



PLANNING AND ZONING COMMISSION REPORT

Meeting April 20, 2017

Date:

Agenda Item: 4R

Case Name: CU16-0032: Devine River Healing Medical Marijuana Dispensary

Case Number(s): CU16-0032

General Application Information

Proposal:

Request for a Conditional Use Permit to allow a medical marijuana dispensary use.

Location:

20340 N. Lake Pleasant Road, Suite 107

Project Acreage:

1,574 square foot suite

Applicant:

Curtis Devine

Project Description

Discussion and possible action to consider a request for a Conditional Use Permit to allow a medical marijuana dispensary use in a vacant in-line suite located at 20340 N. Lake Pleasant Road, Suite 107. The property is within Pleasant Promenade Retail Center.

Recommendations:

Approve the applicant's request for a Conditional Use Permit for CU16-0032, subject to the conditions outlined in the staff report.

ATTACHMENTS:

Description

Staff Report

Exhibit A - Vicinity Map

Exhibit B - Zoning Map

Exhibit C - CHAA Map

Exhibit D - Dispensary Locations

Exhibit E - CHAA Priority List
Exhibit F - Floor Plan
Exhibit G - Project Narrative
Exhibit H - Security Plan
Exhibit I - Lighting Plan
Exhibit J - Distance Requirement Map
Exhibit K - Surrounding Business List
Exhibit L - Opposition Email
Exhibit M - Neighborhood Meeting Summary

BACKGROUND

Context

Devine River Healing, Inc, is proposing to establish a new medical marijuana dispensary within an existing 1,574 square foot in-line suite located in the Pleasant Promenade Retail Center at 20340 N. Lake Pleasant Road, Suite 107 (Exhibit A). This center is located near the NWC of Beardsley Road and Lake Pleasant Road.

General Plan

The subject property is designated Low Density Residential (2-5 du/ac) on the General Plan Land Use Map.

Zoning

The site is zoned Intermediate Commercial (C-2). The C-2 district is intended to provide opportunities for the sale of convenience goods and services. (Exhibit B)

Adjacent Uses and Zoning

Table 1 summarizes the existing land use, General Plan designation and zoning for the surrounding areas.

Table 1 – Existing Land Use, General Plan, and Current Zoning

	EXISTING LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant Commercial in-line suite	Low Density Residential	Intermediate Commercial (C-2)
North	Sun Grove Professional Plaza	Low Density Residential	Office Commercial (O-1)
South	Walgreens	Low Density Residential	Intermediate Commercial (C-2)
East	Ventana Lakes Village Center	Low Density Residential	Intermediate Commercial (C-2)
West	Vacant Property	Low Density Residential	Intermediate Commercial (C-2)

Other Related Policies and Project History

A previous medical marijuana dispensary received approval of a Conditional Use Permit to operate at this location in June, 2011. The applicant did not move forward with building permits at this site, and consequently the approved Conditional Use Permit (CUP) expired in December, 2012, eighteen months after approval.

State Regulations

Proposition 203 was approved by Arizona voters on November 2, 2010 authorizing the use, sale, and cultivation of medical marijuana in Arizona. Proposition 203 also authorized cities the ability 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 medical marijuana, including the system used for registering qualifying patients, designated caregivers, non-profit dispensary/cultivation sites, and dispensary/cultivation agents.

The Medical Marijuana Act went into effect on April 14, 2011. Applications for a dispensary registration certificate were not accepted until May, 2012. The total number of certificates authorized was based on the number of pharmacies within the State. For every ten (10) licensed pharmacies, one (1) medical marijuana dispensary was allowed. This equated to one-hundred twenty-six (126) possible certifications/dispensaries. In an effort to ensure patient access throughout the State, ADHS limited the number of registered dispensaries according to geographic regions referred to as Community Health Analysis Areas (CHAA). One dispensary was permitted within each CHAA (Exhibit C). A random selection process was used if more than one (1) application was received for a CHAA.

The City of Peoria currently lies within three (3) different CHAAs: #38 Maricopa Co. N, #39 Wickenburg, and #41 Peoria. The CHAA referred to as #41 Peoria contains a majority of the City and currently has a medical marijuana dispensary operating west of the southwest corner of 91st Avenue and Peoria Avenue. This dispensary received approval for a Conditional Use Permit through the Planning and Zoning Commission on April 18, 2013. This has been the only operating medical marijuana dispensary within the City limits to date. There are two (2) other locations in southern Peoria that have received a Conditional Use Permit to operate a medical marijuana dispensary, but have not begun operations as of this report (Exhibit D).

For the first time since the initial calculation, the number of pharmacies within the State has been re-evaluated and there are now thirty one (31) dispensary registration certificates available. ADHS was accepting applications between July 18-29, 2016. The CHAAs will remain as-is and the disbursement of the dispensaries within the CHAAs will be based on the areas with the most registered patients. The CHAA referred to as #41 Peoria is currently ranked number seven (7) on the priority list for another dispensary (Exhibit E).

APPLICANT’S PROPOSAL

Goal/Purpose of Request

The applicant is requesting the approval of a Conditional Use Permit to operate a

medical marijuana dispensary within a 1,574 square foot suite, which will consist of a lobby, patient consulting/sales area, along with office and storage space (Exhibit F). The proposed hours of operation are Sunday through Saturday from 8:00 a.m. to 9:00 pm (Exhibit G).

Development Information

- Existing Use: Vacant commercial in-line suite
- Proposed Use: Medical Marijuana Dispensary
- Suite Size: 1,574 square feet

DISCUSSION AND ANALYSIS

Details of Request

As stated above, the applicant is proposing to operate daily from 8:00 a.m. to 9:00 p.m. The number of employees present at any one time will range from three (3) to five (5) depending on the staffing needed to serve patients. The average number of patients during a non-peak time is two (2) with peak times increasing to ten (10). The waiting area has capacity for ten (10) patients. The applicant is anticipating approximately fifty (50) patients per day. Patient visits are typically short, lasting less than ten (10) minutes.

Once a patient enters the facility, they are required to check in and produce a valid ADHS Medical Marijuana Patient Registration Card (MMRC) along with an Arizona issued License or Identification Card. Their MMRC is also checked against the State’s database to ensure expiration has not occurred and that the patient has a sufficient allotment allowed to purchase. This is all done in the lobby where there is no access to any medical marijuana. Once the patient has been verified, they wait to be brought back to the patient consulting area with a Dispensary Agent. The patient will then select, receive, and pay for their medication. Medical marijuana is offered in its natural plant form, as well as preparations made from the marijuana plant, including infused edibles, topical lotions, balms, and oils. All ancillary retail sales are done in the patient consulting area; therefore only patients have the ability to purchase items at the dispensary. These items include t-shirts, hats, general promotional materials, educational materials, and products designed to aid in the administration of the medical marijuana.

Security measures have been taken as required by ADHS and the City. A security guard will be posted onsite during all business hours to ensure no one is loitering or using product on the premises. There will also be a security system installed to include a video surveillance system consisting of twelve (12) cameras covering the front and rear entrance/exit portions of the building and the interior of the building. The cameras will record 24-hours per day and footage will be kept for sixty (60) days (Exhibit H). A lighting system is also in place that illuminates the interior and exterior perimeter at all times (Exhibit I).

Applicability

The subject property is zoned Intermediate Commercial (C-2), which allows a medical marijuana dispensary through the issuance of a Conditional Use Permit, subject to limitations.

Article 14-9-5-K of the Zoning Ordinance provides the following limitations on medical marijuana dispensaries. Staff responses are in *italics*.

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

The dispensary can be accessed from Lake Pleasant Road, an arterial roadway.

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

The closest location, Arizona Natural Selections, is over 2,640 feet away. Arizona Natural Selections is located at 91st Avenue and Peoria Avenue, approximately six miles from this proposed location.

3. 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.

The closest location, Parkridge Elementary School, is approximately 1,500 feet away.

4. 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.

The area surrounding the proposed location does not contain any of these uses.

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

The closest location, a residentially-zoned parcel located in Sun City, is over 500 feet away.

6. 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. § 36- 2801.et.seq.

The dispensary will only sell product to Medical Marijuana Cardholders that are inaccessible to the public and placed behind a counter staffed with a Dispensary Agent.

7. The Dispensary shall have operating hours not earlier than 8:00 a.m. and not later than 9:00 p.m.

The hours of operation will be daily from 8:00 a.m. to 9:00 p.m.

8. The Cultivation of Marijuana is prohibited.

No on-site cultivation will be performed.

9. Delivery services are prohibited.

The dispensary will not be making any deliveries.

10. Drive-through services and sales are prohibited.

The in-line suite does not have a drive-through window.

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

No alcoholic beverages will be sold.

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

The dispensary will have seating for up to 10 patients in the lobby.

13. 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.

The dispensary will utilize lighting in line with City standards.

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

The applicant will leave the windows clear of obstruction, and keep all entrances well-lit with conspicuous security measures, including security camera, locking doors, a security guard, and remote monitoring.

15. 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.

Marijuana consumption is prohibited on the premises. Security personnel will monitor this with a zero tolerance policy.

16. 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.

The applicant will utilize all proper ventilation, air filtration, and building design according to the building codes adopted by the City of Peoria.

Section 14-39-12 of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. 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.

Compatibility With Surrounding Land Uses

The proposal meets all distances separations required for a medical marijuana dispensary, including schools, day care centers, bars, taverns, liquor stores, substance abuse treatment centers, and residentially-zoned properties (Exhibit J). A list of all businesses located within 1,000 feet has also been provided (Exhibit K).

A dispensary in the north portion of the City creates an opportunity to better serve the citizens requiring this service. The AZDHS lists Peoria as the 7th highest area of need for cardholders. This proposal also will utilize a vacant suite within an existing commercial center. Moreover, the use will have access to an adequate supply of parking at the center. Staff does not anticipate any negative impacts that would affect adjoining or nearby uses as a result of this request.

If any issues arise regarding the operation of the business, Section 14-39-12.1 of the Zoning Ordinance provides the Planning Manager may recommend to the Planning and Zoning Commission 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.

COMMUNITY INVOLVEMENT

Outreach Requirements

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 one (1) mile, posting a sign on the site, and placing an ad in the Peoria Times at least 15 days prior to the Public Hearing.

Support / Opposition

Opposition was received on December 28, 2016 via email from a citizen of Peoria (Exhibit L). The appellant does not feel the location is appropriate due to proximity of the elementary school and residential developments.

Since the opposition was received within 21 days of the notice of application in accordance with Section 14-39-12.F a neighborhood meeting was required to be held by the applicant. The applicant provided notice for the neighborhood meeting in accordance with Section 14-39-6. The meeting was held on February 27, 2017, at the Sunrise Mountain Public Library Community Room at 6:00 p.m. Twenty-seven (27) members of the public were in attendance at the neighborhood meeting, though not every attendee signed in. Comment forms were given to attendees at the meeting as another way to receive input. Input from the meeting mainly consisted of:

- Concerns regarding security and on-site controls;
- Not wanting the use in their neighborhood;
- Positive feedback regarding the benefits of medical marijuana versus typical prescription medication.

Staff has received eight (8) phone calls from Ventana Lakes residents since the neighborhood meeting. One (1) phone call was in support; seven (7) were opposed due to the proximity of the elementary school, residential developments, and senior living centers. Further opposition via email was received on March 31, 2017, from a Westbrook Village resident stating the use will attract a criminal element to the area.

The applicant has continued to respond directly to those who submitted questions/comments/concerns and to emails and phone calls received from citizens since the meeting that have had questions and concerns.

Proposition 207 Waiver

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 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.

STAFF RECOMMENDATION

Based on the following findings:

1. The request is consistent with the City of Peoria Zoning Ordinance and compatible with the uses in the surrounding area;
2. The proposal meets the Conditional Use Permit standards and complies with the use limitations for a Medical Marijuana Dispensary;
3. The application has been reviewed and approved by the Peoria Police Department;
4. 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;
5. The use, in conjunction with the conditions of approval, will operate in a manner that will not negatively impact the adjoining uses; and,
6. The applicant/owner has submitted a signed and notarized a Proposition 207 waiver, which will be recorded with the conditions outlined below.

Staff recommends that the Planning and Zoning Commission take the following action:

Approve the applicant's request for a Conditional Use Permit under Case CU16-0032, subject to the following conditions:

1. The use shall substantially conform to the Project Narrative, Security Plan, and Floor Plan as contained in the staff report to the Planning & Zoning Commission dated April 20, 2017;
2. The applicant shall secure any necessary security system and/or alarm system permits from the Peoria Police Department;
3. The use shall fully comply with all state and local laws and Arizona Department of Health Services regulations pertaining to medical marijuana dispensaries;
4. The applicant shall post a no loitering sign on all sides of the suite;
5. Any expansion of the use, or material modification of the tenant suite shall require an amendment to the Conditional Use Permit;
6. In accordance with Section 14-39-12.B.5 of the Peoria Zoning Ordinance (1977 Edition), the Conditional Use Permit will expire on 10/20/2018 if the use has not

began operating or a building permit has not been obtained; and,

7. The applicant shall obtain a sales tax license and properly report all sales.

REPORT PREPARED BY

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Vicinity Map



CU16-0032 Devine River Healing

Applicant: Curtis Devine

Request: The applicant is requesting a Conditional Use Permit for a medical marijuana dispensary

Location: North of the northwest corner of Beardsley Road and Lake Pleasant Road.



Not to Scale

Zoning Map



CU16-0032 Devine River Healing

Applicant: Curtis Devine

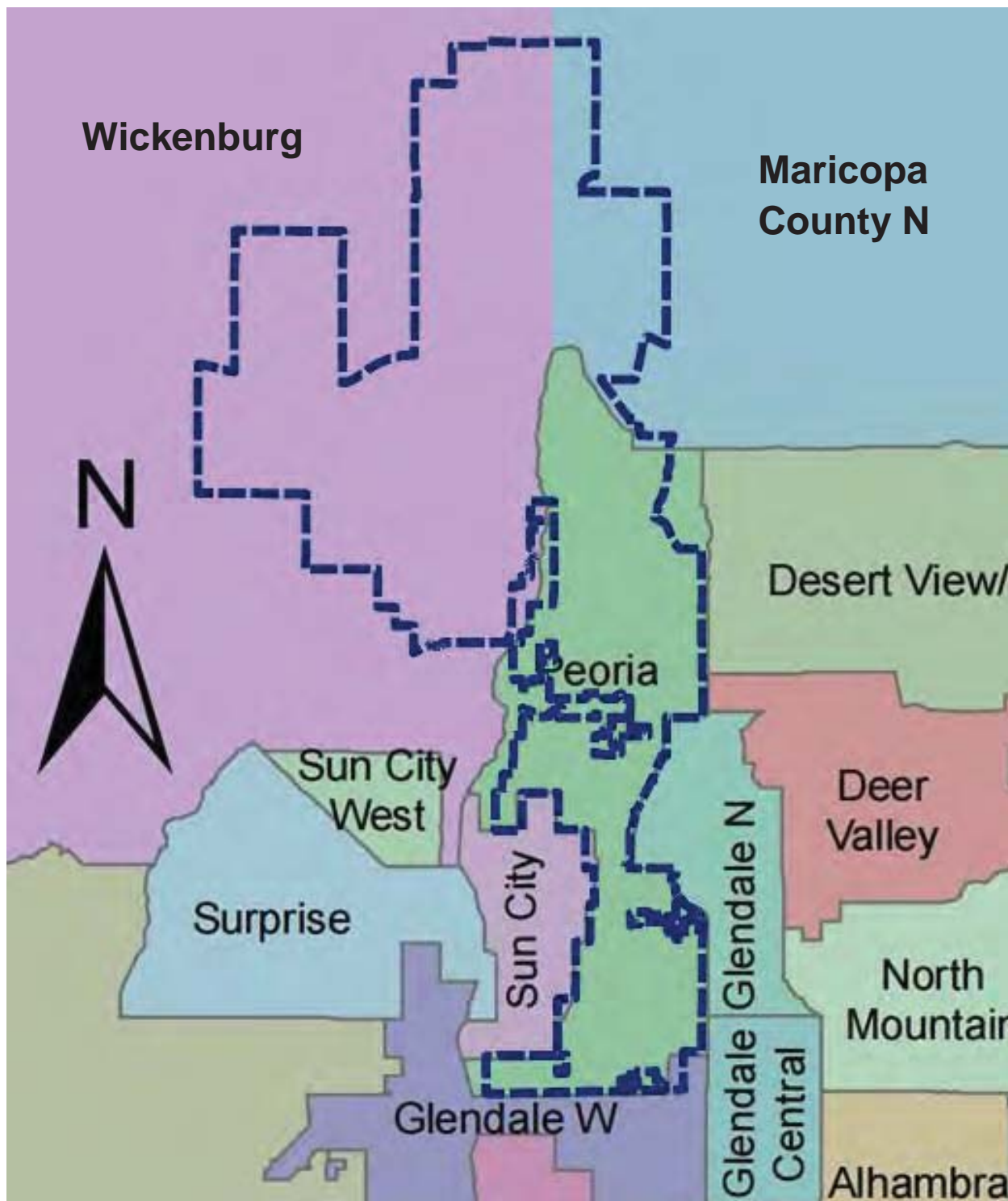
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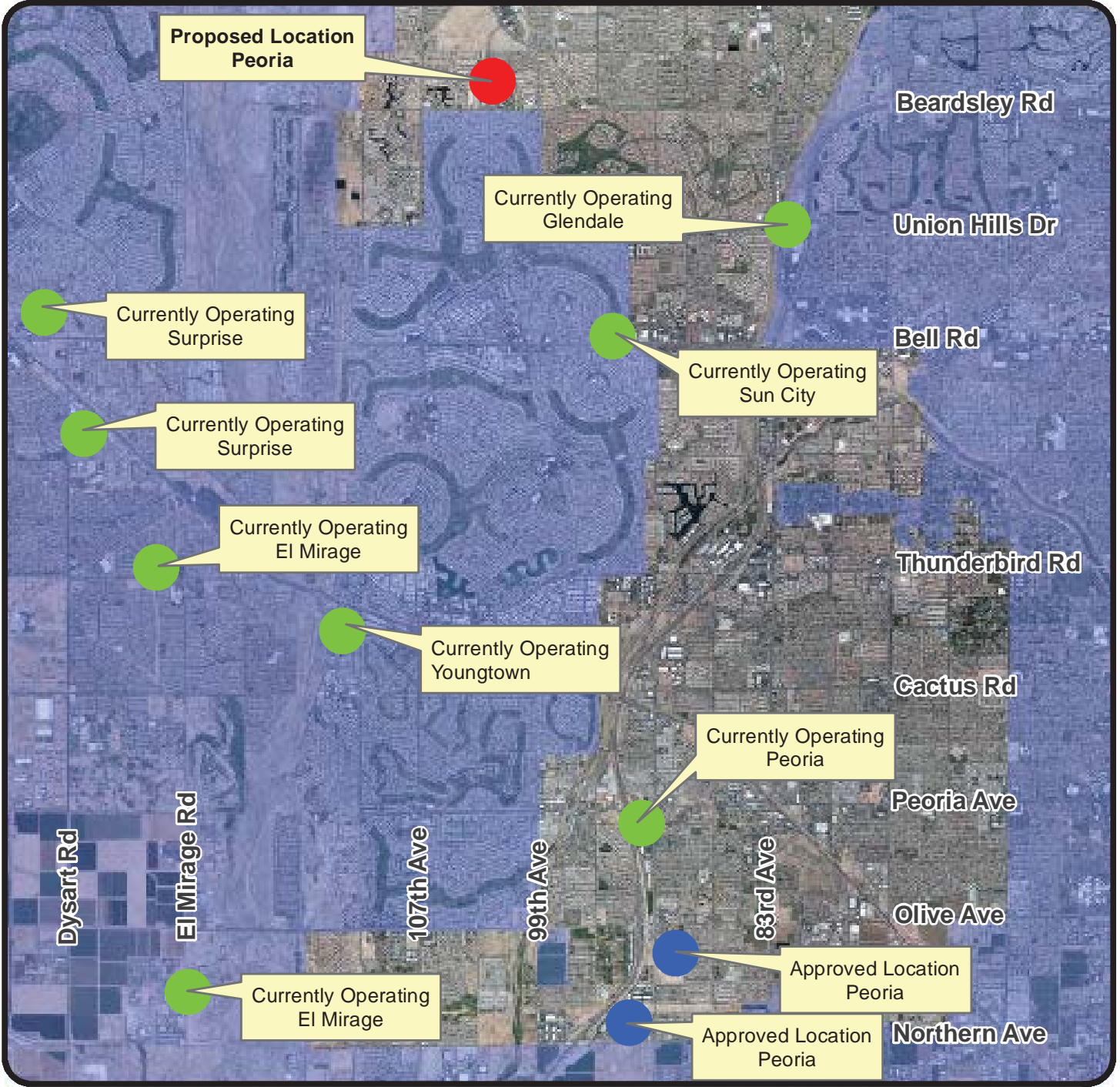
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Community Health Analysis Areas



--- Peoria City Limits

Dispensary Locations



CU16-0032 Devine River Healing

Applicant: Curtis Devine

Request: The applicant is requesting a Conditional Use Permit for a medical marijuana dispensary

Location: North of the northwest corner of Beardsley Road and Lake Pleasant Road.



Not to Scale

Exhibit D
Exhibit 5



ARIZONA DEPARTMENT OF HEALTH SERVICES

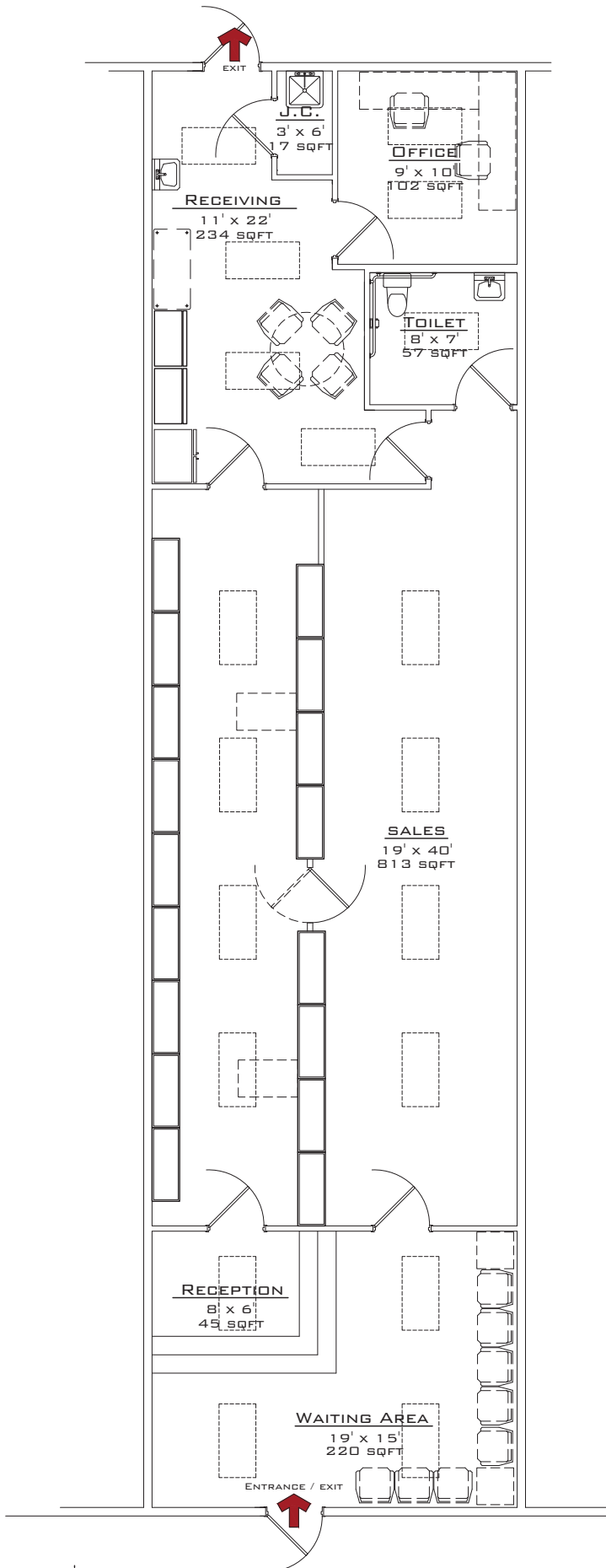
LICENSING

June 16, 2016

Top 31 CHAAs prioritized under [R9-17-303\(B\)\(2\)](#)

Rank	CHAA	CHAA ID
1	Paradise Valley Village	46
2	North Mountain	52
3	Deer Valley	44
4	Chandler SE	80
5	Scottsdale N	40
6	Camelback East	56
7	Peoria	41
8	Gilbert E	77
9	Mesa E	65
10	Scottsdale S	58
11	Surprise	47
12	Tanque Verde	106
13	Tucson NE	105
14	Tempe N	68
15	Mesa W	69
16	Tempe S	74
17	Maryvale	60
18	Alhambra	59
19	Yavapai Co. NE	26
20	Superior/Kearny	93
21	Chandler NW	79
22	Tucson E Central	109
23	South Mountain	71
24	Glendale N	45
25	Desert View/North Gateway	42
26	Mesa Central	70
27	Ahwatukee Foothills	78
28	Maricopa Co. W	51
29	Lake Havasu City	8
30	Mesa S	73
31	Apache Junction	92

Douglas A. Ducey | Governor Cara M. Christ, MD, MS | Director



SALES BUILDING 1,574 SQFT.
SCALE 1/4" = 1'-0"



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Parcel 200-14-003-W
Pleasant Promenade Retail Center
20340 N. Lake Pleasant Road, Ste. 107
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Narrative Proposal

Devine River Healing, Inc. ("DRH") is an Arizona nonprofit corporation that was created to apply for and obtain a medical marijuana license through the Arizona Department of Health Services ("ADHS"). This Narrative outlines:

1. The basic overview of the request, including the type of development and uses;
2. How the request is in conformance with the Peoria General Plan;
3. Improvements and uses currently on the property;
4. Unique physical features or environmental considerations impacting the property;
5. How the proposal is compatible with the surrounding areas;
6. Describe the site circulation, parking and design, drainage, architecture, and lot design; and
7. Proposed phasing.

1. Overview

This application is for a proposed a medical marijuana dispensary on Parcel 200-14-003-W at the Pleasant Promenade Retail Center located at 20340 N. Lake Pleasant Road, Ste. 107 in Peoria, Arizona. This particular location meets the City of Peoria's setback requirements and is a qualified planning and zoning use.

DRH is a full service, nonprofit, alternative health and wellness facility that provides State of Arizona legally authorized marijuana in a caring, safe, and supportive environment. DRH provides natural and organic treatments for qualifying patients, as well as free education and support services through a physician-supervised facility. The purpose of DRH is to provide high quality legally permitted medical marijuana to Arizona residents, as authorized by ADHS.

The Arizona Department of Health Services serves as the primary regulator for medical marijuana in the State of Arizona. To open a medical marijuana dispensary in Arizona, it is a two-step process. The first step is for a nonprofit entity to obtain a Dispensary Registration Certificate issued by the Arizona Department of Health Services. Following the local jurisdictional approval of the use, the second step is to obtain an Approval to Operate issued by the Arizona Department of Health Services.

Devine River Healing, Inc., a nonprofit entity, obtained a Dispensary Registration Certificate issued by the Arizona Department of Health Services for the Peoria Community Health Analysis Area (CHAA) #41. A copy of that Dispensary Registration Certificate is attached. The Certificate Number is redacted for safety and security purposes, because it is the required security element for communication between the nonprofit entity and the Arizona

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Department of Health Services. If the City of Peoria would like to review the un-redacted Certificate, Devine River Healing, Inc. would be happy to arrange a time to show this to the staff or legal counsel.

Directors and Biographical Information

DRH was formed by Sara Presler and Curtis Devine in 2016 and incorporated as a nonprofit Arizona Corporation through the Arizona Corporation Commission in June 2016.

The founders of Devine River Healing, Inc., Curtis Devine and Sara Presler, have been working in the Arizona medical marijuana industry since 2012 and 2015, respectively. Starting in 2012, Curtis Devine served as an Agent and Manager of Herbal Assist, Inc. DBA Mohave Green in Mohave Valley, Arizona. This dispensary is located at 6870 South Highway 95, Suite 243, Mohave Valley, Arizona 86440. This was the ninth dispensary to open in the State of Arizona and opened April 1, 2013. Devine is the managing member of the management company that is responsible for all aspects of managing the Dispensary Registration Certificate for Herbal Assist, Inc. Devine is also an Agent and managing member of a dispensary management company that has been contracted to manage the day-to-day operations for High Desert Healing, Inc. at its Phoenix dispensary location. Starting in 2015, Devine served as the managing operator for the High Desert Healing (Phoenix) dispensary location at 12620 N. Cave Creek Road, Phoenix, Arizona 85022. This dispensary commenced operations in Phoenix in February 2016.

In addition to these two Arizona dispensaries, Devine manages two large cultivation facilities, one extraction laboratory, and one infusion kitchen in Arizona. These facilities have been in operation since 2013, 2014, 2015, respectively.

In 2015, Presler joined Devine's management team, serving in a compliance, legal, and business leadership role within the organization. Presler has been an Agent of Herbal Assist, Inc. since 2015. Devine and Presler oversee the management, operations, and supervision of over 50 dispensary Agents and the regulatory compliance of these related activities.

The Dispensary Registration Certificate is not being moved from another location to this location. This Certificate for Devine River Healing, Inc. was issued on October 6, 2016 in accordance with the rules and regulations of the Arizona Department of Health Services.

Devine was born in Needles, California and was raised in rural, Mohave County, Arizona. With a background in construction and project management, Devine has been successfully operating an agricultural business in Mohave County for three years. He is a father, business owner, and entrepreneur. Devine's business enterprises have donated

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over \$150,000 in funds and countless hours of volunteer time to Arizona nonprofits in just the last three years. Service to others is the backbone of Devine's business philosophy.

Presler is an attorney, and has practiced law in Arizona since 2005. Presler formerly served as Flagstaff's first female Mayor, having been elected in 2008 and re-elected in 2010. Presler has served as CEO of the Maricopa County Medical Society and its Business Services, an instructor for Northern Arizona University and Coconino Community College, General Counsel for Southwest Windpower, and as CEO of Arizona Foundation for Women.

Presler brings a strong background in compliance, law, accounting, and business. Devine brings a strong background in construction, project management, ADHS compliance, and medical marijuana dispensary construction. Presler and Devine have been colleagues since 1994, and have worked together on this proposed project since 2015. Presler and Devine will be responsible, prudent nonprofit directors and employ highly qualified staff members to serve as trained, licensed dispensary agents through ADHS.

The Medical Director is Dr. Ronald Parker. Dr. Parker currently serves as a physician affiliated with La Paz Regional Hospital in Parker, Arizona and he is certified by the American Board of Family Practice. Dr. Parker will oversee the medical program and provide quality support for patient education, routes of administration, and medicinal therapy.

Hours of Operation

Monday through Saturday	8am to 9pm
Sunday	8am to 9pm
Holidays	8am to 9pm

The dispensary shall have operating hours of not earlier than 8am and not later than 9pm.

Patient Expectations

The maximum patients expected at one time on the premises are 14 patients. Two licensed dispensary agents will be properly trained and ready to serve patients one on one. If a caregiver is accompanying a patient, the total present in the secure dispensary area would be 5 people plus a dispensary manager. Ten or more people can be seated comfortably in the lobby if needed to prevent and deter any loitering. The maximum persons expected at the dispensary will be 50 patients per day. Based on other operations of licensed dispensaries, patient count at the dispensary will range from four to nine patients for the first two months, increasing thereafter.

Devine River Healing, Inc. expects to ultimately see 50 patients on a daily basis, with peak hour patient expectations at 10 patients and off-peak hour patients at 5 patients. The number of patients that can be serviced in the secure dispensary area at one time are 4 patients. There is

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room for 10-12 patients in the waiting area. Here is the expectation on an hourly basis (for example, "8am" is the expectation for 8am through 9am):

8am	1
9am	2
10am	2
11am	3
12pm	3
1pm	3
2pm	4
3pm	4
4pm	4
5pm	8
6pm	10
7pm	4
8pm	2
9pm	Closed at 9pm

The overall number of employees shall be 4 during peak hours and 2 during non-peak hours, plus 1 security personnel at all times.

8am	2 + security
9am	2 + security
10am	2 + security
11am	2 + security
12pm	2 + security
1pm	2 + security
2pm	4 + security
3pm	4 + security
4pm	4 + security
5pm	4 + security
6pm	4 + security
7pm	4 + security
8pm	2 + security
9pm	Closed at 9pm

Lobby

The public entrance and waiting area for patients is 218 square feet and will adequately accommodate at least 10 people. Product offered for retail sale to medical marijuana card holders will be inaccessible to the public entering the lobby of the dispensary. The administrative receptionist will card the patrons that enter the lobby. No patient will be permitted to enter the secure dispensary area unless they have presented a valid, state issued identification and a valid Arizona Department of Health Services Patient ID Card

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All adult members of the public are permitted into the Lobby/Waiting Room of the Dispensary. Immediately upon entering the Lobby/Waiting Room of the Dispensary, the Agent/administrative receptionist will card the patrons. No patient will be permitted to enter the secure dispensary area unless they have presented a valid, state issued identification and a valid Arizona Department of Health Services Patient ID Card. The product offered at the Dispensary will be inaccessible to the public entering the Dispensary.

When a person walks in the main entrance to the Dispensary, they are asked to present a valid, state issued identification and a valid Arizona Department of Health Services Patient ID Card by the Agent/administrative receptionist. If the person is a new patient, they fill out New Patient Paperwork. The Agent/administrative receptionist verifies the patient's information in the Arizona Department of Health Services database, and confirms the patient is permitted to purchase medical marijuana. The Agent/administrative receptionist asks the patient to wait in the Lobby/Waiting Room until they are personally called into the secure dispensary area (Sales) by a Dispensary Agent. The patient will enter the secure dispensary area to select, receive, and pay for medical marijuana. The Dispensary Agent will then finalize the transaction with the patient and the patient will leave the secure dispensary area (Sales).

There will be ancillary retail sales at the Dispensary. These items will only be available for purchase in the secure dispensary area (Sales) and include: t-shirts, hats, general promotional materials, educational materials, and medical marijuana paraphernalia.

Medication (medical marijuana) comes in more than one form. Forms include: plant/flower for inhalation, infused edible products, tinctures, creams/lotions, concentrated/extracted products, and vaporizing pens.

Peoria General Plan

DRH's request is in conformity with the City of Peoria's General Plan. First, the project provides a balance between residential and employment opportunities. Compensation for positions in the medical marijuana industry range between \$12 per hour and \$20 per hour, providing City residents an opportunity to foster higher paying employment opportunities. Sustainability is offered through the project by utilizing an existing building and providing an opportunity for higher paying employment opportunities with a reduced commute time, thereby improving air quality. Smoking is not permitted on the premises in any way. For security purposes, persons are not permitted to loiter and cars are not permitted to idle for any length of time in the parking lot,

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thereby creating a lesser impact on the environment and more safe and transparent business experience for all. No natural habitats, desert character, or other environmentally significant systems shall be affected by the request. The use will not result in any major truck traffic or deliveries outside of normal, approved, business operating hours. Through the safety and security systems at the licensed dispensary, congestion, overnight parking, and loitering are not permitted, thereby further encouraging the use of a residential-oriented street system. The sales tax dollars generated from the project can be used by the City of Peoria to leverage its resources and continue to build its impressive, comprehensive system of trains, bike routes, and recreational corridors. Of course, anything the licensed dispensary can do to help the City and its residents is invited and will be supported by DRH. DRH shall operate through a nonprofit model, resulting in charitable opportunities to meaningfully provide charitable contributions to eligible organizations and causes in the City of Peoria. Finally, this request will support the City's goal to ensure that development pays for its fair share of community resources impacted from the development. DRH is a stable, focused organization managed by a team of professionals with significant experience in the Arizona medical marijuana industry.

2. Improvements and Current Uses

The proposed space is currently empty and unoccupied. The square footage of the proposed space is 1574 square feet. The Pleasant Promenade Retail Center is located in close Proximity to Walgreen's, Bashas' and Medical Office Condos.

Tenants Include Nail Salon, Rosati's Pizza, Walgreens & Chase Bank. There is ample parking. Intersection Tenants include Bashas', Quizno's, UPS Store & More. The property is adjacent to Multiple Office Condos and is located in C-2 Zoning within the City of Peoria. Here is a general photograph of the outside of the property:



3. Unique Physical Features and Compatibility with Surrounding Areas

DRH has prepared a Survey, Floor Plan, Parking Plan, Zoning Map, and Land Use Map to demonstrate the locations and compatibility with the surrounding areas.

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The proposed dispensary site meets all of the City of Peoria's requirements as follows and DRH ensures the following ordinance compliance, setbacks, policies, and procedures:

- The dispensary is more than 2,640 feet from the nearest dispensary or cultivation facility;
- No advertising of the goods and/or services will be on any signage or external facing to the public;
- The dispensary shall be accessed into the center and site from an arterial roadway at Beardsley and Lake Pleasant Road. The arterial Beardsley Road connects to the 101 to the east and Lake Pleasant Road to the north and south;
- The dispensary is not located within 1,000-feet of the property line of Day-Care Facilities, Pre-Schools, Public/Charter or Private Schools;
- The dispensary will 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;
- The dispensary will not be located within 500-feet of the property line of a residentially-zoned property;
- The product offered for retail sales to ADHS 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. § 36-2801.et.seq;
- The Dispensary will have operating hours not earlier than 8:00 a.m. and not later than 9:00 p.m.;
- The Cultivation of Marijuana is prohibited on the premises of the dispensary;
- Delivery services are prohibited at the dispensary;
- Drive-through services and sales are prohibited at the dispensary;
- Alcoholic beverages shall not be sold, stored, distributed or consumed on the premises;
- The Dispensary shall not have outdoor seating areas, but shall have adequate indoor seating to prevent outside loitering.
- 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.;
- The windows and/or entrances shall not be obstructed and will maintain a clear view into the premises during business hours;
- 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; and

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- Any Tenant Improvement Plan shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted buildings codes.

A diverse base of residents and businesses are in the surrounding areas, creating a positive opportunity for DRH to serve a wide variety of Peoria residents and other healthcare providers. Only adults over the age of 18 are permitted in the dispensary. The only exception for a minor to enter the premises is if the minor is accompanied by an adult and the minor is a medical marijuana patient, having been issued a card by the Arizona Department of Health Services.

DRH employs a Medical Director in compliance with ADHS rules and regulations. This Medical Director is either on-site or immediately available by telephone for any employee or patient with questions about medical marijuana. The Medical Director shall assist patients with symptoms, educate patients about product safety, medicinal reactions, and dispensary policies and procedures, as well as identify and report the misuse and abuse of any medication or substance. The licensed dispensary is close in proximity to an urgent care, medical offices, retail, financial, and other services that will offer residents convenient access to services, comprehensive treatment, and, if necessary, urgent medical care.

4. Site Safety, Circulation, Parking, Drainage, Architecture, and Lot Design

This request is submitted with a comprehensive security plan prepared by Tri-Tek Electronics, a Maricopa County based security business. DRH will offer patients, neighbors, and community visitors a safe and secure environment. Seeds, live plants, or other improper items shall not be sold or distributed to patients or their caregivers. While DRH may sell methods of administration such as papers, lighters, or other consumption devices, these products will be directly related to the patient's use of medical marijuana and will only be sold with DRH's review and approval to ensure the products are appropriate and safe.

Security for the property shall include:

- An alarm system with a redundant power supply and circuitry to prevent deactivation.
- A video surveillance system that at all times records all interior areas and the exterior perimeter.
- A lighting system that at all times illuminates the interior areas and the exterior perimeter.
- A plan for the reprogramming of all security codes and keys in the event an employee resigns or is terminated.

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This above outline, together with the attached security plan, shall ensure that no consumption of Marijuana or any product containing Marijuana occurs on the premises of a Medical Marijuana Dispensary as the cameras and premises will be regularly and routinely monitored by a Dispensary Agent both during business hours and after hours as well.

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 sixty (60) days and comply with any additional standards defined by the Security Management Plan. The business space shall be alarmed with an alarm system that is operated and maintained by a recognized security company. A security guard shall be provided at the main entrance during all hours of operation. A "security guard" shall mean licensed and duly bonded security personnel registered pursuant to A.R.S. 32-601.

DRH will work collaboratively with law enforcement and, if applicable, prosecutors, to ensure local and state laws are enforced and those who do not abide by the law are held accountable for their actions. Any suspected theft shall be immediately reported to law enforcement and the Arizona Department of Health Services. Another added benefit of this Dispensary is the radius limitations that result from a licensed dispensary being open in the City of Peoria. This means that ADHS medical marijuana card holders can only grow marijuana if they are located 25 miles from a dispensary. This location of this licensed dispensary will essentially assure the City of Peoria that no personal cultivation will be permitted in City of Peoria limits—and to cultivate at home is a serious crime. This will further empower law enforcement to enable strict trafficking and enforcement of medical marijuana within the City limits, and further discourage residents from exploring illegal transactions. Offering a safe, secure location for medical marijuana will increase the transparent nature of legal marijuana and ensure that *only* those authorized to receive medical marijuana are in possession of it.

This application also includes a context plan, conceptual site plan, and preliminary floor plan. An air/odor/filtration plan is included to demonstrate no emission of dust, fumes, odors, or vapors from the premises into the environment. A parking plan is included with the application and demonstrates there is ample parking available on-site.

5. **Proposed Phasing**

There is no proposed phasing for this application or project.

20340 North Lake Pleasant Road
 Suite 107
 Peoria, Arizona

Parking Calculation

Prepared by Pasternack Properties and
 Irwin Pasternack, AIA, pc.

Building Areas:

Main Shops Building: 14,222 S.F.
 Bank Building: 3,485 S.F.
 Total: 17,707 S.F.

Current tenant List:

<u>Suite</u>	<u>Tenant</u>	<u>Area</u>	<u>Parking Ratio</u>	<u>Pkg Req'd</u>
101	Too Much (smoke shop)	1,132 S.F.	1/300	3.77 sp.
102	Vacant	1,045 S.F.	1/300	3.48 sp.
103	Vacant	1,045 S.F.	1/300	3.48 sp.
104	Pro Nails	1,307 S.F.	1/150	8.71 sp.
105	Rosati's Pizza	1,275 S.F.		
	Public:	146.6 S.F.	1/50	2.93 sp.
	Kitchen:	1,128.4 S.F.	1/200	5.64 sp.
106	Vacant	991 S.F.	1/300	3.30 sp.
107	Choice Cannabis	1,631 S.F.	1/300	5.43 sp.
108/109	Trident Medical	3,200 S.F.	1/150	21.33 sp.
110	Vacant	1,573 S.F.	1/300	5.24 sp.
111	Vacant	1,023 S.F.	1/300	3.41 sp.
Bank		3,485 S.F.	1/150	<u>23.23 sp.</u>
		Total		89.95 sp.

Total Parking Required: 90 SPACES
 Total Parking Provided: 100 SPACES

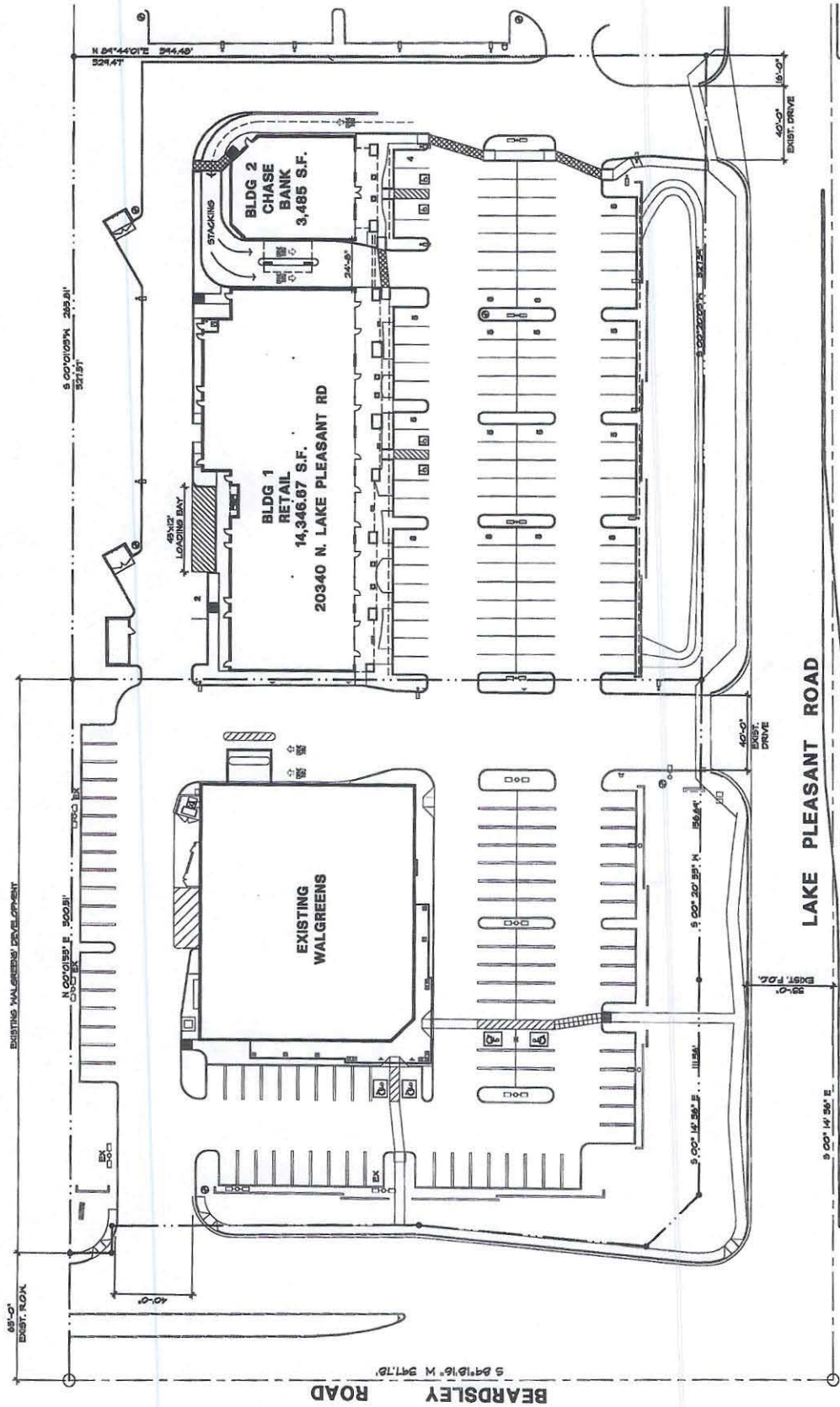


PLEASANT PROMENADE
SITE PLAN
8-14-24

PLEASANT PROMENADE
RETAIL CENTER
NWC LAKE PLEASANT RD. & BEARDSLEY RD.
PEORIA, ARIZONA



SITE PLAN
SCALE



Department	SOP #	Revision #	Implementation Date
Retail		Original	TBD

SOP Owner	Approval	Purpose
Dispensary Manager	Dispensary Director	Proper Disposal of Marijuana

Standard Operating Procedure

1. Purpose

The purpose of this SOP is to instruct a DA on proper disposal of marijuana.

2. Scope

This SOP applies to any Dispensary Agent (DA) who is disposing of marijuana. The primary person responsible for this SOP is the Dispensary Manager (DM). This SOP is applied in the Retail Dispensary.

3. Prerequisites

- A. Marijuana for disposal
- B. Coffee grounds or kitty litter
- C. Disposal Log
- D. Gloves

4. Procedure

- A. DM shall create a Disposal Log per the example in this SOP (See Below). This Log shall be maintained at the Retail Dispensary and shall not be destroyed for 5 years. This Log may be available for inspection by Arizona Department of Health Services, or upon request.
- B. DA shall only dispose of Marijuana when authorized by the DM.
- C. When disposing of Marijuana, the DA shall only dispose of Marijuana that is not usable marijuana. DA will note information on a disposal log, including the:
 - 1. Description of and reason for the marijuana being disposed of including;
 - 2. Date of disposal
 - 3. Method of disposal; and
 - 4. Name and Registry identification number of the Dispensary Agent responsible for the disposal;
- D. When disposing of Medical Marijuana, including edibles or concentrates, the disposal method must be logged into MJ Freeway and logged onto the disposal form. Pictures, if applicable, can be attached for extra documentation.

5. Remnants and by-products of medical marijuana that requires disposal will be stored under view of cameras and locked in a safe inside the Dispensary until disposed of by a Dispensary Agent. To properly dispose of remnants and by-products, medical marijuana will be returned to the vendor or supplier for their proper disposal. The Dispensary Agent responsible for Disposal shall be Curtis Devine, Director. Remnants and by-products of medical marijuana shall not be placed in the facility's exterior refuse containers.

6. References

A. AAC Title 9, Chapter 17: http://apps.azsos.gov/public_services/Title_09/9-17.pdf

Example Log

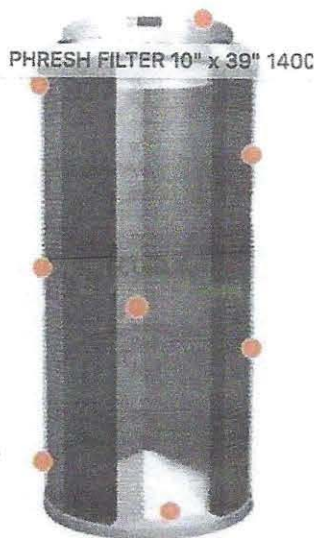
Date	Description of Marijuana	Reason for Disposal	Notification to Vendor Date	Transfer of Marijuana to Vendor for Disposal Date	Name & ID of Agent Disposing (Dispensary)	Name & ID of Agent Disposing (Vendor)

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Air/Odor Filtration

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

We will use Carbon/Charcoal Air Filters due to their superior quality and ability to move higher cfm's than alternatives. These carbon/charcoal filters will actually be in-line with our air circulation unit, preventing any air from leaving the suite that has not properly been de-odorized. See picture below:



- 1) Aluminum tops and bases for reduced weight. Half the weight of competitive filters.
- 2) 6mm (1.8") RC-48 activated, certified virgin carbon bed.
- 3) Machine packed carbon means more carbon and less movement.
- 4) Cone shaped internal base for optimum air flow.
- 5) Sealed, bagged, boxed and labeled directly after being manufactured for optimum life span, handling and presentation.
- 6) 51% open air custom mesh.
- 7) Unique "Anti Air Bypass" System.

Location of Units

- 1) A 8 x 24 sized filter will be in-line with existing duct work to ensure all returned air that passes thru hvac until will be odorless.
- 2) A 6 x 24 sized filter will be free-standing near counter area where medicine is dispensed. By placing a fan on top of filter it will circulate all odor thru the filter eliminating the odor on contact.
- 3) If needed, a third commercial grade True Hepa filter will be in waiting area as you enter facility.

Security Management Plan

for

**DEVINE RIVER
HEALING, INC.**

Security Management Plans

Security Company-

- We will have a professional and consistent level of service which provides us a higher level of security through hiring a professional security personnel company. This security personnel will be a licensed and duly bonded security guard registered pursuant to ARS 32-601 and will be located at the main entrance to the Dispensary during all hours of operation.

Security Monitoring Company-ADT or Titan

- Standard in the Industry-24/7 Monitoring
- All doors and windows will be monitored, along with motion sensors in front and back entrances
- ADT® Safewatch VideoView® security surveillance. With Safewatch VideoView surveillance, we can get a system with up to 12 indoor or outdoor color cameras that can be viewed from any web-enabled computer, cell phone, or PDA. We can configure our system to allow us to view video from any room in the dispensary on any connected TV or dedicated monitor. REVO Security Systems may also be installed as an alternative to ADT's system.

Security Philosophy

- This is not a business to fear, nor will it attract crime as long as clear security strategies are implemented and enforced.
- We will partner with our security company to educate the community, consistently evaluate any and all plans in place and modify accordingly.
- First and foremost is the safety and well-being of patients, caregivers and employees. With this as the utmost priority, this dispensary will be one of the safest businesses to patronize in the State.
- All of the Dispensary's security guards will receive specialized training for this industry and will be cross licensed and cross trained as investigators.
- Neighborhood Services/ Community Outreach will be an important part of our Security Plan for our neighborhood. We will make ourselves available to our neighborhoods to attend open forums or town meetings to address any and all security questions.
- City approval is paramount for success and we will work work with our neighbors to develop a comprehensive program that city will embrace.

Key Card Entrances

- All entrances will require a key card access. We will use the newest access control systems which as IP based and will be called hosted access controlled.
- Patients will enter the lobby/intake area through one door, verify identification and be buzzed through to the secure dispensary area (Sales).
- Security guard will have key access to all areas while employees will have limited access to only those areas in which they work. Owners and medical director will have unlimited access.
- Patients leaving dispensary area will be escorted thru lobby and to their vehicle, if requested.

Transportation

- Transportation will be executed according to the rules outlined in Prop 203. This will include additional security safeguards including:
- A schedule will be developed that will be day specific for certain geographical areas. Transport from grow facility to dispensary will be in an unmarked vehicle which will be equipped with a GPS tracking device. A surveillance camera will be mounted in the back of the vehicle and will be monitored by the security guard via Smartphone or computer.
- Deliveries to Customers/Patients are not permitted.

Before transportation, a dispensary agent shall:

Complete a trip plan that includes:

1. The name of the dispensary agent in charge of transporting the marijuana;
2. The date and start time of the trip;
3. A description of the marijuana, marijuana plants, or marijuana paraphernalia being transported; and
4. The anticipated route of transportation; and
5. Provide a copy of the trip plan in subsection to the dispensary.

During transportation, a dispensary agent shall:

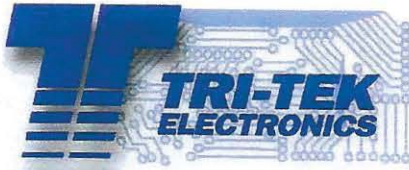
1. Carry a copy of the trip plan in subsection with the dispensary agent for the duration of the trip;
2. Use a vehicle without any medical marijuana identification;
3. Have a means of communication with the dispensary; and
4. Ensure that the marijuana, marijuana plants, or marijuana paraphernalia are not visible.
5. After transportation, a dispensary agent shall enter the end time of the trip and any changes to the trip plan on the trip plan required in subsection.

CCTV Video Surveillance Systems

- The video surveillance system for this dispensary has been professionally designed to meet or exceed all the current requirements of the Arizona Department of Health Services for Electronic Monitoring by Video Cameras.
- All cameras specified in this video surveillance system are an extremely high 600 TVL resolution, and capable of Day/Night viewing utilizing a combination of Infra-Red Light

(IR Cameras) and extremely low lux ratings (.0002 lux). This assures that all images captured will be of the highest quality for identification of persons and activity on and adjacent to the medical marijuana dispensary. All lived video cameras will be viewable on a 19" LCD monitor located in a non-public area of the facility. In addition, selected live video of public areas will be viewable at the on-duty guard station via a separate monitor.

- Recording of all video images is accomplished by a PC-based Digital Video Recording System and, will be done in a resolution of 704 x 480 at 30 fps. Video files will be archived for a period of no less than 60 days on the built-in hard disk drive and will be easily exported via DVD or UBS. In addition, the system is able to immediately produce a printed image of any captured video frame, and includes an audio and video warning notice if any individual video channel is lost or interrupted.
- All live video streams and recorded video will be available to management and authorized viewers though a remote http: internet connection.
- The video surveillance systems will be integrated with the Point of Sale system to capture all transaction information as a text overlay on cameras designated for remote search based on pre-defined text strings such as "VOID", "New Transactions", or transaction number.
- The uptime of the video surveillance system and all related components will be assured by utilization of an Interactive UPS System, from which all critical components shall be powered. This battery backup system will protect all electronics from under- and over-voltages, and is capable of maintaining constant power to the video surveillance systems in the event of a total loss of power for a period at least 60 minutes.
- All critical recording and power supply equipment will be contained in a key-secured enclosure located in the Dispensary Manager's Office.



CCTV VIDEO SURVEILLANCE DESIGN PACKAGE

PREPARED FOR:

**20340 N. Lake Pleasant Rd.
Suite #107
Peoria, AZ**

DESIGNED TO MEET ALL REQUIRMENTS FOR A MEDICAL MARIJUANA DISPENSARY

**Pursuant to ARS Title 36-2801
Arizona Department of Health Services R9-17-section 318**

“This system designed in this proposal, if installed by the Dispensary Applicant as specified herein by Tri-Tek Electronics, is warranted to be in full compliance with all current requirements as stated in the most recent publication R9-17 by the Arizona Dept. of Health Services for Medical Marijuana Dispensaries.”

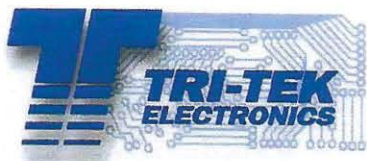
PREPARED BY:

**Jeff Taylor
Managing Member
CCTV System Designer
jtaylor@tritekelectronics.com**

**Tri-Tek Electronics
40 West Baseline Road
Suite 101
Mesa, AZ 85210**

**Phone: 480-268-9259
Fax: 602-371-0874**

E-mail: sales@tritekelectronics.com



*Datacom/Telecom
Audio/Video
CCTV/Security
Industrial Electronics*

20340 N. Lake Pleasant Rd. #107
Medical Marijuana Dispensary
CCTV Video Surveillance Capabilities Statement

The video surveillance system for this dispensary has been professionally designed to meet or exceed all current requirements of the Arizona Department of Health Services for Electronic Monitoring by Video Cameras.

All cameras specified in this video surveillance system are an extremely high definition 1080p resolution, and capable of Day/Night viewing utilizing Infra-Red Light (IR Cameras). This assures that all images captured will be of the highest quality for identification of persons and activity on and adjacent to the medical marijuana dispensary. All live video cameras will be viewable on a 22" LCD monitor located in a non-public area of the facility. In addition, selected live video of public areas will be viewable at the on-duty guard station via a separate monitor.

The video surveillance system consists of twelve cameras:

1. Exterior storefront and entrance. This camera shall be a horizontally wall-mounted and tamper-resistant dome and shall include IR emitters to be capable of viewing in extreme low-light conditions to assure capturing all activity directly outside of the front of the facility, including all persons entering/exiting the facility through the front door.
2. Wide Angle Interior Waiting Room Dome Camera. This camera will capture all activity in the public entry area of the dispensary. By utilizing IR lighting, this camera is capable of viewing even in zero light conditions.
3. Wide Angle Interior Waiting Room Dome Camera. This camera will capture all activity in the public entry area of the dispensary. By utilizing IR lighting, this camera is capable of viewing even in zero light conditions.
4. Interior Waiting Room Zoom Dome Camera. This camera will capture clear images of all persons checking in at the dispensary counter. This camera can be remotely "zoomed in" for greater detail if necessary. By utilizing IR lighting, this camera is capable of viewing even in zero light conditions. This camera is equipped with a special "Wide Dynamic Range" chip to minimize issues with backlight from outside the window/door, which might otherwise diminish the view of the subject.

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5. Narrow Angle Bullet Camera for entrance to Secure dispensary Area. This camera will allow a clear view of any qualifying patient or designated caregiver entering the secured dispensary area.
6. Wide Angle Dome Camera over Point of Sale Location #1. This camera will allow a clear view of any qualifying patient or designated caregiver purchasing medical marijuana, as well as the activity of the dispensary clerk. By utilizing IR lighting, this camera is capable of viewing even in zero light conditions.
7. Wide Angle Dome Camera over Point of Sale Location #2. This camera will allow a clear view of any qualifying patient or designated caregiver purchasing medical marijuana, as well as the activity of the dispensary clerk. By utilizing IR lighting, this camera is capable of viewing even in zero light conditions.
8. Wide Angle Dome Camera over Point of Sale Location #3. This camera will allow a clear view of any qualifying patient or designated caregiver purchasing medical marijuana, as well as the activity of the dispensary clerk. By utilizing IR lighting, this camera is capable of viewing even in zero light conditions.
9. Wide Angle Interior Dome Camera. This camera will capture all activity in the non-public area of the dispensary, including all persons entering/exiting through the rear door of the facility and/or opening the secure vaults. By utilizing IR lighting, this camera is capable of viewing even in zero light conditions.
10. Wide Angle Interior Dome Camera. This camera will capture all activity in the non-public area of the dispensary, including all persons entering/exiting through the rear door of the facility and/or opening the secure vaults. By utilizing IR lighting, this camera is capable of viewing even in zero light conditions.
11. Wide Angle Interior Office Dome Camera. This camera will capture all activity in the dispensary office, including capturing all persons entering the room. By utilizing IR lighting, this camera is capable of viewing even in zero light conditions.
12. Exterior Rear of Building and Rear Door. This camera will capture images of all persons entering/exiting through the rear door of the facility. This camera shall be enclosed in a weatherproof and tamper-resistant housing and be capable of viewing in extreme low-light conditions to assure capturing all activity behind the facility.

Recording of all video images is accomplished by a dedicated, stand-alone Digital Video Recording (DVR) System, and will be done in a resolution of 1920x1080 (1080p) at 30 fps. Video files will be archived for a period of no less than 60 days on the built-in hard disk drive and will be easily exported via USB or network interface. In addition, the system is able to immediately produce a

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printed image of any captured video frame, and includes an audio and video warning notice if any individual video channel is lost or interrupted.

All live video streams and recorded video will be available to management and authorized viewers through a remote http: Internet connection.

The uptime of the video surveillance system and all related components will be assured by utilization of a 2.2kVA Line Interactive UPS System, from which all critical components shall be powered. This battery backup system will protect all electronics from under- and over-voltages, and is capable of maintaining constant power to the video surveillance system in the event of a total loss of power for a period of 7 to 19 minutes.

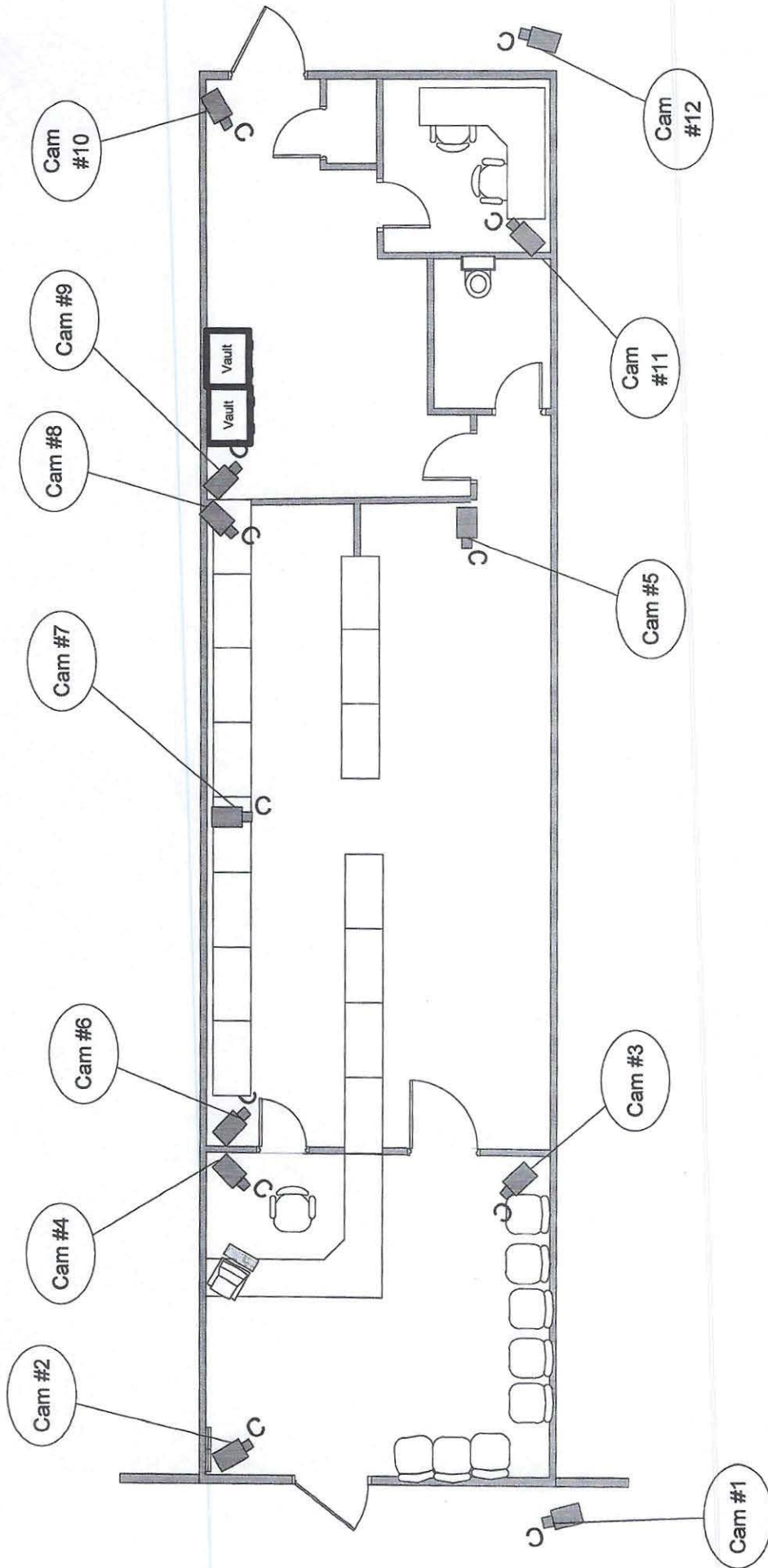
All critical recording and power supply equipment will be contained in a key-secured enclosure located in the Dispensary Manager's office.

Ph. 480-268-9259

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Mesa, AZ 85210
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www.TriTekElectronics.com

Fax 602-371-0874

Exhibit 5

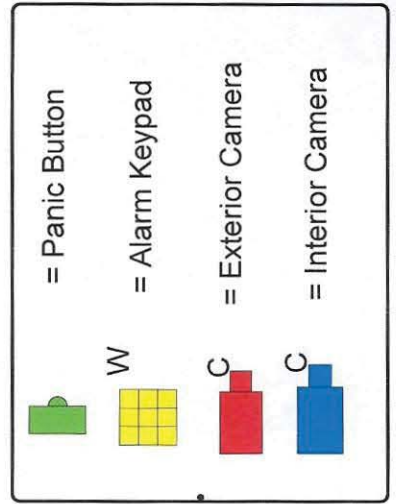
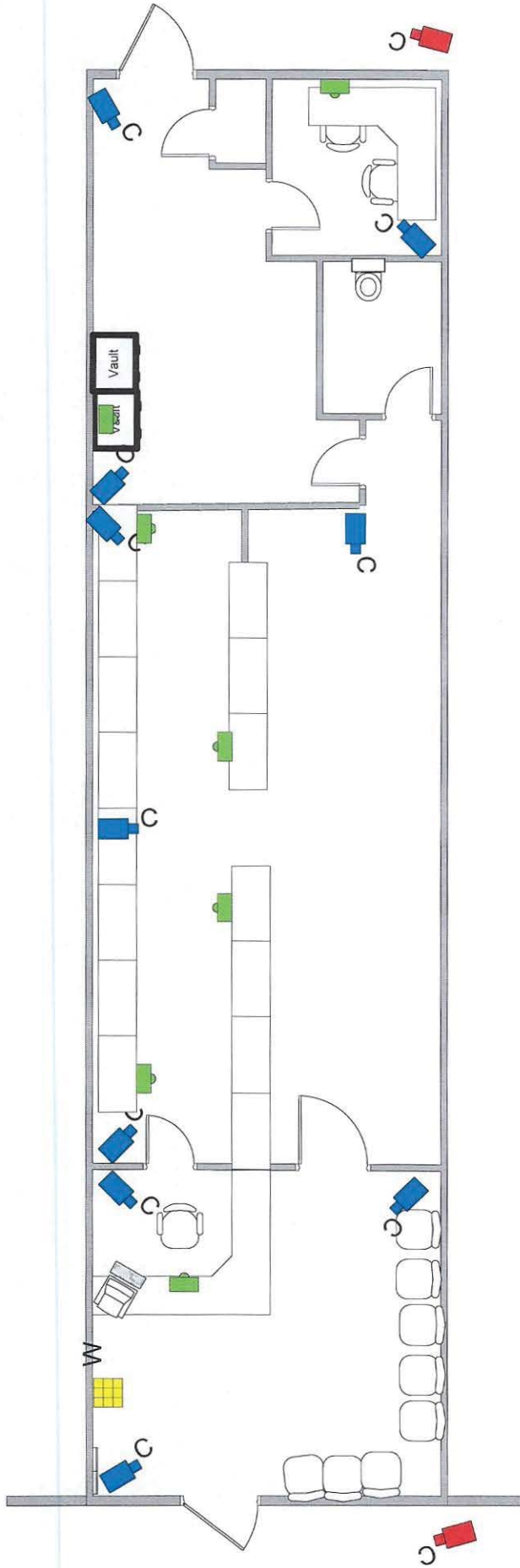


- Cam #1 - Exterior wall mounted HI-Res IR Vandalproof Dome camera to view front entrance and parking area
- Cam #2 - HI-Res IR dome camera with WDR to view public entrance and waiting room
- Cam #3 - HI-Res IR dome camera with WDR to view public entrance and waiting room
- Cam #4 - HI-Res IR dome camera to view patient check-in
- Cam #5 - Narrow-angle HI-Res IR bullet camera to view entrance to secure area
- Cam #6 - Wide angle HI-Res IR dome camera to observe Point-of-Sale
- Cam #7 - Wide angle HI-Res IR dome camera to observe Point-of-Sale
- Cam #8 - Wide angle HI-Res IR dome camera to observe Point-of-Sale
- Cam #9 - HI-Res IR dome camera to observe secure vault area
- Cam #10 - HI-Res IR dome camera to observe secure vault area
- Cam #11 - HI-Res IR dome camera to observe admin office
- Cam #12 - Exterior wall-mounted HI-Res IR Vandalproof Dome camera to view rear entrance/exit and exterior of building

CCTV Video Security Layout
 20340 N. Lake Pleasant Road
 Peoria, AZ

Prepared by:
 Tri-Tek Video &
 Security
 480-268-9259

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CCTV Video Security Layout
 20340 N. Lake Pleasant Road
 Peoria, AZ

Prepared by:
 Tri-Tek Video &
 Security
 480-268-9259

CONFIDENTIAL – NOT FOR DISTRIBUTION

Lighting Description:

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

Storefront:

- Storefront lighting will consist of modern retail lighting illuminating the reception and waiting areas from inside the dispensary. The front walkway is lighted with existing overhead lights and additional motion and security lighting will be placed in accordance to Pleasant Promenade's design committee's approval.

Inside:

- In addition to retail lighting the dispensary will have all exits, emergency lights, motion detecting switches for security lighting the back rooms, offices and receiving areas.

Back/ Receiving:

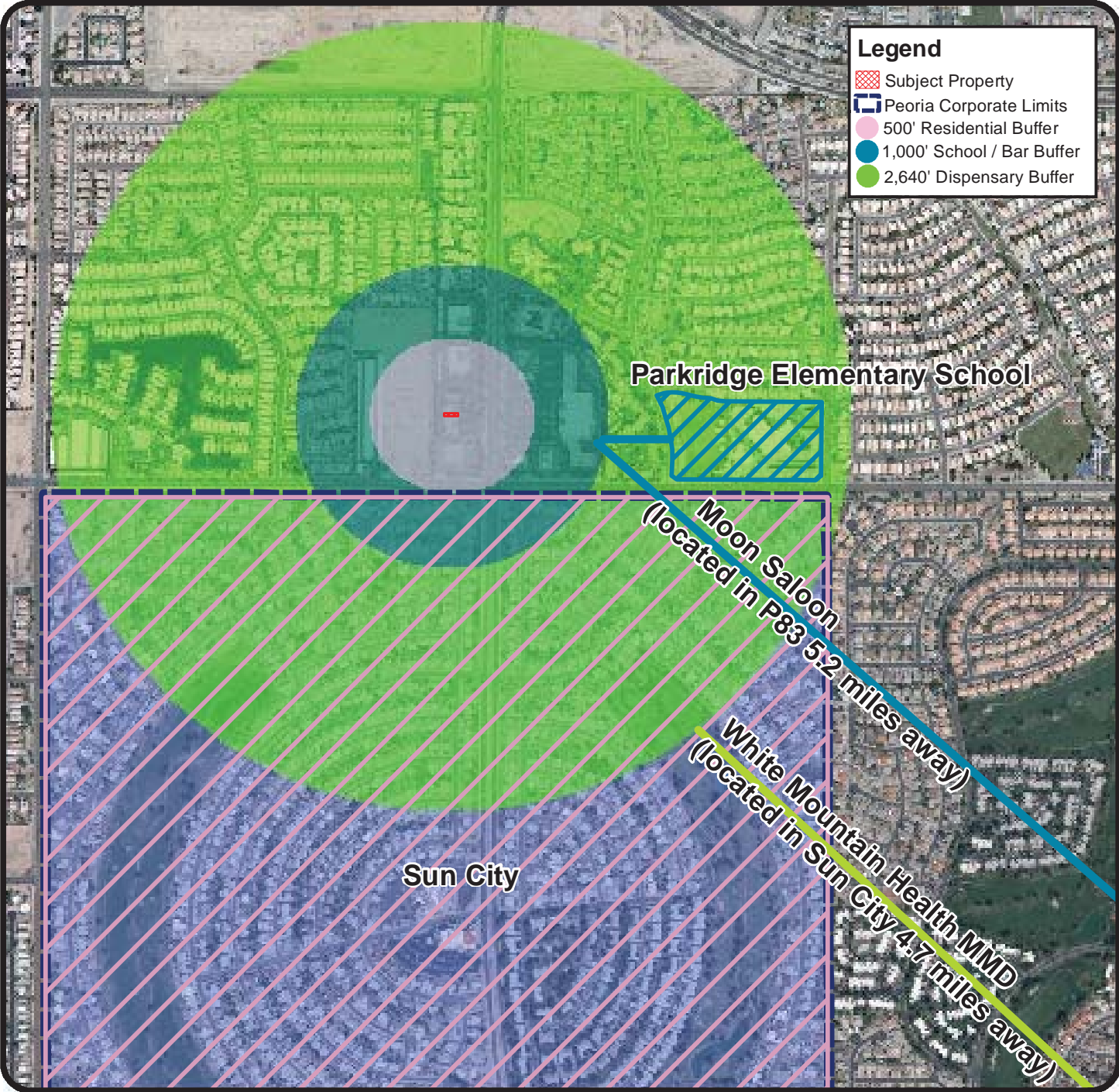
- Two (2) dual headed lights are positioned just behind our rear exit and receiving area. Plus, there are lights on the building lighting the entire refuse and driveway areas.

Parking Area:

- Nine (9) dual headed lights are positioned throughout the parking area and walkway.

All lighting at the Dispensary shall comply with the Dark Sky Ordinance (Ord. No. 98-114) set forth in the City Code, Chapter 20, Sections 20-60 through 20-67. The Dispensary will not install any freestanding light fixtures. The business entrance and all window areas will be illuminated during evening hours by the existing exterior lighting. This lighting is in compliance with the City of Peoria ordinances and regulations. No lighting will be used to illuminate walls and there shall be no ground mounted signs installed by the Dispensary.

Distance Requirement Map



CU16-0032 Devine River Healing

Applicant: Curtis Devine

Request: The applicant is requesting a Conditional Use Permit for a medical marijuana dispensary

Location: North of the northwest corner of Beardsley Road and Lake Pleasant Road.



Not to Scale

Business' located within 1000' of the lot line of the proposed use:

Extra Space Storage-10334 W.Beardsley Rd, Peoria AZ 85382

Walgreens-20266 Lake Pleasant Rd, Peoria AZ 85382

T M Smoke [Shop-20340 N. Lake Pleasant Rd, #101, Peoria AZ 85382](#)

TC Nail & Spa-20340 N. Lake Pleasant Rd, #104, Peoria AZ 85382

Rosati's Pizza - [20340 N. Lake Pleasant Rd, #105, Peoria AZ 85382](#)

Trident Health Center-20340 N. Lake Pleasant Rd, #109, Peoria AZ 85382

Chase Bank-20390 N. Lake Pleasant Rd, Peoria AZ 85382

NextCare Urgent Care-20470 N. Lake Pleasant Rd, #102 Peoria AZ 85382

Amazing Grace Church-20470 N. Lake Pleasant Rd,#103 Peoria AZ 85382

Shipleigh Orthodontics-20470 N. Lake Pleasant Rd, #107 Peoria AZ 85382

Sun Grove Dentistry-20470 N. Lake Pleasant Rd, #105 Peoria AZ 85382

Sun Grove Counseling-20470 N. Lake Pleasant Rd, #106 Peoria AZ 85382

Kulp Chiropractic-20470 N. Lake Pleasant Rd, #109, Peoria AZ 85382

Honor Health-20470 N. Lake Pleasant Rd, #110 Peoria AZ 85382

Farmers Insurance-20542 N. Lake Pleasant Rd, #119 Peoria AZ 85382

State Farm-20542 N. Lake Pleasant Rd, #103 Peoria AZ 85382

Welness Dental-20542 N. Lake Pleasant Rd, #113 Peoria AZ 85382

Bergen Financial Group-20542 N. Lake Pleasant Rd, #111 Peoria AZ 85382

Ostler Dental-20542 N. Lake Pleasant Rd, #109 Peoria AZ 85382

Dan Leber Optometrist-20542 N. Lake Pleasant Rd, #107 Peoria AZ 85382

Designer Dental Service-20542 N. Lake Pleasant Rd, #101 Peoria AZ 85382

Glaucoma Center of AZ-20542 N. Lake Pleasant Rd, #105 Peoria AZ 85382

Lake Pleasant Post Acute Rehabilitation-20725 N Lake Pleasant Rd, Peoria AZ 85382

Desert Winds Assisted Living-20545 N Lake Pleasant Rd, Peoria AZ 85382

H&R Block-20255 N Lake Pleasant Rd, #105 Peoria AZ 85382

Subway-20283 N Lake Pleasant Rd, #109 Peoria AZ 85382

CheezHeadz-N Lake Pleasant Rd, #110 Peoria AZ 85382

Kingsley DTA & DTT-N Lake Pleasant Rd, #113 Peoria AZ 85382

Basha's-20351 N Lake Pleasant Rd, Peoria AZ 85382

Wells Fargo-20351 N Lake Pleasant Rd, Peoria AZ 85382

Starbucks-20351 N Lake Pleasant Rd, Peoria AZ 85382

Vincent's Nails and Spa-20403 N Lake Pleasant Rd, #115 Peoria AZ 85382

Great Clips-20403 N Lake Pleasant Rd, #116 Peoria AZ 85382

The UPS store-20403 N Lake Pleasant Rd, #117 Peoria AZ 85382

Precision Massage-20403 N Lake Pleasant Rd, #119 Peoria AZ 85382

Ventana Family Dentistry-20403 N Lake Pleasant Rd, #121 Peoria AZ 85382

EdwArd Jones Investments-20449 N Lake Pleasant Rd, #107 Peoria AZ 85382

Moore Audiology and Hearing Aid Center-

20449 N Lake Pleasant Rd, #108 Peoria AZ 85382

Snappy Auto Spa- 20462 N Lake Pleasant Rd, Peoria AZ 85382

Federico's Mexican Food-20429 N Lake Pleasant Rd, #101 Peoria AZ 85382

Lucky Smoke Group 20429 N Lake Pleasant Rd, #103 Peoria AZ 85382

BBVA Compass Bank-20263 N Lake Pleasant Rd, Peoria AZ 85382

From: [REDACTED]
To: [Jennifer Fostino](#)
Subject: Devine River Healing Inc
Date: Wednesday, December 28, 2016 10:56:24 PM

I am emailing in regards to the postcardI received regarding the application filed for the Devine River Healing Inc medical marijuana dispensary.

I am not against use and sale of medical marijuana, but there is an elementary school not that far from the proposed location and family housing just behind and to the north of this location - in fact all around.

If they wanted to open in an area that was more retail/business oriented and not a family oriented area, that would be OK.

This just isn't the appropriate location due to the concentration of children and families.

Thank you,
Lisa Schultz

NEIGHBORHOOD MEETING SUMMARY
PROPOSED MEDICAL MARIJUANA DISPENSARY
PROPERTY AT 20340 N. LAKE PLEASANT ROAD, PEORIA, ARIZONA

MEETING LOCATION: Sunrise Mountain Library Community Room, 21109 N. 98th Avenue

MEETING DATE/TIME: Monday, February 27th from 6:00 pm-7:30 pm

NUMBER OF ATTENDEES: 27 neighbors, City Staff members (Jennifer Fostino and Terri Smith), and members of Applicant's team, including Curtis Devine, Sara Presler, Larry Lazarus and Marci Rosenberg.

NAMES & ADDRESSES OF ATTENDEES: The sign-in sheet, attached to this summary, identifies the names, mailing addresses, emails and phone numbers for those in attendance. All the attendees identified themselves as residents in the immediate or nearby area.

SUMMARY OF PRESENTATION BY APPLICANT:

Larry Lazarus (partner with law firm of Lazarus Silvyn & Bangs, PC) representing the Applicants, gave a brief introduction of the Applicants (Curtis Devine and Sara Presler) and other team members. Presentations were made to the attendees by team members using exhibits at three information stations:

INFORMATION STATION 1- Marci Rosenberg, Senior Land Use Planner for Lazarus, Silvyn & Bangs

Aerial Map, Site Plan & Building Elevations

- Site meets all City requirements for locating a dispensary
 - Is more than 500 feet from residential properties
 - Is more than 1,000 feet from a school or day care (Parkridge Elementary is 1,500 feet away)
 - Is more than 1,000 feet from liquor stores, bars and treatment centers
 - Is more than 2,640 feet from the nearest dispensary or cultivation facility
- Suite is 1,632 sq. ft. and located in the center of in-line retail/office suites, adjacent to Trident Medical, with Rosati's Pizza, a nail salon and a smoke shop a few doors down, 5 suites are currently unoccupied
- Chase Bank is on the north end of the shopping center and a Walgreens is at the south end
- Main vehicular access is from 2 driveways on Lake Pleasant Rd.; secondary access from Beardsley Rd.
 - north driveway has full access, south driveway is right turn only for south-bound traffic; driveway on Beardsley Rd. is right turn only for west-bound traffic
- 100 parking spaces at this north end of the shopping center
- Next steps in the Conditional Use Permit process:
 - Planning Department staff will review comments from the neighborhood meeting, along with any revisions or additional information provided for the Conditional Use permit request.
 - Planning Department staff determines application is complete, prepares a staff report, identifies a date for Planning & Zoning Commission hearing, and places an ad in the local newspaper.
 - Applicant will post a sign on the property identifying the P&Z Commission hearing date, time and place, and will mail notification of the hearing to property owners and neighborhood associations
 - Planning & Zoning Commission hearing will occur; possibly 6-8 weeks from now

INFORMATION STATION 2 - Curtis Devine

Floor Plan, Operations & Security

- Only one entrance/exit into the Dispensary for patients
- Only visitors with AZ Dept. Health Services Patient Card are permitted in secured sales area
- Sales associate escorts one patient at a time into display area for information, selection and purchase

- On-site security personnel
- 24/7 alarm & emergency monitoring service
- Interior and exterior security cameras and lighting, with continuous video recording
- Medical Marijuana stored in a locked and secure storage area
- Hours of operation: 8am-9pm every day
- No consumption of Medical Marijuana is permitted onsite

INFORMATION STATION 3 - Sara Presler

About MOVA Owners/Operators

- An Arizona company, led by brother Curtis and sister Debbie, along with good friends and family
- Devine River Healing, Inc. holds the Dispensary Registration Certificate for the Peoria CHAA. Devine River Healing, Inc. will do business as MOVA Dispensaries. MOVA stands for “Mohave Valley” the home of the business and family
- Curtis Devine has 15 years of construction management experience, and four years managing 2 medical marijuana cultivation facilities, 2 medical marijuana dispensaries and a medical marijuana laboratory in Arizona
- Sara Presler is a former 2-term Flagstaff Mayor, a licensed Arizona attorney for 12 years, former nonprofit CEO and has two years of experience in the Arizona medical marijuana industry
- Over the past 3 years, Curtis and his sister, Debbie, have contributed more than \$150,000 and many volunteer hours to Arizona nonprofits with a focus on military veterans, health programs and youth athletics

ISSUES AND CONCERNS EXPRESSED BY MEETING ATTENDEES AND OTHERS:

Most of the questions pertained to learning about the restrictions on this type of use and how patients interact with the dispensary and the protocols. Some of the meeting attendees were interested in how they would reduce their use of pain medication and investigate the use of medical marijuana. Below is a list of the issues expressed in comments and questions by meeting attendees either during the meeting, in writing on Comments and Questions forms (copies attached), or in emails or conversations following the neighborhood meeting:

1. Object to the proposed dispensary location due to concerns regarding security and on-site controls, and commented that a nearby pharmacy would be a better location because it is more secure.
2. Several people simply stated in the Comments and Questions Form that they do not want this type of business located in the area, without providing any reasons for their opinion.
3. One person asked if cannabis can help to alleviate vertigo.
4. One person who identified himself as a medical insurance salesperson discussed pharmaceutical abuse, remarking to the group about the positive benefits of medical marijuana
5. One person asked about finding a doctor who could prescribe medical marijuana.
6. About four people sent emails or called Lazarus, Silvyn & Bangs to express their opposition to placing a dispensary at a location that is close to their community.
7. Several people have sent emails or have called expressing their support for the proposed dispensary at this location that makes it more convenient for neighbors who need to access this type of medication.

FOLLOW-UP TO ISSUES AND CONCERNS EXPRESSED BY MEETING ATTENDEES AND OTHERS:

Team members are continuing to respond directly to those who have submitted questions and comments, and to emails and phone calls from people with questions or concerns. For those who have concerns regarding security and safety issues, we are providing further details on the State requirements and the industry protocols for accessing Medical Marijuana dispensaries, as well as the security issues implemented in the Applicant’s other facilities, including: on-site security guards, lighting and cameras.