

# PITCHFORK



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City of Mesa Planning & Zoning  
Attention: Wahid Alam, AICP, Planner II  
55 N. Center St.  
Mesa, AZ 85201  
[wahid.alam@mesaaz.gov](mailto:wahid.alam@mesaaz.gov)

December 28, 2018

Re: Supplemental P&Z (Case #ZON18-0854) and DRB (Case #DRB18-00853)  
Application Project Narrative for  
550 W. McKellips Rd. MMJ Facility  
(APN #135-01-002J & #135-01-002K)

Wahid,

In response to the Planning Division Memorandum Re: Staff Comments you sent on behalf of the City of Mesa Planning Division, dated November 14, 2018, a copy of which is attached hereto as Exhibit A (the “Staff Comments Letter”), the Design Review Board Work Session held at the City of Mesa Council Chambers, on December 11, 2018 (the “DRB Work Session”), and various citizen comments, concerns and interactions, Pitchfork Partners, LLC (“Applicant”) is pleased to submit this second supplemental project narrative (the “Second Supplemental Narrative”) for the proposed development of 550 W. McKellips Rd., Mesa, AZ 85201 and 534 W. McKellips Rd., Mesa, AZ 85201 (collectively, the “Property”). The Staff Comments Letter was the City of Mesa’s initial response and guidance to Applicant based on Applicant’s initial DRB and P&Z applications submitted on October 25, 2018 (the “Initial Applications”). Prior to the DRB Work Session, on December 4, 2018, Applicant submitted a First Supplemental Narrative and accompanying plan sets (the “First Supplemental Narrative”). This Second Supplemental Narrative supplements and modifies the First Supplemental Narrative, as applicable.

As previously detailed, the proposed use of the Property is for medical marijuana (“MMJ”) purposes. Other defined terms used in this letter shall include the City of Mesa (“COM”) and Arizona Department of Health Services (“DHS”). The Medicine Room, LLC (“License Holder”), as the MMJ license holder and co-applicant on Applicant’s Medical Marijuana Facility Registration, is also a signatory to this Second Supplemental Narrative. J3M Property Holdings, LLC (“J3M”), an affiliated and commonly owned and controlled entity related to Applicant, is the owner of the Property, and has previously signed and submitted a property authorization letter.

### General Description of the Project

Applicant is developing the Property for operation of the following MMJ-related facilities: (1) a dispensary, (2) a cultivation facility, and (3) an infusion facility. All such activities will be conducted pursuant to Arizona Medical Marijuana Registration Certificate ID #00000037DCDM00904008 (the “License”), which is owned by License Holder. License Holder will be transferring the License to the Property for the aforementioned operations on completion of this project. License Holder will operate the dispensary, and Applicant will operate the cultivation facility and infusion facility pursuant to a subcontractor agreement between License Holder and Applicant. Additionally, the portion of the Property located at the street address of 534 W. McKellips Rd. will be developed into a new parking lot. As part of the proposed development of the Property, Applicant plans to legally combine the parcels underlying 550 W. McKellips and 534 W. McKellips into a single parcel to form a new, combined 550 W. McKellips. There will be no other tenants or businesses on the Property.

### Compliance

The revised site plan continues to comply with all applicable COM code and rules for MMJ use. The relocated dispensary continues to meet the requirements for setback from McKellips Road. The cultivation facility and infusion facility continues to meet COM and DHS requirements for such facilities. The Property will meet or exceed the required number of total parking spaces (61 required, 64 provided), as well as the required number of ADA-compliant spaces and bicycle parking.

### Citizen Participation Process

It continues to be important to Applicant that citizens and other interested parties have the opportunity for their opinions about this project to be considered. Applicant previously prepared a comprehensive Citizen Participation Plan (the “Plan”) to facilitate this process, which was submitted as required with the Planning & Zoning application. Since submission of the Initial Applications and First Supplemental Narrative, Applicant has had multiple citizen interactions and given ample additional opportunities for citizen participation. Applicant has uploaded a comprehensive Citizen Participation Report to DIMES under the P&Z Case number detailing these undertakings.

## Updates and Revisions: Landscaping Elements and Dispensary Building

### *Landscaping Elements*

- Per Design Review Board suggestion at the DRB Work Session, Applicant has made the following changes to the Landscaping Elements:
  - All see green juniper has been replaced with desert spoons.
  - Yellow daisies have been added to the succulent row plantings, to bring in more color.

### *Dispensary Building*

- Per Design Review Board suggestion at the DRB Work Session, Applicant has made the following changes to the Dispensary Building:
  - Masonry piers with I-beam columns have been added to the shade structure at the dispensary entrance, to match the cultivation building
  - Rust-colored corrugated metal façade has been added to the dispensary building, to match the cultivation building
  - The dispensary entry has been changed from PRB metal siding to masonry
  - Dispensary windows have been recessed 6 inches.

Based on repeated communications with Staff, and the numerous changes made to directly address Staff concerns through this process, Applicant is confident that the above modifications to the site plan, design elements, and buildings adequately address the remaining concerns raised in the Staff Comments Letter and suggestions from the DRB Work Session.

## Follow-Up Submittal Requirements

Along with this Second Supplemental Narrative, Applicant has submitted, via the COM DIMES online portal (DRB and P&Z case files, as applicable), the following additional information:

- Modified drawings and exhibits, including the following:
  - Revised Site Plan, Landscape Plans, Exterior Elevations/Building Elevations, Floor Plans, and Building Sections, Three Dimension Rendering (see below), Four-sided Color Elevations coordinated with color/material board, and Sign Package (now including proposed Monument Sign).
  - Grading, Drainage and Utility Plans.
- Citizen Participation Report.
- Affidavit of Public Posting (for public hearing notification sign physically posted on the Property).
- Letters of Notification and associated materials for the Planning & Zoning Hearing.
- Any other documents and materials requested by COM per the Staff Comments Letter.

Applicant's design firm has prepared an updated digital, three-dimension conceptual model of the revised development for the Property, which can be accessed using the following link (may need to refresh several times due to size of video):

<https://youtu.be/WwqgUHBG2Mc>

Specific concerns from the Staff Comments Letter related to the site plan, dispensary building, and cultivation facility and infusion facility have been addressed in the applicable sections set forth above.

#### Development Schedule

Pursuant to the Medical Marijuana Facility Registration issued by COM and the Staff Comments Letter, the updated development schedule for the Property is currently as follows:

- Concurrent formal submittal for Design Review Board and Planning & Zoning Approval – *no later than October 29, 2018 (submitted October 25, 2018)*
- Deadline to submit revised materials and color board for Design Review work session – *no later than December 4, 2018 (submitted with First Supplemental Narrative on December 4, 2018)*
- Design Review work session – *December 11, 2018*
- Deadline for P&Z public hearing notification letters, maps and lists to be delivered to COM Planning Office, for public hearing notification sign to be posted on Property, and affidavit of public posting uploaded – *no later than January 2, 2019 (sign posted on December 26, 2018; letters, maps and lists delivered to COM and uploaded on December 27, 2018; affidavit of sign posting uploaded December 27, 2018)*
- Planning and Zoning Hearing – *January 16, 2018*
- Construction documents submitted for formal review – *no later than March 19, 2019*
- Construction permit issued – *no later than July 19, 2019*
- Issuance of Certificate of Occupancy and DHS issued Dispensary Registration Certificate to Dispense – *no later than June 18, 2020*

Applicant is currently on schedule and confident that it will meet all of the above deadlines.

#### Conclusion

Thank you in advance for your review and consideration of our Second Supplemental Narrative and associated materials. We are very excited to continue to work with you and the City of Mesa in the development of the Property. Michael O'Brien, the CEO/Manager of Applicant, should be the primary point of contact for information related to these applications. If you have any questions, require additional information, or would like to discuss any aspects of our proposal, Mr. O'Brien and/or representatives of both Applicant and License Holder would welcome the opportunity to meet with you.

Applicant will be in attendance at the Planning & Zoning Hearing on January 16, 2019, and looks forward to hearing from Staff with regards to the site plan described herein.

Sincerely,

**APPLICANT:**

**PITCHFORK PARTNERS, LLC**, an Arizona limited liability company

A handwritten signature in dark ink, appearing to read "Michael O'Brien", is written over a horizontal line.

By: Michael O'Brien  
Its: CEO/Manager

**LICENSE HOLDER:**

**THE MEDICINE ROOM, LLC**, an Arizona limited liability company

A handwritten signature in dark ink, appearing to read "Hugo Dixon Oates", is written over a horizontal line.

By: Hugo Dixon Oates  
Its: Manager

**Exhibit A**

**Staff Comments Letter**

(see attached)



**Planning Division - MEMORANDUM**

**Date:** November 14, 2018  
**To:** Pitchfork Partners, LLC  
[michael@mobconsultingaz.com](mailto:michael@mobconsultingaz.com)  
**From:** Wahid Alam, AICP, Planner II, [Wahid.alam@mesaaz.gov](mailto:Wahid.alam@mesaaz.gov)  
**Case#:** **ZON18-00854 and DRB18-00853**  
**Request:** Site Plan Review and Design Review Request for proposed Medical Marijuana dispensary at 550 W McKellips.  
**RE:** Staff Comments

Planning Staff has reviewed the materials submitted for Planning and zoning and design review process. I have been assigned to your case and will be coordinating the staff review of the request. Please read through our comments and provide additional exhibits and information for each item requested.

**Staff Comments/Concerns**

The proposed plans were reviewed per the City of Mesa Zoning Code. As a result, Staff has the following comments:

**ZON18-00854**

**Planning and Zoning Board Application:**

**Schedule (anticipated):**

**December 4, 2018** is the deadline to submit revised materials.

**January 16, 2018** is the tentative date for your P&Z hearing.

**Staff Comments/Concerns:**

**Citizen Participation Plan:**

A Citizen Participation Plan (CPP) has been submitted and it seems the outline will meet the requirement.

Citizen Participation is a required process. This provides an opportunity for the developer and the homeowner's, neighborhood associations and registered neighborhoods to interact and discuss the proposal prior to the public hearing. Property owners within 1,000 feet of this property should be notified as part of this process as well as all registered neighborhood associations within 1 mile of the project and all HOAs within ½ mile of the project. Staff would encourage early outreach for this proposal. A Citizen Participation Plan, outlining how that outreach has been achieved or will be achieved is required with the application request.

Ownership maps and mailing lists identifying each of those property owners notified as part of the Citizen Participation Process (property owners within 1,000' of site, etc.) needs to be uploaded online on case# ZON18-00854.

**General Plan: Neighborhood Suburban**

The Mesa 2040 General Plan designates this area as Employment. The proposed use is in conformance with this character type.

**Zoning:**

The site is currently zoned LI-light industrial. It does permit the medical marijuana facility if all required standards are met, Mesa Zoning Ordinance (MZO) Section 11-31-34.

**Site Plan:**

1. Staff is concerned with the overall site plan including parking, circulation and building placement. The parallel parking on Dates Street will not work, because 30' of easement needs to be kept clear for access to the north.
2. The dead-end parking at the east side is a concern. The site plan will need to be revised to create better building layout, parking and circulation.
3. The entrance of the dispensary facing the east appears to be odd for the overall site.
4. Revise the site plan for a better layout for both buildings with parking lots without dead-end circulation.
5. How about locating the dispensary at the NEC of Date and McKellips with the entrance facing McKellips.
6. The two buildings do not have a relationship. It seems that it may be best for parking circulation and potentially building design to either physically attach or visually attach dispensary with the cultivation & infusion building.
7. Confirm compliance with section 11-33-5 Foundation Base requirements and show dimensions on the site plan. Provide landscape area within the foundation base per section 11-33-5 B.
8. Landscape islands are required every 8 consecutive parking spaces and at the end of the row of stalls per MZO Section 11-33-4.
9. Screening of parking and circulation areas to meet MZO Section 11-30-9.

**DRB18-00853**

1. The building will be required to meet the Building Form Standards in Section 11-7-3.A. Building Design Standards. Design Objectives: Achieve a desirable, functional and attractive project by allowing flexibility in selecting and implementing the most appropriate combination of Building Form Standards requirements.
2. Include monument sign and lighting design and specifications with the Design Review submittal.
3. Landscape design in accordance with MZO Section 11-33. The landscape plan will be required to be submitted with the site plan application. The Design Review Board will provide comments on the design and plant selection.



**Schedule (anticipated):**

**December 4, 2018** is the deadline to submit revised materials and color/material board.

**December 11, 2018** is the date for the DR Work Session where the Board will review and comment on this project. Please plan to attend this meeting at 4:30 PM, and to take notes on the comments of the Board. Please provide a hard copy color/material board to staff prior to that meeting. This needs to include paint chips so the Board can understand the actual colors. This can be provided on December 4, 2018, which is when your follow-up submittals are due for the Design Review Board. In addition to this, staff encourages you to bring real samples of any materials you feel would help give them a better understanding of the building design. This is often helpful to show materials that add texture to the building. Please be prepared to discuss the lighting (building and site) and landscape plans as well.

**Building Design:**

The project shows two building designed differently, as if they do not belong to the same project. Staff would suggest designing both buildings compatible to each other in color, material and texture.

The architecture of the building elevations and the landscape design will need to be High quality four-sided architecture, variations in wall plan and roof height and varying textures and forms will be required per Building Design Standards Section 11-6-3C.

**Landscape Plan:**

Landscape materials along McKellips and Dates Street and within the site seems less than required by MZO Chapter 33.

**Development Planning Comments** The following comments were provided through the Development Planning Review process. Please contact Larry Smith at 480-644-4732 or [larry.smith@mesaaz.gov](mailto:larry.smith@mesaaz.gov) with any questions related to these comments.

**Staff Contact Information:**

Discipline	Representative	Phone Number	Email Address
Development Coordination	Demian Thomas	480-644-4623	<a href="mailto:Demian.Thomas@mesaaz.gov">Demian.Thomas@mesaaz.gov</a>
Development Coordination	Larry Smith	480-644-4732	<a href="mailto:Larry.Smith@mesaaz.gov">Larry.Smith@mesaaz.gov</a>
Development Coordination	Robert Apodaca	480-644-4296	<a href="mailto:Robert.Apodaca@mesaaz.gov">Robert.Apodaca@mesaaz.gov</a>
Building Construction Codes	Donna Canale	480-644-4087	<a href="mailto:Donna.Canale@mesaaz.gov">Donna.Canale@mesaaz.gov</a>
Fire Codes	Joe Tenorio	480-644-5134	<a href="mailto:Joeseeph.Tenorio@mesaaz.gov">Joeseeph.Tenorio@mesaaz.gov</a>

**Solid Waste Review Comments****Bill Cummings**

Solid Waste – Please review and comply with the Solid Waste final design, installation, construction, location, number, access route and collection vehicle turning radius shall comply with City of Mesa Standard Detail M-62.01 through M-62.09\*. The City of Mesa Details can be found at the following web page: <http://www.mesaaz.gov/business/engineering/mesa-standard-details-specifications>

Please see M62.02.2 Note: 1

Please show on the drawing a 50ft dimension in front of each enclosure. This clearance will allow the operator room for safe maneuverability.

Turning radius meeting details needs to be shown on the drawing. Reference M-62.01

**Transportation****Russell Gordon**

C: McKellips Rd roadway is improved. No further improvements required at this time.

C: Verify if existing driveways comply with Dtl M-42. If not then replace.

C: Provide street light photo-metrics to verify that they comply with current standards. These can be submitted with the construction plan submittal.

C: Provide sight visibility triangles (SVT) for all driveways and median openings to demonstrate that adequate visibility is being provided. The SVT is to be placed on the landscape plans and show what criteria is being used to demonstrate that the visibility is being maintained. Use the information regarding design of sight distance requirements from the City of Mesa Engineering Design Standards: -  
<http://mesaaz.gov/home/showdocument?id=22770>

C: Verify ROW and PUF and if not meeting current code requirements, dedicate to meet City of Mesa Detail M-19.01.

**Engineering Review****Julie Christoph**

Provide drainage report to support drainage design. See Chapter 8 of the 2017 Engineering Procedures Manual.

**Energy Resources-Gas Review****Giao Tran**

The proposed project lies within the City of Mesa Energy Resources Department's natural gas service territory. Please visit <http://www.mesaaz.gov/residents/energy-resources/initiate-modify-service> for information on new service installations and to contact one of our Business Development representatives. The Business Development representatives can help you identify the location of existing utilities, provide you with a "Ability to Serve" letter, and direct you to the proper agencies and/or individuals to address other questions and concerns. Please contact Arizona Blue Stake at 811 prior to any excavation in the area.

**Water Resources-Water Review****Spencer Taylor**

See plans in case DRB18-00853 for comments.

**Building Safety- Fire Review****Joseph Tenorio**

NO MAJOR FIRE CODE CONCERNS.

2018 Codes.

The City of Mesa is in the process of adopting the 2018 International Code Council (ICC) "family" of codes and the 2017 National Electric Code produced by the National Fire Protection Association. If approved by the City Council, we expect the 2018 Codes to be in effect January 1, 2019.

Development Services link

<https://www.mesaaz.gov/business/development-services/building-code-amendment>

Fire Codes

See the following links for Mesa Fire Code amendments and Fire Department details:

2006 INTERNATIONAL FIRE CODE (as adopted)

<https://www.mesaaz.gov/home/showdocument?id=552>

Fire Prevention Details

<http://mesaaz.gov/residents/fire-medical/fire-prevention/fire-details>

As required by Mesa Fire Code 903.2 and 907.2, provide fire sprinkler system and fire alarm system plans or add a deferred submittal statement on the title sheet of construction drawings.

PLACE THESE FIRE CODE NOTES ON THE CONSTRUCTION DOCUMENTS:

“Required fire apparatus access road during construction or demolition. The access road shall be a minimum of 20 feet wide and shall be an all-weather driving surface, graded to drain standing water and engineered to bear the imposed loads of fire apparatus (74,000 lbs/24,000lbs per axle) when roads are wet. For example, a minimum of six (6) inches of ABC compacted to 90% over an approved base would meet the requirement.

The access road shall be extended to within 200 feet of any combustible materials and/or any location on the jobsite where any person(s) shall be working for a minimum of four (4) continuous hours in any day. A CLEARLY VISIBLE SIGN MARKED “FIRE DEPARTMENT ACCESS”, IN RED LETTERS, SHALL BE PROVIDED AT THE ENTRY TO THE ACCESS ROAD.

All open trenches shall have steel plates capable of maintaining the integrity of the access road design when these trenches cross an access road. These access roads may be temporary or permanent. This policy applies only during construction and/or demolition. Permanent access per the Mesa Fire Code shall be in place prior to any final inspection or certificate of occupancy. IFC Chapter 14.”

“Water supply for fire protection. An approved water supply for construction site shall meet the requirements of Appendix Chapters B and C. The minimum fire flow requirement when contractor or developer brings combustible materials on site is 1,500 gpm at 25 psi. At least one fire hydrant shall be within 500 feet of any combustible material and capable of delivering the minimum fire flow requirement. This hydrant or hydrants may be either temporary or permanent as the project schedule permits.

In addition, there are times when hydrants and valves must be closed temporarily for repair work or construction of the water system. The developer/contractor is responsible for ensuring that the water supply is available at all times. When the work is complete, developer/contractor shall make sure that the fire hydrants are active and the valves are open. IFC Chapter 14”

“Compliance is required with all provisions and requirements of IBC Chapter 33, Safeguards During Construction, and; IFC Chapter 14 and NFPA 241, Fire Safety During Construction and Demolition.”

#### **Engineering-Utility Coordination**

**Justin Isner**

McKellips Rd is scheduled for a pavement treatment project in FY18/19. The Mesa City Council approved City Code updates modifying the language to Title 9, Chapter 1 regarding pavement cuts. These modifications are effective as of February 27, 2017. Mesa City Code requires all pavement cut activities to have an approved permit and be restored in accordance with City standards and specifications (Mesa Standard Detail M-19.04.3). This update to City Code established a requirement to pay pavement restoration fees for cutting pavement that is newer than five years old. The four-tiered rate structure is based on pavement age and size of cut or pavement disturbance. For additional information, please review the Pavement Cut Process Brochure, located at <http://mesaaz.gov/business/development->

sustainability/construction-permits for more information about the Pavement Cut Process. To avoid cutting new pavement, please refer to the City's "Active Capital Improvement Projects" and "Pavement Cut Restrictions" interactive maps located at <http://www.mesaaz.gov>, search "maps". The "Active Capital Improvement Projects" map shows Capital Improvement Projects in design and construction along with the Project Manager's contact information for coordination. The "Pavement Cut Restrictions" map shows future pavement restrictions. It is preferable to install underground infrastructure before any new pavement is placed.

In accordance with the City of Mesa Engineering and Design Standards Chapter 6 & 7 applicant will be required to place all new facilities underground as well as convert all aerial facilities in the public right-of-way within the limits of the property to underground:

604.3 – All new electric services and service changes, modifications or upgrades must be located underground.

705.4 – All existing overhead facilities, twelve kilovolt (12kv) or less within public right-of-way adjacent to developing properties, shall be relocated underground. This requirement shall apply to all utilities including electric distribution lines, electric service lines, telephone cables and lines, and lines used for other communication systems such as cable-transmitted television. The underground installation shall comply with all utility company's requirements.

#### **Low Impact Design:**

Mesa supports efforts to reduce the environmental effects of impervious pavement. Please consult Mesa's Low Impact Toolkit for many ideas, such as Vegetated Swales, Bio retention, Permeable Paving, Infiltration & Underdrains, Green Roof Tools and Rainwater Harvesting.

Contact Angelica Guevara about how using these tools can reduce the total retention for your development.

#### **Follow-up Submittal Requirements for the Planning and Zoning Board:**

##### Due December 4, 2018:

- Second submittal deadline. Upload all drawings and exhibits that have been modified. Include a narrative addressing the concerns raised, and how they were resolved.

##### Due January 2, 2019:

- Public Hearing Notification letters (sealed, stuffed, addressed, stamped) to each property owner within 500' of the subject property; and registered neighborhoods and HOAs within ½ mile. A sample Planning and Zoning Board notification letter is attached to this document.
- Ownership maps and lists identifying each of those property owners notified as part of the Public Hearing Notification (500')
- Post site 15 days before the hearing. Wait for the e-mail reminder from staff for the exact text that needs to be on the sign.
- The 4' x 4' notification signs need to be posted on the site and the notarized Affidavit of Posting uploaded.

**Follow-up Submittal Requirements for the Design Review Board:**

**Due December 4, 2018:**

- Submit Design Review Notification letters (sealed, stuffed, addressed, stamped) to each property owner within 500' of the subject property. These letters shall be delivered to the Planning Division.
- Upload all documents related to Design Review Notification including Ownership maps and mailing list identifying each of those property owners notified as part of the Notification (500').

**December 4, 2018:**

- Submit hard copy revised color/material board.
- Upload a complete set (combined files) of all drawings and documents including revised ones.