



MEMORANDUM

DATE: January 2, 2024
For January 18, 2024 Hearing

A handwritten signature in blue ink that reads "Kristina Swallow".

TO: John Iurino
Zoning Examiner

FROM: Kristina Swallow, Director
Planning & Development Services

SUBJECT: SPECIAL EXCEPTION LAND USE –
PLANNING & AND DEVELOPMENT SERVICES REPORT
TP-ENT-1023-00041– Harvest Tucson – 1010 S. Freeway, Building A, Suite 130,
C-2 (Ward 1)

Issue – 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/tenant 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 multi-tenant retail 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. 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.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of the special exception request, subject to the attached preliminary conditions.

Public Outreach – The project team held an in-person meeting on October 19, 2023. There was zero attendance by neighbors at the meeting.

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

Previous Cases on Property: None

Related Cases: None

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.

Planning Considerations – Land use policy direction for this area is provided by *Plan Tucson*, the *Santa Cruz Area Plan* and the *Kroger 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 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.
- 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 am to 10:00 pm 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 marijuana dispensary, to the closes property line of a library, public park, licensed residential substance abuse diagnostic and treatment facility, or other licensed drug or alcohol rehabillitee 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:

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. In 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 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 attached preliminary conditions, approval of the special exception land use in the C-2 zone is appropriate.

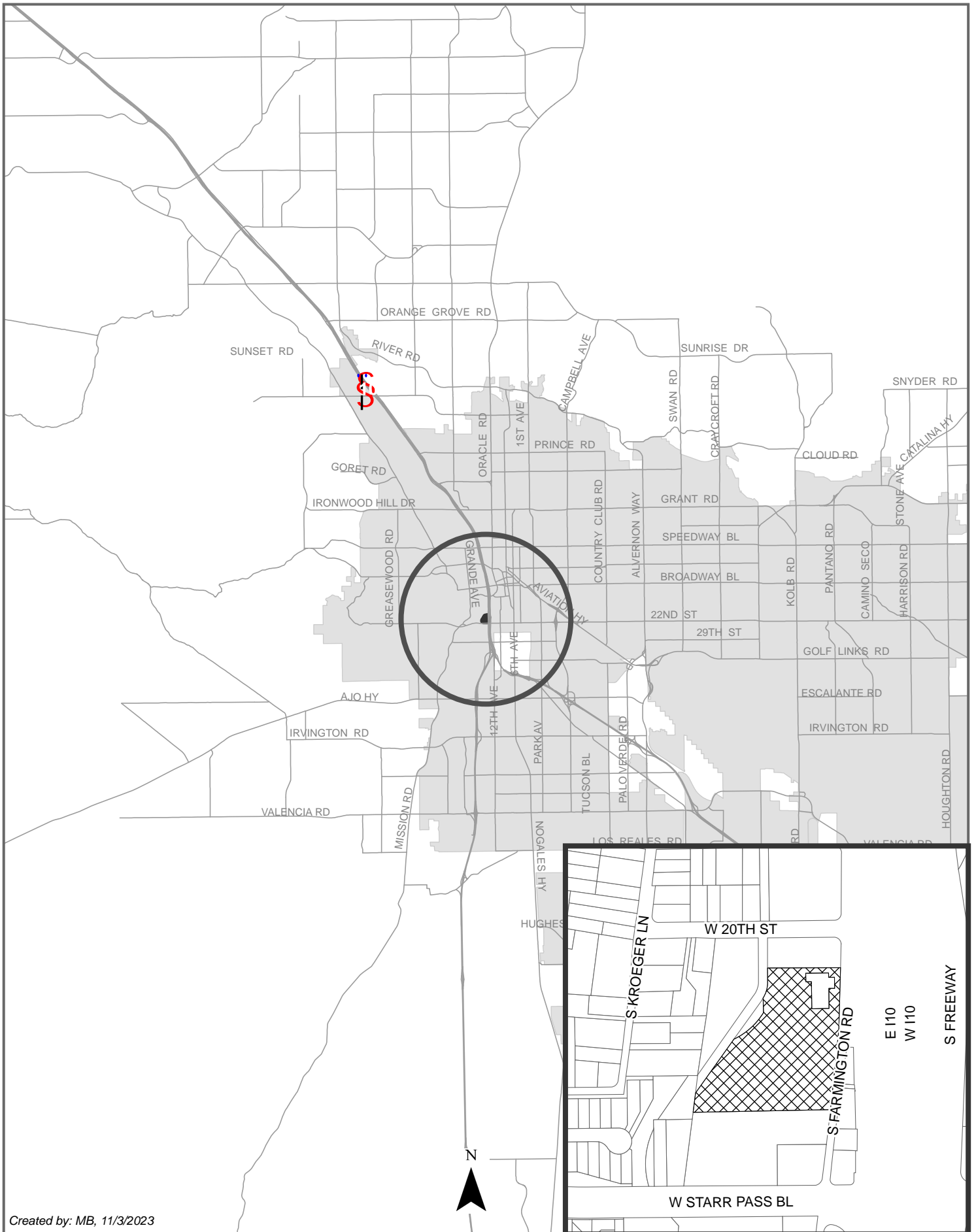
PROCEDURAL

1. A development package in substantial compliance with the revised preliminary development plan, and required reports, dated December 6, 2023, is to be submitted and approved in accordance with the *Administrative Manual*, Section 2-06.
2. The property owner shall execute a waiver of potential claims under A.R.S. Sec. 12-1134 for this zoning amendment as permitted by A.R.S. Sec. 12-1134 (I) in the form approved by the City Attorney and titled “Agreement to Waive Any Claims Against the City for Zoning Amendment”. The fully executed Waiver must be received by the Planning & Development Services Department (PDSD) before the item is scheduled for Mayor and Council action.
3. Eighteen months are allowed from the date of approval of the Special Exception by Mayor and Council until the issuance of a Certificate of Occupancy by PDSD. The PDSD Director may grant one (1) six-month extension following written request from the property owner. The request must be received by PDSD a minimum of 60 days prior to the end of the 18-month timeframe and include the reason(s) for the extension request.
4. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Historic Preservation Officer. Pursuant to A.R.S. 41-865 the discovery of human remains, and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
5. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
6. Pima County Wastewater Reclamation provides the condition that the owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation District (PCRWRD) that treatment and conveyance capacity is available for any new development within the special exception area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing, and constructing the necessary improvements to Pima County’s public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD. "

Land Use and Compatibility

7. All uses on the site must meet the applicable parking requirements of the *Unified Development Code*.

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

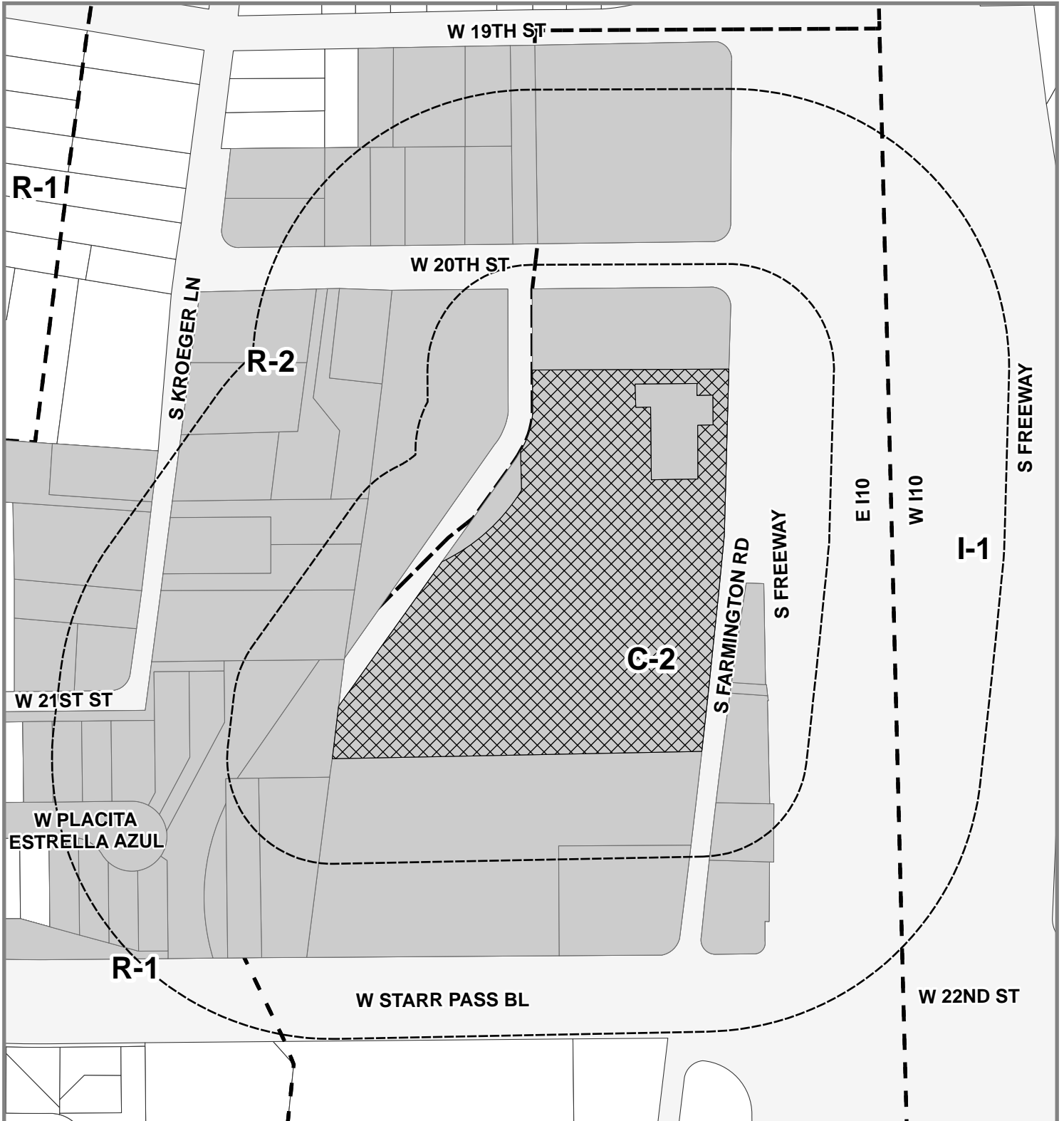
Created by: MB, 11/3/2023






0 90 180 Feet

1:2,342

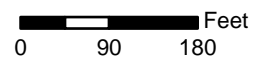


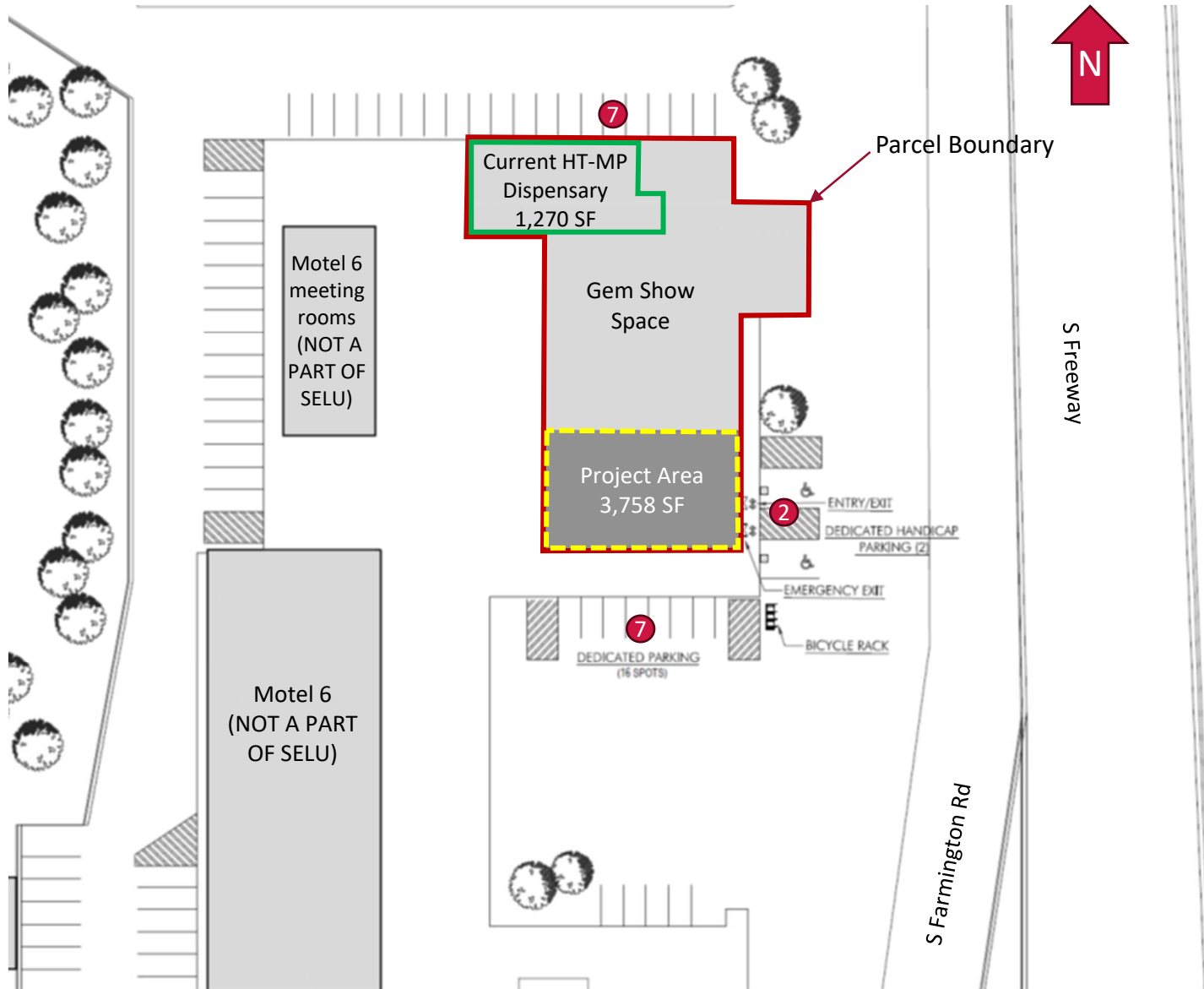
TP-ENT-1023-00041, C-2



-  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





PDP Notes:

APN: 116-23-142F

Address: 1010 S. Freeway

Existing Zoning: C-2

Proposed Use: Retail Trade Use,
Marijuana Facility: Dispensary

Request: SELU Permit, subject to use-specific standards in UDC Sect. 4.9.9.E.1

- Relocate existing 1,270 SF HT-MP dispensary to another tenant space within same building (no exterior building or site modifications proposed)

Property Area: 10,760 SF

Total Existing Building Area: 7,356 SF

Project Area: 3,758 SF

- Retail Area: 623 SF
- Waiting Area: 236 SF (38% of retail area)
- Office/Storage/Other: 2,899 SF

Vehicular Parking:

- Required (1 space/300 SF):
13 spaces (3758 SF/300)
- Provided: 16 spaces dedicated to Project

Bicycle Parking:

- Required (< 50,000 SF GFA):
 - Minimum 2 short-term
 - Minimum 2 long-term
- Provided: 4 spaces
 - 2 short-term (existing)
 - 2 long-term (interior to building)

Harvest Tucson – Menlo Park SELU
Preliminary Development Plan

SPECIAL EXCEPTION
Preliminary Development Plan
TP-ENT-1023-00041 Date 12/06/2023
Planning & Development Services

Harvest Tucson – Menlo Park

Special Exception Land Use Permit



Prepared by:

Lazarus & Silvyn, P.C.

5983 East Grant Road, Suite 290
Tucson, Arizona 85712

October 2023

SPECIAL EXCEPTION Preliminary Development Plan TP-ENT- <u>1023-00041</u> Date <u>12/06/2023</u> Planning & Development Services
--

Table of Contents

- I. Introduction & Policy I-1
 - A. Project Overview I-1
 - B. Plan Compliance I-4
- II. Site Analysis II-1
 - A. General II-1
 - B. Zoning & Land Use..... II-1
 - C. Circulation & Trips II-6
 - D. Cultural Resources..... II-6
 - E. Hydrology, Drainage & Topography..... II-6
- III. Plan Proposal III-1
 - A. Site Layout & Operations III-1
 - B. SELU Findings..... III-3
 - C. Design Compatibility..... III-4
 - D. Hydrology & Drainage III-8
 - E. Landscaping & Screening III-8
 - F. Signs & Lighting III-8
 - G. Pedestrian Access..... III-8
 - H. Traffic & Vehicular Use Areas..... III-8
 - I. Utilities..... III-8

List of Exhibits

- Exhibit I.A: Location Map I-3
- Exhibit I.B: Area & Neighborhood Plan Map I-5
- Exhibit II.B.1: Existing Land Use and Zoning II-2
- Exhibit II.B.2: Site Photos II-3
- Exhibit III.A: Preliminary Development Plan III-2
- Exhibit III.B.4: Dispensary Setbacks III-7

I. Introduction & Policy

A. Project Overview

Trulieve Cannabis Corp (“Trulieve”) currently operates a marijuana dispensary, Harvest of Tucson – Menlo Park Dispensary (the “Dispensary”), at 1010 S. Freeway, Suite 130, Assessor Parcel Number 116-23-142F (the “Current Site”) in the City of Tucson (“City”). (See *Exhibit I.A: Location Map*.) The Current Site was originally approved as a medical marijuana dispensary called Purple Med. The City approved the Dispensary’s original tenant improvement plans for the 1,270 square-foot Dispensary in 2012, and the certificate of occupancy in January 2013. Trulieve acquired the Dispensary in 2022 and rebranded it to Harvest of Tucson – Menlo Park.

The Current Site is a leased tenant space within a larger 10,760 square-foot parcel and 7,356 square-foot building¹ (the “Property”) that is zoned Commercial (“C-2”). The Property is surrounded by a parcel, also zoned C-2, which contains a motel, parking area, and vacant land (the “Motel Property”), and it also supports the annual gem and mineral show (“Gem Show”) venues during the months of January and February. The neighboring businesses are mostly motels/hotels along the I-10 frontage road. Trulieve’s landlord (P&P Hospitality, LLC) owns the Property, the Motel Property, and the adjacent residentially zoned property to the west (APN 116-23-1410). Only the Property is included in this Special Exception Land Use (“SELU”) application. The Property includes the motel office, Dispensary, and vacant tenant space.

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 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 areas, pursuant to the Unified Development Code (“UDC”) § 9.2.2.

Trulieve 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 (the “Project” or “Project Site”). 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 an SELU approval. Therefore, Trulieve seeks an SELU permit to

¹ Areas are taken from the Pima County Assessor’s Office website.

allow for the operation of a dual-license (i.e., medical and adult-use) marijuana dispensary on the Property.

As described within this document, this request meets all the findings for granting SELU approval.² The Project:

- Meets all adopted codes and regulations for a Marijuana Facility – Dispensary use;
- Does not adversely affect residential uses or the surrounding neighborhood;
- Is utilizing an existing building, parking, pedestrian access, circulation, public facilities and infrastructure; and
- Complies with the General Plan and applicable area and neighborhood plans.

² UDC § 3.4.5.A.

Harvest Tucson – Menlo Park
Special Exception Land Use

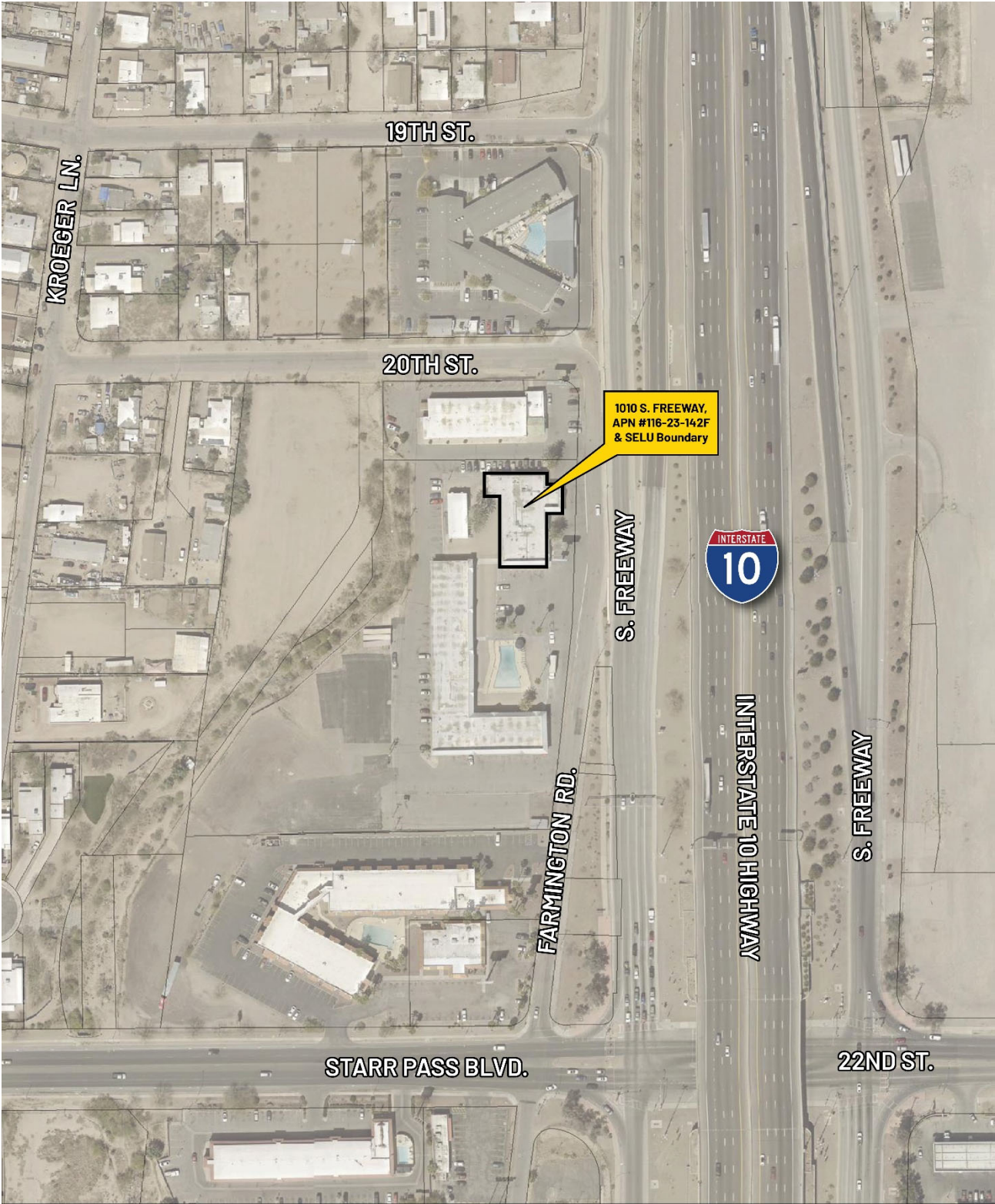


Exhibit I.A: Location Map

NORTH
DO NOT SCALE MAP - FOR REFERENCE ONLY
0 100 200 400 Feet



B. Plan Compliance

The Project complies with the General Plan and applicable area and neighborhood plans and will operate in a manner that will not adversely affect neighboring land uses.

1. Plan Tucson

The Property is located within a Business Center Building Block on the Future Growth Scenario Map in Plan Tucson (“PT”). Business centers are major commercial or employment districts that act as major drivers of the City’s economy. These centers generally contain corporate or multiple-use office, industrial, or retail uses.

Land Use, Transportation, & Urban Design Policies

The Project supports the following policies and guidelines for development review that apply to the Business Centers Building Block:

LT28.4.4: Support a mix of commercial, residential, office, governmental, and other service activities at all major employment centers.

LT28.4.6: 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.

LT28.4.8: Protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate nonresidential uses.

2. Area & Neighborhood Plan

The Property is located within Key Parcel 8 of the Santa Cruz Area Plan (“SCAP”), which defers to the Kroeger Neighborhood Plan (“KNP”) for land use guidance. (See *Exhibit I.B: Area & Neighborhood Plan Map*.) The KNP identifies this freeway-facing Property as appropriate for Commercial uses.

3. Conflicts with Ordinances and Policies

This Project is a relocation and expansion of an existing business within an existing building. As discussed in this application, the Project will comply with all required use-specific standards in the UDC for this use.

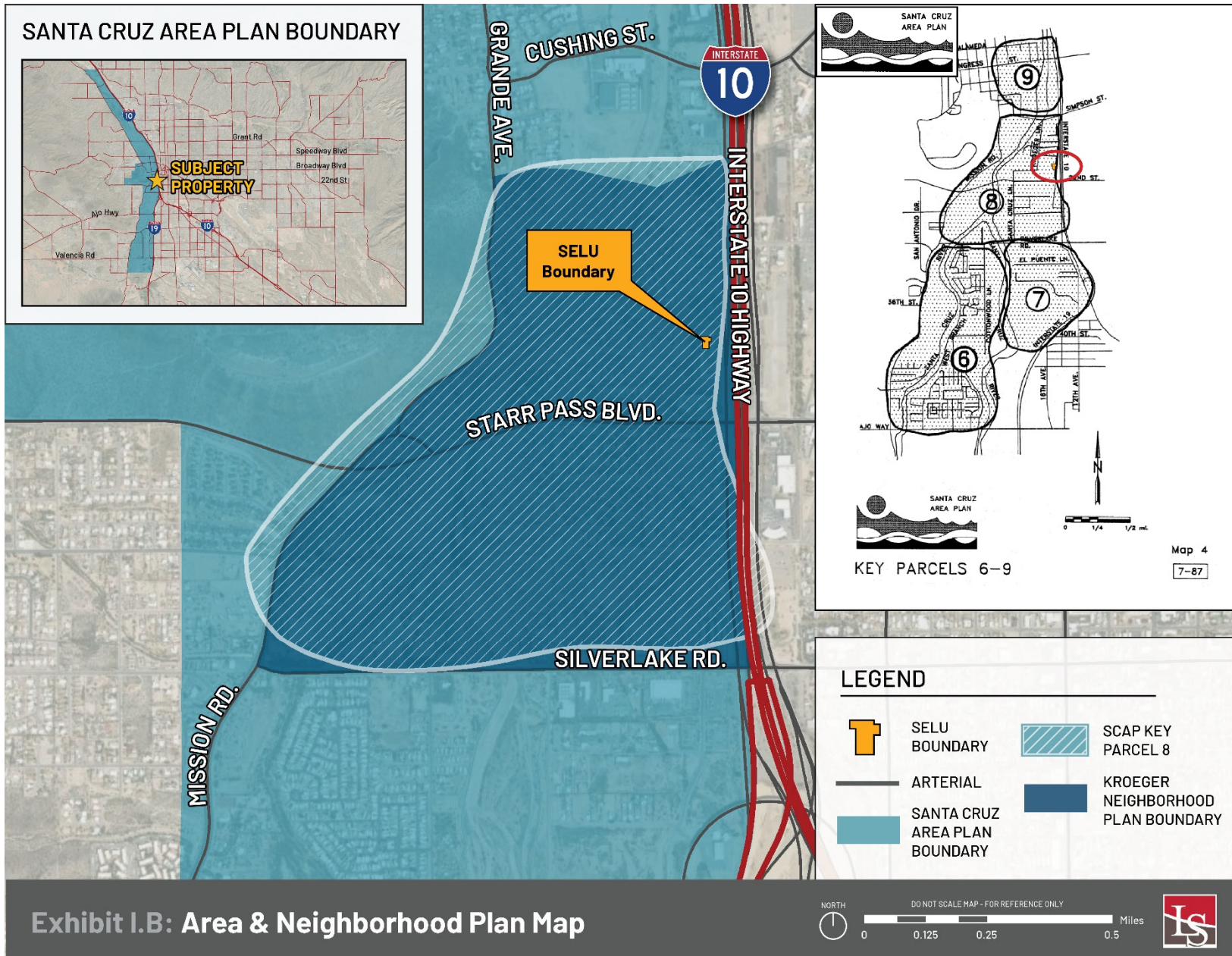


Exhibit I.B: Area & Neighborhood Plan Map

II. Site Analysis

A. General

As indicated in *Exhibit I.A.: Location Map*, the Property is located west of Interstate 10, north of W. Starr Pass Boulevard and south of W. 20th Street at 1010 S. Freeway.

The Property’s boundaries align with the 10,760 square-foot building footprint, as depicted on the Preliminary Development Plan in Section III of this document. The Property is surrounded by the Motel Parcel, a separate parcel under the same ownership that is developed with a motel and related uses.

B. Zoning & Land Use

Current land uses and zoning designations for this Property and surrounding properties are shown in *Exhibit II.B.1: Existing Land Use and Zoning*.

1. Onsite

The Property is zoned C-2 and developed with a 7,356 square-foot building with multiple tenant spaces. One space serves as the motel lobby, and another is currently occupied by the Dispensary, which will be relocated into another currently vacant tenant space within the Property as part of this Project.

There are no existing billboards on the Property.

2. Surrounding Development

The land uses and zoning of surrounding properties are depicted in *Exhibit II.B.1: Existing Land Use and Zoning Map* and *Exhibit II.B.2: Site Photos*. Surrounding land uses are presented in *Table II.B.2* below.

Table II.B.2: Surrounding Land Uses

	Zoning	Land Use	Approximate Distance to Nearest Building
North	C-2	Motel	50 feet
South	C-2	Motel	215 feet
East	C-2	S. Freeway; Interstate 10	>900 feet
West	C-2	Motel	30 feet

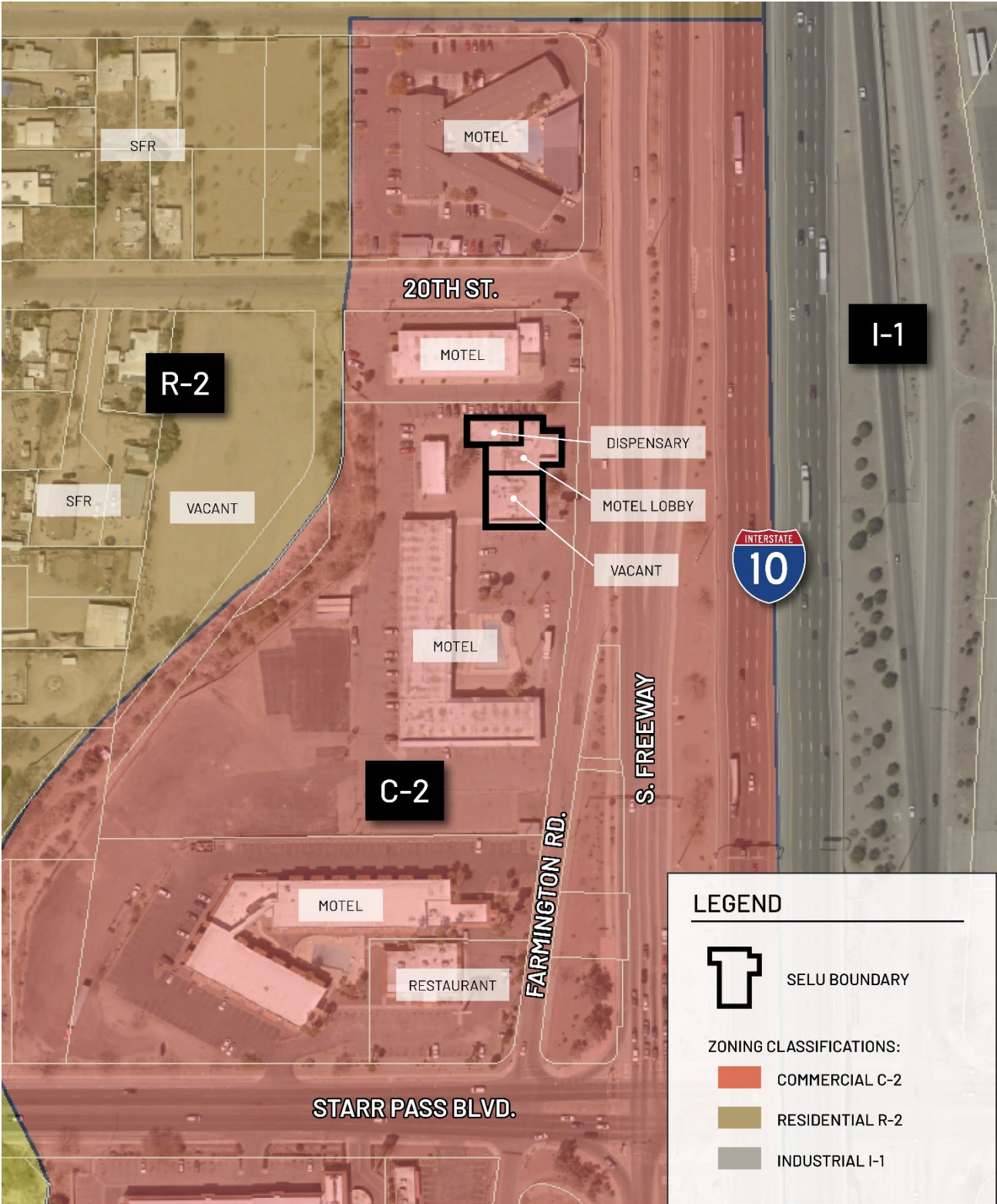


Exhibit II.B.1: Existing Land Use and Zoning

NORTH
 DO NOT SCALE MAP - FOR REFERENCE ONLY
 0 50 100 200 Feet



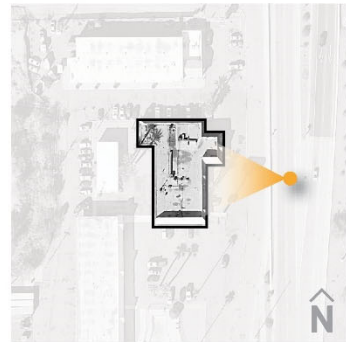
Exhibit II.B.2: Site Photos



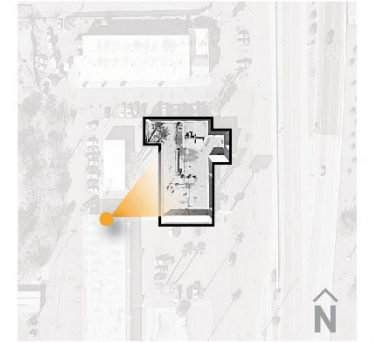
Looking north at south side of Property.



Looking west at east side of Property.

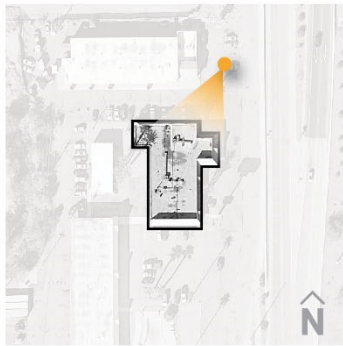


Looking east and west side of Property.

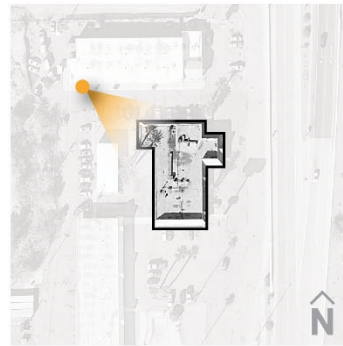




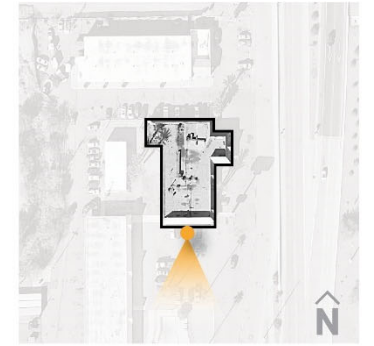
Looking south at north side of Property.



Looking southeast at northwest corner of Property.

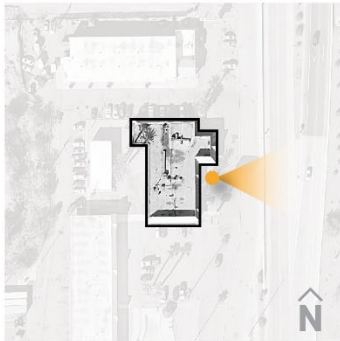


Looking south at adjacent hotel south of southwest of Property.

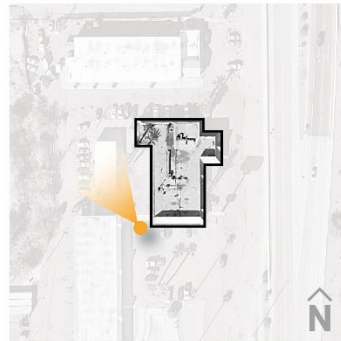




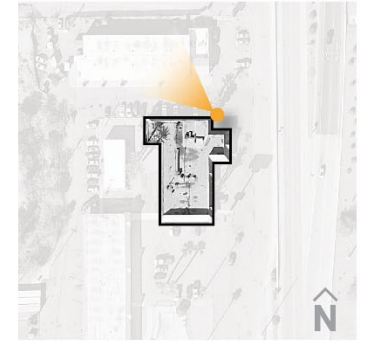
Looking east at Interstate 10 Highway east of Property.



Looking west at adjacent outbuilding west of Property.



Looking northwest at adjacent hotel north of Property.



C. Circulation & Trips

As shown on *Exhibit I.A: Location Map*, the Property is located in a developed area along S. Freeway just south of W. 20th Street, north of W. Starr Pass Boulevard. Despite the Property's address, actual physical vehicle access to the Property does not occur directly from the I-10 frontage road but rather from S. Farmington Rd. by way of making a U-turn at S. Freeway and Starr Pass Blvd.

S. Freeway is part of the Interstate 10 Route, which has a total right-of-way width of approximately 500 feet. The nearest arterial roadway designated on the City's Major Streets & Routes Map is Starr Pass Boulevard with a 120-foot existing and future right-of-way, located approximately 680 feet south of the Property.

There are no existing sidewalks or bike routes adjacent to the Property. The nearest bike route is along S. Freeway approximately 200 feet south of the Property, and that route intersects with and continues along Starr Pass Boulevard. There are sidewalks and marked pedestrian routes onsite between the motel and this Property providing safe access from the parking area to the Project.

The Property is located on the Mission Road bus route (Sun Tran Bus Route 23). No Sun Tran bus stops are located in the vicinity.

D. Cultural Resources

The Property is developed and completely covered with impervious surfaces. While no grading of the Property is proposed, if any cultural remains are discovered during ground-disturbing activities, the Arizona State Museum ("ASM") will be consulted.

E. Hydrology, Drainage & Topography

The Property is part of a long-established freeway commercial corridor and covered with impervious surfaces. No drainage issues currently exist on the Property. The Property is flat with only a two-foot difference in elevation across the site. The Old Julien Wash is west of the Property, adjacent to the Motel Property.

III. Plan Proposal

A. Site Layout & Operations

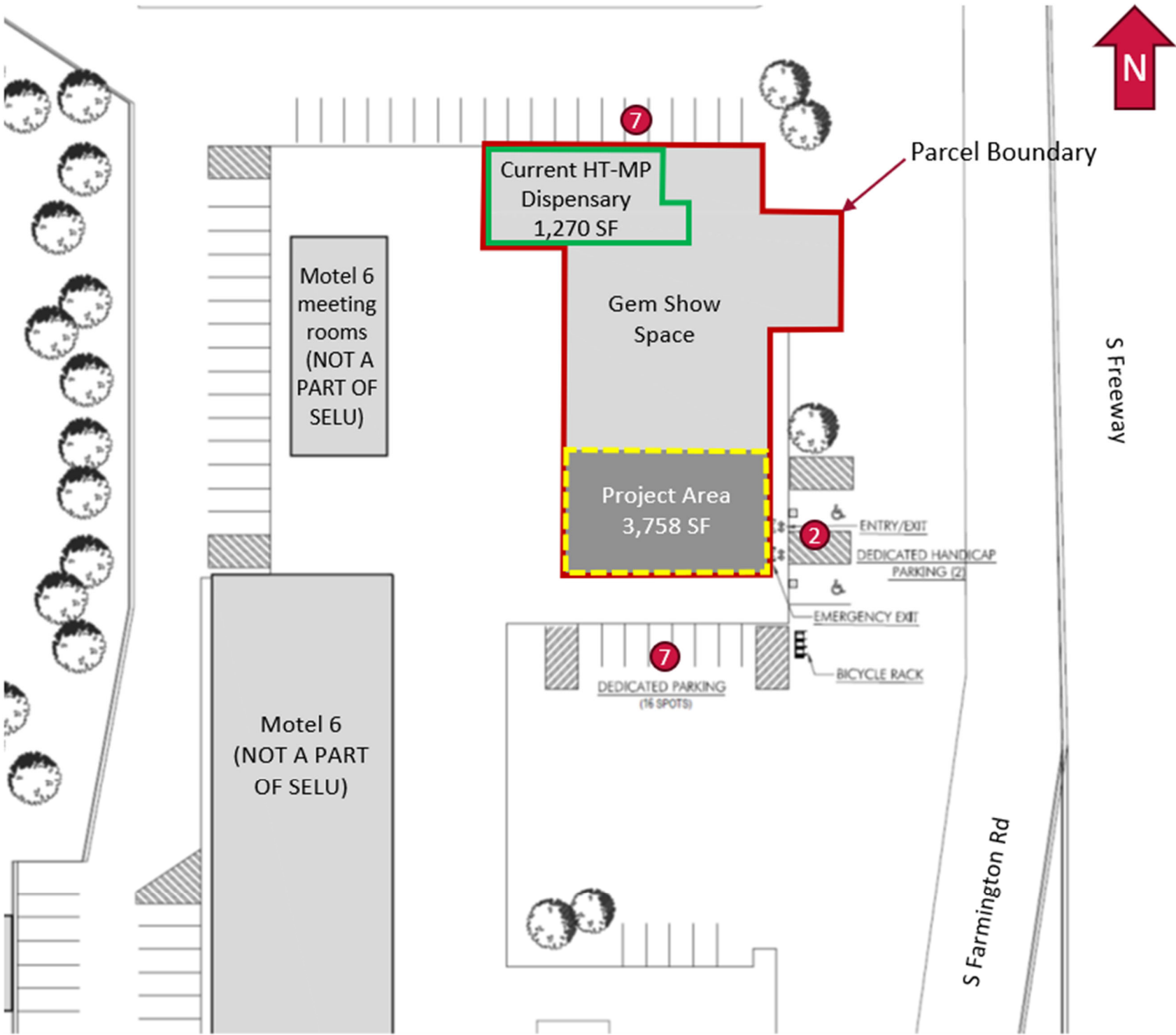
The Project proposal is depicted on *Exhibit III.A: Preliminary Development Plan (“PDP”)*. Trulieve proposes to move its existing Dispensary into a new suite within the same building. In addition, the Project will expand the area of the operation to 3,758 square feet. No exterior site changes are proposed, except that Trulieve may move or post new signage.

Ample parking exists to serve the Project. As identified on the PDP, there are 16 vehicular parking spaces on the Motel Property dedicated to this use per a lease agreement with the Property owner. Outside of the dedicated parking spaces for the Project, there are dozens of additional vehicular parking spaces to serve the existing motel and seasonal Gem Show events. Historically, there have been no parking or traffic flow issues associated with the Gem Show.

During the annual Gem Show, the Property owner uses the vacant portions of this building to display some of his inventory. The Project has a single public entrance, which is a separate exterior entrance from the rest of the building, and there is no interior cross-access between the spaces.

Trulieve institutes various security measures and collaborates with local law enforcement to ensure community safety. All patients and customers entering the dispensary must show proof of (1) a state-issued medical marijuana card or (2) a state-issued identification proving the customer is 21 years of age or older. Trulieve uses child-resistant and tamper-proof packaging with multiple warning labels to prevent product diversion to minors. In addition, Trulieve does zero marketing that includes or appeals to anyone under 21 years of age. The Dispensary will have 24-hour video surveillance with live monitored cameras, and strategic exterior lighting (in compliance with the Outdoor Lighting Code) will offer visibility around the building to prevent loitering. In addition, Trulieve will employ a third-party armed guard who will be on the Property every day from open to close. Trulieve’s national and state-led security team also provides regular, ongoing training on security protocols and identification.

Exhibit III.A: Preliminary Development Plan



PDP Notes:

APN: 116-23-142F
 Address: 1010 S. Freeway
 Existing Zoning: C-2
 Request: SELU Permit - Marijuana Dispensary

- Relocate existing 1,270 SF HT-MP dispensary to another tenant space within same building (no exterior building or site modifications proposed)

Property Area: 10,760 SF
 Total Existing Building Area: 7,356 SF
 Project Area: 3,758 SF

- Retail Area: 623 SF
- Waiting Area: 236 SF (38% of retail area)
- Office/Storage/Other: 2,899 SF

Parking Required:

- Vehicular: 13 spaces
- Bicycle: 4 spaces (2 short-term & 2 long-term)

Parking Provided:

- Vehicular: 16 spaces dedicated to Project
- Bicycle: 4 spaces
 - 2 short-term (existing)
 - 2 long-term (interior to building)

B. SELU Findings

The Project meets the SELU Findings set forth in UDC § 3.4.5.A, as follows:

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.

As discussed below in Section III.C.4, the Project easily meets all the Use Specific Standards for a dispensary use.

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 as provided in UDC § 3.4.6.

The Dispensary has operated within the Property since 2013, and since that time has had no impact on the surrounding neighborhood. A primary reason for this is that the Dispensary is located on the I-10 frontage road, far from the nearest residential area. This physical orientation and distance mean the Dispensary can operate without impacting the nearby residential. This relocation to the Project Site – within the same building it currently operates in – will allow the Dispensary to continue to operate without affecting the nearby residential area.

3. Provides for adequate and efficient vehicular and pedestrian access and circulation and vehicular parking.

The Dispensary's current operation has adequate and efficient vehicle access and circulation, and this will continue once the Dispensary moves to the Project Site. The Dispensary will have 16 spaces available via its lease, and many more spaces will be available if needed (although not likely). Pedestrian traffic to this store 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. In 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.

As described in Section I.B, the proposed Project and SELU comply with Plan Tucson and the SCAP and KNP, the applicable area and neighborhood plans.

C. Design Compatibility

1. Privacy & Compatibility with Surroundings

The Project proposes to relocate the existing dispensary to an improved tenant space within the same building. The Project will continue to be compatible with surrounding commercial properties and will not generate any noise, odor, privacy or viewshed impacts.

2. Building Form, Surface Treatment and Compatibility with Climate

The Project will retain the building's existing form, with minor modifications to the exterior for signage. Any improvements to the building's exterior façade will be compatible with surrounding commercial uses.

3. Building Height

No new buildings are proposed as part of this Project. The existing building will undergo tenant improvements to relocate the Project within the existing building, which is estimated to be approximately 12 feet in height.

4. Use-Specific Standards

The Use-Specific Standards that apply to the Project's Marijuana Facility Dispensary use include those in UDC § 4.9.9.E.1, as follows:

- a. The total maximum floor area of a marijuana dispensary shall not exceed 10,000 square feet.*

As shown on the Project Floor Plan, the total proposed floor area for the dispensary is 3,758 square feet, well under the Code's dispensary maximum.

- 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 Dispensary is being relocated to a new tenant space within the Property's existing building, which complies with this standard.

- c. *The permitted hours of operation of a marijuana dispensary are from 7:00 a.m. to 10:00 p.m.*

The proposed hours of operation are 8:00 a.m. to 10:00 p.m., which is in compliance with this standard.

- d. *A marijuana dispensary shall have an interior customer waiting area equal to a minimum of 25% of the sales floor area. For purposes of this section, sales floor area is defined as any area open to customers for the sale of products. This does not include waiting areas, areas for production and storing of products, or offices.*

The Project has a 623 square-foot retail area identified on the PDP. A minimum area of 156 square feet (25% of the retail area) is required for public waiting area. The PDP identifies a 236-square-foot lobby where customers are able to wait, which exceeds the standard.

- e. *A marijuana dispensary shall not have outdoor seating areas.*

No outdoor seating is proposed as part of this Project.

- 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 marijuana deliveries are proposed with this Project.

- 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.*

As shown on *Exhibit III.B.4: Dispensary Setbacks*, the nearest dispensary is approximately 1.5 miles from the Property and located east of Interstate 10.

- 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.*

As shown on *Exhibit III.B.4: Dispensary Setbacks*, the nearest school or childcare center is approximately 2,000 feet from the Property and located east of Interstate 10.

- i. A marijuana dispensary shall be setback a minimum of 500 feet from a public park listed in Section 6: Marijuana Dispensary and Dispensary Off-Site Cultivation Uses - Required Setback from Certain Parks, 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 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 rehabilitation facility.*

As shown on *Exhibit III.B.4: Dispensary Setbacks*, the nearest public park is approximately 750 feet from the Property and located east of Interstate 10.

- 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.*

As shown on *Exhibit III.B.4: Dispensary Setbacks*, the nearest school is approximately 2,000 feet from the Property, east of Interstate 10.

- k. A marijuana dispensary and associated uses such as infusion kitchens, 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 Project will comply with all applicable health regulations, including those under the Arizona Department of Health Services.

- l. Odor Mitigation*

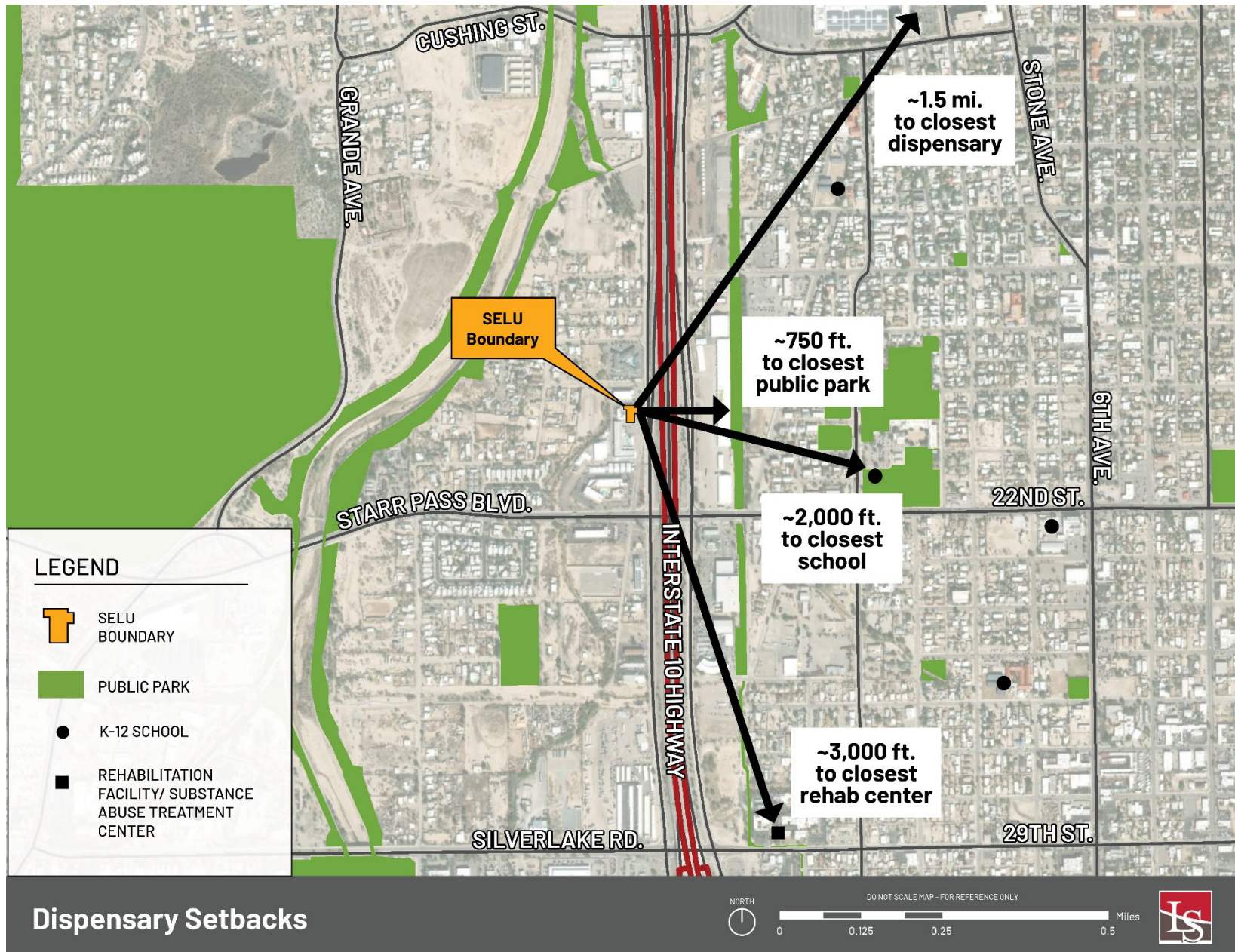
(1) Odor mitigation devices and techniques shall be incorporated in all marijuana facilities to ensure that odors are mitigated.

(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 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.



D. Hydrology & Drainage

Post-development drainage conditions match existing drainage conditions. The total runoff exiting the Property is expected to be less than or equal to existing conditions. This Property is not expected to receive water discharge from offsite.

E. Landscaping & Screening

The Project is proposing no exterior alterations to the Property. All existing landscaping will remain.

F. Signs & Lighting

All new signage will conform to UDC requirements. Any new lighting will be pointed downward and shielded in accordance with the Outdoor Lighting Code.

G. Pedestrian Access

No exterior building or site changes are proposed. Pedestrian access will continue to be provided between parking areas, the Project and the other uses onsite.

H. Traffic & Vehicular Use Areas

As depicted in *Exhibit III.A: Preliminary Development Plan*, the Project will retain the Property's existing traffic circulation and curb cut locations. The Project requires a minimum of 13 vehicular parking spaces, and 16 spaces are provided.

I. Utilities

The Property is currently served and will continue to be served by Tucson Water, Pima County Regional Wastewater Reclamation and Tucson Electric Power.

DATE: October 5, 2023

City of Tucson
Planning & Development Services
Entitlements Section
201 North Stone Avenue
PO Box 27210
Tucson, AZ 85726-7210

SUBJECT: Neighborhood Mailing Certification
Harvest Tucson - Menlo Park SELU

ACTIVITY NUMBER: TP-PRE-0823-00304

PROJECT LOCATION: 1010 S. Freeway, Tucson

This serves to place on record the fact that on 10/05/2023, Robin Large,
(date) (name),
Lazarus & Silvyn, P.C., mailed notice of the 10/19/2023
(Company/Organization) (date of meeting)

neighborhood meeting such that the notice was received at least ten (10) days prior to the date of the meeting.

Signature:

Date: October 5, 2023



**** Include the certification in the neighborhood meeting portion of the application ****

Attachment: copy of mailing labels

October 5, 2023

Dear Neighboring Property Owner:

Our client, Trulieve Cannabis Corp (“Trulieve”), currently operates the Harvest of Tucson-Menlo Park Dispensary, at 1010 S. Freeway, Suite 130, Assessor Parcel Number 116-23-142F (the “Property”) within the City of Tucson (“City”). The Property was originally approved as a medical marijuana dispensary called Purple Med, and Trulieve took over the dispensary in 2022. The Property is zoned Commercial (“C-2”), which permits marijuana dispensaries through the City’s Special Exception Land Use (“SELU”) process.

Trulieve desires to move the existing dispensary within the same building on the Property (see map below) and expand the area of the operation (the “Project”). To do so, Trulieve is seeking an SELU permit to allow for the expanded operation of a dual-license (i.e., medical and adult-use) marijuana dispensary on the Property. The Project will comply with all findings for SELU permits and all use-specific standards for marijuana dispensaries, including minimum distance requirements from public parks, schools, libraries, residential substance abuse treatment facilities or licensed rehabilitation facilities, and other marijuana dispensaries.

As a nearby property owner and neighbor, we invite you to join our neighborhood meeting to learn more about the Project. The meeting will include a presentation about the Project, a review of the City’s SELU process and plenty of time for questions. The meeting will be held in-person at the Property, as follows:

Thursday, October 19, 2023, at 6:00pm
Harvest of Tucson – Menlo Park Dispensary
1010 S. Freeway, Suite 130

The City will send you separate notices for any future public meetings. If you would like to personally speak with City staff regarding this matter, please contact Mr. John Beall at (520) 837-6966 or via email at John.Beall@tucsonaz.gov.

If you cannot attend the meeting, or if you have questions about the Project or the SELU process, please do not hesitate to contact Rory Juneman or Robin Large at (520) 207-4464, or via email at RJuneman@LSLawAZ.com or RLarge@LSLawAZ.com.

Sincerely,

Rory Juneman & Robin Large
Lazarus & Silvyn, P.C.



Harvest of Tucson – Menlo Park SELU

Neighborhood Meeting Summary

Project: Trulieve Cannabis Corp (“Trulieve”), currently operates the Harvest of Tucson-Menlo Park Dispensary, at 1010 S. Freeway, Suite 130, Assessor Parcel Number 116-23-142F (the “Property”) within the City of Tucson (“City”). The Property was originally approved as a medical marijuana dispensary called Purple Med, and Trulieve took over the dispensary in 2022. The Property is zoned Commercial (“C-2”), which permits marijuana dispensaries through the City’s Special Exception Land Use (“SELU”) process.

Trulieve proposes to move the existing dispensary within the same building on the Property and expand the area of the operation (the “Project”). To do so, Trulieve is seeking an SELU permit to allow for the expanded operation of a dual-license (i.e., medical and adult-use) marijuana dispensary on the Property.

Date/Time: Thursday, October 19, 2023
6:00-6:30 p.m.

Location: Motel 6 Meeting Room, adjacent to the Harvest of Tucson – Menlo Park Dispensary
1010 S. Freeway, Tucson, AZ (same building as the current dispensary).

Meeting Invitation: The meeting invitation was sent to all property owners within 400 feet of the Property via First-class Mail using a City-generated mailing list. (*See attached meeting invitation letter and mailing labels.*)

Attendance: Other than the Project Team, there were no meeting attendees. The Project Team waited until 6:30pm and then closed the meeting.

Project Team: The Project Team in attendance included:

- Andrew Bauer, Trulieve (Client)
- Rory Juneman & Robin Large, Lazarus & Silvyn (Planning/Zoning Consultants)



**Trulieve Neighborhood Meeting
Tucson – Menlo Park
October 19, 2023**



INTRODUCTIONS

THANK YOU ALL FOR JOINING US!



Andrew Bauer, Government Relations Specialist

About Trulieve

- Trulieve is an industry leading, vertically integrated cannabis company and multi-state operator in the U.S., with established hubs in the Northeast, Southeast, and Southwest, anchored by leading market positions in Arizona, Florida, and Pennsylvania.
- Prior to becoming Trulieve, the company operated as Harvest Health & Recreation in Arizona, opening its first dispensary in Tempe in 2013.
- The combined company is the largest retail operator in Arizona.
- Harvest/Trulieve acquired the Menlo Park dispensary, then called Purple Med, in 2022. Purple Med originally received their certificate of occupancy in 2013.
- The site has been rebranded to Harvest of Tucson – Menlo Park.

OUR PARTNERSHIPS



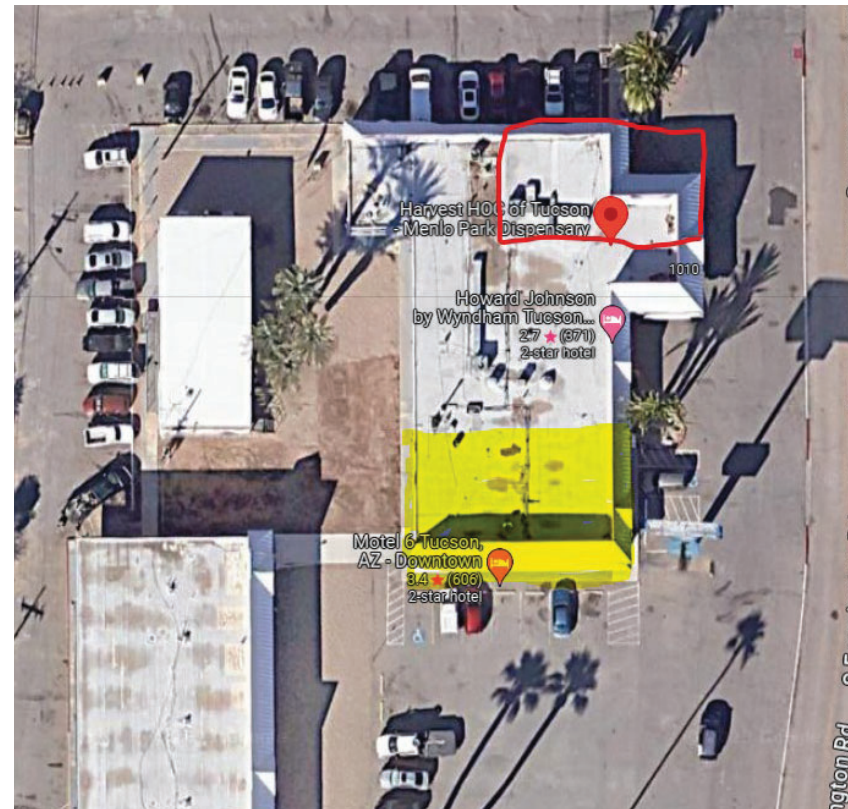
Community Involvement

- Trulieve appreciates the unique personality that each city holds and we take great pride in being a contributing member of that community
- In every community in which Trulieve operates, we take great ownership in engaging community members by hosting educational events and participating in and supporting local charities
- Arizona charities we have recently supported include: Arizona Epilepsy Foundation, Check for a Lump AZ, one•n•ten, and various food, water, and clothing drives.

PROJECT DETAILS

Trulieve of Tucson

- Special Exception Land Use Request
- Location: 1010 S. Freeway, Suite 130
- This project is taking our existing dispensary and moving it to a new suite in the same building. The new dispensary will be 3,500 square-feet.
- There is ample parking on the property available to patients and customers with 16 dedicated spots.
- Hours of operation: 8:00am to 10:00pm daily



GOALS & OBJECTIVES

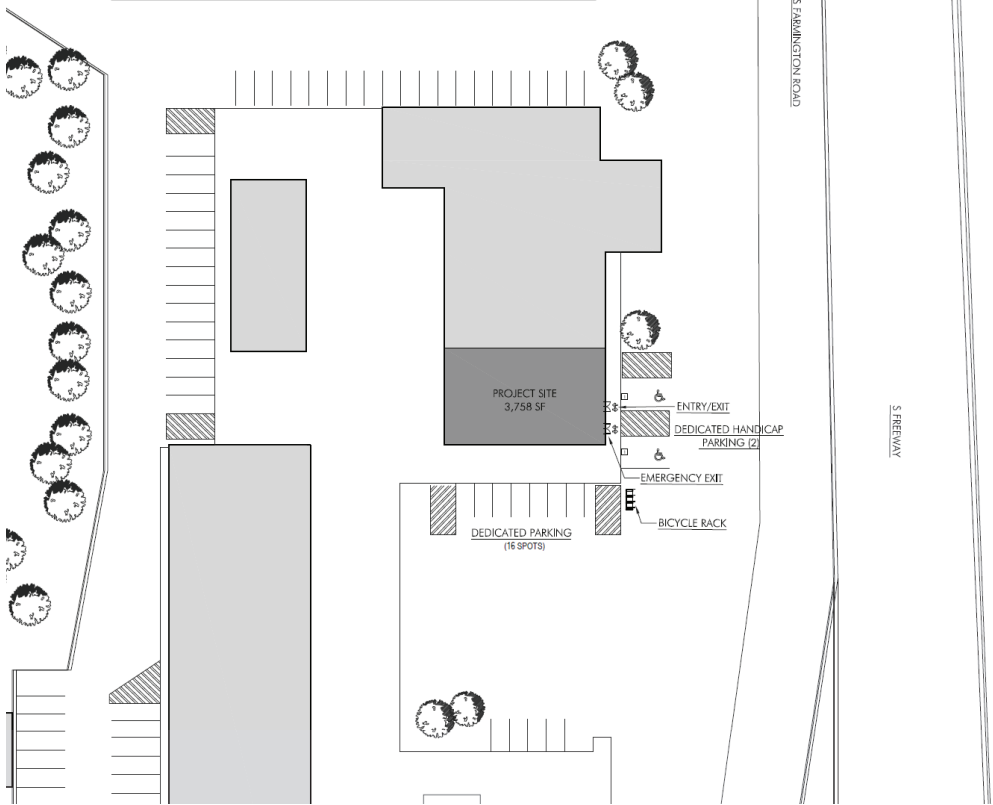
The goals and objectives of this project include

- Continuing to be a good partner and neighbor in the community
- Serving a growing demand in the area by increasing our retail space to accommodate patients and customers
- Creating a seamless transition from one suite to another to not impact any of the surrounding areas
- Modernizing and improving the retail experience for our patients and customers

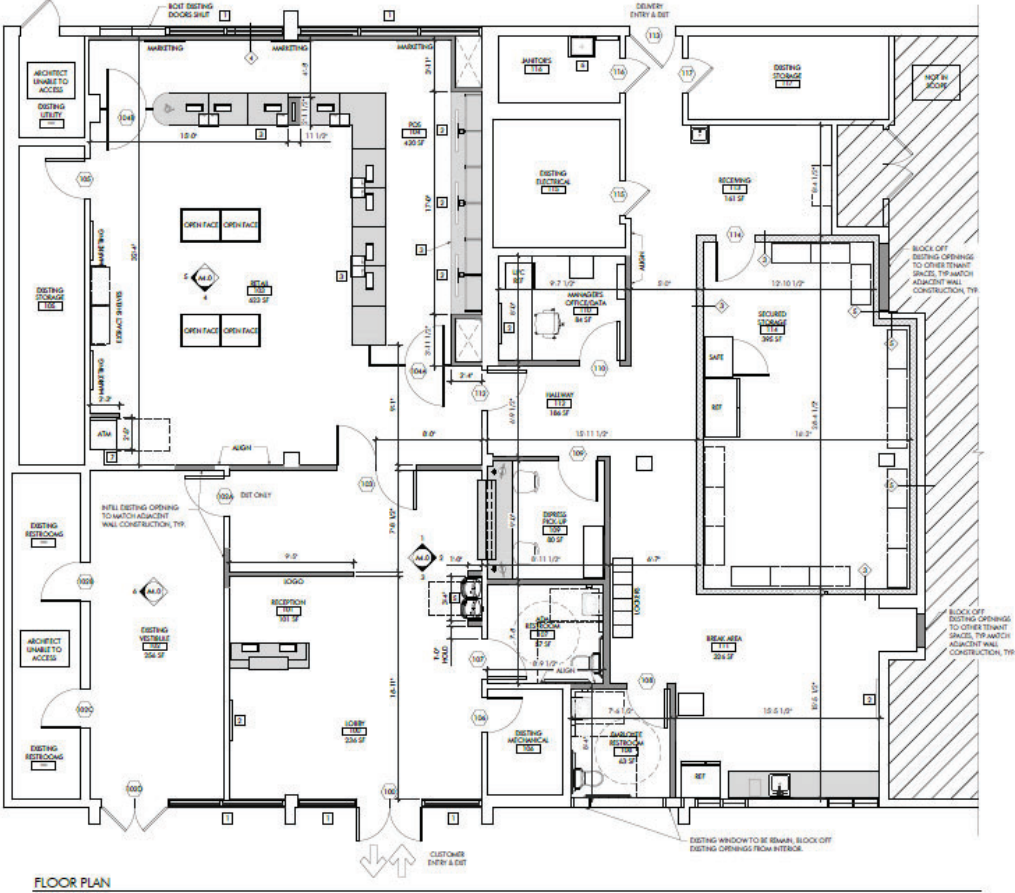
CURRENT SPACE



FUTURE SITE PLAN



FUTURE FLOOR PLAN



FLOOR PLAN
SCALE 1/4" = 1'-0"



CURRENT SPACE



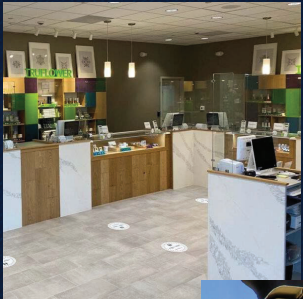
FUTURE SPACE



FUTURE SPACE



SECURITY



Safety and Security Features

- Collaboration with local law enforcement
- Strict adherence to appropriate age requirement and patient verification (multi-phase verification)
 - Exterior safety lighting – loitering prevention
- Video surveillance that includes 24/7 live monitored cameras
 - Safety-prevention of diversion to minors including child resistant and tamper-proof packaging, with multiple warning labels, and zero marketing that includes or appeals to anyone under 21 years of age

These measures lead to a safer community and less crime.

SECURITY

Security – Youth Diversion

- Strict adherence to appropriate age requirement verification (multi-phase verification)
- Safety-prevention of diversion to minors including child resistant and tamper-proof packaging, with multiple warning labels, and zero marketing that includes or appeals to anyone under 21 years of age
- Trulieve has a national and state-led security team that provides regular, ongoing training on security protocols and ID checks



EMPLOYMENT



Employment

- Local, equal-opportunity hiring and retention practices
- Recruitment of a diverse group of area residents when at all possible
- Offer competitive wages and comprehensive benefits package
- Generous paid time off
- Comprehensive training programs
- Continuing education for our employees

All of this leads to having professional, well-trained employees serving patients from the local community.



SPECIAL EXCEPTION LAND USE PROCESS



Neighborhood Meeting – October 19, 2023



SELU Submittal (estimated late October 2023)



Staff Review



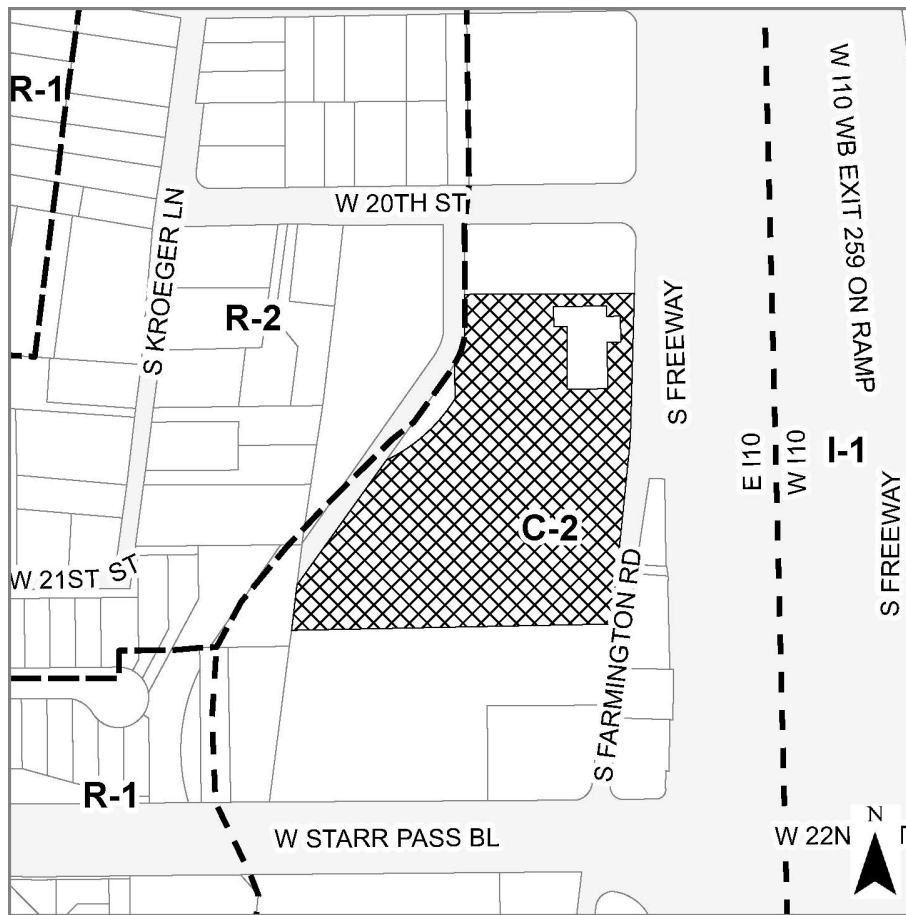
Zoning Examiner Public Hearing (estimated early January 2024)

QUESTIONS?



Andrew Bauer, Government Relations Specialist

Andrew.Bauer@Trulieve.com



TP-ENT-1023-00041

For further information, please call John Beall (520-837-6966) or write to Planning & Development Services Department – Rezoning Section, 201 N. Stone Avenue, P.O. Box 27210, Tucson, AZ 85726

Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, January 3, 2024 at <https://www.tucsonaz.gov/pdsd/public-hearing-agenda-materials-rezoning-special-exceptions-original-city-zoning>

Approval – Protest Form



If you wish to submit a written protest or approval, this form is provided for your convenience. Print your comments below, sign your name, and mail to the City of Tucson Planning and Development Services Department, Entitlements Section, 201 N. Stone Avenue, P.O. Box 27210, Tucson, Arizona 85726-7210. The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner’s public hearing. This form is not the City of Tucson Public Hearing Notice.

Protests from 20% of the property owners within 150’ of the whole perimeter of the property being rezoned, including BOTH 20% of the property by area and 20% of the number of lots with 150’, require an affirmative vote of ¾ of the Mayor and Council (5 of 7 council members) to approve the rezoning or special Exception ordinance. Public rights-of-way and the area/lot of the proposed rezoning are included in the protest calculations. Calculations will be provided to the Mayor and Council.

Case: TP-ENT-1023-00041 – Harvest Tucson – 1010 S. Freeway, Building A-Suite 130, C-2 (Ward 1)

Property Owner(s) (PLEASE PRINT)

- APPROVE the proposed rezoning/special exception
 PROTEST the proposed rezoning/special exception

Reason(s):

PLEASE PRINT YOUR NAME	PLEASE PRINT PROPERTY ADDRESS	PLEASE PRINT MAILING ADDRESS

Date _____

Place
Stamp
Here

City of Tucson
Planning and Development Services Department
Entitlements Section
201 N. Stone
P.O. Box 27210
Tucson, Arizona 85726-7210

TP-ENT-1023-00041 SP

Expose this flap - Affix stamp and return



City of Tucson
Planning and Development Services
Department - Entitlements Section
201 N. Stone Avenue
P.O. BOX 27210
Tucson, Arizona 85726-7210

IMPORTANT LAND USE CHANGE NOTICE ENCLOSED