

CUP Extension Application Narrative



Project No: 156-PA-2012

Subject Property:

8729 E. Manzanita Drive, Scottsdale, AZ 85258

APN 174-04-952

Zoning District: C-O PCD Commercial Office

Submitted to:

City of Scottsdale
Planning and Development Department
Greg Bloemberg
3939 N. Drinkwater Blvd.
Scottsdale, AZ 85251

Submittal Date: 10/29/2021

CUP Extension Request:

Request to renew existing Conditional Use Permit (#8-UP-2012#2) for a Medical Marijuana Use located at 8729 E. Manzanita Drive, Scottsdale, Arizona 85258

Development Team

Applicant / Property Owner

Real Estate Holdings Group, LLC

6940 E. 1st Street

Scottsdale, Arizona 85251

(602) 790-6999

Tenant

MedMen Enterprises USA, LLC

10115 Jefferson Blvd.

Culver City, California 90232



Zoning/Entitlements

B | F | S | O

Bergin, Frakes, Smalley & Oberholtzer, PLLC

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Phone: 602.888-7860

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INTRODUCTION

I. INTRODUCTION:

Real Estate Holdings Group, LLC (“Applicant”) is requesting to renew their existing Conditional Use Permit (#8-UP-2012#2) for an existing marijuana dispensary operated by MedMen Enterprises USA, LLC (“MedMen”), located at 8729 E. Manzanita Drive, Scottsdale, Arizona 85258¹ (“Property”), parcel number 174-04-952. The Conditional Use Permit (“CUP”) was originally approved in 2012 (#8-UP-2012) with a stipulation that the CUP would expire five years from the date of City of Council approval. In 2017, Scottsdale approved the five-year renewal of the CUP (#8-UP-2-12#2) which is now set to expire on March 7, 2022. No changes to the site plan, floor plan or operation plan are proposed as part of this request.² **This request seeks to extend the CUP for a new 10-year term.**

Figure 1. Aerial Map



¹ The 2017 staff report for 8-UP-2-12#2 includes ownership information that was not current as of that time. The current owner is Real Estate Holdings Group, LLC (“REHG”) and owned the property prior to the approval in 2017 and should have been reflected as such.

² The site plan, floor plan and operation plan have been submitted under separate cover.

II. PROJECT DESCRIPTION

MedMen, a premier American cannabis retailer with an operational footprint in California, Nevada, Illinois, Arizona, Massachusetts, and Florida, operates the existing Medical Marijuana Dispensary³ (“Dispensary”) on the Property. MedMen offers an affordable, consistent, and quality product to state certified patients and consumers in an environment that is focused on safety, privacy, and comfort. The requested extension will allow the Dispensary to continue to operate in this accessible and intimate location. This Dispensary is frequented by loyal patients and consumers in and around Scottsdale and serves over 150,000 patient/consumers per year. Product demand is steadily increasing. MedMen is committed to giving back to the communities they serve and have partnered with many non-profit organizations on a local and national level. In Scottsdale, MedMen has supported both the Ronald McDonald House and St. Mary’s Food Bank.

The Dispensary also employs 24 employees, the employment opportunities range from retail positions such as Hospitality Associate to Operations Manager. The extensive employment benefits offered include ongoing training and development, programs for leadership development, enhanced cannabis education, and monthly newsletters designed to further engage and enhance the internal experience for both employees and patients/consumers. Additionally, dispensaries were deemed an essential business during the pandemic, which offers job stability to employees and opportunities for candidates who may have been impacted in other industries. Lastly, for Scottsdale, the Dispensary’s operation generates consistent tax revenue.

The extension will allow this successful local business to continue to service Scottsdale and Valley residents, to build community alliances, to provide employment opportunities, and to continue to create tax revenue for Scottsdale from the 150,000 patients/consumers/per year it services. This request will create no negative impact on surrounding properties or existing businesses and no changes to the existing Dispensary are proposed as part of this request.

III. GENERAL PLAN:

This Property is designated as “Employment: Office” per the 2035 Scottsdale General Plan Land Use Element. This category permits a range of employment uses and is intended to support a variety of office uses.

³ In 2012, Applicant’s original CUP defined the use as a “Medical Marijuana Dispensary”. The Zoning Ordinance has since been revised to reflect the new terminology to a “Medical Marijuana Use,” which is defined as an “establishment where medical marijuana may be acquired, grown or cultivated, harvested, prepared, processed, manufactured, compounded, encapsulated, infused, packaged, dispensed, sold, provided, shared, and exchanged; and as an accessory use medical marijuana related supplies and educational materials may be provided or sold.” SZO §3.100.

IV. ZONING:

This Property is currently within the Commercial Office District, Planned Community District (C-O PCD) zoning. A Medical Marijuana Use is permitted subject to the approval of a CUP. See Scottsdale Zoning Ordinance (“SZO”) § 11.201.

V. SURROUNDING USES

The Property is located in a commercial subdivision, consisting of small scale professional and medical office uses on parcels ranging from 10,000 to 43,000 square feet. All surrounding parcels in the immediate vicinity are also zoned C-O PCD. The following surrounding use map and table detail the adjacent zoning and uses. In addition, the distance survey conducted on October 11, 2021, by Helix Engineering, LLC, confirms there are no residential, elementary schools, secondary schools, or high schools within 500’ of the Property; and no other Medical Marijuana Cultivations or Dispensaries within 1320’ of the Property. See Tab A., Distance Survey.

Figure 2. Surrounding Use Map

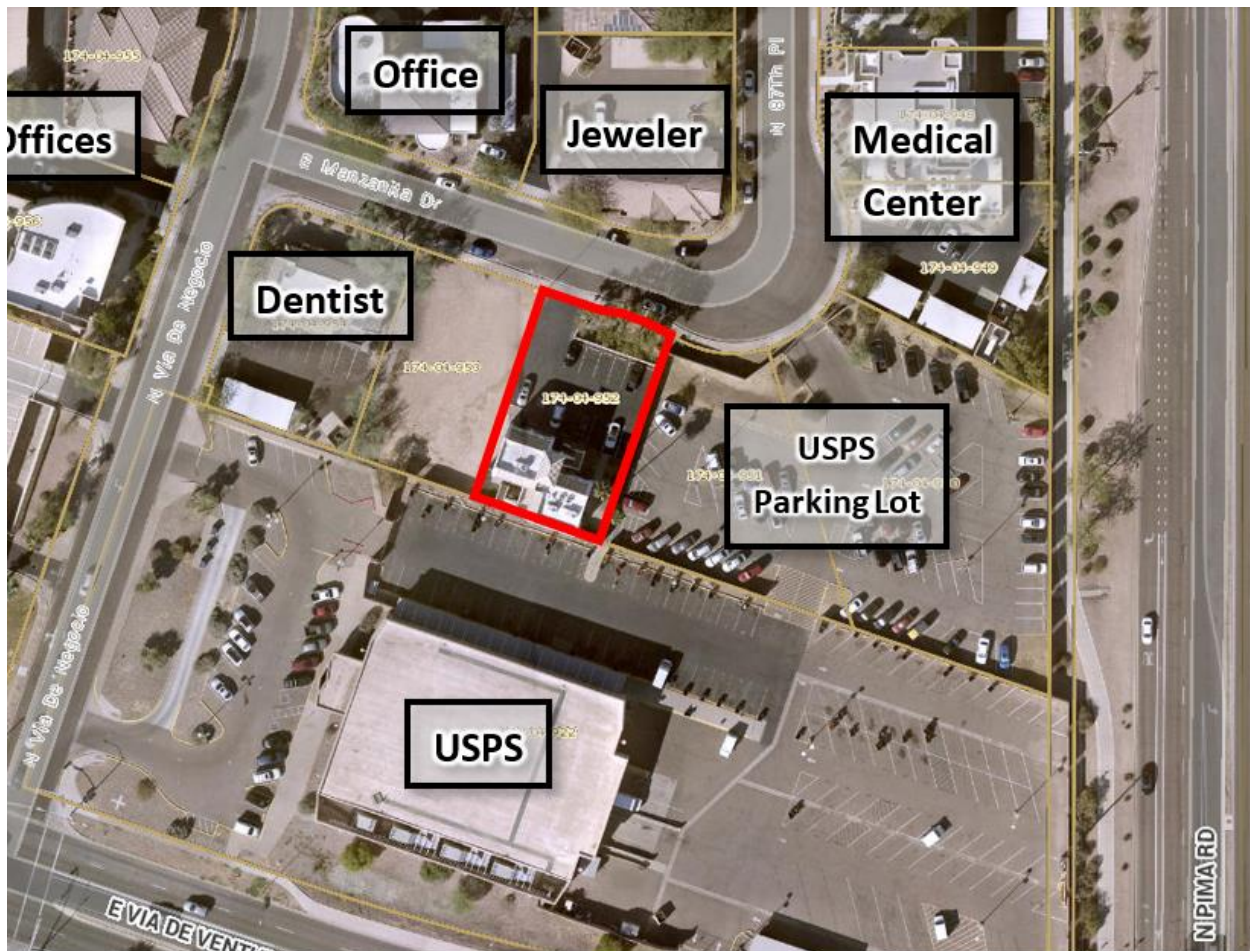


Table 1. Surrounding Uses and Zones

	USE	ZONE
North	Offices; Retail	C-O PCD
South	USPS-Post Office	C-O PCD
East	Vehicle Parking for USPS-Post Office	C-O PCD
West	Vacant	C-O PCD

VI. REQUEST IS COMPLIANT WITH APPLICABLE ZONING ORDINANCE CONDITIONS

The Applicant will continue to meet or exceed all CUP requirements as set forth in sections 1.401 and 1.403.M. of the City’s Zoning Ordinance, as outlined below.⁴

A. CONDITIONAL USE PERMIT COMPLIANCE, SZO § 1.401:

Applicant continues and will continue to ensure operations are not materially detrimental to the public health, safety or welfare; be compatible with surrounding uses in the area; and meet additional conditions outlined in AZO §1.403.M.1, by continuing to mitigate and monitor the following:

- *“Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.”*
SZO § 1.401

The Dispensary does not create damage or nuisance from noise, odor, dust, vibration or illumination. The existing Dispensary has been operating since 2012 with no known issues or complaints regarding noise, odor, dust, vibration, or illumination. All operations with this Dispensary, with the exception of occasional deliveries, are conducted within the building. There is no processing or cultivation at the facility that might require the use of machinery. The Dispensary utilizes an air filtration system to prevent odors from becoming a nuisance to adjacent tenants or property owners. The existing external lighting on-site is sufficient to meet their needs. No additional lighting is proposed at this time.

- *“Impact on surrounding areas resulting from an unusual volume or character of traffic.”*
SZO § 1.401

The Dispensary is located in a commercialized area and is surrounded by other medical and office type businesses. There have been no known complaints related to unusual traffic volume or character of traffic. The Dispensary operates as a typical/medical office use during similar business hours.

⁴ On 8/31/2016, City Council approved an amendment to the Medical Marijuana ordinance that added protected uses and increased separation requirements (9-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 as of September 30, 2016, to be renewed, and for existing facilities to be expanded; providing the existing facility and the expansion continue to meet the original criteria. Therefore, the application is reviewed under the original CUP criteria from 2011 and as reflected in the current Zoning Ordinance.

- *“The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.”* SZO § 1.401

The Dispensary is a medical use and therefore is reasonably compatible with the surrounding medical or professional uses. The surrounding uses are of similar intensities.

- *“The additional conditions specified in Section 1.403, as applicable, have been satisfied.”* SZO § 1.401

An outline of compliance with conditions is provided in Section B., below.

B. COMPLIANT WITH SZCO § 1403.M.1. MEDICAL MARIJUANA USE CONDITIONS:

Applicant will continue to meet or exceed the required additional conditions for Medical Marijuana Uses as set forth in Scottsdale Zoning Ordinance (SZO) § 1.403.M.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.”* SZO § 1.403.M.1

The existing Dispensary will continue to be conducted within the completely enclosed facility, in conformance with State statute and regulations.

- *“The medical marijuana use is at least five hundred (500) feet from the following uses within the City limits: (1) Any residential use in a residential district shown on Table 4.100.A., or the residential portion of a Planned Community PC or any portion of a Planned Residential development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A, and (2) Any elementary or secondary school or pre-school.”* SZO § 1.403.M.1

The facility exceeds the required separation as it is located beyond 500 feet of the above protected uses or districts. See Tab A, Distance Survey.

- *“The medical marijuana use is at least one thousand three hundred twenty (1,320) feet from the following uses within the City limits:(1) Medical marijuana caregiver cultivation use, or (2) Another medical marijuana use.”* SZO § 1.403.M.1

The Dispensary is not located within 1,320 feet of any other licensed medical marijuana uses; it exceeds the requirement. See Tab A, Distance Survey.

- *“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.”* SZO § 1.403.M.1

The measurements reflected in the survey exceed the measurement requirements because they were taken from the property line. See Tab A, Distance Survey.

- *“The property owner has provided a written exterior refuse control plan subject to City approval.”* SZO § 1.403.M.1

The written exterior refuse control plan has been provided to the City for approval.

- *“The property owner has provided a written public safety plan, subject to City approval.”* SZO § 1.403.M.1

The written public safety plan has been provided to the City for approval.

- *“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.”* SZO § 1.403.M.1

Per the Applicant’s Operations Plan, submitted under separate cover, the hours of operation are, Monday through Saturday: 9:00am – 7:00pm and Sunday: 9:00am-5:00pm.

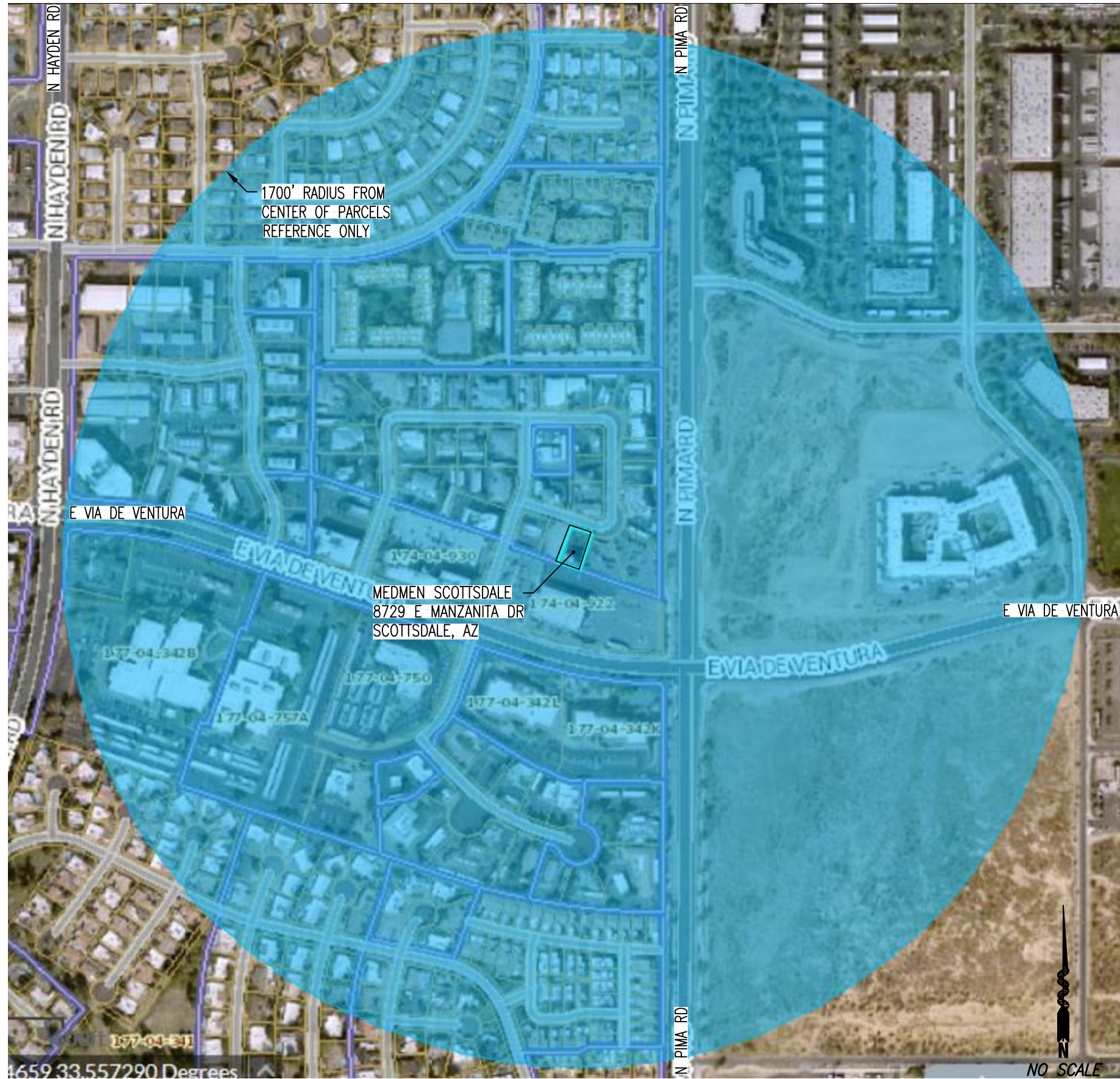
- *“There is no drive-through service, take-out window, or drive-in service.”* SZO § 1.403.M.

There is no drive-through service, take-out window, or drive in services offered on the Property.

VII. CONCLUSION:

This extension is necessary for the Applicant to be able to continue the operations of this successful Dispensary location. The Dispensary provides high-quality patient-critical medical marijuana products to the community at large and as a result offers employment opportunities, community partnerships, and tax revenue to the Scottsdale and the Valley. The Applicant will continue to only serve in a dispensary capacity and has taken the necessary steps to ensure all state and local requirements are met and/or exceeded. The applicant respectfully requests the renewal of their existing CUP and an extension for ten (10) years.

Exhibit A - Distance Survey



SEPARATION VERIFICATION EXHIBIT

<input checked="" type="checkbox"/> <u>ANY RESIDENTIAL USE</u>	ADDRESS	DISTANCE
	NONE FOUND WITHIN 500' OF SUBJECT PROPERTY	
<u>ELEMENTARY SCHOOL</u>	ADDRESS	DISTANCE
	NONE FOUND WITHIN 500' OF SUBJECT PROPERTY	
<u>SECONDARY SCHOOL</u>	ADDRESS	DISTANCE
	NONE FOUND WITHIN 500' OF SUBJECT PROPERTY	
<u>HIGH SCHOOL</u>	ADDRESS	DISTANCE
	NONE FOUND WITHIN 500' OF SUBJECT PROPERTY	
<u>MEDICAL MARIJUANA CULTIVATION</u>	ADDRESS	DISTANCE
	NONE FOUND WITHIN 1320' OF SUBJECT PROPERTY	
<u>MEDICAL MARIJUANA DISPENSARY</u>	ADDRESS	DISTANCE
	NONE FOUND WITHIN 1320' OF SUBJECT PROPERTY	

NOTES:

1. ALL RESEARCH DONE VIA GOOGLE MAPS OCTOBER 2021.

PLAT OF PROPOSED MEDICAL MARIJUANA FACILITY
8729 E MANZANITA DR SCOTTSDALE, AZ

DRAWN BY: TDS
CHECKED BY: MJT

JOB No.: MEDMEN
SHEET 1 OF 1

Helix Engineering, LLC

Engineering / Surveying / Consulting
3240 E Union Hills, Suite 113, Phoenix, AZ 85050
(PH) 602-788-2616, www.hxeng.com

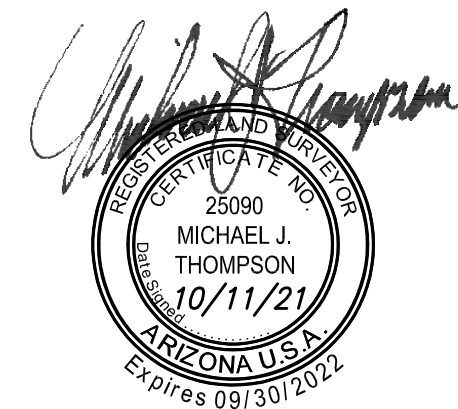
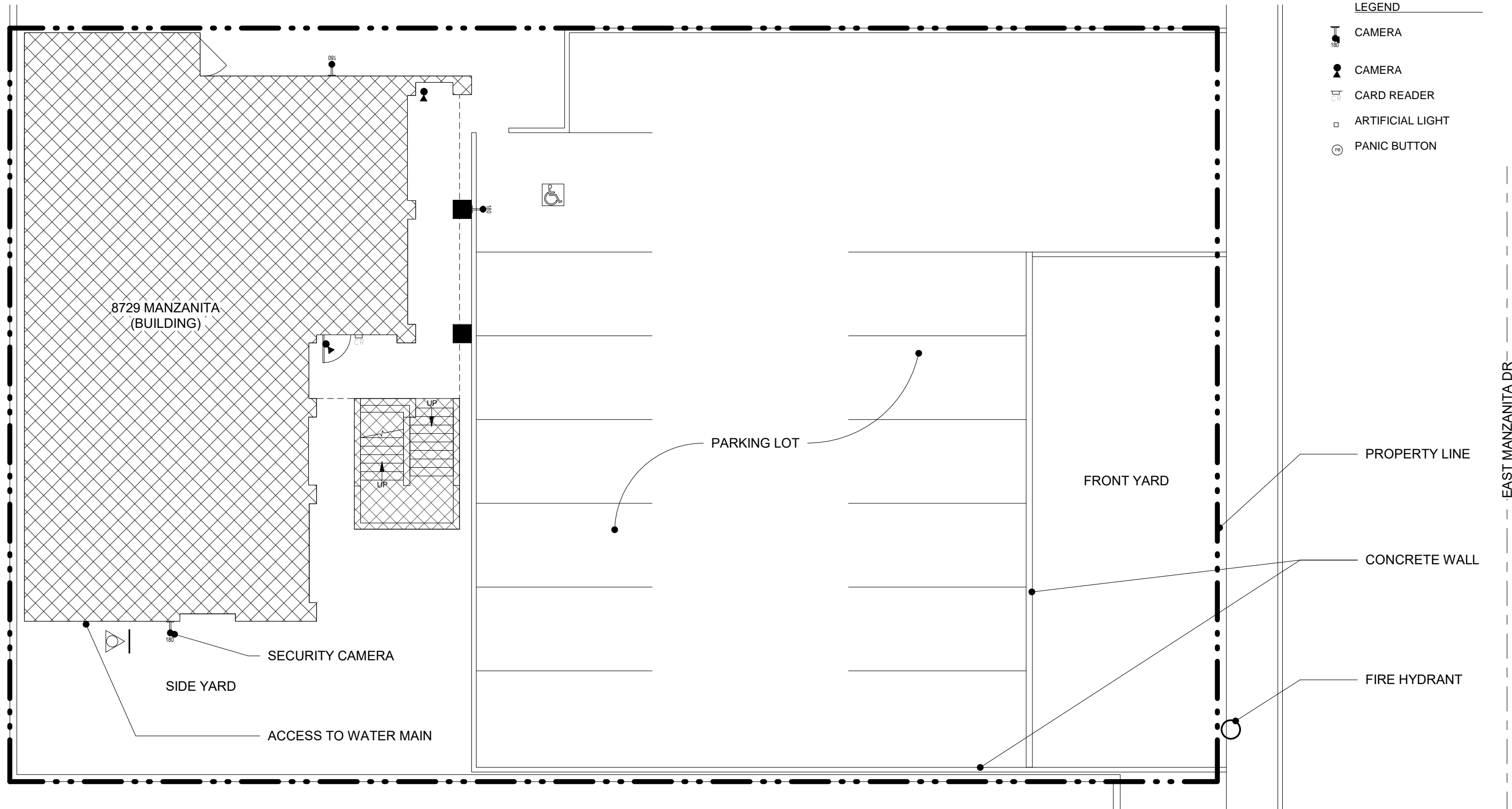


Exhibit B - Site Plan



- LEGEND**
- CAMERA
 - CAMERA
 - CARD READER
 - ARTIFICIAL LIGHT
 - PANIC BUTTON



8729 Manzanita Drive,
Scottsdale, AZ

Site Plan		PD1
Project number	--	
Date	05/22/19	Scale 3/32" = 1'-0"
Drawn by	JL	
Checked by	--	

05/22/2019 2:31:17 PM
8-UP-2012#6
11/1/2021