



## *City of Apache Junction*

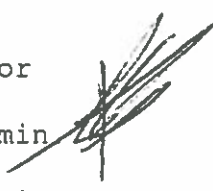
### *Development Services Department*

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Date: September 6, 2017

To: Planning and Zoning Commission Members

Through: Larry Kirch, Development Services Director

From: Rudy Esquivias, Senior Planner/Zoning Admin 

Subject: September 12, 2017, Continued Public Hearing Item:  
CUP-5-17 Svaccha Medical Marijuana Dispensary Request

#### Summary

At their public hearing on August 22, 2017, the P&Z Commission held a public hearing regarding the above conditional use permit request (see staff report and exhibits from 8-22-17 attached). At the meeting, the Commissioners basically expressed three concerns: 1) they asked if staff had received any input from the owner of Lucky Strikes regarding her change in opinion (from opposition to support) about the proposed dispensary; 2) they had concerns with regard to the proximity of the proposed dispensary and single-family residential properties to the south; and 3) with only four members present at the meeting, they thought they should continue the matter until all of the members could be present to decide on the case.

In response to the Commission concerns, as of the writing of this update memo, staff has still not received comments from the owner of Lucky Strikes. Ms. Corey is trying to get her to respond in writing. Hopefully, a response will be received for the Commissioners by their meeting of September 12. With regard to the proximity question, staff would point out that neither state law nor city ordinance requires a medical marijuana facility to maintain a separation distance from residential properties. In fact, staff pointed out that the cultivation/infusion facility in the city operates directly across an alley from a single-family residential neighborhood. Staff is not aware of any complaints from those residential neighbors. We believe that the proposed Svaccha dispensary location complies with the separation requirements that are specified in our ordinance.

#### Planning and Zoning Commission Meeting on 9-12-17

The staff report and exhibits from August 22 are attached again for the Commissioner's review and information. Staff recommends approval of the request subject to the conditions listed in the staff report. Should the Commission decide to deny the request, said denial should

probably include reasons that relate to the request not complying with the criteria for either a medical marijuana dispensary and/or a conditional use permit in general. A decision of approval or denial may be appealed to the City Council.

Attachments: PZ Staff Report from August 22, 2017, with all attachments.