

# PLANNING COMMISSION REPORT



Meeting Date: December 15, 2021  
General Plan Element: *Land Use*  
General Plan Goal: *Create a sense of community through land uses*

## ACTION

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### MedMen Enterprises - Scottsdale 8-UP-2012#3

#### Request to consider the following:

1. A recommendation to City Council regarding a request by owner for renewal of a Conditional Use Permit (8-UP-2012#2) for an existing marijuana dispensary, including amendments to the stipulations to extend the hours of operation, eliminate the 5-year timing stipulation, and change the floor plan on a +/- 0.24-acre property with Commercial Office, Planned Community District (C-O P-C) zoning, located at 8729 E. Manzanita Drive.

#### Goal/Purpose of Request

The applicant seeks approval to renew and existing conditional use permit (CUP), as required by the stipulations for case 8-UP-2012#2.

#### Key Items for Consideration

- Conditional Use Permit Criteria
- Request includes extension to hours of operation, updated floor plan and elimination of 5-year time limit.
- Updated Security, Maintenance and Operations Plan approved by Police Department
- Public comment received

## OWNER

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Real Estate Holdings Group, LLC  
602-888-7860

## APPLICANT CONTACT

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Carolyn Oberholtzer  
Bergin, Frakes, Smalley and Oberholtzer PLLC

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

602-888-7860

## **LOCATION**

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8729 E Manzanita Dr

## **BACKGROUND**

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### **General Plan**

Per the 2035 General Plan Land Use Element, the subject site is designated as Employment. 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, Planned Community District (C-O PCD). The C-O district allows for a variety of office and service uses. A 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, and subsequently renewed in 2017 under case 8-PP-2012#2.

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 with modifications to the original stipulations; as such, this application was reviewed under the original CUP criteria from 2011. As of June of 2021, all marijuana dispensaries in Scottsdale are permitted to sell marijuana for recreational use (6-TA-2020).

### **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. Refer to context graphics attached.

### **Adjacent Uses and Zoning**

- North: Office, zoned C-O PCD
- South: Post Office, zoned C-O PCD
- East: 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-UP-2012#2: Renewal of existing CUP
- 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
- 1-TA-2020: Text amendment to Zoning Ordinance to allow medical marijuana uses to operate until 10:00 PM
- 6-TA-2020: Text amendment to Zoning Ordinance to allow sale of marijuana for recreational use (Prop. 207)
- Arizona Revised Statutes, Title 36, Chapter 28.1
- Arizona Department of Health Services, Title 9, Chapter 17

## **APPLICANT'S PROPOSAL**

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### **Development Information**

The applicant seeks approval to renew an existing CUP, as required by case 8-UP-2012#2; which includes a stipulation that the CUP will expire after 5 years unless it is otherwise extended or renewed. The current CUP is set to expire in March of 2022. As part of this request, the applicant proposes to modify the stipulations for case 8-UP-2012#2 to fit their operation plan. Specifically, the 5-year time limit would be eliminated; and the hours of operation would be extended to 10:00 PM. Presently the facility must close at 7:00 PM per previous stipulations. 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. All 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: Marijuana Use (dispensary)
- 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

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### Land Use

As part of their request to renew the existing CUP, the applicant is also proposing amendments to the existing stipulations. The first is a request to expand the hours of operation to 10:00 PM, consistent with the current CUP criteria. The previous CUP criteria required medical marijuana facilities to close to the public by 7:00 PM. The change in hours of operation was approved as part of a previous text amendment (1-TA-2020) to the Zoning Ordinance and is consistent with State law and other municipalities in the metro Phoenix area. The second amendment is a proposal to eliminate the 5-year time limit for the CUP.

Medical marijuana (now just Marijuana) is one of the few land uses where a time limit has been imposed through the conditional use permit process. In rare cases, a CUP for a bar w/ live entertainment has included a time limit stipulation, typically in response to neighborhood concerns (Downside Risk, 3-UP-2012). The only other land use to include a time limit stipulation is wireless communication facilities, which is standard by the zoning ordinance when a CUP is required.

The 5-year time limit for marijuana uses is not an ordinance requirement. When medical marijuana was first introduced in Scottsdale in 2011, there were a lot of unknowns. Issues like compatibility to surrounding uses, parking and the potential for an increase in crime were all initial factors discussed. In response to these unknowns, the City Council at the time implemented an initial 5-year limit on CUPs for medical marijuana uses (now just called “marijuana uses”); the objective being to provide initial oversight for a new land use with unknown operational characteristics.

Since that time, 5 marijuana facilities have received approval to operate in Scottsdale (4 dispensaries and 1 cultivation facility). The subject facility is the longest operating facility in the City, in operation since 2012. To staff’s knowledge, none of the existing facilities have had a negative impact on surrounding properties, either from an operation or parking perspective. Additionally, calls for service to the Police Department for these uses over the last five years has been relatively minimal. Based on information received from the Police Department, there have been a total of 177 calls for service combined over the last five years for all five operating facilities, which averages out to approximately 35 calls per year. Of those calls, approximately 45% (81) were false alarms caused by an accidental activation of security measures. For this location specifically, there have been a total of 50 calls for service over the last five years, with 42% (21) being false alarms. Finally, all marijuana facilities are required to submit a Security, Maintenance and Operation Plan that must be reviewed and approved by the Police Department and the Police Department has indicated no objection to elimination of the 5-year time limit. These factors suggest the initial 5-year time limit is no longer necessary.

### 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. 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, as applicable, have been satisfied.
2. *Active Permitted Uses existing as of September 30, 2016.* Active 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 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 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 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 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 10:00 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. The applicant seeks to extend the hours of operation, as permitted by a recent text amendment to the Zoning Ordinance (1-TA-2020). The proposed hours of operation are 6:00 AM to 10:00 PM daily.**
- 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 Marijuana dispensary at this location. Aside from an update to the floor plan, no significant changes to the existing operation plan are proposed as part of this application.

**Fire/Police**

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, and the site is served by Police District, 2, Beat 10. All marijuana facilities are required to submit a Security, Maintenance and Operation Plan that must be reviewed and approved by the Police Department and the Police Department has indicated no objection to elimination of the 5-year time limit.

**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 has received public comment regarding this request (see Attachment #7).

**Policy Implications**

- Information and data received suggest marijuana facilities, whether new or being renewed, no longer need to be subject to a 5-year time limitation.

**STAFF RECOMMENDATION**

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**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 a Conditional Use Permit (8-UP-2012#2) for an existing marijuana dispensary, including amendments to the stipulations to extend the hours of operation, eliminate the 5-year timing stipulation, and change the floor plan on a +/- 0.24-acre property with Commercial Office, Planned Community District (C-O P-C) zoning, located at 8729 E. Manzanita Drive, per the attached stipulations.

**RESPONSIBLE DEPARTMENT**

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**Planning and Development Services**

Current Planning Services

**STAFF CONTACT**

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Greg Bloemberg  
Project Coordination Liaison  
480-312-4306  
E-mail: gbloemberg@ScottsdaleAZ.gov

**APPROVED BY**

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Greg Bloemberg, Report Author

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12/6/2021

Date



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Tim Curtis, AICP, Current Planning Director  
Planning Commission Liaison  
Phone: 480-312-4210      Email: tcurtis@scottsdaleaz.gov

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12/2/2021

Date



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Randy Grant, Executive Director  
Planning, Economic Development, and Tourism  
Phone: 480-312-2664      Email: rgrant@scottsdaleaz.gov

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12/8/2021

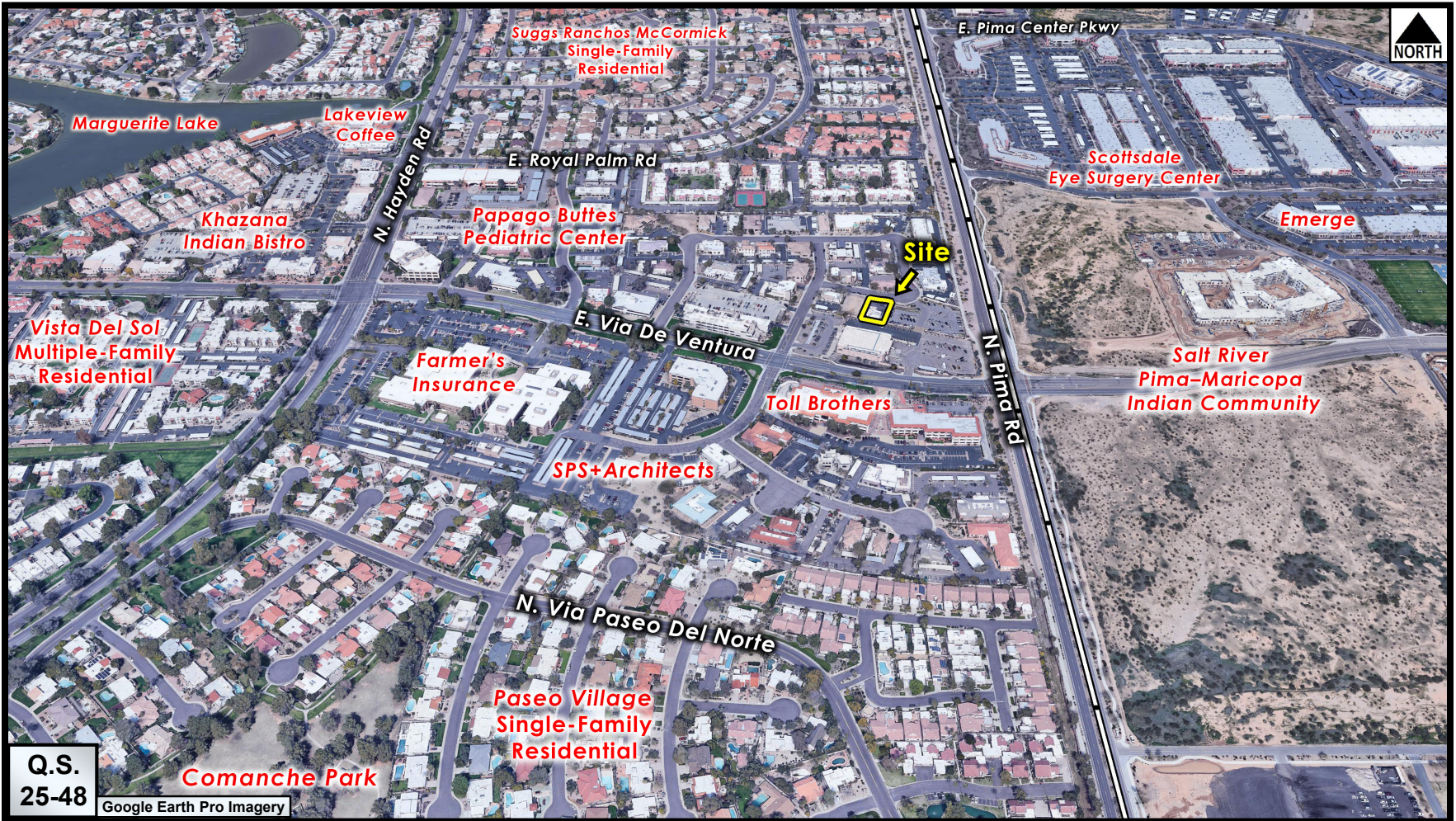
Date

**ATTACHMENTS**

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1. Context Aerial
2. Resolution No. 12345
  - Exhibit 1: Close up Aerial
  - 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. Security, Maintenance and Operations Plan
5. Police Department Calls for Service Summary
6. Zoning Map
7. Community Involvement
8. City Notification Map





Context Aerial

8-UP-2012#3

RESOLUTION NO. 12345

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, RENEWING AN EXISTING CONDITIONAL USE PERMIT (8-UP-2012#2) FOR A MARIJUANA USE (DISPENSARY), INCLUDING AMENDMENTS TO THE STIPULATIONS TO EXTEND THE HOURS OF OPERATION, ELIMINATE THE 5-YEAR TIMING STIPULATION, AND UPDATE THE FLOOR PLAN ON A +/- 0.24-ACRE PROPERTY WITH COMMERCIAL OFFICE, PLANNED COMMUNITY DISTRICT (C-O P-C) ZONING, LOCATED AT 8729 E. MANZANITA DRIVE.

WHEREAS, the Planning Commission held a public hearing on December 15, 2021 and

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 granting 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 marijuana use, set forth on **Exhibit 3** have been met.

Section 2. That a description of the conditional use permit is set forth in Case No. 8-UP-2012#3. 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 the stipulations that are set forth in **Exhibit 2** and **Exhibit 3**. All exhibits are incorporated herein by reference.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this \_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

CITY OF SCOTTSDALE, an Arizona  
municipal corporation

By: \_\_\_\_\_  
Ben Lane  
City Clerk

By: \_\_\_\_\_  
David D. Ortega  
Mayor

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

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





Q.S.  
25-48

Google Earth Pro Imagery

Close-up Aerial

Resolution No. 12345  
Exhibit 1  
Page 1 of 1

8-UP-2012#3



**Conditional Use Permit – Bar**  
**Stipulations**  
**MedMen Enterprises - Scottsdale**  
**Case Number: 8-UP-2012#2 3**

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

**GOVERNANCE**

1. APPLICABILITY. Stipulations from Case 8-UP-2012#2 shall continue to apply, except as amended below. Amendments identified by bold print and strikethrough.

**OPERATIONS**

2. CONFORMANCE TO THE FLOOR PLAN. The interior layout of the premises shall be in substantial conformance with the floor plan submitted by the applicant, with the city staff date of ~~12/8/2016~~ **11/1/2021**, 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.
3. CONFORMANCE TO THE SITE PLAN. The site plan for this facility shall be in substantial conformance WITH THE site plan submitted by the applicant, with the city staff date of ~~12/8/2016~~ **11/1/2021**, 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.
4. HOURS OF OPERATION. The hours of operation for this facility shall be limited to:

	Open to Customers	Close to Customers
Sunday	<del>11:00 AM</del> <b>6:00 AM</b>	<del>4:00 PM</del> <b>10:00 PM</b>
Monday	<del>9:00 AM</del> <b>6:00 AM</b>	<del>7:00 PM</del> <b>10:00 PM</b>
Tuesday	<del>9:00 AM</del> <b>6:00 AM</b>	<del>7:00 PM</del> <b>10:00 PM</b>
Wednesday	<del>9:00 AM</del> <b>6:00 AM</b>	<del>7:00 PM</del> <b>10:00 PM</b>
Thursday	<del>9:00 AM</del> <b>6:00 AM</b>	<del>7:00 PM</del> <b>10:00 PM</b>
Friday	<del>9:00 AM</del> <b>6:00 AM</b>	<del>7:00 PM</del> <b>10:00 PM</b>
Saturday	<del>9:00 AM</del> <b>6:00 AM</b>	<del>7:00 PM</del> <b>10:00 PM</b>

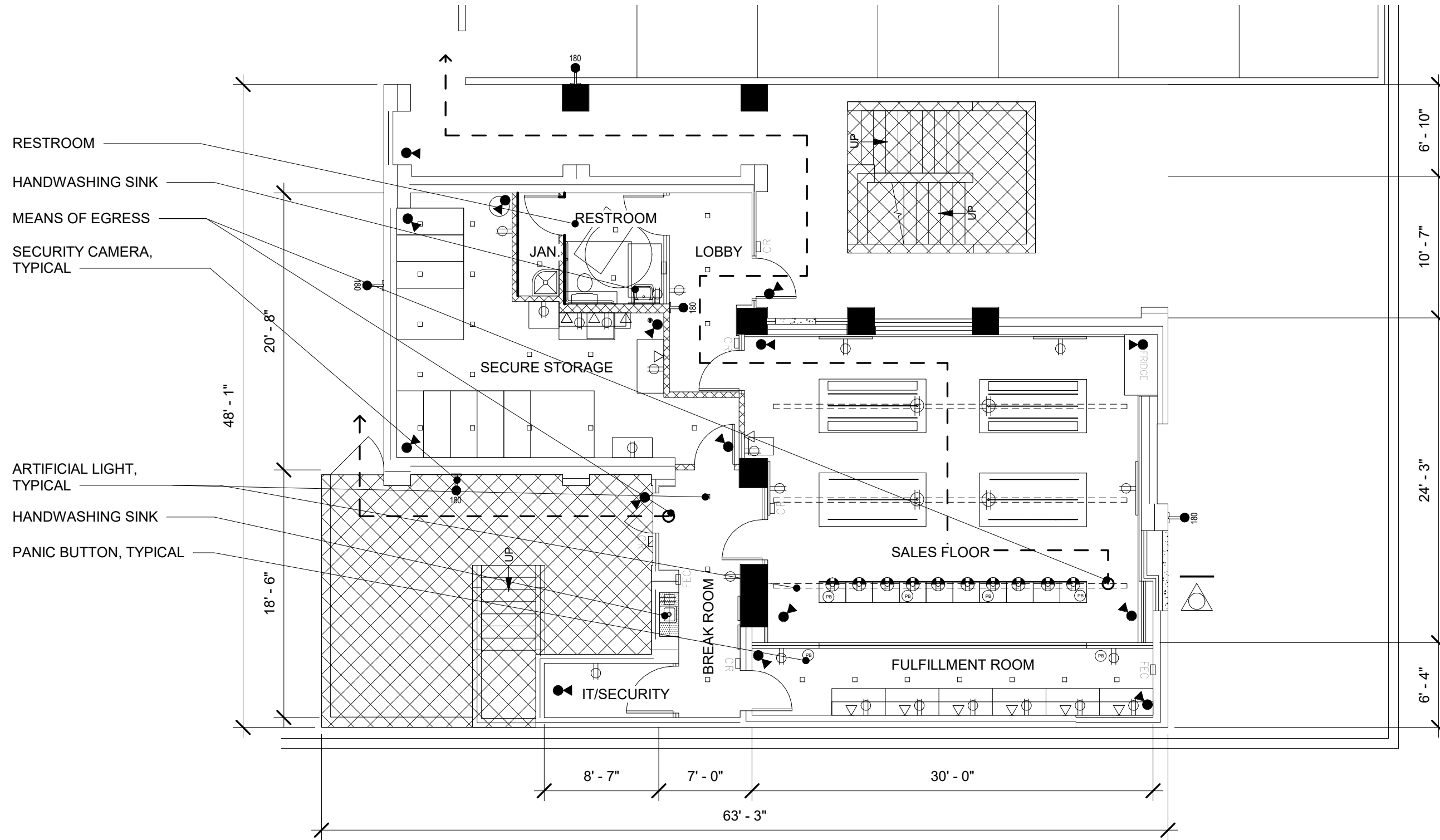
5. SECURITY, MAINTENANCE AND OPERATIONS PLAN (SMOP). Operation of this facility shall conform to the SMOP approved by and on record with the City of Scottsdale’s Police Department and the Planning and Development Services Department. A copy of the approved SMOP shall be maintained on site. Within 10 days after a request by the City Manager or designee, the owner shall provide an update of the SMOP to the Scottsdale Police Department and the Planning and Development Services Department. At least ten (10) days before any operational change that modifies the requirements or contents of the SMOP, the owner shall submit a revised SMOP the Scottsdale Police Department and the

Planning, Neighborhoods, and Transportation Division. Any revised PSRCP shall be subject to approval by the City of Scottsdale's Police Department and the Planning and Development Services Department.

**ADMINISTRATIVE/PROCESS**

6. ~~TERM OF THE CONDITIONAL USE PERMIT. This conditional use permit is valid for five (5) years, unless it is first amended or renewed.~~
7. 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.
8. 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.
9. COMPLIANCE WITH STATE LAW. The owner shall maintain in good standing all appropriate permits, licenses and certificates from the State of Arizona.

#35



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



8729 Manzanita Drive,  
Scottsdale, AZ

Resolution No. 12345  
Exhibit A to Exhibit 2  
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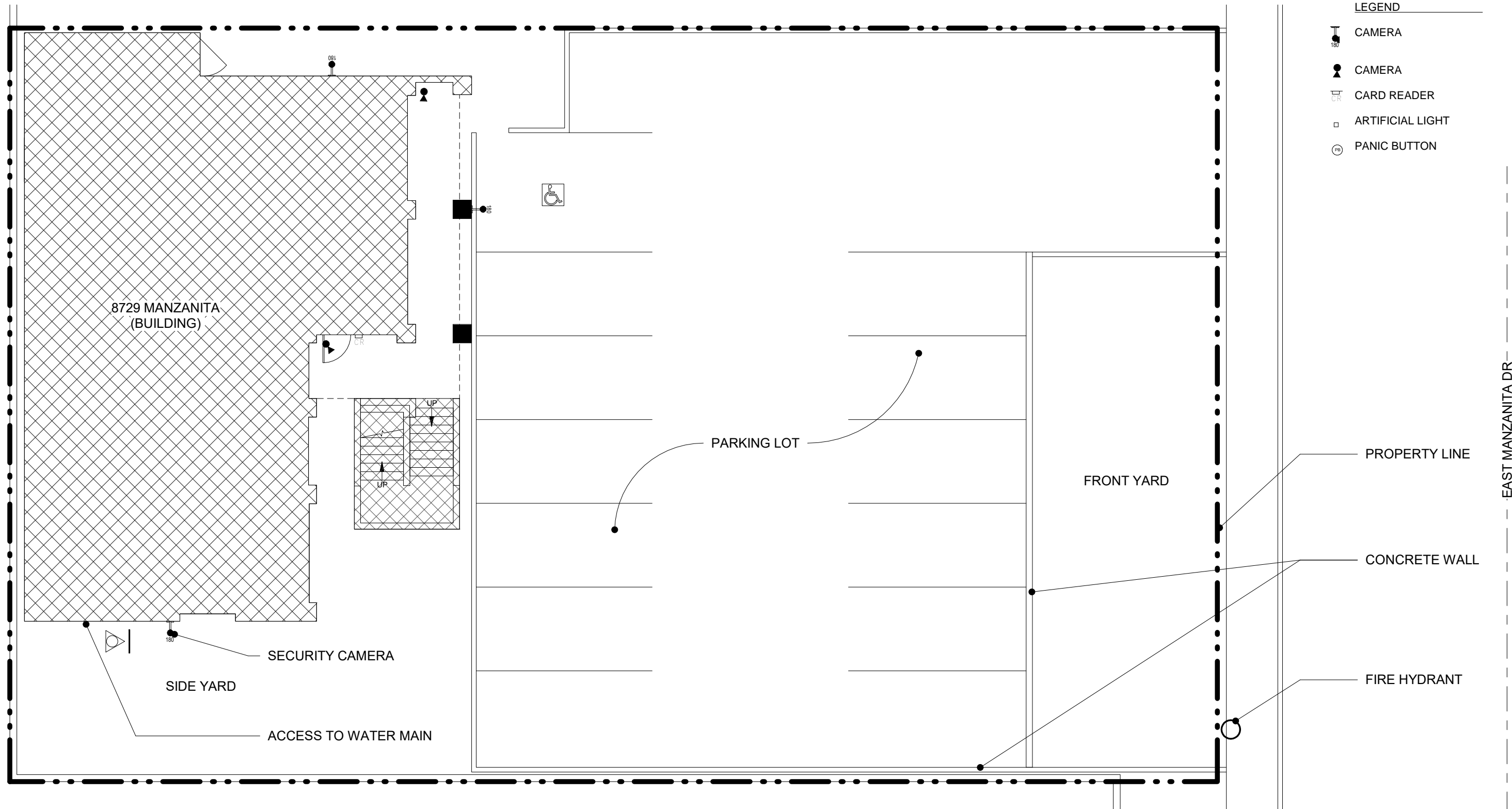
Floor Plan

Project number	--
Date	05/22/19
Drawn by	JL
Checked by	--

PD2

Scale 1/8" = 1'-0"

#25, #31, #37



LEGEND

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

8729 MANZANITA  
(BUILDING)

PARKING LOT

FRONT YARD

PROPERTY LINE

CONCRETE WALL

FIRE HYDRANT

SECURITY CAMERA

SIDE YARD

ACCESS TO WATER MAIN

EAST MANZANITA DR



8729 Manzanita Drive,  
Scottsdale, AZ

Resolution No. 12345  
Exhibit B to Exhibit 2  
Page 1 of 1

Site Plan

Project number	--
Date	05/22/19
Drawn by	JL
Checked by	--

<b>PD1</b>
Scale 3/32" = 1'-0"

8-UP-2012#6

11/1/2021

05/22/2019 2:31:17 PM

## ADDITIONAL CRITERIA FOR MARIJUANA USE

### M. *Marijuana use.*

1. *Active Permitted Uses Existing as of September 30, 2016.* Active 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. A marijuana operation for recreational purposes is only permitted in establishments that hold both a valid non-profit medical marijuana dispensary registration and a marijuana establishment license.
  - b. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.
  - c. The 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 educational service, elementary or secondary school
  - d. The 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 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 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.
  - e. All distances are measured from the wall of the marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
  - f. The property owner has provided a written exterior refuse control plan, subject to City approval.
  - g. The property owner has provided a written public safety plan, subject to City approval.
  - h. The hours of operation for a marijuana use that provides, shares, exchanges,

sells, or dispenses marijuana are no earlier than 6:00 a.m. and no later than 10:00 p.m.

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

# 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

**Resubmittal Date:** 11/10/2021

**CUP Extension Request:**

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

ATTACHMENT #3

## Development Team

### Applicant / Property Owner

**Real Estate Holdings Group, LLC**  
6940 E. 1<sup>st</sup> 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**  
4343 E. Camelback Road, Suite 210  
Phone: 602.888-7860  
Email: [coberholtzer@bfsolaw.com](mailto:coberholtzer@bfsolaw.com)



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## Exhibits

- A. Distance Survey
- B. Site Plan

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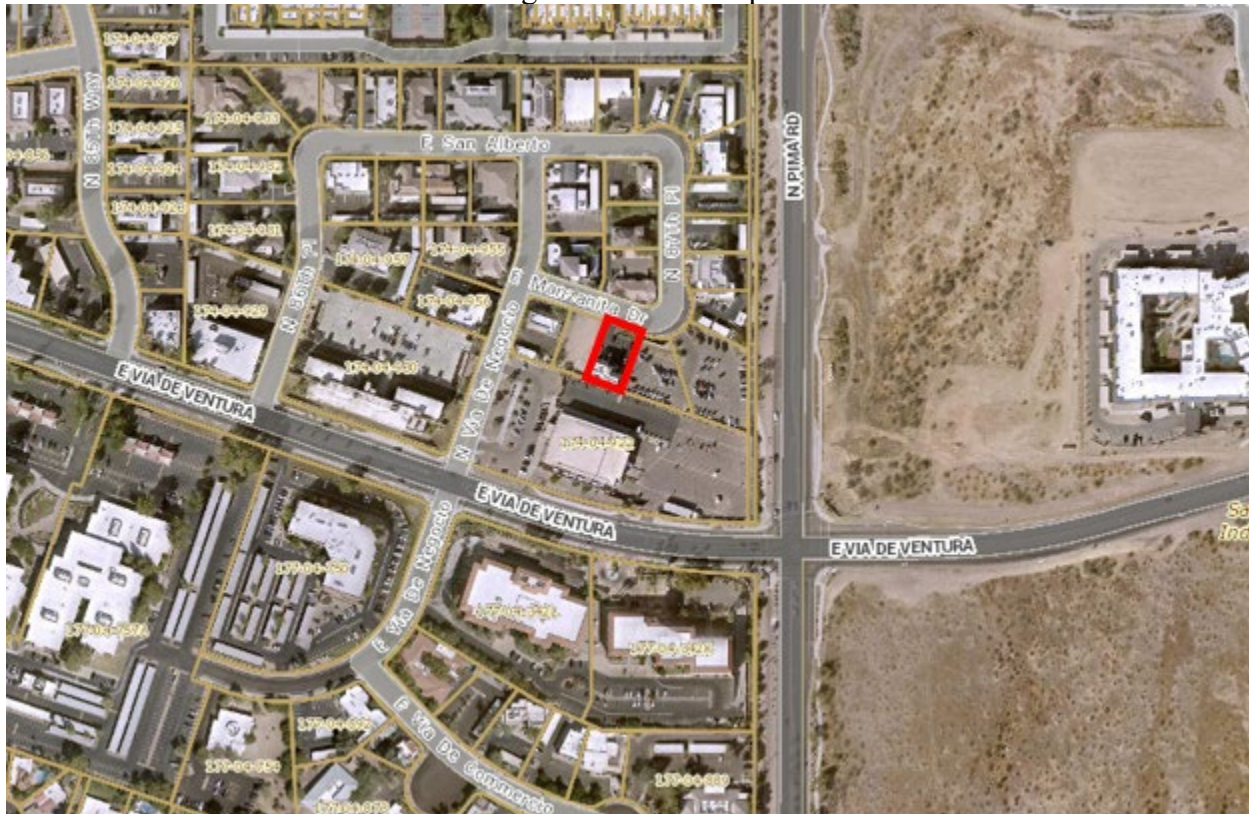
## *INTRODUCTION*

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### **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 85258<sup>1</sup> (“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 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. This renewal request also includes a request to amend existing stipulations to eliminate CUP term limit and align operational hours to reflect recent Zoning Ordinance amendments. No changes to the site plan or floor plan are proposed as part of this request.<sup>2</sup>

Figure 1. Aerial Map



<sup>1</sup> 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.

<sup>2</sup> The site plan, floor plan and operation plan have been submitted under separate cover. The floor plan submitted reflects the existing floor plan after the completion of the permitted (Permit No. 250009) interior remodel in 2019.

## II. PROJECT DESCRIPTION

MedMen, a premier American cannabis retailer with an operational footprint in California, Nevada, Illinois, Arizona, and Florida, operates the existing Marijuana Dispensary<sup>3</sup> (“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.

## III. REQUEST DESCRIPTION

Marijuana dispensaries were new to Arizona when this Dispensary was initially permitted in 2012. Consequently, a term limit of five years was placed on the CUP as a stopgap measure to regularly review and monitor this new industry. Over the course of the past decade, the Dispensary has become part of the fabric of the community and has continually operated in harmony with surrounding businesses. Accordingly, as term limits are not mandated by the Ordinance, we are requesting that this stipulation be eliminated from the CUP renewal. Eliminating the term limit will encourage reinvestment into the business and building with no downside to the City. The remaining stipulations will continue to govern, and, like all CUPs, revocation would be possible if stipulations are violated.

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<sup>3</sup> In 2012, Applicant’s original CUP defined the use as a “Medical Marijuana Dispensary”. The Ordinance has since been revised to reflect the new terminology as a “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, and excluding third-party licensed marijuana testing facilities, designated caregiver marijuana cultivation and personal marijuana cultivation.” Scottsdale Ordinance No. 4503; Scottsdale Resolution 1219 (SZO 6-TA2020), approved July 1, 2021. A Marijuana Establishment is further defined as “a single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana and marijuana products.” Scottsdale Recreational Marijuana Code Amendment, Ordinance No. 4484, approved Nov. 30, 2020.

In addition, in 2020 the City voted to amend the Zoning Ordinance to change operational hours for Marijuana Uses from 6:00am-7:00 pm daily to 6:00am-10:00pm daily.<sup>4</sup> Consequently, the Applicant is requesting an update to expand operational hours now to be within 6:00am-10:00pm daily. Expanded operational hours will enable the Applicant to meet increased patient and consumer demand and to accommodate those patients or consumers who work later hours.

The extension and changes to the stipulations 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 serves. Approval of this request will continue to create no negative impact on surrounding properties or existing businesses and no changes to the existing Dispensary are proposed as part of this request.

#### **IV. 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.

#### **V. ZONING:**

This Property is currently within the Commercial Office District, Planned Community District (C-O PCD) zoning. A Marijuana Use is permitted subject to the approval of a CUP. See SZO § 11.201; Ordinance No. 4503, Resolution §1219.

#### **VI. 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 caregiver cultivation use or marijuana use are within 1320’ of the Property. See Tab A., Distance Survey.

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<sup>4</sup> See SZO Text Amendment, I-TA-2020, approved 9/2020.



Figure 2. Surrounding Use Map

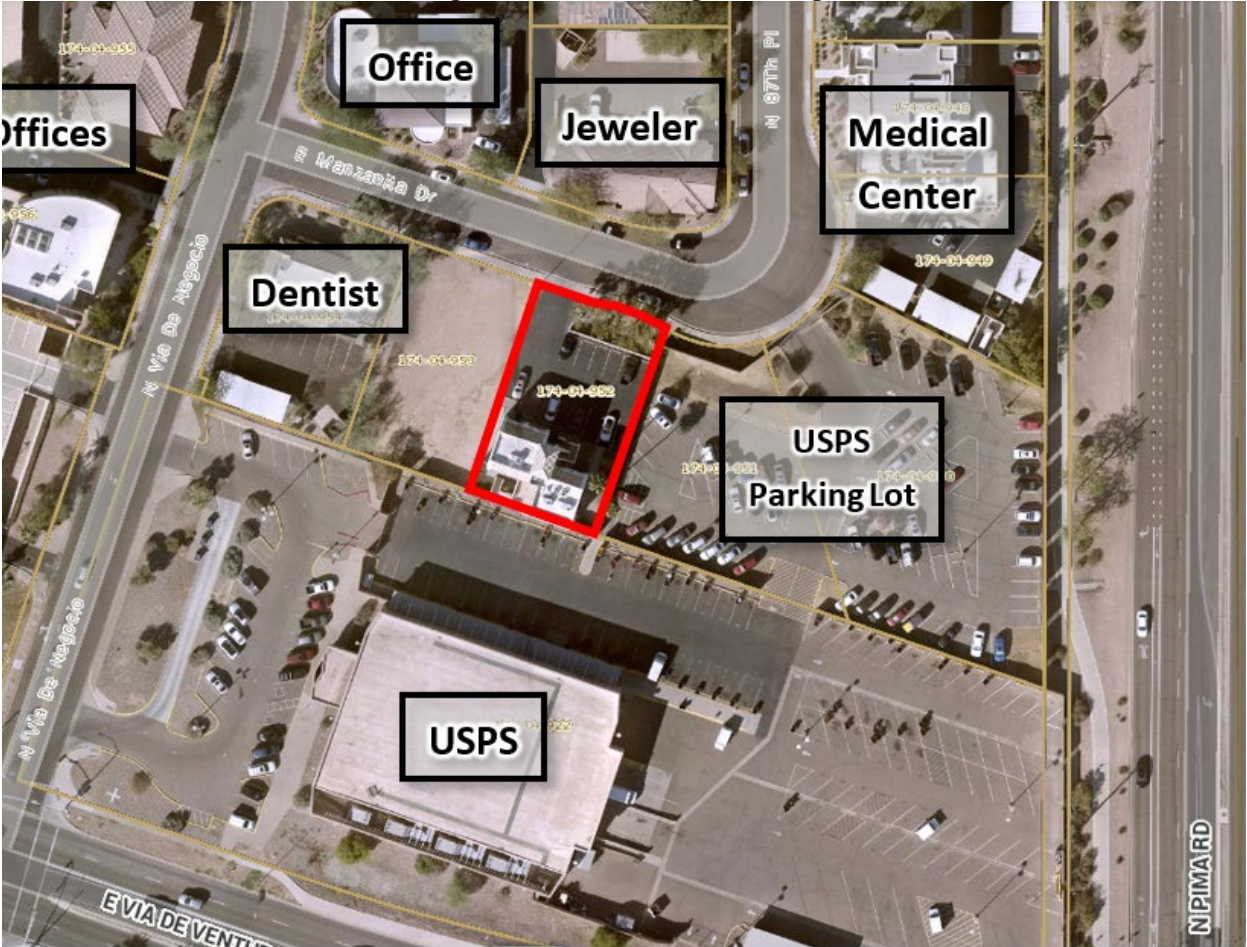


Table 1. Surrounding Uses and Zones

	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

**VII. 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.<sup>5</sup>

**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 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.

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<sup>5</sup> 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.

**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 caregiver cultivation use or marijuana use; 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 10:00 p.m.”* SZO § 1.403.M.1

The updated hours of operation are within the hours permitted by the Ordinance and are no earlier than 6:00am and no later than 10:00pm.

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

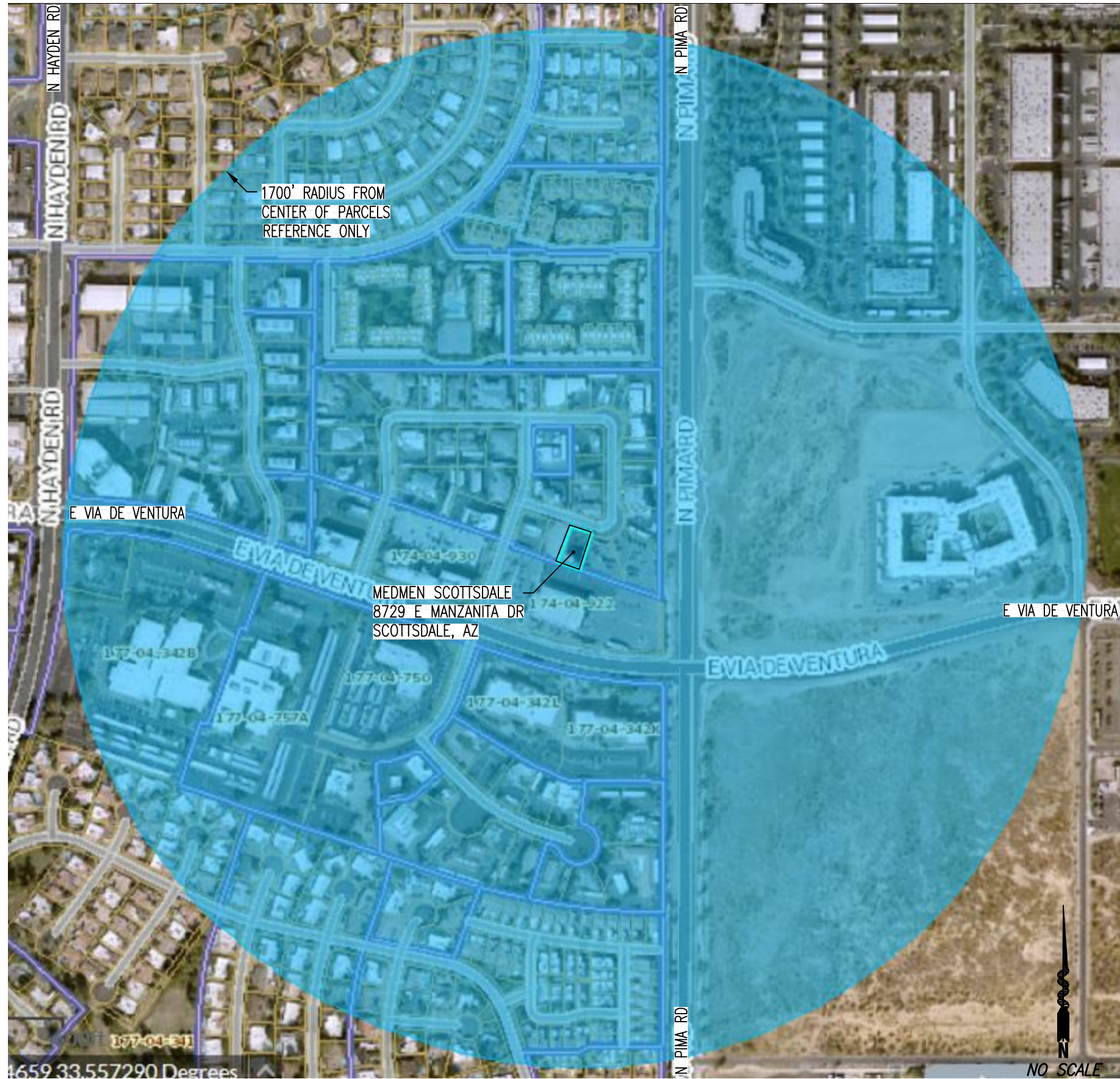
There is no drive-through service, take-out window, or drive in services offered on the Property.

### **VIII. CONCLUSION:**

This extension and stipulation changes are 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.



**Exhibit A - Distance Survey**

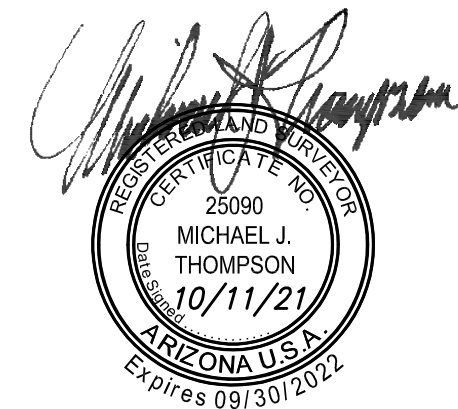


**SEPARATION VERIFICATION EXHIBIT**

<input checked="" type="checkbox"/> ANY RESIDENTIAL USE	ADDRESS	DISTANCE
	NONE FOUND WITHIN 500' OF SUBJECT PROPERTY	
ELEMENTARY SCHOOL	ADDRESS	DISTANCE
	NONE FOUND WITHIN 500' OF SUBJECT PROPERTY	
SECONDARY SCHOOL	ADDRESS	DISTANCE
	NONE FOUND WITHIN 500' OF SUBJECT PROPERTY	
HIGH SCHOOL	ADDRESS	DISTANCE
	NONE FOUND WITHIN 500' OF SUBJECT PROPERTY	
MEDICAL MARIJUANA CULTIVATION	ADDRESS	DISTANCE
	NONE FOUND WITHIN 1320' OF SUBJECT PROPERTY	
MEDICAL MARIJUANA DISPENSARY	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  
(602) 602-788-2616, www.hxeng.com



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

Please indicate by circling: Dispensary, Cultivation, Both

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

Phone: 480-312-5000

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

Phone: 480-312-7000

**Project #:** -PA-

**Assigned Planner:** \_\_\_\_\_

**Police Detective:** \_\_\_\_\_

**Facility Name:** EBA Holdings, Inc dba: MedMen Scottsdale - Talking Stick

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

**Address:** 8729 E Manzanita Dr Scottsdale, AZ 85258

**Business Phone:** (480) 818-6903

**Business FAX:** \_\_\_\_\_

**Maximum Occupancy:** 16

**Effective Date of the Plan:** \_\_\_\_\_

**Date of Plan Review:** \_\_\_\_\_

**Use Permit Issue Date:** \_\_\_\_\_

**Contact Person (1):** Miles Bergquist

**Home Phone:** (602) 741-8458

**Contact Person (2):** \_\_\_\_\_

**Home Phone:** \_\_\_\_\_

## 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: Marijuana Dispensary, Marijuana Cultivation and 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, Inc dba: MedMen Scottsdale - Talking Stick  
Type of Organization:  Arizona Corporation       Corporation  
 Sole Proprietorship       LLC  
 Partnership       Other
2. Managing Agents    Name: Miles Bergquist  
Title: General Manager  
Address: 8729 E Manzanita Dr Scottsdale, AZ 85258  
Phone Numbers: (480) 818-6903  
Fax or Other Numbers:
3. Business Owner(s) (if different than Managing Agent)    Name, Address,  
Phone: MM Enterprises USA ,LLC | 10115 Jefferson BLVD, Culver City, CA 90232  
Thomas Jerome Lynch: 14 Harnden Rd Foxboro MA 02035 | 617-304-6752  
Reece Alan Fulgham: 16621 Akron Street, Pacific Palisades, CA 90272 | (310) 383-3088

4. Property Owner or Property Manager (if different from Managing Agent) Name, Address, Phone:  
Real Estate Holdings Group, LLC | Att:Johnson-6940 E. 1st St Scottsdale,Az 85251 | (602)-790-6999

5. Hours of Operation:

	Open	Closed
Monday	<u>6:00am</u>	<u>10:00pm</u>
Tuesday	<u>6:00am</u>	<u>10:00pm</u>
Wednesday	<u>6:00am</u>	<u>10:00pm</u>
Thursday	<u>6:00am</u>	<u>10:00pm</u>
Friday	<u>6:00am</u>	<u>10:00pm</u>
Saturday	<u>6:00am</u>	<u>10:00pm</u>
Sunday	<u>6:00am</u>	<u>10:00pm</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:

8729 E Manzanita  
Name: Miles Bergquist Address: Dr Scottsdale, AZ 85258 Phone: 480) 818-6903

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. x Security officer(s) will be responsible for roaming the interior of the business and identifying hazards, problems, and maintaining patron safety.
  2. x 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. x 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 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: Thomas Jerome Lynch  
 Address: 14 Harnden Rd Foxboro MA 02035 |  
 Phone: 617-304-6752  
 Date: 10/4/2021  
 Signature: \_\_\_\_\_ 

**APPROVED BY:**

**Detective:** Lt Hugh Lockerby #707  
**Phone:** 10/25/21 15:53 MST  
**Date:**  
**Signature:** \_\_\_\_\_ *Hugh Lockerby #707*

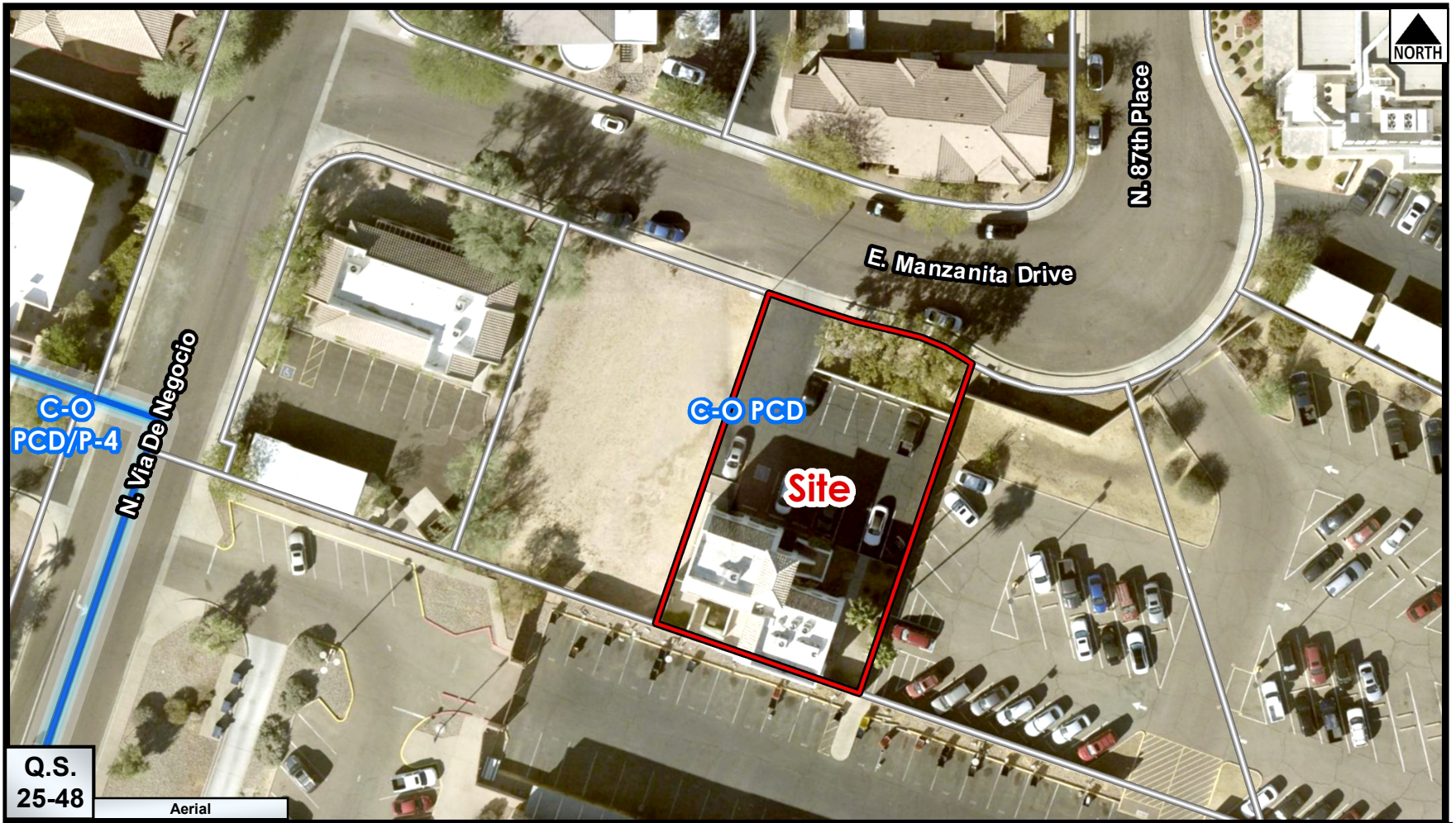
8729 E Manzanita Dr	
Call Type	Count
ALARM PANIC	12
ALARM AUDIBLE BURGLARY	9
DETAIL FOLLOW UP	3
ACCIDENT NON INJURY HIT & RUN	3
DISTURBANCE SUBJECT	3
911 WELFARE CHECK	2
ACCIDENT NON INJURY	2
ALARM ARMED ROBBERY	2
CHECK AREA	2
INFORMATION	1
TRESPASS	1
RADIO INFO ONLY	1
ACC NON INJURY CRIMINAL	1
BURGLARY REPORT CALL	1
COMMUNITY POLICING	1
PARKING	1
CRIME SCEN SPECIALIST	1
THREATS DEFAULT	1
DR INTOXICATED PERSON	1
ABANDONED VEHICLE	1
CHECK ACTIVITY	1
<b>Total</b>	<b>50</b>

7655 E Evans Rd #5	
Call Type	Count
ALARM PANIC	8
ALARM AUDIBLE BURGLARY	3
DISTURBANCE SUBJECT	1
<b>Total</b>	<b>12</b>

15190 N Hayden Rd	
Call Type	Count
ALARM PANIC	20
ALARM ARMED ROBBERY	9
EMERGENCY	6
911 WELFARE CHECK	6
SHOPLIFTER DISPLAYED FOR SALE	5
DISTURBANCE SUBJECT	3
ALARM AUDIBLE BURGLARY	4
THREAT W/ WEAPON	2
ATTEMPT TO LOCATE	2
ACCIDENT NON INJURY	2
DISTURBANCE FAMILY FIGHT	1
ACC NON INJURY CRIMINAL	1
ASSAULT	1
CHECK AREA	1
EMERGENCY UNCONSCIOUS	1
DETAIL CODE 5	1
RADIO INFO ONLY	1
CHECK WELFARE	1
DR SUSPENDED LICENSE	1
CHECK SUBJECT	1
THEFT	1
SUSPECT CONTACT	1
MEDICAL ASSIST	1
<b>Total</b>	<b>72</b>

14980 N 78th Wy	
Call Type	Count
ALARM AUDIBLE BURGLARY	10
DETAIL CLOSE PATROL	7
ALARM ARMED ROBBERY	2
DISTURBANCE SUBJECT	2
ACCIDENT NON INJURY HIT & RUN	1
RADIO INFO ONLY	1
INFORMATION	1
CHECK VEHICLE	1
PARKING	1
CRIMINAL DAMAGE	1
SUPPLEMENT REPORT	1
911 WELFARE CHECK	1
DISTURBANCE	1
<b>Total</b>	<b>30</b>

7320 E Butherus Dr #100	
Call Type	Count
ALARM AUDIBLE BURGLARY	5
ALARM ARMED ROBBERY	3
DISTURBANCE SUBJECT	2
INFORMATION	1
CRIME SCEN SPECIALIST	1
CHECK BUSINESS	1
<b>Total</b>	<b>13</b>



Zoning Aerial

8-UP-2012#3

**B | F | S | O**

BERGIN, FRAKES, SMALLEY &amp; OBERHOLTZER

October 15, 2021

Re: Project No: 156-PA-2012

Dear Neighbor,

This letter is to notify you that an application is being submitted to Scottsdale on behalf of Real Estate Holdings Group, LLC, to renew its existing Conditional Use Permit (8-UP-2012) to allow the continued operation of the MedMen Scottsdale – Talking Stick (“MedMen”) dispensary located on approximately 0.24 acres/ 10,400 sq/ft at 8729 E. Manzanita Drive in Scottsdale (Maricopa County Assessor’s Parcel number 174-04-952). The dispensary has been operating at this location since 2012 and approval of this application will simply renew the Use Permit for an additional five (5) years, as was done in 2017.

There are no proposed changes to the dispensary and a site plan showing the existing layout is enclosed. This site continues to exceed all separation and setback requirements from marijuana uses, such as residential districts and schools. The project also remains in conformance with the approval stipulations in case 8-UP-2012.

No public hearings or neighborhood meetings have been scheduled at this time and future notices will be sent when those dates become available. If you would like more project details, please feel free to contact me at (602) 888-7860, or via e-mail at [coberholtzer@bfsolaw.com](mailto:coberholtzer@bfsolaw.com). Or if you would 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 #156-PA-2012.

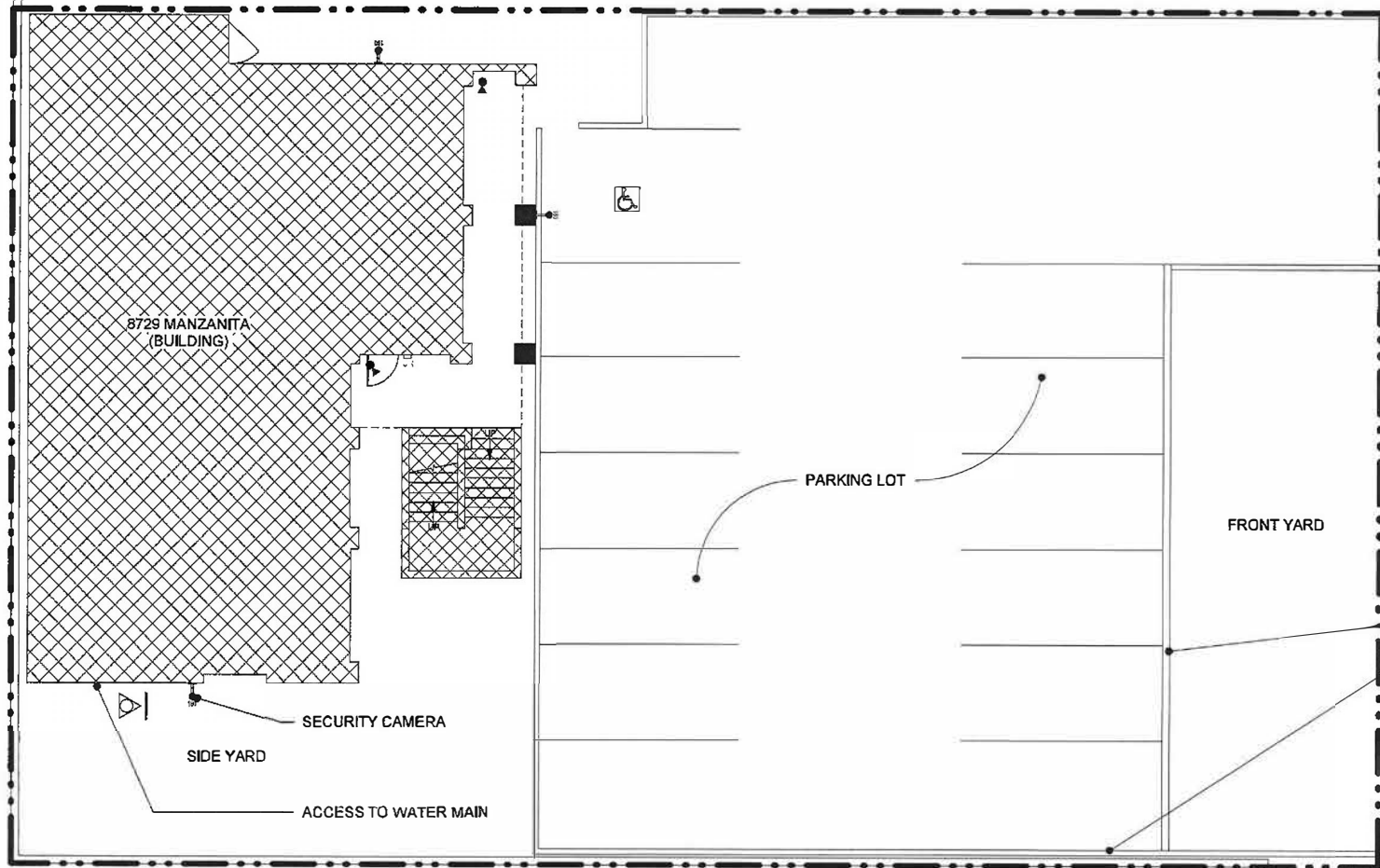
Sincerely,



Carolyn Oberholtzer, Esq.

Enclosure





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

- PROPERTY LINE
- CONCRETE WALL
- FIRE HYDRANT



8729 Manzanita Drive,  
Scottsdale, AZ

Site Plan

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

5/22/2019 2:31:17 PM

8-UP-2012#3  
11/1/2021





**From:** [Castro, Lorraine](#)  
**To:** [Bloemberg, Greg](#)  
**Subject:** FW: I Support 8-UP-2012#3  
**Date:** Tuesday, November 23, 2021 1:09:06 PM

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**From:** Brooks Spilsbury <brooks@fsraz.com>  
**Sent:** Tuesday, November 23, 2021 1:07 PM  
**To:** Projectinput <Projectinput@Scottsdaleaz.gov>  
**Subject:** I Support 8-UP-2012#3

To whom it may concern

I'm a lifelong Scottsdale resident and reside with my family close to MedMen. I support their request to eliminate the time condition on the dispensary. They are a quiet neighbor and contribute sales tax revenues to the City. I would hate to see the City turn a business like that away.

Thank you,

Brooks Spilsbury

**From:** [Castro, Lorraine](#)  
**To:** [Bloemberg, Greg](#)  
**Subject:** FW: 8-UP-2012#3 MedMen  
**Date:** Tuesday, November 23, 2021 1:08:37 PM

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**From:** greg . <greg@goldenboycreative.com>  
**Sent:** Tuesday, November 23, 2021 1:01 PM  
**To:** Projectinput <Projectinput@Scottsdaleaz.gov>  
**Subject:** Re: 8-UP-2012#3 MedMen

To whom it may concern:

I live in the community north of MedMen in Scottsdale and support their request to eliminate the time condition on the dispensary. They are a quiet neighbor and progressively contribute sales tax revenues to the City. We have seen no issue with their operation since we moved here almost two years ago.

Thank you.

Gregory Granillo  
8613 E San Lucas Drive

**From:** [Cluff, Bryan](#)  
**To:** [Bloemberg, Greg](#)  
**Subject:** FW: Case 8-UP-2012 3  
**Date:** Monday, November 22, 2021 4:30:01 PM

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Looks like this is for yours.

Thanks,  
Bryan

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**From:** Castro, Lorraine <[Lcastro@scottsdaleaz.gov](mailto:Lcastro@scottsdaleaz.gov)>  
**Sent:** Monday, November 8, 2021 9:31 AM  
**To:** Cluff, Bryan <[BCluff@Scottsdaleaz.gov](mailto:BCluff@Scottsdaleaz.gov)>  
**Subject:** FW: Case 8-UP-2012 3

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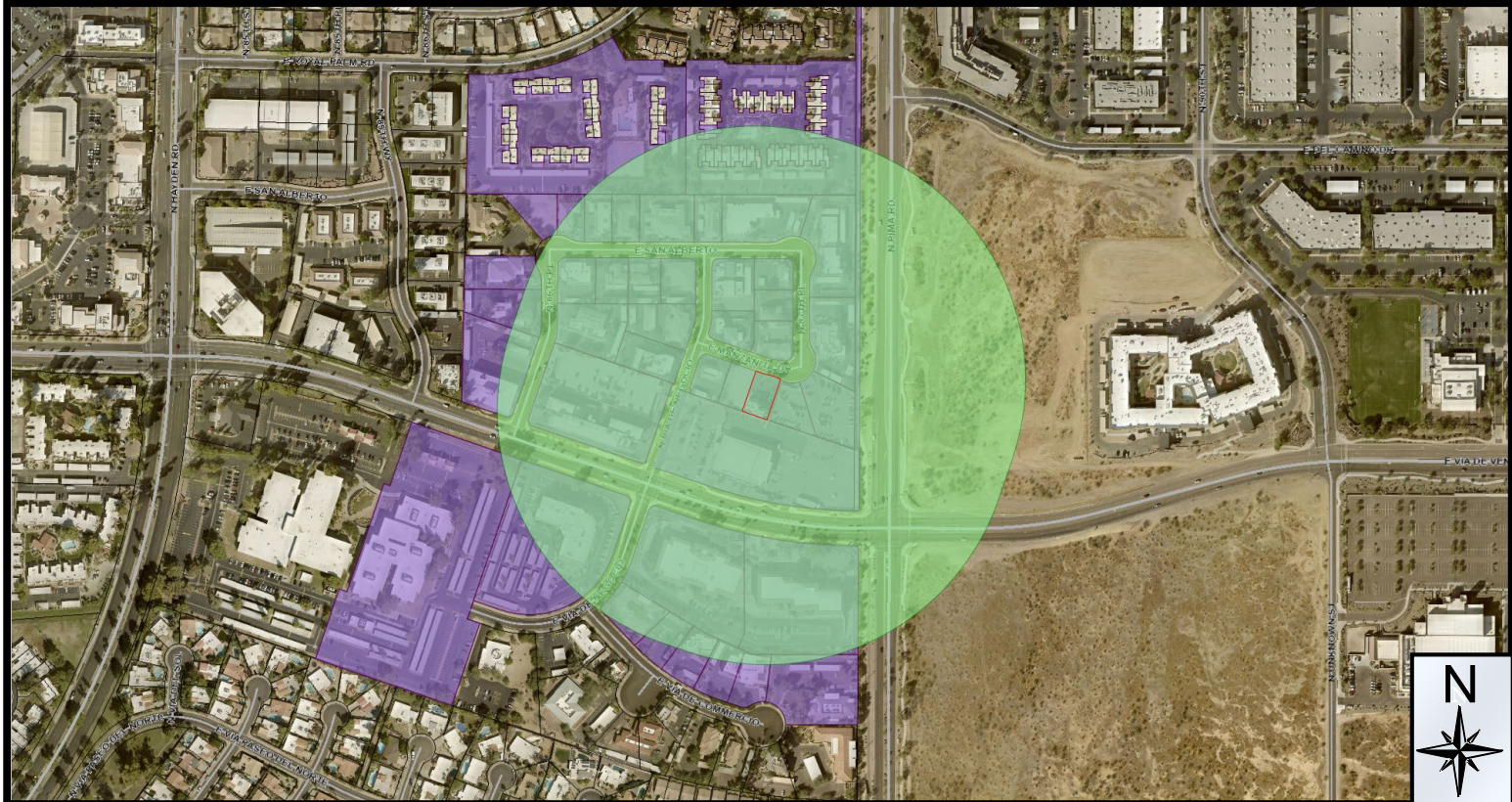
**From:** NoReply <[NoReply@Scottsdaleaz.gov](mailto:NoReply@Scottsdaleaz.gov)>  
**Sent:** Saturday, November 06, 2021 8:55 AM  
**To:** Projectinput <[Projectinput@Scottsdaleaz.gov](mailto:Projectinput@Scottsdaleaz.gov)>  
**Subject:** Case 8-UP-2012 3

I do not approve the request to eliminate the 5 year timing stipulation and change it to a 10 year timing stipulation. -- sent by Carolyn Kinville (case# 9-AB-2021)



# City Notifications – Mailing List Selection Map

## MedMen Enterprises - Scottsdale


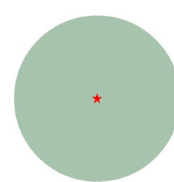


**Additional Notifications:**

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

Pulled Labels  
November 1, 2021

**Map Legend:**

-  Site Boundary
-  Properties within 750-foot

Postcards: 123

**8-UP-2012#3**