority	333 N. Central Avenue, Suite 1900	Phoenix	AZ	85004
	Paradise Valley Unified School District	15002 N. 32nd Street	Phoenix	AZ	85032
	Granite Reef Neighborhood Resource Center	1700 N Granite Reef Road	Scottsdale	AZ	85257
	Southwest Gas Corporation	10851 N Black Canyon Hwy Ste 100	Phoenix	AZ	85029-4756
Edwin Bull	Burch & Cracchiolo PA	P.O. Box 16882	Phoenix	AZ	85011
Jim Lane, Mayor	City of Scottsdale	7666 E. El Rancho Drive	Scottsdale	AZ	85260
John Berry/Michele Hammond	Berry Riddell, LLC	6750 E Camelback Rd, Ste 100	Scottsdale	AZ	85251
Mike McNeal, Supervisor	AT&T	1231 W. University Drive	Mesa	AZ	85201
Steve Weiss		11146 E Beck Lane	Scottsdale	AZ	85259

Steven Voss	LVA, Urban Design Studio, LLC	120 S. Ash Avenue	Tempe	AZ	85281
	Earl, Curley & Lagarde, PC	3101 N Central Avenue, Suite 1000	Phoenix	AZ	85012
	Withey Morris, PLC	2525 E. Arizona Biltmore Circle; Suite A-212	Phoenix	AZ	85016
	Gallagher & Kennedy, PA	2575 E Camelback Rd Ste 1100	Phoenix	AZ	85016
	Gammage & Burnham, PLC	2 N. Central Avenue, 15th Floor	Phoenix	AZ	85004
	Paradise Valley Unified School District	15002 N. 32nd Street	Phoenix	AZ	85032
	Granite Reef Neighborhood Resource Center	1700 N Granite Reef Road	Scottsdale	AZ	85257
	Southwest Gas Corporation	10851 N Black Canyon Hwy Ste 100	Phoenix	AZ	85029-4756
Ryan Hurley	Rose Law Group	7144 E. Stetson Drive	Scottsdale	AZ	85251
Demitri Downing		1776 N Scottsdale Road Box 10642	Scottsdale	AZ	85251

Please publish the following as an 8<sup>th</sup> Page Ad:



**Project Name:** Medical Marijuana Text Amendment  
**Case Numbers:** 8-TA-2010#3  
**Location:** City-Wide  
**Purpose:** Request by the City of Scottsdale, as the applicant, for a Text Amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including revisions to separation requirements and possible addition of protected uses.

**Applicant/Staff contact:** Bryan Cluff, 480-312-2258  
Email – [bcluff@scottsdaleaz.gov](mailto:bcluff@scottsdaleaz.gov)

A copy of the proposed amendments is available for review in Suite 105, 7447 East Indian School Road, Scottsdale, Arizona.

For more information, call **480-312-7000** or enter case number at:  
<https://eservices.scottsdaleaz.gov/bldgresources/Cases>

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NOTICE IS HEREBY GIVEN that the City Council of the City of Scottsdale, Arizona, will hear public comment regarding these cases at the hearing listed below:

**Hearing Date:** July 27, 2016 @ 5 P.M.  
**Location:** City Hall Kiva, 3939 N. Drinkwater Blvd

Attest  
Lorraine Castro  
Planning Specialist



Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting Lorraine Castro at 480-312-7620. Requests should be made as early as possible to allow time to arrange accommodation. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT Lorraine Castro at 480-312-7620.



## **ADDITIONAL CRITERIA FOR MEDICAL MARIJUANA USE**

### **M. Medical marijuana use.**

1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
2. The medical marijuana use is at least five hundred (500) feet from the following uses within the City limits:
  - a. Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., and
  - b. Any elementary or secondary school.
3. The medical marijuana use is at least one thousand three hundred twenty (1,320) feet from the following uses within the City limits:
  - a. Medical marijuana caregiver cultivation, or
  - b. Another medical marijuana use.However, no separation between these uses is required in the Industrial Park District I-1 where a medical marijuana caregiver cultivation use or a medical marijuana use hold a state issued caregiver registry identification card and/or a nonprofit medical marijuana dispensary registration certificate under the same name or organization.
4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
5. The property owner has provided a written exterior refuse control plan, subject to City approval.
6. The property owner has provided a written public safety plan, subject to City approval.
7. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than 7:00 p.m.
8. There is no drive-through service, take-out window, or drive-in service.

**ZONING ORDINANCE TEXT AMENDMENT**  
**8-TA-2010#3 Medical Marijuana Text Amendment**

**Draft 7/8/16**

**Staff Coordinator:**

**Bryan Cluff**

**Senior Planner**

**480-312-2258**

**[bcluff@scottsdaleaz.gov](mailto:bcluff@scottsdaleaz.gov)**

**How to read this document.**

Unless otherwise stated, provisions that are being deleted are shown with a strike-through, like this: ~~Provisions that are being deleted are shown with a strike-through.~~

Provisions that are being added are shown as highlighted, like this: **Provisions that are being added are shown as highlighted.**

**ARTICLE I. ADMINISTRATION AND PROCEDURES**

**Sec. 1.400. Conditional Use Permits.**

**Sec. 1.403. Additional conditions for specific conditional uses.**

***L. Medical marijuana caregiver cultivation.***

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 caregiver cultivation use is at least ~~five hundred (500)~~ **one thousand five hundred (1,500)** feet from the following uses within the City limits:
  - a. Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., and
  - b. Any elementary or secondary school **or pre-school.**
  - c. **Any Church.**
  - d. **Any Day care.**
  - e. **Any Public park.**



3. The medical marijuana caregiver cultivation use is at least ~~one thousand three hundred twenty (1,320)~~ two thousand six hundred forty (2,640) feet from the following uses within the City limits:

- a. Another medical marijuana caregiver cultivation use, or
- b. Any medical marijuana use.

However, no separation between these uses is required in the Industrial Park I-1 where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued caregiver registry identification card and a nonprofit medical marijuana dispensary registration certificate, respectively, under the same name or organization.

4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
5. The property owner has provided a written exterior refuse control plan, subject to City approval.
6. The property owner has provided a written public safety plan, subject to City approval.

*M. Medical marijuana use.*

Active Medical marijuana uses legally established operating under a valid Conditional Use Permit before September 30, 2016, including extensions, renewals, and amendments to existing approvals, shall be subject to the following conditions:

1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
2. The medical marijuana use is at least five hundred (500) feet from the following uses within the City limits:
  - f. Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., and
  - g. Any elementary or secondary school or pre-school.
3. The medical marijuana caregiver cultivation use is at least one thousand three hundred twenty (1,320) feet from the following uses within the City limits:
  - a. Medical marijuana caregiver cultivation use, or
  - b. Another medical marijuana use.

However, no separation between these uses is required in the Industrial Park I-1 where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued



caregiver registry identification card and a nonprofit medical marijuana dispensary registration certificate, respectively, under the same name or organization.

4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
5. The property owner has provided a written exterior refuse control plan, subject to City approval.
6. The property owner has provided a written public safety plan, subject to City approval.
7. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than 7:00 p.m.
8. There is no drive-through service, take-out window, or drive-in service.

Medical marijuana uses seeking a Conditional Use Permit after September 30, 2016, shall be subject to the following conditions:

1. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
2. The medical marijuana use is at least one thousand five hundred (1,500) feet from the following uses within the City limits:
  - a. Any residential use in a residential district shown on Table 4.100.A, or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
  - b. Any elementary or secondary school or pre-school.
  - c. Any Church.
  - d. Any Day care.
  - e. Any Public park.
3. The medical marijuana caregiver cultivation use is at least two thousand six hundred forty (2,640) feet from the following uses within the City limits:
  - c. Medical marijuana caregiver cultivation use, or
  - d. Another medical marijuana use.

However, no separation between these uses is required in the Industrial Park I-1 where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued caregiver registry identification card and a nonprofit medical marijuana dispensary registration certificate, respectively, under the same name or organization.

4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.

5. The property owner has provided a written exterior refuse control plan, subject to City approval.

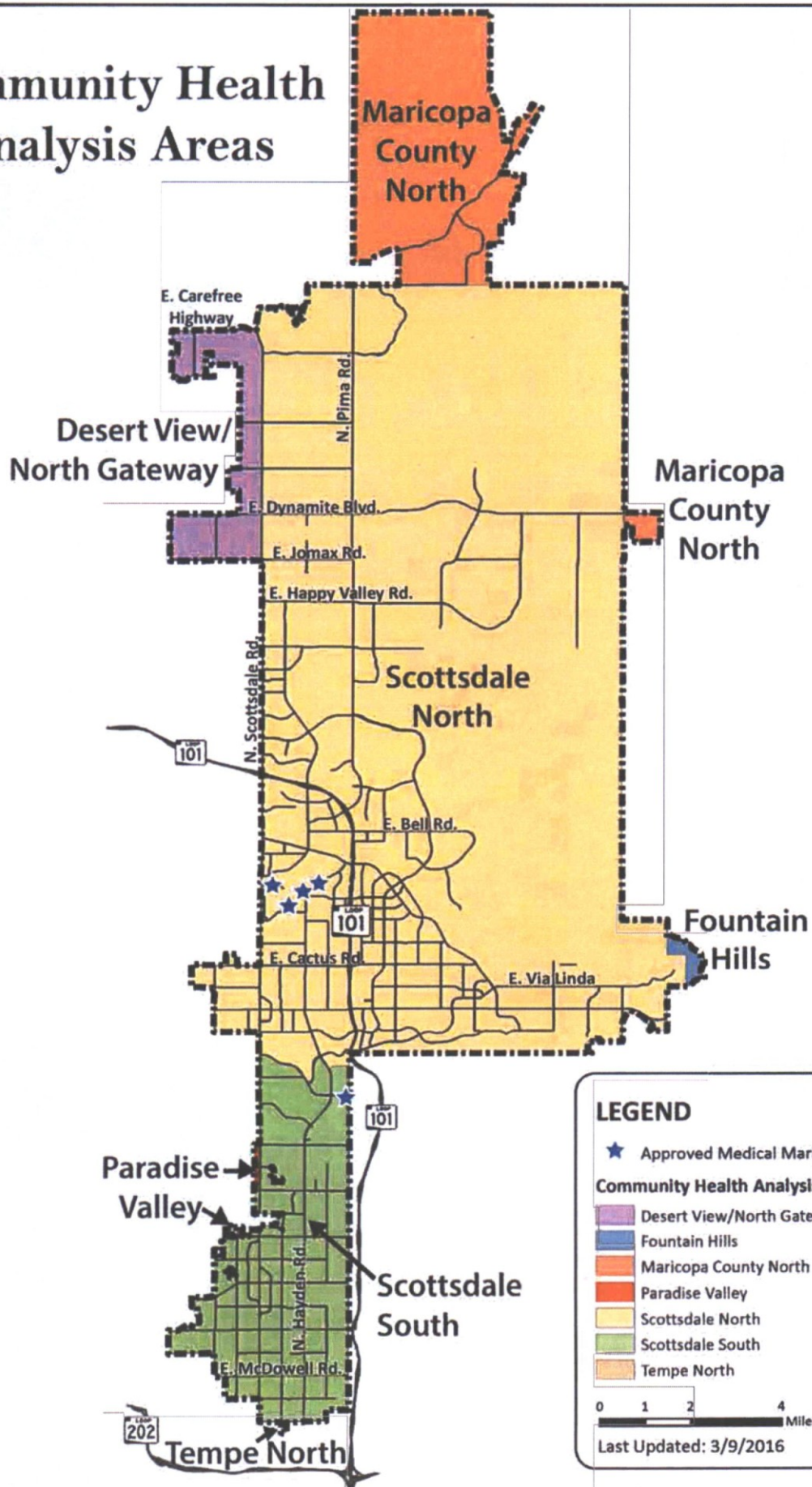
6. The property owner has provided a written public safety plan, subject to City approval.

7. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than 7:00 p.m.

8. There is no drive-through service, take-out window, or drive-in service.



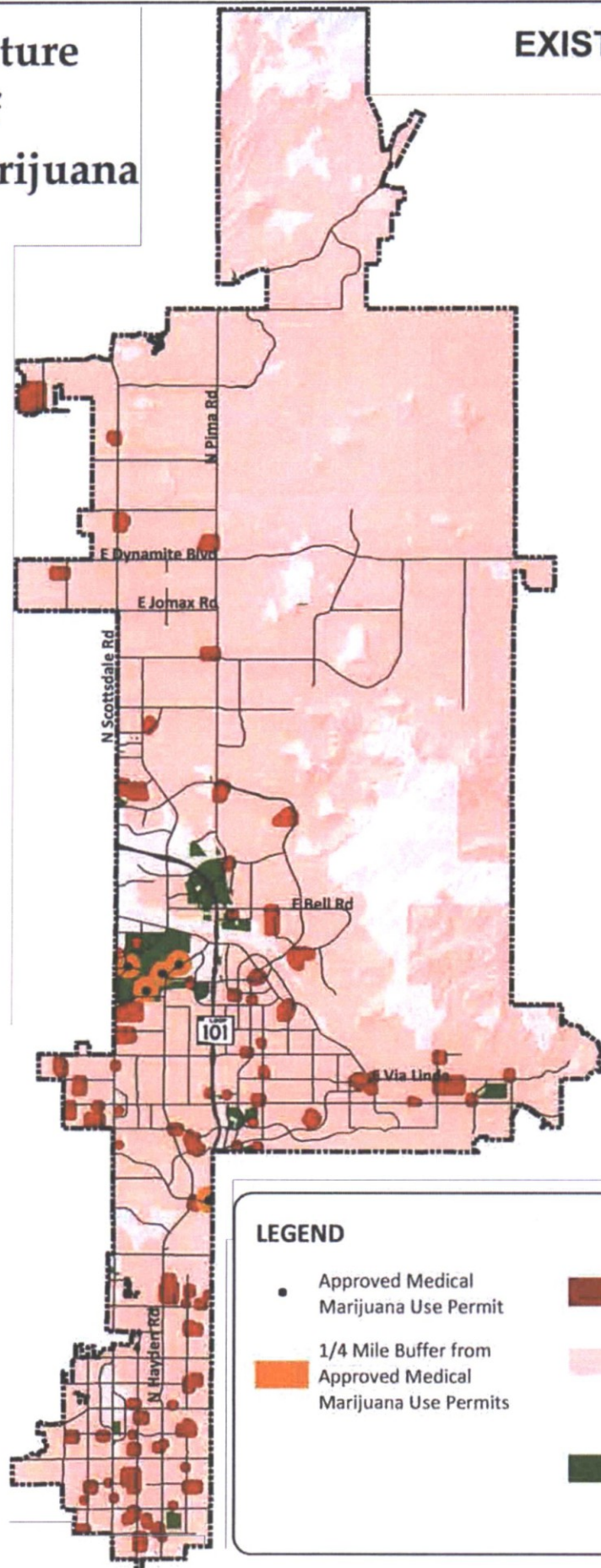
# Community Health Analysis Areas





# Potential Future Locations of Medical Marijuana Uses

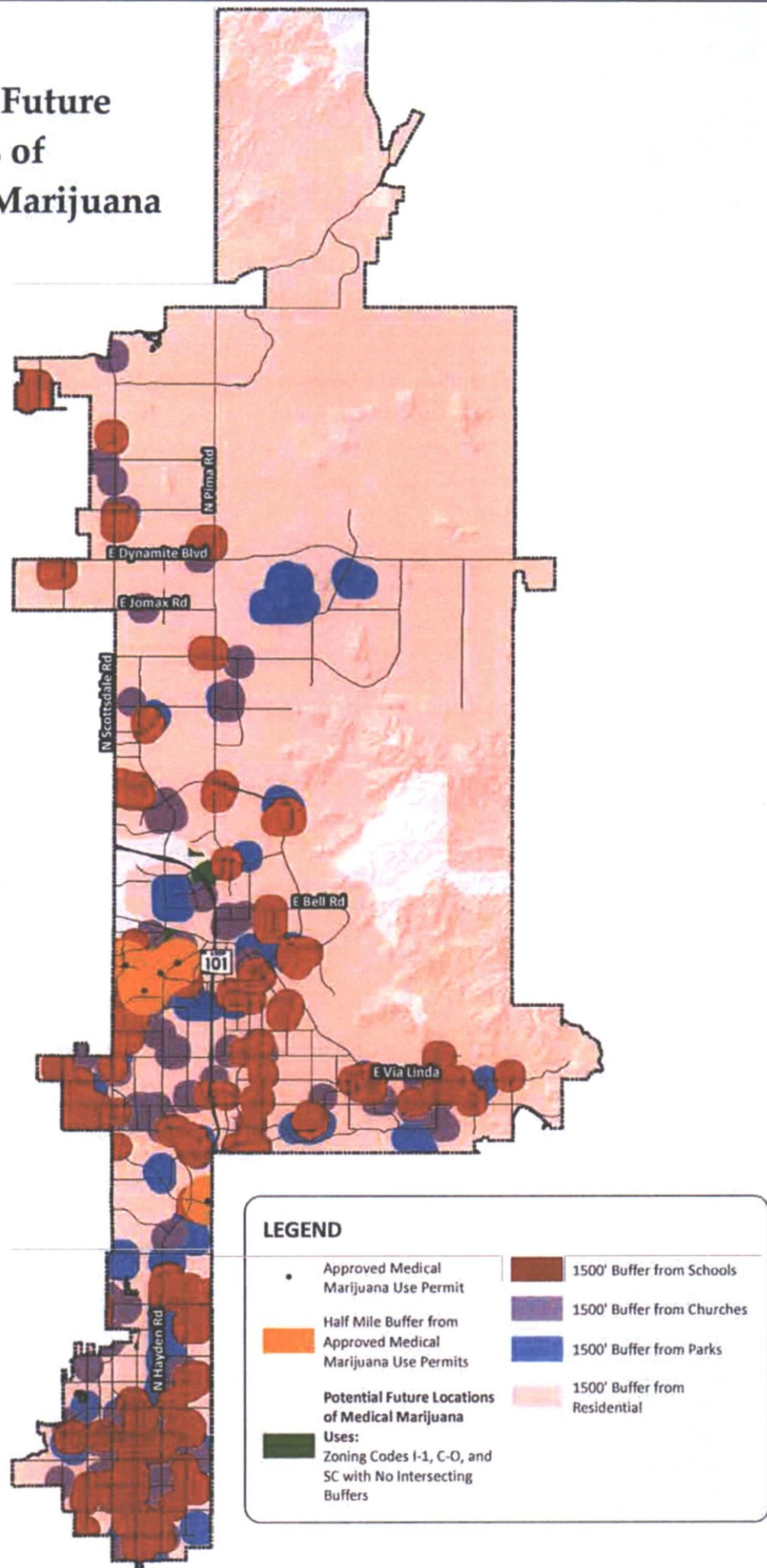
## EXISTING CONDITIONS



### LEGEND

- Approved Medical Marijuana Use Permit
- 1/4 Mile Buffer from Approved Medical Marijuana Use Permits
- 500' Buffer from Existing Schools
- 500' Buffer from Residential Areas
- Potential Future Locations of Medical Marijuana Uses:**  
Zoning Codes I-1, C-O, and SC with No Intersecting Buffers

# Proposed Potential Future Locations of Medical Marijuana Uses





## Cluff, Bryan

---

**From:** Jennifer Hall <jhall@roselawgroup.com>  
**Sent:** Friday, June 17, 2016 12:48 PM  
**To:** Cluff, Bryan  
**Cc:** Jennifer Hall  
**Subject:** FW: 485-PA-16 Expansion Legal issue

Hey Bryan – please discard my comment card as my choice of wording does not accurately reflect our position. Please replace with the following:

We are in favor of staff's proposed text amendment language that allows existing MMJ facilities to continue to operate (and potentially expand) under the old zoning conditions.

Thanks!

**Jennifer Hall**  
**Senior Project Manager**



7144 E Stetson Drive, Suite 300  
Scottsdale, Arizona 85251  
Direct: 480.505.3938  
Cell: 602.369.0810

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Think green, please don't print unnecessarily

**From:** Bloomberg, Greg [<mailto:Gbloemberg@scottsdaleaz.gov>]  
**Sent:** Friday, June 17, 2016 11:14 AM  
**To:** Jennifer Hall <jhall@roselawgroup.com>  
**Cc:** Ryan Hurley <RHurley@roselawgroup.com>; Cluff, Bryan <BCluff@Scottsdaleaz.gov>; Padilla, Joe <JPadilla@Scottsdaleaz.gov>  
**Subject:** RE: 485-PA-16 Expansion Legal issue



Jennifer,

The proposed text is structured to include language that protects existing facilities. It does not "grandfather" the existing facilities; it allows them to continue operating under the existing conditions. That's significant because if they are just "grandfathered" as non-conforming uses, they will not be able to expand (Sec. 1.1304 of the Zoning Ordinance). Under the existing conditions, there is a 500-foot separation required from residential and schools. If your applicant can meet those buffers, as well as all the other current conditions and zoning requirements, than expansion will be possible; but of course all of this is subject to City Council approval.

Greg Bloomberg

Senior Planner

Current Planning

City of Scottsdale

e-mail: [gbloomberg@scottsdaleaz.gov](mailto:gbloomberg@scottsdaleaz.gov)

phone: 480-312-4306

---

**From:** Jennifer Hall [<mailto:jhall@roselawgroup.com>]

**Sent:** Friday, June 17, 2016 10:50 AM

**To:** Bloomberg, Greg

**Cc:** Ryan Hurley; Jennifer Hall

**Subject:** 485-PA-16 Expansion Legal issue

Hi Greg – I was trying to explain to Ryan what we talked about yesterday in relation to the expansion legal issue. My understanding is that city's Legal Dept is trying to determine if an existing dispensary (grandfathered in) has the ability to expand after the TA is approved. Please confirm and thanks!

**Jennifer Hall**

**Senior Project Manager**

**ROSE**  
**LAW GROUP<sub>pc</sub>**  
RICH ■ HURLEY ■ CARTER

7144 E Stetson Drive, Suite 300

Scottsdale, Arizona 85251

Direct: 480.505.3938

Cell: 602.369.0810

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**SCOTTSDALE PLANNING COMMISSION  
KIVA-CITY HALL  
3939 DRINKWATER BOULEVARD  
SCOTTSDALE, ARIZONA**

**WEDNESDAY, JULY 27, 2016**

**\*DRAFT SUMMARIZED MEETING MINUTES\***

**PRESENT:** Michael Edwards, Chair  
Matthew Cody, Vice Chair  
Larry S. Kush, Commissioner  
Michael J. Minnaugh, Commissioner  
Paul Alessio, Commissioner

**ABSENT:** David Brantner, Commissioner  
Ali Fakih, Commissioner

**STAFF:** Tim Curtis  
Joe Padilla  
Greg Bloemberg  
Keith Niederer  
Meredith Tessier  
Bryan Cluff  
Taylor Reynolds  
Gary Meyer

**CALL TO ORDER**

Vice Chair Cody called the regular session of the Scottsdale Planning Commission to order at 5:00 p.m.

**ROLL CALL**

A formal roll call was conducted confirming members present as stated above.

\* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on [ScottsdaleAZ.gov](http://ScottsdaleAZ.gov), search "Planning Commission"



### **MINUTES REVIEW AND APPROVAL**

1. Approval of June 22, 2016 Regular Meeting Minutes including the Study Session.

**COMMISSIONER KUSH MOVED TO APPROVE THE JUNE 22, 2016 REGULAR MEETING MINUTES INCLUDING THE STUDY SESSION, SECONDED BY COMMISSIONER ALESSIO, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).**

### **EXPEDITED AGENDA**

2. 38-UP-1991#2 (Enterprise Rent-A-Car)  
Request by owner to amend stipulations and eliminate obsolete stipulations of an existing Conditional Use Permit (38-UP-1991) for vehicle leasing, rental or sales on a 1.07+/- acre site zoned Highway Commercial District (C-3), located at 1815 N. Scottsdale Road. Staff contact person is Greg Bloemberg, 480-312-4306. **Applicant contact person is Josh Oehler, 602-696-6500.**
3. 6-UP-2011#2 (AT&T CMC Golf - Site No. W384-BB)  
Request by owner for a Conditional Use Permit for an existing Type 4 Alternative Concealment Wireless Communication facility (WCF) concealed within a 55-foot tall artificial palm tree, with associated ground mounted equipment, on a 1.24+/- acre located at 15695 N. 83rd Way with Industrial Park District (I-1) zoning. Staff contact person is Keith Niederer, 480-312-2953. **Applicant contact person is Julie Cocca, 602-421-4885.**
4. 1-UP-2016 (City Of Scottsdale Fire Station 613)  
Request by the City of Scottsdale for a Municipal Use Master Site Plan for a new city fire station on a 11.4 +/- acre parcel located at 26380 North Hayden Road with Single-family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-43 ESL F-O) zoning and to approve site plan, landscape plan, and building elevations for a new city fire station. Staff contact person is Meredith Tessier, 480-312-4211. **Applicant contact person is Matthew A Gorman, 602-279-4373.**

\* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission page on [ScottsdaleAZ.gov](http://ScottsdaleAZ.gov), search "Planning Commission"



5. 2-UP-2016 (Sixt Rent a Car at Scottsdale Seville)

Request by owner for a Conditional Use Permit for vehicle leasing, rental or sales within an existing suite at the Seville retail center with 11.5 +/- acres site located at 7001 N. Scottsdale Road, with Central Business District, Parking P-4 District, (C-2/P-4) zoning. Staff contact person is Meredith Tessier, 480-312-4211. Applicant contact person is Taylor Earl, 602-265-0094.

**Item No's 2, 3, 4 & 5: Recommended City Council approve cases 38-UP-1991#2, 6-UP-2011#2, 1-UP-2016 and 2-UP-2016, by a vote of 5-0; Motion by Commissioner Kush, per the staff recommended stipulations, based upon the finding that the Municipal Use and the Conditional Use Permit criteria have been met, 2<sup>nd</sup> by Commissioner Alessio.**

## **REGULAR AGENDA**

6. 2-GP-2016 (Paseo De Las Flores)

Request by owner for a Non-Major General Plan amendment to the City of Scottsdale General Plan 2001 from the Office land use designation to the Commercial land use designation on a 2.64 +/- acre site located at 7300 N. Via Paseo Del Sur. Staff contact person is Meredith Tessier, 480-312-4211. Applicant contact person is George Pasquel III, 602-230-0600.

**Item No 6: Recommended City Council approve case 2-GP-2016, by a vote of 5-0; Motion by Commissioner Alessio, for a non-major General Plan amendment to the City of Scottsdale General Plan 2001 to change the land use designation from Office to Commercial, 2<sup>nd</sup> by Commissioner Kush.**

7. 4-ZN-2016 (Paseo De Las Flores)

Request by owner for a Zoning District Map Amendment to amend the Planned Community (P-C) zoning district from comparable Single-family Residential, (R1-7) zoning uses and property development standards to comparable Neighborhood Commercial (C-1) zoning uses and property development standards and amend the McCormick Ranch master Development Plan on a 2.64 +/- acre site located at 7300 N. Via Paseo Del Sur. Staff contact person is Meredith Tessier, 480-312-4211. Applicant contact person is George Pasquel III, 602-230-0600.

Request to speak card: Angie Hisler

Written comment card: Angie Hisler

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**Item No 7: Recommended City Council approve case 4-ZN-2016, by a vote of 5-0; Motion by Commissioner Alessio, per the staff recommended stipulations, after determining that the proposed Zoning District Map Amendment, development plan and amended development standards are consistent and conform with the adopted General Plan, 2<sup>nd</sup> by Commissioner Kush.**

**8. 8-TA-2010#3 (Medical Marijuana Text Amendment)**

Request by the City of Scottsdale, as the applicant, for a Text Amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including possible revisions to separation requirements and addition of protected uses. Applicant/Staff contact person is Bryan Cluff, 480-312-2258.

**Item No 8: Recommended City Council approve case 8-TA-2010#3, by a vote of 5-0; Motion by Vice Chair Cody; after determining that the proposed Text Amendment is consistent and conforms with the adopted General Plan and ask City Council to study placing a cap on the number of Marijuana facilities in the city, 2<sup>nd</sup> by Commission Kush.**

Request to speak card: Jennifer Hall

Written Comment card: Jennifer Hall

**ADJOURNMENT**

With no further business to discuss, the regular session of the Planning Commission adjourned at 5:52 p.m.

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## WRITTEN COMMENTS

8

This card is used to submit written comments to the Board or Commission.  
Written comment cards may be submitted to the Staff at any time. Cards submitted after public testimony has begun will be provided to the Board or Commission at the conclusion of the testimony for that item.

NAME (print) Jennifer Hall MEETING DATE 7/27/16

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

ADDRESS 7144 E. Stetson Dr. ZIP \_\_\_\_\_

HOME PHONE \_\_\_\_\_ WORK PHONE 480 505 3938

E-MAIL ADDRESS (optional) \_\_\_\_\_

AGENDA ITEM # 8 ☒ SUPPORT ☐ OPPOSE

COMMENTS (additional space is provided on the back)  
support as proposed by staff

This card constitutes a public record under Arizona law.



## REQUEST TO SPEAK

8

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

NAME (print) Jennifer Hall MEETING DATE 7/27/16

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

ADDRESS 7144 E. Stetson Dr. #300 ZIP \_\_\_\_\_

HOME PHONE \_\_\_\_\_ WORK PHONE 480 505 3938

E-MAIL ADDRESS (optional) \_\_\_\_\_

☒ I WISH TO SPEAK ON AGENDA ITEM # 8 ☐ I WISH TO DONATE MY TIME TO \_\_\_\_\_

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

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

ATTACHMENT #11

This card constitutes a public record under Arizona law.



# **Medical Marijuana Text Amendment**

**8-TA-2010#3**

City Council

August 31, 2016

Coordinator: Bryan Cluff

# **Medical Marijuana Text Amendment**

## **Request:**

- Request by the City of Scottsdale, for a text amendment to the City of Scottsdale Zoning Ordinance to Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical Marijuana Uses.
- The City Council initiated this text amendment at their May 17, 2016 meeting.
- Planning Commission heard and recommended approval at their July 27, 2016 meeting.

**REQUEST**

**8-TA-2010#3**

# Medical Marijuana Text Amendment

## Existing Conditional Use Permit Criteria (I-1, C-O and SC zoning only)

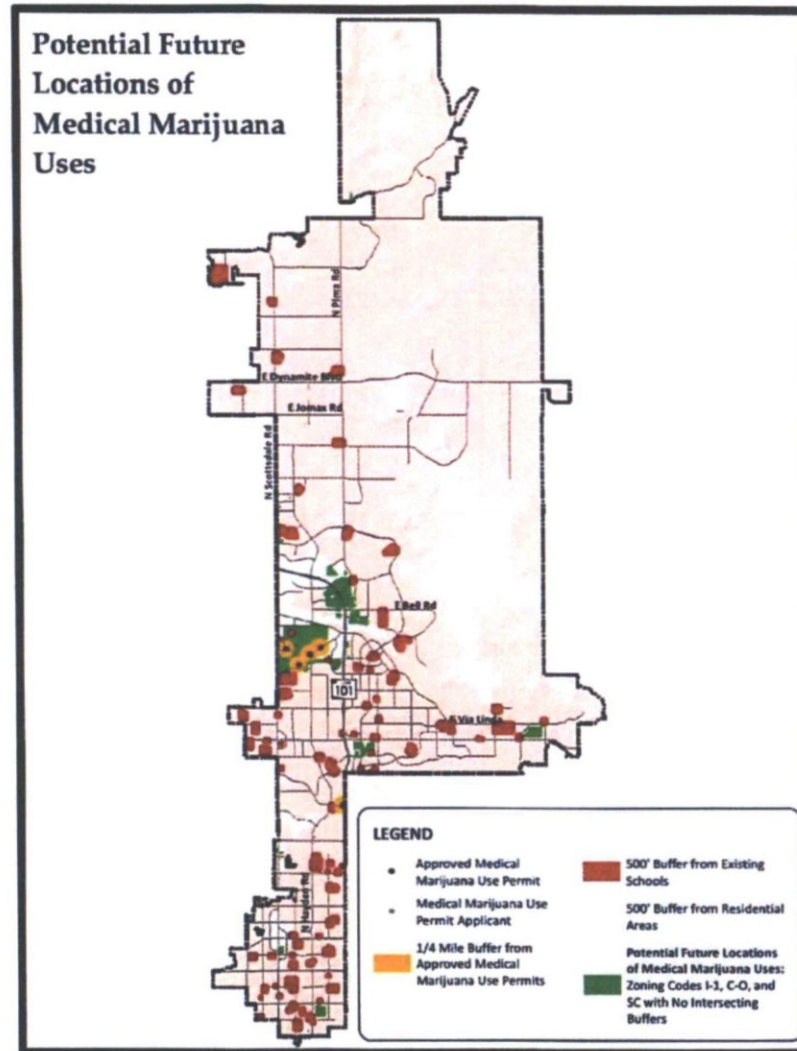
Criteria	Existing
All operations to be within enclosed building	Yes
Separation required from protected uses:	
Residential	500 feet
Schools	500 feet
Separation required between other MMJ uses	1,320 feet
Refuse control plan required	Yes
Public safety plan required	Yes
Drive-through service allowed	No
Hours of operation	6:00am – 7:00pm

**BACKGROUND**

**8-TA-2010#3**



# Medical Marijuana Text Amendment



POTENTIAL LOCATIONS MAP (EXISTING CONDITIONS)

8-TA-2010#3

# **Medical Marijuana Text Amendment**

## **City Council Direction**

- At the May 17, 2016 meeting, the City Council initiated the text amendment with direction to increase the required separation between Medical Marijuana Facilities, increase the required separation from protected uses, and to add 3 new protected uses (Church, Public Park, Daycare).

**COUNCIL DIRECTION**

**8-TA-2010#3**

# Medical Marijuana Text Amendment

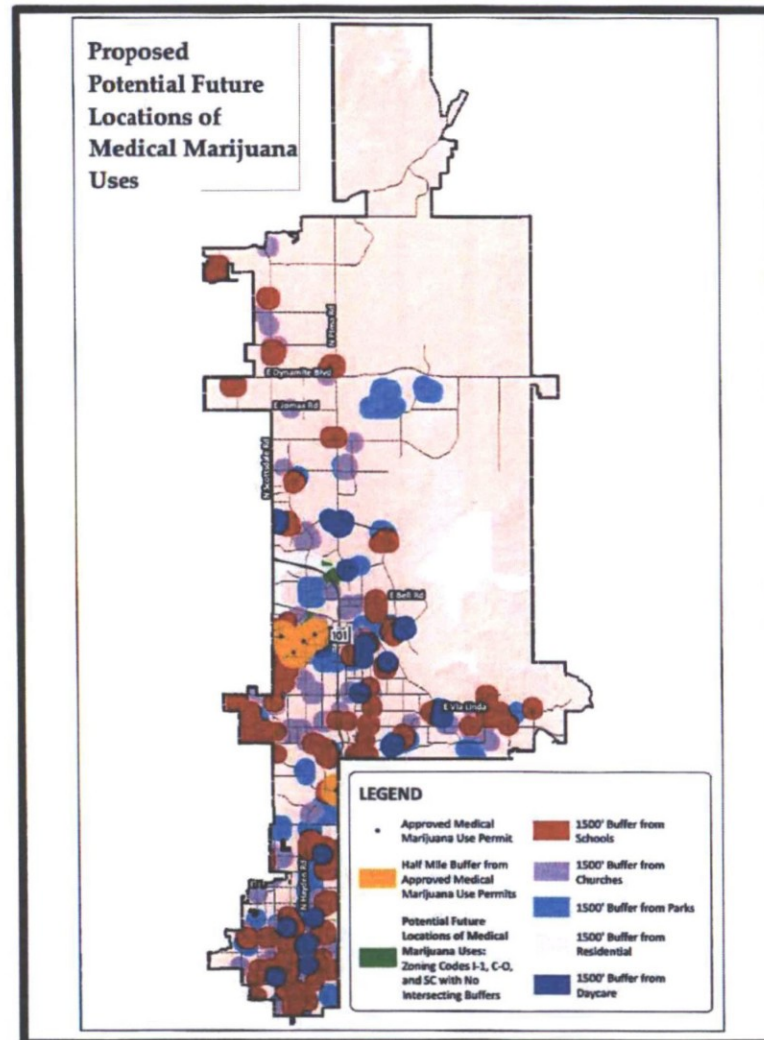
Criteria	Existing	Proposed
All operations to be within enclosed building	Yes	No change
Separation required from protected uses:		
Residential	500 feet	1,500 feet
Schools	500 feet	1,500 feet
Church	none	1,500 feet
Public Park	none	1,500 feet
Day Care	none	1,500 feet
Separation required between other MMJ uses	1,320 feet	2,640 feet
Refuse control plan required	Yes	No change
Public safety plan required	Yes	No change
Drive-through service allowed	No	No change

**PROPOSAL**

**8-TA-2010#3**



# Medical Marijuana Text Amendment

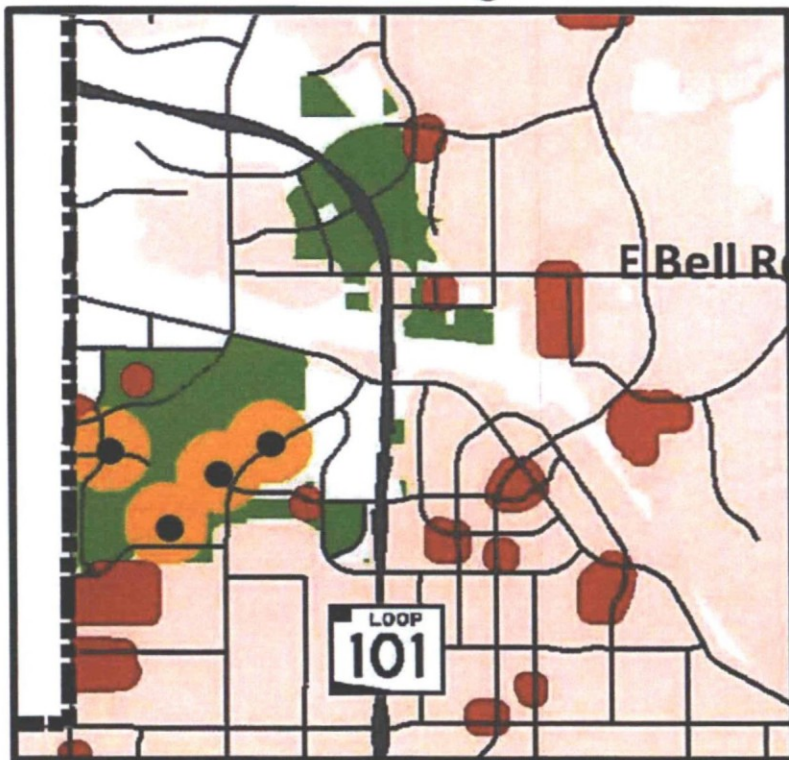


PROPOSAL

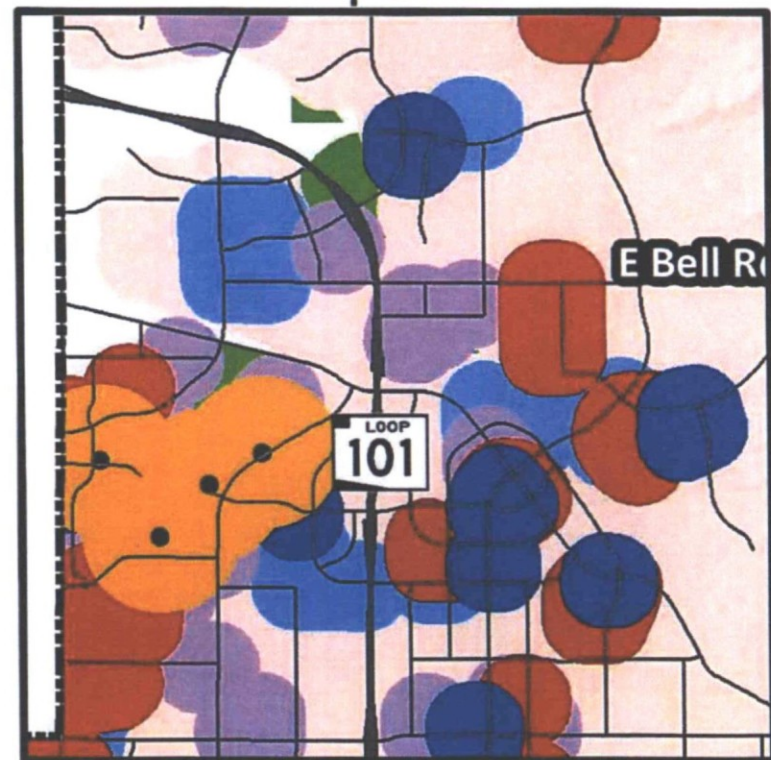
8-TA-2010#3

# Medical Marijuana Text Amendment

Existing



Proposed



**PROPOSAL**

**8-TA-2010#3**

# **Medical Marijuana Text Amendment**

## **Public Involvement**

- Notification of text amendment Interested Parties List
- Notification of owners of existing facilities
- Two open house meeting held by staff
  - June 14, 2016
  - June 16, 2016
- Legal advertisement in newspaper
- Case Fact Sheet on City website

**PUBLIC INVOLVEMENT**

**8-TA-2010#3**



# **Medical Marijuana Text Amendment**

## **Request:**

- Request by the City of Scottsdale, for a text amendment to the City of Scottsdale Zoning Ordinance to Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical Marijuana Uses.
- Planning Commission heard and recommended approval at their July 27, 2016 meeting.

**REQUEST**

**8-TA-2010#3**