

PLANNING AND ZONING COMMISSION
RESOLUTION NO. P-21-66-CUP

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF APACHE JUNCTION, ARIZONA, APPROVING A CONDITIONAL USE PERMIT, CASE NO. P-21-66-CUP, FOR R AND J GREEN INVESTMENTS, LLC, REPRESENTED BY MICHAEL ROTH, TO CONTINUE THE USE OF AN EXISTING MARIJUANA CULTIVATION AND INFUSION KITCHEN FACILITY UNDER NEW OWNERSHIP, ZONED INDUSTRIAL ("B-5").

WHEREAS, a medical marijuana cultivation and infusion kitchen facility was previously approved in 2014 and allowed to operate at 1575 E. 18th Avenue, pursuant to original conditional use permit ("CUP") CUP-2-14, later amended by CUP-2-15 and CUP-4-17, and later renewed by CUP-2-19; and

WHEREAS, the facility addressed as 1575 E. 18th Avenue, also known as Pinal County Assessor Parcel 102-07-216B, is legally described as:

Lots 43, 44, and 45, Palm Springs Unit Six, according to Book 13 of Maps, Page 48, Records of Pinal County, Arizona; and

WHEREAS, a CUP application was submitted on July 16, 2021, to the planning division of the City of Apache Junction development services department, by Michael Roth of R and J Green Investments, LLC, requesting approval of a CUP to continue the use of an existing marijuana cultivation and infusion kitchen under new ownership, as described in the materials submitted with case file no. P-21-66-CUP and as otherwise conditionally approved herein; and

WHEREAS, a planning and zoning commission public hearing was held on October 12, 2021, to fully consider the application and to allow for public input; and

WHEREAS, at its public hearing on October 12, 2021, the planning and zoning commission evaluated the CUP request against the criteria for the granting of a CUP as contained in Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-16: Administration, Section 1-16-12,

Conditional Use Permits, Administrative Use Permits and Building Permits, Subsection 1-16-12(D)(3), and found that:

- a) The site has adequate roadways, off-street parking, public facilities and services to accommodate the proposed use, and future expansion will coincide with further improvements as required herein.
- b) Negative impacts are not expected from the emission of odor, dust, gas, noise, lighting, vibration, smoke, heat or glare.
- c) The use will not contribute to the deterioration of the neighborhood or have a negative impact on neighborhood property values.
- d) The use is compatible with surrounding uses and structures.
- e) The use conforms to the general plan and City policies.
- f) The site provides for adequate screening and buffering of uses.
- g) There is not a unique nature to the property, use and/or development's physical characteristics.

NOW THEREFORE BE IT RESOLVED, that on October 12, 2021, the Apache Junction planning and zoning commission, after: 1) receiving satisfactory responses to the questions raised at the public hearing; 2) hearing, considering and discussing all of the facts and comments presented by staff and applicant; 3) reviewing the zoning and land use criteria relevant to the granting of a CUP, as contained in the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, Section 1-5-3, Table 5-3: Non-residential Use Regulations, and Article 1-16: Administration, Section 1-16-12, Conditional Use Permits, Administrative Use Permits and Building Permits, Subsection 1-

16-12(D)(3), voted to approve case P-21-66-CUP by a vote of 6-1, subject to the following conditions of approval:

1) The owners/operators of the marijuana cultivation and infusion kitchen facility shall obtain and/or keep in good standing all necessary approvals from the Arizona Department of Health Services ("ADHS") and the Pinal County Health Department for the marijuana cultivation and infusion kitchen operations.

2) The owners/operators of the facility shall obtain and keep a city business license at all times during the operation of the marijuana cultivation and infusion kitchen operations.

3) Upon final approval from the ADHS to operate the facility, a copy of said final approval letter shall be provided to the planning division and the Apache Junction Police Department ("AJPD") for the purpose of record keeping.

4) All marijuana agents associated with the facility shall register with AJPD for the purpose of background checks and record keeping (including but not limited to, owners, employees, directors, board members, etc.).

5) The facility shall not offer or allow the following: outdoor seating/break areas for anyone other than employees and agents of the facility; on-site consumption of marijuana; loitering in or around the premises; the sale of any products from the facility.

6) Signage on the building shall conform to the city's sign code for industrial zoned properties. The marijuana leaf symbol shall not appear on any signs visible from outside the facility. The existing artwork on the building may remain.

7) The existing buildings housing the facility shall not be allowed any expansions, unless a new CUP or CUP amendment application is processed and approved by the city first.

8) The owners and operators of the facility shall keep and neatly maintain all landscape and screening improvements along the

property's 18th Avenue and Tomahawk Road frontages, in accordance with the city's landscape and screening requirements.

9) All screening, fencing and security improvements on the property shall be kept in good condition and repair at all times.

10) The owners and operators shall continue to operate the facility in accordance with the submitted drawings and narrative documents submitted with P-21-66-CUP, or else the CUP shall be subject to review and possible revocation by the planning and zoning commission.

11) The operators of the facility shall cooperate with local police officials (AJPD) insofar as personnel updates, providing copies of agent registration cards, allowing and accommodating unannounced inspections by law enforcement officials at any time the facility is occupied and/or operating, emergency contact information, alarm permit and other items for the reasonable, transparent and safe operation of the facility.

12) The owners and operators of the facility shall provide for parking accommodations (number, design and layout of parking spaces) as depicted in the site plan submitted as part of P-21-66-CUP application, including one (1) ADA compliant space.

13) The owners/operators of the facility shall work with city staff to continue to provide for high resolution security cameras and other security features and devices at the facility.

14) R & J Green Investment LLC shall provide to the city's planning division a copy of their articles of incorporation, including the names of the directors and officers, managers, principal contacts, responsible parties, etc.

15) Should management and/or ownership of the marijuana cultivation and infusion facility change at any time after approval of the CUP, the new owners or operators shall operate the site and facility subject to the exact same conditions of approval, including the provision of all new ownership, operator and

marijuana agent information (and updates) to the city's police department.

16) If changes in the members, directors and officers occur, R & J Green Investments, LLC shall keep the planning division informed of said changes. If at any time during the operation of the cultivation and infusion facility, the managing members or a majority of the members, directors or officers changes, a CUP amendment shall be required.

17) Any proposed future expansions or additional buildings at the site, beyond the proposed storage building included in the plans submitted for P-21-66-CUP, will require approval of a CUP amendment through the city's planning and zoning commission first. This includes the possible future use of "mobile minis".

18) The operators of the facility shall always check with the city's building or planning departments for possible building permit requirements, prior to performing or conducting any new construction, electrical, plumbing, structural or other work which may require permits. Permits may also be required for the installation of security, odor control equipment and dark sky compliant outdoor lighting.

19) The planning and zoning commission shall reserve the right to reconsider or overturn the CUP approval, at a new public hearing, for non-compliance with any condition prescribed as part of said CUP approval or if the use is demonstrated to be a nuisance or neighborhood hazard.

20) At such time as the "proposed structure" shown in the submitted plan is to be constructed, half-street improvements on the adjacent streets shall be provided per city engineering standards and requirements, as follows:

- Half-street improvements on Tomahawk Road consisting of a minimum 24' driveway at the project entrance, solid drive surface from the back of the driveway to the gate, curb return

at the intersection, detached concrete sidewalk, and streetlights.

- Half-street improvements on 18th avenue consisting of a minimum 30' driveway at the project entrance, concrete sidewalk, and streetlights.

PASSED AND ADOPTED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS 12TH DAY OF OCTOBER, 2021.


SIGNED AND ATTESTED TO THIS 9th DAY OF November 2021.


PETER HECK, Chairperson
Planning and Zoning Commission

ATTEST:


LARRY KIRCH
Development Services Director

APPROVED AS TO FORM:

 10-22-21
RICHARD JOEL STERN
City Attorney