



## DEVELOPMENT APPLICATION REQUEST REVIEW

### APPLICANT INFORMATION

<b>Case:</b>	PZ21-08-23
<b>Owner/Applicant:</b>	White Mountain Health Centers
<b>Agent:</b>	Taylor Candland, CNDLND LLC.
<b>Request(s):</b>	Conditional Use Permit & Site Plan Approval

### PROPERTY INFORMATION

<b>Parcel(s):</b>	501-46-014A & 501-46-014B
<b>Address:</b>	12475 W. Alice Avenue
<b>Property History:</b>	Industrial Use / Marijuana Cultivation
<b>Land Area:</b>	3.5 Acres
<b>Building Area:</b>	37,394 sq. ft.

### ZONING / LAND USES

<b>Existing Zoning/Land Use:</b>	Employment Industry / Marijuana Cultivation
<b>Proposed Zoning/Land Use:</b>	Employment Industry / Marijuana Cultivation
<b>ARS 28-8481 Zone:</b>	70-75 LDN
<b>Flood Zone:</b>	N/A

### SURROUNDING PROPERTY

<b>North:</b>	Agricultural, Farming
<b>East:</b>	Industrial, Exterior Storage Yard
<b>South:</b>	Industrial, Exterior Storage Yard
<b>West:</b>	Industrial, Exterior Storage Yard & Light Manufacturing

### COMMUNITY SERVICES

<b>Water:</b>	City of El Mirage
<b>Sewer:</b>	City of El Mirage
<b>Electric:</b>	APS
<b>Police:</b>	City of El Mirage
<b>Fire:</b>	City of El Mirage

### ACCESS

<b>Road:</b>	Alice Avenue
<b>Class:</b>	Local
<b>Improvements:</b>	Good
<b>Condition:</b>	Good

SCHOOLS

<b>District:</b>	Dysart Unified School District
<b>Elementary:</b>	Luke Elementary (Glendale, AZ)
<b>High School:</b>	Dysart High School

STAFF REPORT

<b>Compliance with General Plan:</b>	The 2020 General Plan Land Use Map identifies the site as being part of the Commerce and Industrial Park Planning Area and is compatible with the plan.
<b>City Zoning/Land Use</b>	The cultivation use requires a conditional use permit and a site plan approval by the City for the applicant's operation to expand.
<b>ARS 28-8481 Land Use Compatibility</b>	The site is located inside the Luke AFB 70-75 LDN Noise Contour Zone and would be subject to land use compatibility, however, the use has been in operation for many years and does not require an additional review from Luke AFB.
<b>Considerations:</b>	The applicant is seeking the approval of a conditional use permit and site plan amendment from the City in order to obtain a State license to continue to operate the marijuana cultivation with new site improvements. The site is located at the southeast corner of Alice Avenue and 125th Avenue and is deemed legal non-confirming since the cultivation operation was granted a building permit prior to the City adopting marijuana cultivation zoning regulations. The operation existed prior to the adaptation of the zoning code; however, the applicant has expanded the cultivation operation by making site improvements without obtaining zoning and building permits.
<b>City Staff Review</b>	No objections to the Zoning Application, but has the following stipulations:
<b>Stipulations:</b>	<ol style="list-style-type: none"> <li>1. The applicant shall address the Technical Advisory Committee Review comments stated in the September 29, 2021, Memorandum.</li> <li>2. The applicant shall consent to the followings stipulations in writing by adding them to the site plan. <ol style="list-style-type: none"> <li>1. The right to a use and occupancy permit shall be contingent upon the fulfillment of all general and special conditions imposed by the Conditional Use Permit procedure.</li> <li>2. All the special conditions shall constitute restrictions running with the land and shall be binding upon the owner of the land, and his or her successors or assigns.</li> <li>3. All conditions specifically stated under any conditional use listed in Zoning Code Chapter 154 shall apply and be adhered to by the owner of the land, and his or her successors or assigns.</li> <li>4. All the special conditions shall be consented to in writing by the applicant.</li> <li>5. The proposed use and site plan amendment shall not generate noise, vibrations, and odors that may become a nuisance to the general public.</li> </ol> </li> </ol>

	6. No expiration date of the Conditional Use Permit is being proposed by staff; however, failure to meet and maintain these stipulations will result in revoking the Conditional Use Permit.
<b>Planning Commission</b>	Public Hearing to be held at the October 12, 2021, Planning and Zoning Commission meeting and Commission to provide a recommendation to Council.
<b>Council</b>	Council to consider final action at the November 2, 2021, Public Hearing/Council meeting.
<b>Attachment</b>	Development Application and TAC Review Comments
<b>Supportive Documents</b>	None

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Attachments

Application Packet

TAC Review Comments