

# CITY COUNCIL REPORT



Meeting Date: August 31, 2016  
General Plan Element: *Land Use, Economic Vitality*  
General Plan Goal: *Create a sense of community through land uses*  
*Support a diversity of businesses*

## ACTION

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### Medical Marijuana Text Amendment 8-TA-2010#3

#### Request to consider the following:

1. Adopt Ordinance No. 4271 approving a text amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including revisions to separation requirements and addition of protected uses.

#### Key Items for Consideration

- City Council initiated text amendment
- Conformance with the adopted General Plan
- Increased separation requirements for Medical marijuana uses
- Additional protection for specified sensitive land uses
- Planning Commission heard this case on July 27, 2016 and recommended approval with a 5-0 vote, with the additional direction that the City Council consider placing a hard cap on medical marijuana uses

## APPLICANT CONTACT

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Bryan Cluff  
City of Scottsdale  
480-312-2258

## LOCATION

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Citywide

## BACKGROUND

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### State Regulations

In 2012, the Arizona Department of Health Services (ADHS) based locations of medical marijuana facilities on established Community Health Analysis Areas, or “CHAAs”. There are seven (7) CHAAs that overlap the Scottsdale city limits. Two CHAAs cover the vast majority of the city. Five other CHAAs extend into the edges of the city limits. Please see Attachment #6 for a map of the CHAA areas in the City of Scottsdale. Originally, ADHS limited the number of medical marijuana licenses to one (1) per CHAA. When the Zoning Ordinance was revised in 2011 and updated in 2012 it was anticipated, based on the State licensing requirements, that there would only be one (1) or two (2) Medical marijuana uses within the boundaries of the city. However, once a licensed facility in good standing has been in operation for three (3) or more years, State rules allow the owner of the facility to relocate their license within the state based on market demand. To date, a total of three (3) dispensaries relocated to the City Scottsdale from another CHAA after having been in operation for 3 or more years. There are currently no active pending medical marijuana applications; however, several inquiries have been received regarding potential locations for new applications.

Each calendar year, ADHS reviews the current valid dispensary registration certificates to determine if any new certificates may be issued. The total number of certificates within the State may not exceed one (1) license for every ten (10) registered pharmacies. Currently, ADHS has issued 99 certificates within the State, 93 of which are active. According to ADHS, there will be an additional 31 certificates issued this year, statewide.

#### *Possible Legislation:*

*There is a ballot initiative related to the legalization of recreational marijuana use within the State of Arizona which appears to have obtained the necessary number of signatures and will likely appear on the ballot in November 2016. Approval this initiative will have substantial impacts on how medical marijuana uses are handled within the State of Arizona. The language included in the proposed legislation is set up to allow for existing medical marijuana facilities to transition in to recreational marijuana facilities. These facilities will no longer need to comply with the ADHS Rules and Regulations for the Medical Marijuana Program and will rather be under the authority of a new State board similar to the State Liquor Board. The initiative also allows for recreational marijuana sales, cultivation, and infusion licenses to be granted to new applicants, after existing medical marijuana facilities have had the opportunity to transition.*

*The proposed language provides local governments with the authority to regulate and limit marijuana businesses. If the initiative passes, an additional text amendment may be necessary to modify zoning requirements accordingly.*

### City Regulations

The City allows Medical marijuana uses, including dispensaries, in only a few zoning districts (Industrial Park (I-1), Commercial Office (C-O), and Special Campus (SC)). With the adoption of the City's existing regulations on Medical marijuana uses in 2011, these districts were chosen based on

their predisposition to cater toward office and medical office type uses. Medical marijuana dispensaries essentially function in the same way a medical office and/or pharmacy would function. In each of these zoning districts, a Conditional Use Permit is required to demonstrate compliance with specific criteria, including separation and compatibility requirements. The current limited zoning district locations, separation requirements, and market forces will influence the eventual number of medical marijuana facilities. See Attachment #7 for a map showing possible locations of future Medical Marijuana facilities within the City of Scottsdale under existing regulations. If future medical marijuana facilities were to locate in the most efficient way possible, it is estimated that up to 35 additional locations may meet the separation requirements of the current regulations. However, 35 may be an unrealistically high number. The City's existing Conditional Use Permit criteria is summarized in the table below. For full Zoning Ordinance language of the current criteria, please refer to Attachment #4.

<b><i>Criteria</i></b>	<b><i>Existing</i></b>
<i>All operations to be within enclosed building</i>	Yes
<i>Separation required from protected uses:</i>	
<i>Residential</i>	500 feet
<i>Schools</i>	500 feet
<i>Separation required between other MMJ uses</i>	1,320 feet
<i>Refuse control plan required</i>	Yes
<i>Public safety plan required</i>	Yes
<i>Drive-through service allowed</i>	No
<i>Hours of operation</i>	6:00am – 7:00pm

### **Other Municipalities**

Other municipalities within the State of Arizona have enacted similar zoning regulations on Medical marijuana uses within their jurisdictions. Based on analysis of researched regulations across the valley, on average, the City of Scottsdale currently appears to be less restrictive than most other surrounding jurisdictions. Specifically, the City of Scottsdale has the least number of protected uses (i.e. schools, churches, residential, etc.), and is on the low end of separation requirements between Medical marijuana uses, and distance away from protected uses. Several other valley cities are dealing with the same concerns with regard to the increase in number of inquiries for new facilities, which has spurred changes in their regulations. Some key points of what these other communities are doing with their regulations are highlighted below.

*Items of note:*

- The average required separation between Medical marijuana uses for the surveyed municipalities (including the City of Scottsdale) is 3,706 feet. This is more than double the

current requirement in the City of Scottsdale, which is 1,320 feet. Five (5) of the eight (8) cities surveyed require a 1-mile (5,280 feet) separation between facilities.

- The average required separation between medical marijuana Uses and schools for the surveyed municipalities (including the City of Scottsdale) is 1,220 feet. This is almost three times the current requirement in the City of Scottsdale, which is 500 feet.
- Other protected uses that have been identified in other valley jurisdictions that are not currently protected in the City of Scottsdale include: Churches, Child Care, Parks, Community Buildings, Libraries, Hospitals, Homeless Shelters, Youth Centers, and Rehab Facilities.
- On April, 20 2016, the City of Phoenix approved a text amendment to their zoning ordinance which increased the required separation between a dispensary and residential from 250 feet to 500 feet, increased the required separation from a place of worship from 500 feet to 1,320 feet, and added Dependent Care, Homeless Shelter, and Youth Center as protected uses, with a required separation of 1,320 feet.
- In December of 2015, the City of Tempe amended their zoning ordinance to place a hard cap on the number of Medical Marijuana Uses allowed within the city limits, limiting the total number of uses to two (2).
- In May of 2016, the Town of Gilbert approved a text amendment to their zoning ordinance placing a hard cap on the number of Medical Marijuana Uses allowed within the town limits, limiting the number of uses to two (2).
- Per their amended ordinance approved in 2011, the Town of Paradise Valley has placed a hard cap on the number of Medical Marijuana Uses allowed in the Town, limiting the use to one (1).

**Other Related Policies, References:**

- Zoning Ordinance
- 8-TA-2010: Approved a zoning ordinance text amendment for the purpose of creating ordinance regulations resulting from and related to the legalization of the medical use of marijuana (Arizona Proposition 203).
- 8-TA-2010#2: Approved a zoning ordinance text amendment updating regulations related to Medical marijuana uses, which clarified separation requirements from multi-family residential uses, clarified the intent of school protections, and combined dispensary uses in to one Medical marijuana use.
- Arizona Revised Statutes, Title 36, Chapter 28.1
- Arizona Department of Health Services, Title 9, Chapter 17

**APPLICANTS PROPOSAL**

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**Goal/Purpose of Request**

On May 17, 2016, the City Council initiated this text amendment to amend the Medical marijuana criteria and/or other provisions within the Zoning Ordinance to ensure compatibility with

surrounding uses. The specific direction was to increase the required separation between Medical marijuana uses, increase the required separation from schools and residential uses, and to add churches, day care, and public parks as protected uses. The Council direction also included the provision of grandfathering language that would allow the existing medical marijuana facilities to continue operation.

The proposed text amendment includes revisions to Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation. The specific changes to the text are highlighted in the table below:

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
<i>All operations to be within enclosed building</i>	Yes	No change
<i>Separation required from protected uses:</i>		
<i>Residential</i>	500 feet	<b>1,500 feet</b>
<i>Schools</i>	500 feet	<b>1,500 feet</b>
<i>Church</i>	none	<b>1,500 feet</b>
<i>Public Park</i>	none	<b>1,500 feet</b>
<i>Day Care</i>	none	<b>1,500 feet</b>
<i>Separation required between other MMJ uses</i>	1,320 feet	<b>2,640 feet</b>
<i>Refuse control plan required</i>	Yes	No change
<i>Public safety plan required</i>	Yes	No change
<i>Drive-through service allowed</i>	No	No change
<i>Hours of operation</i>	6:00am – 7:00pm	No change

In addition to the changes identified above, provisions are included that allow existing Medical marijuana uses that are legally established prior to September 30, 2016 (effective date of this ordinance if approved) to continue operation, including renewals, extensions, and/or expansions, under the current requirements for Medical marijuana uses. For the full draft language of the proposed text amendment, please refer to Attachment #5.

## **IMPACT ANALYSIS**

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### **General Plan**

The 2001 General Plan is a policy document that establishes the community's long term vision, establishes locations for general land uses and guides the physical development of the City. The Plan encourages a high-quality, attractive community for residents, businesses and visitors. The Zoning

Ordinance regulations help to implement the goals and objectives of the General Plan. As a result, when requests to amend implementation tools of the General Plan are brought forward for consideration, the impacts of those changes are assessed in relation to the community's best interests as described in the Plan.

This text amendment to the Zoning Ordinance implements the goals and policies of the 2001 General Plan that encourage protection of local neighborhoods, by providing citizens with greater clarity as to where the community can expect this particular land use to locate, as well as, giving applicants a clear understanding of the locations available to accommodate the land use through the administration of the Zoning Ordinance.

### **Land Use**

The proposed amendments to the Conditional Use Permit criteria for Medical marijuana uses and Medical marijuana caregiver cultivation will provide better compatibility with surrounding land uses through increased separation from the existing specified sensitive uses of schools and residential, and also identifies and protects additional sensitive uses that are not protected by the existing criteria. The proposed ordinance changes continue to provide for potential future locations of Medical marijuana uses within the city.

### **Public Safety**

The existing Conditional Use Permit criteria for Medical marijuana uses and Medical marijuana caregiver cultivation include the requirement for a public safety plan and refuse control plan which are subject to review and approval by the Scottsdale Police Department. These requirements are not changing and will remain in effect.

### **Community Involvement**

The City of Scottsdale, as the applicant, placed a 1/8 page ad in the newspaper, and sent notice to the City of Scottsdale's interested parties list regarding the proposed text amendment and open house dates. The City held two (2) open house meetings, one June 14, 2016 and the second June 16, 2016. There were a total of two (2) attendees from both open house meetings. One attendee was a member of the development community and was in attendance for informational purposes. The second attendee was an attorney representing a client in the medical marijuana industry. This attendee submitted formal comments in support of the language to allow existing facilities to continue operation under the existing criteria. Formal public comments received are included in this report in Attachment #9. As of the date of this report, city staff has received several other general inquiries through phone and email.

### **Community Impact**

It is not anticipated that the proposed text amendment will have any effect on city infrastructure, traffic, or services. The proposed amendments to the Conditional Use Permit criteria for Medical marijuana uses and Medical marijuana caregiver cultivation will better provide for compatibility with surrounding land uses through increased separation from the existing specified sensitive uses of schools and residential, and also identifies and protects additional sensitive uses that are not protected by the existing criteria.

## **OTHER BOARDS & COMMISSIONS**

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### **City Council**

The City Council initiated this text amendment as the "Medical Marijuana Text Amendment" (65-PA-2016) at their May 17, 2016 meeting.

### **Planning Commission**

Planning Commission heard this case on July 27, 2016 and recommended approval with a 5-0 vote, with the additional direction that the City Council consider placing a hard cap on the number of medical marijuana uses allowed within the City limits.

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

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

## **RECOMMENDATION**

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### **Recommended Approach:**

Adopt Ordinance No. 4271 a text amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including revisions to separation requirements and possible addition of protected uses.

## **RESPONSIBLE DEPARTMENT**

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### **Planning and Development Services**

Current Planning Services

## **STAFF CONTACT**

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Bryan Cluff

Senior Planner

480-312-2258

E-mail: [bcluff@ScottsdaleAZ.gov](mailto:bcluff@ScottsdaleAZ.gov)

**APPROVED BY**

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\_\_\_\_\_  
Bryan Cluff, Report Author

8/10/16

\_\_\_\_\_  
Date



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

8/11/2016

\_\_\_\_\_  
Date



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

8/16/16

\_\_\_\_\_  
Date

**ATTACHMENTS**

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1. Ordinance No. 4271
2. Applicant's Narrative
3. Citizen Involvement
4. Existing Conditional Use Permit Criteria for Medical Marijuana Uses
5. Proposed Zoning Ordinance Text
6. Community Health Analysis Areas (CHAA) Map
7. Potential Medical Marijuana Use Locations Map – EXISTING
8. Potential Medical Marijuana Use Locations Map – PROPOSED
9. Public Correspondence
10. July 27, 2016 Planning Commission minutes
11. July 27, 2016 Planning Commission public comment



ORDINANCE NO. 4271

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, TO APPROVE A TEXT AMENDMENT (8-TA-2010#3) TO THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE (ORDINANCE NO. 455), BY AMENDING SECTION 1.403, ADDITIONAL CONDITIONS FOR SPECIFIC CONDITION USES, SUBSECTIONS L, MEDICAL MARIJUANA CAREGIVER CULTIVATION, AND M, MEDICAL MARIJUANA USE, BY ADDING PROTECTED USES AND AMENDING THE DISTANCES BETWEEN MEDICAL MARIJUANA USES AND SPECIFIED PROTECTED USES.

WHEREAS, the City of Scottsdale wishes to approve a text amendment to the City of Scottsdale Zoning Ordinance, to amend the conditions for approving conditional use permits for medical marijuana facilities and uses; and

WHEREAS, the Planning Commission held a public hearing on Case No. 8-TA-2010#3 on July 27, 2016; and

WHEREAS, the City Council held a public hearing on August 31, 2016 to consider a text amendment to the City of Scottsdale Zoning Ordinance, Case No. 8-TA-2010#3; and

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

BE IT ORDAINED by the Council of the City of Scottsdale that a text amendment to the City of Scottsdale Zoning Ordinance is hereby approved as follows.

Section 1. The Zoning Ordinance of the City of Scottsdale, subsection L of Section 1.403, Additional conditions for specific conditional uses, is amended as follows:

*L. Medical marijuana caregiver cultivation.*

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 caregiver cultivation use is at least ~~five hundred (500)~~ one thousand five hundred (1,500) 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 or pre-school.
  - c. Any Place of worship.
  - d. Any Day care.
  - e. Any Public park.
3. The medical marijuana caregiver cultivation use is at least ~~one thousand three hundred twenty (1,320)~~ two thousand six hundred forty (2,640) feet from the following uses within the City limits:
- a. Another medical marijuana caregiver cultivation use, or
  - b. 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 nonprofit medical marijuana dispensary registration certificate, respectively, 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.

Section 2. The Zoning Ordinance of the City of Scottsdale, subsection M of Section 1.403, Additional conditions for specific conditional uses, is amended as follows:

*M. Medical marijuana use.*

1. ~~Active Permitted Uses Existing as of September 30, 2016:~~ Active Medical marijuana uses legally established and operating under a valid Conditional Use Permit before September 30, 2016, including extensions, renewals, and amendments to existing approvals, shall be subject to the following conditions:
- 1a. 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.
  - 2b. The medical marijuana use is at least five hundred (500) feet from the following uses within the City limits:
    - a-(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
    - b-(2) Any elementary or secondary school or pre-school.

3c. The medical marijuana use is at least one thousand three hundred twenty (1,320) feet from the following uses within the City limits:

a.(1) Medical marijuana caregiver cultivation use, or

b.(2) Another 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 nonprofit medical marijuana dispensary registration certificate, respectively, under the same name or organization.

4d. 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.

5e. The property owner has provided a written exterior refuse control plan, subject to City approval.

6f. The property owner has provided a written public safety plan, subject to City approval.

7g. 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.

8h. There is no drive-through service, take-out window, or drive-in service.

2. *Permits Issued After September 30, 2016:* Medical marijuana uses seeking a Conditional Use Permit after September 30, 2016, shall be subject to the following conditions:

a. All operations are conducted within a completely enclosed building, in conformance with Arizona Revised Statutes, Title 36, Chapter 28.1, Arizona Medical Marijuana Act, and regulations issued thereunder, as amended.

b. The medical marijuana use is at least one thousand five hundred (1,500) feet from the following uses within the City limits:

(1) Any residential use in a residential district shown on Table 4.100.A, or the residential portion of a Planned Community PC or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

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

(3) Any Place of worship.

(4) Any Day care.

(5) Any Public park.

c. The medical marijuana use is at least two thousand six hundred forty (2,640) feet from the following uses within the City limits:

(1) Medical marijuana caregiver cultivation use, or

(2) Another medical marijuana use.

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

- d. All distances are measured from the wall of the medical marijuana use nearest to the district(s) or use(s) indicated above, to the nearest property line of the district(s) or use(s) indicated above.
- e. The property owner has provided a written exterior refuse control plan, subject to City approval.
- f. The property owner has provided a written public safety plan, subject to City approval.
- g. The hours of operation for a medical marijuana use that provides, shares, exchanges, sells, or dispenses medical marijuana are no earlier than 6:00 a.m. and no later than 7:00 p.m.
- h. There is no drive-through service, take-out window, or drive-in service.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the City Council of the City of Scottsdale this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

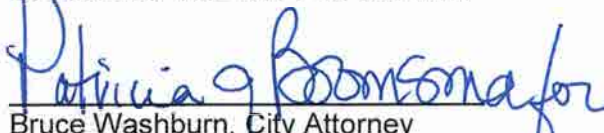
CITY OF SCOTTSDALE, an  
Arizona Municipal Corporation

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

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

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

  
Bruce Washburn, City Attorney  
By: Patricia J. Boomsma, Assistant City Attorney



# Project Narrative

This document will be uploaded to a Case Fact Sheet on the City's web site.

Date: 5/18/16

Project No. 65 -PA-2016

Coordinator: Bryan Cluff

Case No. \_\_\_\_\_

Project Name: Medical Marijuana Text Amendment

Project Location: City-Wide

Property Details:  Single-Family Residential  Multi-Family Residential  Commercial  Industrial

Current Zoning: N/A Proposed Zoning: N/A

Number of Buildings: N/A Parcel Size: N/A

Gross Floor Area/Total Units: N/A Floor Area Ration/Density: N/A

Parking Required: N/A Parking Provided: N/A

Setbacks: N - N/A E - N/A S - N/A W - N/A

### Description or Request:

Request by the City of Scottsdale, as the applicant, for a Text Amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including possible revisions to separation requirements and addition of protected uses.

### Planning, Neighborhood & Transportation Division

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

**Citizen Review Report**  
**8-TA-2010#3 (65-PA-2016)**  
Medical Marijuana Text Amendment

**Overview**

This Citizen Review Report has been prepared in association with the request by the City of Scottsdale, as applicant, for a text amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including possible revisions to separation requirements and addition of protected uses.

The text amendment was initiated by the City of Scottsdale City Council as the “Medical Marijuana Text Amendment” (65-PA-2016) at their May 18, 2016 meeting.

**Community Involvement**

**Open Houses**

The City of Scottsdale, as the applicant, placed a 1/8 page ad in the newspaper, and sent notice to the City of Scottsdale’s interested parties list regarding the proposed text amendment and open house dates. The City held two (2) open house meetings, one June 14, 2016 and the second June 16, 2016. There were a total of two (2) attendees from both open house meetings. One attendee was a member of the development community and was in attendance for informational purposes. The second attendee was an attorney representing a client in the medical marijuana industry. This attendee submitted formal comments in support of the language to allow existing facilities to continue operation under the existing criteria.

**City Website**

Case information regarding the proposed Planned Shared Development (PSD) text amendment has been posted on the case information sheet on the City website since May 18, 2016. The case information sheet includes information regarding the request, any submitted documents, notable dates, and contact information for the Staff Coordinator. The case information sheet was updated with new information as the proposal progressed.

**Attachments**

- Case Information Sheet
- Open House notice (1/8<sup>th</sup> page ad)
- Open House sign-in sheets
- Interested parties mailing list
- Planning Commission notice (1/8<sup>th</sup> page ad)




## CASE INFO SHEET

ACTIVE

8-TA-2010#3

### MEDICAL MARIJUANA TEXT AMENDMENT

Active & Proposed Projects: The complete file is available to view at the Current Planning office located at 7447 E. Indian School Road, Scottsdale, AZ 85251.   
(<https://www.google.com/maps/place/7447+East+Indian+School+Road+Scottsdale+AZ+85251>)


#### Request

Request by the City of Scottsdale, as the applicant, for a Text Amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including possible revisions to separation requirements and addition of protected uses.

Applicant's Submittal (PDF, 625.8 KB)

([http://eservices.scottsdaleaz.gov/planning/projectsummary/applicant\\_submittals/ProjInfo\\_8\\_TA\\_2010\\_](http://eservices.scottsdaleaz.gov/planning/projectsummary/applicant_submittals/ProjInfo_8_TA_2010_)

#### Location

City-Wide 

Show on City Map (<http://eservices.scottsdaleaz.gov/maps/cases>)

#### Public Hearing Information

Open House

6/14/2016

Open House

6/16/2016

Planning Commission

7/27/2016

Dates given for public hearings are tentative and subject to change.

Please call 480-312-7000 (tel:480-312-7000) the day before the scheduled hearing to confirm the date and time.

If you wish to speak, please arrive early to fill out a comment card.


**Applicant**

CITY OF SCOTTSDALE  
Bryan Cluff  
480-312-2258 (tel:480-312-2258)

**Coordinator**

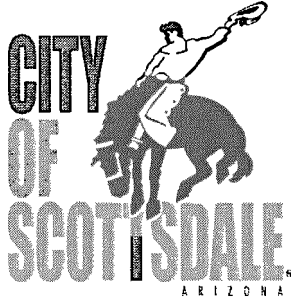
Bryan Cluff  
480-312-2258 (tel:480-312-2258)  
Contact Staff Coordinator (/bldgresources/Contact/?id=46218&mode=coordinator)

**Contact Information**

The preceding data provides general information only.  
The complete file is available to view at the Current Planning office located at 7447 E. Indian School Road, Scottsdale, AZ 85251.   
(<https://www.google.com/maps/place/7447+East+Indian+School+Road+Scottsdale+AZ+85251>)  
For additional information about this application, please contact Current Planning at 480-312-3111 (tel:480-312-3111) or click the link below to send an email.  
Please mention the specific case number when calling or e-mailing.

Contact Current Planning (/bldgresources/Contact/?id=46218&mode=planning)





Seeking Community Input

**SEEKING COMMUNITY INPUT ON PROPOSED REVISIONS TO THE CITY OF  
SCOTTSDALE ZONING ORDINANCE FOR  
Medical Marijuana Text Amendment (8-TA-2010#3 / 65-PA-2016)**

The City of Scottsdale is preparing a Zoning Ordinance text amendment that will amend the Conditional Use Permit criteria for Medical marijuana caregiver cultivation and Medical marijuana uses.

The proposal may amend portions of Article I "Administration and Procedures" related to the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, increasing the required distance of separation from residential districts and schools from 500 feet to 2,640 feet, increasing the required distance of separation from other Medical marijuana uses from 1,320 feet to 2,640 feet, adding Church, Day care, and Public park as protected uses with a required separation distance of 2,640 feet, and adding grandfather provision for existing Medical marijuana uses. The proposal may include revisions to definitions, district regulations, general provisions, parking, and landscaping.

As part of a broad city-wide outreach on this proposal, the community is invited for review and comment.

Please attend one of two Open Houses regarding the proposed text amendment.

**Tuesday, June 14, 2016, 5:00-6:00 p.m.**  
**Scottsdale Airport Terminal Lobby**  
**15000 North Airport Drive**  
**Scottsdale, AZ**

or

**Thursday, June 16, 2016, 5:00-6:00 p.m.**  
**One Civic Center**  
**7447 E. Indian School Road**  
**Scottsdale, AZ**

**City Staff Contact:** Bryan Cluff, Senior Planner  
bcluff@scottsdaleaz.gov  
480-312-2258

Additional project information is available on the internet at:  
<http://eservices.scottsdaleaz.gov/bldgresources/Cases>



## OPEN HOUSE INVITATION



### **8-TA-2010#3 Medical Marijuana**

The City is preparing a Zoning Ordinance amendment, changing the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, by increasing the required distance of separation from residential districts and schools from 500 feet to 2,640 feet, increasing the required distance of separation from other Medical marijuana uses from 1,320 feet to 2,640 feet, adding Church, Day care, and Public park as protected uses with a required separation distance of 2,640 feet, and adding grandfather provisions for existing Medical marijuana uses. The proposal may also include revisions to definitions, district regulations, general provisions, parking, and landscaping.

For more information, call **480-312-7000** or e-mail **ProjectInput@ScottsdaleAZ.gov**.

**You are invited.** Two open house meetings will be hosted by the City for the purpose of gathering community input on this proposal.

**Tuesday, June 14, 5:00 to 6:00 p.m.**  
**Scottsdale Airport Terminal Lobby**  
**15000 North Airport Drive**

or

**Thursday, June 16, 5:00 to 6:00 p.m.**  
**One Civic Center**  
**7447 E. Indian School Road**  
**Community Development Conf. Rm. 1, 2, 3**

Staff representatives will be available to provide information and respond to questions.

**Staff Contact:**

Bryan Cluff, Senior Planner  
bcluff@ScottsdaleAZ.gov  
480-312-2258

8



# Medical Marijuana 8-TA-2010#3 June 14, 2016 Sign-In Sheet

## Open House



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Affiliation: \_\_\_\_\_



**Medical Marijuana 8-TA-2010#3**  
**June 16, 2016**  
**Sign-In Sheet**

**Open House**



Please provide all information so that we can provide you with future updates & notifications of meetings and/or hearings.

Name: Mike Bergfeld Phone: 480-239-5170  
 Address: 4602 N. 75th Way  
 E-mail: mbozmb@yahoo.com  
 Affiliation: Citizen

Name: Jen Hall/Ros Law Group Phone: (480) 595 3900  
 Address: 7144 E. Stetson Dr. #300  
 E-mail: jhall@ruslawgroup.com  
 Affiliation: March

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 E-mail: \_\_\_\_\_  
 Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 E-mail: \_\_\_\_\_  
 Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 E-mail: \_\_\_\_\_  
 Affiliation: \_\_\_\_\_

Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 E-mail: \_\_\_\_\_  
 Affiliation: \_\_\_\_\_

Owner	Company	Address	City	State	Zip
Kurt Merschman		6750 E Camelback Rd, Ste 100	Scottsdale	AZ	85251
AZ Natural Selections		7320 E. Butherus Dr., Suite 100	Scottsdale	AZ	85260
Green Sky Patient Center of Scottsdale North, Inc.		10115 E. Bell Rd., Suite 107-204	Scottsdale	AZ	85260
Sky Peak, LLC		14901 N. Scottsdale Rd. #201	Scottsdale	AZ	85254
Premier Arizona Rentals, LLC		6131 Halburg Way	Vernon	CA	90058
The Scottsdale Dispensary		14980 N. 78th Way Suite 204 & 207	Scottsdale	AZ	85260
CLG Investments, LLC		30600 n. Pima Rd., Suite 75	Scottsdale	AZ	85262
Harvest of Scottsdale		15190 N. Hayden Rd	Scottsdale	AZ	85260
Pure Bliss Premium Medibles, LLC		7655 E. Evans Rd., Suite 5	Scottsdale	AZ	85260
Hot Properties, LLC		8220 E. Bronco Trail	Scottsdale	AZ	85255
Hot Properties, LLC		P. O. Box 13931	Scottsdale	AZ	85267
Real Estate Holdings Group, LLC		5013 E. Washington St., Suite 100	Phoenix	AZ	85034
Dustin Johnson		8729 E. Manzanita Drive	Scottsdale	AZ	85258
Annette Petrillo		1169 E. Clovefield Street	Gilbert	AZ	85298
Audry Villaverde	Withey Morris, PLC	2525 E. Arizona Biltmore Circle; Suite A-212	Phoenix	AZ	85016
Chris Schaffner		7346 E. Sunnyside Dr.	Scottsdale	AZ	85260
Dan Sommer		12005 N 84th Street	Scottsdale	AZ	85260
David G. Gulino		7525 E. Camelback Road, Suite 104	Scottsdale	AZ	85251
Dr. Sonnie Kirtley	COGS	8507 East Highland Avenue	Scottsdale	AZ	85251-1822
Ed Toschik, President		7657 E Mariposa Grande Dr	Scottsdale	AZ	85255
Guy Phillips		7131 E. Cholla St.	Scottsdale	AZ	85254
Jim Funk	Gainey Ranch Community Association	7720 Gainey Ranch Road	Scottsdale	AZ	85258
Jim Haxby		7336 E. Sunnyside Dr.	Scottsdale	AZ	85260
John Berry/Michele Hammond	Berry Riddell, LLC	6750 E Camelback Rd, Ste 100	Scottsdale	AZ	85251
John Washington		3518 N Cambers Court	Scottsdale	AZ	85251
Leon Spiro		7814 E Oberlin Way	Scottsdale	AZ	85266
Linda Whitehead		9681 E Chuckwagon Lane	Scottsdale	AZ	85262
Lori Haye		P.O. Box 426	Cave Creek	AZ	85327
Maricopa County Superintendent of Schools		4041 N. Central Avenue Suite 1200	Phoenix	AZ	85012
Mike Leary	Michael P. Leary, LTD, Real Estate Development Co	10278 E. Hillery Dr.	Scottsdale	AZ	85255
Mike McNeal, Supervisor	AT&T	1231 W. University Drive	Mesa	AZ	85201
Planning & Engineering Section Manager	Arizona State Land Department	1616 W. Adams Street	Phoenix	AZ	85007
Project Management	Arizona Department of Transportation	205 S. 17th Avenue MD 6012E	Phoenix	AZ	85007
Randall P. Brown	Spring Creek Development	7134 E. Stetson Drive; Suite 400	Scottsdale	AZ	85251
Richard Turner, Planning and Zoning Admin	Town of Fountain Hills	16705 E. Avenue of the Fountains	Fountain Hills	AZ	85268
Sherry Wagner/Right-of-Way Technician, S	Mail Station PAB348	P.O. Box 52025	Phoenix	AZ	85072-2025
	Withey Morris, PLC	2525 E. Arizona Biltmore Circle; Suite A-212	Phoenix	AZ	85016
	Gammage & Burnham, PLC	2 N. Central Avenue, 15th Floor	Phoenix	AZ	85004
	Arizona Commerce Authority	333 N. Central Avenue, Suite 1900	Phoenix	AZ	85004
	Paradise Valley Unified School District	15002 N. 32nd Street	Phoenix	AZ	85032
	Granite Reef Neighborhood Resource Center	1700 N Granite Reef Road	Scottsdale	AZ	85257
	Southwest Gas Corporation	10851 N Black Canyon Hwy Ste 100	Phoenix	AZ	85029-4756
Edwin Bull	Burch & Cracchiolo PA	P.O. Box 16882	Phoenix	AZ	85011
Jim Lane, Mayor	City of Scottsdale	7666 E. El Rancho Drive	Scottsdale	AZ	85260
John Berry/Michele Hammond	Berry Riddell, LLC	6750 E Camelback Rd, Ste 100	Scottsdale	AZ	85251
Mike McNeal, Supervisor	AT&T	1231 W. University Drive	Mesa	AZ	85201
Steve Weiss		11146 E Beck Lane	Scottsdale	AZ	85259

Steven Voss	LVA, Urban Design Studio, LLC	120 S. Ash Avenue	Tempe	AZ	85281
	Earl, Curley & Lagarde, PC	3101 N Central Avenue, Suite 1000	Phoenix	AZ	85012
	Withey Morris, PLC	2525 E. Arizona Biltmore Circle; Suite A-212	Phoenix	AZ	85016
	Gallagher & Kennedy, PA	2575 E Camelback Rd Ste 1100	Phoenix	AZ	85016
	Gammage & Burnham, PLC	2 N. Central Avenue, 15th Floor	Phoenix	AZ	85004
	Paradise Valley Unified School District	15002 N. 32nd Street	Phoenix	AZ	85032
	Granite Reef Neighborhood Resource Center	1700 N Granite Reef Road	Scottsdale	AZ	85257
	Southwest Gas Corporation	10851 N Black Canyon Hwy Ste 100	Phoenix	AZ	85029-4756
	Rose Law Group	7144 E. Stetson Drive	Scottsdale	AZ	85251
		1776 N Scottsdale Road Box 10642	Scottsdale	AZ	85251
Ryan Hurley					
Demitri Downing					

Please publish the following as an 8<sup>th</sup> Page Ad:



**Project Name:** Medical Marijuana Text Amendment  
**Case Numbers:** 8-TA-2010#3  
**Location:** City-Wide  
**Purpose:** Request by the City of Scottsdale, as the applicant, for a Text Amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including revisions to separation requirements and possible addition of protected uses.

**Applicant/Staff contact:** Bryan Cluff, 480-312-2258  
Email – [bcluff@scottsdaleaz.gov](mailto:bcluff@scottsdaleaz.gov)

A copy of the proposed amendments is available for review in Suite 105, 7447 East Indian School Road, Scottsdale, Arizona.

For more information, call **480-312-7000** or enter case number at:  
<https://eservices.scottsdaleaz.gov/bldgresources/Cases>

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NOTICE IS HEREBY GIVEN that the City Council of the City of Scottsdale, Arizona, will hear public comment regarding these cases at the hearing listed below:

**Hearing Date:** July 27, 2016 @ 5 P.M.  
**Location:** City Hall Kiva, 3939 N. Drinkwater Blvd

Attest  
Lorraine Castro  
Planning Specialist



Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting Lorraine Castro at 480-312-7620. Requests should be made as early as possible to allow time to arrange accommodation. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT Lorraine Castro at 480-312-7620.

## **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.**



**ZONING ORDINANCE TEXT AMENDMENT  
8-TA-2010#3 Medical Marijuana Text Amendment**

Draft 7/8/16

**Staff Coordinator:**

**Bryan Cluff**

**Senior Planner**

**480-312-2258**

**[bcluff@scottsdaleaz.gov](mailto:bcluff@scottsdaleaz.gov)**

**How to read this document.**

Unless otherwise stated, provisions that are being deleted are shown with a strike-through, like this: ~~Provisions that are being deleted are shown with a strike-through.~~

Provisions that are being added are shown as highlighted, like this: **Provisions that are being added are shown as highlighted.**

**ARTICLE I. ADMINISTRATION AND PROCEDURES**

**Sec. 1.400. Conditional Use Permits.**

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

*L. Medical marijuana caregiver cultivation.*

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 caregiver cultivation use is at least ~~five hundred (500)~~ **one thousand five hundred (1,500)** 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 **or pre-school.**
  - c. **Any Church.**
  - d. **Any Day care.**
  - e. **Any Public park.**

3. The medical marijuana caregiver cultivation use is at least ~~one thousand three hundred twenty (1,320)~~ two thousand six hundred forty (2,640) feet from the following uses within the City limits:
  - a. Another medical marijuana caregiver cultivation use, or
  - b. 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 nonprofit medical marijuana dispensary registration certificate, respectively, 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.

*M. Medical marijuana use.*

Active Medical marijuana uses legally established 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:

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:
  - f. 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
  - g. Any elementary or secondary school or pre-school.
3. The medical marijuana caregiver cultivation 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 use, or
  - b. Another 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 nonprofit medical marijuana dispensary registration certificate, respectively, 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.

Medical marijuana uses seeking a Conditional Use Permit after September 30, 2016, shall be subject to the following conditions:

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 one thousand five hundred (1,500) 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.

b. Any elementary or secondary school or pre-school.

c. Any Church.

d. Any Day care.

e. Any Public park.

3. The medical marijuana caregiver cultivation use is at least two thousand six hundred forty (2,640) feet from the following uses within the City limits:

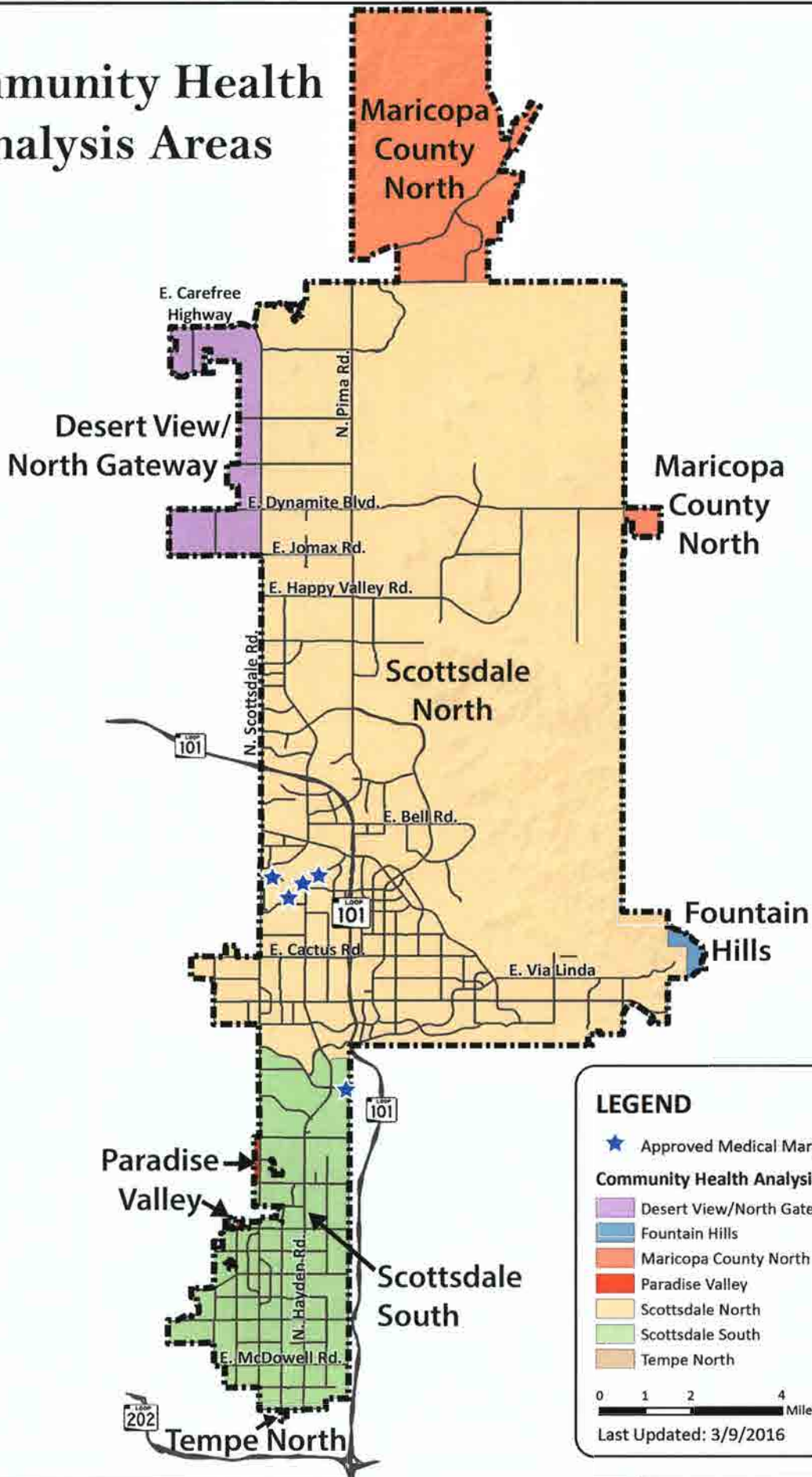
c. Medical marijuana caregiver cultivation use, or

d. Another 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 nonprofit medical marijuana dispensary registration certificate, respectively, 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.

# Community Health Analysis Areas



## LEGEND

★ Approved Medical Marijuana Use Permit

### Community Health Analysis Areas

- Desert View/North Gateway
- Fountain Hills
- Maricopa County North
- Paradise Valley
- Scottsdale North
- Scottsdale South
- Tempe North

0 1 2 4 Miles

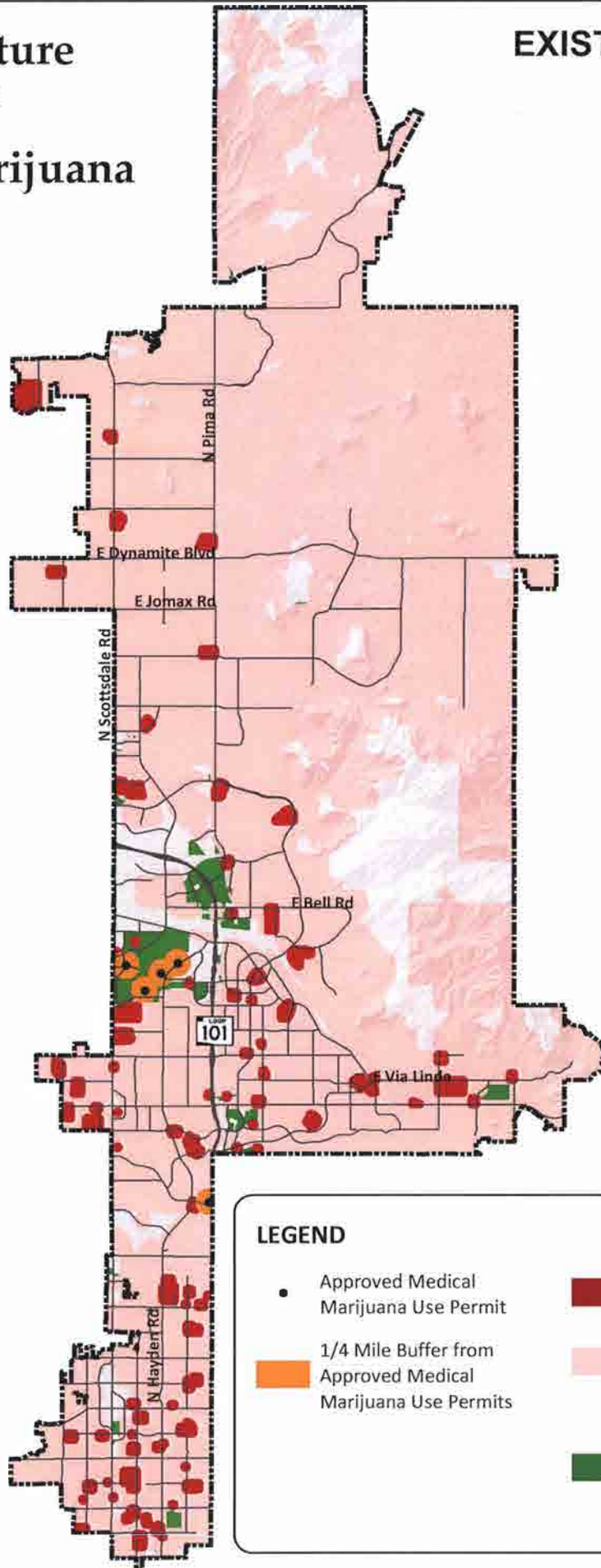
Last Updated: 3/9/2016



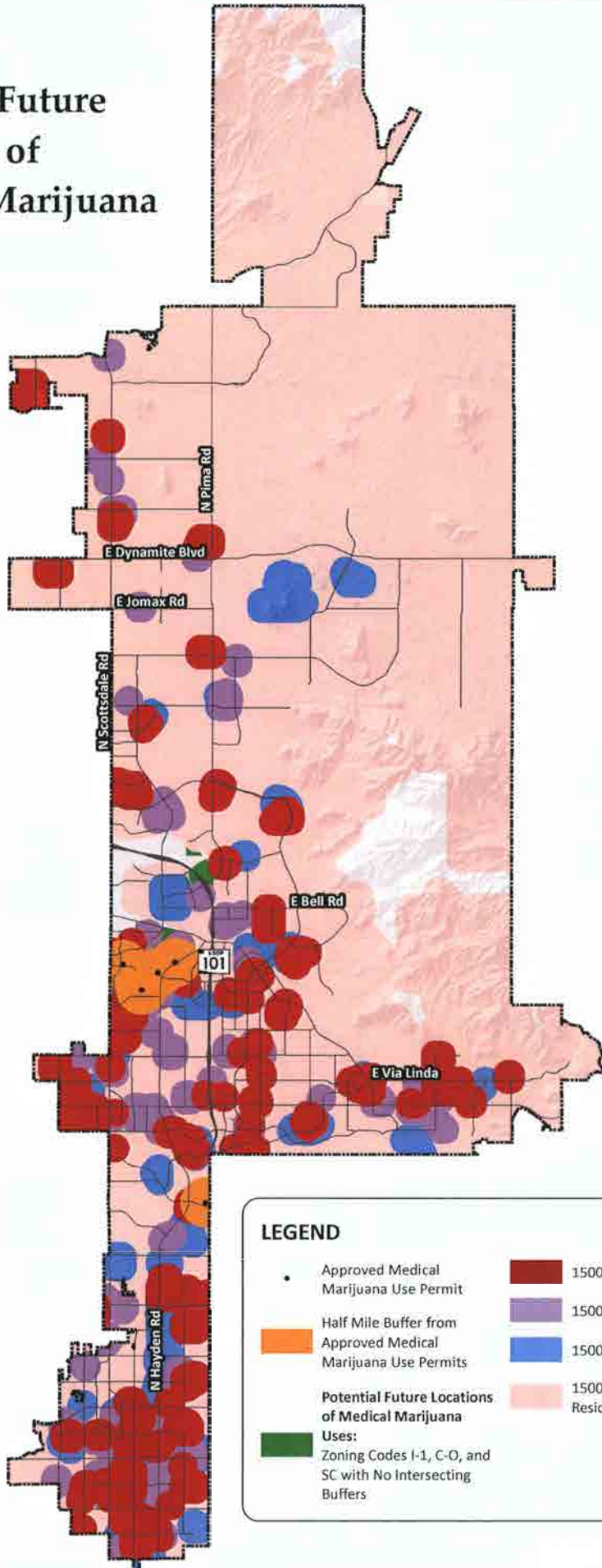


# Potential Future Locations of Medical Marijuana Uses

## EXISTING CONDITIONS



# Proposed Potential Future Locations of Medical Marijuana Uses



**LEGEND**

- Approved Medical Marijuana Use Permit
- Half Mile Buffer from Approved Medical Marijuana Use Permits
- Potential Future Locations of Medical Marijuana Uses:
  - Zoning Codes I-1, C-O, and SC with No Intersecting Buffers
- 1500' Buffer from Schools
- 1500' Buffer from Churches
- 1500' Buffer from Parks
- 1500' Buffer from Residential

## Cluff, Bryan

---

**From:** Jennifer Hall <jhall@roselawgroup.com>  
**Sent:** Friday, June 17, 2016 12:48 PM  
**To:** Cluff, Bryan  
**Cc:** Jennifer Hall  
**Subject:** FW: 485-PA-16 Expansion Legal issue

Hey Bryan – please discard my comment card as my choice of wording does not accurately reflect our position. Please replace with the following:

We are in favor of staff's proposed text amendment language that allows existing MMJ facilities to continue to operate (and potentially expand) under the old zoning conditions.

Thanks!

**Jennifer Hall**  
**Senior Project Manager**



7144 E Stetson Drive, Suite 300  
Scottsdale, Arizona 85251  
Direct: 480.505.3938  
Cell: 602.369.0810

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[roselawgroupreporter.com](http://roselawgroupreporter.com)  
[social.roselawgroup.com](http://social.roselawgroup.com)

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*Winner "Best place to work in Arizona"*

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Think green, please don't print unnecessarily

**From:** Bloemberg, Greg [<mailto:Gbloemberg@scottsdaleaz.gov>]  
**Sent:** Friday, June 17, 2016 11:14 AM  
**To:** Jennifer Hall <jhall@roselawgroup.com>  
**Cc:** Ryan Hurley <RHurley@roselawgroup.com>; Cluff, Bryan <BCluff@Scottsdaleaz.gov>; Padilla, Joe <JPadilla@Scottsdaleaz.gov>  
**Subject:** RE: 485-PA-16 Expansion Legal issue



Jennifer,

The proposed text is structured to include language that protects existing facilities. It does not "grandfather" the existing facilities; it allows them to continue operating under the existing conditions. That's significant because if they are just "grandfathered" as non-conforming uses, they will not be able to expand (Sec. 1.1304 of the Zoning Ordinance). Under the existing conditions, there is a 500-foot separation required from residential and schools. If your applicant can meet those buffers, as well as all the other current conditions and zoning requirements, than expansion will be possible; but of course all of this is subject to City Council approval.

Greg Bloemberg

Senior Planner

Current Planning

City of Scottsdale

e-mail: [gbloemberg@scottsdaleaz.gov](mailto:gbloemberg@scottsdaleaz.gov)

phone: 480-312-4306

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**From:** Jennifer Hall [<mailto:jhall@roselawgroup.com>]

**Sent:** Friday, June 17, 2016 10:50 AM

**To:** Bloemberg, Greg

**Cc:** Ryan Hurley; Jennifer Hall

**Subject:** 485-PA-16 Expansion Legal issue

Hi Greg – I was trying to explain to Ryan what we talked about yesterday in relation to the expansion legal issue. My understanding is that city's Legal Dept is trying to determine if an existing dispensary (grandfathered in) has the ability to expand after the TA is approved. Please confirm and thanks!

**Jennifer Hall**

**Senior Project Manager**



7144 E Stetson Drive, Suite 300

Scottsdale, Arizona 85251

Direct: 480.505.3938

Cell: 602.369.0810

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[roselawgroupreporter.com](http://roselawgroupreporter.com)

[social.roselawgroup.com](http://social.roselawgroup.com)

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*Winner "Best place to work in Arizona"*

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

**WEDNESDAY, JULY 27, 2016**

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

**PRESENT:** Michael Edwards, Chair  
Matthew Cody, Vice Chair  
Larry S. Kush, Commissioner  
Michael J. Minnaugh, Commissioner  
Paul Alessio, Commissioner

**ABSENT:** David Brantner, Commissioner  
Ali Fakh, Commissioner

**STAFF:** Tim Curtis  
Joe Padilla  
Greg Bloemberg  
Keith Niederer  
Meredith Tessier  
Bryan Cluff  
Taylor Reynolds  
Gary Meyer

**CALL TO ORDER**

Vice Chair Cody 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"

**ATTACHMENT #10**

## **MINUTES REVIEW AND APPROVAL**

1. Approval of June 22, 2016 Regular Meeting Minutes including the Study Session.

**COMMISSIONER KUSH MOVED TO APPROVE THE JUNE 22, 2016 REGULAR MEETING MINUTES INCLUDING THE STUDY SESSION, SECONDED BY COMMISSIONER ALESSIO, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF FIVE (5) TO ZERO (0).**

## **EXPEDITED AGENDA**

2. [38-UP-1991#2 \(Enterprise Rent-A-Car\)](#)  
Request by owner to amend stipulations and eliminate obsolete stipulations of an existing Conditional Use Permit (38-UP-1991) for vehicle leasing, rental or sales on a 1.07+/- acre site zoned Highway Commercial District (C-3), located at 1815 N. Scottsdale Road. Staff contact person is Greg Bloemberg, 480-312-4306. **Applicant contact person is Josh Oehler, 602-696-6500.**
3. [6-UP-2011#2 \(AT&T CMC Golf - Site No. W384-BB\)](#)  
Request by owner for a Conditional Use Permit for an existing Type 4 Alternative Concealment Wireless Communication facility (WCF) concealed within a 55-foot tall artificial palm tree, with associated ground mounted equipment, on a 1.24+/- acre located at 15695 N. 83rd Way with Industrial Park District (I-1) zoning. Staff contact person is Keith Niederer, 480-312-2953. **Applicant contact person is Julie Cocca, 602-421-4885.**
4. [1-UP-2016 \(City Of Scottsdale Fire Station 613\)](#)  
Request by the City of Scottsdale for a Municipal Use Master Site Plan for a new city fire station on a 11.4 +/- acre parcel located at 26380 North Hayden Road with Single-family Residential, Environmentally Sensitive Lands, Foothills Overlay (R1-43 ESL F-O) zoning and to approve site plan, landscape plan, and building elevations for a new city fire station. Staff contact person is Meredith Tessier, 480-312-4211. **Applicant contact person is Matthew A Gorman, 602-279-4373.**

\* 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"



5. 2-UP-2016 (Sixt Rent a Car at Scottsdale Seville)

Request by owner for a Conditional Use Permit for vehicle leasing, rental or sales within an existing suite at the Seville retail center with 11.5 +/- acres site located at 7001 N. Scottsdale Road, with Central Business District, Parking P-4 District, (C-2/P-4) zoning. Staff contact person is Meredith Tessier, 480-312-4211. Applicant contact person is Taylor Earl, 602-265-0094.

**Item No's 2, 3, 4 & 5: Recommended City Council approve cases 38-UP-1991#2, 6-UP-2011#2, 1-UP-2016 and 2-UP-2016, by a vote of 5-0; Motion by Commissioner Kush, per the staff recommended stipulations, based upon the finding that the Municipal Use and the Conditional Use Permit criteria have been met, 2<sup>nd</sup> by Commissioner Alessio.**

## **REGULAR AGENDA**

6. 2-GP-2016 (Paseo De Las Flores)

Request by owner for a Non-Major General Plan amendment to the City of Scottsdale General Plan 2001 from the Office land use designation to the Commercial land use designation on a 2.64 +/- acre site located at 7300 N. Via Paseo Del Sur. Staff contact person is Meredith Tessier, 480-312-4211. Applicant contact person is George Pasquel III, 602-230-0600.

**Item No 6: Recommended City Council approve case 2-GP-2016, by a vote of 5-0; Motion by Commissioner Alessio, for a non-major General Plan amendment to the City of Scottsdale General Plan 2001 to change the land use designation from Office to Commercial, 2<sup>nd</sup> by Commissioner Kush.**

7. 4-ZN-2016 (Paseo De Las Flores)

Request by owner for a Zoning District Map Amendment to amend the Planned Community (P-C) zoning district from comparable Single-family Residential, (R1-7) zoning uses and property development standards to comparable Neighborhood Commercial (C-1) zoning uses and property development standards and amend the McCormick Ranch master Development Plan on a 2.64 +/- acre site located at 7300 N. Via Paseo Del Sur. Staff contact person is Meredith Tessier, 480-312-4211. Applicant contact person is George Pasquel III, 602-230-0600.

Request to speak card: Angie Hisler

Written comment card: Angie Hisler

\* 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"

**Item No 7: Recommended City Council approve case 4-ZN-2016, by a vote of 5-0; Motion by Commissioner Alessio, per the staff recommended stipulations, after determining that the proposed Zoning District Map Amendment, development plan and amended development standards are consistent and conform with the adopted General Plan, 2<sup>nd</sup> by Commissioner Kush.**

8. 8-TA-2010#3 (Medical Marijuana Text Amendment)

Request by the City of Scottsdale, as the applicant, for a Text Amendment to the City of Scottsdale Zoning Ordinance (No. 455), amending Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical marijuana use and Medical marijuana caregiver cultivation, including possible revisions to separation requirements and addition of protected uses. Applicant/Staff contact person is Bryan Cluff, 480-312-2258.

**Item No 8: Recommended City Council approve case 8-TA-2010#3, by a vote of 5-0; Motion by Vice Chair Cody; after determining that the proposed Text Amendment is consistent and conforms with the adopted General Plan and ask City Council to study placing a cap on the number of Marijuana facilities in the city, 2<sup>nd</sup> by Commission Kush.**

Request to speak card: Jennifer Hall

Written Comment card: Jennifer Hall

**ADJOURNMENT**

With no further business to discuss, the regular session of the Planning Commission adjourned at 5:52 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"





# WRITTEN COMMENTS

8

This card is used to submit written comments to the Board or Commission.  
Written comment cards may be submitted to the Staff at any time. Cards submitted after public testimony has begun will be provided to the Board or Commission at the conclusion of the testimony for that item.

NAME (print) Jennifer Hall MEETING DATE 7/27/16

NAME OF GROUP/ORGANIZATION (if applicable) Rose Law Group

ADDRESS 7144 E. Stetson Dr. ZIP \_\_\_\_\_

HOME PHONE \_\_\_\_\_ WORK PHONE 480 505 3938

E-MAIL ADDRESS (optional) \_\_\_\_\_

AGENDA ITEM # 8  SUPPORT  OPPOSE

COMMENTS (additional space is provided on the back)  
support as proposed by staff

This card constitutes a public record under Arizona law.



# REQUEST TO SPEAK

8

Request to Speak cards must be submitted to City Staff **BEFORE** public testimony begins.  
Public testimony is limited to three (3) minutes per speaker.  
Additional time **MAY** be granted to speakers representing two or more persons.  
Cards for designated speakers and the person(s) they represent must be submitted together.

NAME (print) Jennifer Hall MEETING DATE 7/27/16

NAME OF GROUP/ORGANIZATION (if applicable) Rose Law Group

ADDRESS 7144 E. Stetson Dr. #300 ZIP \_\_\_\_\_

HOME PHONE \_\_\_\_\_ WORK PHONE 480 505 3938

E-MAIL ADDRESS (optional) \_\_\_\_\_

I WISH TO SPEAK ON AGENDA ITEM # 8  I WISH TO DONATE MY TIME TO \_\_\_\_\_

I WISH TO SPEAK DURING "PUBLIC COMMENT"\* CONCERNING \_\_\_\_\_

\*Citizens may complete one Request to Speak "Public Comment" card per meeting. "Public Comment" time is reserved for citizen comments regarding non-agendized items. The Board and Staff are prohibited by state law from discussing items which are not listed on the agenda. **ATTACHMENT #11**

This card constitutes a public record under Arizona law.

# **Medical Marijuana Text Amendment**

**8-TA-2010#3**

City Council

August 31, 2016

Coordinator: Bryan Cluff

# Medical Marijuana Text Amendment

## Request:

- Request by the City of Scottsdale, for a text amendment to the City of Scottsdale Zoning Ordinance to Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical Marijuana Uses.
- The City Council initiated this text amendment at their May 17, 2016 meeting.
- Planning Commission heard and recommended approval at their July 27, 2016 meeting.

**REQUEST**

**8-TA-2010#3**



# Medical Marijuana Text Amendment

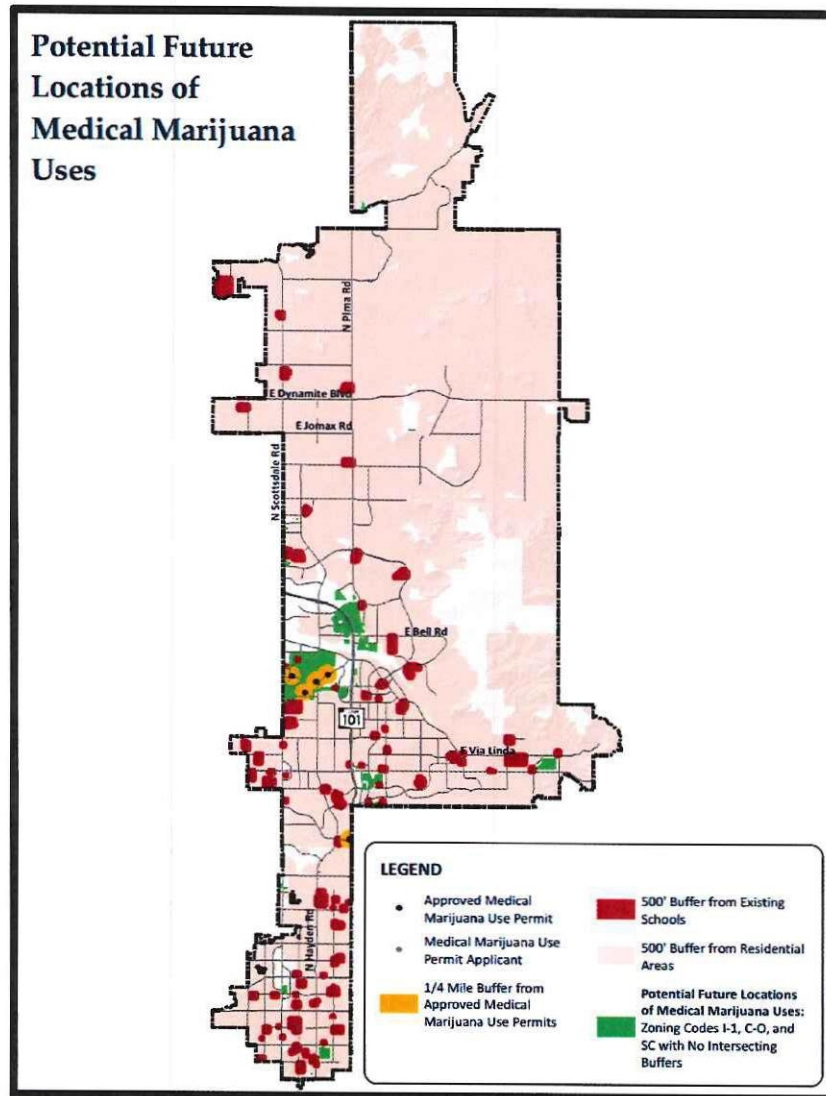
## Existing Conditional Use Permit Criteria (I-1, C-O and SC zoning only)

<b>Criteria</b>	<b>Existing</b>
All operations to be within enclosed building	Yes
Separation required from protected uses:	
Residential	500 feet
Schools	500 feet
Separation required between other MMJ uses	1,320 feet
Refuse control plan required	Yes
Public safety plan required	Yes
Drive-through service allowed	No
Hours of operation	6:00am – 7:00pm

**BACKGROUND**

**8-TA-2010#3**

# Medical Marijuana Text Amendment



POTENTIAL LOCATIONS MAP (EXISTING CONDITIONS)

8-TA-2010#3

# Medical Marijuana Text Amendment

## City Council Direction

- At the May 17, 2016 meeting, the City Council initiated the text amendment with direction to increase the required separation between Medical Marijuana Facilities, increase the required separation from protected uses, and to add 3 new protected uses (Church, Public Park, Daycare).

**COUNCIL DIRECTION**

**8-TA-2010#3**

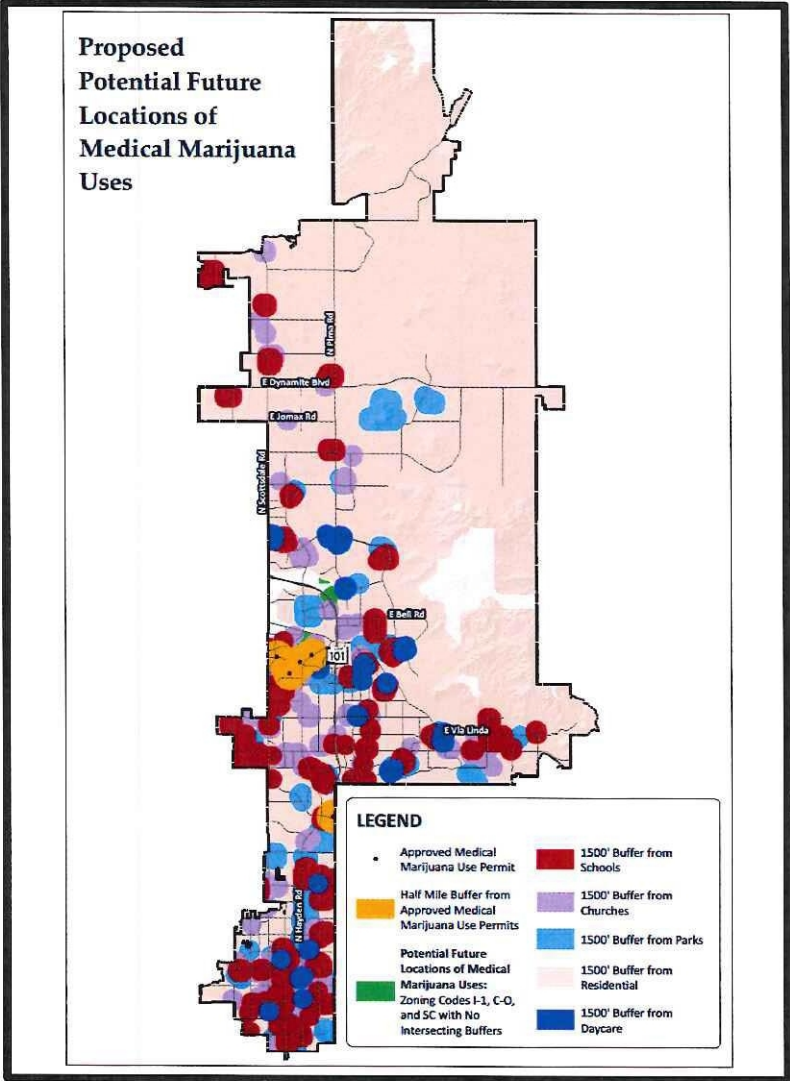
# Medical Marijuana Text Amendment

<b>Criteria</b>	<b>Existing</b>	<b>Proposed</b>
All operations to be within enclosed building	Yes	No change
Separation required from protected uses:		
Residential	500 feet	<b>1,500 feet</b>
Schools	500 feet	<b>1,500 feet</b>
<b>Church</b>	none	<b>1,500 feet</b>
<b>Public Park</b>	none	<b>1,500 feet</b>
<b>Day Care</b>	none	<b>1,500 feet</b>
Separation required between other MMJ uses	1,320 feet	<b>2,640 feet</b>
Refuse control plan required	Yes	No change
Public safety plan required	Yes	No change
Drive-through service allowed	No	No change

**PROPOSAL**

**8-TA-2010#3**

# Medical Marijuana Text Amendment

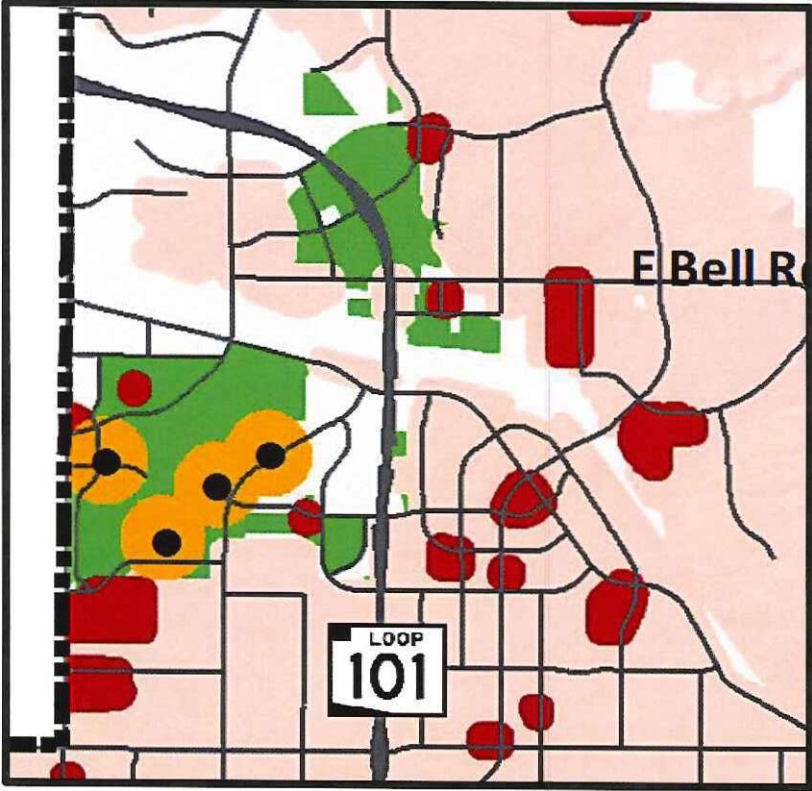


**PROPOSAL**

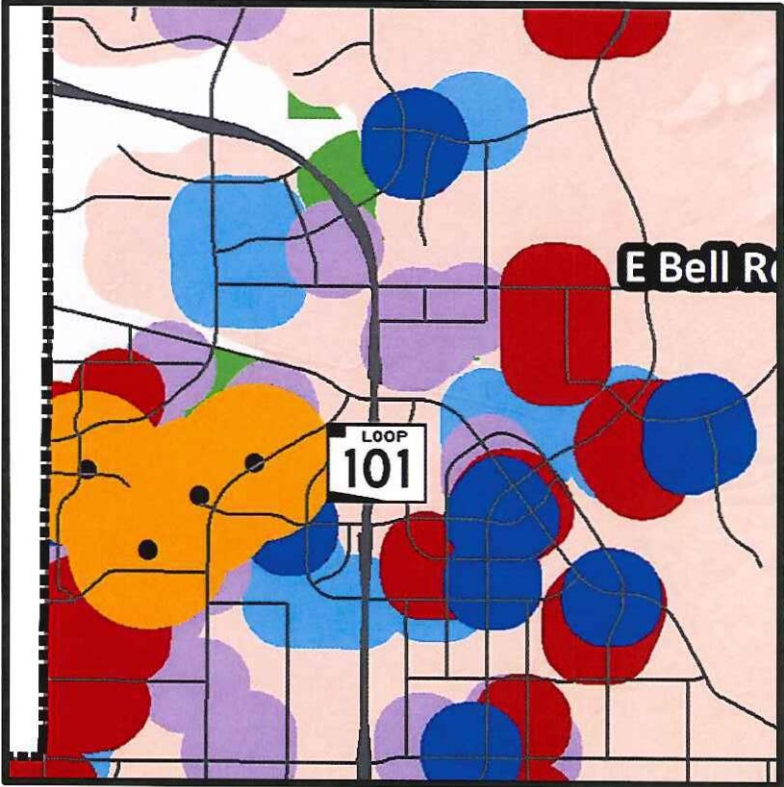
**8-TA-2010#3**

# Medical Marijuana Text Amendment

Existing



Proposed



PROPOSAL

8-TA-2010#3

# Medical Marijuana Text Amendment

## Public Involvement

- Notification of text amendment Interested Parties List
- Notification of owners of existing facilities
- Two open house meeting held by staff
  - June 14, 2016
  - June 16, 2016
- Legal advertisement in newspaper
- Case Fact Sheet on City website

# Medical Marijuana Text Amendment

## Request:

- Request by the City of Scottsdale, for a text amendment to the City of Scottsdale Zoning Ordinance to Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical Marijuana Uses.
- Planning Commission heard and recommended approval at their July 27, 2016 meeting.

**REQUEST**

**8-TA-2010#3**



Item 13

**Medical Marijuana Text Amendment**

**8-TA-2010#3**

City Council

August 31, 2016

Coordinator: Bryan Cluff

**Medical Marijuana Text Amendment**

**Request:**

- Request by the City of Scottsdale, for a text amendment to the City of Scottsdale Zoning Ordinance to Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical Marijuana Uses.
- The City Council initiated this text amendment at their May 17, 2016 meeting.
- Planning Commission heard and recommended approval at their July 27, 2016 meeting.

REQUEST

8-TA-2010#3

## Medical Marijuana Text Amendment

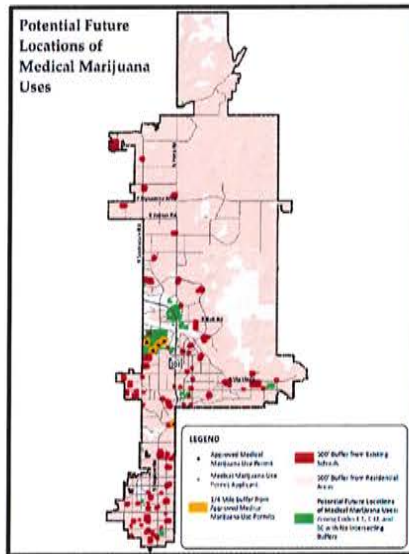
### Existing Conditional Use Permit Criteria (I-1, C-O and SC zoning only)

Criteria	Existing
All operations to be within enclosed building	Yes
Separation required from protected uses:	
Residential	500 feet
Schools	500 feet
Separation required between other MMJ uses	1,320 feet
Refuse control plan required	Yes
Public safety plan required	Yes
Drive-through service allowed	No
Hours of operation	6:00am – 7:00pm

BACKGROUND

8-TA-2010#3

## Medical Marijuana Text Amendment



POTENTIAL LOCATIONS MAP (EXISTING CONDITIONS)

8-TA-2010#3

## Medical Marijuana Text Amendment

### City Council Direction

- At the May 17, 2016 meeting, the City Council initiated the text amendment with direction to increase the required separation between Medical Marijuana Facilities, increase the required separation from protected uses, and to add 3 new protected uses (Church, Public Park, Daycare).

COUNCIL DIRECTION

8-TA-2010#3

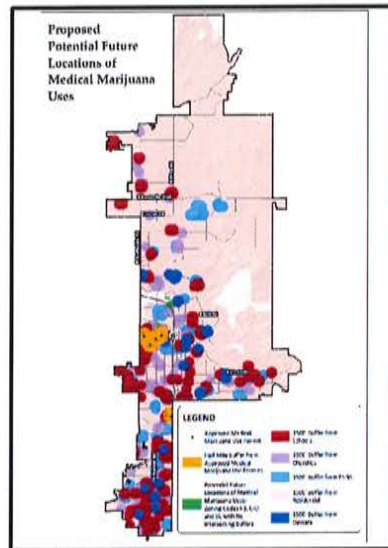
## Medical Marijuana Text Amendment

Criteria	Existing	Proposed
All operations to be within enclosed building	Yes	No change
Separation required from protected uses:		
Residential	500 feet	1,500 feet
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Refuse control plan required	Yes	No change
Public safety plan required	Yes	No change
Drive-through service allowed	No	No change

PROPOSAL

8-TA-2010#3

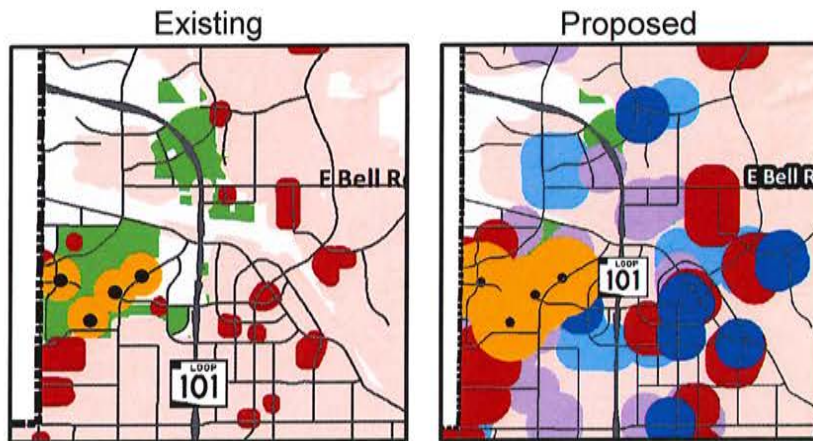
## Medical Marijuana Text Amendment



PROPOSAL

8-TA-2010#3

## Medical Marijuana Text Amendment



PROPOSAL

8-TA-2010#3

## **Medical Marijuana Text Amendment**

### **Public Involvement**

- Notification of text amendment Interested Parties List
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- Two open house meeting held by staff
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**PUBLIC INVOLVEMENT**

**8-TA-2010#3**

## **Medical Marijuana Text Amendment**

### **Request:**

- Request by the City of Scottsdale, for a text amendment to the City of Scottsdale Zoning Ordinance to Sections 1.403.L. and 1.403.M. regarding the Conditional Use Permit criteria for Medical Marijuana Uses.
- Planning Commission heard and recommended approval at their July 27, 2016 meeting.

**REQUEST**

**8-TA-2010#3**