

Planning and Zoning Commission Meeting Notice & Agenda



Thursday, February 7, 2013
Council Chamber
8401 West Monroe Street
Peoria, AZ 85345

Regular Meeting

6:30 P.M.

Convene
Roll Call
Opening Statement
Final Call To Submit Speaker Request Forms

Consent Agenda

CONSENT AGENDA: All items listed with “C” are considered to be routine or have been previously reviewed by the Board/Commission, and will be enacted by one motion. There will be no separate discussion of these items unless a Board/Commission member so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

Consent – New Business

1C **Disposition of Absence**

Discussion and possible action to approve/excuse the absences of Commission Members Leonard Spraker, Charles Marr, and Gene Sweeney from the December 6, 2012 meeting.

2C **Minutes**

Discussion and possible action to approve the minutes of the Planning and Zoning Commission meeting held on December 6, 2012.

Chairman
Bill Louis

Vice Chairman
Nancy Golden

Secretary
Leigh Strickman

Member
Greg Loper

Member
Shawn Hutchinson

Member
Leonard Spraker

Member
Charles Marr

3C **CU12-0016**: The Furshire

Discussion and possible action to recommend approval of a request from The Furshire to allow a dog and cat boarding and daycare facility at an existing building and grounds located at 8556 N. 78th Avenue.

Regular Agenda

New Business

4R **PUBLIC HEARING**: RE: Conditional Use Permit.

PUBLIC HEARING – CU12-0014: Green Desert Patient Center, Inc is requesting a Conditional Use Permit to operate a medical marijuana dispensary in an existing building within the Peoria Crossings commercial center located at 9240 W. Northern Avenue, Suite 103.

Staff Report

Open Public Hearing

Public Comment

Close Public Hearing

Commission Action: Discussion and possible action to recommend approval of a request from Green Desert Patient Center, Inc. for a Conditional Use Permit to operate a medical marijuana dispensary at 9240 W. Northern Avenue, Suite 103.

5R **ELECTION OF OFFICERS**: Discussion and possible action to elect officers for 2013 including Chairman, Vice-Chairman, and Secretary.

Call To The Public (Non-Agenda Items)

Your comments pertaining to the Planning and Zoning Commission business are welcome. However, if you wish to address the Planning and Zoning Commission, please complete a Speaker Request Form and return it to the clerk before the call to order for this meeting. Boards and Commissions are not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

Reports from Staff

Reports from Planning and Zoning Commission

Adjournment

NOTE: Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Board/Commission Meeting, at any time during regular business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

Planning and Zoning Commission Meeting Agenda

Thursday, February 7, 2013

Page 3 of 3

Accommodations for Individuals with Disabilities. *Alternative format materials, sign language interpretation, assistive listening devices or interpretation in languages other than English are available upon 72 hours advance notice through the Office of the City Clerk, 8401 West Monroe Street, Room 150, Peoria, Arizona 85345 (623)773-7340, TDD (623)773-7221, or FAX (623) 773-7304. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request.*

PUBLIC NOTICE:

In addition to the Board/Commission members noted above, one or more members of the City of Peoria City Council or various other Boards and Commissions may be present to observe this meeting as noticed on this agenda.

Planning and Zoning Commission meetings can be viewed live on Channel 11 (Cox Cable) and are available for viewing on demand at <http://www.peoriaaz.gov/content2.aspx?id=2151>.

**PLANNING AND ZONING COMMISSION MINUTES
CITY OF PEORIA, ARIZONA
CITY HALL PINE ROOM
DECEMBER 6, 2012
DRAFT**

A **REGULAR Meeting** of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 8401 W. Monroe St., Peoria, AZ in open and public session at 6:35 p.m.

Members Present: Chair Bill Louis, Vice Chair Nancy Golden, Commission Members Greg Loper, and Leigh Strickman (via phone).

Members Absent: Commission Members Leonard Spraker, Charles Marr, and Gene Sweeney.

Others Present: Cindy Odom – Assistant City Attorney, Chris Jacques – Planning & Community Development Director, Adam Pruett – Senior Planner, Melissa Sigmund – Planner, and Bev Parcels – Planning Assistant.

Opening Statement: Read by Chris Jacques – Planning & Community Development Director.

Call for speaker request forms.

Audience: Nineteen.

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

CONSENT AGENDA

All items listed with a “**C**” are considered to be routine by the Planning and Zoning Commission, and were enacted by one motion.

- 1C **DISPOSITION OF ABSENCE:** Discussion and possible action to approve/excuse the absences of Commission Members Greg Loper and Gene Sweeney from the November 15, 2012 meeting.
- 2C **MINUTES:** Discussion and possible action to approve the minutes of the Planning and Zoning Commission meeting held on November 15, 2012.
- 3C **CU12-0013:** Discussion and possible action to recommend approval of a request from LoanMax to operate a title loan business in an existing building at 7450 W. Cactus Road.

COMMISSION ACTION: Commissioner Loper moved to approve the Consent Agenda items. The motion was seconded by Commissioner Golden and upon vote, carried unanimously.

REGULAR AGENDA

NEW BUSINESS:

4R **PUBLIC HEARING – CU12-0012:** Rebel Ink requested a Conditional Use Permit to operate a tattoo and piercing studio in an existing building at 7557 W. Greenway Road #104.

STAFF REPORT: Presented by Melissa Sigmund, Planner.

COMMISSION COMMENT: Inquiries included whether the residential area was developed before the commercial area or in conjunction with it, what other businesses are in the complex, and how the business will be regulated if the permit is approved.

PUBLIC COMMENT:

Thomas Griggs, resident – Spoke in opposition due to his opinion that the business is not a good fit for the neighborhood, does not like the skull logo that the business uses on their signage, and the new business is too close to another tattoo studio in the area.

Martin Land, friend of applicant – Commented on the type of clientele the studio attracts, how the increases in foot traffic helps other neighboring businesses, that minors are not permitted in the studio unless accompanied by an adult, and police have never been called to the other location for any reason.

Duane Fisher, applicant – Spoke in respect to the neighborhood meeting that was held, how he operates a strict business, and he just wants a fair chance to operate.

COMMISSION ACTION: Commissioner Loper moved to recommend approval of a request from Rebel Ink for a Conditional use Permit to operate a tattoo and piercing studio subject to the stipulations in the staff report and the addition of the stipulation to include signage on the building regarding loitering. The motion was seconded by Commissioner Strickman and upon vote, carried 4-0.

5R **PUBLIC HEARING - GPA11-0010:** Earl, Curley, & Lagarde P.C. requested a minor General Plan Amendment for 23 acres located north of SR-74 and west of Old Lake Pleasant Road. This amendment proposes a change from Residential Estate (0-2 du/ac) to Neighborhood Commercial.

STAFF REPORT: Presented by Adam Pruett, Senior Planner.

COMMISSION COMMENT: None

PUBLIC COMMENT: None

COMMISSION ACTION: Commissioner Loper moved to recommend approval of a request from Earl, Curley, & Lagarde P.C. for a minor General Plan Amendment for 23 acres located north of SR-74 and west of Old Lake Pleasant Road. This amendment proposes a change from Residential Estate (0-2 du/ac) to Neighborhood Commercial. The motion was seconded by Commissioner Golden and upon vote, carried 4-0.

6R **PUBLIC HEARING - Z98-03A.1:** Earl, Curley & Lagarde P.C. requested a major amendment to the Estates at Lakeside PAD, renaming it Cholla Hills and adding approximately 244 acres of property to the project. In total, this request proposes 187 acres of recreational vehicle resort, 23 acres of commercial, and 244 acres of traditional resort development. The property is located north of SR-74 and west of Old Lake Pleasant Road.

STAFF REPORT: Presented by Adam Pruett, Senior Planner.

COMMISSION COMMENT: Commission comments included the change in opinions of RV resorts over the years, the resort being seasonal due to the hot summers, possible plans for the south side of SR 74, the role of the Maricopa County Parks Department for the Lake Pleasant area, and whether the county could stop the project from happening.

PUBLIC COMMENT:

Mike Curley, Applicant – Gave a lengthy presentation on the project.

Leigh Johnson, Maricopa County Parks Department – Commented on the fact that the county had just been informed about the project and had not had an opportunity to review the case, was concerned about Morgan City Wash and Lake Pleasant property, commented on Old Lake Pleasant Road not being suitable for heavy traffic, and concerned about trail access and individuals going into restricted areas.

COMMISSION ACTION: Commissioner Loper moved to recommend approval of a request from Earl, Curley, & Lagarde P.C. for a major amendment to the Estates at Lakeside PAD, renaming it Cholla Hills and adding approximately 244 acres of property to the project. In total, this request proposes 187 acres of recreational vehicle resort, 23 acres of commercial, and 244 acres of traditional resort development. The motion was seconded by Commissioner Golden and upon vote, carried 4-0.

CALL TO THE PUBLIC: (Non-agenda Items): None

REPORT FROM STAFF: None

REPORTS FROM THE PLANNING AND ZONING COMMISSION: Commission Member Loper made a request to possibly have a joint meeting with City Council Members in the near future.

ADJOURNMENT: There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 8:20 p.m.

William Louis, Chair

Date Signed



CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 12-0016
DATE: February 7, 2013
AGENDA ITEM: 3C

Applicant: The Furshire Inc.
Request: Obtain a Conditional Use Permit to allow a dog and cat boarding and daycare facility in an existing building and associated premises
Proposed Use: Dog and cat boarding and daycare with grooming
Location: 8556 N. 78th Avenue. Located on the northwest corner of 78th Avenue and Seldon Lane.
Site Area: Approximately 8,160 s.f. building on a 37,391 s.f. property.
Support / Opposition: As of the date of this printing, Staff has not received any written or verbal support or opposition to this proposal.
Recommendation: **Approve**, with conditions.

LAND USE CONTEXT

Table 1: Existing Land Use, Future Land Use, Current Zoning. (Exhibits B & C)

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant building	Business Park/Industrial	I-I, Light Industrial
North	Outdoor vehicle/equipment storage	Business Park/Industrial	I-I, Light Industrial
South	Seldon Ln., then Protoplastics (manufacturing), and Carty Trucking (freight trucking)	Business Park/Industrial	I-I, Light Industrial
East	78 th Ave., then Frontier Emergency Products (sales & service)	Business Park/Industrial	I-I, Light Industrial
West	Triangle Sheetmetal (manufacturing)	Business Park/Industrial	I-I, Light Industrial

PROJECT DESCRIPTION

Request and Development Details

1. The Furshire Inc. is proposing to operate a dog and cat boarding and daycare facility in an existing 8,160 square foot former warehouse building at the northwest corner of 78th Avenue and Seldon Lane (Exhibit B). The proposed hours of operation for drop-off/pick-up are 6:00 a.m. to 7:00 p.m. Monday-Sunday. However, staff members are on the premises 24 hours/day to ensure the safety and well-being of the animals being boarded. Evening dog training/social clubs and or special events may occur until 9:00 p.m.
2. At this time, the applicant will maintain the current layout of the building's interior. The conceptual Floor Plan, provided as Exhibit E, indicates the proposed uses of the various rooms and spaces within the building. In the future, planned improvements would allow for sleeping quarters for approximately 75 dogs and 25 cats, as well as areas for activities such as playgroup/daycare and dog training. Grooming facilities are expected to accommodate approximately 10 animals per day.
3. In addition to the indoor boarding and play areas, the applicant is proposing to build a CMU block wall around the property, consistent with the colors and materials of the existing building. Within the outdoor walled area of the property, smaller areas would be fenced off and shade canopies would be installed to create several relief/play yards. In addition, a pool would be added for use in warm weather. The conceptual Site Plan (Exhibit F) illustrates the design of the proposed site modifications.

Background

4. The existing building and site improvements were approved under Site Plan Case PZ67-88. The property was previously used by Duo Graphics, a commercial printing company.
5. The properties surrounding the proposed site are industrial in nature, and neighboring land uses include storage, manufacturing, and warehousing. In addition, the City's Butler Drive Water Reclamation Facility is located approximately 400 feet to the northwest of the proposed location.

DISCUSSION AND ANALYSIS

Applicability

6. The proposed site is located within the I-1, Light Industrial Zoning District. According to Article 14-9 of the Zoning Ordinance, animal *Boarding and Training*

Kennels require a Conditional Use Permit when located within the I-1 Zoning District.

7. Section 14-39-12.E outlines the applicable criteria for evaluating Conditional Use Permits (CUP). In general, the purpose of a CUP is to mitigate or minimize any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.

Compatibility With Surrounding Land Uses

8. The request is consistent with the intent and permitted uses for the Light Industrial, I-1 zoning district as set forth in the Peoria zoning ordinance. The I-1 zoning district is designed to accommodate uses that may result in noise, odors, dust, and other impacts that may be detrimental to typical residential or consumer-oriented commercial development, but that may co-exist with each other in a harmonious manner. The type and level of impacts associated with the proposed use are consistent with those for which the I-1 district is designed.
9. The Project Narrative (Exhibit A) provided by the applicant describes procedures for managing possible noise and odor issues that could be generated by the proposed use. Training collars and moving dogs inside are among the tools available to control problem barking. Continuous waste pick-up from the yard and hosing down of the outdoor areas are performed to control odors. These policies will mitigate any potential negative impacts on neighboring properties.
10. The applicant is proposing to install a 6'8" CMU block wall around the perimeter of the site to ensure the safety of the animals and prevent their accidental escape. This will also ensure that neighboring properties are protected from accidental trespass by animals at the facility.
11. If any issues arise regarding the operation of the business, Section 14-39-12.I provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that a permit may be revoked, modified, or suspended should any of the following occur:
 - a. The permit was obtained by fraud or misrepresentation;
 - b. The use authorized by the CUP has been exercised in violation of the conditions of approval;
 - c. A change in circumstances where the following has occurred: [1] Impacts from the approved CUP to neighboring properties; and [2] Changes in aesthetic or environmental impacts such as noise, odors, or pollution.
 - d. The use authorized by the CUP is operated in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods, or the

City; or is exercised in a manner that is detrimental to the public health, welfare or safety

Noticing and Neighborhood Comment

12. The application was properly noticed pursuant to Section 14-39-6 of the Peoria Zoning Ordinance, which includes notification to all property owners within 600 feet of the site and registered HOA's within 1 mile. Additionally, the site was posted with a sign at least 15 days prior to the Public Hearing by the applicant. As of the printing of this report, no support or opposition to this case has been received from the public.

Proposition 207 Waiver

13. In 2006, the voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions that have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement that waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver.

RECOMMENDATION

16. Based on the following findings:
 - The request is consistent with the applicable codes, standards, and guidelines, including the standards of the Light Industrial, I-1 Zoning District; and
 - The request is compatible and consistent with the surrounding context and uses; and
 - The business will operate in a manner that will minimize and/or mitigate any impacts on surrounding properties.

It is recommended that the Planning and Zoning Commission take the following action:

Approve the applicant's request for a Conditional Use Permit under Case CU12-0016, subject to the following conditions:

1. The development shall substantially conform to the Project Narrative (Exhibit A), as contained in the staff report to the Planning and Zoning Commission dated February 7, 2013.
2. The use shall substantially conform to the plans approved with the associated site plan case SP12-0010, and shall conform to all stipulations of SP12-0010 upon its approval.

ATTACHMENTS

Exhibit A	Project Narrative
Exhibit B	Vicinity Map
Exhibit C	Zoning Map
Exhibit D	Aerial Close-Up Map
Exhibit E	Floor Plan
Exhibit F	Site Plan
Prepared by:	Melissa Sigmund, AICP, LEED Green Associate Planner

the furshire Inc. Project Narrative

I, Janene Ferraris owner of the furshire Inc., social club for dogs & cats, request approval to use the property for the following:

- Indoor overnight dog/cat boarding facility.
- Daily drop off and pick up of dogs to be placed in inside playgroups. A portion of the day will be outdoors to use relief areas and for swimming.
- Inside grooming dogs/cats
- Misc. training of dog, host community & social events and swim groups.

The property is a free-standing building and located at 8556 N. 78th Ave Peoria, AZ 85345 zoned I-1 in the Peoria Industrial Park. We are a small private company and have been in business since 2005 under the name Bow-WOW Daycare & Boarding Inc..

1. The current proposed business is 45% playgroup, 45% overnight boarding, 8% grooming, and 2% training and misc. services.
2. B and C show the breakdown of the inside of the existing 8,160 sq ft building.
 - a. We are keeping the current floor plan making no changes to it. We will be adding a temporary lobby off the side door that comes off the parking lot making that the front main door. The front space that is 2400 sqft will house our overnight dogs and cats, laundry, bathrooms, groom room, Janitorial closet and storage. The open warehouse will host our indoor daytime playgroups.
 - b. In the future...Approximately 4,800 sq ft will house
 - Overnight indoor dog sleeping quarters, which can house approximately 75 dogs
 - Overnight indoor cat sleeping quarters, which can house approximately 25 cats
 - Groom room approximately 10 animals per day. The tub has a built in hair trap and then a second hair trap below the tub that is cleaned out after every bath.
 - A lobby, 1 office, a break room, food prep room, laundry room, janitorial room, two bathrooms, and a few storage closets.
 - c. In the future...Approximately 3,362 sq ft will house
 - Indoor playgroup/daycare areas for up to approximately 75 dogs which operates during our lobby hours.
 - Indoor dog training and social clubs at night 7pm-9pm a few nights a week.
3. Lobby hours of operation: 6 am to 7 pm Monday – Sunday
Special events: dog clubs could happen from 7pm-8pm inside and outside.
Holidays have limited hours. We are staffed 24 hours a day year round.
4. Direct access to the location is from 78th Avenue and Olive.

d. Pool (Exhibit G)

The pool area will be about 35' wide and 80' long with a few plants and Mexican palms. But the pool company will state that once they permit the job. It's to be used for swim and recreation during the day for the playgroup dogs and recreation on the weekend and 7-8 pm for club use. The pool will be used 7 days a week while it is warm out. We have always had a pool at our facilities and never any problems with noise. If any dog starts to bark continuous their swim time is over and they go back inside. The pool is always monitored with staff. (this is our trick to keeping them all quiet. Pool time gets them tired and then they are all easy to handle) Best invention EVER! SWIM TIME!

Noise Concerns - Due to the fact that this is an industrial park, the proposal is compatible with the surrounding uses since they are at least minimum light industrial. We have never had a noise violation. We monitor the noise like this: if they are barking and bothering us or if we cannot talk on the phone or to each other, then they are barking too much. A training collar is used on them to control the barking both inside and out. Water proof ones are used on the swimming dogs. If they are outside and bark then they come in. If they are playing and barking starts to become part of the play, then it is broken apart. Now we allow the bark then bark but if any bark becomes continuous then we end it. Uses are: Training collar, remove the trouble pet, conduct one on one till the dog(s) settles down. Lastly, if we cannot find calmness in a pet and we have done everything in our power to settle the dog down and it just does not work; then they are asked not to come back to our facility. I have to say, we are one of the cleanest and calmest facilities out there. I have to be there with the dogs for 15-18 hours each day. The last thing I want to do is to listen to barking dogs or smell pee or poop. Unhealthy for them my staff and myself.

Smell -- The outdoor areas are treated for smell daily and throughout the day as needed. Each morning after the boarders have had their second rotations to relief themselves and day care have all come in, then all the potty yards are sanitized down with a sprayed. (Usually about 8:30 am) Then as the days goes on this is my rule of thumb: if my staff or I can smell the pee then it needs to be sprayed. (If my neighbor would ever be able to smell it I should be closed down!!!) The last thing I believe is the dogs walking around on the outside area that is covered in poop or pee. That is just plain gross. Last thing I want is a dog to step in poop then jump on me or the staff. UGGG.

So, when a dog goes poop the staff picks it up immediately and places it into a biodegradable bag, then disposes it in another bag which is then placed in a closed and sealed trash can.

The only things my surrounding neighbors should smell is whatever is on their property or the dairy farm that is in the immediate vicinity, which by the way has an ongoing odor. No one will ever smell my dogs unless they are the ones picking up the poop or in the potty area as a dog goes pee.

Vicinity/Location Map



CU12-0016 The Furshire, Inc.

Exhibit B

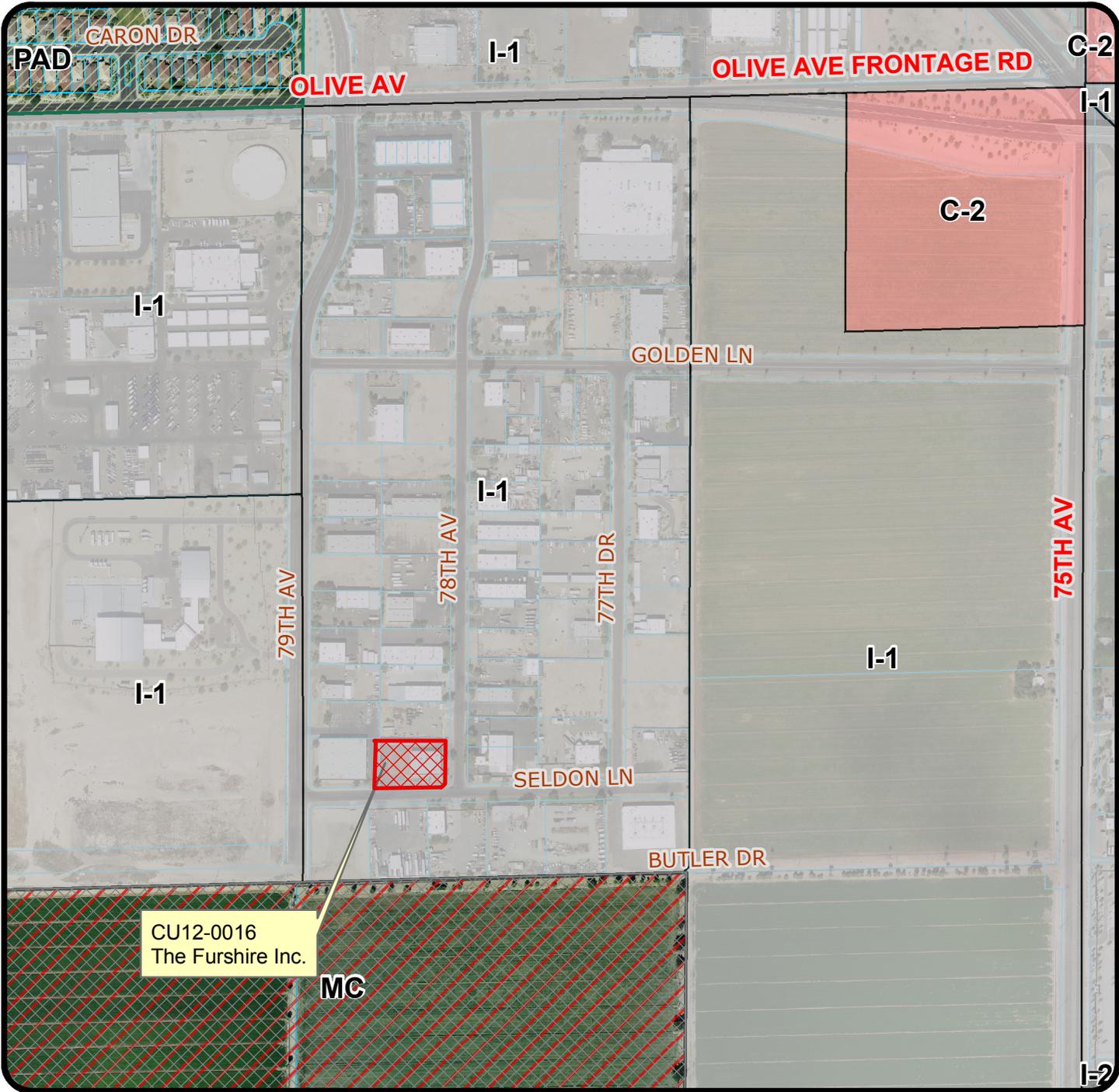
Applicant: The Furshire Inc.

Request: Obtain a Conditional Use Permit to allow a dog and cat boarding facility in an existing 8,160 s.f. building and on the premises of a 37,391 s.f. property.



Not to Scale

Zoning Map



CU12-0016 The Furshire, Inc.

Exhibit C

Applicant: The Furshire Inc.

Request: Obtain a Conditional Use Permit to allow a dog and cat boarding facility in an existing 8,160 s.f. building and on the premises of a 37,391 s.f. property.



Not to Scale

Aerial Close-Up Map



CU12-0016 The Furshire, Inc.

Exhibit D

Applicant: The Furshire Inc.

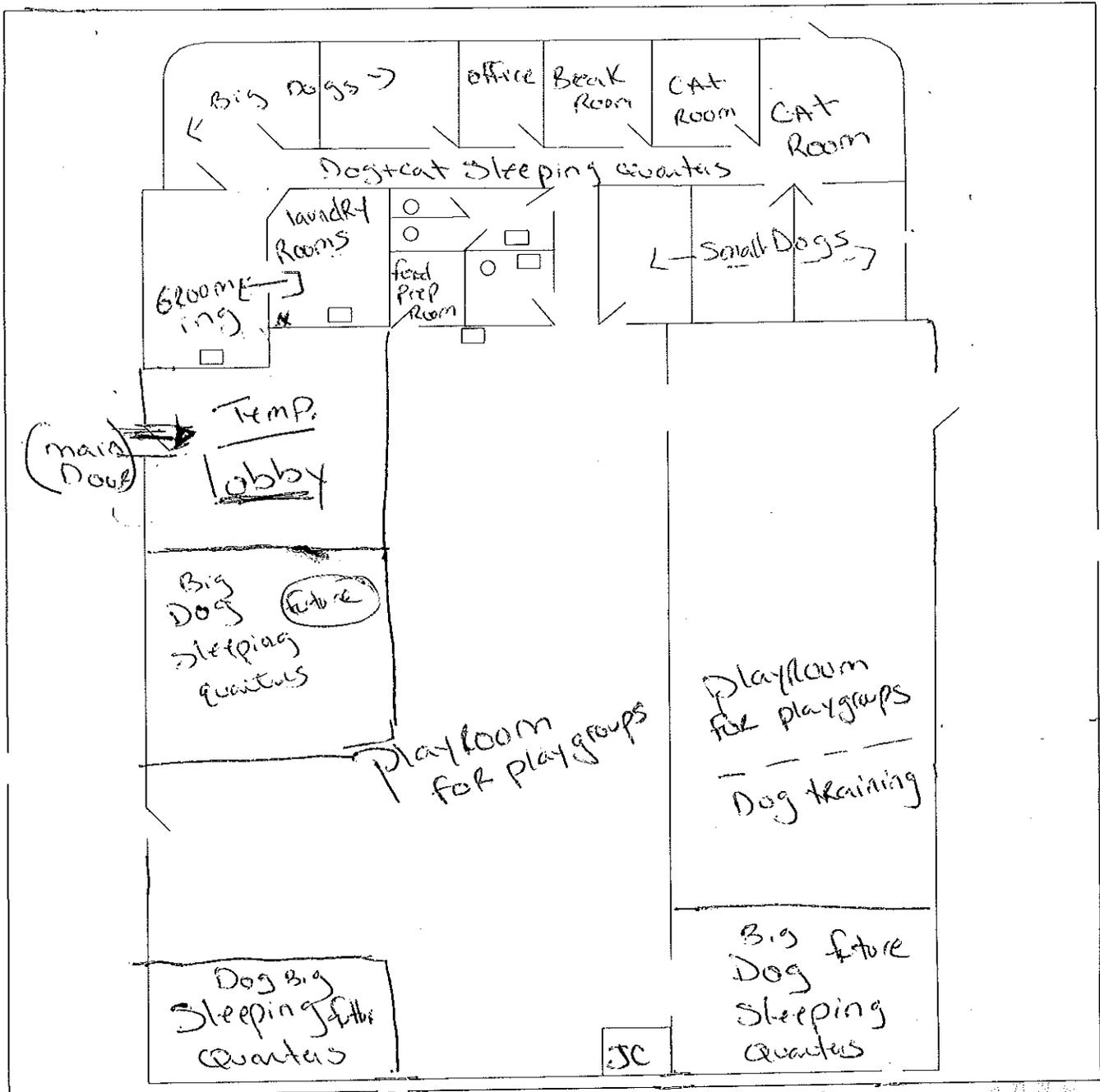
Request: Obtain a Conditional Use Permit to allow a dog and cat boarding facility in an existing 8,160 s.f. building and on the premises of a 37,391 s.f. property.



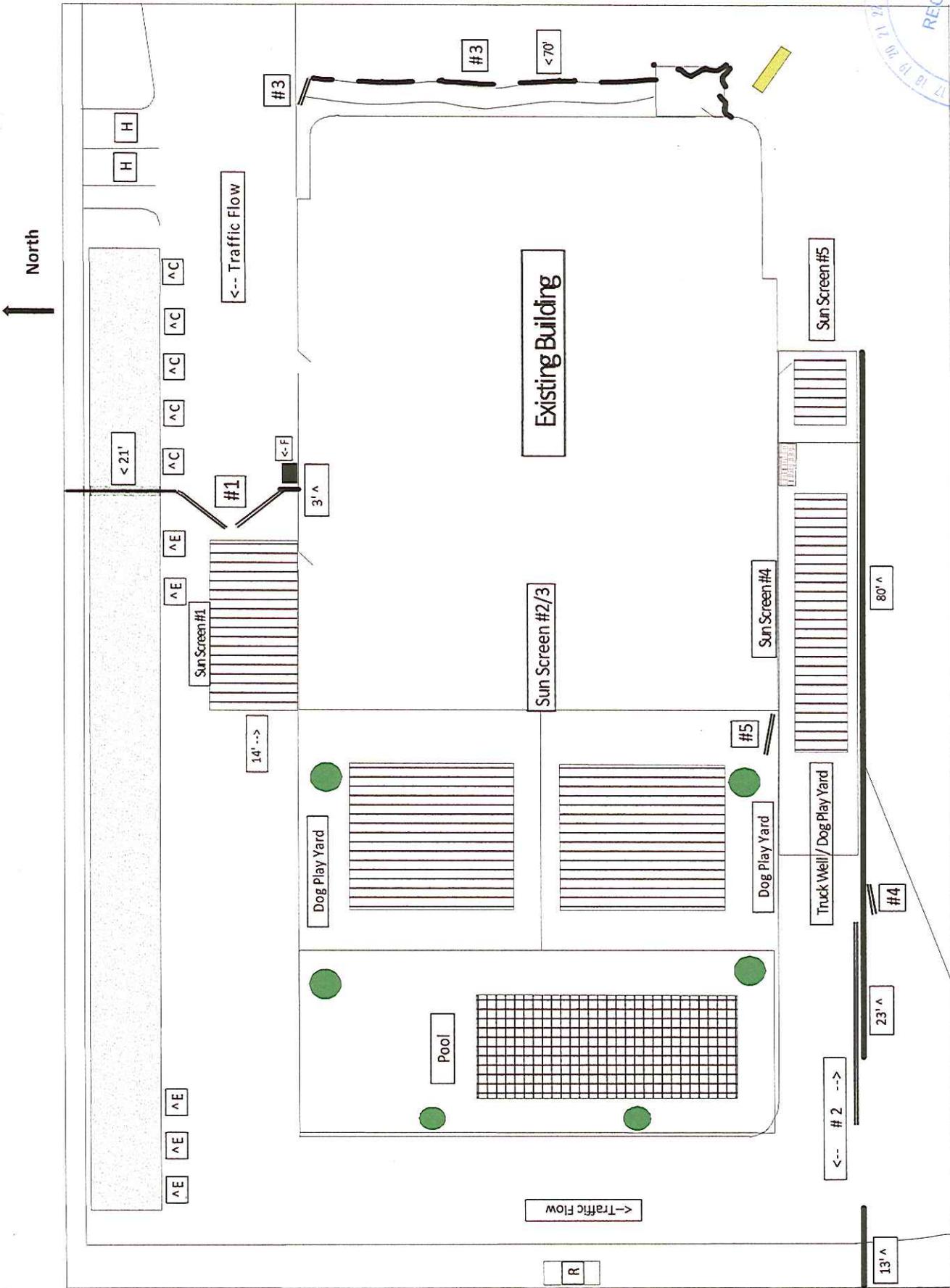
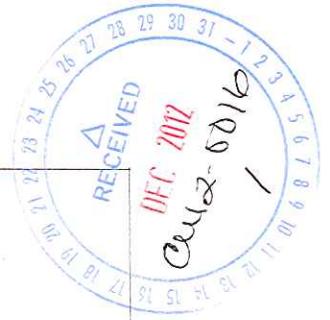
Not to Scale

Current Floor Plan

- we are keeping current floor plan making no changes
- only → Adding a lobby to our new front door, temp setup.
- 3 Dog rooms are down the future. might not lay out that way, we will be bring in an architect - eng. for our future growth.



The Furshire - Conceptual Site Plan



- I-1 Zone
- Overnight dog & cat boarding and dog playgroup for day use
- 37,217 Lot SF
- 21 covered spaces Parking
- Existing covered parking
- Sun Screens - 5 (Exhibit A)
- #1 - Beside building 14' above ground with iron legs, 22'x45'
- #2/3 - Play yards - 20'x30', 10' high
- #4 - Truck well, 14'x40', 10' high
- #5 - Loading dock, 15'x15', 10' high
- Pool
- # 1 Gate and Fence System
 - 6' 8" block walls, 21' and 3' long
 - 20' swinging gate (Exhibit B)
 - #1 - Emergency Fire Access
 - F - Fire Emergency Entrance Box
- # 2 Gate and Fence System
 - 6' 8" block wall, 13' long
 - 20' sliding gate (Exhibit C)
 - #2 - Secondary Exit Only Gate
 - Not Motorized
 - 6' 8" block walls, 23' and 80' long
 - Gates and block wall at # 2 same setback as adjacent property's wall and gate
- # 3 Gate and Fence System
 - 5' planter wall - 1, 70' long
 - Planter contains ferns and seasonal flowering plants
 - 4' gate, 6' high
 - Block wall and planter wall made from same mortar and decorative brick as building (Exhibit D)
- # 4
 - 4' gate in outer wall beside gate # 2
- # 5
 - 4' gate between play yards (Exhibit E)
 - Outside block walls made from same mortar and decorative brick as building (Exhibit F)
 - Ramp - 1
 - Mexican Palm Trees - 6
 - Parking - Handicap, customer, employee
 - Pool fencing and gate to code

the furshire inc

Peoria Industrial Park
8556 N 78th Ave,
Peoria, AZ 85345

SITE PLAN
Adding to existing pre-approved site plan attached
Ron Deplierro - Current Owner

Dated: 12-3-12



CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: CU 12-0014
DATE: February 7, 2013
AGENDA ITEM: 4R

Applicant: Green Desert Patient Center, LLC

Request: Obtain a Conditional Use Permit to allow a Medical Marijuana Dispensary

Proposed Business: Green Desert Patient Center of Peoria - Medical Marijuana Dispensary

Location: Northwest corner of 91st Avenue and Northern Avenue, specifically 9240 W Northern Avenue, Suite 103

Size of Suite: 1,864 square foot inline retail unit in an existing retail building.

Support / Opposition: As of the date of this printing, Staff has not received any written support or opposition to this request.

Recommendation: **Approve**, with conditions.

AREA CONTEXT

Table 1: Existing Land Use, Current Zoning. (Exhibits B & C)

	LAND USE	GENERAL PLAN	ZONING
Subject Property	In-line retail suite within Peoria Crossings Commercial Center	Community Commercial	Peoria Crossing PAD (Z00-07)
North	SRP Power line Corridor; then Light Industrial/Business Park Uses	Park/Open Space; Community Commercial	PI-1, Planned Industrial
South	Northern Ave, then Vacant/Agriculture	City of Glendale - Corporate Commerce Center	City of Glendale (A-1)
East	91 st Ave., then Single Family Residential; Gas Station	Low Density Residential (2-5 du/ac, target 3)	C-2, Intermediate Commercial
West	Loop-101; then Park West Mixed-Use Center	Mixed Use	Park West PAD (Z04-19A.5)

PROJECT DESCRIPTION

Request and Development Details

1. The applicant proposes to locate a Medical Marijuana Dispensary within a vacant 1,864 square-foot tenant space. The dispensary will offer pre-packaged medical marijuana, including natural form marijuana, edibles, and tinctures. The business may sell additional related products in order to meet the needs of its patients. Sale of all products will be fully in accordance with Arizona law.
2. The site is currently developed as a multi-tenant in-line retail building located on the northwest corner of 91st Avenue and Northern Avenue near the center of Peoria Crossing Shopping Center.
3. Twisted Cultures Frozen Yogurt is located in the suite to the north, while Streets of New York restaurant is located in the suite to the south. Other nearby businesses include various retail, restaurant, service, and bank uses. Major tenants within Peoria Crossing include Kohl's, Target, Petco, and Michaels.

DISCUSSION AND ANALYSIS

Applicability

4. This property is zoned Planned Area Development (PAD). The allowable uses in the PAD are in accordance with the C-2 (Intermediate Commercial District) permitted and conditional uses. Consequently, Medical Marijuana Dispensaries are conditional uses in this PAD. Along with the Conditional Use Permit review criteria, a number of specific use standards apply to the proposed use.
5. Section 14-39-10.D of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits (CUP). In general, the purpose of a CUP is to mitigate any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.
6. Section 14-9-5 of the Zoning Ordinance outlines the applicable use standards for Medical Marijuana Dispensaries, which includes standards for security plans, operating hour limitations, business operation limitations and use separation requirements.

Analysis

7. The applicant proposes to operate seven days a week from 8AM to 9PM. It is expected that a minimum of three employees will be on site at any one time to assist patients, while in the future; up to 16 employees may be on the premises depending on patient demand. With maximum staffing, up to six patients could

- be served at one time. At maximum capacity, up to 24 patients may be in the medicine area at one time. The expected capacity of the lobby waiting area will be a minimum of seven patients. No outdoor loitering will be permitted.
8. Patients will not have direct access to the medicine room upon entering the establishment. Once the patient has been verified, they will be admitted to the controlled access medicine room.
 9. Marijuana will be stored in a safe or safes during non-business hours and accounted for according to Arizona Department of Health Services (DHS) rules. All sales will occur in the medicine room. Non-cardholders will not be granted access to the medicine room or be able to purchase items.
 10. Any waste/expired marijuana will be stored indoors until pickup and disposal in accordance with state law and DHS rules.
 11. The applicant has produced a security plan (Exhibit D) approved by the Peoria Police Department to ensure patient safety and secure operation of the facility. Security personnel will be responsible for maintaining safety, ensuring no marijuana consumption occurs in suite, on site, or in vehicles on the premises.
 12. Approximately eighteen indoor and outdoor cameras will capture high resolution video of the premises 24 hours a day. All video footage will be stored for at least 60 days in accordance with local ordinance.
 13. The front of the suite will be properly illuminated and the windows will not be covered or obscure visibility into the unit. During non-business hours, the windows and doors will be secured with security gates. The design of the security gates will be consistent with those used for other businesses within the Peoria Crossings commercial center, as shown in Exhibit H. The suite will also have a monitored alarm system.
 14. The proposed location meets and exceeds the 500-ft use separation from residentially zoned property and the 1000-ft separation requirement from schools, day care centers, bars, taverns, liquor stores, and substance abuse treatment centers. A list of all businesses located within 1,000 ft of the proposed location is provided as Exhibit I.
 15. In staff's judgment, the proposed use is appropriate and in compliance with the Zoning Ordinance. The use is compatible with surrounding land uses and the context of the area in question. The use is not expected to generate any undue noise, traffic, light trespass, odor or other impacts on adjacent streets and nearby properties.

16. The applicant has been awarded the only Dispensary Registration Certificate (Exhibit F) from the Department of Health Services (DHS) for the Peoria Community Health Analysis Area (CHAA), in which the property in question is located. The Peoria CHAA encompasses the majority of the developed land area in the City, exclusive of the area west of the Agua Fria River, and north of State Route 74. DHS will regulate the operational aspects of the business as it relates to the composition of the dispensary board, background investigations, operational requirements, data logging and transportation requirements among other things.
17. If any issues arise regarding the operation of the business, Section 14-39-12.1 provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that a permit may be revoked, modified or suspended should any of the following occur:
 - a. The permit was obtained by fraud or misrepresentation;
 - b. The use authorized by the CUP has been exercised in violation of the conditions of approval;
 - c. A change in circumstances where the following has occurred: [1] Impacts from the approved CUP to neighboring properties; and [2] Changes in aesthetic or environmental impacts such as noise, odors or pollution.
 - d. The use authorized by the CUP is operated in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods, or the City; or is exercised in a manner that is detrimental to the public health, welfare or safety.

Noticing and Neighborhood Comment

18. The application notice was forwarded to all property owners within 600 feet of the proposal, including all registered HOA's within one mile, and properly noticed pursuant to Section 14-39-6 of the Peoria Zoning Ordinance.
19. As of the date of this writing, no letters, emails or phone calls in support or objection to the proposal have been submitted to Planning staff.

Proposition 207

20. The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of their property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver.

FINDINGS AND RECOMMENDATION

21. Based on the following findings:

- The proposal meets the Conditional Use Permit standards and complies with the use limitations for a Medical Marijuana Dispensary;
- The security plan has been reviewed and approved by the Peoria Police Department;
- The use will be located and will operate in a manner that protects the adjacent properties and businesses from nuisances and is consistent with a retail/service character of the area.

It is recommended that the Planning and Zoning Commission take the following action:

Approve the applicant's request for a Conditional Use Permit under Case CU11-0015, subject to the following conditions:

1. The use shall substantially conform to the Project Narrative (Exhibit A), Security Plan (Exhibit D), Floor Plan (Exhibit G), and Security Gate Design Examples (Exhibit H) as contained in the staff report to the Planning & Zoning Commission dated February 7, 2013.
2. The applicant shall secure any necessary security (video) system and/or alarm system permits from the Peoria Police Department.
3. The applicant shall obtain a sales tax license and properly report all sales.
4. The use shall fully comply with all state and local laws and Department of Health Services regulations pertaining to medical marijuana dispensaries.

Attachments:

Exhibit A	Project Narrative
Exhibit B	Vicinity / Aerial Map
Exhibit C	Zoning Map
Exhibit D	Security Plan
Exhibit E	Peoria CHAA Map
Exhibit F	DHS Dispensary Registration Certificate
Exhibit G	Floor Plan
Exhibit H	Security Gate Design Examples
Exhibit I	Businesses within 1,000ft Radius

Prepared by: Melissa Sigmund, AICP, LEED Green Associate
Planner

Project Description
9240 West Northern Avenue
Suite 103
Peoria, AZ 85305

Conditional Use Permit
Project Description

Request for a Conditional Use Permit
for a
Medical Marijuana Dispensary

Prepared for:
Green Desert Patient Center of Peoria, Inc.

Green Desert Patient Center, Inc.
10115 E Bell Rd #107-204
Scottsdale, AZ 85260

December 6th, 2012



I. Overview

This request is for a Conditional Use Permit for a Medical Marijuana Dispensary facility located at 9240 West Northern Avenue Suite 103 Peoria, Arizona 85305 (the "Property"). The Property will serve only as a medical marijuana dispensary.

Green Desert Patient Center of Peoria, Inc.'s ("GDPC") goal is to provide a safe system for legal medical marijuana patients to access their medical cannabis as well as provide educational opportunities regarding alternative therapies to its patients.

In addition to providing patients with a safe environment to obtain cannabis based medicines, GDPC will also be a resource for patients to learn about alternative medical therapies generally and about the benefits of the use of cannabis in various treatment therapies. GDPC may also support the education of patients by providing access to resources on nutritional counseling, diet and exercise and other holistic and educational endeavors as may be appropriate for its patients from time to time. Per A.R.S. R9-17-313, GDPC will have a Medical Director who is an Arizona licensed physician on staff at all times.

GDPC is committed to a site security plan that exceeds the Arizona Department of Health Services ("DHS") security requirements.

The Property is zoned Commercial (PAD Z00-07).

GDPC was founded by local business owner and civic leader, J.P. Holyoak, who is committed to the highest standards in patient care, patient education and community giving while strictly adhering to the Arizona Medical Marijuana Act and the regulations promulgated thereto. In addition, GDPC has partnered with Dr. Clark York, the Emergency Department Medical Director at John C. Lincoln Health Network, to serve as its Medical Director.

II. About The Founder

Jon-Paul "(J.P.) Holyoak – Mr. Holyoak is a partner with the investment advisory firm of ARMA Financial Services located in Scottsdale, AZ. Mr. Holyoak holds Series 7 (General Securities Representative), Series 63 (Uniform Securities Agent State Law) and Series 65 (Uniform Investment Advisor Law) Securities Licenses and is a Registered Investment Advisor. Mr. Holyoak oversees all aspects of ARMA including regulatory oversight, organizational and policy development, financial oversight and strategic planning. Mr. Holyoak was named one of "The Ten Most Dependable Wealth Managers for Women in the United States" by *Forbes Magazine* in 2008. Mr. Holyoak is very active in the community. Mr. Holyoak is an Active Member of the Scottsdale Charros 501(c)(6). Mr. Holyoak serves on the Board of Directors of the Charro Foundation 501(c)(3). For the past seven (7) years, Mr. Holyoak has served as a co-founder and co-chairman for seven (7) years of the *Arizona Marine Corps – Law Enforcement Foundation Golf Tournament* which benefits the *Marine Corps – Law Enforcement Foundation* 501(c)(3) (www.mclef.org). In its eight (8) years of operation, the Tournament has raised over \$400,000 which has been distributed to the families of fallen Marines and local police officers.

Mr. Holyoak is also a former Member and Director of each of the *Scottsdale Active 20-30 Club and Foundation* 501(c)(3) and a graduate of *Scottsdale Leadership Class XVIII*. Mr. Holyoak is a graduate of Brophy College Preparatory and Arizona State University – W.P. Carey School of Business, Barrett Honors College. Mr. Holyoak resides in Paradise Valley, AZ with his wife and three (3) children.

III. The Medical Director

GDPC has partnered with Dr. Clark York to serve as its Medical Director.

Dr. York is the Emergency Department Medical Director at John C. Lincoln Health Network as well as an Emergency Physician and Director with Lincoln Emergency Physicians, Inc.

Dr. York has served as the Emergency Department Medical Director at John C. Lincoln Hospital Deer Valley since 1996 and Chairman of the Department of Emergency Medicine since 1997. Dr. York is distinguished as having served the Deer Valley hospital as Vice Chief of Staff and then Chief of Staff from January 1996 through December of 2003.

IV. General Discussion/Background of Project:

A. Hours of Operation

GDPC shall comply with the City of Peoria Ordinance No. 2011 (14-9-5(2)(g)) and shall have operating hours not earlier than 8:00 a.m. and not later than 9:00 p.m. The hours of operation are anticipated to be as follows:

	Open	Closed
Monday	<u>8:00 a.m</u>	<u>9:00 p.m.</u>
Tuesday	<u>8:00 a.m</u>	<u>9:00 p.m.</u>
Wednesday	<u>8:00 a.m</u>	<u>9:00 p.m.</u>
Thursday	<u>8:00 a.m</u>	<u>9:00 p.m.</u>
Friday	<u>8:00 a.m</u>	<u>9:00 p.m.</u>
Saturday	<u>8:00 a.m</u>	<u>9:00 p.m.</u>
Sunday	<u>8:00 a.m</u>	<u>9:00 p.m.</u>

B. Number of Employees at Any One Time

GDPC expects to have a minimum of three (3) employees on premise at any one time depending upon the growth of its patient base and patient flow expectations.

GDPC may in the future have up to sixteen (16) employees on premise at any one time.

C. Number of Patients at Any One Time; Expected Number of Daily Patients

GDPC expects to be able to serve up to six (6) patients at any one time assuming maximum staff on duty. All patient/Customer Service Agent interaction will be on a one-on-one basis with individual attention given to each patient. GDPC expects there to be a limited patient base for at least the foreseeable future. Based upon ADHS and business plan estimates, GDPC expects to service approximately twenty-five (25) – thirty-five (35) patients per day, but GDPC will have the capacity to comfortably service significantly more patients if the need should arise. Ultimately, the number of patients at any one time or in a day will depend upon the growth of the patient base and the number of dispensaries which are available to service that patient base. GDPC has no control over either of these factors.

D. Maximum Number of Patients Allowed in the Medicine Room at Any One Time

Although GDPC does not anticipate maximum need in the foreseeable future, at maximum employee capacity, GDPC may have up to twenty-four (24) patients in the medicine area at any one time.

E. Capacity of Waiting Area

GDPC will have ample patient waiting area. GDPC is committed to providing a comfortable and safe area for patients to wait until they can be personally attended to by a Customer Service Agent. GDPC's waiting area is designed to ensure that all patients will be able to wait inside the building thus eliminating outside waiting. The expected capacity is anticipated to accommodate up to twelve (12) waiting patients.

F. Air/Odor Filtration Methods

The interior environment of GDPC will be similar to that of other retail establishments. GDPC will employ HVAC that is necessary to keep both temperature and humidity at a comfortable level. All product for sale will be in pre-packaged, air tight, bar coded packages ready for immediate sale to qualifying patients, thus eliminating any noticeable odor from the premises. Should further air/odor filtration methods be necessary, GDPC will take all reasonable efforts to ensure that there are no offending odors. Such measures may include using carbon air filters/scrubbers and/or ozone generators. However, due to the product being in pre-packaged, air tight, bar coded packages, GDPC believes that

additional air/odor filtration methods are unlikely to be unnecessary. GDPC management has met with City of Peoria staff members regarding the City requirements which will be made pursuant to a ventilation calculation in compliance with International Mechanical Code.

G. Refuse Disposal Methods

GDPC's refuse disposal plan begins with a thorough inventory control plan. All retail products for sale will be in pre-packaged, air tight, bar coded packages ready for immediate sale to qualifying patients. There may be a limited amount of sample product that will be available for inspection by patients that will not be in pre-packaged, air tight, bar coded packages. These samples will not be for sale. There will be no medical marijuana or derivatives disposed of in public refuse containers at the site. Any marijuana derived refuse will be stored in secure area prior to proper disposal. Any refuse disposal related to medical marijuana or its derivatives will be disposed of by a third party vendor or transported back to an off-site cultivation facility for proper disposal, each in accordance with Title 36, Chapter 28.1 of the Arizona Revised Statutes, and/or Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services. All sensitive documents, including, but not limited to, patient records, will be shredded and properly disposed. Only standard waste associated with a retail facility (paper products, etc.) will be disposed of at the facility. Please refer to the attached Public Safety and Refuse Control Plan.

H. Describe Business Operation Policy with Regard to Where Product Is Stored, Sold, and How On-Premise Use of the Product Will Be Prevented

All product will be stored after hours in a locked area and/or safe(s). The area and/or safe(s) will be in sufficient volume to securely contain all medical marijuana and medical marijuana products on the premises. It is the intent of GDPC to only have limited product in the retail dispensary for operational needs. All medical marijuana and medical marijuana products will only be sold in the separated secure retail sales area. On-premise consumption of any medical marijuana products is expressly prohibited by Arizona Revised Statutes, Title 36, Chapter 28.1. It is the responsibility of all employees to prevent such use. Please refer to attached Public Safety and Refuse Control Plan.

I. Parking

The Property (including adjacent business(es)) has a total square footage of 8,124 square feet. The intended dispensary will be 1,864 square feet. The Property has a total of forty-three (43) parking spaces. Pursuant to Article 14-23 of the Parking and Loading Requirements of the City of Peoria, General Retail requires one (1)

space per 250 square feet of floor space. Based upon this ratio, the total Property requires thirty-three (33) parking spaces. The forty-three (43) spaces provided at the Property far exceeds parking space requirements.

J. Products For Sale

GDPC's core business plan currently anticipates the sale of pre-packaged marijuana products, including natural form marijuana, edibles and tinctures only; however GDPC remains flexible to meeting the needs of its patients through the sale of additional related products should the future need arise. The sale of all products will be fully in accordance with Arizona law.

V. Discussion of Anticipated Security Plan/Measures

A. The Use of On-Premise Security Personnel

GDPC will utilize on-premise security personnel. To the extent required by the City Code of the City of Peoria, GDPC will contract with a security company that provides security guards whom are licensed and duly bonded security personnel pursuant to Arizona Revised Statutes 32-601. Security guards will be on-duty one half hour before the commencement of business hours until one half hour closing of business hours. Please refer to attached Public Safety and Refuse Control Plan.

B. Transportation Security Measures

All medical marijuana products will arrive at the dispensary securely delivered by an unmarked vehicle. The product will be transported directly from the vehicle and to the interior of the dispensary where it will be unloaded in the secured area of the dispensary. Pursuant to Title 9. Health Services, Chapter 17. Department of Health Services – Medical Marijuana Program Regulations, R9-17-318(A)(B)(C)(D)(E)(F); transportation of marijuana and marijuana products shall include the following:

1. Complete a trip plan that includes:
 - a. The name of the dispensary agent in charge of transporting the marijuana;
 - b. The date and start time of the trip;
 - c. A description of the marijuana, marijuana plants, or marijuana paraphernalia being transported; and
 - d. Anticipated route of transportation; and
2. During transportation, a dispensary agent shall:
 - a. Carry a copy of the trip plan with the dispensary agent for the duration of the trip;

- b. Use a vehicle without any medical marijuana identification;
 - c. Have a means of communication with the dispensary; and
 - d. Ensure that the marijuana, marijuana plants, or marijuana paraphernalia is not visible
3. After transportation, a dispensary agent shall enter the end time of the trip and any changes to the trip plan.
 4. The dispensary shall:
 - a. Maintain a copy of the above requirements, and
 - b. Provide a copy of the documents to the Department of Health Services for review upon request.

C. Secured Entrances

Please refer to the attached Public Safety and Refuse Control Plan and Site Plan illustrations.

D. Cameras and Video Retention Plans

Please refer to the attached Public Safety and Refuse Control Plan and Site Plan illustrations.

E. Other Proposed Security Techniques

Please refer to the attached Public Safety and Refuse Control Plan and Site Plan illustrations.

F. Pursuant to City of Peoria Ordinance No. 2011, Article 14-9 Non-Residential Districts

14-9-5 Limitations On Uses

M. Medical Marijuana Dispensaries and Manufacturing or Cultivation Facilities (Ord No.2011-05A)

1. General Requirements

- a. *For the purposes of measuring separation distances, the measurements will be taken in a straight line from the exterior wall of the building or suite housing the use without regard to intervening buildings or political boundaries.*

All measurements for the purposes of measuring separation distances of GDPC have been taken in a straight line from the exterior wall of the building or suite housing the use without regard to intervening buildings or political boundaries.

- b. Medical Marijuana remnants or by-products shall be disposed of according to an approved plan and not placed within the facility's exterior refuse containers.*

All medical marijuana remnants or by-products of GDPC shall be disposed of according to an approved plan and not placed within the facility's exterior refuse containers.

- c. There shall be no emission of dust, fumes, vapors or odors into the environment from the premise.*

GDPC shall emit no emission of dust, fumes, vapors or odors into the environment from the dispensary.

- d. Signage for Dispensary and/or Medical Marijuana Cultivation Facilities shall be limited to the name of the business only, and no advertising of the goods and/or services shall be permitted.*

GDPC shall limit its signage for the dispensary to the name of the business only. GDPC signage will not advertise its goods and/or services.

- e. Medical Marijuana Dispensaries and Cultivation Facilities shall be located in a permanent building on an established foundation adhering to Peoria building codes and shall not include any temporary, portable, or self powered mobile facilities.*

GDPC's location is in a permanent building on an established foundation that adheres to Peoria's building codes and does not include any temporary, portable, or self-powered mobile facilities.

- f. An active Security Management Plan shall be approved by the Police Department. The Plan shall include, but is not limited to, the following:*

GDPC will have an active Security Management Plan that is approved by the Police Department. The Security Management Plan will include, but is not limited to, the following:

- 1. Security Cameras shall be installed and maintained in good condition, and used in an on-going manner.*

Recordings shall be retained for a minimum of 60 days and comply with any additional standards defined by the Security Management Plan.

GDPC will install and maintain security cameras in good condition. Security cameras will be used in an on-going manner. All recordings will be retained for a minimum of 60 days and will comply with any additional standards defined by the Security Management Plan. Please refer to the attached Public Safety and Refuse Control Plan and site plan illustrations.

- 2. The business space shall be alarmed with an alarm system that is operated and maintained by a recognized security company.*

GDPC's dispensary premise will be alarmed with an alarm system that is operated and maintained by a recognized security company. Please refer to the attached Public Safety and Refuse Control Plan and site plan illustrations.

- 3. A security guard shall be provided at the main entrance during all hours of operation. For the purposes of this section, "security guard" shall mean licensed and duly bonded security personnel registered pursuant to A.R.S. §§32-601.*

To the extent required by the City of Peoria, GDPC will provide a security guard at the main entrance of the dispensary during all hours of operation. The security guard will be licensed and duly bonded security personnel registered pursuant to A.R.S. SS 32-601. Please refer to the attached Public Safety and Refuse Control Plan.

2. Medical Marijuana Dispensaries

- a. Vehicular access into the center or site containing the dispensary shall be from an arterial roadway.*

GDPC's dispensary location has access to the premises, center or site from an arterial roadway.

- b. The use shall not be located within 2,640-feet of another Medical Marijuana Dispensary or Medical Marijuana Manufacturing or Cultivation facility.*

GDPC's dispensary location is not located within 2,640 feet of another known medical marijuana dispensary or medical marijuana manufacturing or cultivation facility.

- c. The use shall not be located within 1,000-feet of the property line of Day-Care Facilities, Pre-Schools, Public/Charter or Private Schools.*

GDPC's dispensary location is not located within 1,000 feet of the property line of day-care facilities, pre-schools, public/charter or private schools.

- d. The use shall not be located within 1,000-feet of a Retail Liquor Store; Tavern, Bar or Lounge; Adult Use; Substance Abuse Treatment Centers; or State Local Alcohol Reception Center.*

GDPC's dispensary location is not located within 1,000 feet of a Retail Liquor Store, tavern, bar or lounge, substance abuse treatment center, or state local alcohol reception center.

- e. The use shall not be located within 500-feet of the property line of a residentially-zoned property.*

GDPC's dispensary location is not located within 500 feet of the property line of a residentially zoned property.

- f. The product offered for retail sales to Medical Marijuana Cardholders shall be inaccessible to the public entering the Medical Marijuana Dispensary. All product provided for retail sales shall be located behind a counter staffed by a Nonprofit Medical Marijuana Dispensary Agent as defined by A.R.S. SS 36-2801.et.seq.*

GDPC's products offered for retail sale to qualified medical marijuana cardholders will be inaccessible to the public entering the medical marijuana dispensary. All medical marijuana products offered for sale will be located behind a counter staffed by a nonprofit medical marijuana dispensary agent as defined by A.R.S. SS 36-2801.et.seq.

- g. The dispensary shall have operating hours not earlier than 8:00 a.m. and not later than 9:00 p.m.*

GDPC will have operating hours not earlier than 8:00 a.m. and not later than 9:00 p.m.

- h. The Cultivation of Marijuana is prohibited.*

GDPC's dispensary location is a retail facility only. There will be no cultivation on the premises.

- i. Delivery services are prohibited.*

GDPC's dispensary location will not have delivery services.

j. Drive-through services and sales are prohibited.

GDPC's dispensary location will not have drive-through services.

k. Alcoholic beverages shall not be sold, stored, distributed or consumed on the premises.

GDPC's dispensary location will not sell, store, distribute or allow consumption of alcoholic beverages on the premises.

l. The Dispensary shall not have outdoor seating areas, but shall have adequate indoor seating to prevent outside loitering.

GDPC's dispensary location will not have outdoor seating areas. GDPC's dispensary location will have adequate indoor seating to prevent outside loitering.

m. The business entrance and all window areas shall be illuminated during evening hours and shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding etc.

GDPC's dispensary location business entrance and all window areas will be illuminated during evening hours and will comply with the city's lighting standards regarding fixture type, wattage, illumination levels, shielding etc.

n. The windows and/or entrances shall not be obstructed and must maintain a clear view into the premises during business hours.

GDPC's dispensary location windows and/or entrances will not be obstructed and will maintain a clear view into the premises during business hours.

o. The use shall provide a plan to ensure that no consumption of Marijuana or any product containing Marijuana occurs on the premises of a Medical Marijuana Dispensary.

GDPC's dispensary location will provide a plan to ensure that no consumption of marijuana or any product containing marijuana occurs on the premises. Please refer to the attached Public Safety and Refuse Control Plan.

p. Tenant improvement plan shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes.

GDPC's tenant improvement plan will ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes.

3. *Medical Marijuana Manufacturing or Cultivation Facility.*

- a. *Other than for delivery to an authorized Medical Marijuana Dispensary, distributing, transmitting, dispensing, giving, selling, or providing medical Marijuana is prohibited.***

GDPC's dispensary location is a retail facility only. There will be no manufacturing or cultivation on the premises.

- b. *All cultivation, manufacturing, and storage of Marijuana and Marijuana plants shall occur within secured, enclosed buildings and structures.***

GDPC's dispensary location is a retail facility only. There will be no manufacturing or cultivation on the premises.

- c. *The use shall not be located within 2,640-feet of another Medical Marijuana Manufacturing or Cultivation Facility.***

GDPC's dispensary location is a retail facility only. There will be no manufacturing or cultivation on the premises.

- d. *The use shall not be located within 1,000-feet of the property line of Day-Care Facilities, Pre-Schools, Public/Charter or Private Schools.***

GDPC's dispensary location is a retail facility only. There will be no manufacturing or cultivation on the premises.

- e. *The use shall not be located within 500-feet of the property line of a residentially-zoned property.***

GDPC's dispensary location is a retail facility only. There will be no manufacturing or cultivation on the premises.

- f. *There shall be no signage advertising the location of Medical Marijuana Dispensaries or retail sales of Medical Marijuana on the premises.***

GDPC's dispensary location is a retail facility only. There will be no manufacturing or cultivation on the premises.

- g. The Community Development Director may require additional ventilation and air filtration necessary to ensure compatibility with adjacent uses.***

GDPC's dispensary location is a retail facility only. There will be no manufacturing or cultivation on the premises.

Vicinity/Location Map



CU12-0014 Green Desert Patient Center of Peoria Exhibit B

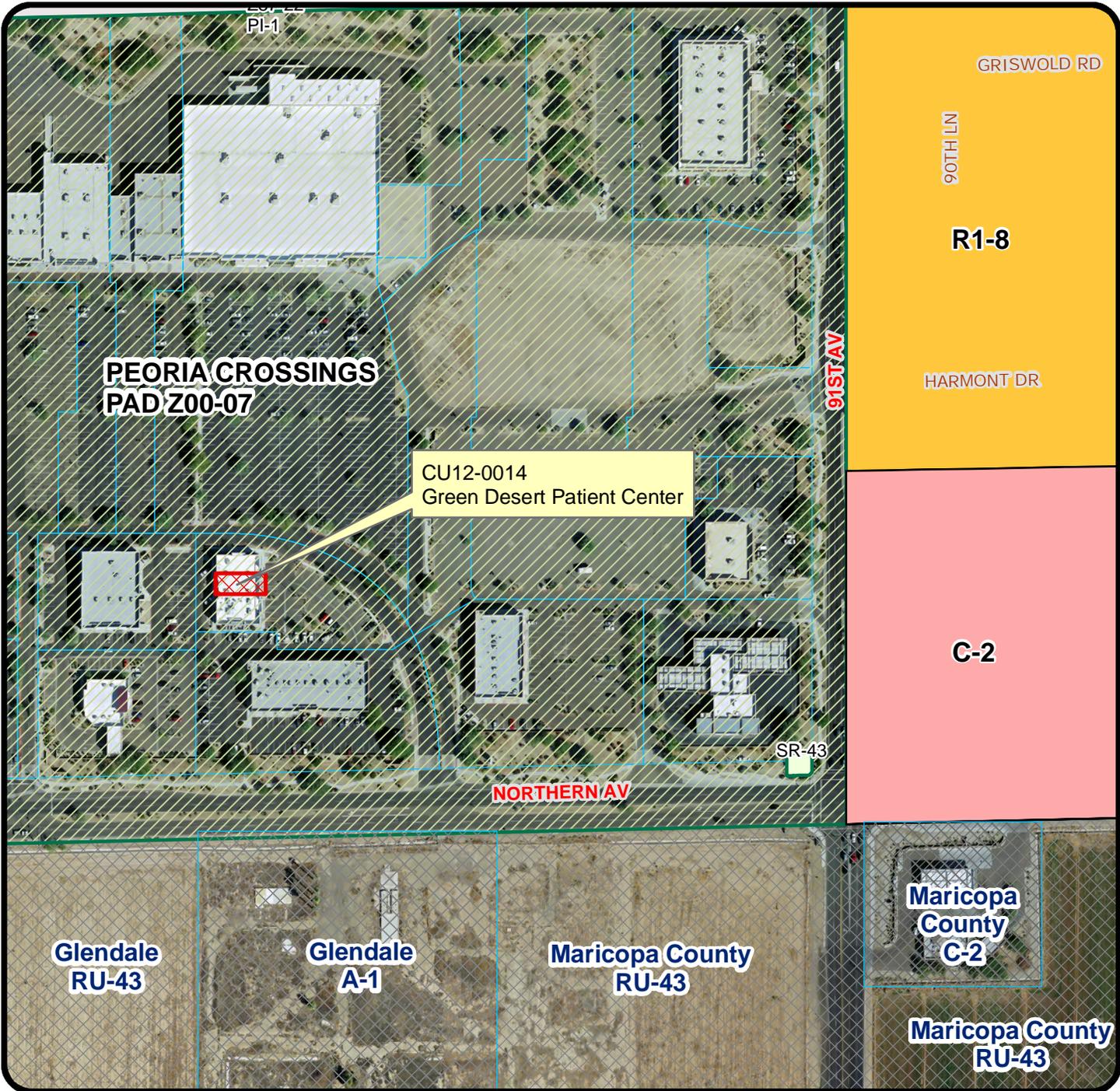
Applicant: Jon Paul Holyoak

Request: Obtain a Conditional Use Permit to allow a Medical Marijuana dispensary in an ~1,864 s.f. suite within an existing building in the Peoria Crossings commercial center



Not to Scale

Zoning Map



CU12-0014 Green Desert Patient Center of Peoria Exhibit C

Applicant: Jon Paul Holyoak

Request: Obtain a Conditional Use Permit to allow a Medical Marijuana dispensary in an ~1,864 s.f. suite within an existing building in the Peoria Crossings commercial center



Not to Scale

Project Description
9240 West Northern Avenue
Suite 103
Peoria, AZ 85305

City of Peoria
Public Safety and Refuse Control Plan
For Security, Maintenance and Operation of
Green Desert Patient Center of Peoria, Inc.

Prepared for:
Green Desert Patient Center of Peoria, Inc.

Green Desert Patient Center, Inc.
10115 E Bell Rd #107-204
Scottsdale, AZ 85260

December 6th, 2012

I. Purpose of the Plan

This Public Safety and Refuse Control Plan's (this "Plan") purpose is to address security measures, maintenance, refuse and operations for Green Desert Patient Center of Peoria ("GDPC"). The contents of the Plan will address community concerns regarding:

- Compatibility with surrounding structures and uses;
- Dispensary security and patient safety; and
- Waste disposal measure relating to the dispensing of medical marijuana.

II. Community Cooperation/Complaints/Concerns:

GDPC will maintain communications with other business establishments, organizations, and residents located on and adjacent to the premises, and with residents and other businesses that may be affected by patrons or operations of GDPC. GDPC designates the following individual to receive and respond to concerns or complaints from other residents or businesses:

- J.P. Holyoak
10115 E Bell Rd, Ste 107-204

Scottsdale, AZ 85260

480-442-0069

JPHolyoak@hotmail.com

GDPC, its managing members, managers, supervisors and security personnel will cooperate closely with Peoria Police, City of Peoria Code Enforcement staff or other City staff as well as business and residential neighbors in addressing and investigating complaints, criminal acts, refuse issues and any other concerns.

III. Security and Maintenance

1. On-Premise Security Personnel
 - a. To the extent required by the City of Peoria, GDPC will utilize on-premise security personnel. To the extent required by the City Code of the City of Peoria, GDPC will contract with a security company that provides security guards whom are licensed and duly bonded security personnel pursuant to Arizona Revised Statutes 32-601. Security guards will be on-duty one

half hour before the commencement of business hours until one half hour closing of business hours.

2. Security Attire

GDPC's Security Plan is based on deterring threats before they occur through capable and visible security personnel, and security equipment. This Security Plan will include security personnel that will be readily available at all times to police, patients and employees. Safety is the top priority at GDPC, and we will take all reasonable efforts to ensure that patients, employees, and our community are kept from harm's way at all times.

The Plan has been designed to warmly greet visitors, yet deter threats by visible security presence. Security personnel will be trained, experienced and alert. In addition, GDPC will issue photo ID cards to all agents (employees) of GDPC and each agent will be required to wear such ID cards on the front of their clothing at all times while on duty at the GDPC facility. Employees will be trained to be alert to strangers on the premises and to question anyone without proper ID. Those who refuse to comply will be escorted from the GDPC facility, and security personnel will be immediately notified. Security personnel will address any encountered difficulties and bring those difficulties to the attention of local police if the situation warrants a higher level of response.

3. Security Officer Responsibilities

- a. The Security Plan will begin 30 minutes prior to opening hours and for 30 minutes following the final patron's departure from the premises.
- b. Security officer(s) will be responsible for identifying hazards, problems, and maintaining patient and employee safety.
- c. Security officer(s) will be responsible for ensuring that no persons are consuming marijuana within the dispensary and on the premises.
- d. Security officers will report all acts of criminal activity to management personnel, complete a written report, log the act of criminal activity, and report the act to the Peoria Police Department immediately.

4. Management Responsibilities – GDPC shall delineate the below responsibilities to all managers, assistant managers, and person(s)-in-charge and ensure these responsibilities are understood and followed.

- a. The manager(s) shall ensure that all employees and security staff employed by GDPC be trained and knowledgeable about the contents of

this Plan. The following shall be agreed upon and adhered to:

- b. There will be a minimum of one (1) manager available during all operational hours.
- c. At least one (1) manager shall be identified as "Security Manager" for the dispensary and be responsible for ensuring that a safe environment exists for the supervision of all security personnel and that all security personnel as identified here shall meet or exceed the requirements established by A.R.S. 32-2621 through A.R.S. 32-2636, as amended, relating to security personnel and guards, and any regulation issued pursuant thereto.

IV. Refuse Plan

It is GDPC's responsibility to ensure refuse containers are properly used and the area in and around the business is kept clean. Waste associated with the medical marijuana, including seeds, stems, leaves, oils, etc. shall be disposed of in accordance with Title 36, Chapter 28.1 of the Arizona Revised Statutes, and/or Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services.

GDPC's refuse disposal plan begins with a thorough inventory control plan. All retail products for sale will be in pre-packaged, air tight, bar coded packages ready for immediate sale to qualifying patients. There may be a limited amount of sample product that will be available for inspection by patients that will not be in pre-packaged, air tight, bar coded packages. These samples will not be for sale. There will be no medical marijuana or derivatives disposed of in public refuse containers at the site. Any refuse disposal related to medical marijuana or its derivatives will be disposed of by a third party vendor or transported back to an off-site cultivation facility for proper disposal, each in accordance with Title 36, Chapter 28.1 of the Arizona Revised Statutes, and/or Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services. All sensitive documents, including, but not limited to, patient records, will be shredded and properly disposed. Only standard waste associated with a retail facility (paper products, etc.) will be disposed of at the facility.

All employees will receive thorough, consistent training about inventory management. GDPC's dispensary will use a secure point-of-sale (POS) system. Medicine coming from a cultivation or processing site will be inventoried against this system upon arrival. Management will conduct audits. If physical inventory counts do not match the inventory counts recorded in the POS system the GDPC Inventory Manager will document the incident in a report that includes the following information: the date, name of people involved, a description of the incident(s), identification of known or suspected cause(s) for the event(s), and any corrective action(s) taken. If there is a reduction in inventory that is due to suspected criminal activity, GDPC shall report the incident and/or the agent to the Arizona Department of Health Services ("DHS") and to local law enforcement authorities.

V. Establishment Record Keeping

In addition to those requirements spelled out in Title 9, Chapter 17, Article 3 of the DHS Regulations, GDPC shall retain all video surveillance recordings no less than 60 days. Records include all audio recordings, video recordings, written receipts invoices and evidence of any transaction occurring within the establishment that are related to the dispensary.

GDPC has developed a stringent and comprehensive records and inventory control system that integrates with DHS's internal medical marijuana electronic verification system. GDPC's system is also fully integrated with our security system, Point of Sale system, video surveillance system and inventory tracking system.

This system creates a transparent chain-of-command and inventory control systems for internal staff, provide transparent records for review by DHS, and prevent diversion by staff or patients/caregivers.

GDPC will maintain all records for at least 60 days on a secured server that include all video recordings, the name of the registered patient or caregiver to whom medical cannabis was dispensed, the date, the quantity and the form of medicine.

Regular review and audit of these policies and programs are designed to prevent unlawful activities and ensure that ongoing improvements are implemented.

VI. Physical Security

GDPC will utilize the following security features throughout the premises:

1. Video Surveillance

- In addition to those requirements spelled out in Title 9, Chapter 17, Article 3 of the Arizona Department of Health Services, GDPC will install and utilize 24- hour surveillance and video lines that record to a secure location that GDPC can provide to the Arizona Department of Health Services upon request.
- Video surveillance will record all persons who enter the dispensary.
- Video surveillance will cover all patron areas.

GDPC's video surveillance system utilizes a digital surveillance system that will be installed at the dispensary. The Security Plan will incorporate the use of security cameras with digital video recorders. GDPC's closed circuit television system is designed to exceed the state's current standard for video surveillance requirements for medical marijuana dispensing sites. This type of advanced system allows for the 24 hour monitoring of both employees and patients, which gives GDPC the ability to record actions that are taking place. Video surveillance will record all persons who enter the facility. This video will be stored for at least 60 days.

CCTV equipment will include the following (or similar):

- 600TVL CNB Color Vandal Dome Cam, Sony ICR, 2.9-10mm
- 24 VAC 9-Channel Camera Power Supply Panel
- DVR Camera & Web Server
- UPC Battery Backup
- Offsite Failure and communication monitoring

GDPC's Security Plan puts forth all reasonable efforts to ensure that patients, employees, visitors, and our community are kept from harm's way at all times. The Plan is based on deterring threats before they occur through a capable and visible security personnel and security equipment. Unlawful activity will be prevented through the use of window security, shutters, cameras mounted in plain sight, security warning signs, access control policies and systems, video surveillance monitoring, intrusion detection, alarm monitoring service, and locks. A critical feature of the proposed Security Plan includes a comprehensive audit trail of all security related operations.

GDPC has engaged with a reputable security company to administer our security monitoring and safety program. Access restriction devices will be used on all regulated areas. All facilities will adhere to ADA standards for access and safety for our patients in the event of an emergency.

There is only one publicly assessable point of access into the dispensing facility which will be secured using three (3) types of measures. These security measures include: physical, video surveillance and administrative.

2. Lighting

All interior and exterior lighting will be sufficient to assure reasonable security for all patients and will be in compliance with City of Peoria Code and regulations.

3. Method of Providing Secured, Controlled Access to the Medicine Room.

The secured medicine area will only be available to qualified patients. Patients will be required to present their Arizona Department of Health Services Patient Identification card to the front desk receptionist or security guard. Using the interactive AzDHS verification computer system, the receptionist will verify the identity and legitimacy of the Patient Identification card as well as other AzDHS requirements. Once this is complete and it is determined that the patient is qualified to purchase medicine, the patient will be granted access to be able to purchase medicine.

4. Windows and doors containing glass will be secured with mounted accordion (or similar) style security gates during non-business hours.

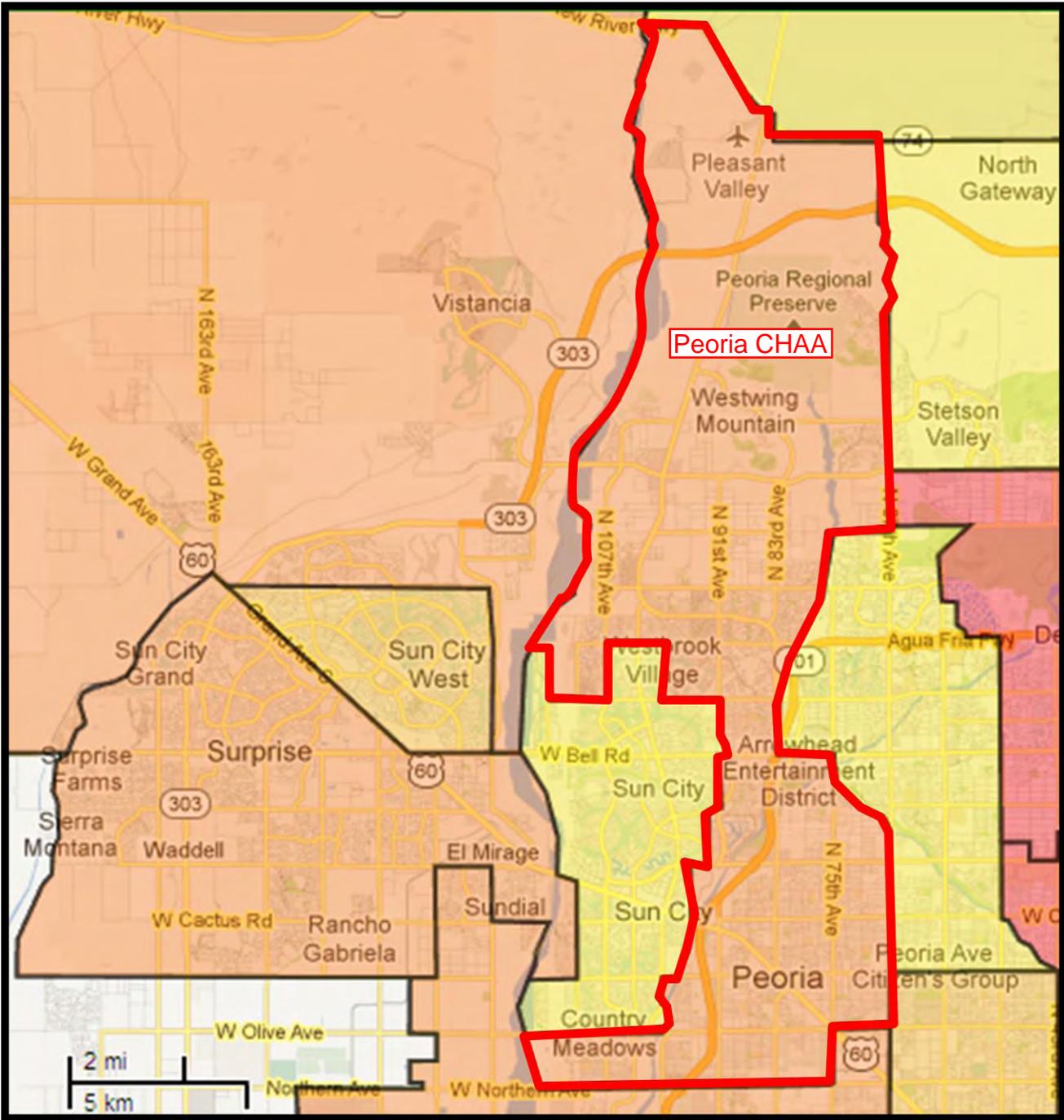
VII. Access to Employee Areas

Restricted areas will be protected with doors that have been equipped with locks and will remain closed at all times except when in use by an authorized employee. GDPC will issue photo ID cards to all agents of GDPC and each agent will be required to wear such ID cards on the front of their clothing at all times while in the GDPC facility. Employees will be trained to be alert to strangers on the premises and to question anyone without proper ID. Those who refuse to comply will be escorted from the GDPC facility, and the Security Manager immediately notified. The Security Manager will address any encountered difficulties and bring it to the attention of local police if the situation warrants a higher level of response.

VIII. Dissemination of the Security Plan

1. A copy of this Plan must be provided to each security officer, manager(s), assistant manager(s) and employees of GDPC.
2. A reading log will be maintained and will be signed by each of the above persons, stating they have read and understood this Plan. Each employee must read the Plan once per year, or when there are any changes to the Plan.
3. A current copy of this Plan will be maintained on the premises at all times, and a copy of this Plan will be made available upon request of any code enforcement officer or police officer.

EXHIBIT E





**Arizona Department of Health Services
Office of Inspection and Compliance
Medical Marijuana Program**

COPY

GREEN DESERT PATIENT CENTER OF PEORIA INC
10115 E BELL RD STE 107-204
SCOTTSDALE, AZ 85260

To Whom It May Concern:

Your Dispensary Registration Application indicated below has been selected and allocated a Dispensary Registration Certificate by the Arizona Department of Health Services.

Dispensary Name: GREEN DESERT PATIENT CENTER OF PEORIA INC
Application ID#: AZDS000000306
CHAA#/Name: 41 - Peoria

Your Dispensary Registration Certificate Number is: 00000023DCAK00675039, please include this number on any future correspondence.

Before receiving the allocated Dispensary Registration Certificate, the dispensary must first submit a Dispensary Agent Application for each Principal Officer and Board Member for whom fingerprints were submitted. Your Dispensary Registration Certificate will be mailed to the dispensary along with the first approved Dispensary Member Registry Identification Card. For Dispensary Agent Application instructions and access to the Dispensary Point of Sale (POS) and Card Verification System, visit <http://www.azdhs.gov/medicalmarijuana/agents/index.htm>. Dispensary Agent Applications are located on the same system as the Dispensary POS and Card Verification System interface. In order to access this system, the dispensary member needs to register and create a Log In Account using their individual access code provided below.

FIRST NAME	MIDDLE INITIAL	LAST NAME	ACCESS CODE
BENTON	D	HEGLIE	1C2B9185EA5D33D920C4A12EF5FAE6D6
JON-PAUL		HOLYOAK	8A7EB6B78ED46132DE13AA5704BECA0D

If you have any questions, please contact the Arizona Medical Marijuana Program at 602-364-0857 or email m2dispensaries@azdhs.gov.

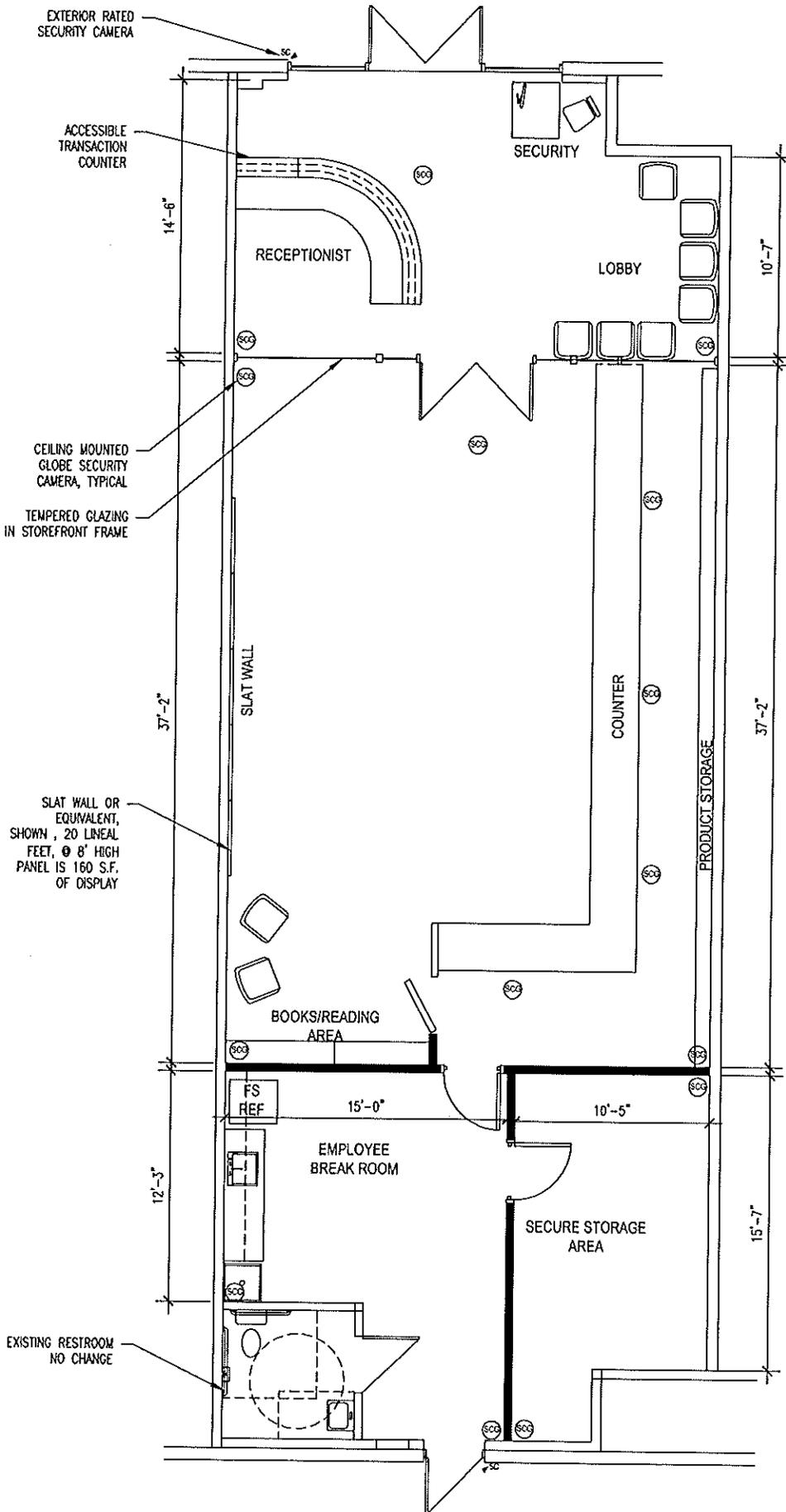
Thank you,
Arizona Department of Health Services
Arizona Medical Marijuana Program

Thursday, August 09, 2012

LINE WERKS

ARCHITECTURE

Scott Wunderlich
14324 West Amelia Ave
Goodyear, Arizona 85395
602-558-1590p / 623-738-2138f
swunderlich@linewerks.com



Green Desert Patient Center of Peoria

9240 W Northern
Suite 113
Peoria, Arizona

Scale: 1/8"=1'-0"
Date: 11-20-12
Sq. Ft.: 1,885 s.f.



This is an example of accordion style security bars implemented at the T-Mobile Store, this T-Mobile store is also located in the Peoria Crossing



Stock photo showing the gate secured.

EXHIBIT I

Properties located within 1,000ft of the proposed use

Address	Name
8050 N 91ST AV	Auto Zone
8170 N 91ST AV	LA Fitness
9047 W HARMONT DR	residence
9054 W HARMONT DR	residence
9055 W HARMONT DR	residence
9060 W NORTHERN AV	Shell gas station/c-store
9061 W ROYAL PALM RD	residence
9062 W HARMONT DR	residence
9063 W HARMONT DR	residence
9130 W NORTHERN AV	TNT Carwash
9184 W NORTHERN AV UNIT 101	Verizon Wireless
9184 W NORTHERN AV UNIT 104	State Farm Insurance
9184 W NORTHERN AV UNIT 107	Leslie's Pool Supplies
9220 W NORTHERN AV	Kohl's
9230 W NORTHERN AV UNIT 101	Panda Express
9230 W NORTHERN AV UNIT 102	Julie Nail & Spa
9230 W NORTHERN AV UNIT 103	vacant
9230 W NORTHERN AV UNIT 104	vacant
9230 W NORTHERN AV UNIT 105	vacant
9230 W NORTHERN AV UNIT 106	Bright Now! Dental
9230 W NORTHERN AV UNIT 107	Quiznos
9230 W NORTHERN AV UNIT 108	Supercuts
9230 W NORTHERN AV UNIT 109	Doughboy's Pizza
9230 W NORTHERN AV UNIT 110	It's A Grind Coffee House
9240 W NORTHERN AV UNIT 101	Streets of New York
9240 W NORTHERN AV UNIT 102	Streets of New York
9240 W NORTHERN AV UNIT 103	vacant
9240 W NORTHERN AV UNIT 104	Twisted Cultures Frozen Yogurt
9260 W NORTHERN AV	Bank of America
9280 W NORTHERN AV	Ulta
9282 W NORTHERN AV	Catherine's
9284 W NORTHERN AV UNIT 101	Sleep American
9284 W NORTHERN AV UNIT 102	GameStop
9284 W NORTHERN AV UNIT 103	Great Clips
9284 W NORTHERN AV UNIT 104	Southwest Title Loans
9284 W NORTHERN AV UNIT 105	T-Mobile
9320 W NORTHERN AV UNIT 110	Justice Just for Girls
9320 W NORTHERN AV UNIT 120	Carter's
9320 W NORTHERN AV UNIT 130	Carter's
9320 W NORTHERN AV UNIT 140	OfficeMax
9330 W NORTHERN AV	Applebee's
9350 W NORTHERN AV	Target
9360 W NORTHERN AV	Carl's Jr.
9370 W NORTHERN AV	wienerschnitzel
9380 W NORTHERN AV	Taco Bell
9420 W NORTHERN AV UNIT 101	Dress Barn

9420 W NORTHERN AV UNIT 103 & 105	Anna's Linens
9440 W NORTHERN AV UNIT 101	Sally's Beauty
9440 W NORTHERN AV UNIT 102	Claire's
9440 W NORTHERN AV UNIT 103	Payless Shoesource
9450 W NORTHERN AV	Famous Footwear
9460 W NORTHERN AV	Ross
9470 W NORTHERN AV	Michael's
9480 W NORTHERN AV	Petco
9490 W NORTHERN AV	Village Inn



Planning & Community Development Department

Planning & Zoning

The following table lists the members who have served as officers over the past several years:

YEAR	CHAIRMAN	VICE-CHAIR	SECRETARY
2007	Greg Loper	Veda McFarland	Mike Worlton
2008	Greg Loper	Veda McFarland	Mike Worlton
2009	Veda McFarland	Marc Melbo	Bill Louis
2010	Veda McFarland	Marc Melbo	Bill Louis
2011	Bill Louis	Nancy Golden	Leigh Strickman
2012	Bill Louis	Nancy Golden	Leigh Strickman
2013			

Members currently eligible to be elected as Chairman:

Nancy Golden
Leigh Strickman
Charles Marr
Leonard Spraker
Shawn Hutchinson

Members currently eligible to be elected as Vice-Chairman:

Bill Louis
Leigh Strickman
Charles Marr
Leonard Spraker
Shawn Hutchinson

Members currently eligible to be elected as Secretary:

Nancy Golden
Charles Marr
Leonard Spraker
Shawn Hutchinson