

**GAMMAGE
&
BURNHAM**

Attorneys at Law

CUP-2-19
Conditional Use Permit

Nabis Holdings Inc.
&
Perpetual Healthcare, Inc.

APACHE JUNCTION PLANNING AND ZONING COMMISSION
December 10, 2019

REQUEST: Conditional Use Permit

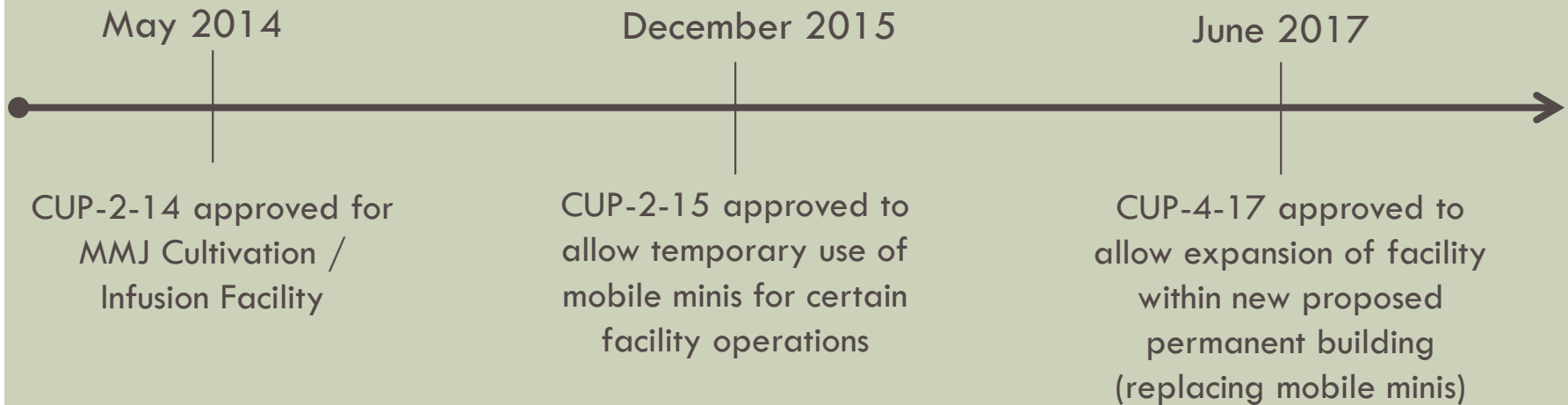
Request:

- Conditional Use Permit (CUP) to allow the operation of a non-profit medical marijuana cultivation and infusion facility within the Property's two existing permanent buildings.
- The proposed facility will be managed by a new management group, Nabis Holdings Inc.
- Perpetual Healthcare, the entity that was awarded a medical marijuana dispensary certificate by the Arizona Department of Health Services, will be the operator of the proposed facility.



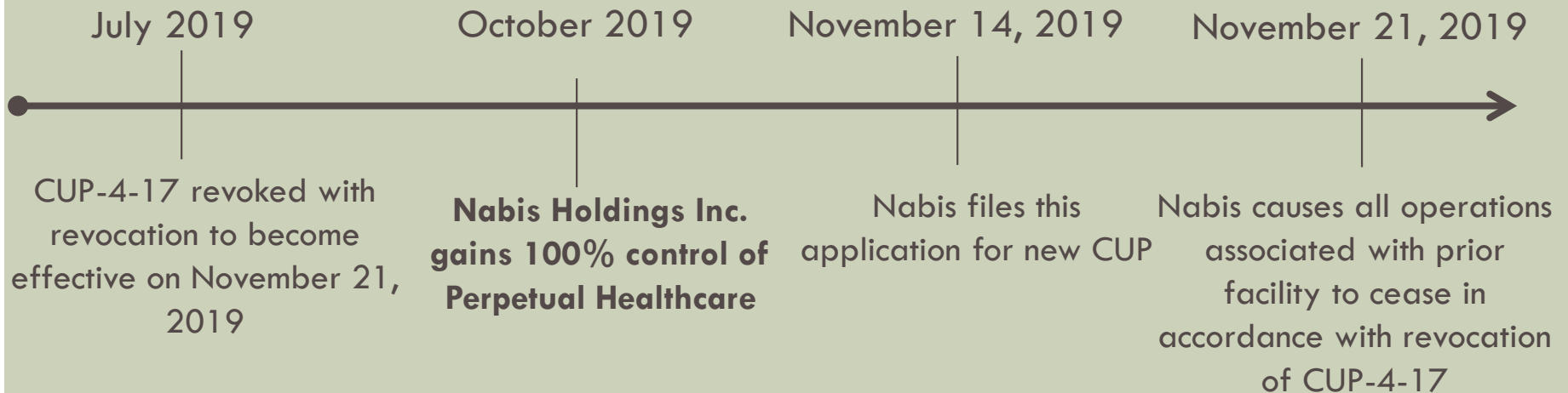
HISTORY: Conditional Use Permit

History:



HISTORY: Conditional Use Permit cont.

History:



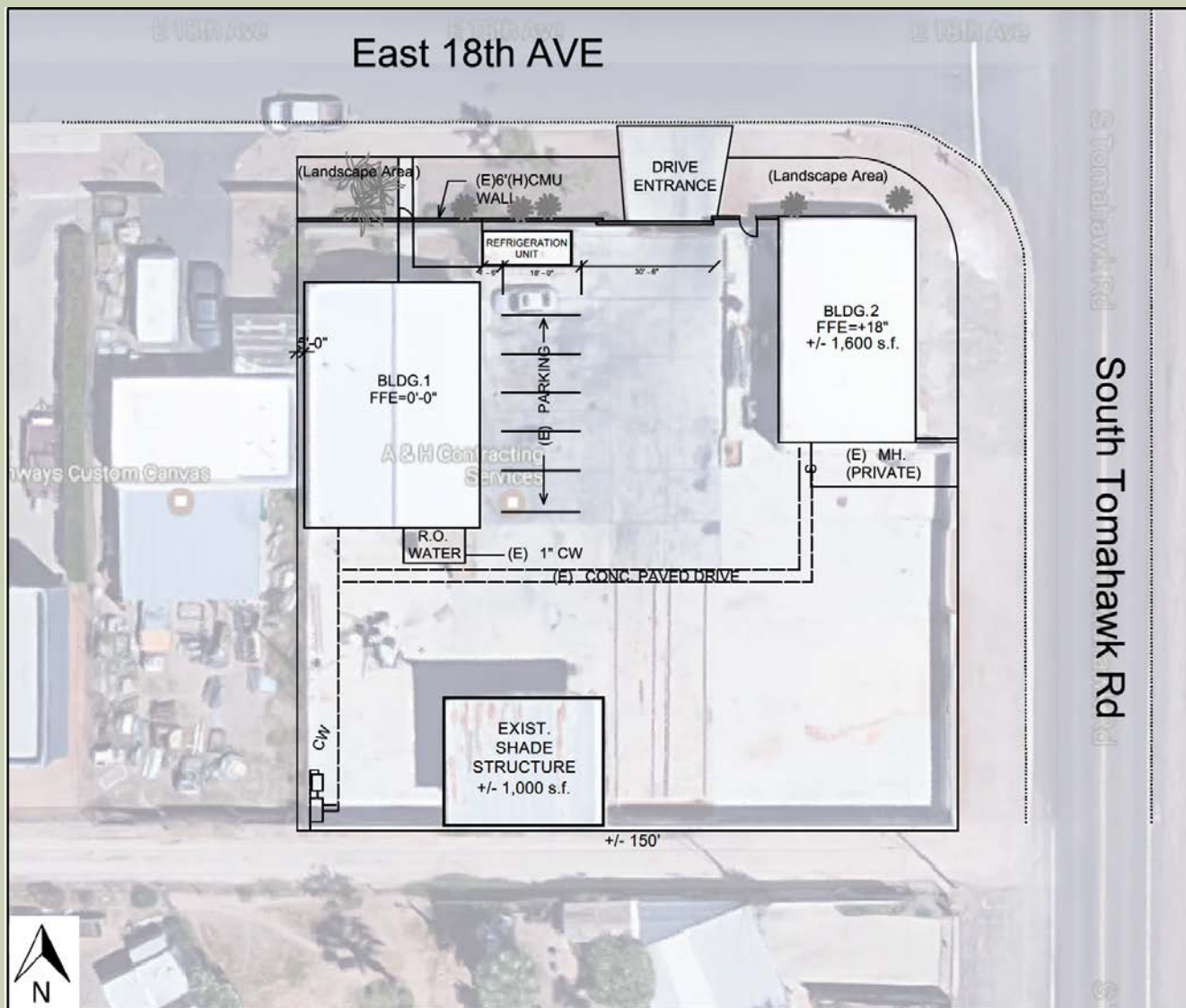
Nabis Holdings Inc.

- Canadian-based investment company that focuses on investing in high-quality assets across multiple industries, including the cannabis sector.
- Nabis's management team includes business professionals with 20+ years of business experience, including industry leaders in the cannabis space.
- Nabis has successfully operated cannabis facilities in multiple Countries and States throughout the U.S., including in Arizona.









Compliance with CUP Approval Criteria

(a) *Adequacy of roadways, off-street parking, public facilities and services to accommodate the proposed use.*

COMPLIES:

- Proposed facility will not affect or require improvements to roadways, off-street parking, public facilities and services.
- Site has all necessary services and will be connected to sewer; no other improvements are required.
- Proposed facility will not be open to general public.
- Proposed facility will operate similarly to prior MMJ facility, which did not cause any adverse impacts on roadways, off-street parking, public facilities or services.

Compliance with CUP Approval Criteria

(b) Negative impacts arising from the emission of odor, dust, gas, noise, lighting, vibration, smoke, heat or glare.

COMPLIES:

- Prior MMJ facility did not cause a significant increase in emission of odor, dust, gas, noise, lighting, vibration, smoke, heat or glare.
- Primary operations of the proposed facility will be manufacturing/infusion with only limited cultivation.
- All operations will be conducted entirely indoors within the Property's two existing buildings – no noise, dust, gas, etc.
- Nabis will install and maintain an odor control system capable of preventing odor from disturbing nearby properties.

Compliance with CUP Approval Criteria

(c) *Contribution to the deterioration of the neighborhood or the negative impact of neighborhood property values.*

COMPLIES:

- Prior MMJ facility did not cause any adverse impacts on properties in the surrounding area.
- Proposed facility will also be compatible with the surrounding area, which includes existing intense industrial uses.
- There will be no signage relating to the proposed facility.
- City Staff expects no negative impact to neighborhood with this application.

Compliance with CUP Approval Criteria

(d) Compatible with surrounding uses and structures.

COMPLIES:

- Proposed facility is compatible with surrounding uses and structures.
- Site is zoned B-5 and surrounded by industrial uses to the north and west. Proposed use is similar in intensity, if not less intense, than the surrounding industrial uses.
- Prior MMJ facility did not have a detrimental impact on surrounding properties.
- Proposed facility, which will operate similar to prior MMJ facility, will also have no negative impacts.

Compliance with CUP Approval Criteria

(e) Conformance with the General Plan and city policies.

COMPLIES:

- This industrial area existed prior to City incorporation and General Plan.
- Proposed use complies with CUP approval criteria.

Compliance with CUP Approval Criteria

(f) Screening and buffering of uses.

COMPLIES:

- Proposed use will not require improvements to screening and buffering.
- Site is already surrounded by a 6-foot high wall, with a gated entrance and security.

Compliance with CUP Approval Criteria

(g) *Unique nature of the property, use and/or development's physical constraints.*

COMPLIES:

- Apache Junction Zoning Ordinance requires that a MMJ cultivation and infusion facility be located on property zoned B-5 and separated from certain “protected uses.”
- Because of stringent zoning/separation requirements, few properties qualify.
- +/- 1,300% increase in medical marijuana registration cards issued to qualifying patients since 2011.
- This property is among the scarce properties in the City that qualify for a MMJ facility and, given its location alongside other industrial uses, is appropriate for a MMJ use to satisfy the tremendous increase in demand.

CONCLUSION

- Approval will allow Nabis/Perpetual to operate the proposed facility in compliance with all applicable laws and requirements.
- Nabis will ensure the proposed facility complies with all approval stipulations, as recommended by City Staff.
- City Staff is recommending approval.

Request:

- Approval, subject to City Staff recommended stipulations.

**GAMMAGE
&
BURNHAM**

Attorneys at Law

CUP-2-19
Conditional Use Permit

Nabis Holdings Inc.
&
Perpetual Healthcare, Inc.

APACHE JUNCTION PLANNING AND ZONING COMMISSION
December 10, 2019