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STAFF ANALYSIS

CUP24-01 - TRULIEVE

To:	Planning and Zoning Commission
From:	Derek Scheerer, Development Services, Planner II
Through:	Rick Williams, Development Services, Planning Manager
Meeting Date:	March 11, 2024

REQUEST

CUP24-01: PUBLIC HEARING Trulieve of Maricopa: Trulieve, Inc., requests approval of a Conditional Use Permit (CUP) for the construction and operation of a Qualified Marijuana Dispensary located in the future Southbridge Commercial Center located at the southeast corner of W. Honeycutt Road and N. John Wayne Parkway. **DISCUSSION AND ACTION.**

APPLICANT/PROPERTY OWNER

Trulieve, Inc.
3494 Martin Hurst Road
Tallahassee, FL 32312
Phone: 646-831-1997
Contact: William Koslow
Email: William.koslow@trulieve.com

Desert Cedars Equities, LLC
5346 E. Calle Del Norte
Phoenix, AZ 85018
Karizona@Cox.net

COUNCIL PRIORITIES CONSIDERED

- Quality of Life
- Economic Sustainability
- Managing the Future
- Public Safety

PROJECT DATA

Site Gross Acres	+/- 2.09 acres
Parcel #	510-25-009Q
Site Address	Unassigned
Existing Site Use	Vacant
Proposed Site Use	Commercial
Existing General Plan Land Use	Employment (E)
Existing Zoning	General Commercial (GC)
Building Size	3,563 sq. ft.

SURROUNDING USES

Direction	Existing Zoning	Existing Use
North	Shopping Center (SC) Zoning	Vacant Commercial Land
South	General Commercial (GC) Zoning	Vacant Commercial Land
East	General Commercial (GC) Zoning	Vacant Commercial Land
West	General Commercial (GC) Zoning	Vacant Commercial Land

ANALYSIS

Marijuana History

Proposition 203 was passed on November 2, 2010, authorizing the use, sale, and cultivation of medical marijuana in Arizona. Prop 203 also authorized cities to enact reasonable zoning regulations that limit the use of land for registered non-profit medical marijuana dispensaries and cultivation. The Arizona Department of Health Services (ADHS) is the agency responsible for the adoption and enforcement of the regulatory system currently used for the distribution of marijuana, including the system used for registering qualifying patients and designated caregivers, approving non-profit dispensary/cultivation sites, and regulating dispensary/cultivation agents.

In 2014, the City of Maricopa adopted amendments to its Zoning Ordinance regulating the location and use of Medical Marijuana Dispensaries and Cultivation Facilities. In short, Dispensaries are permitted in specified commercial zoning districts upon the issuance of a Conditional Use Permit (CUP) and subject to several separation requirements and operational limitations.

At the November 3, 2020, General Election, Arizona voters approved Proposition 207 (Smart and Safe Arizona Act), which legalized recreational marijuana for adults over the age of twenty-one (21). The 2020 law regulates the production, sale, possession and consumption of recreational marijuana and established the Arizona Department of Health Services (ADHS) as the agency responsible for adopting rules to regulate marijuana, including the licensing of marijuana retail stores, cultivation facilities, and production facilities.

In April 2023, the City of Maricopa adopted an amendment to its Zoning Ordinance (ORD 23-22), updating zoning regulations to permit Qualifying Marijuana Facilities, facilities that provide recreational and medical marijuana sales, as permitted in the city upon the issuance of a Conditional Use Permit. The amendment was necessary for compliance with the approved Proposition 207 Smart and Safe Arizona Act, as noted above.

Applicant's Proposal

The applicant is proposing to construct and operate a cannabis dispensary in a 3,563 sq. ft. building on a +/- 2.09-acre site in the future Southbridge Commercial Center located at the southeast corner of W. Honeycutt Avenue and N. John Wayne Parkway. The cannabis dispensary will be constructed in the first phase of development on the site. Operating hours for the dispensary will be from 8:00am to 10:00pm, Monday thru Sunday. Access to the site will be provided by a single entrance via W. Honeycutt Avenue. Future access points connecting to W. Edwards Avenue and W. Desert Cedars Parkway will be constructed as the area further develops. There will be twenty-eight (28) dedicated parking spaces assigned to the proposed development.

In addition to State enforced regulations found within Arizona Revised Statutes Title 36, the City of Maricopa Zoning Ordinance has adopted local zoning requirements for Qualifying Marijuana Dispensaries within Section 18.120.160, which establishes requirements for items such as hours of operation, use separation requirements, security planning, air filtration/odor control, etc. The applicant has addressed these requirements in their application Narrative (Exhibit A), which are further referenced in detail below:

Staff Analysis***Section 18.120.160 Qualifying Marijuana Facilities*****Allowable Zones – General Commercial (Dispensaries Only).**

The Trulieve dispensary is located in the General Commercial (GC) Zoning District.

Location – A Qualifying Marijuana Facility requires the following separation requirements:

Use Classification	Separation Requirement	Trulieve Separation
Another Marijuana Facility	1,500 feet	None within 1,500 feet
Day Care Center	500 feet	None within 500 feet
Public/Private Park	500 feet	None within 500 feet
Religious Facility	500 feet	None within 500 feet
Civic Facility	500 feet	None within 500 feet
Group/Residential Care Home	500 feet	None within 500 feet
Public/Private/Charter School	1,500 feet	None within 1,500 feet
Residential District Boundary	250 feet	None within 250 feet

Alcohol – No alcohol can be sold or distributed on-site/off-site.

There will be no alcohol sales permitted on-site/off-site.

Hours of operation – Hours of operation shall be limited to between 8:00a.m. and 10:00p.m.

Hours of operation will be from 8:00a.m. to 10:00p.m.

No drive-thru facilities are permitted.

There are no drive-thru facilities proposed with this development.

Odor Control – Qualifying facilities shall not emit dust, fumes, vapors or odors into the environment and businesses shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of the City.

Trulieve will install an ionizing odor control and air filtration system that will control and prevent the emission of dust, fumes, vapors or odors into the environment from the premises. Additionally, all marijuana products will be packaged off-site and will remain in sealed packaging while on the property, eliminating any potential odor coming from the facility.

Consumption – No marijuana consumption may occur on-site.

No on-site consumption of marijuana will be allowed. The site will be posted with no consumption signs and on-site security will be in place to enforce all stated requirements.

Security Plan – The applicant shall furnish to the licensing office, for review and approval by the police department.

A security plan for the proposed Trulieve Dispensary has been detailed in the project Narrative (Exhibit A). The applicant has additionally met with the Maricopa Police Department who have approved the Trulieve Security Plan.

The maximum size for a qualifying marijuana facility dispensary is 5,000sf. Storage cannot be larger than 500sf.

The square footage of the proposed site totals 3,563 sq. ft. The designated secure storage area will be less than the code limited 500 sq. ft.

Cultivation – No marijuana cultivation may occur on the same premises as a dispensary.

No cultivation will occur on-site.

Signage shall be limited one wall sign not to exceed ten (10) square feet in area, and one identifying sign not to exceed two (2) square feet in area. Signs shall not be directly illuminated.

All signage shall be approved under separate permit and shall adhere to the provisions outlined in Section 18.120.160 of the Maricopa Zoning Code.

Disposal of Products – The dispensary shall provide for proper disposal of marijuana remnants of by-products, and which are not to be placed within the facility's exterior refuse containers.

The disposal of remnant marijuana products will meet all minimal requirements set forth in Section 18.120.160 of the Maricopa City Code. Green waste product will be destroyed weekly, as applicable, and placed within designated commercial waste bins for removal from the facility.

Conditional Use Permit: Required Findings

For a Conditional Use Permit, in accordance with Zoning Code Sec. 18.150.060 Required Findings, the decision-making body determines that the project, as submitted or as modified, conforms to all the following criteria:

- A. The proposed use is allowed within the applicable Zoning District and complies with all other applicable provisions of this Code and the Maricopa City Code.

Staff Analysis: The proposed request for a qualified marijuana facility is permitted with a conditional use permit in the General Commercial Zoning District and is a proper use for which a conditional use permit is authorized.

- B. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan and/or policies that the City has adopted.

Staff Analysis: The proposed qualified marijuana facility is permitted in the GC Zoning District with a conditional use permit and the site layout, design, and conditions of approval have been applied to ensure compatibility with the surrounding uses.

- C. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the Zoning District where it is located and conform in all significant respects with the General Plan and with any other applicable plan or policies adopted by the City Council.

Staff Analysis: The proposed qualified marijuana facility will be developed and designed to be in compliance with the Zoning District.

- D. The proposed project will not be injurious or detrimental to the property or improvements in the neighborhood or to the general welfare of the City, specifically:

1. The proposed use will not emanate any nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions.

Staff Analysis: The proposed qualified marijuana facility will be operated in such a way as to produce no objectionable odors, dust, gas, noise, vibrations, smoke heat, or glare that will exceed ambient conditions.

2. The proposed use will provide adequate control of disruptive behavior both inside and outside of the premises, which may create a nuisance to the surrounding area or general public, where applicable.

Staff Analysis: The qualified marijuana facility has proposed appropriate interior and exterior security measures and will provide appropriate screening measures for parking and trash refuse enclosures with the use of masonry walls and vegetation.

3. The proposed use will not create any significant increase in vehicular or pedestrian traffic; and

Staff Analysis: The determination of traffic impact on existing infrastructure has been analyzed during the Development Review Permit by a traffic engineer and City Staff to determine the improvements required to support the proposed development. Ample parking, twenty-eight (28) parking stalls have been provided for the development.

4. The proposed use will be compatible with existing uses and structures.

Staff Analysis: The proposed request for a qualified marijuana facility is permitted with a conditional use permit in the GC Zoning District.

- E. Adequate public services and facilities and infrastructure are available to serve the proposed project; and

Staff Analysis: The adjoining streets and infrastructure will be constructed with the first phase of development to accommodate the proposed use.

- F. For Conditional Use Permits, that the proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood and the community.

Staff Analysis: The use is proposed to occupy a new 3,563 square-foot building on a future +/- 2.09-acre commercial site, which is adequate in size and shape to accommodate the proposed use.

PUBLIC COMMENT

Public Notice

As required per the Zoning Code Section 18.140.060, notification letters were sent out to property owners within 600 feet of the subject site with information about the Neighborhood Meeting date and the Planning and Zoning Commission meeting date. In addition, one (1) sign posting was posted on the property by the applicant on February 2, 2024, and a newspaper ad was placed in the local dispatch on February 6, 2024.

A neighborhood meeting was held for the proposed marijuana facility at 6:00pm, on February 22, 2023, at the City of Maricopa Public Library, located at 18160 N. Maya Angelou Dr. The meeting was attended by members of the Trulieve team, and City Staff. There were no members of the public present at the meeting. Documentation of this meeting can be found in the Public Participation Report attached herein as Exhibit C.

As of the writing this report, Staff has received one (1) email in opposition to the request attached herein as Exhibit F.

STAFF RECOMMENDATION

Staff finds the request for approval of a Conditional Use Permit to be in substantial conformance with the requirements outlined in Section 18.120.160 and Section 18.150.060 of the City of Maricopa Zoning Ordinance, and therefore:

Staff recommends **Approval of CUP24-01** subject to the following conditions:

1. The use shall substantially conform to the Project Narrative and the Site Plan (Exhibits A & D), as contained in the staff report to the Planning & Zoning Commission dated March 11, 2024: and,
2. A final Security Management Plan shall be approved by the City of Maricopa Police Department prior to the issuance of a building permit for the future site; and,
3. Operation of the proposed facility shall be in accordance with the provisions of Section 18.110 – Performance Standards of the City of Maricopa Zoning Ordinance
4. Any expansion of the use or material modification of the use shall require an amendment to the Conditional Use Permit.

ATTACHMENTS

Exhibit A – Narrative

Exhibit B – Radius Map

Exhibit C – Public Participation Report

Exhibit D – Site Plan

Exhibit E – Elevations

Exhibit F – Letter of Opposition

-- End of staff report --