



Application

Narrative

Cash Transmittal

Development Standards

Development Application



Development Application Type:

Please check the appropriate box of the Type(s) of Application(s) you are requesting

Zoning	Development Review	Land Divisions
<input type="checkbox"/> Rezoning (ZN)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Subdivision (PP)
<input type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Subdivision (Minor) (MD)
<input checked="" type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Wash Modification (WM)	<input type="checkbox"/> Land Assemblage
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Historic Property (HP)	Other
<input type="checkbox"/> Development Agreement (DA)	Wireless Communication Facilities	<input type="checkbox"/> Annexation/De-annexation (AN)
Exceptions to the Zoning Ordinance	<input type="checkbox"/> Small Wireless Facilities (SW)	<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Minor Amendment (MN)	<input type="checkbox"/> Type 2 WCF DR Review Minor (SA)	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Hardship Exemption (HE)	Signs	<input type="checkbox"/> Abandonment (AB)
<input type="checkbox"/> Variance/Accommodation/Appeal (BA)	<input type="checkbox"/> Master Sign Program (MS)	Other Application Type Not Listed
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Community Sign District (MS)	<input type="checkbox"/> Other: _____

Project Name: Green Skv Patient Center of Scottsdale North Inc.

Property's Address: 7320 East Butherus Drive, Suite 100, Scottsdale, AZ 85260

Property's Current Zoning District Designation:

The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.

Owner: Will Counts, <i>MANAGER</i>	Agent/Applicant: Terressa DeHaven
Company: Sky Peak, LLC	Company: Harvest Health & Recreation
Address: 7320 E. Butherus Drive, Suite 204, Scottsdale, AZ 85260	Address: 1155 W. Rio Salado Pkwy. Tempe, AZ 85281
Phone: 480-483-8107 Fax:	Phone: 480-710-9295 Fax:
E-mail:	E-mail: tdehaven@harvestinc.com
Designer:	Engineer:
Company:	Company:
Address:	Address:
Phone: Fax:	Phone: Fax:
E-mail: counts@wcounts.com	E-mail: tdehaven@harvestinc.com

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).

- This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications¹ will be reviewed in a format similar to the Enhanced Application Review methodology.



Enhanced Application Review:

I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.



Standard Application Review:

I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

Will Counts, MANAGER

Owner Signature

Terressa DeHaven

Agent/Applicant Signature

Official Use Only

Submittal Date:

Development Application No.:

Planning and Development Services

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 • www.ScottsdaleAZ.gov

Development Application

Page 1 of 3

Revision Date: 5/10/2018

Appeals of Dedication, Exactions or Zoning Regulations



Rights of Property Owner

In addition to the other rights granted to you by the U.S. and Arizona Constitution, federal and state law and city ordinances or regulations, you are hereby notified of your right to appeal the following City actions relating to your property:

- 1) Any dedication or exaction which is required of you by an administrative agency or official of the city as a condition of granting approval of your request to use, improve or develop your real property. This appeal right does not apply to a dedication or exaction required as part of a city legislative act (for example a zoning ordinance) when an administrative agency or official has no discretion to determine the dedication or exaction.
- 2) The adoption or amendment of a zoning regulation that creates a taking of property in violations of Arizona and federal court decision.

Appeal Procedure

The appeal must be in writing and specify the City action appealed and the date final action was taken, and must be filed with or mailed to the hearing officer designated by the city within 30 days after the final action is taken

- No fee will be charged for filing
- The city Attorney's Office will review the appeal for compliance with the above requirements, and will notify you if your appeal does not comply
- Eligible appeals will be forwarded to the hearing officer, and a hearing will be scheduled within 30 days of receipt by the hearing officer of your request. Ten days notice will be given to you of the date, time and place of the hearing unless you indicate that less notice is acceptable to you.
- The City will submit a takings impact report to the hearing officer.
- In an appeal from a dedication or exaction, the City will bear the burden of proving that the dedication or exaction to be imposed on your property bears an essential nexus between the requirement and a legitimate governmental interest and that the proposed dedication or exaction is roughly proportional to the impact of the use, improvement or development you proposed.
- In an appeal from the adoption or amendment of a zoning regulation, the City will bear the burden of proving that any dedication or exaction requirement in the zoning regulation is roughly proportional to the impact of the proposed use, improvement, or development, and that the zoning regulation does not create a taking of property in violation of Arizona and federal court cases.
- The hearing officer must render his decision within five working days after the appeal is heard.
- The hearing officer can modify or delete a dedication or exaction or, in the case of an appeal from a zoning regulation, transmit a recommendation to the City Council.
- If you are dissatisfied with the decision of the hearing officer, you may file a complaint for a trial *nevo* with the Superior Court within 30 days of the hearing officer's decision.

For questions, you may contact:

City's Attorney's Office
3939 Drinkwater Blvd.
Scottsdale, AZ 85251
480-312-2405

Address your appeal to:

Hearing Officer, C/O City Clerk
3939 Drinkwater Blvd
Scottsdale, AZ 85251

Please be aware that City Staff cannot give you legal advice. You may wish, but are not required, to hire an attorney to represent you in an appeal.

Planning and Development Services

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ www.scottsdaleaz.gov

**Owner Certification
Acknowledging Receipt
Of
Notice Of Right To Appeal
Exactions And Dedications**

I hereby certify that I am the owner of property located at:

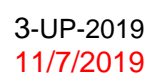
7320 E. Butcher's Dr. Suite 100 Scottsdale, AZ 85260
(address where development approval, building permits, or city required improvements and dedications are being required)

and hereby certify that I have received a notice that explains my right to appeal all exactions and/or dedications required by the City of Scottsdale as part of my property development on the parcel listed in the above address.

Will Smith MANAGER
Signature of Property Owner

Oct 23, 2019
Date





Affidavit of Authorization to Act for Property Owner



1. This affidavit concerns the following parcel of land:

- a. Street Address: 7320 E. Butcherus Dr
- b. County Tax Assessor's Parcel Number: 215-56-054 / 215-56-053
- c. General Location: 73rd St. and Butcherus
- d. Parcel Size: 54,000 / 54,000 (total 108,000)
- e. Legal Description: See attached legal description

(If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

- 2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.
- 3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest, and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.
- 4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.
- 5. I will immediately deliver to the Director of the City of Scottsdale Planning & Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.
- 6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.
- 7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land, and may expose me and the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)

Date

Signature

WILL COUNTS, MANAGER

Oct 23, 2019

Will Counts

_____, 20__

_____, 20__

_____, 20__

Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • www.ScottsdaleAZ.gov

Development Application



Development Application Type:

Please check the appropriate box of the Type(s) of Application(s) you are requesting

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Project Name: Green Sky Patient Center of Scottsdale North, Inc.

Property's Address: 7320 East Butherus Drive, Suite 100, Scottsdale, AZ 85260

Property's Current Zoning District Designation: 1-1

The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.

Owner: <u>Will Counts</u>	Agent/Applicant: <u>Kurt Merschman</u>
Company: <u>Sky Peak, LLC</u>	Company: <u>Green Sky Patient Center of Scottsdale North, Inc.</u>
Address: <u>7320 E. Butherus Drive Suite 204</u>	Address: <u>8180 N. Hayden Rd, Suite D-107 Scottsdale</u>
Phone: <u>480-483-8107</u> Fax:	Phone: <u>480-999-7762</u> Fax: <u>623-240-2620</u>
E-mail:	E-mail: <u>kdm@aznaturalselections.com</u>
Designer: <u>N/A</u>	Engineer: <u>N/A</u>
Company:	Company:
Address:	Address:
Phone: Fax:	Phone: Fax:
E-mail:	E-mail:

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☒ **Enhanced Application Review:** I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.

☐ **Standard Application Review:** I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

Will Counts, Manager Owner Signature Kurt Merschman Agent/Applicant Signature

Official Use Only

Submittal Date:

Development Application No.:

Planning and Development Services

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 • www.ScottsdaleAZ.gov

Development Application

Page 1 of 3

Revision Date: 5/10/2018

Project Narrative

Project No: 606-PA-2019

Case No: _____

Date: November 4, 2019

Coordinator: Bryan Cluff

Project Name: Green Sky Patient Center of Scottsdale North, Inc. d/b/a *Arizona Natural Selections* (the "Company") – Medical Marijuana Dispensary Conditional Use Permit Application

Project Location: 7320 East Butherus Drive, #100
Scottsdale, Arizona 85260

Property Details:

☐ Single-Family Residential
☐ Multi-Family Residential
☐ Commercial
☒ Industrial

Current Zoning: Light Industrial (I-1)

Proposed Zoning: No Change

Number of Buildings: 1

Parcel Size: 108,000 sq. ft.

Gross Floor Area/Total Units: Suite 100 – approx. 2700 sq. ft.

Floor Area Ration/Density: _____

Parking Required: _____

Parking Provided: _____

Setbacks: N - _____ E- _____ S - _____ W- _____

Description or Request:

The Company requests a renewal of a Conditional Use Permit to operate a medical marijuana dispensary at the location of 7320 East Butherus Drive, # 100, Scottsdale, AZ 85260.

606-PA-2019
Project Narrative
7320 East Butherus Drive, #100
Scottsdale, AZ 85260

Conditional Use Permit
Narrative Report

Request for a Renewal of a Conditional Use Permit
for a
Medical Marijuana Dispensary

Prepared for:
Green Sky Patient Center of Scottsdale North, Inc.
d/b/a Arizona Natural Selections

Prepared by:
Kurt D. Merschman

Green Sky Patient Center of Scottsdale North, Inc.
8180 N. Hayden Rd.
Suite D-107
Scottsdale, AZ 85258

Date: November 4, 2019

I. Overview

This request is for a renewal of a Conditional Use Permit for a Medical Marijuana Dispensary facility located at 7320 East Butherus Drive, #100, Scottsdale, Arizona 85260 (the "Property"). The Property will only serve as a medical marijuana dispensary. Arizona Natural Selections' ("AZNS") goal is to provide a safe system for legal medical marijuana patients to access their medicine and provide educational opportunities to patients and the community at large. In addition to providing patients with a safe environment to obtain the best quality and selection of medicines, AZNS will also be a resource for patients and the community at large to learn about alternative medical therapies generally and about the proven benefits of the use of cannabis in various treatment therapies. AZNS will have a Medical Director who is an Arizona licensed physician on staff at all times. AZNS is committed to a site security plan that greatly exceeds the Arizona Department of Health Services ("DHS") security requirements (please refer to the City of Scottsdale Public Safety and Refuse Control Plan for Security, Maintenance and Operation of Medical Marijuana Facilities filed with the application). The location of the Property is zoned Light Industrial (L-I). AZNS was founded by four (4) local business owners and civic leaders, Kurt Merschman, Dr. Gina Mecagni, J.P. Holyoak and Dr. Jonathan Coombs, who are each committed to the highest standards in patient care, patient education and community giving while strictly adhering to the Arizona Medical Marijuana Act and the regulations promulgated thereto. Dr. Gina Mecagni serves as AZNS's Medical Director.

II. Zoning Compliance

AZNS is requesting to renew its existing Conditional Use Permit (case #3-UP-2015) for a dispensary at 7320 E. Butherus Drive, #100, Scottsdale, AZ 85260; parcel numbers 215-56-054 and 215-56-053. The site is currently zoned I-1. Furthermore, this active dispensary continues to operate in full compliance with the amended text amendment to Section 1.403 of the City's Zoning Ordinance as outlined below.

Section 1.403.M. Medical Marijuana Use Criteria

1. 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:

All operations are conducted within a completely enclosed building;

This facility is not within 500 feet of any residential zoning district or residential portion of a Planned Community (PC) or any portion of a Planned Residential Development (PRD);

This facility is not within 500 feet of any elementary or secondary school or pre-school;

This facility is at least 1,320 feet from another medical marijuana use;

AZNS has provided a written public safety plan that was approved by Scottsdale's Police Department;

AZNS's hours of operation will continue to be no earlier than 6:00am and no later than 7:00pm;

There will never be a drive-through service, take-out window or drive-in service at this facility.

Additionally, AZNS does not allow on-site consumption of medication as well as prohibits loitering on the property.

III. Conditional Use Permit Compliance

AZNS will continue to meet or exceed all Conditional Use Permit requirements as set forth in Section 1.401 of the City's Zoning Ordinance as outlined below.

IV. Sec. 1.400. Conditional Use Permits

Sec. 1.401. Issuance

Conditional Use Permits, which may be revocable, conditional or valid for a specified time period, may be granted only when expressly permitted by this ordinance and, except in the case of conditional use permits for adult uses under Section 1.403(A), only after the Planning Commission has made a recommendation and the City Council has found as follows:

A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:

1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.

AZNS's use of the Property does not create any damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination. AZNS will have no noise levels more than that commonly associated with a medical clinic environment. AZNS will have no outdoor sound system/speakers/public announcement systems. AZNS will have no damage or nuisance arising from smoke. Smoking or consuming of medical marijuana products at the location of the dispensary is expressly prohibited by the rules promulgated by DHS and will be strictly enforced within and without the Property. AZNS will have no damage or nuisance arising from odors. All medical marijuana products offered for sale will arrive prepackaged in sealed, air tight, bar coded packages ready for sale to qualified patients. AZNS will have no damage or nuisance arising from dust. AZNS will have no damage or nuisance arising from vibrations. AZNS will have no damage or nuisance arising from illumination. The Property currently has City of Scottsdale approved lighting and illumination.

2. *Impact on surrounding areas resulting from an unusual volume or character of traffic.*

There will be no impact on surrounding areas resulting from an unusual volume or character of traffic resulting from the business activities of AZNS. This volume of traffic is commensurate with other facilities and uses in the immediate surrounding area.

B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.

AZNS and its founders attended all of Scottsdale City Council and Scottsdale Planning and Zoning Commission meetings related to medical marijuana zoning matters in Scottsdale. The Scottsdale City Council voted to allow medical marijuana dispensary use to be in Light Industrial (I-1) zoning. The medical office setting of medical marijuana dispensaries is compatible with the other uses in the airport area. AZNS is a **medical** marijuana dispensary and hence its use is compatible with the types of uses permitted in the surrounding areas.

C. The additional conditions specified in Section 1.403, as applicable, have been satisfied.

This location meets all of the conditions specified in Section 1.403, as stated above.

V. Conclusion

Arizona Natural Selections and its founders are committed to a well regulated, safe environment to provide medical marijuana to qualified patients. AZNS's founders have demonstrable history of operating at the highest standards of professionalism and community responsibility. AZNS's and its founders have established a compliant record of operations through the first 4 ½ years of operations.

AZNS respectfully requests the renewal of its existing Conditional Use Permit for five (5) years or more years. The renewal will allow AZNS to continue to serve its patients with its current high standards.

Request for Site Visits and/or Inspections
Development Application (Case Submittals)



This request concerns all property identified in the development application.

Pre-application No: 606-PA-2019

Project Name: Green Sky Patient Center of Scottsdale North

Project Address: 7320 E. Butherus Dr. #100

STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.

2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the development application.

STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the development application in order to efficiently process the application.

2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner/Property owner's agent: WILL COUNTS, MANAGER 

Print Name

Will Counts

Signature

City Use Only:

Submittal Date: _____ Case number: _____

Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ www.ScottsdaleAZ.gov