



Archaeological Resources

Airport Vicinity Development Checklist

Parking Study

Trip Generation Comparison

Parking Master Plan

# CITY OF SCOTTSDALE

## Public Safety and Refuse Control Plan

### For Medical Marijuana Facilities

Please indicate by Circling: Dispensary, Cultivation, or Both

Scottsdale Police Department, 3700 North 75<sup>th</sup> Street, Scottsdale, AZ 85251

Phone: 480-312-5000

City of Scottsdale Current Planning, 7447 E. Indian School #105, Scottsdale AZ 85251

Phone: 480-312-7000

Project # 606-PA-2019 or Case #     -UP-2011

Assigned Planner: Bryan Cluff

Police Detective: John Miller

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

Facility State I.D. Number: 000000 DCRX00190936 DBA - Arizona Natural Selections

Address: 7320 E. Butherus Dr. Suite 100, Scottsdale, AZ 85260

Business Phone: 480-999-7762

Business FAX: 623-240-2620

Maximum Occupancy: 60

Effective Date of the Plan: 103019

Date of Plan Review: 103019

Use Permit Issue Date:                     

Contact Person (1): Kurt Merschman

Home Phone: 602-881-6988

Contact Person (2): Barbara Garganta

Home Phone: 602-692-7627

## Purpose of the Plan

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

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

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

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

## Operations and Hours

1. Permittee: Green Sky Patient Center of Scottsdale North, Inc.  
DBA - Arizona Natural Selections  
Type of Organization: ☐ Arizona Corporation ☒ Corporation  
☐ Sole Proprietorship ☐ LLC  
☐ Partnership ☐ Other
2. Managing Agents Name: Kurt Merschman  
Title: President  
Address: 9342 E. Desert Park Drive, Scottsdale, AZ 85255  
Phone Numbers: 602-881-6988 - MOBILE  
480-682-3922 - OFFICE  
Fax or Other Numbers: (623) 240-2620 - FAX
3. Business Owner(s) (if different than Managing Agent) Name, Address,  
Phone: Same as #2



4. Property Owner or Property Manager (if different from Managing Agent)  
Name, Address, Phone:

5. Hours of Operation:

	Open	Closed
Monday	<u>8:00 am</u>	<u>7:00 pm</u>
Tuesday	<u>8:00 am</u>	<u>7:00 pm</u>
Wednesday	<u>8:00 am</u>	<u>7:00 pm</u>
Thursday	<u>8:00 am</u>	<u>7:00 pm</u>
Friday	<u>8:00 am</u>	<u>7:00 pm</u>
Saturday	<u>8:00 am</u>	<u>7:00 pm</u>
Sunday	<u>8:00 am</u>	<u>7:00 pm</u>

6. Cooperation/Complaints/Concerns:

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

Name: Kurt Merschman Address: 8180 N Hayden Rd. Suite D-107 Phone: 480-682-3922  
Scottsdale, 85258

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

## Security and Maintenance

### Security Attire

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

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

### **Security Officer Responsibilities**

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

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

### **Management Responsibilities**

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

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



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

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

**Uniformed Sworn Officer Responsibilities:**

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

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

**Parking**

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

**Refuse Plan**

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

**Establishment of Records**

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

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

### **Physical Security**

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

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

### **Enforcement of Security Plan**

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

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

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

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

**Dissemination of the Security Plan**

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

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

#### Termination of the Plan

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

#### Enclosures

- ☐ Addendums attached \_\_\_\_\_
- ☒ Refuse Plan (Must Be Attached)

#### APPLICANT/MANAGEMENT:

Name: Kurt Merschman  
 Address: 8180 N. Hayden Rd Suite D-107 Scottsdale, 85258  
 Phone: 480-682-3922  
 Date: 9/12/19  
 Signature: Kurt Merschman

#### APPROVED BY:

Detective: J. Miller #579  
 Phone: 480-862-6910  
 Date: 103019  
 Signature: J. Miller #579

**Green Sky Patient Center of Scottsdale North, Inc.**

**Refuse and Waste Material Handling Addendum**

**April 12, 2019**

- A. Using the Company's inventory control system, all product harvest and waste shall be documented by the authorized dispensary agent. Every action in the system shall be tied to a specific user with permission to perform that function. R9-17-316(C)(4)(i)(i)(ii)(iii)(iv)
- B. The Company's inventory control system allows authorized Company agents to reconcile bulk inventory, even if it is in multiple locations (shelf, safe, grow etc.). All product harvests and waste shall be documented as part of the Company inventory control system. R9-17-316(D)
- C. The Company shall ensure refuse or waste products incident to the manufacture, preparation, packing, selling, distributing, or transportation of medical marijuana are removed from the buildings used as a dispensary and, if applicable, a building at the dispensary's cultivation site at least once every 24 hours or more often as necessary to maintain a clean condition. R9-17-320(A)(2)
- D. All marijuana products from the dispensary that are to be disposed of for any reason (expired, damaged, display, etc.) shall be disposed of at the dispensary according to Company protocol.
- E. All marijuana products disposed of at the Company's cultivation facility shall be entered into the Company's inventory control system by an authorized Company agent. The inventory control system shall maintain a record of the agent entering the data, the date of the disposal, the product SKU or batch identification information of the marijuana product, the amount of marijuana product being disposed of, the reason for disposal and the method of disposal.
- F. All marijuana products disposed of shall be ground up with dirt and mixed with bleach rendering the marijuana product unusable.

*Jgm*

# Operation Plan



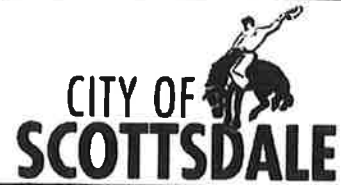
An Operation Plan explains operational characteristics of a proposed use.

1. Business use type: Retail - Medical Marijuana
2. Days of Operation: Sunday - Saturday
3. Hours of Operation: 8AM - 7PM
4. Number of employees
  - a. Full time, indicate work shift 15 - 7:00AM - 4 and 11:30 - 8:30PM
  - b. Part time, indicate work shift 5 - 7:30AM - 12PM
5. Other business officials on site if not employees \_\_\_\_\_
6. Customer characteristics
  - a. Patron seating Seating available in lobby for 15 people.
  - b. Frequency and peak time of customer activity Daily 11AM - 2PM & 4PM - 7PM
7. Outdoor operations
  - a. Explain all outdoor activities (e.g. everything that takes place outside the confines of an enclosed building):
    - Parking employee and patient parking
    - Loading deliveries of supplies and product.
    - Storage N/A
    - Display N/A
    - Product demonstrations/testing N/A
    - Activities that take place within areas that are walled but not roofed or covered N/A
    - Other activities \_\_\_\_\_
8. Description of service activities such as parking lot sweeping, loading, trash hauling and similar associated activities. \_\_\_\_\_  
\_\_\_\_\_  
  - a. Frequency of service Activities: days of week, hours of day \_\_\_\_\_
  - b. Location of Service Activities relative to lower intensity uses \_\_\_\_\_
9. Description of refuse removal:
  - a. The location of anticipated parking area for customers including those located off the site. \_\_\_\_\_  
\_\_\_\_\_
  - b. The area surrounding the property that will be cleaned of debris by the applicant \_\_\_\_\_  
\_\_\_\_\_
  - c. Time of day of refuse removal. \_\_\_\_\_

## Planning and Development Services

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov)

# Operation Plan



An Operation Plan explains operational characteristics of a proposed use.

10. Description of activities that generate noise that will be apparent to/from adjoining properties.

- a. Source of noise N/A
- b. Noise level in DBA at source of noise and point of impact \_\_\_\_\_
- c. Description and diagrams of noise source location \_\_\_\_\_

11. Description and documentation of how noise is abated

- a. Narrative description N/A
- b. Attach site plans, elevation, and other plans that visually demonstrate noise source and noise levels, and how noise will be abated

12. Proposal for noise monitoring and maintenance of acceptable noise level: N/A

Schools Only:

- 1. Number of students on site at any given time: N/A
- 2. Frequency of drop offs and pick-ups (start and stop times) on each day of the week: \_\_\_\_\_

## Planning and Development Services

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov)