

Narrative
Conditional Use Permit
16277 N. Greenway-Hayden Loop
8-UP-2021 (850-PA-2020)

Introduction

Curaleaf, the applicant for this permit, is a national cannabis company with a wealth of experience in meeting the needs of marijuana patients and the community. They are a socially and environmentally responsible company that is committed to improving the communities they operate in as well as the lives of patients they serve.

The purpose of this application is to request a use permit to operate a dual license marijuana dispensary in the Scottsdale Airpark at the corner of N. Greenway-Hayden Loop and Frank Lloyd Wright Blvd at 16277 N Greenway-Hayden Loop (the "Property"). See **Exhibit 1** Context Map. The Property is a former Fidelity Bank building that was rezoned from R1-35 to I-1 in 1982, Case Number 67-ZN-1982. A use permit for the First Fidelity Bank was obtained in 1997 Case Number 30-UP-1997. The surrounding properties are zoned commercial or Industrial. See **Exhibit 2** Zoning. The General Plan designation is industrial.

The applicant is purchasing the property from First Fidelity Bank and will adaptively reuse the existing building for the dispensary. There will be no change to the exterior of the building and minimal construction on the inside of the property to adjust the floor plan to suit the needs of the dispensary and its customers.

Conditional Use Permit

The City of Scottsdale Zoning Ordinance requires a Conditional Use Permit for a marijuana dispensary in accordance with Section 1.401 which provides specific criteria for evaluating a use permit application. Below are excerpts from the ordinance listing the criteria to consider when reviewing a use permit request followed by a description of how the applicant's proposal meets those criteria.

1.401.

- A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors: 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination. 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.*

This use will not be materially detrimental to the health safety and welfare of the public. In fact, one of the major benefits is that the dispensary will have a positive impact on public health by meeting the medical needs of patients who have been prescribed marijuana for a variety of ailments. The impact of the dispensary is to improve the quality of life for patients and the general public.

The activities associated with this use will take place entirely within an enclosed building with odor control system in place to control odors. The lighting will be in accordance with the City of Scottsdale standards and will not be significantly altered from the lighting that currently exists on the building. There will be no smoke or dust produced. A marijuana dispensary is a relatively low impact use in an existing industrial park. The traffic associated with the dispensary will be similar to that of the bank it will be replacing, or another similar retail use.

1.401.

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

This use is being proposed in the Scottsdale Airpark, an area with predominantly industrial and commercial uses. There are a very limited number of locations where a dispensary can operate in Scottsdale because of the separation distances required from protected uses such as schools, residences, and churches. This is probably the last possible location for a dispensary that meets all the spacing criteria in the ordinance and doesn't require a variance.

1.401.

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

A marijuana dispensary is subject to the following additional conditions as outlined in Section 1.403.M.2 of the Zoning Ordinance. The applicable additional conditions below have been satisfied as noted.

1.403. M.2.

a. A marijuana operation for recreational purposes is only permitted in establishments that hold both a valid medical dispensary registration and a marijuana establishment license.

Curaleaf holds both a medical dispensary registration and a marijuana establishment license.

1.403. M.2

- b. 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.***

As previously stated, all operations of the dispensary will take place within a completely enclosed existing building.

1.403. M.2.

- c. The marijuana use is at least one thousand five hundred (1,500) feet from the following uses within the City limits:(1)Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.(2)Any educational service, elementary school and secondary school.(3)Any Place of worship.(4)Any Day care.(5)Any City park or park.***

As verified by the City of Scottsdale and a survey conducted by Civiltech Engineering Inc, the dispensary is not within 1,500 feet of any of the protected uses listed.

1.403. M.2.

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

As verified by City of Scottsdale staff, the dispensary meets this criterion.

1.403. M.2.

- e. All distances are measured from the wall of the 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.***

All distances were measured in accordance with this standard.

1.403. M.2.

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

A written refuse control plan has been submitted to the City for review and approval.

1.403. M.2.

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

A public safety plan has been submitted to and signed by Patrick Regan, District 4 Commander.

1.403. M.2.

h. 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 10:00 p.m.

The hours of operation will be from 6:00 am to 10:00 pm as required.

1.403. M.2.

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

There will be no drive through service.

Conclusion

The proposed dispensary is located in the Scottsdale Airpark, a location that is predominantly commercial and industrial in character. This proposed location meets all the criteria in the ordinance and does not require a variance. We respectfully request that you approve the Conditional Use Permit.