

**Marked Agendas  
Approved Minutes  
Approved Reports**

Official signed Ordinances/Resolutions and  
approved Minutes can be found at:  
<https://eservices.scottsdaleaz.gov/cityclerk/DocumentSearch>

Resolution 10721

Planning Commission Hearing 1/25/2017

City Council Hearing 03/7/2017

**Case History**

156-PA-2012

**8-UP-2012#2**

**Monarch Wellness Centers**

# PLANNING COMMISSION REPORT



Meeting Date: January 25, 2017  
General Plan Element: *Land Use*  
General Plan Goal: *Create a sense of community through land uses*

## ACTION

**Monarch Wellness Centers**  
**8-UP-2012#2**

### Request to consider the following:

1. A recommendation to City Council regarding a request by owner for renewal of an existing Conditional Use Permit for a Medical Marijuana Use in a 1,585 +/- square-foot facility located at 8729 E. Manzanita Drive, with Commercial Office District, Planned Community District (C-O PCD) zoning.

### Goal/Purpose of Request

The applicant seeks approval to renew an existing Conditional Use Permit (CUP) that is set to expire on 6/5/17. The original CUP included a stipulation that the CUP expires five years from the date of City Council approval; unless a renewal or amendment is approved prior to the expiration date. No changes to the site plan, floor plan or operation plan are proposed as part of this request.

### Key Items for Consideration

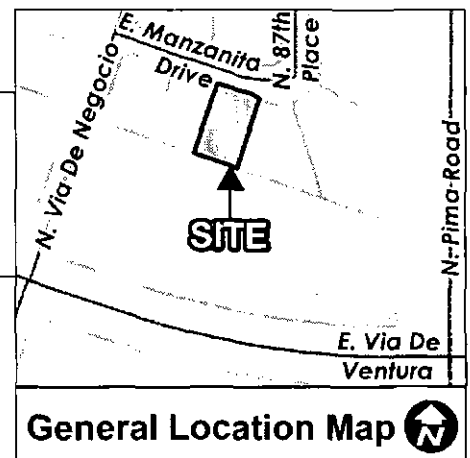
- Conditional Use Permit Criteria
- No changes to the floor plan or site plan proposed as part of this request
- Updated Public Safety and Refuse Control Plan approved by Police Department
- Public comment received by staff (traffic concerns)

## OWNER

NL Booth & Sons LLC

## APPLICANT CONTACT

Court Rich  
Rose Law Group  
480-505-3937



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

## LOCATION

---

8729 E Manzanita Dr.

## BACKGROUND

---

### General Plan

Per the General Plan Land Use Element, the subject site is designated as Office. This category is intended to support a variety of office uses, residential in scale and character, often arranged in a commercial subdivision or campus setting.

### Zoning

The site is zoned Commercial Office District, Planned Community District (C-O PCD). The C-O district allows for a variety of office and service uses. A Medical Marijuana Use is permitted subject to approval of a CUP.

On 8/31/16, City Council approved an amendment to the Medical Marijuana ordinance that added protected uses and increased separation requirements (8-TA-2010#3). The amendment included language that allows existing facilities to continue operating under the original CUP criteria approved in 2011, and updated in 2012. It also allows for existing CUP's to be renewed, and for existing facilities to be expanded; provided the existing facility and the expansion continue to meet the original criteria. The applicant's request is for a renewal only; as such, this application was reviewed under the original CUP criteria from 2011.

### Context

The subject property is located in a commercial subdivision, consisting primarily of small scale professional and medical office uses on parcels ranging in size from 10,000 to 43,000 square feet. All surrounding parcels in the immediate vicinity are also zoned C-O PCD. In addition to office uses, there is multi-family residential approximately 550 feet to the north of the subject site and a post office to the south.

### Adjacent Uses and Zoning

- North: Office, zoned C-O PCD
- South: Post Office, zoned C-O PCD
- East: Vehicle parking for Post Office, zoned C-O PCD
- West: Vacant, zoned C-O PCD

### Other Related Policies, References:

- Zoning Ordinance
- 8-UP-2012: Approval of CUP for a Medical Marijuana Use
- 8-TA-2010: Text amendment to Zoning Ordinance to allow Medical Marijuana related uses
- 8-TA-2010#2: Revision to original text amendment to clarify separation requirements
- 8-TA-2010#3: Revision to original text amendment to add protected uses and increase separation requirements for new facilities



- Arizona Revised Statutes, Title 36, Chapter 28.1
- Arizona Department of Health Services, Title 9, Chapter 17

## **APPLICANTS PROPOSAL**

---

### **Development Information**

No cultivation or processing occurs at this location; instead, the applicant contracts with a separate facility to provide the product, which is either delivered or picked up by the applicant. This includes contracting with an off-site bakery for processing and preparation of marijuana-infused edibles. Some incidental packaging and sorting of product occurs on-site as needed, all of which is done by hand.

For security purposes, the dispensary consists of one main entrance that is monitored by a ceiling-mounted security camera. The door is only accessible to patrons after visual identification has been confirmed. All other doors used to access restricted areas are secured and accessible only by employees with coded access privileges. During off-hours, the facility is monitored remotely by a 24-hour security system that includes video surveillance, motion sensors, glass breaking sensors and intrusion detection.

- Existing Use: Medical Marijuana Use
- Proposed Use: Same
- Parcel Size: 10,481 square feet
- Parking Required: 7 spaces
- Parking Provided: 13 spaces
- Floor Area: 1,585 square feet

## **IMPACT ANALYSIS**

---

### **Land Use**

The applicant's use occupies the entire 1st floor of the building and the facility operates similar to a medical office use, with foot traffic limited to patients and/or caregivers. The dispensary is a non-profit organization, as required by State and Federal law, and does not function as a retail use open to the general public. The surrounding area is home to a variety of medical and professional offices, similar in intensity and character to the proposed use.

### **Conditional Use Permit**

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

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

1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
  - **All operations associated with this use, with the exception of occasional deliveries, are conducted within the building. No processing or cultivation occurs at this location that might require the use of machinery. All incidental product separation and packaging is done by hand. The applicant utilizes an air filtration system to prevent any odors associated with the use from becoming a nuisance to adjacent tenants or property owners. Deliveries to the site are accomplished utilizing small vehicles and occur within the building, utilizing a door on the east side of the building. Per the applicant, the existing external lighting on-site is sufficient to meet their needs. No additional external lighting is proposed at this time. Any future security lighting will be subject to separate review and approval. No damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination is anticipated.**

2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
  - **The existing facility accommodates between 8 and 12 patients per hour; which is consistent with traffic generated by other medical offices in this subdivision. Occasional delivery of product is also required. All unloading of product occurs on-site in the parking area and will not affect on-site or off-site circulation.**

**Staff received correspondence from a neighboring business owner expressing concerns about traffic; specifically erratic driving and speeding. These concerns have been passed along to the applicant so they can be addressed. Volume and character of traffic are, and have been, consistent with a medical office use since the facility opened in 2012.**

- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
  - **The proposed use operates similar to a medical or professional office use, both of which are prominent in this area. The subdivision where the facility is located is occupied by a variety of medical and professional office uses of similar intensity. The use is reasonably compatible with the uses in the area.**

- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied. The proposal meets the provisions for Medical Marijuana uses as identified in Zoning Ordinance Section 1.403.M. (2011), including:

1. **All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.**
  - **All operations are conducted within a fully enclosed building, with the exception of occasional deliveries and necessary security measures as required by the Public Safety and Refuse Control Plan. Deliveries occur via small vehicles that park in the parking area. Product is then walked up to the delivery door on the east side of the**

**building, under the supervision of security staff.**

2. The Medical Marijuana use is not located within 500 feet of any of the following protected districts or uses:
  - a. Any residential zoning district, or the residential portion of a Planned Community District (PCD), or any portion of a Planned Residential Development (PRD) with an underlying residential zoning district.
  - b. Manufactured Home District (M-H)
  - c. Any elementary or secondary school
  - **The proposed facility is not located within 500 feet of any of the above uses or districts.**
3. The Medical Marijuana use is at least 1,320 feet from the following uses within the City limits:
  - a. Medical marijuana caregiver cultivation use
  - b. Any 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 and a medical marijuana use hold a state issued caregiver registry identification card and a non-profit medical marijuana dispensary registration certificate under the same name or entity
  - **The proposed facility is not located within 1,320 feet of any other licensed medical marijuana facility.**
4. All distances are measured from the wall of the medical marijuana dispensary 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 separation requirements were measured and confirmed as indicated above.**
5. The applicant has provided a written exterior refuse control plan, subject to City approval.
  - **An updated Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. Conditions of the plan are implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**
6. The applicant has provided a written public safety plan, subject to City approval.
  - **An updated Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. Conditions of the plan are implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**
7. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 AM and not later than 7:00

PM.

- The existing hours of operation for this facility are Monday thru Saturday, 9:00 AM to 7:00 PM; and Sunday, 9:00 AM to 5:00 PM.
8. There is no drive-through service, take-out window, or drive-in service.
- None of the services listed above are offered at this facility.

### **Water/Sewer**

Per the original CUP, existing water and sewer infrastructure is sufficient to accommodate a Medical Marijuana dispensary at this location. No changes to the existing operation plan are proposed as part of this application.

### **Public Safety**

An updated Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. The nearest fire station is located at 9045 E. Via Linda Road, approximately 1.2 miles from the subject site. No significant impacts to existing service levels are anticipated.

### **Community Involvement**

Property owners within 750 feet of the site have been notified by mail and the site is posted with the required signage.

## **STAFF RECOMMENDATION**

---

### **Recommended Approach:**

Staff recommends that the Planning Commission find that the Conditional Use Permit criteria have been met, and make a recommendation to City Council for approval of a renewal of an existing Conditional Use Permit for a Medical Marijuana Use in a 1,585 +/- square-foot facility located at 8729 E. Manzanita Drive, with Commercial Office District, Planned Community District (C-O PCD) zoning, per the attached stipulations.

## **RESPONSIBLE DEPARTMENT**

---

### **Planning and Development Services**

Current Planning Services

## **STAFF CONTACT**

---

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

**APPROVED BY**

---

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

12-29-16  
\_\_\_\_\_  
Date

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

1/16/2017  
\_\_\_\_\_  
Date

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

1/18/17  
\_\_\_\_\_  
Date

**ATTACHMENTS**

---

1. Context Aerial
- 1A. Aerial Close-Up
2. Stipulations
  - Exhibit A to Attachment 2: Floor Plan
  - Exhibit B to Attachment 2: Site Plan
3. Applicant's Narrative
4. Public Safety and Refuse Control Plan
5. Zoning Map
6. Citizen Involvement
7. City Notification Map





Q.S.  
25-48

Google Earth Pro Imagery

Monarch Wellness Centers Medical Marijuana

8-UP-2012#2



ATTACHMENT #1A



Monarch Wellness Centers Medical Marijuana

8-UP-2012#2

**Conditional Use Permit – Medical Marijuana Use**  
**Stipulations**  
**Monarch Wellness Centers**  
**Case Number: 8-UP-2012#2**

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

**OPERATIONS**

1. **CONFORMANCE TO FLOOR PLAN.** The interior layout of the facility shall be in substantial conformance with the floor plan provided by the applicant, with the city staff date of 12/8/16, and attached as Exhibit A to Attachment 2. Any proposed significant change to the floor plan, as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
  
2. **CONFORMANCE TO SITE PLAN.** The site plan for this facility shall be in substantial conformance with the site plan provided by the applicant, with a city staff date of 12/8/16, and attached as Exhibit B to Attachment 2. Any proposed significant change to the site plan, as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
  
3. **PUBLIC SAFETY AND REFUSE CONTROL PLAN.** Operations shall conform to the Public Safety and Refuse Control Plan approved by, and on record with, the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. A copy of the approved Public Safety and Refuse Control Plan shall be maintained on-site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Public Safety and Refuse Control Plan to the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. At least 10 days prior to any operational changes to the Medical Marijuana Dispensary that modify the requirements or contents of the Public Safety and Refuse Control Plan, the owner shall submit a revised Public Safety and refuse Control Plan to the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. Any proposed amendments to the Public Safety and Refuse Control Plan are subject to approval by the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division.
  
4. **HOURS OF BAR OPERATIONS.** Per the applicant’s Operation Plan, the hours of operation for this facility shall be limited to:

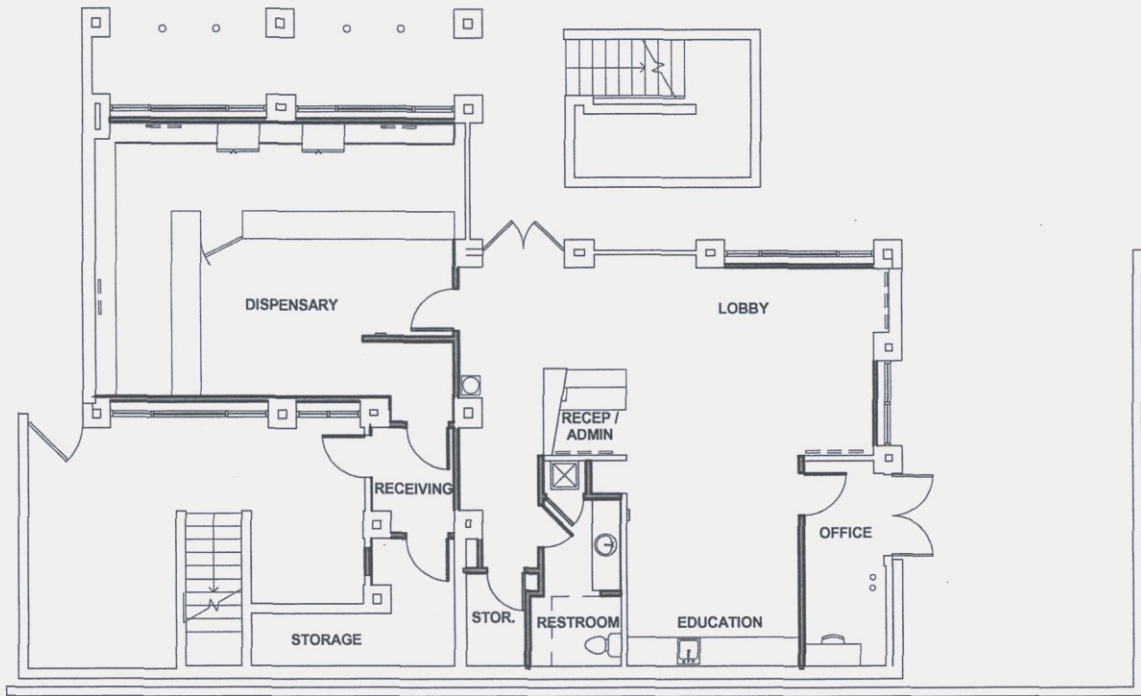
	Open to Customers	Close to Customers
Sunday	9:00 AM	5:00 PM
Monday	9:00 AM	7:00 PM
Tuesday	9:00 AM	7:00 PM
Wednesday	9:00 AM	7:00 PM
Thursday	9:00 AM	7:00 PM



Friday	9:00 AM	7:00 PM
Saturday	9:00 AM	7:00 PM

**ADMINISTRATIVE/PROCESS**

5. TERM OF CONDITIONAL USE PERMIT. This conditional use permit is valid for five (5) years, unless it is first amended or renewed.
  
6. CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW. Within ten (10) days after a request by the Zoning Administrator or designee, the owner shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
  
7. CHANGES IN OWNERSHIP. Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.
  
8. COMPLIANCE WITH STATE LAW. The owner shall maintain in good standing all appropriate permits, licenses and certificates from the State of Arizona.



**1** FIRST FLOOR SKETCH  
1/8" = 1'-0"



 **triARC**  
architecture & design  
99 E. Virginia Ave. p 602 229 1100  
Suite #175 f 602 229 1101

# MONARCH WELLNESS CENTER

SUBMITTAL

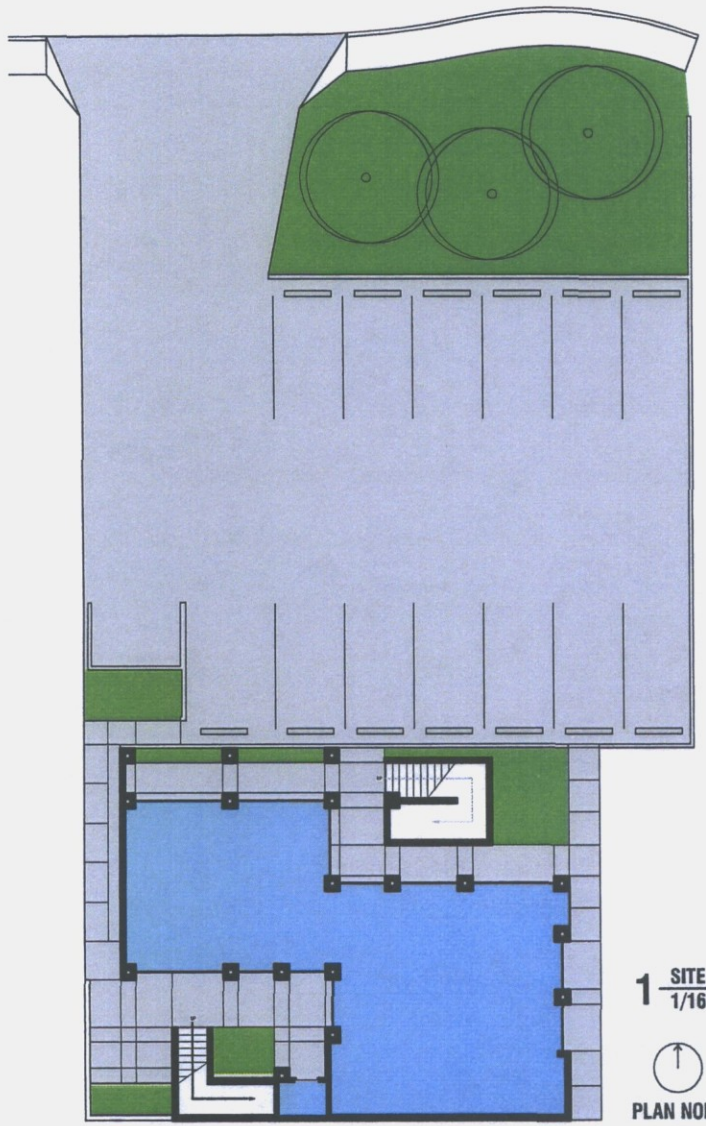
SK-2

DATE

02/07/2013

**8-UP-2012#2**  
**12/8/16**

MANZANITA DRIVE



LEGEND



- HARDSCAPE (6,400 SQ. FT.)
- SOFTSCAPE
- DISPENSARY (1,585.6 SQ. FT.)



**PROJECT INFORMATION**  
**OWNER:**  
 HONORCH WILLIAMS CENTRAL, INC.  
 7818 E. SUGARLOVE PARKWAY, #110  
 SCOTTSDALE, AZ 85258  
**CONTACT:**  
 DUSTIN JOHNSON  
 P: 480-317-2519  
**PROJECT LOCATION**  
 8728 EAST MANZANITA DRIVE  
 SCOTTSDALE, ARIZONA 85259

**ZONING:**  
 COMMERCIAL ZONING: C-4  
 PARCEL SIZE: 16,480 SQ. FT.  
 EXISTING GROSS BUILDING AREA:  
 8,037 SQ. FT.  
 PARKING REQUIRED: 12  
 PARKING PROVIDED: 13  
**SETBACKS:**  
 FRONT: 8'-0"  
 SIDE: 10'-0"  
 REAR: 0'-0"  
 BACK: 0'-0"



**1 SITE MAP**  
 1/16"=12"  
 PLAN NORTH  
 TRUE NORTH

**1 VICINITY MAP**  
 N.T.S.  
 TRUE NORTH

SITE MAP

SCHEMATIC DESIGN  
 \*\*\*NOT FOR CONSTRUCTION\*\*\*

DATE:  
 12 April 2012

**BD1**

**8-UP-2012#2**  
**12/8/16**

Exhibit B to Attachment 2

# MONARCH WELLNESS CENTERS



## APPLICATION TO RENEW CONDITIONAL USE PERMIT

**SUBMITTED: December 8, 2016**

### PROPERTY ADDRESS

**8729 E Manzanita Rd.**

**Scottsdale, AZ. 85258**

**APN 174-04-972**

### APPLICANT

**Monarch Wellness Centers, INC**

**A Not-For-Profit Corporation**

**Attachment #3**

**8-UP-2012#2  
12/8/16**



## OVERVIEW

In November of 2010, Arizona voter passed Proposition 203, making it the 15<sup>th</sup> state in the nation to legalize marijuana for medical use. In an effort to avoid the pitfalls of other state's medical marijuana models, the Arizona Department of Health Services (AZDHS) created a very stringent set of rules and regulations. These rules and regulations set forth very specific requirements governing the licensing of patients as well as dispensary, cultivation and infusion facilities.

One of the stipulations outlined in the AZDHS regulations, is that all facilities must be in compliance with the zoning requirements of the municipalities in which they are located. Therefore, Monarch Wellness Center, LLC is currently requesting the renewal of their existing Conditional Use Permit in order to continue to operate a dispensary at 8729 E Manzanita Rd in Scottsdale. There are no changes proposed to the current operation of this facility. It will not be used for cultivation, and will only continue to serve in a dispensary capacity.

This existing facility is and will continue to be a not-for profit medical marijuana dispensary that serves as a model operation, maintaining the highest standards of professionalism while operating in full compliance of the law. It is Monarch's goal to offer affordable, consistent, and quality medicine to state certified patients in an environment that is focused on safety, privacy, convenience, and comfort. The dispensary's interior environment and facilities function very similarly to a medical clinic and wellness center. Monarch will continue to inspire, counsel, and educate patients on matters such as the health effects of medical cannabis, alternative methods of receiving the medication, legal requirements, and patient rights.

One of Monarch's main objectives is to be recognized as a responsible service provider and good neighbor. As such, this organization is a proud member of Scottsdale's Chamber of Commerce. Furthermore, Monarch has supported and been actively involved in numerous organizations around the Valley since its inception. These charitable organizations include ICAN, Singleton Moms, The Crohn's & Colitis Foundation, and the POSA, just to name a few. Most recently in 2016, Monarch was the premium sponsor for the Singleton Moms "Fun Run", and actively involved in their "Christmas in July - Bare Necessities" Drive. Additionally, Monarch participated in the 2016 annual "Take Steps for Crohn's and Colitis Foundation - Walk at the Phoenix Zoo" with a team made up of staff and patients who collectively raised money for this great local cause. Monarch plans to continue their hard work and dedication with local charities and will continue to have a positive impact on Scottsdale and the greater community.

Monarch has also taken the necessary steps to insure that the operation and security requirements indicated by the AZDHS are greatly exceeded. Detailed operational manuals, patient privacy policies, and employee guidelines have been developed with the assistance of industry leaders and experts. We have developed benchmark training and human resource



tools along with systems that ensure consistency, compliance, and high performance throughout the entire staff. The safety of patients, employees, and the community are of top priority. Our security plan ensures the uncompromised safety of patients, staff, and the surrounding community. It is extensive and thorough, and includes a variety of topics covering video surveillance systems, transportation security, patient safety, and natural disaster preparedness plans; just to name a few. Monarch pledges to work continuously and diligently with members of local law enforcement and other security experts to provide constant review and updates to these security procedures.

Monarch Wellness initially made the decision to pursue a Conditional Use Permit for a dispensary facility in Scottsdale with the sole intent to set a standard of excellence for the entire industry. Through quality leadership, extensive research, significant funding, and a commitment to excel, Monarch has far exceeded this internal goal and welcomes the opportunity to continue to maintain it.

#### ZONING COMPLIANCE

Monarch Wellness is requesting to renew their existing Conditional Use Permit (case #8-UP-2012) for a dispensary at 8729 E Manzanita Rd. Scottsdale, 85258; parcel number 174-04-972. The site is currently zoned C-O, and is situated in a private and discreet location. Furthermore, this active dispensary continues to operate in full compliance with the recently adopted text amendment to Section 1.403 of the City's Zoning Ordinance as outlined below.

#### **Section 1.403.M. Medical Marijuana Use Criteria**

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

All operations are conducted within a completely enclosed building;

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

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

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

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

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

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

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

#### CONDITIONAL USE PERMIT COMPLIANCE

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

#### **Section 1.401 Conditional Use Permit Issuance Criteria**

A. The granting of this Use Permit will in no way be detrimental to the public health, safety or welfare of the surrounding area.

1. This use does not create damage or nuisance caused from noise, odor, dust, vibration or illumination. Monarch dispensary has been operating since 2012 with no issues or complaints regarding noise, odor, dust, vibration or illumination. It will continue to operate without nuisance just as any other medical office.

2. No Impact on surrounding area from traffic. Monarch is located in a commercialized area and is surrounded by other office type uses. This facility has not and will not generate abnormal amounts of increased traffic. It will operate just like every other business in the McCormick Ranch Office Park.

B. This use is compatible with surrounding uses. Again, this facility has been operational since 2012 and is surrounded by other office type businesses. There have been no concerns or complaints issued to the city.

C. This location meets all other additional conditions. As stated above, this location complies with all of the City of Scottsdale's zoning requirements.

#### CONCLUSION

Monarch Wellness is committed to the task of creating the benchmark by which all other medical marijuana facilities are measured. The goal is to maintain the highest standards of professionalism while operating in full compliance with all local and state laws and regulations. There are numerous stakeholders involved in this unique industry, including patients,

neighbors, legislators, law enforcement, the medical community, and the general public. Monarch Wellness continuously strives to present more than a mere idea based on speculative contingencies, but a well planned and achievable model that will adequately serve all those involved.

Monarch Wellness respectfully requests the renewal of their existing Conditional Use Permit for another five (5) years. This renewal will allow Monarch the opportunity to continue to be a positive role model to other facilities throughout the city and even throughout the state of Arizona.



**CITY OF SCOTTSDALE**  
**SECURITY, MAINTENANCE AND OPERATIONS PLAN**  
**For Medical Marijuana Facilities**

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

Detective John Miller

Phone: 480-312-5000

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

Phone: 480-312-7000

**Project # 485 -PA-2016 or Case #      -UP-201**

**Assigned Planner:**

\_\_\_\_\_ Detective John Miller \_\_\_\_\_

**Police Detective:**

\_\_\_\_\_ Monarch Wellness Center \_\_\_\_\_

**Facility Name:**

**Facility State I.D. Number:**

\_\_\_\_\_ 8729 E. Manzanita Drive \_\_\_\_\_

**Address:**

**Business Phone:**

**Business FAX:**

**Maximum Occupancy:**

**Effective Date of the Plan:**

\_\_\_\_\_ 120516 \_\_\_\_\_

**Date of Plan Review:**

\_\_\_\_\_ 120516 \_\_\_\_\_

**Use Permit Issue Date:**

**Contact Person (1):**

\_\_\_\_\_ Dustin Johnson \_\_\_\_\_

**Home Phone:**

\_\_\_\_\_ 602-571-2979 \_\_\_\_\_

**Contact Person (2):**

\_\_\_\_\_ Mike Johnson \_\_\_\_\_

**Home Phone:**

\_\_\_\_\_ 602-390-3719 \_\_\_\_\_

## Purpose of the Plan

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

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

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

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

## Operations and Hours

1. Permittee: EBA Holdings (DBA - Monarch Wellness Center)  
Type of Organization:  Arizona Corporation     Corporation  
 Sole Proprietorship     LLC  
 Partnership     Other
2. Managing Agents Name: Dustin Johnson  
Title: Executive Director  
Address: 8729 E. Manzanita Dr. Scottsdale, 85258  
Phone Numbers: (602) 571-2979  
Fax or Other Numbers:
3. Business Owner(s) (if different than Managing Agent) Name, Address, Phone: Mike Johnson, 7600 E. Doubletree Ranch Rd. Scottsdale, 85258  
(602) 390-3719

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

5. Hours of Operation:

	Open	Closed
Monday	<u>9:00</u>	<u>7:00</u>
Tuesday	<u>9:00</u>	<u>7:00</u>
Wednesday	<u>9:00</u>	<u>7:00</u>
Thursday	<u>9:00</u>	<u>7:00</u>
Friday	<u>9:00</u>	<u>7:00</u>
Saturday	<u>9:00</u>	<u>7:00</u>
Sunday	<u>11:00</u>	<u>4:00</u>

6. Cooperation/Complaints/Concerns:

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

Name: Dustin Johnson Address: 8721 E. Marzoni Pt  
Scottsdale, 85258 Phone: (602) 571-2979

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

## Security and Maintenance

### Security Attire

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



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

#### **Security Officer Responsibilities**

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

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

#### **Management Responsibilities**

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

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

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

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

**Uniformed Sworn Officer Responsibilities:**

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

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

**Parking**

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

**Refuse Plan**

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

**Establishment of Records**

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



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

### **Physical Security**

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

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

### **Enforcement of Security Plan**

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

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

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

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

**Dissemination of the Security Plan**

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



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

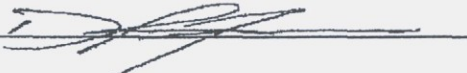
**Termination of the Plan**

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

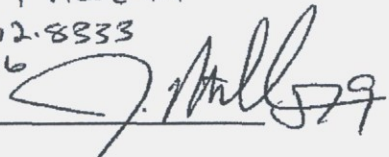
**Enclosures**

- Addendums attached
- No enclosures

**APPLICANT/MANAGEMENT:**

Name: *Dustin Johnson*  
 Address: *8729 E. Marzette Dr. Scottsdale, 85258*  
 Phone: *(602) 571-2579*  
 Date: *11/8/16*  
 Signature: 

**APPROVED BY:**

Detective: *JOHN MILLER*  
 Phone: *480.312.8833*  
 Date: *12/5/16*  
 Signature: 





# Operation Plan

An Operation Plan explains operational characteristics of a proposed use.

1. Business use type: Medical Marijuana Dispensary
2. Days of Operation: Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday
3. Hours of Operation: 9:00AM - 7:00PM Monday - Saturday, 11:00 - 4:00 Sundays
4. Number of employees
  - a. Full time, indicate work shift 16 Total employees, we have 2 shifts, with aprox 8-9 per shift
  - b. Part time, indicate work shift 3 Total employees, < 20hrs week
5. Other business officials on site if not employees 3rd party security guard
6. Customer characteristics
  - a. Patron seating We provide couch seating in the waiting room for patients prior to entering the dispensary area
  - b. Frequency and peak time of customer activity Peak times are typically after 5:00 on weekdays, and after 4:00 on Saturdays
7. Outdoor operations
  - a. Explain all outdoor activities (e.g. everything that takes place outside the confines of an enclosed building):
    - Parking Yes
    - Loading Yes
    - Storage None
    - Display None
    - Product demonstrations/testing None
    - Activities that take place within areas that are walled but not roofed or covered None
    - Other activities None
8. Description of service activities such as parking lot sweeping, loading, trash hauling and similar associated activities. We have maid service daily and they remove our trash.
  - a. Frequency of service Activities: days of week, hours of day Cleaning is daily before opening
  - b. Location of Service Activities relative to lower intensity uses N/A
9. Description of refuse removal:
  - a. The location of anticipated parking area for customers including those located off the site. On site parking
  - b. The area surrounding the property that will be cleaned of debris by the applicant N/A
  - c. Time of day of refuse removal. Before 9:00 AM

## Planning, Neighborhood and Transportation

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-2500 ♦ Fax: 480-312-7088.



# Operation Plan

An Operation Plan explains operational characteristics of a proposed use.

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

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

11. Description and documentation of how noise is abated

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

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

Schools Only:

1. Number of students on site at any given time: \_\_\_\_\_

2. Frequency of drop offs and pick-ups (start and stop times) on each day of the week: \_\_\_\_\_

## Planning, Neighborhood & Transportation

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-2500 ♦ Fax: 480-312-7088





Monarch Wellness Centers Medical Marijuana

8-UP-2012#2

December 29, 2016

**Neighborhood  
Notification Report**  
Conditional Use Permit Renewal (8-UP-2012 #2)

8729 E. Manzanita Drive  
Scottsdale, Arizona

Prepared By

ROSE  
LAW GROUP<sub>pc</sub>  
RICH. HURLEY



## **Project Proposal**

The following documents the citizen notification efforts for the Monarch Wellness Center's request to renew their existing Conditional Use Permit ("CUP"). (#485-PA-2016). Monarch Wellness has been operating a medical marijuana dispensary at 8729 E. Manzanita Drive since 2012 without incident. This application will simply allow the operation to continue for another five (5) years.

## **Notification Area Map**

Attached is a map of the 750-foot area within which all property owners were notified of the CUP renewal request.

## **Contacted Parties**

A complete list of the property owners, neighborhood associations and interested parties contacted through the outreach efforts is attached. Property ownership was determined based on records at the Maricopa County Assessor's office. City of Scottsdale staff provided a list of neighborhood associations and interested parties within one mile of the Applicant's site.

## **Contact Dates and Methods**

Notification was made by First Class U.S. Mail in a letter postmarked on December 6, 2016. Each letter contained all of the required information regarding the renewal request (copy attached).

## **Site Posting**

The site will be posted with upcoming public hearing details at least 15 days prior to the hearing date.

## **Comments and Correspondence Received**

On Tuesday, 12/27/16 the applicant received email correspondence from city staff regarding public input received from a new business owner, Dr. Patti Flint (8129 N. 87<sup>th</sup> Place). Dr. Flint's email correspondence expressed concerns of excessive speed and disregard for normal traffic laws.

Dustin Johnson, Founder and Executive Director of Monarch Wellness emailed Dr. Flint in order to address her traffic concerns and offer to meet directly with Dr. Flint to establish an open line of communication. A copy of his email to Dr. Flint is provided with this update. Mr. Johnson is waiting for a response.

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

JENNIFER HALL  
7144 E. Stetson Drive, Suite 300  
Scottsdale, Arizona 85251  
Phone 480.505.3938 480.505.3925  
JHall@RoseLawGroup.com  
www.RoseLawGroup.com

December 6, 2016

Dear Property Owner and/or Neighborhood Association:

This letter is to inform you that an application is being submitted on behalf of Monarch Wellness Center in order to renew their existing Conditional Use Permit and allow the continual operation of the dispensary located at 8729 E. Manzanita Drive in Scottsdale.

Monarch Wellness has been operating a dispensary at this location since 2012 without incident. There are no proposed changes to the existing operation nor to the facility. Approval of this application will solely renew the Use Permit for an additional five (5) years.

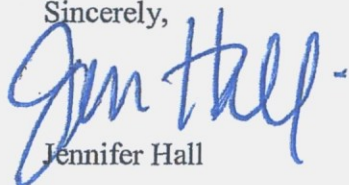
This site is ideal as it is located just east of Hayden Road in McCormick Ranch Office Park and the property is zoned C-O which allows dispensaries with a Conditional Use Permit. Furthermore, this site meets all of the separation setback requirements for protected uses, such as residential districts and schools.

Monarch Wellness is committed to the task of creating the benchmark by which all other medical marijuana facilities are measured. The goal is to maintain the highest standards of professionalism while operating in full compliance with all local and state laws and regulations.

No public hearings are scheduled at this time; however, if you would like additional information regarding this renewal application please do not hesitate to contact me directly at 480-505-3938 or [jhall@roselawgroup.com](mailto:jhall@roselawgroup.com). Or if you prefer to speak with city staff please contact Greg Bloemberg at 480-312-7000 or [gbloemberg@scottsdaleaz.gov](mailto:gbloemberg@scottsdaleaz.gov) and reference case #485-PA-2016.

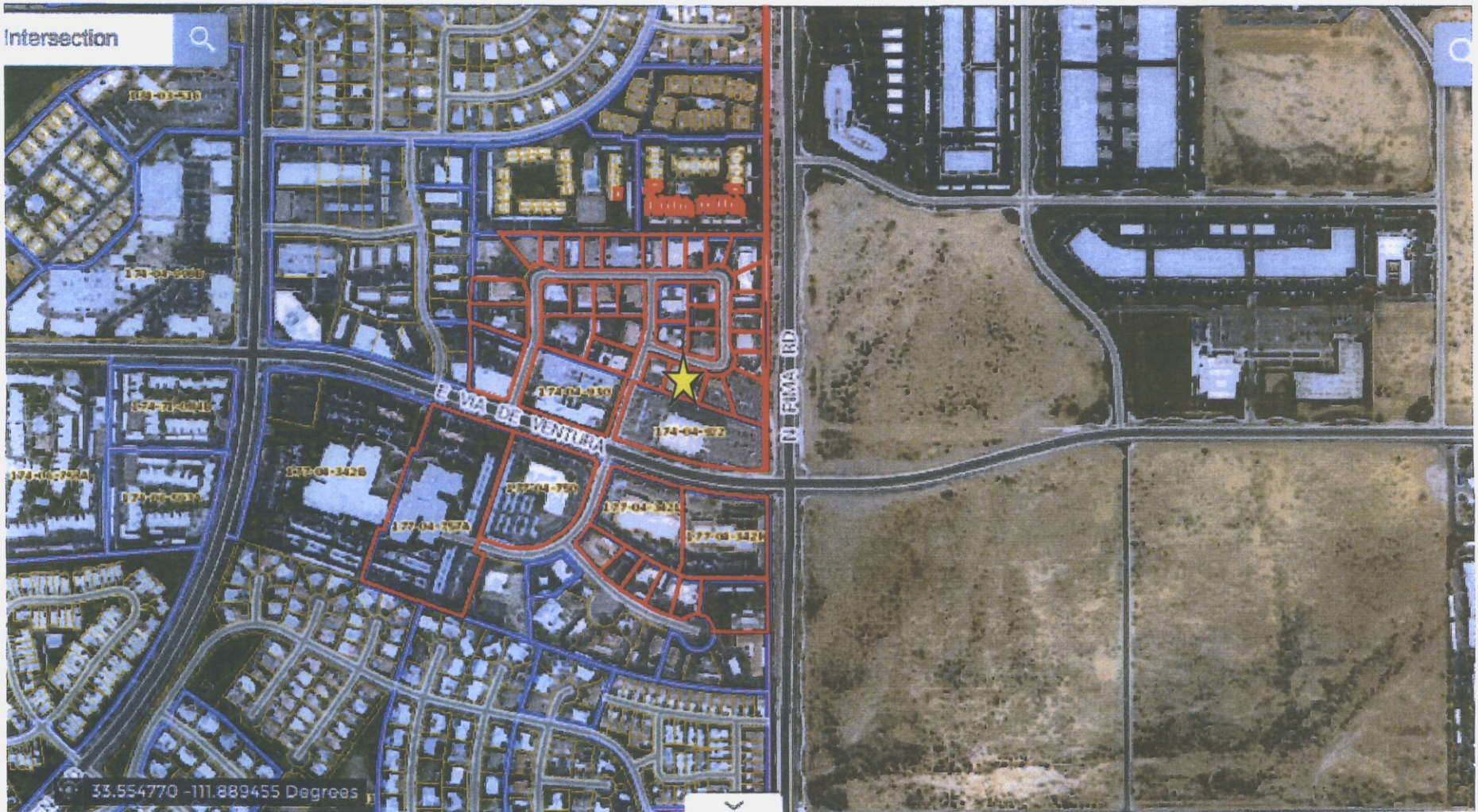
Thank you for your time.

Sincerely,

  
Jennifer Hall



Monarch Wellness Center  
8729 E. Manzanita Drive  
750 ft Notification Map



## **Bloemberg, Greg**

---

**From:** Patti Flint MD <pflintmd7@gmail.com>  
**Sent:** Wednesday, December 21, 2016 2:25 PM  
**To:** Bloemberg, Greg  
**Subject:** Monarch Wellness Center conditional use permit

Hello Mr. Bloemberg,

I am in receipt of a letter from Rose Law Group regarding renewal or extension of a pot dispensary called Monarch Wellness Center. I am a new neighbor of that business, having purchased and developed the building at 8129 N. 87th Place, virtually next door. While my feelings about marijuana usage are not salient here, the traffic flow issues in the area are a concern for myself, my employees and my patients. The clientele that frequent this center drive erratically, in excessive speed and without regard for normal traffic laws. I am not sure who else to bring this up to, but would appreciate your input.

Thanks

P  
atti  
F  
lint MD  
Owner Scottsdale McCormick Ranch Surgicenter



**Bloemberg, Greg**

---

**From:** djohnson42@gmail.com on behalf of Dustin Johnson <djohnson@monarchaz.org>  
**Sent:** Thursday, December 29, 2016 9:09 AM  
**To:** pflintmd7@gmail.com  
**Subject:** Monarch Dispensary | Traffic Concerns

Dr. Flint -

My name is Dustin Johnson, and I am the founder & executive director of Monarch, the medical cannabis dispensary at 8729 E Manzanita Dr. I was informed that you have some traffic concerns regarding our patients, and I wanted to reach out to get some more specific information about what we can do to help.

I have already given our operations manager & security team a heads up on your comments, and asked them to be extra vigilant on monitoring the driving behavior of patients as they enter & exit the area. In addition, I would love the opportunity to sit down with you and see what else you might suggest in order for us to make sure that we continue to be a good neighbor. We have been open three & a half years now, and this is the very first issue that has ever come up, so I am sure that we can find a positive solution!

I am on vacation with my family until Monday, but will make myself available after that if you can find some time. I would also be happy to give you a tour of the dispensary so that you can have a better idea of what it is that we do.

Have a great New Year, and I will look forward to connecting here soon.

Thanks!

Dustin

# City Notifications – Mailing List Selection Map

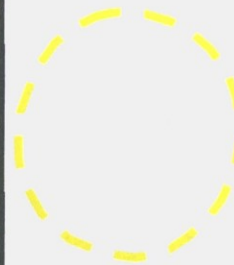
ATTACHMENT #7



## Map Legend:



Site Boundary



Properties within 750-foot  
284 Postcards

## Additional Notifications:

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

**Monarch Wellness Centers  
Medical Marijuana**

**8-UP-2012#2**

ATTACHMENT # \_\_\_

# CITY COUNCIL REPORT



Meeting Date: March 7, 2017  
 General Plan Element: *Land Use*  
 General Plan Goal: *Create a sense of community through land uses*

## ACTION

### Monarch Wellness Centers 8-UP-2012#2

#### Request to consider the following:

1. Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 10721 approving renewal of an existing Conditional Use Permit for a Medical Marijuana Use in a 1,585 +/- square-foot facility located at 8729 E. Manzanita Drive, with Commercial Office District, Planned Community District (C-O PCD) zoning.

#### Goal/Purpose of Request

The applicant seeks approval to renew an existing Conditional Use Permit (CUP) that is set to expire on 6/5/17. The original CUP (8-UP-2012) included a stipulation that the CUP expires five years from the date of City Council approval; unless a renewal or amendment is approved prior to the expiration date. No changes to the site plan, floor plan or operation plan are proposed as part of this request.

#### Key Items for Consideration

- Conditional Use Permit Criteria
- No changes to the floor plan or site plan proposed as part of this request
- Updated Public Safety and Refuse Control Plan approved by Police Department
- Public comment received by staff (traffic concerns)
- Planning Commission heard this case on January 25, 2017 and recommended approval with a 6-0 vote

#### OWNER

NL Booth & Sons LLC

#### APPLICANT CONTACT

Court Rich  
Rose Law Group





480-505-3937

**LOCATION**

---

8729 E Manzanita Dr.

**BACKGROUND**

---

**General Plan**

Per the General Plan Land Use Element, the subject site is designated as Office. This category is intended to support a variety of office uses, residential in scale and character, often arranged in a commercial subdivision or campus setting.

**Zoning**

The site is zoned Commercial Office District, Planned Community District (C-O PCD). The C-O district allows for a variety of office and service uses. A Medical Marijuana Use is permitted subject to approval of a CUP. A CUP for a Medical Marijuana use was approved for this location under case 8-UP-2012 with a 5-year time limit on the approval.

On 8/31/16, City Council approved an amendment to the Medical Marijuana ordinance that added protected uses and increased separation requirements (8-TA-2010#3). The amendment included language that allows existing facilities to continue operating under the original CUP criteria approved in 2011, and updated in 2012. It also allows for existing CUP's to be renewed, and for existing facilities to be expanded; provided the existing facility and the expansion continue to meet the original criteria. The applicant's request is for a renewal only; as such, this application was reviewed under the original CUP criteria from 2011.

**Context**

The subject property is located in a commercial subdivision, consisting primarily of small scale professional and medical office uses on parcels ranging in size from 10,000 to 43,000 square feet. All surrounding parcels in the immediate vicinity are also zoned C-O PCD. In addition to office uses, there is multi-family residential approximately 550 feet to the north of the subject site and a post office to the south.

**Adjacent Uses and Zoning**

- North: Office, zoned C-O PCD
- South: Post Office, zoned C-O PCD
- East: Vehicle parking for Post Office, zoned C-O PCD
- West: Vacant, zoned C-O PCD

**Other Related Policies, References:**

- Zoning Ordinance
- 8-UP-2012: Approval of CUP for a Medical Marijuana Use
- 8-TA-2010: Text amendment to Zoning Ordinance to allow Medical Marijuana related uses

- 8-TA-2010#2: Revision to original text amendment to clarify separation requirements
- 8-TA-2010#3: Revision to original text amendment to add protected uses and increase separation requirements for new facilities
- Arizona Revised Statutes, Title 36, Chapter 28.1
- Arizona Department of Health Services, Title 9, Chapter 17

## **APPLICANTS PROPOSAL**

---

### **Development Information**

No cultivation or processing occurs at this location; instead, the applicant contracts with a separate facility to provide the product, which is either delivered or picked up by the applicant. This includes contracting with an off-site bakery for processing and preparation of marijuana-infused edibles. Some incidental packaging and sorting of product occurs on-site as needed, all of which is done by hand.

For security purposes, the dispensary consists of one main entrance that is monitored by a ceiling-mounted security camera. The door is only accessible to patrons after visual identification has been confirmed. All other doors used to access restricted areas are secured and accessible only by employees with coded access privileges. During off-hours, the facility is monitored remotely by a 24-hour security system that includes video surveillance, motion sensors, glass breaking sensors and intrusion detection.

- Existing Use: Medical Marijuana Use
- Proposed Use: Same
- Parcel Size: 10,481 square feet
- Parking Required: 7 spaces
- Parking Provided: 13 spaces
- Floor Area: 1,585 square feet

## **IMPACT ANALYSIS**

---

### **Land Use**

The applicant's use occupies the entire 1st floor of the building and the facility operates similar to a medical office use, with foot traffic limited to patients and/or caregivers. The dispensary is a non-profit organization, as required by State and Federal law, and does not function as a retail use open to the general public. The surrounding area is home to a variety of medical and professional offices, similar in intensity and character to the proposed use.

### **Conditional Use Permit**

Conditional Use Permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and City Council has found as follows:

- A. That the granting of such Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
    - **All operations associated with this use, with the exception of occasional deliveries, are conducted within the building. No processing or cultivation occurs at this location that might require the use of machinery. All incidental product separation and packaging is done by hand. The applicant utilizes an air filtration system to prevent any odors associated with the use from becoming a nuisance to adjacent tenants or property owners. Deliveries to the site are accomplished utilizing small vehicles and occur within the building, utilizing a door on the east side of the building. Per the applicant, the existing external lighting on-site is sufficient to meet their needs. No additional external lighting is proposed at this time. Any future security lighting will be subject to separate review and approval. No damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination is anticipated.**
  2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
    - **The existing facility accommodates between 8 and 12 patients per hour; which is consistent with traffic generated by other medical offices in this subdivision. Occasional delivery of product is also required. All unloading of product occurs on-site in the parking area and will not affect on-site or off-site circulation.**

**Staff received correspondence from a neighboring business owner expressing concerns about traffic; specifically erratic driving and speeding. These concerns have been passed along to the applicant so they can be addressed. Volume and character of traffic are, and have been, consistent with a medical office use since the facility opened in 2012.**
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
- **The proposed use operates similar to a medical or professional office use, both of which are prominent in this area. The subdivision where the facility is located is occupied by a variety of medical and professional office uses of similar intensity. The use is reasonably compatible with the uses in the area.**
- C. The additional conditions specified in Section 1.403.M have been satisfied.
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.

- **All operations are conducted within a fully enclosed building, with the exception of occasional deliveries and necessary security measures as required by the Public Safety and Refuse Control Plan. Deliveries occur via small vehicles that park in the parking area. Product is then walked up to the delivery door on the east side of the building, under the supervision of security staff.**
- b. The Medical Marijuana use is at least 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 residential zoning district comparable to the residential districts shown on Table 4.100.A, and
  - (2) Any elementary or secondary school or pre-school
    - **The proposed facility is not located within 500 feet of any of the above uses or districts.**
- 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) Any medical marijuana use.
- However, no separation between these uses is required in the Industrial Park I-1 where a medical marijuana caregiver cultivation use and a medical marijuana use hold a state issued caregiver registry identification card and a non-profit medical marijuana dispensary registration certificate, respectively, under the same name or organization.
- **The proposed facility is not located within 1,320 feet of any other licensed medical marijuana facility.**
- d. All distances are measured from the wall of the medical marijuana dispensary 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 separation requirements were measured and confirmed as indicated above.**
- e. The property owner has provided a written exterior refuse control plan, subject to City approval.
- **An updated Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. Conditions of the plan are implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**
- f. The property owner has provided a written public safety plan, subject to City

approval.

- **An updated Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. Conditions of the plan are implemented and enforced by the City's Code Enforcement Division and the Scottsdale Police Department.**
- 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 AM and no later than 7:00 PM.
- **The existing hours of operation for this facility are Monday thru Saturday, 9:00 AM to 7:00 PM; and Sunday, 9:00 AM to 5:00 PM.**
- h. There is no drive-through service, take-out window, or drive-in service.
- **None of the services listed above are offered at this facility.**

### **Water/Sewer**

Per the original CUP, existing water and sewer infrastructure is sufficient to accommodate a Medical Marijuana dispensary at this location. No changes to the existing operation plan are proposed as part of this application.

### **Public Safety**

An updated Public Safety and Refuse Control Plan has been reviewed and approved by the Scottsdale Police Department. The nearest fire station is located at 9045 E. Via Linda Road, approximately 1.2 miles from the subject site. No significant impacts to existing service levels are anticipated.

### **Community Involvement**

Property owners within 750 feet of the site have been notified by mail and the site is posted with the required signage. Staff received one e-mail from a business owner in the area expressing concerns about traffic (refer to Attachment #6).

## **OTHER BOARDS & COMMISSIONS**

---

### **Planning Commission**

Planning Commission heard this case on January 25, 2017 and recommended approval with a 6-0 vote.

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

Staff recommends that the Planning Commission find that the Conditional Use Permit criteria have been met, and make a recommendation to City Council for approval of a renewal of an existing Conditional Use Permit for a Medical Marijuana Use in a 1,585 +/- square-foot facility located at 8729 E. Manzanita Drive, with Commercial Office District, Planned Community District (C-O PCD) zoning, per the attached stipulations.

**RECOMMENDATION**

---

Find that the Conditional Use Permit criteria have been met and adopt Resolution No. 10721 approving renewal of an existing Conditional Use Permit for a Medical Marijuana Use in a 1,585 +/- square-foot facility located at 8729 E. Manzanita Drive, with Commercial Office District, Planned Community District (C-O PCD) zoning.

**RESPONSIBLE DEPARTMENT**

---

Planning and Development Services  
Current Planning Services

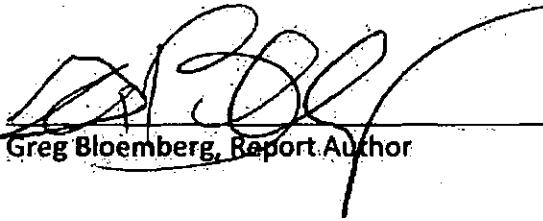
**STAFF CONTACT**

---

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

**APPROVED BY**


---

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

2/14/17  
\_\_\_\_\_  
Date

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

2/14/2017  
\_\_\_\_\_  
Date

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

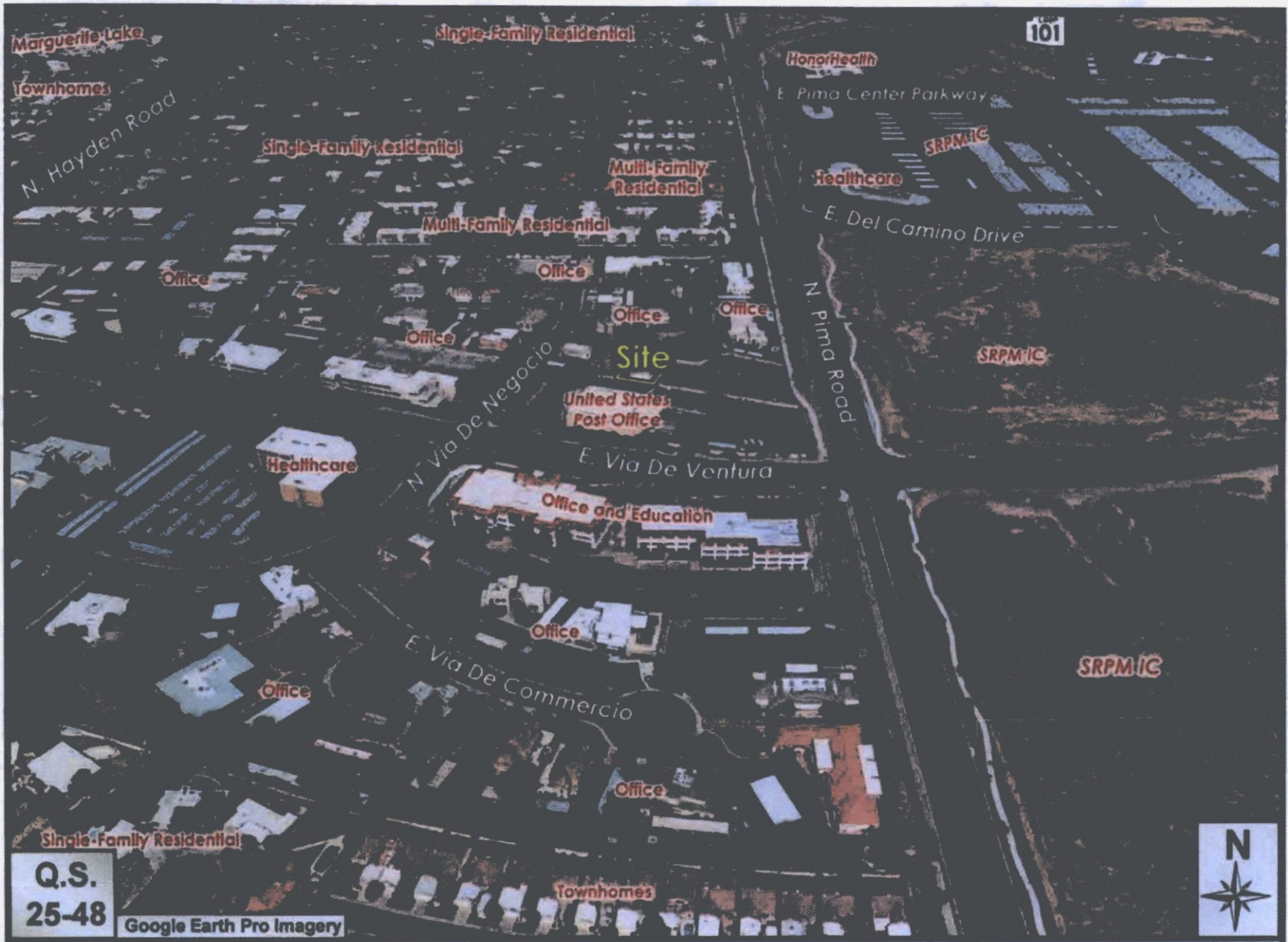
2/15/17  
\_\_\_\_\_  
Date



**ATTACHMENTS**

---

1. Context Aerial
2. Resolution No. 10721
  - Exhibit 1. Aerial Close-up
  - Exhibit 2. Stipulations
  - Exhibit A to Exhibit 2: Floor Plan
  - Exhibit B to Exhibit 2: Site Plan
  - Exhibit 3. Additional Zoning Criteria
3. Applicant's Narrative
4. Public Safety and Refuse Control Plan
5. Zoning Map
6. Citizen Involvement
7. City Notification Map
8. January 25, 2017 Planning Commission minutes



Q.S.  
25-48

Google Earth Pro Imagery

# Monarch Wellness Centers

8-UP-2012#2

ATTACHMENT #1

RESOLUTION NO. 10721

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, FOR A RENEWAL OF AN EXISTING CONDITIONAL USE PERMIT FOR A MEDICAL MARIJUANA USE IN A +/-1,585 SQUARE-FOOT FACILITY LOCATED AT 8729 E. MANZANITA DRIVE, WITH COMMERCIAL OFFICE DISTRICT, PLANNED COMMUNITY DISTRICT (C-O PCD) ZONING.

WHEREAS, the Planning Commission held a public hearing on January 25, 2017;

WHEREAS, the City Council, held a public hearing on March 7, 2017; and

WHEREAS, the conditional use permit for the facility located at 8729 E. Manzanita Drive was approved on June 5, 2012 and became effective on October 1, 2012 and will expire on September 30, 2017.

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the City Council finds:

- a) that the renewal of this conditional use permit per stipulations set forth on Exhibit 2 will not be materially detrimental to the public health, safety or welfare based on, but not limited to, the following factors: damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination and impact on surrounding areas resulting from an unusual volume or character of traffic;
- b) that the characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas; and
- c) that the additional zoning requirements necessary for a medical marijuana dispensary use, set forth on Exhibit 3 have been met and the Zoning Administrator has certified that the use separation requirements set forth in the zoning ordinance have been met.

Section 2. That a description of the conditional use permit is set forth in Case No. 8-UP-2012#2. The property that is subject to the conditional use permit is shown on Exhibit 1 and the conditional use permit approval is conditioned upon compliance with all of the stipulations that are set forth in Exhibits 2 and 3. All exhibits are incorporated herein by reference.

Section 3. That this conditional use permit renewal shall become effective on October 1, 2017 and will remain effective for a period of five (5) years unless sooner amended, renewed, terminated or revoked.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this \_\_\_ day of \_\_\_\_\_, 2017.


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

By:  \_\_\_\_\_  
Bruce Washburn, City Attorney  
By: Joe Padilla, Deputy City Attorney

**ATTACHMENT #2**





Q.S.  
25-48

Google Earth Pro Imagery

# Monarch Wellness Centers

Exhibit 1  
Resolution No. 10721  
Page 1 of 1

8-UP-2012#2

## Conditional Use Permit – Medical Marijuana Use

### Stipulations

#### Monarch Wellness Centers

#### Case Number: 8-UP-2012#2

These stipulations are in order to protect the public health, safety, welfare, and the City of Scottsdale.

#### OPERATIONS

1. **CONFORMANCE TO FLOOR PLAN.** The interior layout of the facility shall be in substantial conformance with the floor plan provided by the applicant, with the city staff date of 12/8/16, and attached as Exhibit A to Exhibit 2. Any proposed significant change to the floor plan, as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
2. **CONFORMANCE TO SITE PLAN.** The site plan for this facility shall be in substantial conformance with the site plan provided by the applicant, with a city staff date of 12/8/16, and attached as Exhibit B to Exhibit 2. Any proposed significant change to the site plan, as determined by the Zoning Administrator, shall be subject to additional action and public hearings before the Planning Commission and City Council.
3. **PUBLIC SAFETY AND REFUSE CONTROL PLAN.** Operations shall conform to the Public Safety and Refuse Control Plan approved by, and on record with, the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. A copy of the approved Public Safety and Refuse Control Plan shall be maintained on-site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the Public Safety and Refuse Control Plan to the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. At least 10 days prior to any operational changes to the Medical Marijuana Dispensary that modify the requirements or contents of the Public Safety and Refuse Control Plan, the owner shall submit a revised Public Safety and Refuse Control Plan to the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division. Any proposed amendments to the Public Safety and Refuse Control Plan are subject to approval by the Scottsdale Police Department and the Planning, Neighborhoods and Transportation Division.
4. **HOURS OF OPERATION.** Per the applicant's Operation Plan, the hours of operation for this facility shall be limited to:

	Open to Customers	Close to Customers
Sunday	9:00 AM	5:00 PM
Monday	9:00 AM	7:00 PM
Tuesday	9:00 AM	7:00 PM
Wednesday	9:00 AM	7:00 PM
Thursday	9:00 AM	7:00 PM

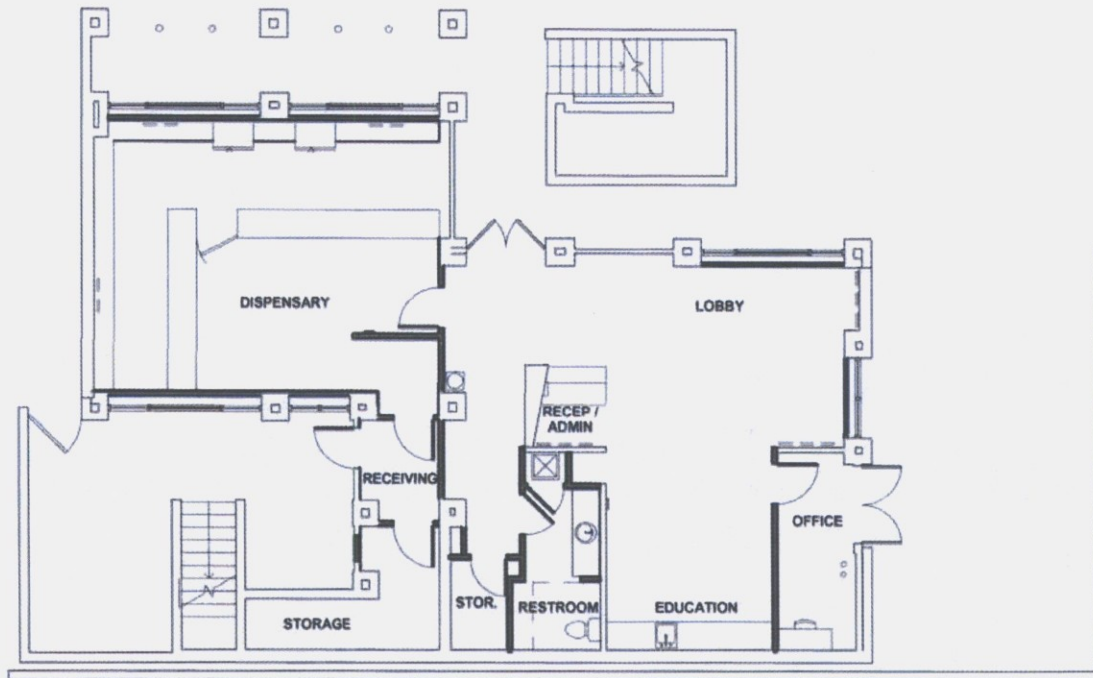


Friday	9:00 AM	7:00 PM
Saturday	9:00 AM	7:00 PM

**ADMINISTRATIVE/PROCESS**

5. **TERM OF CONDITIONAL USE PERMIT.** This conditional use permit is valid for five (5) years, unless it is first amended or renewed.
  
6. **CONDITIONAL USE PERMIT ADMINISTRATIVE REVIEW.** Within ten (10) days after a request by the Zoning Administrator or designee, the owner shall submit a letter to the Zoning Administrator or designee demonstrating compliance with all stipulations. A deviation from any stipulations or change in the floor plan may be grounds for revocation of the Conditional Use Permit.
  
7. **CHANGES IN OWNERSHIP.** Within ten (10) days after a change in ownership, the owner shall provide notice to the Zoning Administrator in writing of any such ownership change.
  
8. **COMPLIANCE WITH STATE LAW.** The owner shall maintain in good standing all appropriate permits, licenses and certificates from the State of Arizona.





**1** FIRST FLOOR SKETCH  
 1/8" = 1'-0"




**triARC**  
 architecture & design  
 99 E. Virginia Ave. p 602.229.1100  
 Suite #175 t 602.229.1101

**MONARCH WELLNESS  
 CENTER**

SUBMITTAL  
**SK-2**

DATE  
**02/07/2013**

**8-UP-2012#2  
 12/8/16**



**PROJECT INFORMATION**  
**OWNER:** HENDERSON HOLLAND LEASING INC.  
 1000 W. BROADWAY SUITE 1000  
 DENVER, CO 80202  
**ARCHITECT:** HENDERSON HOLLAND LEASING INC.  
**PROJECT LOCATION:** 1000 W. BROADWAY SUITE 1000  
 DENVER, CO 80202  
**DATE:** 12 APRIL 2012

**SITE MAP**

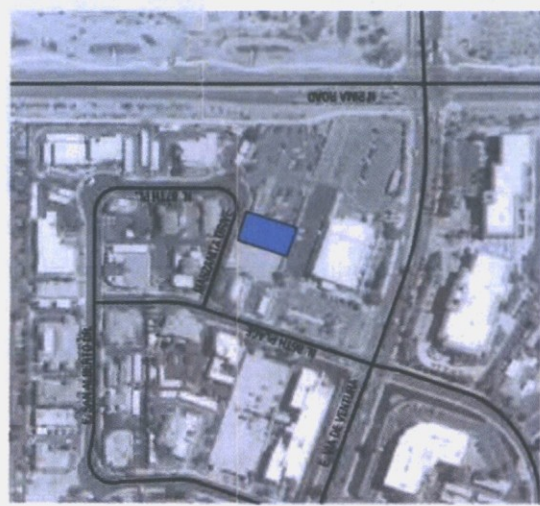
**SCHEMATIC DESIGN**  
 \*\*\*NOT FOR CONSTRUCTION\*\*\*

**DATE:** 12 April 2012

**BD1**

**LEGEND**

- EXISTING PAVEMENT
- EXISTING ASPHALT DRIVE
- EXISTING SIDEWALK
- EXISTING CONCRET DRIVE



**1** VICINITY MAP  
 N.T.S. TRUE NORTH

**MANZANITA DRIVE**

**1** SITE MAP  
 1/16" = 12' PLAN NORTH TRUE NORTH

**8-UP-2012#2**  
**12/8/16**

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

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

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

**However, no separation between these uses is required in the Industrial Park District I-1 where a medical marijuana caregiver cultivation use or a medical marijuana use hold a state issued caregiver registry identification card and/or a nonprofit medical marijuana dispensary registration certificate under the same name or organization.**
- 4. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.**
- 5. The property owner has provided a written exterior refuse control plan, subject to City approval.**
- 6. The property owner has provided a written public safety plan, subject to City approval.**
- 7. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than 7:00 p.m.**
- 8. There is no drive-through service, take-out window, or drive-in service.**



# MONARCH WELLNESS CENTERS



APPLICATION TO RENEW CONDITIONAL USE PERMIT

**SUBMITTED: December 8, 2016**

PROPERTY ADDRESS

**8729 E Manzanita Rd.**

**Scottsdale, AZ. 85258**

**APN 174-04-972**

APPLICANT

**Monarch Wellness Centers, INC**

**A Not-For-Profit Corporation**

**Attachment #3**

**8-UP-2012#2  
12/8/16**



## OVERVIEW

In November of 2010, Arizona voter passed Proposition 203, making it the 15<sup>th</sup> state in the nation to legalize marijuana for medical use. In an effort to avoid the pitfalls of other state's medical marijuana models, the Arizona Department of Health Services (AZDHS) created a very stringent set of rules and regulations. These rules and regulations set forth very specific requirements governing the licensing of patients as well as dispensary, cultivation and infusion facilities.

One of the stipulations outlined in the AZDHS regulations, is that all facilities must be in compliance with the zoning requirements of the municipalities in which they are located. Therefore, Monarch Wellness Center, LLC is currently requesting the renewal of their existing Conditional Use Permit in order to continue to operate a dispensary at 8729 E Manzanita Rd in Scottsdale. There are no changes proposed to the current operation of this facility. It will not be used for cultivation, and will only continue to serve in a dispensary capacity.

This existing facility is and will continue to be a not-for profit medical marijuana dispensary that serves as a model operation, maintaining the highest standards of professionalism while operating in full compliance of the law. It is Monarch's goal to offer affordable, consistent, and quality medicine to state certified patients in an environment that is focused on safety, privacy, convenience, and comfort. The dispensary's interior environment and facilities function very similarly to a medical clinic and wellness center. Monarch will continue to inspire, counsel, and educate patients on matters such as the health effects of medical cannabis, alternative methods of receiving the medication, legal requirements, and patient rights.

One of Monarch's main objectives is to be recognized as a responsible service provider and good neighbor. As such, this organization is a proud member of Scottsdale's Chamber of Commerce. Furthermore, Monarch has supported and been actively involved in numerous organizations around the Valley since its inception. These charitable organizations include ICAN, Singleton Moms, The Crohn's & Colitis Foundation, and the POSA, just to name a few. Most recently in 2016, Monarch was the premium sponsor for the Singleton Moms "Fun Run", and actively involved in their "Christmas in July - Bare Necessities" Drive. Additionally, Monarch participated in the 2016 annual "Take Steps for Crohn's and Colitis Foundation - Walk at the Phoenix Zoo" with a team made up of staff and patients who collectively raised money for this great local cause. Monarch plans to continue their hard work and dedication with local charities and will continue to have a positive impact on Scottsdale and the greater community.

Monarch has also taken the necessary steps to insure that the operation and security requirements indicated by the AZDHS are greatly exceeded. Detailed operational manuals, patient privacy policies, and employee guidelines have been developed with the assistance of industry leaders and experts. We have developed benchmark training and human resource

tools along with systems that ensure consistency, compliance, and high performance throughout the entire staff. The safety of patients, employees, and the community are of top priority. Our security plan ensures the uncompromised safety of patients, staff, and the surrounding community. It is extensive and thorough, and includes a variety of topics covering video surveillance systems, transportation security, patient safety, and natural disaster preparedness plans; just to name a few. Monarch pledges to work continuously and diligently with members of local law enforcement and other security experts to provide constant review and updates to these security procedures.

Monarch Wellness initially made the decision to pursue a Conditional Use Permit for a dispensary facility in Scottsdale with the sole intent to set a standard of excellence for the entire industry. Through quality leadership, extensive research, significant funding, and a commitment to excel, Monarch has far exceeded this internal goal and welcomes the opportunity to continue to maintain it.

#### ZONING COMPLIANCE

Monarch Wellness is requesting to renew their existing Conditional Use Permit (case #8-UP-2012) for a dispensary at 8729 E Manzanita Rd. Scottsdale, 85258; parcel number 174-04-972. The site is currently zoned C-O, and is situated in a private and discreet location. Furthermore, this active dispensary continues to operate in full compliance with the recently adopted text amendment to Section 1.403 of the City's Zoning Ordinance as outlined below.

#### **Section 1.403.M. Medical Marijuana Use Criteria**

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

All operations are conducted within a completely enclosed building;

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

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

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

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

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



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

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

#### CONDITIONAL USE PERMIT COMPLIANCE

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

#### **Section 1.401 Conditional Use Permit Issuance Criteria**

A. The granting of this Use Permit will in no way be detrimental to the public health, safety or welfare of the surrounding area.

1. This use does not create damage or nuisance caused from noise, odor, dust, vibration or illumination. Monarch dispensary has been operating since 2012 with no issues or complaints regarding noise, odor, dust, vibration or illumination. It will continue to operate without nuisance just as any other medical office.

2. No Impact on surrounding area from traffic. Monarch is located in a commercialized area and is surrounded by other office type uses. This facility has not and will not generate abnormal amounts of increased traffic. It will operate just like every other business in the McCormick Ranch Office Park.

B. This use is compatible with surrounding uses. Again, this facility has been operational since 2012 and is surrounded by other office type businesses. There have been no concerns or complaints issued to the city.

C. This location meets all other additional conditions. As stated above, this location complies with all of the City of Scottsdale's zoning requirements.

#### CONCLUSION

Monarch Wellness is committed to the task of creating the benchmark by which all other medical marijuana facilities are measured. The goal is to maintain the highest standards of professionalism while operating in full compliance with all local and state laws and regulations. There are numerous stakeholders involved in this unique industry, including patients,

neighbors, legislators, law enforcement, the medical community, and the general public. Monarch Wellness continuously strives to present more than a mere idea based on speculative contingencies, but a well planned and achievable model that will adequately serve all those involved.

Monarch Wellness respectfully requests the renewal of their existing Conditional Use Permit for another five (5) years. This renewal will allow Monarch the opportunity to continue to be a positive role model to other facilities throughout the city and even throughout the state of Arizona.

**CITY OF SCOTTSDALE**  
**SECURITY, MAINTENANCE AND OPERATIONS PLAN**  
**For Medical Marijuana Facilities**

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

Detective John Miller

Phone: 480-312-5000

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

Phone: 480-312-7000

Project # 485 -PA-2016 or Case #      -UP-201

Assigned Planner:

\_\_\_\_\_ Detective John Miller \_\_\_\_\_

Police Detective:

Facility Name:

\_\_\_\_\_ Monarch Wellness Center \_\_\_\_\_

Facility State I.D. Number:

Address:

\_\_\_\_\_ 8729 E. Manzanita Drive \_\_\_\_\_

Business Phone:

Business FAX:

Maximum Occupancy:

Effective Date of the Plan:

\_\_\_\_\_ 120516 \_\_\_\_\_

Date of Plan Review:

\_\_\_\_\_ 120516 \_\_\_\_\_

Use Permit Issue Date:

Contact Person (1):

\_\_\_\_\_ Dustin Johnson \_\_\_\_\_

Home Phone:

\_\_\_\_\_ 602-571-2979 \_\_\_\_\_

Contact Person (2):

\_\_\_\_\_ Mike Johnson \_\_\_\_\_

Home Phone:

\_\_\_\_\_ 602-390-3719 \_\_\_\_\_



## Purpose of the Plan

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

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

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

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

## Operations and Hours

1. Permittee: EBA Holdings (DBA - Maricopa Wellness Center)  
Type of Organization:  Arizona Corporation       Corporation  
 Sole Proprietorship       LLC  
 Partnership       Other
2. Managing Agents Name: Dustin Johnson  
Title: Executive Director  
Address: 8729 E. Maricopa Dr. Scottsdale, 85258  
Phone Numbers: (602) 571-2979  
Fax or Other Numbers:
3. Business Owner(s) (if different than Managing Agent) Name, Address, Phone: Mike Johnson, 7600 E. Doubletree Ranch Rd. Scottsdale, 85258  
(602) 390-3719

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

5. Hours of Operation:

	Open	Closed
Monday	<u>9:00</u>	<u>7:00</u>
Tuesday	<u>9:00</u>	<u>7:00</u>
Wednesday	<u>9:00</u>	<u>7:00</u>
Thursday	<u>9:00</u>	<u>7:00</u>
Friday	<u>9:00</u>	<u>7:00</u>
Saturday	<u>9:00</u>	<u>7:00</u>
Sunday	<u>11:00</u>	<u>4:00</u>

6. Cooperation/Complaints/Concerns:

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

Name: Dustin Johnson Address: 8721 E. Maricopa Dr Scottsdale, 85257 Phone: (602) 571-2979

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

## Security and Maintenance

### Security Attire

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

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

#### **Security Officer Responsibilities**

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

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

#### **Management Responsibilities**

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

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



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

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

**Uniformed Sworn Officer Responsibilities:**

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

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

**Parking**

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

**Refuse Plan**

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

**Establishment of Records**

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

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

#### **Physical Security**

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

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

#### **Enforcement of Security Plan**

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

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

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

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

**Dissemination of the Security Plan**

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



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

**Termination of the Plan**

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

**Enclosures**

- Addendums attached
- No enclosures

**APPLICANT/MANAGEMENT:**

Name: *Delia Johnson*  
 Address: *8729 E. Alameda Dr. Southdale, 81218*  
 Phone: *(602) 571-2579*  
 Date: *11/9/16*  
 Signature: \_\_\_\_\_

**APPROVED BY:**

Detective: *JOHN MUELLER*  
 Phone: *480.312.8333*  
 Date: *12/5/16*  
 Signature: \_\_\_\_\_

CITY

# Operation Plan

An Operation Plan explains operational characteristics of a proposed use.

1. Business use type: Medical Marijuana Dispensary
2. Days of Operation: Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday
3. Hours of Operation: 9:00AM - 7:00PM Monday - Saturday, 11:00 - 4:00 Sundays
4. Number of employees
  - a. Full time, indicate work shift 16 Total employees, we have 2 shifts, with aprox 8-9 per shift
  - b. Part time, indicate work shift 3 Total employees, < 20hrs week
5. Other business officials on site if not employees 3rd party security guard
6. Customer characteristics
  - a. Patron seating We provide couch seating in the waiting room for patients prior to entering the dispensary area
  - b. Frequency and peak time of customer activity Peak times are typically after 5:00 on weekdays, and after 4:00 on Saturdays
7. Outdoor operations
  - a. Explain all outdoor activities (e.g. everything that takes place outside the confines of an enclosed building:
    - Parking Yes
    - Loading Yes
    - Storage None
    - Display None
    - Product demonstrations/testing None
    - Activities that take place within areas that are walled but not roofed or covered None
    - Other activities None
8. Description of service activities such as parking lot sweeping, loading, trash hauling and similar associated activities. We have maid service daily and they remove our trash.
  - a. Frequency of service Activities: days of week, hours of day Cleaning is daily before opening
  - b. Location of Service Activities relative to lower intensity uses N/A
9. Description of refuse removal:
  - a. The location of anticipated parking area for customers including those located off the site. On site parking
  - b. The area surrounding the property that will be cleaned of debris by the applicant N/A
  - c. Time of day of refuse removal. Before 9:00 AM

## Planning, Neighborhood and Transportation

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-2500 ♦ Fax: 480-312-7088.



# Operation Plan

An Operation Plan explains operational characteristics of a proposed use.

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

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

**11. Description and documentation of how noise is abated**

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

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

**Schools Only:**

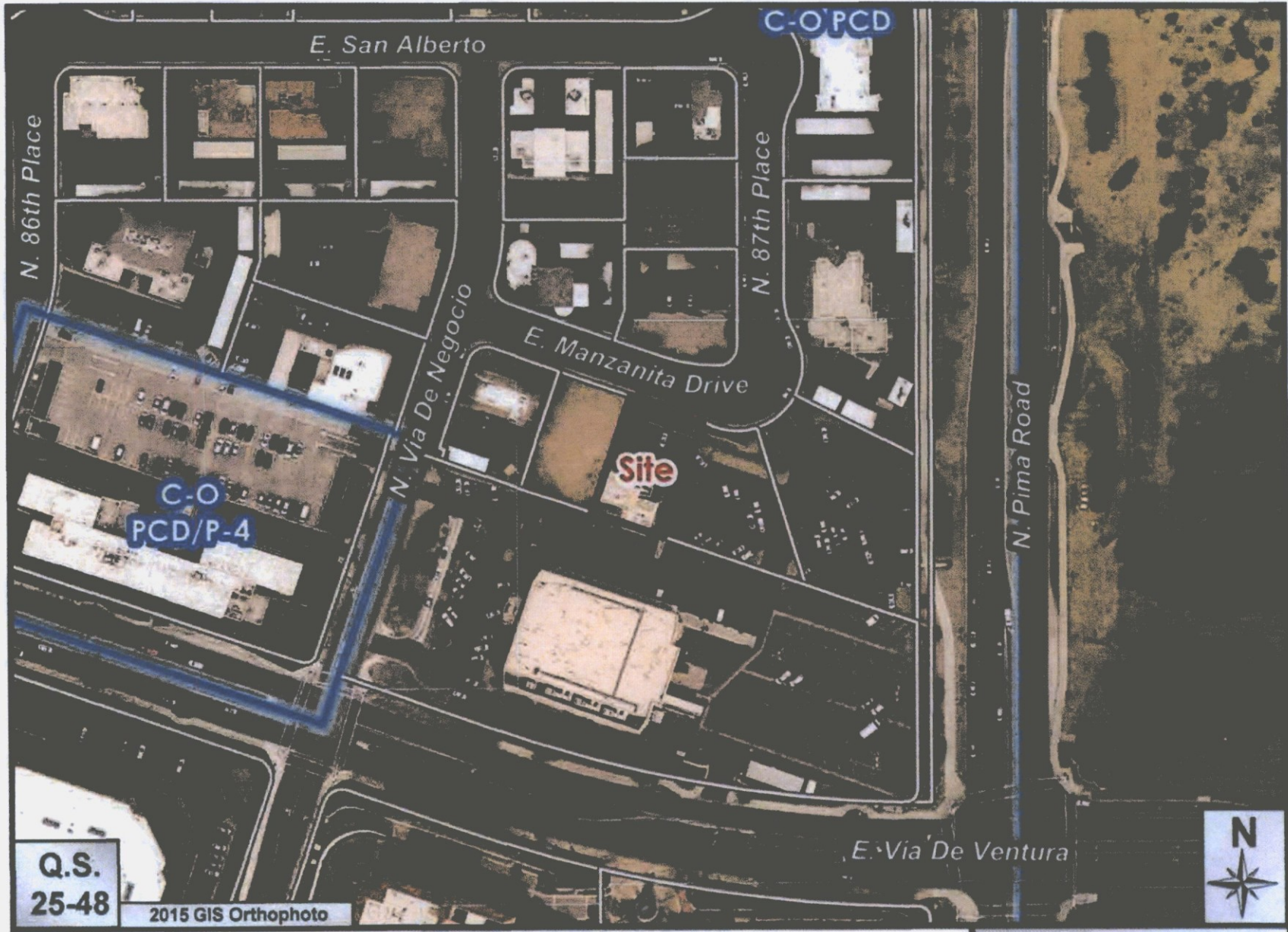
- 1. Number of students on site at any given time: \_\_\_\_\_
- 2. Frequency of drop offs and pick-ups (start and stop times) on each day of the week: \_\_\_\_\_

## Planning, Neighborhood & Transportation

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-2500 ♦ Fax: 480-312-7088



ATTACHMENT #5



Q.S.  
25-48

2015 GIS Orthophoto

Monarch Wellness Centers Medical Marijuana

8-UP-2012#2

December 29, 2016

# **Neighborhood**

# **Notification Report**

**Conditional Use Permit Renewal (8-UP-2012 #2)**

**8729 E. Manzanita Drive  
Scottsdale, Arizona**

**Prepared By**

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

**Project Proposal**

The following documents the citizen notification efforts for the Monarch Wellness Center's request to renew their existing Conditional Use Permit ("CUP"). (#485-PA-2016). Monarch Wellness has been operating a medical marijuana dispensary at 8729 E. Manzanita Drive since 2012 without incident. This application will simply allow the operation to continue for another five (5) years.

**Notification Area Map**

Attached is a map of the 750-foot area within which all property owners were notified of the CUP renewal request.

**Contacted Parties**

A complete list of the property owners, neighborhood associations and interested parties contacted through the outreach efforts is attached. Property ownership was determined based on records at the Maricopa County Assessor's office. City of Scottsdale staff provided a list of neighborhood associations and interested parties within one mile of the Applicant's site.

**Contact Dates and Methods**

Notification was made by First Class U.S. Mail in a letter postmarked on December 6, 2016. Each letter contained all of the required information regarding the renewal request (copy attached).

**Site Posting**

The site will be posted with upcoming public hearing details at least 15 days prior to the hearing date.

**Comments and Correspondence Received**

On Tuesday, 12/27/16 the applicant received email correspondence from city staff regarding public input received from a new business owner, Dr. Patti Flint (8129 N. 87<sup>th</sup> Place). Dr. Flint's email correspondence expressed concerns of excessive speed and disregard for normal traffic laws.

Dustin Johnson, Founder and Executive Director of Monarch Wellness emailed Dr. Flint in order to address her traffic concerns and offer to meet directly with Dr. Flint to establish an open line of communication. A copy of his email to Dr. Flint is provided with this update. Mr. Johnson is waiting for a response.



ROSE  
LAW GROUP pc  
RICH ■ HURLEY ■ CARTER

JENNIFER HALL  
7144 E. Stetson Drive, Suite 300  
Scottsdale, Arizona 85251  
Phone 480.505.3938 480.505.3925  
JHall@RoseLawGroup.com  
www.RoseLawGroup.com

December 6, 2016

Dear Property Owner and/or Neighborhood Association:

This letter is to inform you that an application is being submitted on behalf of Monarch Wellness Center in order to renew their existing Conditional Use Permit and allow the continual operation of the dispensary located at 8729 E. Manzanita Drive in Scottsdale.

Monarch Wellness has been operating a dispensary at this location since 2012 without incident. There are no proposed changes to the existing operation nor to the facility. Approval of this application will solely renew the Use Permit for an additional five (5) years.

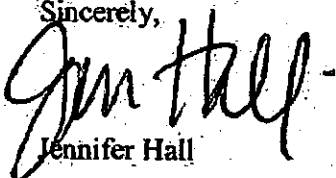
This site is ideal as it is located just east of Hayden Road in McCormick Ranch Office Park and the property is zoned C-O which allows dispensaries with a Conditional Use Permit. Furthermore, this site meets all of the separation setback requirements for protected uses, such as residential districts and schools.

Monarch Wellness is committed to the task of creating the benchmark by which all other medical marijuana facilities are measured. The goal is to maintain the highest standards of professionalism while operating in full compliance with all local and state laws and regulations.

No public hearings are scheduled at this time; however, if you would like additional information regarding this renewal application please do not hesitate to contact me directly at 480-505-3938 or [jhall@roselawgroup.com](mailto:jhall@roselawgroup.com). Or if you prefer to speak with city staff please contact Greg Bloemberg at 480-312-7000 or [gbloemberg@scottsdaleaz.gov](mailto:gbloemberg@scottsdaleaz.gov) and reference case #485-PA-2016.

Thank you for your time.

Sincerely,

  
Jennifer Hall

Monarch Wellness Center  
8729 E. Manzanita Drive  
750 ft Notification Map



**Bloemberg, Greg**

---

**From:** Patti Flint MD <pflintmd7@gmail.com>  
**Sent:** Wednesday, December 21, 2016 2:25 PM  
**To:** Bloemberg, Greg  
**Subject:** Monarch Wellness Center conditional use permit

Hello Mr. Bloemberg,

I am in receipt of a letter from Rose Law Group regarding renewal or extension of a pot dispensary called Monarch Wellness Center. I am a new neighbor of that business, having purchased and developed the building at 8129 N. 87th Place, virtually next door. While my feelings about marijuana usage are not salient here, the traffic flow issues in the area are a concern for myself, my employees and my patients. The clientele that frequent this center drive erratically, in excessive speed and without regard for normal traffic laws. I am not sure who else to bring this up to, but would appreciate your input.

Thanks

P  
atti  
F  
lint MD  
Owner Scottsdale McCormick Ranch Surgicenter

**Bloemberg, Greg**

---

**From:** djohnson42@gmail.com on behalf of Dustin Johnson <djohnson@monarchaz.org>  
**Sent:** Thursday, December 29, 2016 9:09 AM  
**To:** pflintmd7@gmail.com  
**Subject:** Monarch Dispensary | Traffic Concerns

Dr. Flint -

My name is Dustin Johnson, and I am the founder & executive director of Monarch, the medical cannabis dispensary at 8729 E Manzanita Dr. I was informed that you have some traffic concerns regarding our patients, and I wanted to reach out to get some more specific information about what we can do to help.

I have already given our operations manager & security team a heads up on your comments, and asked them to be extra vigilant on monitoring the driving behavior of patients as they enter & exit the area. In addition, I would love the opportunity to sit down with you and see what else you might suggest in order for us to make sure that we continue to be a good neighbor. We have been open three & a half years now, and this is the very first issue that has ever come up, so I am sure that we can find a positive solution!

I am on vacation with my family until Monday, but will make myself available after that if you can find some time. I would also be happy to give you a tour of the dispensary so that you can have a better idea of what it is that we do.

Have a great New Year, and I will look forward to connecting here soon.

Thanks!

Dustin



# City Notifications – Mailing List Selection Map

ATTACHMENT #7



## Map Legend:



Site Boundary



Properties within 750-foot  
284 Postcards

## Additional Notifications:

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

**8-UP-2012#2**

ATTACHMENT #\_\_

**Monarch Wellness Centers  
Medical Marijuana**



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

**WEDNESDAY, JANUARY 25, 2017**

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

**PRESENT:** Paul Alessio, Chair  
David Brantner, Vice Chair  
Matthew Cody, Commissioner  
Larry S. Kush, Commissioner  
Prescott Smith, Commissioner

**ABSENT:** Ali Fakh, Commissioner  
Michael J. Minnaugh, Commissioner

**STAFF:** Tim Curtis  
Sherry Scott  
Randy Grant  
Keith Niederer  
Brad Carr  
Andrew Chi  
Taylor Reynolds

**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.

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

### **MINUTES REVIEW AND APPROVAL**

1. Approval of January 11, 2017 Regular Meeting Minutes including the Study Session.

**VICE CHAIR BRANTNER MOVED TO APPROVE THE JANUARY 11, 2017 REGULAR MEETING MINUTES INCLUDING THE STUDY SESSION, SECONDED BY COMMISSIONER KUSH, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SIX (6) TO ZERO (0).**

### **EXPEDITED AGENDA**

2. 8-UP-2012#2 (Monarch Wellness Centers)  
Request by owner for a renewal of an existing Conditional Use Permit for a Medical Marijuana Use in a 1,585 +/- square-foot facility located at 8729 E. Manzanita Drive, with Commercial Office District, Planned Community District (C-O PCD) zoning. Staff contact person is Greg Bloemberg, 480-312-4306. Applicant contact person is Court Rich, 480-505-3937.
3. 9-UP-2016 (Fry's Fuel Center #621)  
Request by owner for an amendment to an existing Conditional Use Permit to allow for the expansion of an existing Gas Station use with four (4) additional dispensers on a +/- 9.5-acre site located at 9350 N. 90th Street with Planned Community (PC) zoning, with comparable Highway Commercial (C-3) zoning district land uses and property development standards. Staff contact person is Brad Carr, AICP, 480-312-7713. Applicant contact person is Joanna Bartholomew, 480-588-7226.

**Item No's 2 and 3: Recommended to City Council for approval of cases 8-UP-2012#2 and 9-UP-2016, by a vote of 6-0; Motion by Vice Chair Brantner, per the staff recommended stipulations, based upon the finding that the Conditional Use Permit criteria have been met, 2<sup>nd</sup> by Commissioner Kush.**

### **REGULAR AGENDA**

4. 4-GP-2016 (Scottsdale Heights)  
Request by owner for a non-major General Plan amendment to the City of Scottsdale General Plan 2001 from Commercial to Urban Neighborhoods on +/- 14-acres of a +/- 15.5-acre site located at 7225 East Dove Valley Road. Staff contact person is Keith Niederer, 480-312-2953. Applicant contact person is John Berry, 480-385-2727.

\* 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"

5. 9-ZN-2016 (Scottsdale Heights)  
Request by owner for a Zoning District Map Amendment from Central Business District, Environmentally Sensitive Lands (C-2 ESL) to Medium Density Residential, Environmentally Sensitive Lands (R-3 ESL) on +/- 14-acres of a +/- 15.5-acre site located at 7225 East Dove Valley Road. Staff contact person is Keith Niederer, 480-312-2953. Applicant contact person is John Berry, 480-385-2727.
6. 10-AB-2016 (Scottsdale Heights Roadway Easement Abandonment)  
Request by owner to abandon the eastern 30-feet of a 55-foot-wide roadway easement along the western edge of a property located at 7225 E. Dove Valley Road, with Central Business District, Environmentally Sensitive Lands (C-2 ESL) zoning. Staff contact person is Keith Niederer, 480-312-2953. Applicant contact person is John Berry, 480-385-2727.

**Item No's 4, 5 & 6: Recommended to City Council for approval of cases 4-GP-2016, 9-ZN-2016 and 10-AB-2016: by a vote of 5-0; Motion by Commissioner Kush, per the staff recommended stipulations after determining that the proposed Zoning District Map Amendment and Abandonment are consistent and conform with the adopted General Plan, 2<sup>nd</sup> by Vice Chair Brantner. Commissioner Smith recused himself.**

Request to Speak Cards: Robert Cappel, Michael Roeser, Brent Diedrich, Dan McNeill, David Gordon, James Johnson, Bob Moore, Don Buch, Lorra Moyer, Hamdi Hirsi.

Written Comment Cards: Ronald A. Rhoads, Neil Blitstein, Grant Ireland, Paula Rudnick, Charles Levitt, Joan Blazis Levitt, David Gordon, Cynthia McParland.

## **NON-ACTION ITEM**

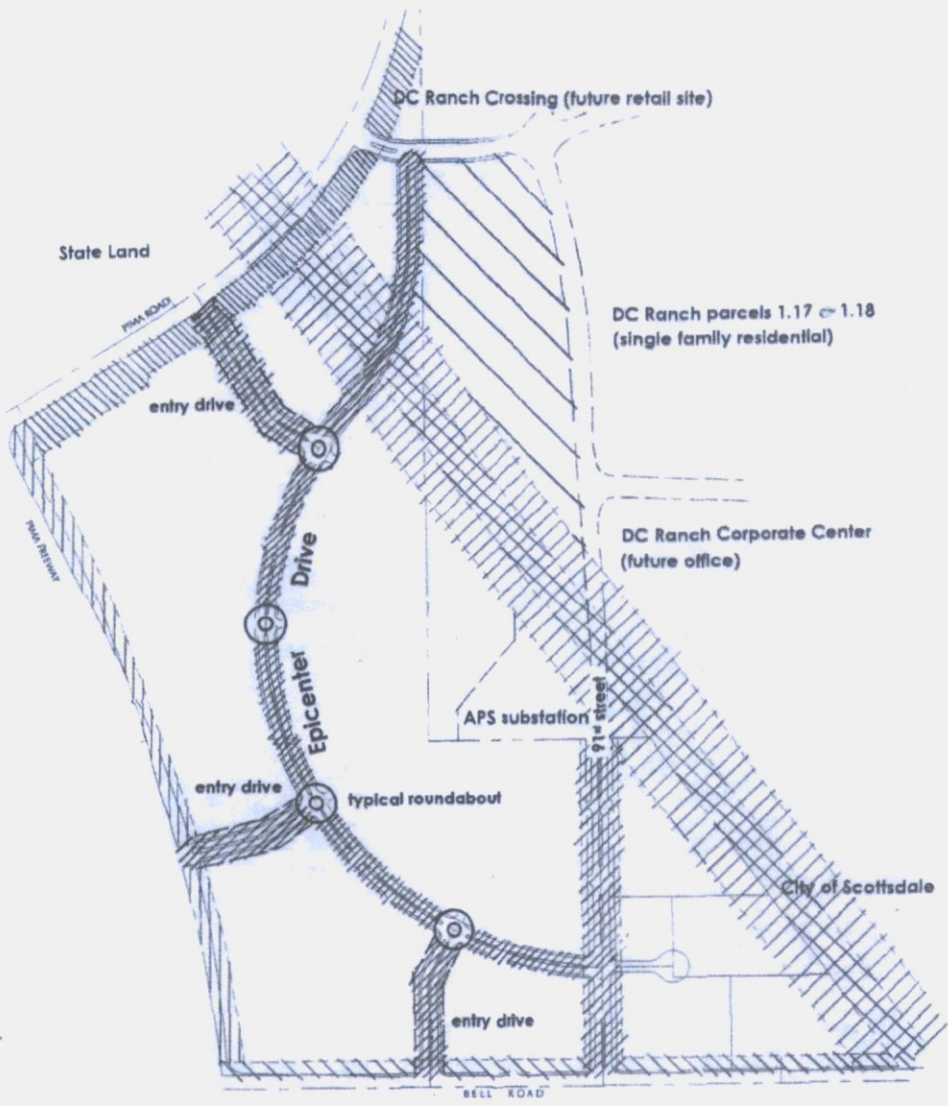
7. 2-TA-2016 (Sign Ordinance Update - Temporary Signs)  
Request by the City of Scottsdale to amend the City's Zoning Ordinance (Ordinance No. 455) for the purposes of modifying the sign requirements for temporary and semi-permanent signs, and to remove special event sign regulations from the Zoning Ordinance. Staff/Applicant contact person is Andrew Chi, 480-312-7828.

## **ADJOURNMENT**








With no further business to discuss, the regular session of the Planning Commission adjourned at 6:43 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"





**open space diagram legend**

-  100' Prma Road scenic corridor
-  Prma Freeway access road landscape buffer and drainage corridor
-  50' Bell Road buffered setback
-  Epicenter Drive, entry drives and 91st Street streetscapes
-  regional transmission corridor/easement
-  transmission easement trail corridor
-  retention area and drainage open space (off-site)

**master open space diagram**

2.1B

*1-MP-2008  
5/09/08*



**master drainage diagram legend**

- • • • major and minor drainage ways / arroyos
- == culvert or other under-the-drive conveyance

**master drainage diagram**

2.1C

1-MP-2008  
5/09/08