



Marked Agendas

Approved Minutes

Approved Reports

**Official signed Ordinances/Resolutions  
and approved Minutes can be found  
at:**

<https://eservices.scottsdaleaz.gov/cityclerk/DocumentSearch>

City Council: 9/22/2020

Planning Commission: 8/26/2020

# CITY COUNCIL REPORT



Meeting Date: September 22, 2020  
General Plan Element: *Land Use*  
General Plan Goal: *Create a sense of community through land uses*

## **ACTION**

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### **Medical Marijuana Hours of Operation Text Amendment 1-TA-2020**

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

Adopt Ordinance No. 4463 to amend the City of Scottsdale Zoning Ordinance (Ord. 455) for the purpose of amending Sections 1.403.M.1.g and 1.403.M.2.g to change the allowed hours of operation for medical marijuana uses from 6:00 AM to 7:00 PM to 6:00 AM to 10:00 PM.

#### **Goal/Purpose of Request**

The applicant's request is to amend the Conditional Use Permit criteria for medical marijuana (MM) uses to allow for extended hours of operation.

#### **Key Items for Consideration**

- Consistency with State Law
- Many surrounding cities allow medical marijuana uses to operate until 9:00 PM or 10:00 PM daily
- Public Comment received
- Planning Commission heard this case on July 8, 2020 and recommended approval of the original amendment by a vote of 7-0
- Planning Commission heard this case a second time on August 26, 2020 and recommended approval of the revised amendment by a vote of 7-0.

## **OWNER**

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Steve White  
(480) 417-6781

## **APPLICANT CONTACT**

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Lauren Niehaus  
Harvest House of Cannabis  
303-827-9039

Action Taken \_\_\_\_\_

## LOCATION

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Citywide

## BACKGROUND

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In 2011, the City of Scottsdale Zoning Ordinance was amended in response to the Arizona Medical Marijuana Act (Proposition 203), which legalized the use of marijuana (or cannabis) for medical purposes only (8-TA-2010). How MM is regulated varies from city to city. In the case of Scottsdale, it was determined that MM uses only be permitted in three zoning districts: Commercial Office (C-O), Light Industrial (I-1) and Special Campus (S-C), and that a Conditional Use Permit be required to locate in any of these three districts. Presently, there are five MM uses operating in Scottsdale: four dispensaries and one cultivation facility.

Shortly after the original ordinance was adopted, an amendment was approved in 2012 (8-TA-2010#2) in response to knowledge gained through implementation of the original ordinance. This amendment consolidated all MM uses into one use category and expanded the list of protected uses. A third amendment was approved in 2016 (8-TA-2010#3) that further expanded the list of protected uses and increased the previously established separation requirements for new MM uses established after September 30, 2016.

On July 8, 2020 the Planning Commission heard the original request by the applicant to amend Section 1.403.M.1.g to revise the hours of operation from 6:00 AM to 7:00 PM to 6:00 AM to 10:00 PM for MM uses established prior to September 30, 2016. It was determined after that hearing that the amendment needs to include the same option for MM uses established after September 30, 2016. Consequently, the amendment was revised to include Section 1.403.M.2.g and returned to Planning Commission for reconsideration on August 26, 2020.

### **Other Related Policies, References:**

- Zoning Ordinance
- 8-TA-2010: Approved original MM ordinance
- 8-TA-2010#2: Amended MM ordinance to consolidate all MM uses into one category and expanded list of protected uses
- 8-TA-2010#3: Amended MM ordinance to expand list of protected uses and increase separation requirements for MM uses established after September 30, 2016
- Arizona Revised Statutes, Title 36, Chapter 28.1
- Arizona Department of Health Services, Title 9, Chapter 17

## APPLICANT'S PROPOSAL

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The applicant seeks to amend the MM ordinance, specifically the Conditional Use Permit (CUP) criteria spelled out in Section 1.403.M.1.g and Section 1.403.M.2.g of the Zoning Ordinance to expand the permitted hours of operation from 6:00 AM-7:00 PM to 6:00 AM-10:00 PM for MM uses. The applicant cites in their narrative the fact that State law already permits MM uses to operate until 10:00 PM, and most of the surrounding communities, in accordance with State law, allow MM uses to operate until 9:00 or 10:00 PM. The applicant also states the expanded hours of operation are necessary to accommodate patients who work later hours (past 7:00 PM), and to prevent patients from having to travel to an adjacent jurisdiction where dispensaries are open past 7:00 PM. No other amendments to the CUP criteria are proposed.

## IMPACT ANALYSIS

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### Public Safety

The Scottsdale Police Department expressed some concern about the later hours of operation, primarily due to the remote location of these facilities; however, in general there are no objections to the proposed amendment.

### Community Involvement

The City's Text Amendment Interested Parties List was notified of the request. Additionally, the applicant sent written notification to property owners within 750 feet of their location (15190 N. Hayden Road), published an 1/8-page add in the Daily Independent and held a pair of Open Houses. The first Open House was held on 3/3/2020 at the Residence Inn North Scottsdale, located at 17011 N. Scottsdale Road from 5:30-8:00 PM, and the second Open House was held on 3/4/2020 at the Courtyard Scottsdale Old Town, located at 3311 N. Scottsdale Road from 5:30-8:00PM. Per the applicant's report, there no attendees at either Open House. Staff has received public comment related to this request.

### Policy Implications

- Expanded hours of operation may increase convenience for patients and reduce the need for additional dispensaries in Scottsdale in the future.
- There are four existing MM dispensaries established that will require an amendment to the Conditional Use Permit(s) to take advantage of longer hours of operation.
- Aligns Scottsdale's ordinance with surrounding communities and State law.

## OTHER BOARDS AND COMMISSION

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### Planning Commission:

Planning Commission heard this case on July 8<sup>th</sup>, 2020 and recommended approval with a 7-0 vote.

Planning Commission heard this case a second time on August 26<sup>th</sup>, 2020 and recommended approval with a 7-0 vote on the revised amendment.

**Staff's recommendation to Planning Commission:**

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

**RECOMMENDATION**

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**Recommended Approach:**

Adopt Ordinance No. 4463 to amend the City of Scottsdale Zoning Ordinance (Ord. 455) for the purpose of amending Section 1.403.M.1.g and Section 1.403.M.1.g to change the allowed hours of operation for medical marijuana uses from 6:00 AM to 7:00 PM to 6:00 AM to 10:00 PM.

**RESPONSIBLE DEPARTMENT**

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**Planning and Development Services**

Current Planning Services

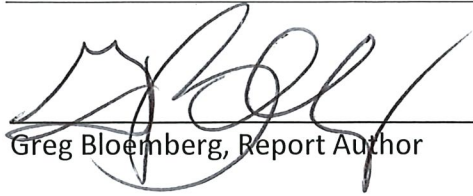
**STAFF CONTACT**

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Greg Bloemberg  
Senior Planner  
480-312-4306  
E-mail: [gbloemberg@ScottsdaleAZ.gov](mailto:gbloemberg@ScottsdaleAZ.gov)

**APPROVED BY**

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\_\_\_\_\_  
Greg Bloemberg, Report Author

9-8-2020  
\_\_\_\_\_  
Date

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

9/8/2020  
\_\_\_\_\_  
Date

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

2/8/2020  
\_\_\_\_\_  
Date

**ATTACHMENTS**

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1. Ordinance No. 4463  
Exhibit A: Medical Marijuana Text Amendment
2. Applicant's Narrative
3. Community Involvement
4. Current MM Use Location Map
5. City Notification Map
6. July 8<sup>th</sup>, 2020 Planning Commission Meeting Minutes
7. August 26, 2020 Planning Commission Meeting Minutes

ORDINANCE NO. 4463

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, TO AMEND ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, FOR THE PURPOSE OF AMENDING ARTICLE I SECTIONS 1.403.M.1.G. AND 1.403.M.2.G OF THE ZONING ORDINANCE, TO CHANGE THE ALLOWED HOURS OF OPERATION FOR MEDICAL MARIJUANA USES FROM 6:00 AM TO 7:00 PM TO 6:00 AM TO 10:00 PM AS PROVIDED IN CASE NO. 1-TA-2020.

WHEREAS, the City of Scottsdale wishes to amend Article I Sections 1.403.M.1.g. AND 1.403.M.2.g of the Zoning Ordinance, to change the allowed hours of operation for medical marijuana uses from 6:00 AM to 7:00 PM to 6:00 AM to 10:00 PM.; and

WHEREAS, the Planning Commission held public hearings on July 8, 2020; and August 26, 2020; and

WHEREAS, the City Council held a public hearing on September 22, 2020 and considered a text amendment to the Zoning Ordinance of the City of Scottsdale, Case No. 1-TA-2020; and

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

BE IT ORDAINED by the Council of the City of Scottsdale that the following amendments to the Zoning Ordinance are approved:

Section 1. That the Zoning Ordinance of the City of Scottsdale Article I Additional conditions for specific conditional uses is hereby amended as specified in **Exhibit "A"** to this Ordinance with new text represented by grey shading, and deleted text represented by bold strike-through, **Exhibit A** is hereby referred to, adopted, and made a part hereof as if fully set out in this Ordinance.

Section 2. 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 \_\_\_\_\_, 2020.

ATTEST:

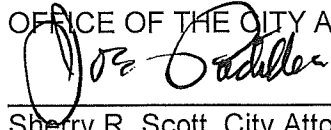
CITY OF SCOTTSDALE, an  
Arizona municipal corporation

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

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

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY



Sherry R. Scott, City Attorney  
By: Joe Padilla, Deputy City Attorney

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

*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:

- 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 five hundred (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., and,
  - (2) Any elementary or secondary school or pre-school.
- c. The medical marijuana use is at least one thousand three hundred twenty (1,320) feet from the following uses within the City limits:
  - (1) Medical marijuana caregiver cultivation use, or
  - (2) 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.

- 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~~ 10:00 p.m.
- h. 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:

a. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, 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 in Table 4.100.A, or the residential portion of a Planned Community P-C, 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.

However, no separation 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.

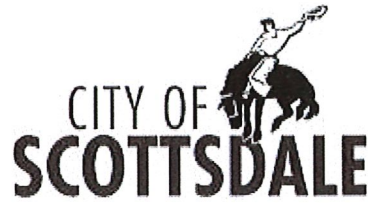
d. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.

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~~ 10:00 pm.

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



# SUBMITTED PRE-APPLICATION

## Project Details

Pre-Application Number

**866-PA-2019**

Project Name

**Harvest Retail Hours of Operation Expansion**

Project Description

**We are requesting an amendment to Scottsdale Zoning Code Appendix B, Article 1 Sec. 1.403(M)1(g) to extend the operating hours at Harvest House of Cannabis Scottsdale. Currently, most cities adjacent to or nearby Scottsdale allow dispensaries to stay open later to match the state law closing hour of 10:00 pm. Scottsdale residents who work later hours are forced to either rush to make the 7:00 pm deadline or travel to a neighboring jurisdiction, causing Scottsdale to lose out on tax revenue. This change will also apply to section 1.403.M.2.g**

Project Types

**Minor Amendment**

Location

**15190 N HAYDEN RD**

Subdivision

**SCOTTSDALE AIRPARK CORPORATE CENTER**

Lot Number

**2**

Total Amount

**\$95.00**

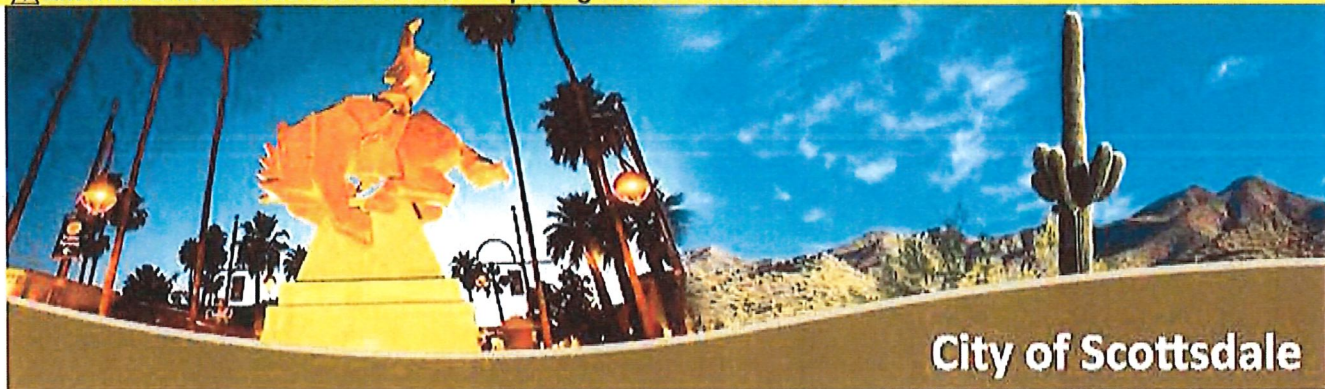
## Bloemberg, Greg

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**From:** Castro, Lorraine  
**Sent:** Wednesday, May 20, 2020 10:58 AM  
**To:** Bloemberg, Greg  
**Subject:** FW: 1-TA-2020 MEDICAL MARIJUANA TEXT AMENDMENT

**From:** Pamela Iacovo <piacovo@cox.net>  
**Sent:** Wednesday, May 20, 2020 10:52 AM  
**To:** Castro, Lorraine <Lcastro@scottsdaleaz.gov>  
**Subject:** 1-TA-2020 MEDICAL MARIJUANA TEXT AMENDMENT

 External Email: Please use caution if opening links or attachments!



I am not in favor of the change in hours from 6:00 a.m. to 10:00 p.m. There are lots of locations and options for Medical Marijuana to be purchased within the existing 13-hour window. Is there a good reason to adjust the hours of operation to extend the purchasing day? The applicant has a Colorado cell number, where Cannabis is legal for everyone. This request could be more about the money to be made by extending the hours. Just because it can be changed, does not mean it should be changed. -- sent by Pamela M Iacovo (case# 1-TA-2020)



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**ATTACHMENT 3**

# HARVEST

February 7, 2020

Dear interested property owner,

Harvest of Scottsdale, a medical marijuana dispensary located at 15190 N. Hayden Road, Scottsdale, Arizona 85260, is seeking a text amendment to Scottsdale city code regarding the extension of our operating hours.

Harvest of Scottsdale is currently open from 7:00am – 7:00pm. We are seeking to extend our closing hour to 10:00pm to be in line with Arizona State Law.

As required by the city of Scottsdale, we will be holding two open houses to allow community members to ask questions of the Harvest team. Full project and open house information can be found below.

**Project Description:** We are requesting an amendment to extend the operating hours at Harvest of Scottsdale. Currently, most cities adjacent to or nearby Scottsdale allow dispensaries to stay open later than 7:00 pm to match the state law closing hour of 10:00 pm. Scottsdale residents who work later hours are forced to either rush to make the 7:00 pm deadline or travel to a neighboring jurisdiction, causing Scottsdale to lose out on tax revenue.

**Pre-Application Number:** 866-PA-2019

**Contact:**

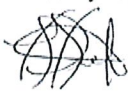
Lauren Niehaus  
Government Relations Specialist, Harvest Health and Recreation, Inc.  
[LNiehaus@harvestinc.com](mailto:LNiehaus@harvestinc.com)  
303.827.9039

**Scheduled open houses:**

Tuesday March 3<sup>rd</sup> – North Scottsdale  
Location: Residence Inn Scottsdale North  
Address: 17011 N. Scottsdale Road, Scottsdale, AZ 85255  
Time: 5:30 – 8:00pm

Wednesday March 4<sup>th</sup> – South Scottsdale  
Location: Courtyard Scottsdale Old Town  
Address: 3311 North Scottsdale Road, Scottsdale, AZ 85251  
Time: 5:30 – 8:00pm

Thank you,



Lauren Niehaus, Government Relations Specialist  
Harvest Health and Recreation, Inc.

# INDEPENDENT NEWSMEDIA INC. USA

17220 N. Boswell Blvd., Suite 101, Sun City, AZ 85373 • 1-800-282-8586

**State of Arizona:**

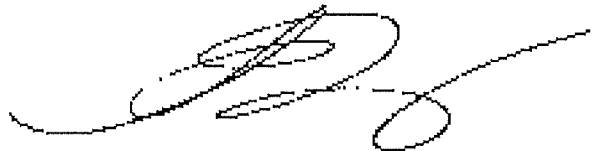
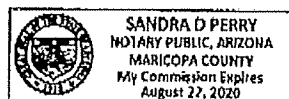
**County of Maricopa:**

## **Affidavit of Publication**

I Charlene Bisson, Arizona group publisher of Independent Newsmedia Inc. USA, am authorized to make this affidavit of publication. Under oath, I state that the following is true and correct.

The Daily Independent is a newspaper which is published daily, is of general circulation and is in compliance with the Arizona Revised Statutes 10-140.34 & 39-201 A & B. I solemnly swear that the notice was published in the regular and entire section of the said newspaper and not in any supplement. The below listed advertisement appeared in the following issue (s)  
02/17/20

Sworn to and subscribed before me this 17th Day of February, A.D., 2020



Ad Caption: Harvest Public Notice  
Ad Number: 392233  
Total Cost:\$108.00

North Scottsdale  
Open House

Harvest of Scottsdale

Open House March 3, 2020

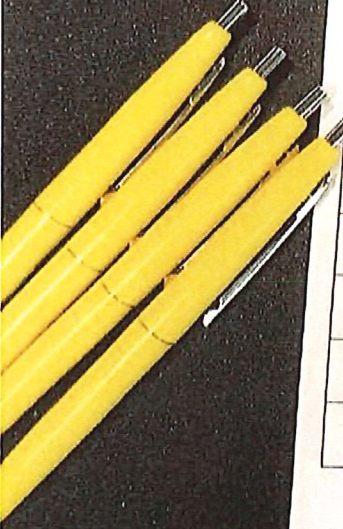
5:30pm - 8:00pm

Residence Inn Scottsdale North

17011 N. Scottsdale Road

Scottsdale, AZ 85255

First Name	Last Name	Property Address	Email Address	Phone



**Harvest of Scottsdale**

Open House March 3, 2020  
5:30pm - 8:00pm

Residence Inn Scottsdale North  
17011 N. Scottsdale Road  
Scottsdale, AZ 85255

Comments: \_\_\_\_\_  
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**Harvest of Scottsdale**

Open House March 3, 2020  
5:30pm - 8:00pm

Residence Inn Scottsdale North  
17011 N. Scottsdale Road  
Scottsdale, AZ 85255

Comments: \_\_\_\_\_  
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# HARVEST

HOUSE OF CANNABIS



**co:lor's**  
 QUALITY SINCE 2011

**NOTHING ARTIFICIAL**  
 ALL NATURAL FRUIT DERIVED FLAVORS

NO VIBRANT & NO VIBRANT FLAVORS / NO PG, MS or PES

**SUPERIOR QUALITY SCIENCE**

**OUR EXTRACTS**  
 Contain natural fruit flavors derived from natural sources. No artificial flavors, colors, or preservatives.

**NO CHALLENGING**  
 Ingredients. All products are made with natural fruit derived flavors.

© 2019 co:lor's

**2020  
 PRODUCT  
 PORTFOLIO**

EVOLAB **co:lor's** HighRep<sup>®</sup>

**HighRep<sup>®</sup>**  
 CARBAMIDE PESTICIDE  
 50% WG & 50% WG

**SUMMER IS A STATE OF MIND**

HighRep<sup>®</sup> has inspired the summer. It's the perfect time to enjoy the sun, the sand, and a little bit of fun. Be sure to use all our HighRep<sup>®</sup> & HighRep<sup>®</sup> products.

© 2019 HighRep<sup>®</sup>

Product	Formulation	Application
HighRep <sup>®</sup>	50% WG	Preventive
HighRep <sup>®</sup>	50% WG	Curative
HighRep <sup>®</sup>	50% WG	Preventive
HighRep <sup>®</sup>	50% WG	Preventive



# South Scottsdale Open House

## Harvest of Scottsdale

Open House March 4, 2020  
5:30pm - 8:00pm

Country of Scottsdale Old Town  
3311 North Scottsdale Road  
Scottsdale, AZ 85251

Comments:

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## Harvest of Scottsdale

Open House March 4, 2020  
5:30pm - 8:00pm

Country of Scottsdale Old Town  
3311 North Scottsdale Road  
Scottsdale, AZ 85251

Comments:

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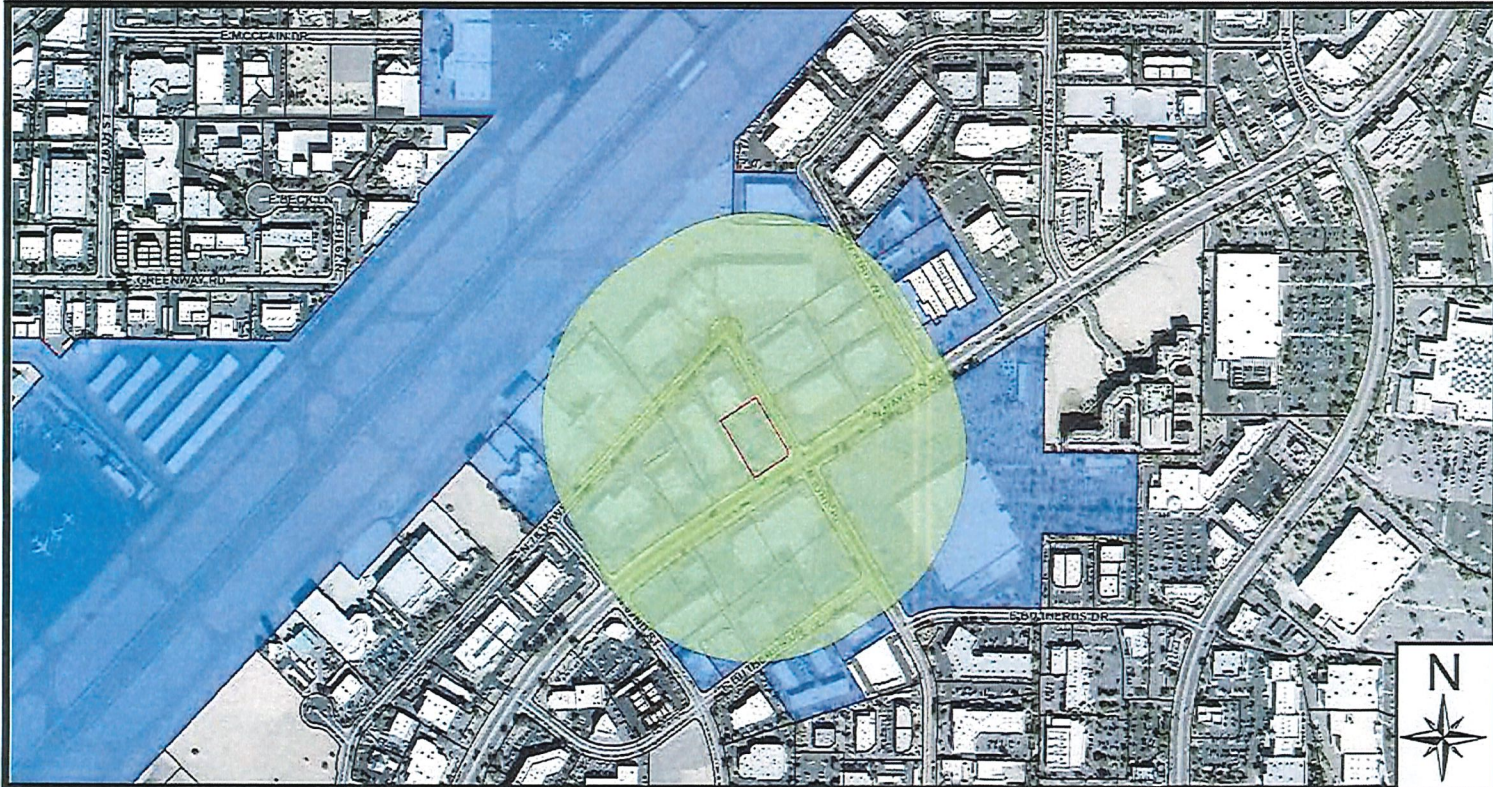






# City Notifications – Mailing List Selection Map

ATTACHMENT 5



### Additional Notifications:

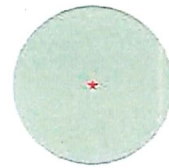
- Interested Parties List
- Adjacent HOA's
- P&Z E-Newsletter
- Facebook
- Nextdoor.com
- City Website-Projects in the hearing process

Pulled Labels  
May 6, 2020

### Map Legend:



Site Boundary



Properties within 750-feet

Postcards: 103

1-TA-2020



**SCOTTSDALE PLANNING COMMISSION  
ELECTRONIC REMOTE**

**WEDNESDAY, JULY 8, 2020**

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

**PRESENT:** Paul Alessio, Chair  
Prescott Smith, Vice Chair  
Larry S. Kush, Commissioner  
Ali Fakh, Commissioner  
Kevin Bollinger, Commissioner  
Christian Serena, Commissioner  
Renee Higgs, Commissioner

**STAFF:** Jesus Murillo  
Margaret Wilson  
Keith Niederer  
Jeff Barnes  
Greg Bloemberg  
Bryan Cluff  
Katie Posler  
Lorraine Castro

**CALL TO ORDER**

Chair Alessio 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.

**Administrative Report and possible discussion – Jesus Murillo**

**MINUTES REVIEW AND APPROVAL**

1. Approval of May 27, 2020 Regular Meeting Minutes including Study Session.

**COMMISSIONER KUSH MOVED TO APPROVE THE MAY 27, 2020 REGULAR MEETING MINUTES. 2ND BY COMMISSIONER HIGGS.**

**THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0); BY CHAIR ALESSIO, VICE CHAIR SMITH, COMMISSIONER FAKIH, COMMISSIONER BOLLINGER, COMMISSIONER KUSH, COMMISSIONER SERENA AND COMMISSIONER HIGGS.**

## CONSENT AGENDA

2. 44-UP-2000#4 (Scottsdale Ranch Community Association Type 4 Wireless Communication Facility)

Request by owner to renew a Conditional Use Permit for an Existing Type 4 Alternative Concealment-Wireless Communication Facility (WCF) concealed within two existing flagpoles at 10585 N. 100th Street with Open Space, Planned Community District (O-S PCD) zoning. Staff contact person is Keith Niederer, 480-312-2953.

3. 11-AB-2019 (Shaw Butte Abandonment)

Request by owner for approval of an abandonment of portions of the General Land Office Patent Easements (GLOs) along the north, east, and south boundary of a property with Single-family Residential (R1-43) zoning located at 10535 E. Cactus Road. Staff contact person is Katie Posler, 480-312-2703. Applicant contact person is Mischael Ligget, 602-695-1845.

**ITEM NO. 3: RECOMMENDED CITY COUNCIL APPROVE CASE 11-AB-2019, BY A VOTE OF 6-0; MOTION PER COMMISSIONER KUSH PER THE STAFF RECOMMENDED STIPULATIONS, AFTER DETERMINING THAT THE PROPOSED ABANDONMENT IS CONSISTENT AND CONFORMS WITH THE ADOPTED GENERAL PLAN, 2ND BY COMMISSIONER SMITH, WITH COMMISSIONER BOLLINGER RECUSING HIMSELF.**

**THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0); BY CHAIR ALESSIO, VICE CHAIR SMITH, COMMISSIONER FAKIH, COMMISSIONER KUSH, COMMISSIONER SERENA AND COMMISSIONER HIGGS WITH COMMISSIONER BOLLINGER RECUSING HIMSELF.**

4. 4-AB-2020 (Haughton Abandonment)

Request by owner for abandonment of 13-feet of GLO easement located along N. 77th Street, 33-feet of GLO easement located along E. Cavedale Drive, and 20-feet of Right-of-Way located along E. Cavedale Drive for a property with Single-family Residential District, Environmentally Sensitive Lands, Foothills Overlay (R1-70 ESL FO) zoning located at 7720 E. Cavedale Drive. Staff contact person is Jeff Barnes, 480-312-2376. Applicant contact person is John Berry, 480-385-2727.

5. 1-TA-2020 (Medical Marijuana Text Amendment)

Request by applicant to amend the City of Scottsdale Zoning Ordinance (Ord. 455) for the purpose of amending Section 1.403.M.1.g to change the allowed hours of operation for medical marijuana uses from 6:00 AM to 7:00 PM to 6:00 AM to 10:00 PM. Staff contact person is Greg Bloemberg, 480-312-4306. Applicant contact person is Lauren Niehaus, 303-827-9039.

6. 4-GP-2020 (Scottsdale Civic Center Medical Plaza)

Request by owner for approval of a non-major General Plan amendment from Urban Neighborhoods to Minor Office on a +/- 1.37-acre site at 3271 N. Civic Center Plaza. Staff contact person is Bryan Cluff, 480-312-2258. Applicant contact person is Colin Slais, 480-907-6893.

7. 10-ZN-2019 (SCOTTSDALE CIVIC CENTER MEDICAL PLAZA)  
REQUEST BY OWNER FOR APPROVAL OF A ZONING DISTRICT MAP AMENDMENT FROM SERVICE RESIDENTIAL (S-R) TO COMMERCIAL OFFICE (C-O) ON A +/- 1.37-ACRE SITE AT 3271 N. CIVIC CENTER PLAZA. STAFF CONTACT PERSON IS BRYAN CLUFF, 480-312-2258. APPLICANT CONTACT PERSON IS COLIN SLAIS, 480-907-6893.

**ITEM NO'S 2, 4, 5, 6 & 7: RECOMMENDED CITY COUNCIL APPROVE CASES 44-UP-2000#4, 4-AB-2020, 1-TA-2020, 4-GP-2020 & 10-ZN-2019, BY A VOTE OF 7-0; MOTION BY COMMISSIONER KUSH, PER THE STAFF RECOMMENDED STIPULATIONS, BASED UPON THE FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET, AFTER DETERMINING THAT THE PROPOSED ABANDONMENT, TEXT AMENDMENT AND ZONING DISTRICT MAP AMENDMENT ARE CONSISTENT AND CONFORM WITH THE ADOPTED GENERAL PLAN, 2<sup>ND</sup> BY COMMISSIONER BOLLINGER.**

**THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0); BY CHAIR ALESSIO, VICE CHAIR SMITH, COMMISSIONER FAKIH, COMMISSIONER BOLLINGER, COMMISSIONER KUSH, COMMISSIONER SERENA AND COMMISSIONER HIGGS.**

## **REGULAR AGENDA**

8. 1-ZN-2020 (Canalside)  
Request by owner for a zoning district map amendment from Central Business District, Downtown Overlay (C-2 DO) to Downtown/Downtown Multiple-Use, Type 2, Planned Block Development, Downtown Overlay (D/DMU-2 PBD DO), including development plan and development standards for gross floor area and building setbacks, for a new mixed-used development consisting of 51 units of multi-family residential and +/-1,074 square feet of commercial space, located at 6804, 6806, 6808, 6810, 6820 and 6824 E. Indian School Road. Staff contact person is Greg Bloemberg, 480-312-4306. Applicant contact person is George Pasquel III, 602-230-0600.

**ITEM NO. 8: RECOMMENDED TO CITY COUNCIL FOR APPROVAL OF CASE 1-ZN-2020 BY A VOTE OF 5-0; MOTION BY COMMISSIONER KUSH, PER THE STAFF RECOMMENDED STIPULATIONS, AFTER DETERMINING THAT THE ZONING DISTRICT MAP AMENDMENT, DEVELOPMENT PLAN AND DEVELOPMENT STANDARDS ARE CONSISTENT AND CONFORM WITH THE ADOPTED GENERAL PLAN, 2<sup>ND</sup> BY COMMISSIONER SERENA WITH COMMISSIONER SMITH AND COMMISSIONER FAKIH RECUSING THEMSELVES.**

**THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0); BY CHAIR ALESSIO, COMMISSIONER BOLLINGER, COMMISSIONER KUSH, COMMISSIONER SERENA AND COMMISSIONER HIGGS, WITH VICE CHAIR SMITH AND COMMISSIONER FAKIH RECUSING THEMSELVES.**

## **ADJOURNMENT**

With no further business to discuss, the regular session of the Planning Commission adjourned at 6:00 p.m.

\* 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"



**SCOTTSDALE PLANNING COMMISSION  
ELECTRONIC REMOTE**

**WEDNESDAY, AUGUST 26, 2020**

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

**PRESENT:** Paul Alessio, Chair  
Prescott Smith, Vice Chair  
Ali Fakh, Commissioner  
Larry S. Kush, Commissioner  
Kevin Bollinger, Commissioner  
Christian Serena, Commissioner  
Renee Higgs, Commissioner

**STAFF:** Tim Curtis  
Joe Padilla  
Greg Bloemberg  
Jesus Murillo  
Doris McClay  
Lorraine Castro

**CALL TO ORDER**

Chair Alessio 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.

**Administrative Report and possible discussion – Tim Curtis**

**MINUTES REVIEW AND APPROVAL**

1. Approval of August 12, 2020 Regular Meeting Minutes.

**COMMISSIONER KUSH MOVED TO APPROVE THE AUGUST 12, 2020 REGULAR MEETING MINUTES, SECONDED BY COMMISSIONER HIGGS.**

The motion carried unanimously with a vote of seven (7) to zero (0); by Chair Alessio, Vice Chair Smith, Commissioner Fakh, Commissioner Bollinger, Commissioner Kush, Commissioner Serena and Commissioner Higgs.

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

## CONSENT AGENDA

2. 9-AB-2019 (12015 East Ironwood Drive Easement Abandonment)  
Request by owner to abandon the 33-foot General Land Office Patent (GLO) easement located along the southern (E. Ironwood Drive alignment) and eastern (N. 121<sup>st</sup> Street alignment) boundaries of parcel 217-32-058G, located at 12015 E. Ironwood Drive, with Single Family Residential District (R1-43) zoning. Staff contact person is Jesus Murillo, 480-312-7849. Applicant contact person is Mark D. Jones, 949-677-7760.
3. 1-TA-2020 (Medical Marijuana Text Amendment)  
Request by applicant to amend the City of Scottsdale Zoning Ordinance (Ord. 455) for the purpose of amending Sections 1.403.M.1.g and 1.403.M.2.g to change the allowed hours of operation for medical marijuana uses from 6:00 AM to 7:00 PM to 6:00 AM to 10:00 PM. Staff contact person is Greg Bloemberg, 480-312-4306. Applicant contact person is Lauren Niehaus, 303-827-9039.
4. 8-GP-2019 (Estates on 128<sup>th</sup>)  
Request by owner for a non-major General Plan amendment to the City of Scottsdale General Plan 2001 to change the land use designation from Rural Neighborhoods to Suburban Neighborhoods on a +/- 10—acre site located on the southeast corner of 128<sup>th</sup> Street and Shea Blvd. Staff contact person is Doris McClay, 480-312-4214. Applicant contact person is Annie Vos, (480) 994-0994.
5. 20-ZN-2019 (Estates on 128<sup>th</sup>)  
Request by owner for a Zoning District Map Amendment from Single-family Residential, Environmentally Sensitive Lands (R1-35 ESL) to Single-family Residential, Planned Residential Development, Environmentally Sensitive Lands (R1-18 PRD ESL) on +/-5.05 acres and (R1-35 PRD ESL) on +/-4.96 acres and a Development Plan with amended development standards for lot area, lot width and setbacks for a 12-lot single-family residential community on a total +/-10 acre property located at the southeast corner of N. 128<sup>th</sup> St. and E. Shea Blvd. Staff contact person is Doris McClay, 480-312-4214. Applicant contact person is Annie Vos, (480) 994-0994.

**Item No's 2, 3, 4 & 5: Move to make a recommendation to City Council for approval of cases 9-AB-2019, 1-TA-2020, 8-GP-2019 and 20-ZN-2019, by a vote of 7-0; motion by Commissioner Kush, per the staff recommended stipulations, based upon the finding that the Abandonment, Text Amendment and the Zoning District Map Amendment, Development Plan and Amended Development Standards are consistent and conform with the adopted General Plan, 2<sup>nd</sup> by Vice Chair Smith.**

The motion carried unanimously with a vote of seven (7) to zero (0); by Chair Alessio, Vice Chair Smith, Commissioner Fakh, Commissioner Bollinger, Commissioner Kush, Commissioner Serena and Commissioner Higgs.

## ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 5:21 p.m.

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

# PLANNING COMMISSION REPORT



Meeting Date: July 8, 2020  
General Plan Element: *Land Use*  
General Plan Goal: *Create a sense of community through land uses*

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## ACTION

### Medical Marijuana Text Amendment 1-TA-2020

#### Request to consider the following:

1. A recommendation to City Council regarding a request by applicant to amend the City of Scottsdale Zoning Ordinance (Ord. 455) for the purpose of amending Section 1.403.M.1.g to change the allowed hours of operation for medical marijuana uses from 6:00 AM to 7:00 PM to 6:00 AM to 10:00 PM.

#### Goal/Purpose of Request

The applicant's request is to amend the Conditional Use Permit criteria for medical marijuana (MM) uses to allow for extended hours of operation.

#### Key Items for Consideration

- Consistency with State Law
- Many surrounding cities allow medical marijuana uses to operate until 9:00 PM or 10:00 PM daily
- Public Comment received (Refer to Attachment 2)

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## OWNER

Steve White  
(480) 417-6781

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## APPLICANT CONTACT

Lauren Niehaus  
Harvest House of Cannabis  
303-827-9039

## LOCATION

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Citywide

## BACKGROUND

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In 2011, the City of Scottsdale Zoning Ordinance was amended in response to the Arizona Medical Marijuana Act (Proposition 203), which legalized the use of marijuana (or cannabis) for medical purposes only (8-TA-2010). How MM is regulated varies from city to city. In the case of Scottsdale, it was determined that MM uses only be permitted in three zoning districts: Commercial Office (C-O), Light Industrial (I-1) and Special Campus (S-C), and that a Conditional Use Permit be required to locate in any of these three districts. Presently, there are five MM uses operating in Scottsdale: four dispensaries and one cultivation facility.

Shortly after the original ordinance was adopted, an amendment was approved in 2012 (8-TA-2010#2) in response to knowledge gained through implementation of the original ordinance. This amendment consolidated all MM uses into one use category and expanded the list of protected uses. A third amendment was approved in 2016 (8-TA-2010#3) that further expanded the list of protected uses and increased the previously established separation requirements for new MM uses established after September 30, 2016.

### **Other Related Policies, References:**

- Zoning Ordinance
- 8-TA-2010: Approved original MM ordinance
- 8-TA-2010#2: Amended MM ordinance to consolidate all MM uses into one category and expanded list of protected uses
- 8-TA-2010#3: Amended MM ordinance to expand list of protected uses and increase separation requirements established after September 30, 2016
- Arizona Revised Statutes, Title 36, Chapter 28.1
- Arizona Department of Health Services, Title 9, Chapter 17

## APPLICANT'S PROPOSAL

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The applicant seeks to amend the MM ordinance, specifically the Conditional Use Permit (CUP) criteria spelled out in Section 1.403.M.1.g of the Zoning Ordinance to expand the permitted hours of operation from 6:00 AM-7:00 PM to 6:00 AM-10:00 PM for MM uses established prior to September 30, 2016. The applicant cites in their narrative the fact that State law already permits MM uses to operate until 10:00 PM, and most of the surrounding communities, in accordance with State law, allow MM uses to operate until 9:00 or 10:00 PM. The applicant also states the expanded hours of operation are necessary to accommodate patients who work later hours (past 7:00 PM), and to

prevent patients from having to travel to an adjacent jurisdiction where dispensaries are open past 7:00 PM. No other amendments to the CUP criteria are proposed.

## **IMPACT ANALYSIS**

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### **Public Safety**

The Scottsdale Police Department expressed some concern about the later hours of operation, primarily due to the remote location of these facilities; however, in general there are no objections to the proposed amendment.

### **Community Involvement**

The City's Text Amendment Interested Parties List was notified of the request. Additionally, the applicant sent written notification to property owners within 750 feet of their location (15190 N. Hayden Road), published an 1/8-page add in the Daily Independent and held a pair of Open Houses. The first Open House was held on 3/3/2020 at the Residence Inn North Scottsdale, located at 17011 N. Scottsdale Road from 5:30-8:00 PM, and the second Open House was held on 3/4/2020 at the Courtyard Scottsdale Old Town, located at 3311 N. Scottsdale Road from 5:30-8:00PM. Per the applicant's report, there no attendees at either Open House. Staff has received public comment related to this request.

### **Policy Implications**

- Expanded hours of operation may increase convenience for patients and reduce the need for additional dispensaries in Scottsdale in the future.
- There are four existing MM dispensaries established prior to September 30, 2016, that will require an amendment to the Conditional Use Permit(s) to take advantage of longer hours of operation.
- Aligns Scottsdale's ordinance with surrounding communities and State law.

## **STAFF RECOMMENDATION**

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### **Recommended Approach:**

Staff recommends that the Planning Commission determine that the proposed zoning text amendment is consistent with and conforms to 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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Greg Bloemberg  
Senior Planner  
480-312-4306  
E-mail: gbloemberg@ScottsdaleAZ.gov

**APPROVED BY**

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\_\_\_\_\_  
Greg Bloemberg, Report Author

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

**ATTACHMENTS**

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- 1. Proposed Text Amendment
- 1A. Applicant’s Narrative
- 2. Community Involvement
- 3. Current MM Use Location Map
- 4. City Notification Map

# PLANNING COMMISSION REPORT



Meeting Date: August 26, 2020  
General Plan Element: *Land Use*  
General Plan Goal: *Create a sense of community through land uses*

## **ACTION**

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### **Medical Marijuana Text Amendment 1-TA-2020**

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

1. A recommendation to City Council regarding a request by applicant to amend the City of Scottsdale Zoning Ordinance (Ord. 455) for the purpose of amending Sections 1.403.M.1.g and 1.403.M.2.g to change the allowed hours of operation for medical marijuana uses from 6:00 AM to 7:00 PM to 6:00 AM to 10:00 PM.

#### **Goal/Purpose of Request**

The applicant's request is to amend the Conditional Use Permit criteria for medical marijuana (MM) uses to allow for extended hours of operation.

#### **Key Items for Consideration**

- Amendment revised to include MM uses established after September 30, 2016
- Consistency with State Law
- Many surrounding cities allow medical marijuana uses to operate until 9:00 PM or 10:00 PM daily
- Public Comment received (Refer to Attachment 2)
- Planning Commission recommended approval of the original amendment by a vote of 7-0

## **OWNER**

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Steve White  
(480) 417-6781

## **APPLICANT CONTACT**

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Lauren Niehaus

Action Taken \_\_\_\_\_

Harvest House of Cannabis  
303-827-9039

## **LOCATION**

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Citywide

## **BACKGROUND**

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In 2011, the City of Scottsdale Zoning Ordinance was amended in response to the Arizona Medical Marijuana Act (Proposition 203), which legalized the use of marijuana (or cannabis) for medical purposes only (8-TA-2010). How MM is regulated varies from city to city. In the case of Scottsdale, it was determined that MM uses only be permitted in three zoning districts: Commercial Office (C-O), Light Industrial (I-1) and Special Campus (S-C), and that a Conditional Use Permit be required to locate in any of these three districts. Presently, there are five MM uses operating in Scottsdale: four dispensaries and one cultivation facility.

Shortly after the original ordinance was adopted, an amendment was approved in 2012 (8-TA-2010#2) in response to knowledge gained through implementation of the original ordinance. This amendment consolidated all MM uses into one use category and expanded the list of protected uses. A third amendment was approved in 2016 (8-TA-2010#3) that further expanded the list of protected uses and increased the previously established separation requirements for new MM uses established after September 30, 2016.

On July 8, 2020 the Planning Commission heard the original request by the applicant to amend Section 1.403.M.1.g to revise the hours of operation from 6:00 AM to 7:00 PM to 6:00 AM to 10:00 PM for MM uses established prior to September 30, 2016. It was determined after that hearing that the amendment needs to include the same option for MM uses established after September 30, 2016. As such, the amendment is returning to the Planning Commission for a recommendation on the revised amendment that includes revised hours of operation for both sections of the ordinance.

### **Other Related Policies, References:**

- Zoning Ordinance
- 8-TA-2010: Approved original MM ordinance
- 8-TA-2010#2: Amended MM ordinance to consolidate all MM uses into one category and expanded list of protected uses
- 8-TA-2010#3: Amended MM ordinance to expand list of protected uses and increase separation requirements established after September 30, 2016
- Arizona Revised Statutes, Title 36, Chapter 28.1
- Arizona Department of Health Services, Title 9, Chapter 17

## **APPLICANT'S PROPOSAL**

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The applicant seeks to amend the MM ordinance, specifically the Conditional Use Permit (CUP) criteria spelled out in Sections 1.403.M.1.g and 1.403.M.2.g of the Zoning Ordinance to expand the permitted hours of operation from 6:00 AM-7:00 PM to 6:00 AM-10:00 PM for MM uses established prior to September 30, 2016, and MM uses established after September 30, 2016. The applicant cites in their narrative the fact that State law already permits MM uses to operate until 10:00 PM, and most of the surrounding communities, in accordance with State law, allow MM uses to operate until 9:00 or 10:00 PM. The applicant also states the expanded hours of operation are necessary to accommodate patients who work later hours (past 7:00 PM), and to prevent patients from having to travel to an adjacent jurisdiction where dispensaries are open past 7:00 PM. No other amendments to the CUP criteria are proposed.

## **IMPACT ANALYSIS**

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### **Public Safety**

The Scottsdale Police Department expressed some concern about the later hours of operation, primarily due to the remote location of these facilities; however, in general there are no objections to the proposed amendment.

### **Community Involvement**

The City's Text Amendment Interested Parties List was notified of the request. Additionally, the applicant sent written notification to property owners within 750 feet of their location (15190 N. Hayden Road), published an 1/8-page add in the Daily Independent and held a pair of Open Houses. The first Open House was held on 3/3/2020 at the Residence Inn North Scottsdale, located at 17011 N. Scottsdale Road from 5:30-8:00 PM, and the second Open House was held on 3/4/2020 at the Courtyard Scottsdale Old Town, located at 3311 N. Scottsdale Road from 5:30-8:00PM. Per the applicant's report, there no attendees at either Open House. Staff has received public comment related to this request.

### **Policy Implications**

- Expanded hours of operation may increase convenience for patients and reduce the need for additional dispensaries in Scottsdale in the future.
- There are four existing MM dispensaries established prior to September 30, 2016, that will require an amendment to the Conditional Use Permit(s) to take advantage of longer hours of operation.
- Aligns Scottsdale's ordinance with surrounding communities and State law.

**STAFF RECOMMENDATION**

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**Recommended Approach:**

Staff recommends that the Planning Commission determine that the proposed zoning text amendment is consistent with and conforms to 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

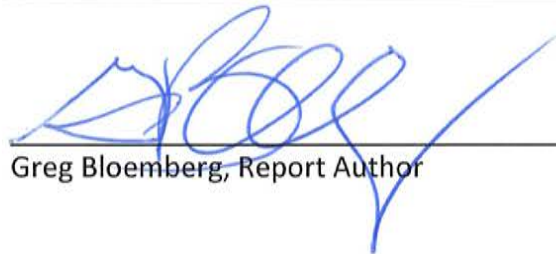
**STAFF CONTACT**

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Greg Bloemberg  
Senior Planner  
480-312-4306  
E-mail: gbloemberg@ScottsdaleAZ.gov

**APPROVED BY**

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Greg Bloemberg, Report Author

8-5-2020

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Date



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

8/14/2020

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Date



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

8/19/20

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Date

## **ATTACHMENTS**

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1. Proposed Text Amendment
2. Applicant's Narrative
3. Community Involvement
4. Current MM Use Location Map
5. City Notification Map
6. July 8, 2020 Planning Commission meeting minutes

# PLANNING COMMISSION REPORT



Meeting Date: July 8, 2020  
General Plan Element: *Land Use*  
General Plan Goal: *Create a sense of community through land uses*

## **ACTION**

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### **Medical Marijuana Text Amendment 1-TA-2020**

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

1. A recommendation to City Council regarding a request by applicant to amend the City of Scottsdale Zoning Ordinance (Ord. 455) for the purpose of amending Section 1.403.M.1.g to change the allowed hours of operation for medical marijuana uses from 6:00 AM to 7:00 PM to 6:00 AM to 10:00 PM.

#### **Goal/Purpose of Request**

The applicant's request is to amend the Conditional Use Permit criteria for medical marijuana (MM) uses to allow for extended hours of operation.

#### **Key Items for Consideration**

- Consistency with State Law
- Many surrounding cities allow medical marijuana uses to operate until 9:00 PM or 10:00 PM daily
- Public Comment received (Refer to Attachment 2)

## **OWNER**

---

Steve White  
(480) 417-6781

## **APPLICANT CONTACT**

---

Lauren Niehaus  
Harvest House of Cannabis  
303-827-9039

## LOCATION

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Citywide

## BACKGROUND

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In 2011, the City of Scottsdale Zoning Ordinance was amended in response to the Arizona Medical Marijuana Act (Proposition 203), which legalized the use of marijuana (or cannabis) for medical purposes only (8-TA-2010). How MM is regulated varies from city to city. In the case of Scottsdale, it was determined that MM uses only be permitted in three zoning districts: Commercial Office (C-O), Light Industrial (I-1) and Special Campus (S-C), and that a Conditional Use Permit be required to locate in any of these three districts. Presently, there are five MM uses operating in Scottsdale: four dispensaries and one cultivation facility.

Shortly after the original ordinance was adopted, an amendment was approved in 2012 (8-TA-2010#2) in response to knowledge gained through implementation of the original ordinance. This amendment consolidated all MM uses into one use category and expanded the list of protected uses. A third amendment was approved in 2016 (8-TA-2010#3) that further expanded the list of protected uses and increased the previously established separation requirements for new MM uses established after September 30, 2016.

### **Other Related Policies, References:**

- Zoning Ordinance
- 8-TA-2010: Approved original MM ordinance
- 8-TA-2010#2: Amended MM ordinance to consolidate all MM uses into one category and expanded list of protected uses
- 8-TA-2010#3: Amended MM ordinance to expand list of protected uses and increase separation requirements established after September 30, 2016
- Arizona Revised Statutes, Title 36, Chapter 28.1
- Arizona Department of Health Services, Title 9, Chapter 17

## APPLICANT'S PROPOSAL

---

The applicant seeks to amend the MM ordinance, specifically the Conditional Use Permit (CUP) criteria spelled out in Section 1.403.M.1.g of the Zoning Ordinance to expand the permitted hours of operation from 6:00 AM-7:00 PM to 6:00 AM-10:00 PM for MM uses established prior to September 30, 2016. The applicant cites in their narrative the fact that State law already permits MM uses to operate until 10:00 PM, and most of the surrounding communities, in accordance with State law, allow MM uses to operate until 9:00 or 10:00 PM. The applicant also states the expanded hours of operation are necessary to accommodate patients who work later hours (past 7:00 PM), and to

prevent patients from having to travel to an adjacent jurisdiction where dispensaries are open past 7:00 PM. No other amendments to the CUP criteria are proposed.

## **IMPACT ANALYSIS**

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### **Public Safety**

The Scottsdale Police Department expressed some concern about the later hours of operation, primarily due to the remote location of these facilities; however, in general there are no objections to the proposed amendment.

### **Community Involvement**

The City's Text Amendment Interested Parties List was notified of the request. Additionally, the applicant sent written notification to property owners within 750 feet of their location (15190 N. Hayden Road), published an 1/8-page add in the Daily Independent and held a pair of Open Houses. The first Open House was held on 3/3/2020 at the Residence Inn North Scottsdale, located at 17011 N. Scottsdale Road from 5:30-8:00 PM, and the second Open House was held on 3/4/2020 at the Courtyard Scottsdale Old Town, located at 3311 N. Scottsdale Road from 5:30-8:00PM. Per the applicant's report, there no attendees at either Open House. Staff has received public comment related to this request.

### **Policy Implications**

- Expanded hours of operation may increase convenience for patients and reduce the need for additional dispensaries in Scottsdale in the future.
- There are four existing MM dispensaries established prior to September 30, 2016, that will require an amendment to the Conditional Use Permit(s) to take advantage of longer hours of operation.
- Aligns Scottsdale's ordinance with surrounding communities and State law.

## **STAFF RECOMMENDATION**

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### **Recommended Approach:**

Staff recommends that the Planning Commission determine that the proposed zoning text amendment is consistent with and conforms to 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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Greg Bloemberg  
Senior Planner  
480-312-4306  
E-mail: gbloemberg@ScottsdaleAZ.gov

**APPROVED BY**

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\_\_\_\_\_  
Greg Bloemberg, Report Author

6.29.2020  
\_\_\_\_\_  
Date

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

6/29/2020  
\_\_\_\_\_  
Date

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

7/1/20  
\_\_\_\_\_  
Date

**ATTACHMENTS**

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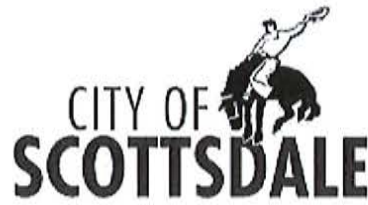
- 1. Proposed Text Amendment
- 1A. Applicant's Narrative
- 2. Community Involvement
- 3. Current MM Use Location Map
- 4. City Notification Map

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:

- 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 five hundred (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., and,
  - (2) Any elementary or secondary school or pre-school.
- c. The medical marijuana use is at least one thousand three hundred twenty (1,320) feet from the following uses within the City limits:
  - (1) Medical marijuana caregiver cultivation use, or
  - (2) 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.
- 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~~ 10:00 p.m.
- h. There is no drive-through service, take-out window, or drive-in service.



# SUBMITTED PRE-APPLICATION

## Project Details

Pre-Application Number

**866-PA-2019**

Project Name

**Harvest Retail Hours of Operation Expansion**

Project Description

**We are requesting an amendment to Scottsdale Zoning Code Appendix B, Article 1 Sec. 1.403(M)1(g) to extend the operating hours at Harvest House of Cannabis Scottsdale. Currently, most cities adjacent to or nearby Scottsdale allow dispensaries to stay open later to match the state law closing hour of 10:00 pm. Scottsdale residents who work later hours are forced to either rush to make the 7:00 pm deadline or travel to a neighboring jurisdiction, causing Scottsdale to lose out on tax revenue.**

Project Types

**Minor Amendment**

Location

**15190 N HAYDEN RD**

Subdivision

**SCOTTSDALE AIRPARK CORPORATE CENTER**

Lot Number

**2**

Total Amount

**\$95.00**

## Bloemberg, Greg

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**From:** Castro, Lorraine  
**Sent:** Wednesday, May 20, 2020 10:58 AM  
**To:** Bloemberg, Greg  
**Subject:** FW: 1-TA-2020 MEDICAL MARIJUANA TEXT AMENDMENT

**From:** Pamela Iacovo <piacovo@cox.net>  
**Sent:** Wednesday, May 20, 2020 10:52 AM  
**To:** Castro, Lorraine <Lcastro@scottsdaleaz.gov>  
**Subject:** 1-TA-2020 MEDICAL MARIJUANA TEXT AMENDMENT

**⚠ External Email: Please use caution if opening links or attachments!**



I am not in favor of the change in hours from 6:00 a.m. to 10:00 p.m. There are lots of locations and options for Medical Marijuana to be purchased within the existing 13-hour window. Is there a good reason to adjust the hours of operation to extend the purchasing day? The applicant has a Colorado cell number, where Cannabis is legal for everyone. This request could be more about the money to be made by extending the hours. Just because it can be changed, does not mean it should be changed. -- sent by Pamela M Iacovo (case# 1-TA-2020)



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**ATTACHMENT 2**

# HARVEST

February 7, 2020

Dear interested property owner,

Harvest of Scottsdale, a medical marijuana dispensary located at 15190 N. Hayden Road, Scottsdale, Arizona 85260, is seeking a text amendment to Scottsdale city code regarding the extension of our operating hours.

Harvest of Scottsdale is currently open from 7:00am – 7:00pm. We are seeking to extend our closing hour to 10:00pm to be in line with Arizona State Law.

As required by the city of Scottsdale, we will be holding two open houses to allow community members to ask questions of the Harvest team. Full project and open house information can be found below.

**Project Description:** We are requesting an amendment to extend the operating hours at Harvest of Scottsdale. Currently, most cities adjacent to or nearby Scottsdale allow dispensaries to stay open later than 7:00 pm to match the state law closing hour of 10:00 pm. Scottsdale residents who work later hours are forced to either rush to make the 7:00 pm deadline or travel to a neighboring jurisdiction, causing Scottsdale to lose out on tax revenue.

**Pre-Application Number:** 866-PA-2019

**Contact:**

Lauren Niehaus  
Government Relations Specialist, Harvest Health and Recreation, Inc.  
[LNiehaus@harvestinc.com](mailto:LNiehaus@harvestinc.com)  
303.827.9039

**Scheduled open houses:**

Tuesday March 3<sup>rd</sup> – North Scottsdale  
Location: Residence Inn Scottsdale North  
Address: 17011 N. Scottsdale Road, Scottsdale, AZ 85255  
Time: 5:30 – 8:00pm

Wednesday March 4<sup>th</sup> – South Scottsdale  
Location: Courtyard Scottsdale Old Town  
Address: 3311 North Scottsdale Road, Scottsdale, AZ 85251  
Time: 5:30 – 8:00pm

Thank you,



Lauren Niehaus, Government Relations Specialist  
Harvest Health and Recreation, Inc.

# INDEPENDENT NEWSMEDIA INC. USA

17220 N. Boswell Blvd., Suite 101, Sun City, AZ 85373 • 1-800-282-8586

**State of Arizona:**

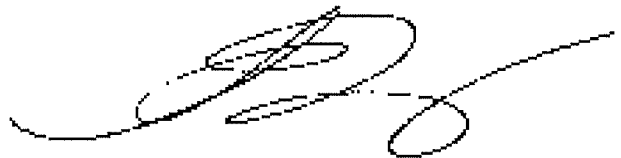
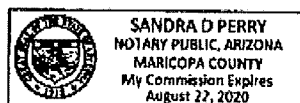
**County of Maricopa:**

## **Affidavit of Publication**

I Charlene Bisson, Arizona group publisher of Independent Newsmedia Inc. USA, am authorized to make this affidavit of publication. Under oath, I state that the following is true and correct.

The Daily Independent is a newspaper which is published daily, is of general circulation and is in compliance with the Arizona Revised Statutes 10-140.34 & 39-201 A & B. I solemnly swear that the notice was published in the regular and entire section of the said newspaper and not in any supplement. The below listed advertisement appeared in the following issue (s)  
02/17/20

Sworn to and subscribed before me this 17th Day of February, A.D., 2020



Ad Caption: Harvest Public Notice  
Ad Number: 392233  
Total Cost:\$108.00

North Scottsdale  
Open House

Harvest of Scottsdale

Open House March 3, 2020

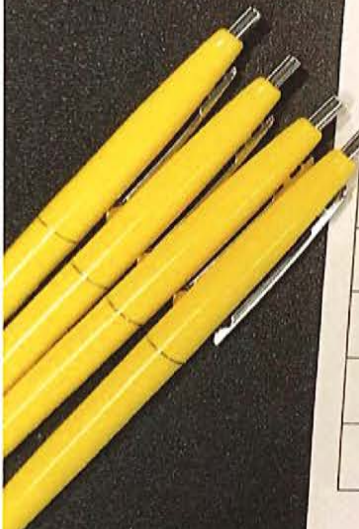
5:30pm – 8:00pm

Residence Inn Scottsdale North

17011 N. Scottsdale Road

Scottsdale, AZ 85255

First Name	Last Name	Property Address	Email Address	Phone



**Harvest of Scottsdale**

Open House March 3, 2020  
5:30pm - 8:00pm

Residence Inn Scottsdale North  
17011 N. Scottsdale Road  
Scottsdale, AZ 85255

Comments: \_\_\_\_\_  
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**Harvest of Scottsdale**

Open House March 3, 2020  
5:30pm - 8:00pm

Residence Inn Scottsdale North  
17011 N. Scottsdale Road  
Scottsdale, AZ 85255

Comments: \_\_\_\_\_  
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**HARVEST**  
HOUSE OF CANNABIS



**co-lors**  
 QUALITY cannabis oil since 2015

**NOTHING ARTIFICIAL**  
 ALL NATURAL FRUIT DERIVED FLAVORS

NO Vitamin E or NO Vitamin F esters • NO PG, VG or PEG

**SUPERIOR QUALITY SCIENCE**

**CO2 EXTRACTED CANNABINOIDS**  
 Advanced CO2 extraction technology provides a pure, potent and safe cannabis oil that is free of pesticides, heavy metals, and other contaminants.

**100% CANNABIS DERIVED**  
 All Co-lors products are 100% cannabis derived. No other ingredients are used in our products. No additives, no fillers, no preservatives.

Co-lors.com

**2020 PRODUCT PORTFOLIO**

EVOLAB **co-lors** HighPops

**HighPops**  
 CANNABIS-INFUSED FROZEN TREATS

5-11MG 10-11MG

**SUMMER IS A STATE OF MIND.**

HighPops turns anything into summer fun. Every pop contains 5mg of THC and 5 whole berry. Get lost in the taste of our Berry, Peach & Raspberry, Strawberry Lemon-Lime, Citrus Orange, Viva Berry High, Cherry & Kiwi.

PRODUCT	PRODUCT TYPE	AVAILABLE FLAVORS
High Pops	12 pops per box	Strawberry Lemon-Lime Citrus Orange Viva Berry High Cherry & Kiwi
5mg 11MG per pop	60mg 11MG per box	



# South Scottsdale Open House

## Harvest of Scottsdale

Open House March 4, 2020  
5:30pm - 8:00pm

Courtyard Scottsdale Old Town  
3311 North Scottsdale Road  
Scottsdale, AZ 85251

Comments:

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## Harvest of Scottsdale

Open House March 4, 2020  
5:30pm - 8:00pm

Courtyard Scottsdale Old Town  
3311 North Scottsdale Road  
Scottsdale, AZ 85251

Comments:

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**Harvest of Scottsdale**

Open House March 4, 2020  
5:30pm - 8:00pm

Courtyard Scottsdale Old Town  
3311 North Scottsdale Road  
Scottsdale, AZ 85251

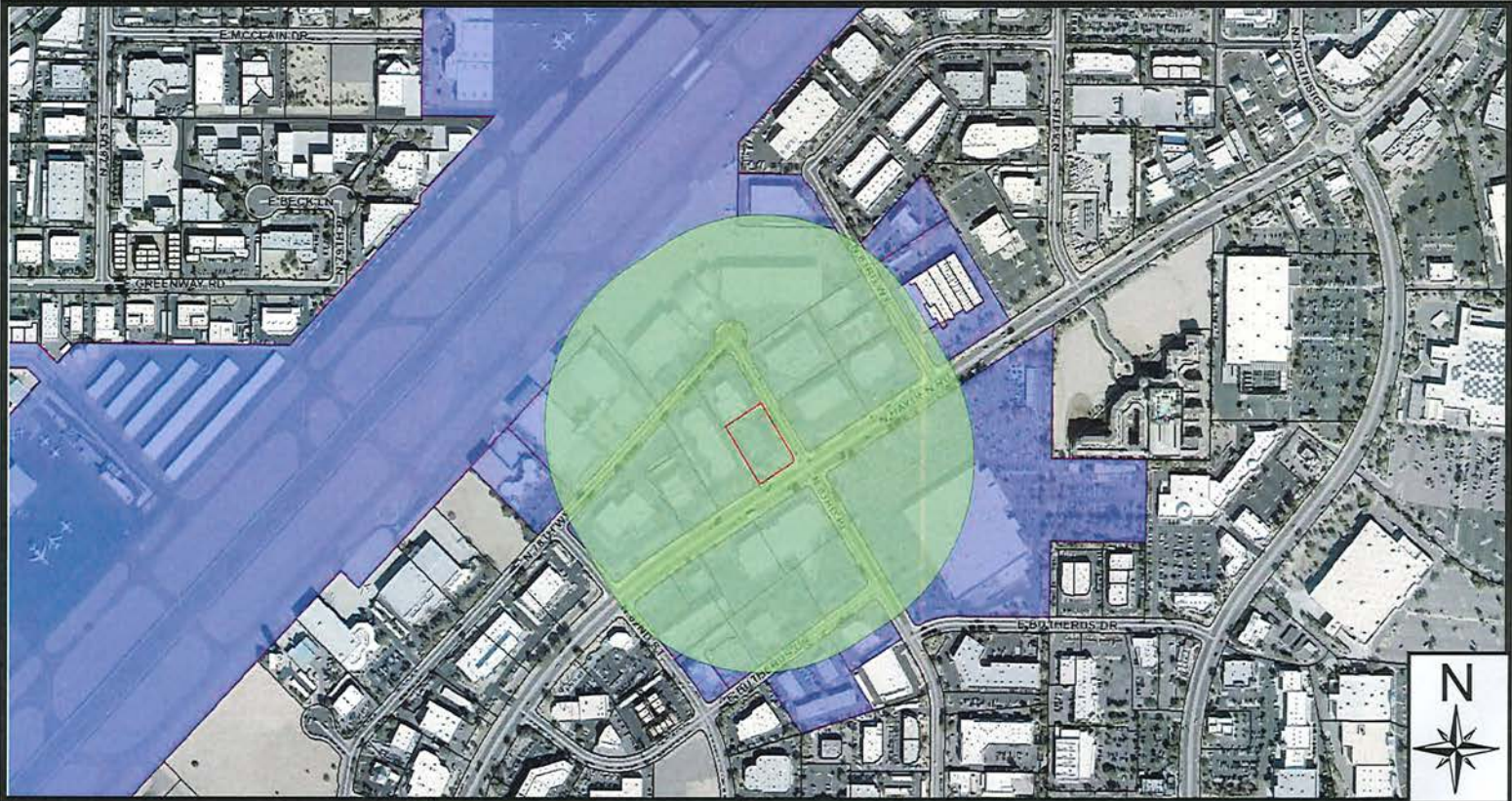
First Name	Last Name	Property Address	Email Address	Phone





# City Notifications – Mailing List Selection Map

ATTACHMENT 4



**Additional Notifications:**

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

Pulled Labels  
May 6, 2020

**Map Legend:**



Site Boundary



Properties within 750-foot

Postcards: 103

**1-TA-2020**

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:

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 five hundred (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., and,

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

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

(1) Medical marijuana caregiver cultivation use, or

(2) 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.

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~~ 10:00 p.m.

h. 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:

a. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, 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 in Table 4.100.A, or the residential portion of a Planned Community P-C, 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.

However, no separation 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~~ 10:00 pm.
- h. There is no drive-through service, take-out window, or drive-in service.



## SUBMITTED PRE-APPLICATION

### Project Details

Pre-Application Number

**866-PA-2019**

Project Name

**Harvest Retail Hours of Operation Expansion**

Project Description

**We are requesting an amendment to Scottsdale Zoning Code Appendix B, Article 1 Sec. 1.403(M)1(g) to extend the operating hours at Harvest House of Cannabis Scottsdale. Currently, most cities adjacent to or nearby Scottsdale allow dispensaries to stay open later to match the state law closing hour of 10:00 pm. Scottsdale residents who work later hours are forced to either rush to make the 7:00 pm deadline or travel to a neighboring jurisdiction, causing Scottsdale to lose out on tax revenue.**

Project Types

**Minor Amendment**

Location

**15190 N HAYDEN RD**

Subdivision

**SCOTTSDALE AIRPARK CORPORATE CENTER**

Lot Number

**2**

Total Amount

**\$95.00**

## Bloemberg, Greg

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**To:** Bloemberg, Greg  
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**Subject:** 1-TA-2020 MEDICAL MARIJUANA TEXT AMENDMENT

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**ATTACHMENT 3**

# HARVEST

February 7, 2020

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**Pre-Application Number:** 866-PA-2019

**Contact:**

Lauren Niehaus  
Government Relations Specialist, Harvest Health and Recreation, Inc.  
[LNiehaus@harvestinc.com](mailto:LNiehaus@harvestinc.com)  
303.827.9039

**Scheduled open houses:**

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Location: Residence Inn Scottsdale North  
Address: 17011 N. Scottsdale Road, Scottsdale, AZ 85255  
Time: 5:30 – 8:00pm

Wednesday March 4<sup>th</sup> – South Scottsdale  
Location: Courtyard Scottsdale Old Town  
Address: 3311 North Scottsdale Road, Scottsdale, AZ 85251  
Time: 5:30 – 8:00pm

Thank you,



Lauren Niehaus, Government Relations Specialist  
Harvest Health and Recreation, Inc.

# **INDEPENDENT NEWSMEDIA INC. USA**

17220 N. Boswell Blvd., Suite 101, Sun City, AZ 85373 • 1-800-282-8588

**State of Arizona:**

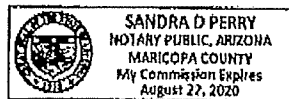
**County of Maricopa:**

## **Affidavit of Publication**

I Charlene Bisson, Arizona group publisher of Independent Newsmedia Inc. USA, am authorized to make this affidavit of publication. Under oath, I state that the following is true and correct.

The Daily Independent is a newspaper which is published daily, is of general circulation and is in compliance with the Arizona Revised Statutes 10-140.34 & 39-201 A & B. I solemnly swear that the notice was published in the regular and entire section of the said newspaper and not in any supplement. The below listed advertisement appeared in the following issue (s)  
02/17/20

Sworn to and subscribed before me this 17th Day of February, A.D., 2020



Ad Caption: Harvest Public Notice  
Ad Number: 392233  
Total Cost:\$108.00

**North Scottsdale  
Open House**

**Harvest of Scottsdale**

Open House March 3, 2020

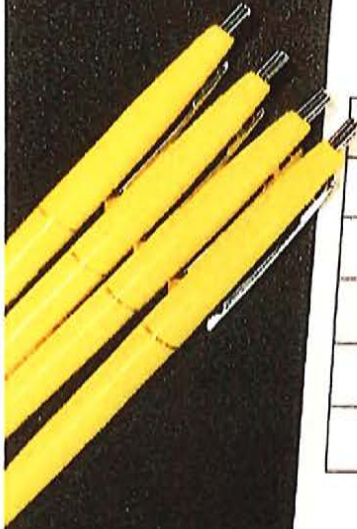
5:30pm - 8:00pm

Residence Inn Scottsdale North

17011 N. Scottsdale Road

Scottsdale, AZ 85255

First Name	Last Name	Property Address	Email Address	Phone



**Harvest of Scottsdale**

Open House March 3, 2020  
5:30pm - 8:00pm

Residence Inn Scottsdale North  
17011 N. Scottsdale Road  
Scottsdale, AZ 85255

Comments:

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**Harvest of Scottsdale**

Open House March 3, 2020  
5:30pm - 8:00pm

Residence Inn Scottsdale North  
17011 N. Scottsdale Road  
Scottsdale, AZ 85255

Comments:

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**HARVEST**  
**HOUSE OF CANNABIS**

Do our tips  
scan in color?

THE JOY  
OF STAYING

**COLORES**  
 QUALITY CANDIDATE AWARDS 2018

**NOTHING ARTIFICIAL**  
 ALL NATURAL FRUIT DERIVED FLAVORS

NO VIBRANT & NO VIBRANT FLAVORS  
 (NONE OF THE 10)




**SUPERIOR QUALITY SCIENCE**

COLORES is the only natural fruit derived flavoring that is certified kosher, halal, and vegan. It is also the only natural fruit derived flavoring that is certified gluten-free and contains no artificial colors or preservatives.

COLORES is the only natural fruit derived flavoring that is certified kosher, halal, and vegan. It is also the only natural fruit derived flavoring that is certified gluten-free and contains no artificial colors or preservatives.

**2020  
 PRODUCT  
 PORTFOLIO**

EVOLAB **COLORES** **HighTopz**



**HighTopz**

**CAROLINA MUSICAL**  
**CHICKEN FLOP**

**SUMMER IS A STATE OF MIND**

HighTopz has created the ultimate summer pop and party song. It's a fun, catchy, and easy-to-dance-to track that's perfect for your next summer party.

**COLORES**

Product	Manufacturer	Distributor
HighTopz	HighTopz	HighTopz
COLORES	COLORES	COLORES
HighTopz	HighTopz	HighTopz



# South Scottsdale Open House

**Harvest of Scottsdale**  
Open House March 4, 2020  
5:30pm - 8:00pm

Country Club Scottsdale Old Town  
3311 South Scottsdale Road  
Scottsdale, AZ 85254

**Comments:**

**Harvest of Scottsdale**  
Open House March 4, 2020  
5:30pm - 8:00pm

Country Club Scottsdale Old Town  
3311 South Scottsdale Road  
Scottsdale, AZ 85254

**Comments:**



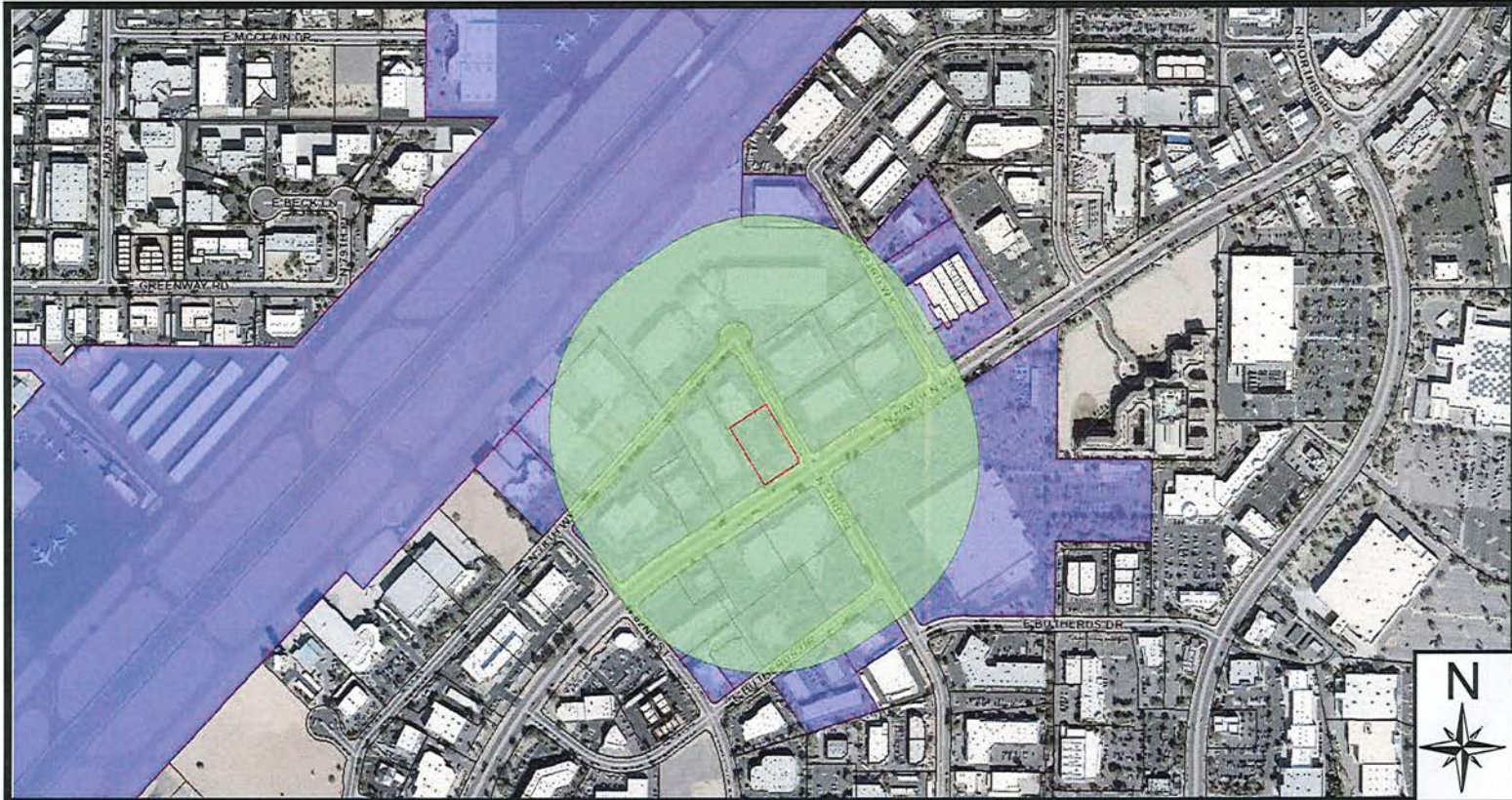






# City Notifications – Mailing List Selection Map

ATTACHMENT 5



**Additional Notifications:**

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

Pulled Labels  
May 6, 2020

**Map Legend:**



Site Boundary



Properties within 750-foot

Postcards: 103

**1-TA-2020**



**SCOTTSDALE PLANNING COMMISSION  
ELECTRONIC REMOTE**

**WEDNESDAY, JULY 8, 2020**

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

**PRESENT:** Paul Alessio, Chair  
Prescott Smith, Vice Chair  
Larry S. Kush, Commissioner  
Ali Fakh, Commissioner  
Kevin Bollinger, Commissioner  
Christian Serena, Commissioner  
Renee Higgs, Commissioner

**STAFF:** Jesus Murillo  
Margaret Wilson  
Keith Niederer  
Jeff Barnes  
Greg Bloemberg  
Bryan Cluff  
Katie Posler  
Lorraine Castro

**CALL TO ORDER**

Chair Alessio 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.

**Administrative Report and possible discussion – Jesus Murillo**

**MINUTES REVIEW AND APPROVAL**

1. Approval of May 27, 2020 Regular Meeting Minutes including Study Session.

**COMMISSIONER KUSH MOVED TO APPROVE THE MAY 27, 2020 REGULAR MEETING MINUTES. 2ND BY COMMISSIONER HIGGS.**

**THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0); BY CHAIR ALESSIO, VICE CHAIR SMITH, COMMISSIONER FAKIH, COMMISSIONER BOLLINGER, COMMISSIONER KUSH, COMMISSIONER SERENA AND COMMISSIONER HIGGS.**

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

## CONSENT AGENDA

2. 44-UP-2000#4 (Scottsdale Ranch Community Association Type 4 Wireless Communication Facility)

Request by owner to renew a Conditional Use Permit for an Existing Type 4 Alternative Concealment-Wireless Communication Facility (WCF) concealed within two existing flagpoles at 10585 N. 100th Street with Open Space, Planned Community District (O-S PCD) zoning. Staff contact person is Keith Niederer, 480-312-2953.

3. 11-AB-2019 (Shaw Butte Abandonment)

Request by owner for approval of an abandonment of portions of the General Land Office Patent Easements (GLOs) along the north, east, and south boundary of a property with Single-family Residential (R1-43) zoning located at 10535 E. Cactus Road. Staff contact person is Katie Posler, 480-312-2703. Applicant contact person is Mischael Ligget, 602-695-1845.

**ITEM NO. 3: RECOMMENDED CITY COUNCIL APPROVE CASE 11-AB-2019, BY A VOTE OF 6-0; MOTION PER COMMISSIONER KUSH PER THE STAFF RECOMMENDED STIPULATIONS, AFTER DETERMINING THAT THE PROPOSED ABANDONMENT IS CONSISTENT AND CONFORMS WITH THE ADOPTED GENERAL PLAN, 2ND BY COMMISSIONER SMITH, WITH COMMISSIONER BOLLINGER RECUSING HIMSELF.**

**THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0); BY CHAIR ALESSIO, VICE CHAIR SMITH, COMMISSIONER FAKIH, COMMISSIONER KUSH, COMMISSIONER SERENA AND COMMISSIONER HIGGS WITH COMMISSIONER BOLLINGER RECUSING HIMSELF.**

4. 4-AB-2020 (Haughton Abandonment)

Request by owner for abandonment of 13-feet of GLO easement located along N. 77th Street, 33-feet of GLO easement located along E. Cavedale Drive, and 20-feet of Right-of-Way located along E. Cavedale Drive for a property with Single-family Residential District, Environmentally Sensitive Lands, Foothills Overlay (R1-70 ESL FO) zoning located at 7720 E. Cavedale Drive. Staff contact person is Jeff Barnes, 480-312-2376. Applicant contact person is John Berry, 480-385-2727.

5. 1-TA-2020 (Medical Marijuana Text Amendment)

Request by applicant to amend the City of Scottsdale Zoning Ordinance (Ord. 455) for the purpose of amending Section 1.403.M.1.g to change the allowed hours of operation for medical marijuana uses from 6:00 AM to 7:00 PM to 6:00 AM to 10:00 PM. Staff contact person is Greg Bloomberg, 480-312-4306. Applicant contact person is Lauren Niehaus, 303-827-9039.

6. 4-GP-2020 (Scottsdale Civic Center Medical Plaza)

Request by owner for approval of a non-major General Plan amendment from Urban Neighborhoods to Minor Office on a +/- 1.37-acre site at 3271 N. Civic Center Plaza. Staff contact person is Bryan Cluff, 480-312-2258. Applicant contact person is Colin Slais, 480-907-6893.

7. 10-ZN-2019 (SCOTTSDALE CIVIC CENTER MEDICAL PLAZA)  
REQUEST BY OWNER FOR APPROVAL OF A ZONING DISTRICT MAP AMENDMENT FROM SERVICE RESIDENTIAL (S-R) TO COMMERCIAL OFFICE (C-O) ON A +/- 1.37-ACRE SITE AT 3271 N. CIVIC CENTER PLAZA. STAFF CONTACT PERSON IS BRYAN CLUFF, 480-312-2258. APPLICANT CONTACT PERSON IS COLIN SLAIS, 480-907-6893.

**ITEM NO'S 2, 4, 5, 6 & 7: RECOMMENDED CITY COUNCIL APPROVE CASES 44-UP-2000#4, 4-AB-2020, 1-TA-2020, 4-GP-2020 & 10-ZN-2019, BY A VOTE OF 7-0; MOTION BY COMMISSIONER KUSH, PER THE STAFF RECOMMENDED STIPULATIONS, BASED UPON THE FINDING THAT THE CONDITIONAL USE PERMIT CRITERIA HAVE BEEN MET, AFTER DETERMINING THAT THE PROPOSED ABANDONMENT, TEXT AMENDMENT AND ZONING DISTRICT MAP AMENDMENT ARE CONSISTENT AND CONFORM WITH THE ADOPTED GENERAL PLAN, 2<sup>ND</sup> BY COMMISSIONER BOLLINGER.**

**THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0); BY CHAIR ALESSIO, VICE CHAIR SMITH, COMMISSIONER FAKIH, COMMISSIONER BOLLINGER, COMMISSIONER KUSH, COMMISSIONER SERENA AND COMMISSIONER HIGGS.**

## **REGULAR AGENDA**

8. 1-ZN-2020 (Canalside)  
Request by owner for a zoning district map amendment from Central Business District, Downtown Overlay (C-2 DO) to Downtown/Downtown Multiple-Use, Type 2, Planned Block Development, Downtown Overlay (D/DMU-2 PBD DO), including development plan and development standards for gross floor area and building stepbacks, for a new mixed-used development consisting of 51 units of multi-family residential and +/-1,074 square feet of commercial space, located at 6804, 6806, 6808, 6810, 6820 and 6824 E. Indian School Road. Staff contact person is Greg Bloemberg, 480-312-4306. Applicant contact person is George Pasquel III, 602-230-0600.

**ITEM NO. 8: RECOMMENDED TO CITY COUNCIL FOR APPROVAL OF CASE 1-ZN-2020 BY A VOTE OF 5-0; MOTION BY COMMISSIONER KUSH, PER THE STAFF RECOMMENDED STIPULATIONS, AFTER DETERMINING THAT THE ZONING DISTRICT MAP AMENDMENT, DEVELOPMENT PLAN AND DEVELOPMENT STANDARDS ARE CONSISTENT AND CONFORM WITH THE ADOPTED GENERAL PLAN, 2<sup>ND</sup> BY COMMISSIONER SERENA WITH COMMISSIONER SMITH AND COMMISSIONER FAKIH RECUSING THEMSELVES.**

**THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0); BY CHAIR ALESSIO, COMMISSIONER BOLLINGER, COMMISSIONER KUSH, COMMISSIONER SERENA AND COMMISSIONER HIGGS, WITH VICE CHAIR SMITH AND COMMISSIONER FAKIH RECUSING THEMSELVES.**

## **ADJOURNMENT**

With no further business to discuss, the regular session of the Planning Commission adjourned at 6:00 p.m.

\* 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"