



City of Apache Junction
Development Services Department



**PLANNING AND ZONING COMMISSION
NEW BUSINESS ITEM STAFF REPORT**

DATE: August 8, 2017

CASE NUMBER: CUP-5-17

REQUEST: A Conditional Use Permit (CUP) to allow the operation of a non-profit medical marijuana dispensary.

APPLICANT: Svaccha LLC, represented by Jareb Mackin and Jenifer Corey

LOCATION: The subject site is located at 1985 W. Apache Trail, Suite #4 (Assessor parcel #101-09-001).

PROPERTY OWNER: Palo Verde Plaza LLC

**GENERAL PLAN/
ZONING DISTRICT:** Designated "Downtown Mixed Use"/Zoned B-2 (Old West Commercial)

**SURROUNDING
LAND USES:**

- NORTH: Various businesses (zoned B-2) and Recreational Vehicle Park (zoned RVP)
- SOUTH: Boila Tracts single-family residential neighborhood (zoned RS-10)
- EAST: Used cars sales business (zoned B-2)
- WEST: Various businesses and apartment homes (zoned B-2)

BACKGROUND:

The existing multi-tenant commercial building in which the Svaccha dispensary proposes to locate is known as Palo Verde Plaza, and is located at the southwest corner of W. Apache Trail and S. Palo Verde Drive. The site was developed in the early 1960s, prior to the city's incorporation and prior to the

adoption of the city's March 1985 Zoning Ordinance. The property's former CB-2 zoning was assigned by Pinal County, prior to city incorporation. The city's new zoning ordinance rezoned the property to B-2. The city's B-2 zone is one of the zoning districts where a medical marijuana dispensary may be located, subject to approval of a conditional use permit.

Other businesses presently located in Palo Verde Plaza include a restaurant, bar, gold dealer, tattoo shop and pawn shop. Over the years, various commercial and retail businesses, bars and eateries have occupied the suites in the building.

Within the last four or five years, the property owners and the city partnered to give the plaza a Spanish style "face-lift". Surrounding streets also benefitted from grant-funded improvements, which helped to improve the neighborhood in general.

PROPOSAL:

The proposed dispensary seeks to locate in the eastern-most suite of Palo Verde Plaza (see site plan). According to the submitted narrative (attached), the applicants are requesting a Conditional Use Permit to operate a non-profit medical marijuana dispensary in compliance with the state's Medical Marijuana Act and local ordinances. The proposed dispensary will not have any on-site cultivation of medical marijuana, nor will they manufacture infused products. It is a dispensary open to medical marijuana card-carrying patients only.

The operators do not propose any expansions to the building, but will be making some interior remodeling improvements. The dispensary, in Suite #4, will take up approximately 1500 square feet. In addition to interior remodeling and security improvements, they also plan to add outdoor perimeter security improvements, such as lighting and cameras. The focus of their plan is security, neighborhood compatibility and service to medical marijuana patients.

ANALYSIS:

The city's Zoning Ordinance, Section 1-6-12 (attached), is the section that allows for non-profit medical marijuana uses in the City, subject to approval of a Conditional Use Permit (CUP). There are a number of spacing and operational requirements which

the Commission should consider when evaluating this type of request. Those criteria and staff's commentary on said criteria (in grey tone) relative to this request, for the Commission's discussion and consideration, are as follows:

E. Applications. A CUP application for medical marijuana dispensaries, cultivation facilities or infusion facilities shall include all the information required on the CUP application form and the following supplemental information:

1. Signature and consent on the application form by the property owner of record that he or she is aware the property will be used for medical marijuana dispensing, cultivating or infusion. *(Provided - see CUP application.)*
2. A copy of the preliminary approval from the State Department of Health Services ("DHS"), such as a registration certificate, for the nonprofit medical marijuana dispensary, nonprofit medical marijuana dispensary off-site cultivation facility or stand-alone nonprofit medical marijuana infusion facility, and a written assurance that all nonprofit medical marijuana dispensary agents associated with the approved facility shall register with the Apache Junction Police Department upon final approval to operate from DHS, as well as a copy of said final approval document. *(Provided - see Registration Certificate and narrative.)*
3. Application and all applicable fees paid as required by Apache Junction City Code, Volume I; Chapter 8, Business, and the Apache Junction City Tax Code as amended. *(CUP process fees are paid. Applicants must apply for their City business license, along with providing their non-profit status information for said business license, prior to beginning dispensary operations.)*
4. A detailed site plan and floor plan for the facility prepared in accordance with Section 1-16-9, and narrative explaining the operation of the facility and

hours of operation. *(Site plan, floor plan, area maps and basic operations narrative provided.)*

F. Conditions of Approval. The conditions of approval which may be considered by the planning and zoning commission in evaluating these requests include the following:

1. Required Spacing Requirements:

- a. A minimum of 1,320 feet between another dispensary, cultivation facility or infusion facility, as measured from nearest building wall to nearest building wall. *(Complies - the nearest dispensary is over 1 mile away; the infusion facility is over two miles away.)*
- b. A minimum of 750 feet between a dispensary, cultivation facility or infusion facility and any public or private education institution, library, public park, commercial-zoned day care facility, free-standing church, or drug and/or alcohol rehabilitation center, as measured from nearest building wall of the business to the nearest building wall of the protected use. *(Complies - to the best of staff's knowledge, other protected uses do not appear to be within 750 feet. See Separation Exhibit.)*

2. Operating Requirements:

- a. Drive-through pickup windows shall not be allowed. Delivery service shall be allowed as per state statute. *(See floor plan exhibit - no pick-up windows possible, nor allowed.)*
- b. Outdoor seating areas at dispensaries, cultivation facilities or infusion facilities shall not be allowed. *(See floor plan exhibit - no such areas proposed, nor allowed.)*
- c. A medical marijuana facility shall submit a security plan containing the following information:
 - i) Proof that any cultivation and storage of medical marijuana will take place in an

- "enclosed, locked facility" equipped with locks or other security devices that permit access only by persons authorized to enter pursuant to state and local law.
- ii) A floor plan that details the security measures required by state law, including an on-site alarm system, video surveillance devices and a single secure entrance.
 - iii) Additional protections, if any, against medical marijuana diversion and theft.
 - iv) Provide and update as needed a current list of all persons who are authorized to access the dispensary, off-site cultivation site or infusion facility. *(Narrative talks extensively about these items; proposal appears to comply with this criteria; staff will review eventual permit submittal for required items, including detailed security plan.)*
- d. On-site consumption of medical marijuana at a dispensary, cultivation facility or infusion facility shall not be allowed. *(None proposed, nor allowed.)*
- e. Dispensaries selling marijuana related products such as pipes, water pipes, rolling paper, screens, vaporizers, mills, concealing devices, etc., shall be restricted to selling only to patients displaying the required Arizona Department of Health Services medical marijuana card and to be used only in conjunction with a physician's certification or recommendation. Cookbooks and educational materials are excepted from this provision. *(Dispensary must comply with this provision.)*
- f. The size of facility in terms of square footage, building height or other factors shall be consistent with the character of existing or planned surrounding development. *(Building is pre-existing, has recently constructed façade improvements and no expansion is proposed.)*

- g. Signage that will be visible from the exterior of the facility may be approved by the city if all sign code regulations have been met. The use of the marijuana leaf symbol shall not be allowed on any exterior signage. *(Dispensary must comply with this provision; staff will review eventual sign permit submittal for compliance.)*
- 3. Other Conditions. The planning and zoning commission may deem it necessary to apply other conditions to conserve and promote the public health, safety, convenience and general welfare, including:
 - a. Compliance with all city-adopted zoning, landscaping, engineering, building, design guidelines, overlay district and/or planned development district requirements. *(Permits will be needed for some of the interior and/or exterior electrical and remodeling work; staff may recommend the installation of planters to improve the curb appeal of the business. Parking is at minimum or less, but it is pre-existing. More parking intensive uses have existed in the occupancy previously, with no major problems of which staff is aware.)*
 - b. The commission shall reserve the right to revoke a CUP for noncompliance with any condition prescribed as part of the permit approval or if the use is demonstrated to be a nuisance or hazard to the neighborhood or community. *(Dispensary must comply with applicable ordinances and any conditions of approval requested by Commission.)*
 - c. Hours of operation will be addressed through the CUP process. *(Dispensary proposes hours of operation from 8am to 10pm.)*

The city's Zoning Ordinance, Section 1-16-12(D)(3) (attached), is the section that lists the criteria or findings for conditional use permits in general. The CUP criteria which the Commission should consider in evaluating any CUP request and staff's commentary on said criteria (in grey tone) relative to this request, for the Commission's discussion and consideration, are as follows:

Findings. A CUP may be granted upon a finding by the Commission that the use covered by the permit, the manner of its conduct, and any structure involved will not be detrimental to persons residing or working in the area, to adjacent property, to the neighborhood, or to the public welfare in general. The burden of proof for satisfying the aforementioned requirements shall rest with the applicant.

In arriving at the above determination, the Commission shall consider but not be limited to the following factors:

- a) Adequacy of roadways, off-street parking, public facilities and services to accommodate the proposed use. (The site is located along a major commercial corridor in the central core of the city. The surrounding streets and access points are fully improved and the site has all necessary services. The on-site improvements pre-date the city, but include paved parking and drive isles.)
- b) Negative impacts arising from the emission of odor, dust, gas, noise, lighting, vibration, smoke, heat or glare. (Although most of the remodeling work will be inside, any outside lighting being added will be required to be "dark sky" compliant. The dispensary should not generate any gas, smoke, heat or glare. The narrative states that Suite #4 is on a separate air conditioning and ventilation system than the rest of the building. Even so, staff will request that odor control devices be installed in the product room to further mitigate possible odor migration issues.)
- c) Contribution to the deterioration of the neighborhood or the negative impact on neighborhood property values. (Based on our experience with and example of the Nature's Wonder dispensary, staff expects no negative neighborhood impacts from the proposed use. The impact of these uses appears to be similar to that of a small medical clinic. If problems emerge, the City may bring the CUP back for further review, additional mitigating conditions or reconsideration at a future public hearing, should any activity allowed under the CUP become a neighborhood nuisance.)

- d) Compatibility with surrounding uses and structures. (Surrounding self-contained uses to the west, north and east are zoned commercial, so those properties should not be negatively affected. The residential neighborhood to the south should not be negatively affected either, since the site is already built out and the dispensary is a relatively low intensity use compared to, for example, the restaurant and commercial sign company which existed in the same suite in years past. By offering a closing time of 10pm, the dispensary should not conflict with the bar's peak hours. Patient visits to the dispensary should be short in nature, thus not take up parking spaces for long periods of time. If patients stay to patronize other businesses in the plaza, the synergy would benefit all.)
- e) Conformance with the General Plan and City policies. (The proposed dispensary does not conflict with the General Plan's Downtown Mixed Use land use designation, is allowed in the zoning district by CUP and appears to comply with the criteria for a CUP, as well as the criteria for a medical marijuana use.)
- f) Screening and buffering of uses. (The site was developed long before screening and buffering requirements were in place. Such improvements are not being requested by staff. And in this case, would not be practical because of the site's open-to-the-street character and all-around parking accessibility. We will ask for modest improvements to the suite itself, including a landscape planter [mentioned above] and that the stucco treatment on the east side of the building be completed.)
- g) Unique nature of the property, use and/or development's physical characteristics. (The property has driveway and parking access off of three adjacent streets; Apache Trail, Palo Verde and 1st Avenue. It is not in a major flood zone, but having been constructed under Pinal County standards many years ago as part of the Boila Tracts subdivision, it also does not have on-site retention. The property also has a service alley along its west side.)

PUBLIC NOTICE:

The CUP case was advertised for the Planning and Zoning Public Hearing of August 22, 2017, and letters were mailed to all property owners within 300 feet of the site. The applicants conducted their own neighborhood outreach meeting on May 2. Their citizen participation plan and summary is attached. Understandably, the public still has many apprehensions about this type of land use. The only inquiries staff has received thus far have been from the competing dispensary, asking about Svaccha's proposed location and when the hearings are scheduled; and one business owner at Thunderbird Plaza also had apprehensions about the proposed dispensary and how it may affect other properties she manages in the area.

Lastly, city staff, including representatives from Police, Building, Fire and Planning, also held a preliminary inspection meeting with the applicants and the property owner at the site. Physical improvements and procedural issues were discussed as a prelude to the CUP submittal.

P. AND Z. PUBLIC HEARING ON AUGUST 22:

Tonight's item is for discussion purposes only, to introduce the item to the Commissioners and to give the Commissioners the chance to ask any initial questions or express any concerns. At the Commission public hearing on August 22, staff will present an updated staff report, with recommended conditions for the Commission to consider. We will recommend conditions similar to the ones we proposed for the previous three medical marijuana CUPs, special conditions relative to this site specifically; and of course, that our police personnel be provided with all employee, board member and med-mar agent information if the CUP is approved. Like the previous cases, we will allow request that police officers also be allowed to perform occasional unannounced inspections to the facility.

Prepared by:


Rudy Esquivias
Senior Planner/Zoning Administrator

CUP-5-17 (Svaccha/Mackin/Corey)
Page 10 of 10

Attachments:

- CUP-5-17 Application
- CUP-5-17 Aerial Exhibit
- CUP-5-17 Zoning Exhibit
- CUP Narrative, Site, Area and Elevation Exhibits
- Svaccha Registration Certificate
- Medical Director information
- Citizen Participation Plan and Summary Report
- Section 1-6-12 from City of A.J. Zoning Ordinance
- Section 1-16-12 from City of A.J. Zoning Ordinance

CITY OF APACHE JUNCTION
CONDITIONAL USE PERMIT APPLICATION FORM

RECEIVED

NOV 20 2017

City of Apache Junction
DEVELOPMENT SERVICES
BUILDING DIVISION

Owner/Agent Information:

Name: PALO VERDE PLAZA LLC

Telephone: 818-903-4902

Address: 500 N ESTRELLA PARKWAY #B2602 GOODYEAR, AZ 85338

Property Information:

Zoning Classification

Current: B-2

Requested: NO CHANGE

Property Size: 24,800SF ☐ acres ☒ square feet County Tax Assessor Parcel #: 101-09-001

Legal Description of Property (found on County Tax Bill Notices):

LOT 1, BIOLA TRACT ACCORDING TO BOOK 8 OF MAPS, PAGE 47, RECORDS
OF PINAL COUNTY, ARIZONA

Address/Location of Property (if different from Owner Address, above):

1985 W APACHE TRAIL, SUITE 4 APACHE JUNCTION, AZ 85220

List all improvements to Property: EXISTING RETAIL SHOPPING CENTER - SUITE 4 TO
BE USED FOR A MEDICAL MARIJUANA DISPENSARY

Structures/Use of Adjacent Properties:

North: COMMERCIAL

South: RESIDENTIAL

East: COMMERCIAL

West: COMMERCIAL

Reason for Conditional Use Permit Request:

APPROVE CONDITIONAL USE PERMIT TO ALLOW FOR A MEDICAL MARIJUANA DISPENSARY
TO BE LOCATED IN AN EXISTING B-2 RETAIL COMMERCIAL CENTER (SUITE 4 ONLY)

FOR OFFICE USE ONLY

Case No: _____

Date Filed: _____

Receipt No: _____

Fee Amount: \$ _____

Application Received By: _____

I/We certify that:

I/We are the owner(s) of the property described in this application for Conditional Use Permit and have submitted copies of deeds or title reports as proof of ownership.

I/We have read the application instructions and have truthfully completed this application.

I/We consent and acknowledge that by filling this application, the subject property is proposed to be used, and in fact may be used, for medical marijuana dispensing, ~~cultivating or infusion~~. ^{mt}

I/We understand that a Conditional Use Permit, by definition, has conditions of approval and time or performance requirements associated with it, and that the City has the option of either approval or denial of this request following conduct of a Public Hearing.

I/We, being the owner(s) of the property in this application, have appointed Jareb Mackin (Svaccha, LLC) and Jenifer Corey (Zoning Strategies, LLC) as my/our representative agent. I/We have authorized him/her to do whatever is necessary to have this request considered favorable by the City of Apache Junction and agree that all correspondence related to this matter should be delivered to him/her.

PALO VERDE PLAZA LLC

BY: Member, The Hoenack Trust, dated 9/24/2009


August Jeremy Hoenack, Trustee

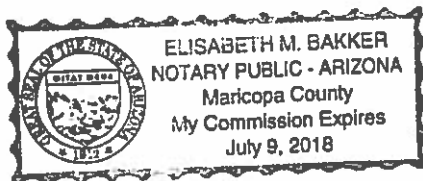

Maria Catherine Ricatta-Hoenack, Trustee

500 N. ESTADIA BLVD B2602
Street Address
GOOD YEAR AZ 85338 623-444-5588
City State, Zip Telephone

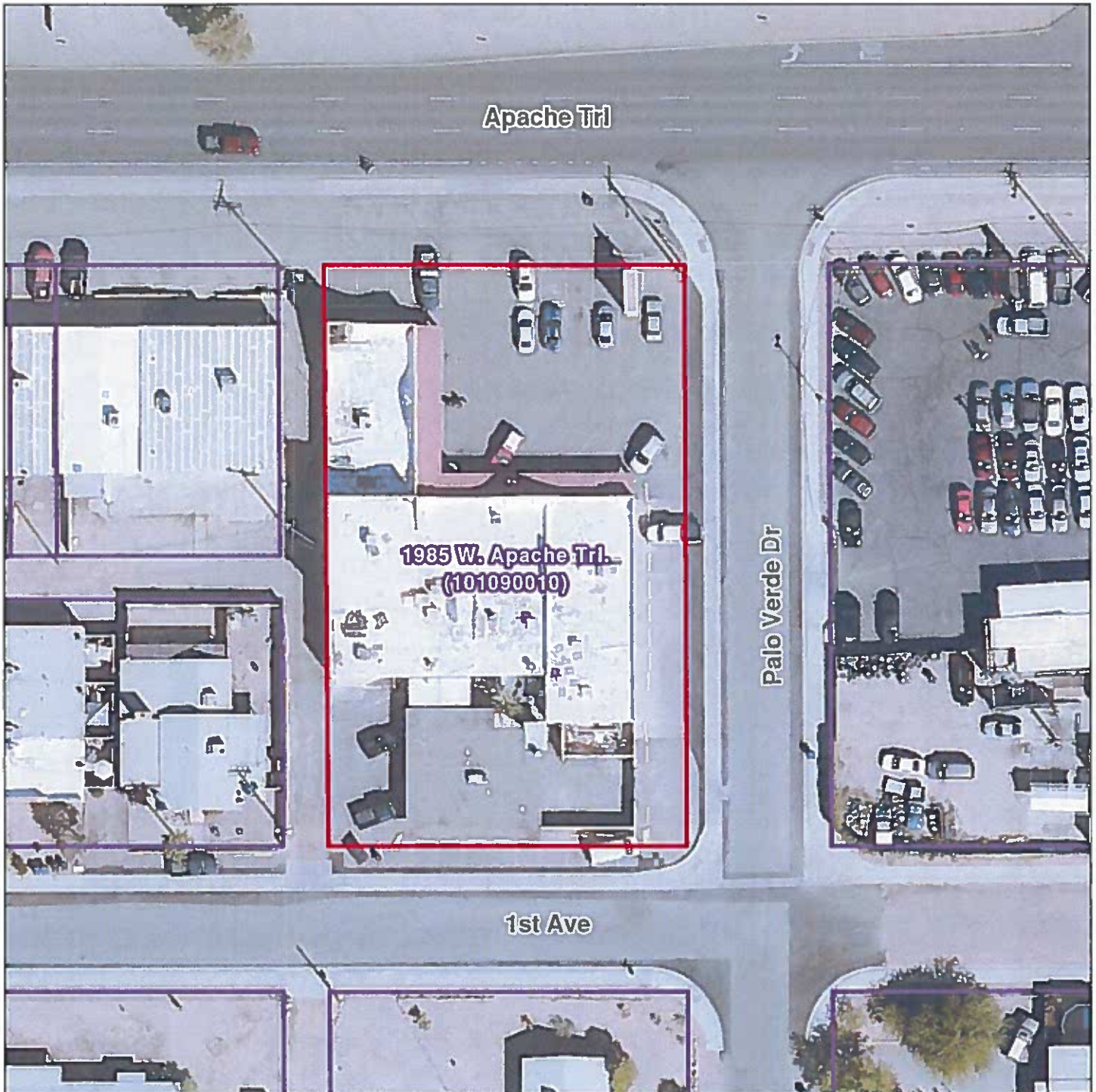
STATE OF ARIZONA)
COUNTY OF Maricopa) ss

The foregoing instrument was acknowledged before me
this 12 day of July, 2017


Notary Public



My Commission Expires: July 9 2018



City of Apache Junction Aerial Exhibit CUP-5-17

LEGEND

- Subject Site
- Parcel

DISCLAIMER: This exhibit was produced without benefit of a field survey and is not intended to represent a survey document of any kind. Distances shown hereon are approximate. Parcel lines shown hereon are approximate and may not reflect the exact position or alignment of parcel lines, roadway center lines, or easement lines.



July 27, 2017

0 10 20 30 40 50 100 Feet



Created By Joseph Kilner

Apache Trl

B-2

1985 W. Apache Trl.
(101090010)

Palo Verde Dr

1st Ave

RS-10



City of Apache Junction Zoning Exhibit CUP-5-17

LEGEND

- Subject Site
- Parcel

Zoning

- B-2
- RS-10

DISCLAIMER: This exhibit was produced without benefit of a field survey and is not intended to represent a survey document of any kind. Distances shown hereon are approximate. Parcel lines shown hereon are approximate and may not reflect the exact position or alignment of parcel lines, roadway center lines, or easement lines.



July 27, 2017

0 10 20 30 40 50 100 Feet



June 18, 2017

Rudy Esquivias
City of Apache Junction
Planning & Development Department
300 E. Superstition Blvd.
Apache Junction, AZ 85119

RE: Medical Marijuana Dispensary Conditional Use Permit
Svaccha, Inc.
1985 W. Apache Trail Apache Junction

Dear Mr. Esquivias:

Conditional Use Permit (CUP) to allow a non-profit medical marijuana dispensary in the B-2 zoning district. **Section 1-6-12 (A).**

BACKGROUND & OVERVIEW

This Firm represents the Svaccha, LLC ("Svaccha"), the Applicant and proposed lessee for a new Medical Marijuana Dispensary proposed to be located at 1985 W. Apache Trail. The site is about ¼ mile west of Ironwood Road and ½ mile north of Broadway Road. See **Exhibit A** for a vicinity and parcel map of the Site.

Svaccha proposes to occupy an approximately 1,500 sq. ft. portion of the existing retail plaza for use as a medical marijuana dispensary facility. No significant exterior alterations are proposed to the building or site. This site is located in a predominately commercial area, away from churches, schools, parks and community centers, and over a mile from the existing Nature's Wonder dispensary.

Section 1-6-12 (A) requires a Conditional Use Permit to allow a medical marijuana dispensary within the B-2 zoning district. Approval of the Conditional Use Permit is subject to demonstrating that 1) no adverse impact on adjacent or other properties in the area, and 2) compliance with zoning ordinance, city, county and state laws.

As briefly mentioned above, the proposed Dispensary will be in a commercial area, away from churches, schools and community parks, precisely the intent of the Council approved spacing requirements. The closest known entities requiring spacing are Desert Chapel United Methodist Church at 462 N. Palo Verde (approximately 1430 feet to the north) and the Cornerstone Wesleyan Church is approximately 1450 feet to the northeast on Ironwood Road. The nearest school is about 2000 feet away to the southeast located on Broadway Road, more than double the required spacing.

To the south, bounded by 1st Avenue, are low density residential. To the east across Palo Verde Drive is a used car sales facility, and to the west is additional service retail. On the north side of Apache Trail is an RV park with a very transient client base, along with a tattoo shop with a radiology facility to the east. As the site is along the heavily traveled Apache Trail, walk up visitors will be infrequent. The operation will be done entirely within the closed and locked building, with no outdoor seating or drive-through.

To further ensure compatibility and ensure no adverse impacts on the surrounding properties and neighborhoods, a Security Plan providing conformance with the State of Arizona regulations will be adopted. The proposed Dispensary will be in full compliance with all provisions of the Zoning Ordinance and the Laws of the City of Apache Junction.

ADEQUACY OF ROADWAYS, OFFSTREET PARKING

The site is located on Apache Trail, approximately ¼ mile west of Ironwood Road, and ½ mile north of Broadway Road. The combination of these major thoroughfares should alleviate any concerns of additional traffic in the area. The center was built many years ago, but has sufficient parking in the area. The time of use of the medical marijuana facility will most often be a different time of day than the major parking user, the Bar and Grille, which often has its concentration of customers in the evening and weekends. The facility is more likely to have customers spread more evenly throughout the operating hours.

NO NEGATIVE IMPACTS

The center will have an increase in security with the inclusion of the facility, as the security requirements will provide additional security for the entire center. This Facility will not generate odor, gas, noise, vibration, smoke or heat that exceeds the ambient conditions. Additional lighting will be present, but it will be directional in form, and should not create a neighborhood issue.

NO DETERIORATION TO SURROUNDING NEIGHBORHOODS

With the additional security provided by the facility, the center itself should have a positive impact on the center, and thereby the neighborhood. As the proposed facility will have increased lighting, that is a deterrent to crime in the area. Policy and procedures prohibit loitering in the lobby and outside the building. Onsite consumption will not be permitted.

COMPATIBILITY WITH SURROUNDING USES

The center has worked well with the neighborhood for many years. The inclusion of the facility should not modify the relationship with the area, as this medical/retail type use should not be a major departure of the type of traffic generated by past retail uses.

CONFORMANCE WITH GENERAL PLAN AND CITY POLICIES

The site is along Apache Trail, with the significant commercial areas along the major thoroughfare. This area is designated as "Downtown Mixed Use" on the General Plan.

SCREENING AND BUFFERING OF USE

This facility will be entirely enclosed within the structure, and other than security cameras and lighting, would look no different than any other retail use. Security features of the facility will prohibit any outdoor loitering or space for outdoor seating.

FACILITY SPACING REQUIREMENTS

The site is part of the center that has been approved in the past for parking for retail uses. The Svaccha space will use approximately 1,500 sq. ft.

Operation of the dispensary will be in full compliance with the City of Apache Junction and

Arizona Department of Health Services requirements. An Operating and Security Procedures manual will be part of this application. All operations will be indoors, entirely within the existing building. No outdoor seating, loitering or consumption of medication will be allowed within the building, outside or on the larger Palo Verde Plaza property. Medication will be dispensed only within the building in accordance with the Security Plan. No drive-thru service or delivery will be available from this location. The Dispensary hours of operation are proposed to be from 9 am to 10 pm daily.

SEPARATION OF USES TABLE

(as calculated by GIS measuring tool)

USE / LOCATION	REQUIRED	PROVIDED
Other Dispensaries Natural Wonders (260 W. Apache Trail)	1,320 feet	5,480+/- feet
Alcohol / Drug Rehabilitation Red Rock Alcohol & Drug Rehabilitation, Southern Ave.	750 feet	7,600+ feet
Substance Abuse Treatment		? feet
Church / Place of Worship Desert Chapel United Methodist Church (462 N. Palo Verde Dr.)	750 feet	1400 feet
Parks Flatiron Park (North Apache Trail)		5,500+ feet
Library (1177 N. Idaho Rd.)		7,700+ feet
K-12 School (Prospector Charter, 1637 W. Broadway Rd.)		2000+ feet
Day Care / Pre-School (Children Only Day Care 1637 W. Broadway Rd.)	750 feet	2000+ feet

OPERATIONAL CHARACTERISTICS

There will be no drive-through window, outdoor seating or onsite consumption of medical marijuana in any form. The facility will comply with State of Arizona mandated security requirements, including lighting, monitored alarm and camera surveillance systems, along with secure storage of product. All current list of active employees will be provided to the Apache Junction Police as required.

The facility will be similar in form and look to a normal medical office. Upon gaining entrance, patients with a State issued medical marijuana card will be greeted by a receptionist. Educational materials will be available for patients use. Upon entry, the patient presents the ID card for verification and DHS confirmation of status, and medication form prescribed.

Access to the back office is restricted by a locked door and controlled by access key cards accessible only by employees. Once a patient is in a dispensing room, discussion of specific ailments help to determine proper medication. Medication differs from grower to grower and various strains, potencies, efficacy and effects are common. Once proper medication is determined and dispensed, the card is scanned again and medication amounts are entered into the DHS computer system for tracking the legally allowed maximum amounts. The patient is then escorted back to the front lobby by the employee again using the access card for access.

Every step of the process is video and audio recorded, from the moment the patient arrives and enters the dispensary, to selection, dispensing, payment for product, and escorting out of the dispensary facility. All camera recordings are to be kept on file for 30 days per DHS regulations.

Security is the hallmark of the dispensary, and properly located lighting, strategic video camera locations and entry door security will all be employed for providing a safe environment for employees and patients. Policy and procedures will prohibit loitering on site. Consumption of product on site will not be permitted. Interior tenant improvements will be extensive in order to provide the level of security required for the site.

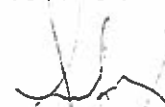
CONCLUSION:

We respectfully request approval of a conditional use permit request at 1985 W. Apache Trail. This request does not constitute a privilege that will be detrimental to residential areas or other businesses in the area. This request is necessary to allow for the reasonable use of this property's development rights. The property provides an excess of the Ordinance spacing requirements.

Please let us know if you require additional information or documents to address this request. We look forward to addressing this request with you at the forthcoming hearing.

Sincerely,

ZONING STRATEGIES LLC



Jenifer Corey

Odor Control Plan
Medical Marijuana Dispensary
1985 W. Apache Trail
Apache Junction, AZ

Property Owner:
Palo Verde Plaza LLC
500 N. Estrella Parkway #B2602
Goodyear, AZ 85338

Dispensary Owner / Operator:
SVACCHA LLC
324 E. Santa Cruz Dr.
Tempe, AZ 85282

Facility Information:

SVACCHA LLC, to be located at 1985 W. Apache Trail. The facility will be located within an existing retail shopping center, in suite 4. The suite is currently vacant. Previously, the suite was occupied by a retail truck accessory shop. Minor tenant improvements will be needed to the suite. Any changes that require a building permit will be reviewed and permitted through the Apache Junction Building Safety Division.

Process Description:

The facility will be used only for the dispensing of medical marijuana. No cultivation or infusion will occur within this property.

Identify Areas of Odor Producing Operations:

Within the dispensary areas, open product may be repackaged between larger containers to smaller, patient bottles and bags. There will be no kitchen or infusion facilities on site.

Describe the Types of Odor Control Practices:

Best industry practices will be performed on a predetermined schedule as described by the manufacturer of the equipment. Staff will be trained per manufacturer specifications to operate the equipment, and understand what to do when a malfunction occurs. Maintenance schedules preparation and continuing updating will be an integral part of staff training.

Identify the Components of the Odor Control Systems:

Suite 4 air conditioning and ventilation systems are completely independent from other suites within the building. In addition, the suite is completely separated from the adjacent suite with a fire wall that extends from the floor to the roof.

The building will be equipped with systems manufactured by Active Air, model: ACDF10, 120v/1ph, 2.07 amps. The charcoal carbon filters are manufactured by Phat Filter, model: IGSPF396 with an air flow rating of 760 cfm. All recirculating fans installed which are replaced every 3 months.

Staff will be trained and have a system log to replace filters on schedule, and report same in the system maintenance log. Intake and exhaust locations will be determined during building plan review.

Engineering Controls:

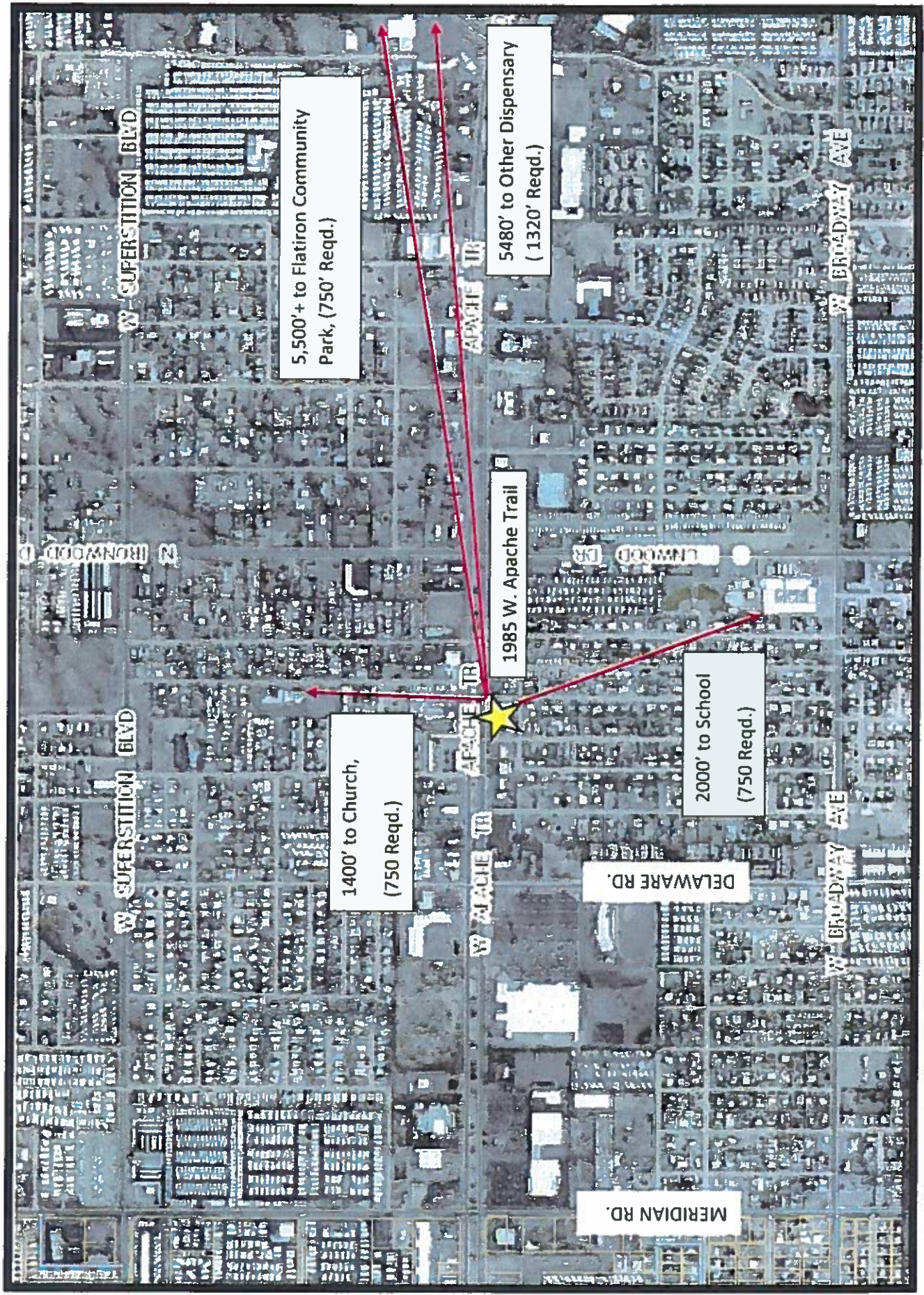
The system will be designed by a registered professional engineer, reviewed by the City of Apache Junction Building Safety Division, if required, prior to installation. The engineer will use the Adopted Code of 2012 IMC for compliance.

Modification of Facility or Process:

SVACCHA will notify the City of Apache Junction Planning and Development Department when equipment or processes of maintenance are modified.



AERIAL VICINITY MAP



SEPARATION EXHIBIT

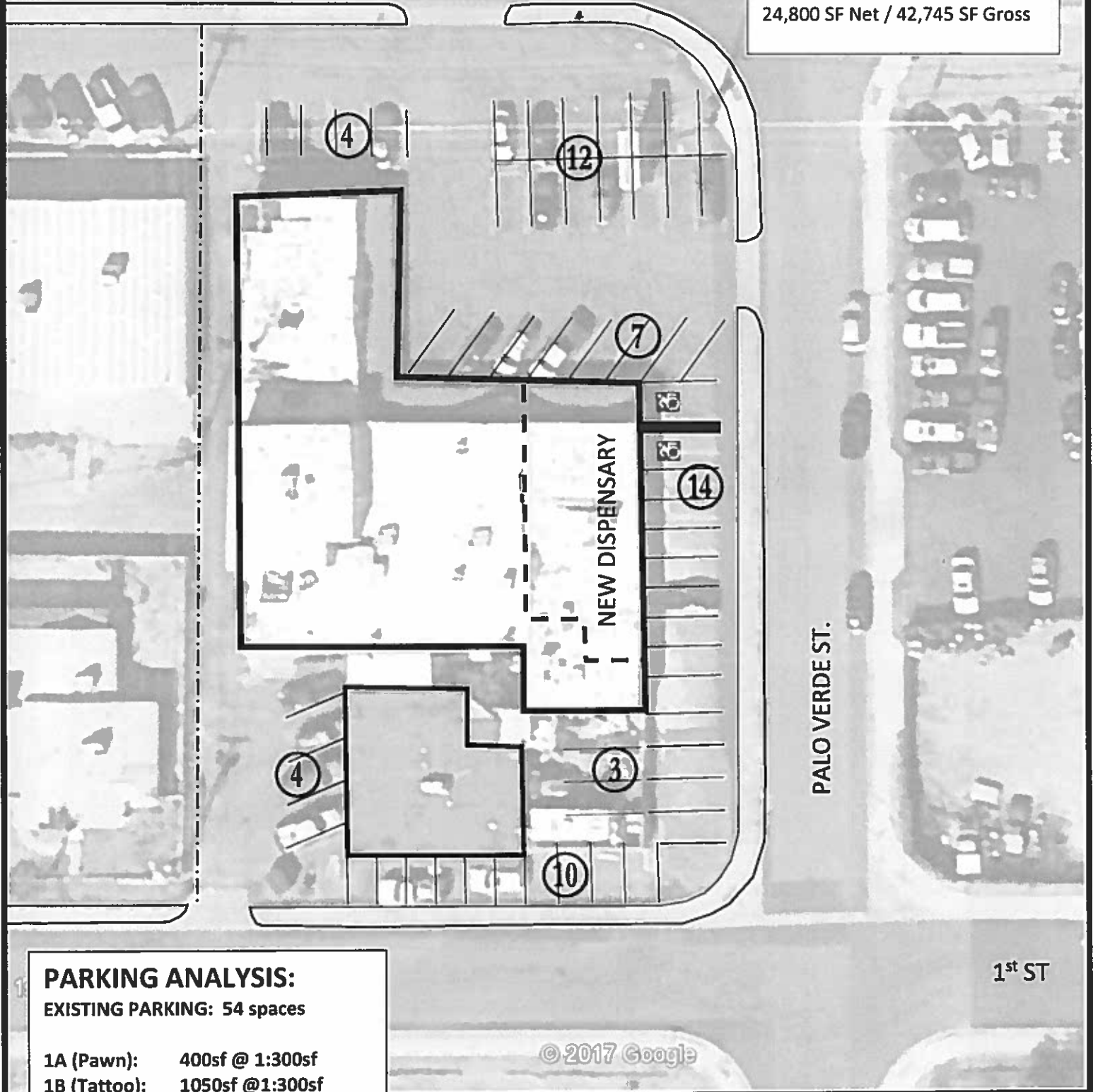
APACHE TRAIL

MEDICAL MARIJUANA DISPENSARY

1985 W. APACHE TRAIL, STE 4

APN: 101-09-001

24,800 SF Net / 42,745 SF Gross



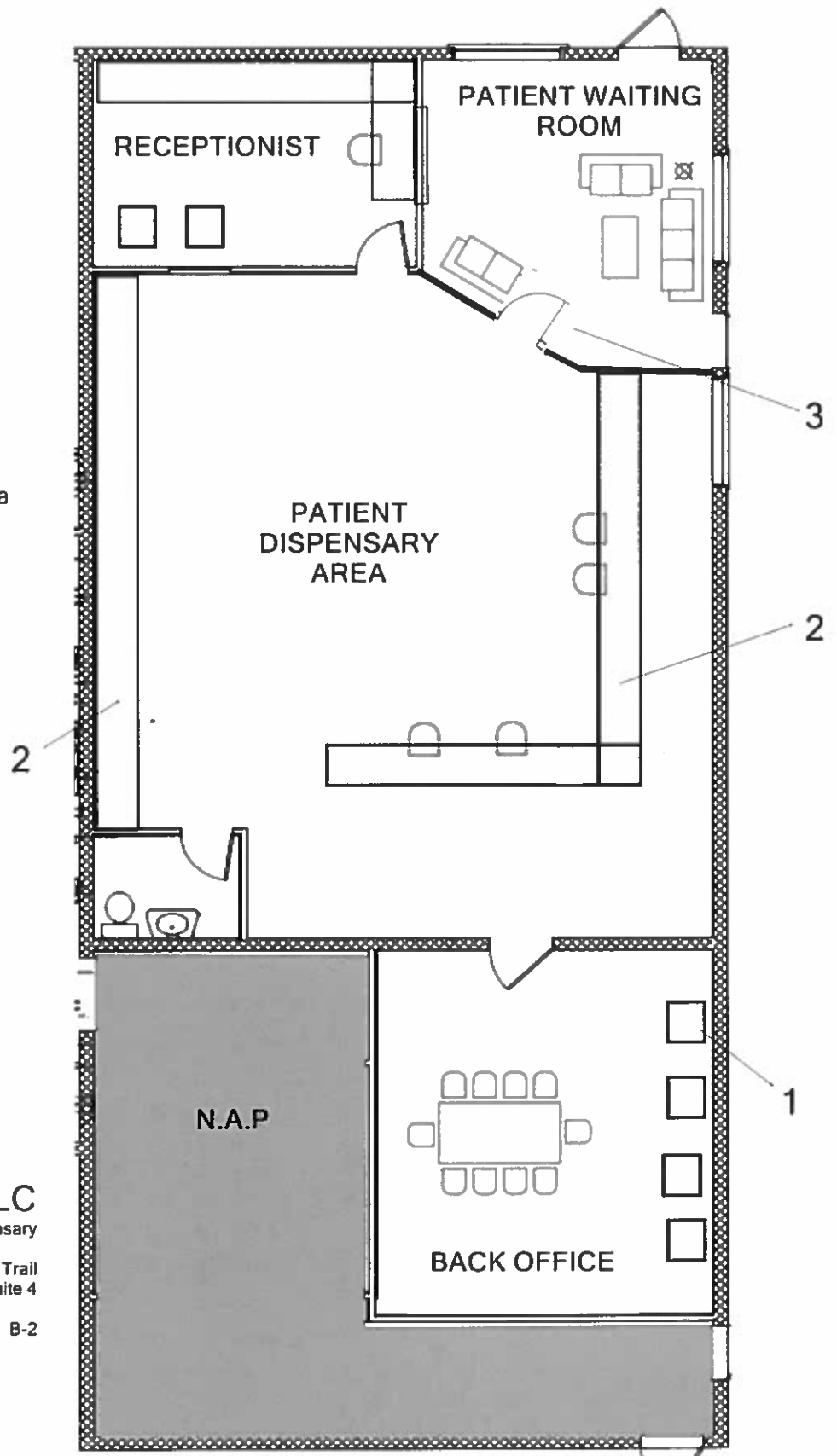
PARKING ANALYSIS:

EXISTING PARKING: 54 spaces

1A (Pawn):	400sf @ 1:300sf
1B (Tattoo):	1050sf @ 1:300sf
2 (Bar):	3000sf @ 1:100sf
3 (Restaurant):	875sf @ 1:100sf
4 (MM Disp):	1500sf @ 1:300sf
5 (Apartment):	2 spaces
=	51 spaces required

1. Floor Mounted Safes
2. Display Cabinets
3. Restricted Door to Dispensing Area

NOTE: All required security devices will be installed in accordance with State Law



SVACCHA LLC
a medical marijuana dispensary

1985 W Apache Trail
Suite 4

ZONING: B-2



PALO VERDE PLAZA

Looking south



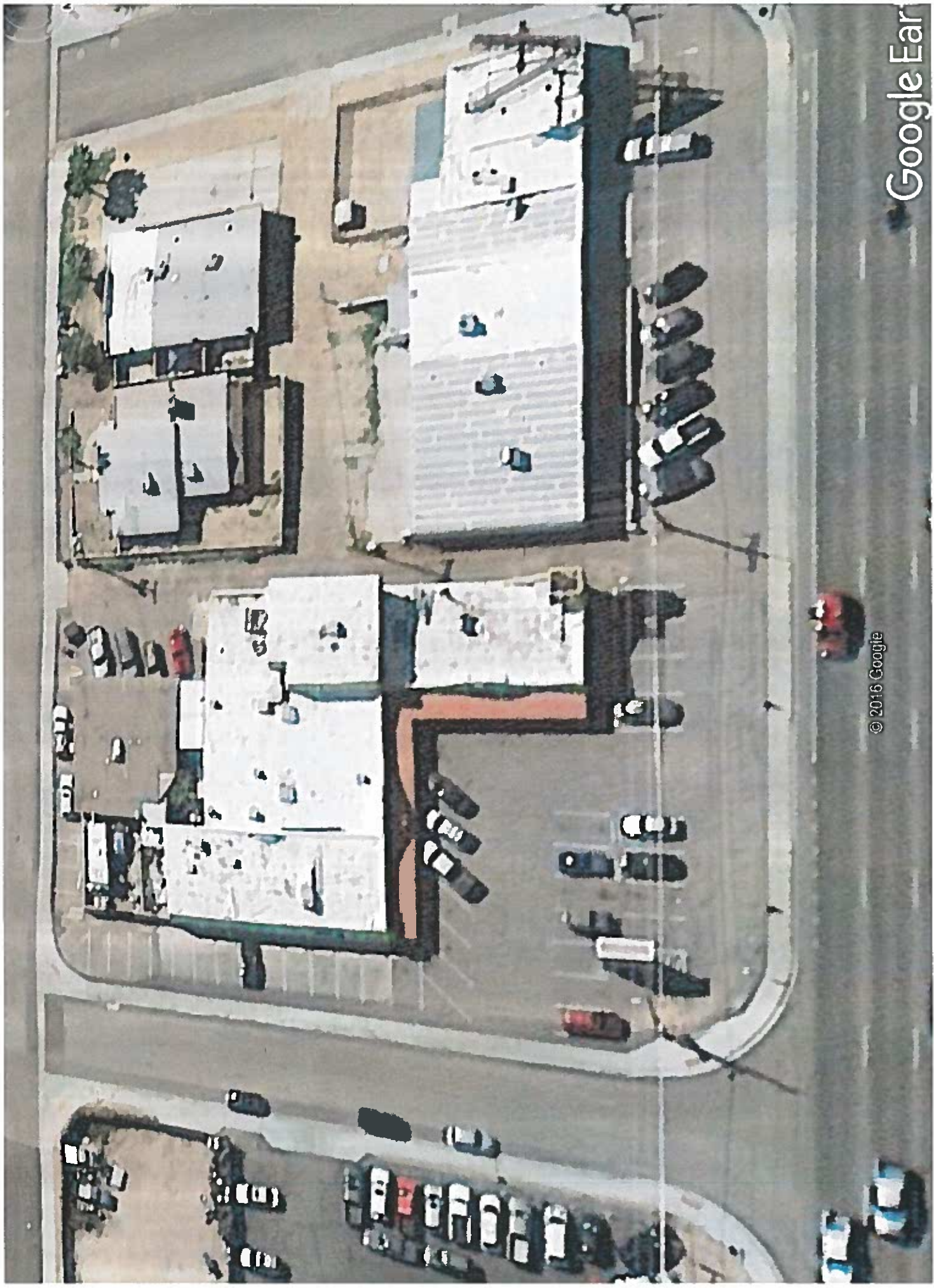
PALO VERDE PLAZA

Looking southwest



PALO VERDE PLAZA

Looking northwest



© 2016 Google

Google Earth





ARIZONA DEPARTMENT
OF HEALTH SERVICES

SVACCHA, LLC

1075 S Idaho Rd, Apache Junction, Arizona 85119

The dispensary applicant listed above has been issued a Medical Marijuana Dispensary Registration Certificate. This Registration Certificate is not an approval to operate. This certificate has been issued under the authority of Title 36, Chapter 28.1, Arizona Revised Statutes and pursuant to Title 9, Chapter 17, Article 3, Department of Health Services' rules and regulations.

THIS CERTIFICATE IS NOT TRANSFERABLE

Registration Certificate Identification Number: 00000137DCOF00188324

Effective Date: October 6, 2016


Expiration Date: October 5, 2017

A Registration Certificate issued by the Arizona Department of Health Services pursuant to A.R.S. Title 36, Chapter 28.1 and A.C.C. Title 9, Chapter 17 does not protect the holder from legal action by local, city, state, or federal authorities, including possible criminal prosecution for violations of federal law for the sale, manufacture, distribution, use, dispensing, possession, etc. of marijuana. The acquisition, possession, cultivation, manufacturing, delivery, transfer, transportation, supplying, selling, distributing, or dispensing medical marijuana under state law is lawful only if done in strict compliance with the requirements of the State Medical Marijuana Act ("Act"), A.R.S. Title 36, Chapter 28.1 and A.C.C. Title 9, Chapter 17. Any failure to comply with the Act may result in revocation of the Registration Certificate issued by the Arizona Department of Health Services, and possible arrest, prosecution, imprisonment, and fines for violation of state drug laws. The State of Arizona, including but not limited to the employees of the Arizona Department of Health Services, is not facilitating or participating in any way with my acquisition, possession, cultivation, manufacturing, delivery, transfer, transportation, supplying, selling, distributing, or dispensing medical marijuana.

THE ARIZONA MEDICAL MARIJUANA ACT DOES NOT AUTHORIZE THE HOLDER OF A DISPENSARY REGISTRATION CERTIFICATE TO CULTIVATE, POSSESS, OR SELL MEDICAL MARIJUANA PRIOR TO RECEIVING APPROVAL TO OPERATE FROM THE DEPARTMENT.

THE APPLICANT AGREES NOT TO OPERATE THE DISPENSARY UNTIL THE DISPENSARY IS INSPECTED AND THE APPLICANT OBTAINS APPROVAL TO OPERATE FROM ADHS.


Recommended By: Carla Berg
Bureau Chief Special Licensing


Issued By: Colby Bower
Assistant Director

Allocation issue date: 10/6/2016

BSL-002 Rev: 06/16

REC'D. 7/24/17

DO PROFILE PAGE



Arizona Board of Osteopathic Examiners

Printer Friendly Version

General Information

Alan Jay Citrin DO
Alan J Citrin, D.o.
4441 E. McDowell Rd., Ste 101
Phoenix AZ 85008
Phone: (602) 889-0454

License Number: 2235
License Status: Active
Licensed Date: 08/09/1986
License Renewed: 12/15/2014
Due to Renew By: 12/31/2016
If not Renewed, License Expires: 05/01/2017

Education and Training

Medical School:	University of Medicine & Dentistry of NJ UMDNJ/SOM Stratford, NJ
Graduation Date:	06/30/1982
Internship:	07/01/1982 - 06/30/1983 Metro (PA)
Residency:	- 06/30/1985 Mount Saini (NY)
Area of Interest	Anesthesiology (ABMS Board Certified)

The Board does not verify current specialties. For more information please see the American Osteopathic Association website at: www.osteopathic.org or the American Board of Medical Specialties website at:

<http://www.abms.org> to determine if the physician has earned a specialty certification from one of these private agencies.

Board Actions

None

Additional public records related to any licensee, including dismissed complaints and non-disciplinary actions and orders if these exist, may be obtained by making a written request to the Board.

The Board may charge for copies of these public records.

The Arizona Board of Osteopathic Examiners presents this information as a service to the public. The Board relies upon information provided by licensees to be true and correct, as required by statute. It is an act of unprofessional conduct for a licensee to provide erroneous information to the Board. The Board makes no warranty or guarantee concerning the accuracy or reliability of the content of this website or the content of any other website to which it may link. Assessing accuracy and reliability of the information obtained from this website is solely the responsibility of the user. The Board is not liable for errors or for any damages resulting from the use of the information contained herein.

Please note that some Board Actions may not appear until a few weeks after they are taken, due to appeals, effective dates and other administrative processes.

Board actions taken against osteopathic physicians are available on the [chronological list](#) page.

Credentials Verification professionals, please [click here](#) for information on use of this website.

CITIZEN PARTICIPATION PLAN

for

1985 W. Apache Trail, Suite 4
Council Use Permit
1985 W. Apache Trail, Apache Junction, AZ

Date: June 115, 2017

Property Owner:
Jeremy Hoenack, Palo Verde Plaza LLC
500 N. Estrella Parkway, Goodyear, AZ 85338

Prepared by:
Zoning Strategies LLC
Jenifer Corey
4120 E. Thistle Landing Dr., Phoenix, AZ 85044
Tel: 480-628-1499
jenifercorey@zoning-strategies.com

1. Project Description

Our firm represents the Svaccha, LLC who operate several non-profit medical marijuana dispensary locations in the area. The Svaccha group has contracted with Palo Verde Plaza to lease a space of approximately 1,500 sf in size in an existing center for a new dispensary site at the southwest corner of Apache Trail and Palo Verde Drive.

The developer plans to do tenant improvements in order to meet State of Arizona and City of Apache Junction codes and regulations. Only minor external facia modifications will be proposed. The Palo Verde Plaza is a retail location zoned B-2 facing the busy Apache Trail major arterial.

Full street improvements exist on Apache Trail and Palo Verde Drive, including curb, gutter, and sidewalk. Two driveway entrances also are installed to serve the center. The proposed dispensary will propose to provide tenant improvements will be the main construction proposed, while a partial dismantle and reconstruction of a portion of the existing retail building to accommodate the proposed uses will be necessary. Façade improvements will be generally the only exterior change seen from the street, along with the proposed drive thru. Water, sewer, landscaping and roads all exist.

2. Notification Technique

In order to provide effective citizen participation in conjunction with the Application, the applicant has already conducted one neighborhood meeting, and sent out notification letters to people within 600'

of the project site. The meeting was held on May 2, 2017 at the VFW hall at the NEC of Apache Trail and Palo Verde Drive. We will send at least one additional letter by first class mail to the list of stakeholders identified in this Citizen Participation Plan. The letter described the proposed zoning action request, and included a conceptual land use plan, and encouraged contact for feedback/questions. The letter included contact information for both the City and Owner's representative. A copy of the draft letter is attached to this plan. Meeting notes from that meeting are also included with this plan.

Another meeting will be scheduled and held after application is filed with the City.

We have assembled our list of stakeholders based upon input from the City, and upon knowledge of the area surrounding the project site. Notification will be sent to all identified stakeholders.

1. All property owners within 300 feet of the site will be notified.
2. Other Homeowner Associations. Notification to such groups is typically required when these groups are within 1,000 feet of the site.

Stakeholder feedback received at the neighborhood meeting has been summarized and provided to the City as part of the final application submittal. Feedback and recommendations received will be discussed by the project team with modifications to the design of the project as deemed necessary. As needed, individual contact will be made to stakeholders as to the processing of their feedback and recommendations. Individuals will be able to contact Jenifer Corey, Land Use Planner, by telephone at 480-628-1499, or by e-mail at jenifercorey@zoning-strategies.com at any time during the application process.

All materials such as the neighborhood notice letter, written comments received, stakeholder feedback and response by the applicant will be summarized in the Citizen Participation Report. This Report will be submitted to the City Planner assigned to this project when they are assigned. Phone calls will be made to update the assigned planner on the progress of the Citizen Participation Plan. The Report will be submitted to the City at least 15 days prior to the public hearing, providing ample time for the Applicant and City to identify and address potential neighborhood issues.

3. Schedule

Original Citizen Participation Plan Submittal:	June 15, 2017
Approval of Citizen Participation Plan Submittal:	July 15, 2017 (tentative)
Notification Letter to Stakeholders:	April 14, 2017
Neighborhood Meeting:	May 2, 2017
Meeting with Planning Department:	April 4, 2017
Submittal of Final Citizen Participation Report:	July 30, 2017 (tentative)

A Meeting with a Building Official, Fire Chief, Development Services (Rudy Esquivias) and Police Chief representatives was held onsite to discuss the physical and procedural issues with the structure. The property owner, applicants and Zoning Strategies personnel attended.



ZONING STRATEGIES LLC

jenifercorey@zoning-strategies.com

10220 S. 51st Street, Suite 1, Phoenix, AZ 85044 / 480.628.1499

April 14, 2017

RE: 1985 W. Apache Trail
Proposed Medical Marijuana Dispensary

Dear Neighbor,

Our firm represents Svaccha, LLC and we propose to file a Conditional Use Permit with the City of Apache Junction Planning and Zoning Division in order to allow a Medical Marijuana Dispensary within an existing retail center at 1985 W. Apache Trail, located at the southwest corner of Apache Trail and Palo Verde Dr.

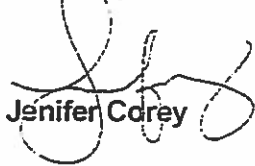
We are hosting a neighborhood meeting to discuss our Conditional Use Permit proposal on:
Tuesday May 2, 2017 at 6 pm at the VFW Post 9399, located at 133 N. Saguaro Dr. Apache Junction, AZ 85120.

You are welcome to attend this neighborhood meeting to learn about our project.

The proposed site is within an existing retail center with a restaurant, bar, pawn shop, and tattoo parlor. The proposed space has been vacant for some time. We intend to remodel the space and install significant security features to meet State of Arizona requirements.

I would be happy to answer any questions or hear any concerns that you may have regarding this proposal. You may reach me at (480) 628-1499 or by email at jenifercorey@zoning-strategies.com.

Sincerely,



Jenifer Corey

Neighborhood Meeting Regarding Svaccha proposal for 1985 W. Apache Trail, Apache Junction.

Attendees: Jenifer Corey, Jareb Mackin, Evan Pieser, Dave Ullrich.

Time: Meeting was held May 2, 2017 at the VFW Post 9399 located at 133 N. Palo Verde, Apache Junction, AZ

About seven residents and interested people attended.

MEETING NOTES

Q: How many employees?

A: About 8-10.

- I. Proposed MMJ, the State has granted an additional 31 dispensary licenses throughout the state, and the AJ CHAA was granted one additional site. The City Code has been modified to permit an additional dispensary, while helping tighten up the code in some other areas. (Separation of uses)

Q: I hear this can go anywhere in Pinal County?

A: No, it is essentially within the City Limits of Apache Junction...We have to demonstrate to the City that is complies with several items regarding noise, odor, dust, etc... Hours of operation will probably be 8 am – 8 pm, maybe 10 pm.

- II. Noted the limited access to the facility; only registered card holders will be permitted access to the facility. That started a set of comments about how easy it is to get a card...
- III. Brenda Gifford comments: "History of drug problems in the neighborhood, have worked hard to get rid of it, and NOW YOU'RE BRINGING IT BACK WITH THIS FACILITY! DOES NOT WANT IT. AJ is METH CAPITAL of AZ. Homes with children in the area. Doesn't think 8-10 jobs is very many to justify....pay presented not a 'good wage'."

Q: What will the employees pay be?

A: \$13-\$14 to start during probation, then raises afterward.

- IV. Deb of Lucky Strikes Bar: "Parking is a BIG problem, selling of illegal Pot at the bar now, and in parking lot."

Q: Are there other sites you can locate? Instead of here?

A: Jareb discussed that much of AJ has a PD overlay and we're not allowed to go on those sites. Jobs at dispensary – need a MMJ employee Clearance Card, issued by the State. Noted Parking lot security, security cameras.

- V. Deb of Lucky Strikes does NOT want cameras in the parking lot! (could be a liability issue for her)
- VI. Parking/Retail, use is similar to anything else that could go in that space...as far as parking needs. Facility will be generally a different “time of day” use compared to the evening hours that a bar would have...Deb says she has a lot of afternoon “matinees” for her older crowd, and this use will be a deterrent!

Q: Winter Visitors Association: They feel this will decrease other businesses traffic in the area.

A: We feel it will be a help, bringing additional people to the area, potential of additional traffic for you!

- VII. Comment from RE office owner. She has a “Card Shop” next to her now, and the “Crush” of people coming there is overwhelming, especially at 5 pm. Thinks many of them think that the site is a dispensary or something. Feels intimidated by them.

Q: Do you have demographics information?

A: The State does, and we'll be happy to share it with you.

- VIII. Drug issues; Opioids like Percocet and Vicodin are a big problem in this country, being initially pharmaceutically prescribed, but for many patients just using the full prescription can become habit forming. Then they often turn to heroin when those don't work anymore. Cannabis has helped many people get off those drugs because it helps with their pain. This is a voter passed initiative.
- IX. Responding Comment: “But it's not compatible with a neighborhood! Doctors don't always support MMJ in small ways, or prescribe a card to individuals. Have you addressed HOW YOU GET AN MMJ CARD? TOO EASY!”

Q: Have you addressed how this will affect those who are in pain, but on welfare? Cost of Card is too much, \$250.00 in combination with the State and Doctor fees.

A: The State is looking into the fee structures, may be coming down.

X: Part of the drug problem issue is solved by cannabis. The City of AJ has approved the text amendment to allow a 2nd dispensary.

XI: Comment: C & C “car show at the Center where Nature's Wonder is now located. They BOUGHT the sponsorship out from under her, and closed it! Several businesses used that car show to survive, and lost that opportunity.”

XII: Note from dispensary: Evan explained that this facility will be an “organic” business, and supportive of “anti-drug” type of stance.

Q: Have we looked at all the options?

A: We have looked at a number of sites, this met the most "boxes checked".

Q: How will we mediate these concerns?

A: Understand we have limited parking, we may do a parking study to help determine a path for mediating concerns. We have not actually applied at this time, we came to HEAR YOUR CONCERNS FIRST. Should file into City sometime soon.

XIII: Comment from Deb: Policing will be an issue, parking is an issue, security is an issue. She reiterated she does not want cameras in the parking lot.

XIV: Evan discussed communication regarding any individuals that don't comply (Parking lot selling, etc...) will be disallowed in his MMJ dispensary.

Statement/Q: Nature's Wonder; Concerns w/ Number of cars, says there are more than 10-often. "And do we have another option for a location? 49 spaces on site, but that's not enough! I have 4900 sf of space, with a 160 person max. occupancy, how will this affect me? This was a biker bar – I changed it to a better clientele, more elderly folks that are mostly old fashioned."

Statement/Question: "Are you a doctor?" (R: No) "You talk about your 'patients', if you're not a Doctor, they are your clients!"

END

Final steps for us to take:

1. Parking analysis – possible solutions.
2. Security Plan – Fire and Police Departments to review on site with us. (Inclusion of Possible off duty officer on site?)
3. Drug problems in neighborhood – How will we be an asset to the community? Reiterate NOT-FOR-PROFIT business. Evan proposes to "give back to the community" quietly, not direct donations – usually.
4. Odor issue-solvable via package offsite w/ deodorizers.
5. Noted to regard: MMJ card abuse and doctors issues.

1985 W Apache Trail Proposed Medical Marijuana Dispensary

Neighborhood Meeting

May 2, 2017 6p.m.-8 p.m.

At VFW Post 9399, located at 133 N Saguaro Dr., Apache Junction, AZ 85120

NAME	ADDRESS	EMAIL / PHONE
Elise & Al Otero	P.O. Box 2418, Apache Jct 85117	eliseotero@gmail.com 480-688-1687
Carol Mandey	112 S. 5th St. Glendale, AZ	928 200 3956 koda.sides@carlmandey.net
Deborah White	1985 W Apache Trail AT. 85120	luckystricks@gmail.com
Kimberly Black	1985 W Apache Trail 85120	kudugstnkes@gmail.com
Richard Winters	3300 N Kooser rd Glendale	winters528@gmail.com
Brenda Gillford Perkins	145 S. Palo Verde HI	brenda.gillford@gmail.com 602-809 2314

Goldberg

Down

Winters

CITY OF APACHE JUNCTION MEDICAL MARIJUANA REGULATIONS
AMENDED ON 3-7-17 (ORDINANCE NO. 1444)

1-6-12 MEDICAL MARIJUANA

- A. **Permit Required.** A CUP shall be required for the establishment of nonprofit medical marijuana facilities, including dispensaries, cultivation facilities, and infusion facilities. The requirements of this section, for the establishment of a nonprofit medical marijuana use, may also be accomplished through a planned development ("PD") rezoning process or PD major amendment process.
- B. **Number of Facilities Allowed in City.** The total number of nonprofit medical marijuana dispensaries, cultivation facilities, and infusion facilities shall be as allowed by state statute for the Apache Junction Community Health Analysis Area ("CHAA"). (See A.R.S. Title 36, Chapter 28.1 Arizona Medical Marijuana Act, for definitions and statutes pertaining to medical marijuana.)
- C. **Allowed Zoning Districts.**
- 1) Location of nonprofit medical marijuana dispensaries shall be allowed in the city's B-1, B-2, B-4 and B-5 zoning districts.
 - 2) Location of a cultivation facility and/or a stand-alone nonprofit medical marijuana infusion facility which serves one or more nonprofit medical marijuana dispensaries shall be limited to the city's B-5 zoning district.
 - 3) An existing medical marijuana facility that has received a conditional use permit approval from the city prior to the effective date of this ordinance, shall be allowed to continue operating at the approved location, regardless of any newly defined spacing requirements; and as long as said operation remains in strict accordance with the conditions of approval of said facility, or as may otherwise be approved by a CUP amendment or renewal.
- D. **Facility Security.** Medical marijuana dispensaries, cultivation facilities, and infusion facilities shall be located in an enclosed locked facility, such as a permanent secure building and not in a cargo container, RV, trailer, or motor vehicle. If a green house is used as a cultivation facility, reasonable measures shall be taken to obscure the visibility of the marijuana plants from outside the building.
- E. **Applications.** A CUP application for medical marijuana dispensaries, cultivation facilities or Infusion facilities shall include all the information required on the CUP application form and the following supplemental information:
1. Signature and consent on the application form by the property owner of record that he or she is aware the property will be used for medical marijuana dispensing, cultivating or infusion.

2. A copy of the preliminary approval from the State Department of Health Services ("DHS"), such as a registration certificate, for the nonprofit medical marijuana dispensary, nonprofit medical marijuana dispensary off-site cultivation facility or stand-alone nonprofit medical marijuana infusion facility, and a written assurance that all nonprofit medical marijuana dispensary agents associated with the approved facility shall register with the Apache Junction Police Department upon final approval to operate from DHS, as well as a copy of said final approval document.
3. Application and all applicable fees paid as required by Apache Junction City Code, Volume I; Chapter 8, Business, and the Apache Junction City Tax Code as amended.
4. A detailed site plan and floor plan for the facility prepared in accordance with Section 1-16-9, and narrative explaining the operation of the facility and hours of operation.

F. Conditions of Approval. The conditions of approval which may be considered by the planning and zoning commission in evaluating these requests include the following:

1. Required Spacing Requirements:
 - a. A minimum of 1,320 feet between another dispensary, cultivation facility or infusion facility, as measured from nearest building wall to nearest building wall.
 - b. A minimum of 750 feet between a dispensary, cultivation facility or infusion facility and any public or private education institution, library, public park, commercial-zoned day care facility, free-standing church, or drug and/or alcohol rehabilitation center, as measured from nearest building wall of the business to the nearest building wall of the protected use.
2. Operating Requirements:
 - a. Drive-through pickup windows shall not be allowed. Delivery service shall be allowed as per state statute.
 - b. Outdoor seating areas at dispensaries, cultivation facilities or infusion facilities shall not be allowed.
 - c. A medical marijuana facility shall submit a security plan containing the following information:
 - i) Proof that any cultivation and storage of medical marijuana will take place in an "enclosed, locked facility" equipped with locks or other security devices that permit access only by persons authorized to enter pursuant to state and local law.

- ii) A floor plan that details the security measures required by state law, including an on-site alarm system, video surveillance devices and a single secure entrance.
 - iii) Additional protections, if any, against medical marijuana diversion and theft.
 - iv) Provide and update as needed a current list of all persons who are authorized to access the dispensary, off-site cultivation site or infusion facility.
 - d. On-site consumption of medical marijuana at a dispensary, cultivation facility or infusion facility shall not be allowed.
 - e. Dispensaries selling marijuana related products such as pipes, water pipes, rolling paper, screens, vaporizers, mills, concealing devices, etc., shall be restricted to selling only to patients displaying the required Arizona Department of Health Services medical marijuana card and to be used only in conjunction with a physician's certification or recommendation. Cookbooks and educational materials are excepted from this provision.
 - f. The size of facility in terms of square footage, building height or other factors shall be consistent with the character of existing or planned surrounding development.
 - g. Signage that will be visible from the exterior of the facility may be approved by the city if all sign code regulations have been met. The use of the marijuana leaf symbol shall not be allowed on any exterior signage.
3. Other Conditions. The planning and zoning commission may deem it necessary to apply other conditions to conserve and promote the public health, safety, convenience and general welfare, including:
- a. Compliance with all city-adopted zoning, landscaping, engineering, building, design guidelines, overlay district and/or planned development district requirements.
 - b. The commission shall reserve the right to revoke a CUP for noncompliance with any condition prescribed as part of the permit approval or if the use is demonstrated to be a nuisance or hazard to the neighborhood or community.
 - c. Hours of operation will be addressed through the CUP process.
4. Patient Home Cultivation. In the event that a qualifying patient residing in the city lives 25 miles or farther from a dispensary, said individual or his or her designated caregiver may cultivate no more than 12 marijuana plants at the place of primary residence (including a manufactured home or a recreational vehicle) of the qualifying patient, with owner's permission, without need to apply for a CUP.

However, said individual or his or her designated caregiver shall apply the same types of precautions as above for security, use, documentation and must advise the chief of police of his or her intent to cultivate marijuana at home. At such time as a dispensary is located within 25 miles from the qualifying patient's home, all cultivation of marijuana plants in the home must cease or shall be considered a zoning violation, among other possible local, state and federal law violations. Any change in residence location shall be reported to the chief of police within 30 days.

5. Caregiver Home Cultivation. In the event that a designated caregiver whose residence is in the city limits is cultivating marijuana for the qualifying patient or patients in his or her care, and whose qualifying patient or patients in his or her care live 25 miles or farther from a dispensary, said designated caregiver may cultivate no more than 12 marijuana plants per patient at the place of primary residency of the designated caregiver (including a manufactured home or a recreational vehicle), with homeowner's permission, without need to apply for a CUP. However, said designated caregiver shall apply the same types of precautions as above for security, use, documentation and must advise the chief of police of his or her intent to cultivate marijuana at home for the benefit of his or her qualifying patient or patients. At such time as a dispensary is located within 25 miles from the designated caregiver's home, all cultivation of marijuana plants in the home must cease or shall be considered a zoning violation, among other possible local, state and federal law violations. Any change in residence location shall be reported to the chief of police within 30 days.

4. Any legal lot or parcel of land duly recorded in the County Recorder's Office prior to the effective date of this Ordinance and having an area, width, depth, or street frontage less than that required in the Zoning District regulations in which such lot or parcel is situated, shall be deemed to be a lot and may be used as a building site, provided that all other regulations for the City zoning district shall apply.
5. Building setbacks established by County overlay zoning or special use permit for existing residential developments shall be enforced. Conventional residential developments without county overlay zoning or special use permit shall have setbacks as specified in the City's zoning ordinance.

1-16-11 AMENDMENTS TO THE GENERAL PLAN

- A. Submittal and Approval Process. Proposed amendments to the General Plan shall comply with the amendment process and requirements established in the most current version of the Apache Junction General Plan, or any subsequent update to the Plan.

1-16-12 CONDITIONAL USE PERMITS, ADMINISTRATIVE USE PERMITS AND BUILDING PERMITS

- A. Authorization and Applicability. It shall be unlawful to erect, construct, reconstruct, alter or change the structure, land and/or use of any property within the City without first obtaining the required building permit, administrative use permit, and/or conditional use permit from the Development Services Department.
- B. Building Permits. The City of Apache Junction Building Official and the City's adopted building codes establish the requirements and procedures for building permits.
- C. Administrative Use Permits. An Administrative Use Permit ("AUP") may be approved by the Zoning Administrator following review of the application and a finding that the use and/or structure complies with specific standards specified for such use and/or structure in the Zoning Code. Uses and/or structures requiring approval of an AUP, along with permit approval criteria, are identified in Tables 5-1 and 5-3.
- D. Conditional Use Permits. Conditional uses are those uses that are generally compatible with the land uses permitted by right in a zoning district, but which require individual Planning and Zoning Commission review and Conditional Use Permit ("CUP") approval of their location, design, operation and configuration along with the imposition of conditions in order to ensure the appropriateness of the use at a particular location. Uses requiring a CUP are identified in Tables 5-1 and 5-3. The CUP application and process requirements are as follows:

1. CUP Application. An application for a CUP shall be filed with the Development Services Department in accordance with the "*City of Apache Junction Conditional Use Permit Application Checklist*" available at the Development Services Department.
2. CUP Public Hearing and Notice. The Commission shall hold a public hearing on any proposed CUP or CUP amendment, and provide the following notice. The failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the Commission or Council.
 - a. Newspaper Publication. Notice of the time, date and place of the hearing, including a general description of the matter to be considered and a general description of the area affected, shall be published in a newspaper of general circulation that is published or circulated in the community. The publication notice shall be at least 15 calendar days before the hearing, and shall be published as required by A.R.S. § 9-462.04, as amended.
 - b. Property Posting. The notice of public hearing shall be posted by the applicant in accordance with the instructions provided in the application form.
 - c. Mailing Notice. The City shall notice by first class mail each real property owner, as shown on the last assessment of the property, within three hundred feet of the property subject to the CUP proposal.
3. Findings. A CUP may be granted upon a finding by the Commission that the use covered by the permit, the manner of its conduct, and any structure involved will not be detrimental to persons residing or working in the area, to adjacent property, to the neighborhood, or to the public welfare in general. The burden of proof for satisfying the aforementioned requirements shall rest with the applicant.

In arriving at the above determination, the Commission shall consider but not be limited to the following factors:

- a. Adequacy of roadways, off-street parking, public facilities and services to accommodate the proposed use;
- b. Negative impacts arising from the emission of odor, dust, gas, noise, lighting, vibration, smoke, heat or glare;
- c. Contribution to the deterioration of the neighborhood or the negative impact on neighborhood property values;

- d. Compatibility with surrounding uses and structures;
 - e. Conformance with the General Plan and City policies;
 - f. Screening and buffering of uses; and
 - g. Unique nature of the property, use and/or development's physical characteristics.
4. CUP Modification of Dimensional Zoning Standards. When a proposed development exhibits unique characteristics related to land, topography, architectural style, scale, historical interest or other distinguishing feature that necessitates a measure of regulatory relief, CUP modification of certain dimensional zoning standards may be approved by the Commission in accordance with the findings described above in Section 1-16-12(D)(3). The following dimensional zoning standards may be subject to this type of modification:
- a. Accessory Dwelling Units. Accessory dwelling unit size and height standards required in Section 1-6-19 of this Ordinance may be modified.
 - b. Accessory Structures Accessory structure size, height, design and setback standards required in Section 1-6-5 may be modified.
 - c. Landscaping. Landscaping size, type, amount and location standards required in Article 1-8 may be modified.
 - d. Signs. Sign size, type, amount and location standards required in Article 1-11 may be modified.
5. Expiration. CUPs granted by the Commission shall be void if the use is not commenced within 12 months of the approval date or within the time stipulated by the Commission.
6. Revocation. An approved CUP may be revoked by the Commission following public hearing and a finding that there has been material noncompliance with any condition prescribed in the permit and/or the use generates a demonstrated public safety, health or welfare concern.
7. Appeal and City Council Review. The approval or denial of a CUP by the Commission shall be final unless, within 20 calendar days from the date of the Commission's decision, the applicant or any persons aggrieved by the decision appeals the decision to the Council. The appeal shall be in writing, filed with the Development Services Department, and shall indicate how the Commission was in error. The appeal shall

be accompanied by a fee equal to 50% of the original filing fee. The appeal shall require a Council public hearing and notification provided in the same manner as required for the Planning and Zoning Commission hearing. The Council, at its public hearing, shall uphold, modify or overrule the decision of the Commission. The decision of the Council shall be final.

1-16-13 DEVELOPMENT AGREEMENTS

- A. Intent and Purpose. A development agreement is a contract between a local jurisdiction and a person who has ownership or control of property within the jurisdiction. The purpose of the agreement is to specify the standards and conditions that will govern development of the property. The development agreement provides assurance to the developer that he/she may proceed to develop the project subject to the rules and regulations in effect at the time of approval and that the development will not be subject to subsequent changes in regulations. Development agreements must also benefit the local jurisdiction with sufficient legal consideration. The City may include conditions (mitigation measures) that must be met to assure that a project at a specific location does not have unacceptable impacts on neighboring properties or community infrastructure. The agreement may clarify how the project will be phased, the required timing of public improvements, the developer's contribution toward funding system-wide community improvements, economic incentives and other conditions. The agreement can also facilitate enforcement of requirements, since it is a contract that details the obligations of the developer and City.
- B. Applicability. The use of development agreements will be based on a case by case determination by City staff.
- C. Administrative Responsibility. The City department responsible for administering development agreements will be assigned on a case by case basis. If the development agreement is focused on economic development incentives, the Economic Development Division will be responsible for administering the agreement. If, however, the development agreement is focused on land use, infrastructure and zoning requirements, the Development Services Department's Planning Division will be responsible for administering the agreement.
- D. Legal Review. In all cases, the City Attorney shall be responsible for legal review and modification of the development agreement prior to City Council consideration.
- E. City Council Approval Required. The City Council has the final authority in approving or denying development agreements. Development agreements shall be presented to the Council for consideration at a public hearing.