



Zoning Examiner

REPORT TO MAYOR AND COUNCIL

February 1, 2024

SUBJECT: TP ENT 1023 00041 Harvest Tucson 1010 S. Freeway, C-2 (Ward 1)

Public Hearing: January 18, 2024

BACKGROUND

This is a request by Lazarus & Silvyn, on behalf of the property owner P&P Hospitality, for approval of a Special Exception Land Use to allow a relocation and expansion of a previously approved marijuana dispensary, as permitted in the *Unified Development Code* (UDC). The project site is located at 1010 S. Freeway and within an existing multi-tenant retail building. The Applicant/ currently occupies 1,270 sf of the retail building. This request is to expand and relocate the existing marijuana dispensary from the northwest suite to the southern suite of the building.

The Applicant proposes a dual-license marijuana dispensary to occupy a 3,758 square-foot space as allowed by the UDC. There will be minimal change to the exterior and no additional building height. The site is zoned C-2 (Commercial) and located on the west side of Interstate 10 approximately 600 feet northwest of the intersection of West Starr Pass Boulevard and Interstate 10 (see Case Location Map).

In 2022, the Mayor and Council approved an amendment to the UDC relating to adult use and medical marijuana establishments within C-2 zones as a Special Exception Land Use. Additionally, based on both a relocation and expansion of the previously approved facility, this marijuana dispensary is subject to approval through the Mayor and Council Special Exception Procedure (sections 3.4.4. and 5) and is subject to Sections 4.8.6 and 4.9.9 of the UDC. The Mayor and Council is the final review authority to render a decision to grant the use with or without conditions, or to deny the use.

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PUBLIC HEARING SUMMARY

January 18, 2024, Zoning Examiner Hearing

The Applicant and the Applicant's representative spoke in support of the requested rezoning at the August 4, 2022, Zoning Examiner hearing. One other person spoke and encouraged the Applicant to engage with the Barrio Kroeger neighborhood. The Applicant stated that it would do so.

As of the date of the Zoning Examiner hearing, there were no (0) written approvals and four (4) written protests.

FINDINGS OF FACT

Background Information

Existing Land Use:

The existing retail space was previously used for motel support space, office space and other uses.

Current Zoning:

C-2: This zone provides for general commercial uses that serve the community and region. Residential and other select agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses.

Surrounding Zoning and Land Use:

North: C-2 (*Commercial Zone*); Motel

South: C-2 (*Commercial Zone*); Motel

East: C-2 (*Commercial Zone*); Interstate, Frontage Road

West: C-2 (*Commercial Zone*). Motel

Applicant's Request –The Applicant is interested in both relocating the existing dispensary to a new tenant space within the property and expanding the Dispensary's total square footage to 3,758 square feet. Additionally, the Applicant is concurrently seeking to expand the Dispensary use from a medical use to a dual-license establishment.

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Planning Considerations – Land use policy direction for this area is provided by *Plan Tucson*, the *Santa Cruz Area Plan*, and the *Kroeger Neighborhood Plan*.

Plan Tucson (PT): Plan Tucson Future Growth Scenario Map illustrates different building blocks within the city that have specific policies to promote future growth opportunities. The proposed development lies within the Business Centers building block of the Future Growth Scenario Map. Business centers are major commercial or employment districts that act as major drivers of Tucson’s economy. These centers generally contain corporate or multiple-use office, industrial, or retail uses.

Relevant Policies:

LT.28.4.4 Supports a mix of commercial, residential, office, governmental, and other service activities at all major employment center.

LT.28.4.6 Support environmentally sensitive design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community.

LT.28.4.8 Protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill, and appropriate nonresidential uses.

Santa Cruz Area Plan and Kroeger Neighborhood Plan

The subject area is within Key Parcel 8 of *the Santa Cruz Area Plan* which is further guided by the *Kroeger Neighborhood Plan*. The *Kroeger Neighborhood Plan* further identifies the subject area as Commercial land use, which abuts the western edge of the interstate. The land use section of this plan policy describes infill and commercial expansion along the interstate:

“Encourage and direct development of the neighborhood's eastern edge by expanding the freeway-oriented commercial and neighborhood commercial activities to include the area between Mission Lane, I-10, Silverlake and the Julian Wash.”

Project Background

The current dispensary use operates as a legal nonconforming use. This use was legally established in 2013 as a Medical Marijuana use, which at the time was the only permitted dispensary use. The dispensary has operated continuously since opening. In November 2020, Arizona voters passed the Safe and Smart Act legalizing adult personal use of



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marijuana, and in May 2021, the City adopted Ordinance No. 11828 to permit such use. In December 2022, the City adopted Ordinance No. 11978 that added the SELU process for new dispensaries. It was at this time that the use became legal nonconforming which legally allows the use to continue within the Current Site, subject to limitations for expansion of areas, pursuant to the Unified Development Code (“UDC”) § 9.2.2.

C-2 zone permits marijuana dispensaries as SELUs via the Mayor & Council Special Exception Procedure. The relocation and expansion of the Dispensary within the property requires SELU approval.

Design Considerations

Land Use Compatibility – The proposed land use is a Marijuana Dispensary as defined by Section 4.9.9.E.1 of the UDC. It is permissible in the C-2 Zone subject to review and approval per the Mayor & Council Special Exception Procedure established by Section 3.4.4 of the UDC.

The Preliminary Development Plan includes a 3,758 square feet space within an existing building. The building is one of several structures on the parcel which includes multiple storefronts. The subject property is directly accessible from a driveway along South Farmington Road. The collective area is accessed via Star Pass Boulevard.

The building sits toward the northern portion of the property, with 16 dedicated parking spaces along the south and east frontage including two ADA compliant parking spaces. Additionally, 4 bicycle parking spaces will also be provided. No other site modifications are proposed in the Preliminary Development Plan.

Use-Specific Standards

The following Use-Specific Standards under Section 4.9.9.E.1 of the UDC are applicable to the proposed Special Exception:

- *UDC 4.9.9.E.1.a – The total maximum floor area of a marijuana dispensary shall not exceed 10,000 square feet.* The total proposed floor area of the dispensary is 3,758 square feet, which is well below the 10,000 square feet threshold.
- *UDC 4.9.9.E.1.b – A medical marijuana dispensary shall be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle, or other motor vehicle.* The proposed dispensary will be relocated to a new tenant space within the existing building, which complies with this standard.



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- UDC 4.9.9.E.1.c – The permitted hours of operation of a marijuana dispensary are from 7:00 am to 10:00 pm. The proposed hours of operation are 8:00 a.m. to 10:00 p.m., which adheres to the required hours of operation.
- UDC 4.9.9.E.1.d – A marijuana dispensary shall have an interior customer waiting area equal to a minimum of 25% of the sales floor area. The proposed dispensary will have a sales floor that meets the minimum required area. The proposed waiting area is 236 square feet or 38% of the retail area.
- UDC 4.9.9.E.1.e – A marijuana dispensary shall not have outdoor seating areas. The existing property has no outdoor seating areas, and none will be provided for the proposed dispensary.
- UDC 4.9.9.E.1.f – A marijuana dispensary may deliver marijuana, once rules permitting and regulating delivery are approved by the AZDHS and become effective, and shall comply with state law and all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency. No deliveries are offered with this dispensary.
- UDC 4.9.9.E.1.g – A marijuana dispensary shall be setback a minimum of 2,000 feet from any other marijuana dispensaries, measured in a straight and direct horizontal line between the two closest exterior or applicable interior suite walls of marijuana dispensaries. No marijuana dispensaries are located within 2,000 feet of the subject building. The nearest dispensary is approximately 1 ½ mile east of the project site.
- UDC 4.9.9.E.1.h – a marijuana dispensary shall be setback a minimum of 500-feet from a K-12 public, private, or charter school or a licensed childcare center, measured in a straight and direct horizontal line from the closest exterior or applicable interior suite wall of the marijuana dispensary to the closest property line of a school or childcare center. No K-12 public, private, or charter schools or licensed childcare centers are within 500 feet of the subject building. The nearest school or childcare center is approximately 2,000 feet east of the dispensary and located east of Interstate 10.
- UDC 4.9.9.E.1.i – a marijuana dispensary shall be setback a minimum of 500-feet from a public park listed in Section 6 of the Technical Standards Manual or library, and a minimum of 500-feet from a licensed residential substance abuse diagnostic and treatment facility or other licensed residential drug or alcohol rehabilitation facility, measured in a straight and direct horizontal line from the closest exterior or applicable interior suite wall of the



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marijuana dispensary, to the closest property line of a library, public park, licensed residential substance abuse diagnostic and treatment facility, or other licensed drug or alcohol rehabilitee facility. No libraries or public parks listed in Section 6: Marijuana Dispensary and Dispensary Off-Site Cultivation Uses – Required Setback from Certain Parks are within 500 feet of the subject building. There are also no licensed residential substance abuse diagnostic and treatment facilities or other licensed residential drug or alcohol rehabilitation facilities within 500 feet of the subject building.

- UDC 4.9.9.E.1.j – The expansion of an existing marijuana dispensary shall be setback a minimum of 500 feet from a K-12 public, private, or charter school, measured in a straight and direct horizontal line from the closest exterior or applicable interior suite wall of the marijuana dispensary to the closest property line of a school. No K-12 public, private, or charter schools are within 500 feet of the subject building. The nearest school is approximately 2,000 feet from the dispensary.

- UDC 4.9.9.E.1.k – A marijuana dispensary shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency. The applicant will comply with all applicable health regulations, including those under the Arizona Department of Health Services and other authorized regulatory agencies.

- UDC 4.9.9.E.1.l – Odor Mitigation
 1. Odor mitigation devices and techniques shall be incorporated in all marijuana facilities to ensure that odors are mitigated.
 2. An odor mitigation plan shall be submitted demonstrating compliance with odor control requirements.
 3. Upon receipt of a formal complaint through code enforcement related to a marijuana facility's odor, an inspection for compliance with the odor mitigation plan shall be conducted. All marijuana products that arrive at the facility and dispensed from the facility are in sealed, pre-packaged containers. This greatly lowers any odor emitted from the building. In addition, the project will continue to utilize state-of-the-art activated carbon filters on any exhaust from the building to ensure the project is odor free. The specifics of this odor control plan will be submitted for approval by the City prior to construction of the tenant improvements.

Special Exception Findings

Section 3.4.5.A of the UDC requires that Mayor and Council grant a special exception only after finding that the requested special exception:



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1. Meets the standard expressly applied by all adopted codes and regulations for that type of land use, or for the land use class applicable to the proposed use. The application materials demonstrate that the Dispensary meets all applicable standards and regulations governing marijuana dispensaries.

2. Does not adversely affect adjacent land uses or the surrounding neighborhood; or that such adverse effects can be substantially mitigated through the use of additional conditions. Use as a marijuana dispensary conforms to and complements adjacent land uses and the surrounding neighborhood because:

- At this location, Harvest Tucson Dispensary has operated since 2013 and as an experienced operator can ensure no odors emit from the Project; and
- The Dispensary will continue to be compatible with surrounding commercial properties and will not generate any noise, odor, privacy or viewshed impacts.

3. Provides for adequate and efficient vehicular and pedestrian access and circulation and vehicular parking. The Dispensary will continue to provide paved off-street parking that meets the requirements of the UDC. The parking lot utilizes an existing entrance on Farmington Road. Pedestrian traffic to this dispensary is limited based on its location next to I-10, but there are sidewalks and internal walkways available for any customers that choose to walk to the Dispensary.

4. Can be adequately and efficiently served by public facilities and services, such as water, storm water drainage, fire and police protection, and solid and liquid waste disposal and/or collection as may be required by the various public and private agencies. The Dispensary's current operations are adequately served by all public facilities and services, and this will continue once the Dispensary moves to the Project Site. The Dispensary at the current site has water and trash service and receives fire and police protection. The property also has ample stormwater drainage capacity. After the Dispensary's move to the Project Site, it will continue to utilize these public facilities and services, and the increase in size of the Dispensary will have little to no impact on the adequacy of these facilities and services.

5. Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan. - The Dispensary will be a retail establishment, and the property is already zoned C-2 Commercial. Further, the project lies within the Business Centers building block of the Future Growth Scenario Map. Business centers are major commercial or employment districts that act as major drivers of Tucson's economy. These centers generally contain corporate or multiple-use office, industrial, or retail uses. Existing examples in Tucson include the University of Arizona Science and Technology



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Park, Tucson Mall, and the Tucson International Airport area. Additionally, the proposed Dispensary complies with both the applicable area and neighborhood plans.

Drainage/Grading/Landscape

The site is within an existing development that will remain part of the proposed project; as such, there will be no elevation changes due to grading.

Traffic/Circulation

The site will largely retain the existing traffic circulation and curb cut locations. The site's Marijuana Dispensary use requires a minimum of 13 parking spaces, 16 parking spaces are provided. Additionally, 2 ADA compliant parking spaces and 4 bicycle parking spaces are indicated. Any subsequent submittal must demonstrate compliance with applicable requirements per the UDC.

Conclusion – The proposed special exception is consistent with *Plan Tucson*, and in compliance with performance criteria of UDC Sections 3.4.4, 3.4.5, 4.8.6 and 4.9.9. Subject to compliance with the preliminary conditions proposed by PDSO, approval of the special exception land use in the C-2 zone is appropriate.

RECOMMENDATION

The Zoning Examiner recommends approval of the special exception, subject to compliance with the preliminary conditions proposed by PDSO

Sincerely,

John Iurino

Zoning Examiner

ATTACHMENTS:

Case Location Map

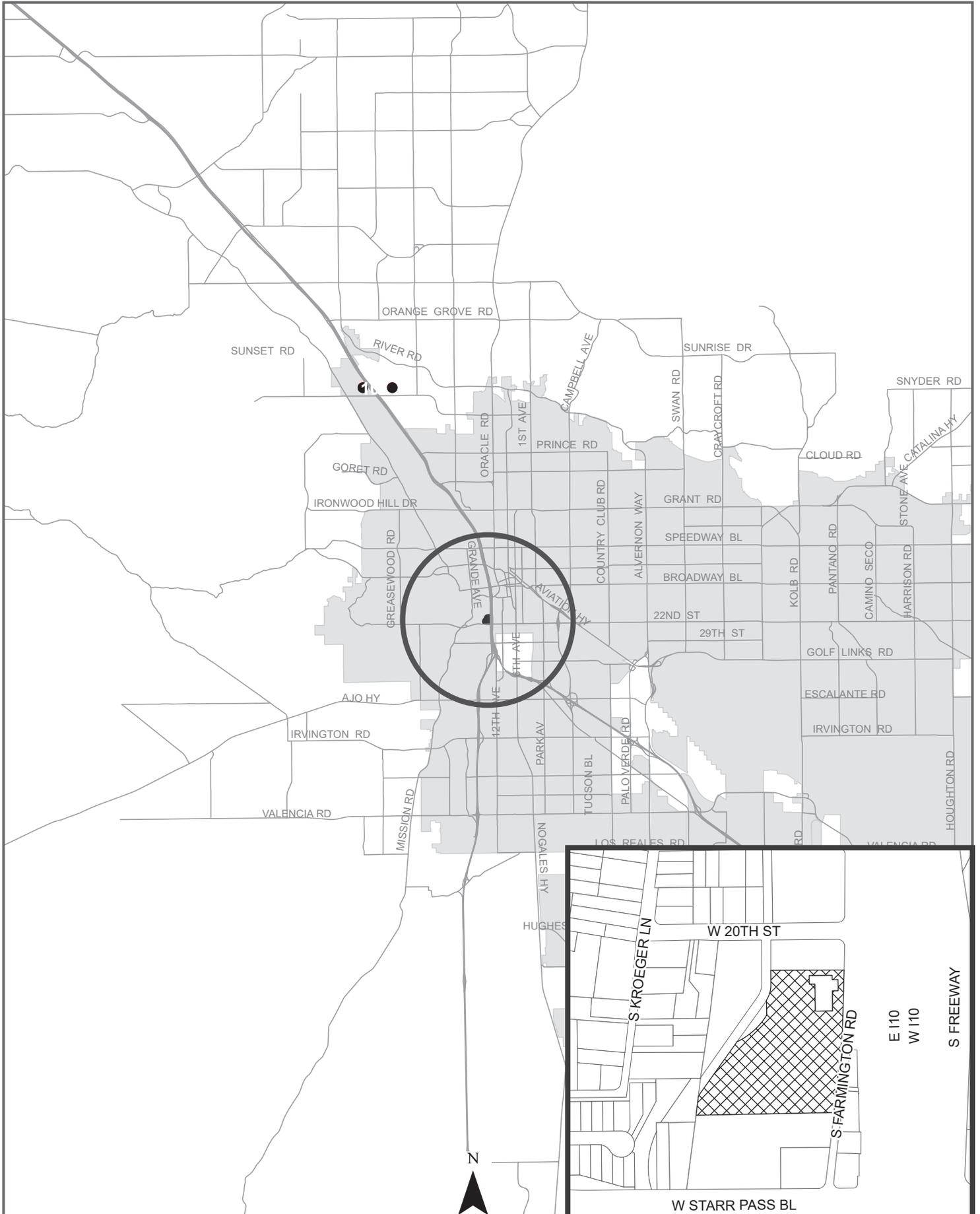
Rezoning Case Map

Public Hearing Minutes

Cc: Mayor and Council

TP ENT 1023 00041 Harvest Tucson 1010 S. Freeway, C-2 (Ward 1)

TP-ENT-1023-00041, C-2





Area of Special Exception Request

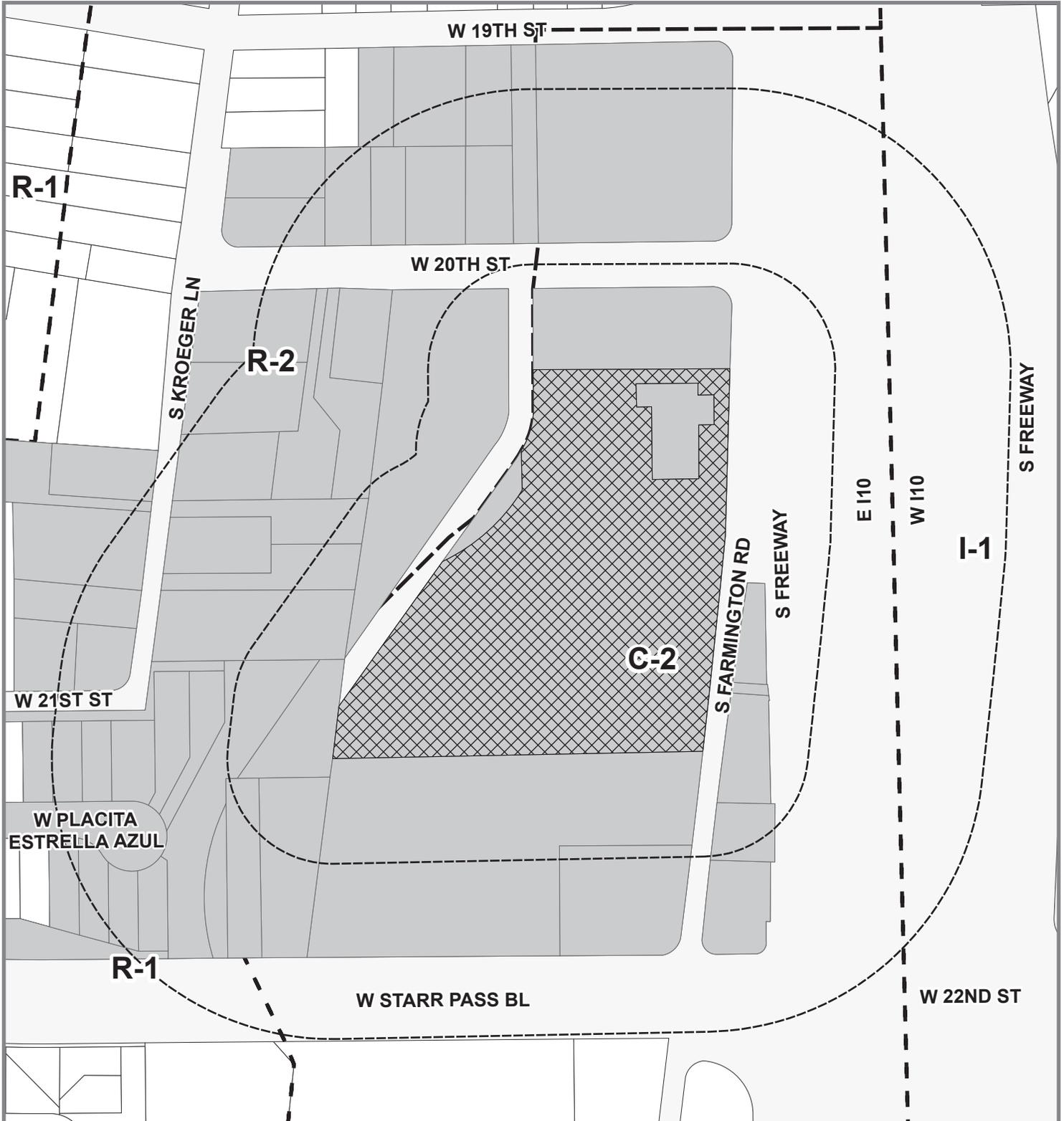
Address: 1010 S FREEWAY
Base Maps: Twp. 1403 Range 1302 Sec. 14
Ward(s): 1

2020 Aerial

Created by: MB, 11/3/2023



TP-ENT-1023-00041, C-2



-  Area of Special Exception Request
-  Properties Notified
-  Zone Boundaries
-  400' Notification Area
-  Protest Area (150 ft. Radius)

Address: 1010 S FREEWAY
Base Maps: Twp. 1403 Range 1302 Sec. 14
Ward(s): 1



CITY OF TUCSON
ZONING EXAMINER PUBLIC HEARING
JANUARY 18, 2024

ZONING EXAMINER:

- John Iurino

STAFF PRESENT:

- Samuel Paz
City of Tucson
Planning and Development Services Department

APPLICANT/AGENT PRESENT:

- Rory Juneman
Lazarus & Silvyn, P.C.
5983 East Grant Road, Suite 290
Tucson, Arizona 85712
- Andrew Bauer
Trulieve
4221 East Coconino Place
Chandler, Arizona 85249

1 ZONING EXAMINER: It's 6:00 o'clock so we'll get
2 started. Good evening everyone and welcome to tonight's Public
3 Hearing. My name is John Iurino. I'm the Zoning Examiner for
4 the City of Tucson.

5 We have one case on the docket this evening, it's Case
6 TP-ENT-1023-00041, Harvest Tucson. We'll proceed in the
7 following manner: First, I will ask Mr. Paz to give a brief
8 Staff Report. Then, I will ask the Applicant, or the Applicant's
9 representative, if they would like to make a presentation. Then,
10 I will ask to hear from anyone in the audience who would like to

1 make -- give any testimony or make any comments on the proposed
2 Special Exception Use. And then I'll turn it back over to the
3 Applicant to see if they have anything further they want to add.

4 So, with that, Mr. Paz, would you please present the
5 Staff Report?

6 MR. PAZ: Sure. Thank you. This a Special
7 Exception Request by Rory Juneman of Lazarus & Silvyn on behalf
8 of P&P Hospitality and Trulieve Cannabis. The site is zoned C-2
9 commercial and located northwest of Staff Pass Boulevard and I-
10 10, and at 1010 South Freeway. This proposal is within the
11 existing multi-tenant building. The project team held an onsite
12 in-person meeting on October 19th at 6:00 p.m.

13 This Special Exception is to allow the relocation and
14 an expansion of a previously-approved marijuana dispensary, as
15 permitted in the Unified Development Code. The request relocates
16 the existing dispensary from the northwest suite to the southern
17 suite within the same building, increasing the operation size
18 from 1,200 square feet to 3,758 square feet, as allowed by the
19 Unified Development Code. There will be minimal changes to the
20 building and no additional building height.

21 The Special Exception Request is consistent with Plan
22 Tucson and the Kroeger Neighborhood Plan. The request is also in
23 compliance with the performance criteria of the Unified
24 Development Code, and subject to compliance with the attached
25 Preliminary Conditions. Approval of the Special Exception

1 Request in C-2 is -- is appropriate. As of today, there are zero
2 approvals and four protests recorded. Based on plan policy, and
3 the criteria of the Unified Development Code, Staff supports this
4 Special Exception Request. Thank you.

5 ZONING EXAMINER: Thank you, Mr. Paz.

6 Mr. Juneman, would you like to be heard?

7 MR. JUNEMAN: Yeah. Good evening, Mr. Iurino.
8 First, I want to start off by thanking Mr. Paz for the Staff
9 Report. So -- oh, and for the record, 5983 East Grant Road in
10 the City of Tucson.

11 With me tonight from Trulieve is Andrew Bauer, and he's
12 actually going to do a majority of the presentation. I -- I did
13 want to sort of introduce him by -- by saying that this is a
14 pretty unique case in that -- as Mr. Paz noted in his Staff
15 Report, that the dispensary's been in operation in this building
16 since 2013, so over ten years. The reason why we're here tonight
17 is that Trulieve took over -- or acquired the dispensary a few
18 years ago, and they want to do some improvements to it, it's --
19 it's a little rundown, it's kind of small, and they've got the
20 opportunity to do that within the same building.

21 In 2022, when the Mayor and Council required that
22 dispensaries go through this Special Exception Land Use process,
23 that made the current use legal nonconforming. And you're
24 probably familiar with the UDC, it's got some expansion
25 provisions for legal nonconforming uses, but we -- we couldn't

1 make those work for what Trulieve wanted to do for -- for this
2 expansion, the -- the code requirements wouldn't allow it.

3 So we're here tonight in -- in an unusual case in that
4 we're -- we're literally moving feet within the same -- I think
5 it's a 7,500-square-foot building. It's also unique, though, in
6 that they've been there for ten years. To our knowledge, there's
7 really no issues with any of the surrounding residential. For
8 the most part, this use faces kind of the -- the I-10 freeway,
9 but -- but you've sort of got the benefit of maybe a proof of
10 concept that this use does work in this location.

11 So, with that, I'm going to turn it over to Mr. Bauer
12 to do the presentation, and then we'll both be available for
13 questions at the end.

14 ZONING EXAMINER: Thank you, Mr. Juneman.

15 Mr. Bauer, nice to meet you. Please start with an
16 address for the record.

17 MR. BAUER: Yeah, absolutely. Address is 4221
18 East Coconino Place, Chandler, AZ, 85249.

19 ZONING EXAMINER: Thank you. Please go ahead.

20 MR. BAUER: All right. Let's see if I can do it
21 on the first try. All right. So I'm going to do my best to not
22 repeat Staff Report, not repeat what Rory said, and not to read
23 from a PowerPoint.

24 So, with that, I'm Andrew Bauer with Trulieve. I've
25 been in cannabis for about three years now. I started with

1 Harvest, then Trulieve came in and bought Harvest in 2021. And
2 we've been operating in the state as Harvest Trulieve since
3 basically the beginning of the medical program. We are the --
4 the largest operator in Arizona, with 21 retail stores. As Rory
5 mentioned Purple Med started operation in 2013, so this is a
6 longstanding dispensary; honestly, probably one of the first ones
7 with a 2013 start date. So Trulieve is a multi-state operator.
8 We have operations northeast, southeast -- Arizona, Florida,
9 Pennsylvania, are kind of our main hubs, with Arizona and Florida
10 really probably being the two that are -- we're most recognized
11 for.

12 Current partnerships. We're lucky enough in the
13 cannabis space to be able to partner within the community with
14 some -- some groups that sometimes aren't as recognized maybe, a
15 little bit more on the -- I don't want to use the word "fringe,"
16 but not, you know, the standard large food bank, but instead
17 groups like one for -- One-'n-Ten, Check For a Lump, things like
18 that. So, what we're able to do is either -- you know, food
19 drives or donation drives, things like that, so to be able to be
20 a presence in the community and kind of give back to the people
21 that -- that use our stores.

22 As Rory mentioned and Staff mentioned, this is an
23 existing property just off this -- I-10 here, at 1010 South
24 Freeway. It's moving from the -- the north side of the building
25 to the south side of the building, and -- and that's really the

1 biggest change there. Hours of operation stay the same, 8:00
2 a.m. to 10:00 p.m. daily. Again, here's just another view of
3 that shift, with the top half being the current dispensary, at
4 about 1,200 square feet, to the -- the bottom half there that's
5 just a larger suite in the same building.

6 One thing we just wanted to include in the deck just to
7 -- to have on record is all SELU standards and findings are met
8 within this location, as well as the special use standards around
9 dispensaries. So, you know, things like floor space, hours of
10 operation, all that, this project meets and we're not looking for
11 any exception or anything like that on this project.

12 The closest -- some of the sensitive use buffers, you
13 know, a school about 2,000 square -- 2,000 feet away, a rehab
14 3,000 feet, closest park is 750 feet, and then the nearest
15 dispensary is one and a half miles. Well, kind of one other
16 thing that I think is just important to point out is those are
17 all protected by -- or not protected, but separated by the I-10,
18 so there's a nice additional barrier there other than just linear
19 feet.

20 The goals and objective around this project, Rory kind
21 of said it best. We had the opportunity to have a dispensary up
22 and running for ten years in the location, see that it works, see
23 that the -- the numbers are good, and to be able to expand on
24 that, and to be able to expand on the dispensary and update it to
25 -- you know, a 2024 look and feel is part of that move, so move

1 into that bigger space.

2 This is the current space right now. The waiting
3 area's on the left side, the dispense area is on the right. It
4 is a pretty tight space compared to some of the other
5 dispensaries.

6 This is the floor plan of -- of what the future
7 dispensary would look like. Without getting into, you know,
8 which way the doors swing, this is kind of what the latest
9 Trulieve dispensary floor looks like. It's much brighter,
10 everything is out and sealed. Anything on the floor there, just
11 to make clear, that's all dummy product. There is no live
12 product on the floor. Everything is kept in locked drawers or
13 the safe behind the counter. So this -- anything on -- that you
14 see like in a picture like this, this is our Tatum store, so this
15 isn't an artist rendering, this is actually the Tatum store. All
16 that in the case is dummy product, so it's empty, so there's no
17 -- there's less issue of theft. If somebody would like to take
18 an empty box, we will not stop them.

19 This is more of the dispensing counter, so you can see
20 there's things behind the counter -- and, you know, in these
21 glasses cases again those are -- that's just dummy product -- but
22 the live product is behind the counter, so the budtender will,
23 you know, work with the patient or customer and get what they
24 want and put it together in a sealed bag. So a big part of
25 Trulieve and -- and dispensing cannabis in general is a

1 commitment to safety and security, so we have a great history of
2 working with law enforcement. They are out at -- out at our
3 stores to just kind of do check-ins, you know, make sure they
4 know staff, everything like that.

5 And then on the -- the interior of the store, a big
6 thing that we've focused on is age -- age-gating, everybody's
7 double- -- double-verified, so your license is checked at the
8 door, 21 only. Your license is then checked again at the
9 dispensary counter. So, if you find your way, you know, past the
10 front door, you try to sneak in with another group, before
11 anybody's going to work with you at the dispensing counter,
12 they're going to check your ID again; so there's that double age
13 verification there. These are all things that are already in
14 place. It is standard operating procedure for us.

15 The one other thing that is kind of unique I think to
16 cannabis that -- that's worth noting is the cameras we use
17 outside the facility give us 360 coverage. And there -- there
18 legitimately has been cases where local law enforcement has come
19 to a dispensary because they are able to track somebody, you
20 know, walking from a car or -- or, you know, a store where they
21 stole something, and we can identify them walking past the
22 cameras. We have -- I can't remember exactly how long we have to
23 hold on to video, but it's quite some -- some time, thanks to
24 state rules. So just to be able to partner with them, again just
25 safety, security, all those things are important to a cannabis

1 company, as any other company.

2 This is what I talked about a minute ago, that youth
3 diversion. And then employment, luckily enough, in cannabis it's
4 kind of unique. If you ever go to a store and you watch the
5 customer, you know, come in and out, you'd be amazed. It is
6 every walk of life you could imagine. And, best of that, our
7 hiring practices, you kind of see that at the people that take
8 care of you. I think of a woman in Casa Grande that's been there
9 about ten years and she looks like my grandmother, but she is
10 happy as could be and the customers can feel that. So our
11 employment is usual local people that fit who's coming into the
12 store, so that hire local is something that is actually important
13 to us, not only from a company standpoint, but a consumer
14 standpoint. It makes them feel more comfortable. And that's
15 really -- that's really all I have.

16 Rory, anything else you want to add on top of that?
17 You're on mute, Rory.

18 MR. JUNEMAN: Sorry about that. The only thing I
19 did want to mention is that it may go -- go without saying
20 because of the -- the amount of time the dispensary's been in
21 operation, it started off as a medical -- medical dispensary, and
22 then dual-use when -- when that law was passed. It is not a
23 social equity license that we're dealing with. This is a dual-
24 use license.

25 ZONING EXAMINER: Okay. Thank you. Would anyone

1 else in the audience like to be heard? I had a coup- --

2 MS. CARDENAS: If I may?

3 ZONING EXAMINER: Yes, you may. Please -- go
4 ahead and please start with your name and address.

5 MS. CARDENAS: Christina Cardenas, 902 West 21st
6 Street --

7 ZONING EXAMINER: Thank you very much --

8 MS. CARDENAS: -- and then the --

9 ZONING EXAMINER: -- Ms. Cardenas. Go right
10 ahead.

11 MS. CARDENAS: I just wanted to also make a
12 correction. At the beginning of the presentation, it says Menlo
13 Park, but the dispensary is in Barrio Kroeger Lane. And today I
14 spoke with Mr. Patel (ph.), the owner of the property, and he
15 mentioned about a meeting taking place on October 19th, and that
16 the house was there ready to greet neighbors with -- with a meal,
17 so I want to appreciate that.

18 From the beginning, in 2013, our elders were quite
19 concerned of the dispensary coming in without a relationship
20 (unintelligible) partnership, trust. So I'm sorry that this is
21 carrying on and that communication -- lack of communication still
22 is in the -- in the process -- not in -- and even though I hear
23 that notices were sent out -- but it seemed like the association
24 didn't know, Ward 1 didn't know. So I would say it's a lot of --
25 has to do with a lot of trust-building, communication,

1 conversation, and getting to know each other and knowing where --
2 where we stand. Our barrio is from seven generations. This year
3 we get to celebrate our 103rd anniversary. Members were part of
4 Barrio Viejo when that displacement happened with the
5 construction of the TCC. So there's still a lot of hurt and
6 heaven knows if they'll be healing. I just wanted to bring it up
7 that it just takes for us humans to -- to communicate more; and I
8 know we try, but we just have to keep on trying, you know.

9 I did send an email of concerns and questions from --
10 from our neighbors, and I hope we can help and I know -- if I'm
11 not mistaken, this also goes to Mayor and Council. So,
12 hopefully, by Mayor and Council, we'll be more unified and our
13 questions answered and that partnership, friendship, trust will
14 be built. Gracias.

15 ZONING EXAMINER: Well, thank you very much for --

16 MS. CARDENAS: Thank you.

17 ZONING EXAMINER: -- your participation this
18 evening. And congratulations on your barrio's 103rd year in
19 existence. That's certainly something to celebrate.

20 And I did receive your email, as well as the other
21 email and two protests that were filed. And I would ask Mr.
22 Bauer or Mr. Juneman to address a couple of the items that were
23 raised there. You are correct, Ms. Cardenas, this will go --
24 what I do at my level is make a recommendation, but then it goes
25 on to the Mayor and Council for their decision. But I would ask

1 Mr. Juneman or Mr. Bauer to -- to respond to two points that were
2 raised. One may be a little less interesting than the other, but
3 the first is simply there was concerns raised about traffic and
4 whether -- and I understand that you've been in business there
5 for ten years, so you probably know if there had been any
6 problems -- but I'd just like to know a little bit about what --
7 the inflow and outflow from the facility.

8 I've been down in that part of town. I make it a case
9 to go by the rezoning or Special Exception Use sites and I just
10 know Tucson pretty well. So I just want to make sure that there
11 aren't additional steps that need to be taken that haven't been
12 taken as far as traffic not being encouraged to travel through
13 the barrio, as opposed to the frontage road and beyond. So
14 that's one point I'd ask you to address.

15 The other point I'd ask you -- ask you to address is
16 the impact -- because the Applicant here has been in business at
17 this location, but other locations and in other places in the
18 country -- whether -- what the Applicant has noticed about the
19 impact of its stores on the community that lives nearby, whether
20 there's been any -- a detrimental impact or not. So, if you
21 could address those two points, I would appreciate it.

22 MR. JUNEMAN: Sure. Mr. Iurino, I'll -- I'll
23 start off -- and I can talk about traffic -- I want to address
24 couple of points first if that's okay and then --

25 ZONING EXAMINER: Sure, of course.

1 MR. JUNEMAN: -- I'll turn it over to -- to
2 Andrew. He's probably more suited to answer the -- the question
3 on the impact of maybe this store and other stores that they
4 have.

5 The -- thank you, Ms. Cardenas, for your comments. The
6 -- you mentioned the -- the -- Menlo Park. That's just their
7 tradename. It's -- I think it's just a wider area and isn't --
8 it isn't meant to specify the specific location, it's more just
9 kind of a tradename of the general location.

10 So I -- I also did want to point out -- you mentioned
11 that Ward 1 wasn't noticed. I -- I sent an email to Ward 1 with
12 our invitation before the neighborhood meeting. I sent one to --
13 to them a few weeks ago as well. I know Staff did as well. So,
14 we -- we did our neighborhood meeting with the -- the notices
15 that were provided by Staff, which is kind of our best way to --
16 to let people know. So, you know, apologies if -- if you didn't
17 get one, but we -- we definitely sent them out and -- with the --
18 the process that -- that the City requires.

19 So now on to your question, Mr. Iurino, about traffic.
20 I'm going to share the overhead map if that's okay. Share screen
21 -- oh, I don't think I can share. Mr. --

22 ZONING EXAMINER: If it's -- if I may, I'm
23 sufficiently familiar with --

24 MR. JUNEMAN: Okay.

25 ZONING EXAMINER: -- the roads in that area, a

1 verbal description would --

2 MR. JUNEMAN: Sure.

3 ZONING EXAMINER: -- be more than (unintelligible;
4 voices overlap) --

5 MR. JUNEMAN: So --

6 ZONING EXAMINER: -- for me.

7 MR. BEALL: You can share now.

8 MR. JUNEMAN: Okay. The -- I'll just try. It --
9 if you've been out there, Mr. Iurino, you understand this is --
10 it's a pretty unusual site to access, because there really isn't
11 access directly from the frontage road, the access has to go down
12 to Starr Pass and make a U-turn into -- to -- to Farmington.
13 But, because of that and because -- really at the end of -- of
14 Farmington -- almost the end of Farmington is the Motel 6 office
15 and our dispensary -- current location and future location in
16 this building, there -- there really isn't any incentive for
17 anyone to continue on into the neighborhood. And then, when I
18 went out and drove it and went into that neighborhood, it's --
19 it's kind of a labyrinth back there. So I -- I just don't think
20 that there's any -- that -- that there's just no natural reason
21 for any driver to do anything but use Farmington in and out to --
22 to -- to the site, and that if they try there it's -- I mean, I
23 got lost back there. It -- it isn't -- it -- there isn't kind of
24 a natural secondary route, it -- it's really Farmington and
25 that's -- that's about it.

1 So I -- I don't anticipate there'll be any -- any
2 additional traffic issues other than what's out there today. We
3 haven't heard that there are any and definitely by this -- this
4 change of just being within the building, that's not going to
5 cause -- cause any additional traffic issues. I don't --
6 Trulieve I -- I think is hopeful they'll get a little bit more
7 business, but this isn't an expansion with -- in mind of -- of
8 generating a lot more business, this really is an expansion so
9 they can improve their site. The current -- the pictures that
10 Mr. Bauer showed are -- are better looking I think than the --
11 and make the -- the current dispensary look larger. It is a
12 pretty small site, pretty cramped. And the main focus of this,
13 again, isn't more business -- or more customers, it's really
14 making the existing customer experience better. So --

15 ZONING EXAMINER: Thank you, Mr. Juneman. I
16 appreciate it.

17 MR. JUNEMAN: Yeah. Mr. Bauer, you -- do you want
18 to go ahead and answer the question about impact on the area?

19 MR. BAUER: Yeah, absolutely. And just to kind of
20 continue, piggyback off of that, Rory, too. When Harvest was
21 acquired about two years ago, Trulieve came in and they've slowly
22 been rebranding every store. Part of that rebranding and that
23 investment is this -- the -- I'm bad at Tucson, so I'm going to
24 call it the Menlo Park store -- the Menlo Park store, before they
25 can keep kind of rebranding it and bringing it up to, quote,

1 unquote, "Trulieve level," is that -- that bigger site. And so
2 it -- it -- what Rory said is spot-on. They -- they really can't
3 update that location that they're in now, or recant, until a
4 larger suite. So, just to add on to what Rory was saying, this
5 is more about making the current customer feel better and happier
6 when they come to the store.

7 In terms of the neighborhoods we go into or the other
8 communities, honestly, I don't really have a great example of a
9 bad relationship happening. Especially in Arizona, we have to
10 operate in such tight confinement to the rules where it comes to
11 -- to odor, to -- to noise, to hours of operation, all those
12 things, if we step out of line, the state very much, A, wants to
13 fine us; and, B, take away our license. And what that has caused
14 is just us to have to be good neighbors. It isn't an option. We
15 have to work within the neighborhoods we're around. Anytime that
16 we do a -- you know, a special event or something, you know,
17 everything gets run by the City, all those things.

18 So one thing that does tend to happen on -- on a
19 positive is sometimes our stores are forced into -- to areas
20 other -- to where a Walgreens might not want to go. But by --
21 because of the rules of the zoning that we have to -- you know,
22 the certain setbacks, we -- we end up locating where we must;
23 and, when we do, we facelift the building. It's better lighting,
24 better -- you know, fresh paint, clean signs, security cameras,
25 stuff like that. So we can take an area that potentially has

1 seen some negative setbacks and make it a little bit better. You
2 know, this Menlo Park location, we're just taking the store from
3 where it is and moving it to the front so that it's easier for
4 people to see.

5 ZONING EXAMINER: Understood. Well, thank you
6 very much for your answer on that, Mr. Bauer.

7 I'm going to close the Public Hearing.

8 And, you know, this is a little bit outside of my exact
9 bailiwick, but now you've met Ms. Cardenas, and you know the
10 nearby community.

11 MR. BAUER: Yeah.

12 ZONING EXAMINER: It's a vibrant community in
13 Tucson. And, you know, once you meet somebody, perhaps a little
14 more outreach would be something that would be beneficial to you
15 and to the neighborhood, but --

16 MR. BAUER: Hundred-percent. Yeah, we'll -- we'll
17 reach out to you.

18 MR. JUNEMAN: Yeah, Mr. Iurino, I was going to
19 mention that if -- if Ms. Cardenas is okay with it, we have her
20 email from -- from her letter -- or from her email I guess, and
21 we -- we can reach out to her and -- and start that conversation,
22 even if it's just to -- to put context, you know, put -- put
23 people together if there's issues, it's -- it's just -- it is
24 good to -- to start that kind of conversation and that
25 relationship.

1 ZONING EXAMINER: Well, I want to say again I
2 appreciate everyone's participation this evening, and thank you
3 for taking the time. And I hope everyone has a lovely evening.
4 Good night.

5 MR. JUNEMAN: Thank you.

6 MR. BAUER: Thank you all.

7 MS. CARDENAS: Good night.

8 (Conclusion of the hearing.)

9 * * * * *

CERTIFICATE

I hereby certify that, to the best of my ability, the foregoing is a true and accurate transcription of the digitally-recorded City of Tucson Zoning Examiner Public Hearing held via video on January 18, 2024.

Transcription completed: January _____, 2024.

/S/ Danielle L. Krassow
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Legal Transcriptionist