

MEMORANDUM

DATE: February 18, 2025

For March 6, 2025 Hearing

TO: Frank Cassidy FROM: Koren Manning, Interim Director

Zoning Examiner Planning & Development Services

SUBJECT: SPECIAL EXCEPTION LAND USE -

PLANNING & AND DEVELOPMENT SERVICES REPORT

TP-ENT-1224-00028 Irvington Dispensary – W Irvington Rd, C-2 (Ward 1)

<u>Issue</u> – This is a request by The Planning Center for approval of a Special Exception Land Use to allow a marijuana dispensary, as permitted in the *Unified Development Code* (UDC). The project site, which is located at 910 W Irvington Road, includes an existing multi-tenant commercial building located on its own parcel within the Placita Del Rio shopping center. The applicant wishes to operate their dispensary in a vacant 5,000 square-foot suite in the existing building.

There are no changes to building heights or gross floor area. The subject parcel is zoned Commercial C-2. The parcel is located at the northeast corner of Irvington Road and Interstate-19.

On December 20, 2022, Mayor & Council approved an amendment to the UDC relating to adult use and medical marijuana establishments. A marijuana dispensary may now be allowed in the C-2 zone as a Special Exception Land Use subject to approval through a Mayor & Council Special Exception Procedure (Section 3.4.4 and 5), and is subject to Sections 4.8.6 and 4.9.9 of the UDC. Mayor & Council is the final review authority to render a decision to grant the use with or without conditions, or to deny the use.

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

<u>Public Outreach</u> – The project team held a neighborhood meeting on October 29, 2024, which was noticed using labels provided by PDSD. Besides the project team, four individuals attended the meeting.

The applicant team gave a presentation proposal. No questions were raised, and the meeting was adjourned at 6:45pm. A follow-up email was received with concerns about the potential impacts of a dispensary on the area. The project team expressed that they're working to ensure any impacts felt from the development would be positive.

Background Information

Existing Land Use:

The subject suite is currently vacant. Other uses on the site include personal service, retail, and food service 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: R-2; Multi-family residential East: C-2; Vacant Grocery, Retail

South: C-2; Restaurant

West: R-1, C-1; Vacant, Interstate-19 on-ramp

Previous Cases on the Property: None

Related Cases: None

<u>Applicant's Request</u> – The applicant's project is a new marijuana dispensary; retail trade use group which requires a Mayor & Council Special Exception.

Planning Considerations – Land use policy direction for this area is provided by *Plan Tucson*.

<u>Plan Tucson (PT)</u>: The proposed use lies within the Neighborhoods with Greater Infill Potential building block of the Future Growth Scenario Map. These areas are residential neighborhoods and commercial districts with potential for new or re-development in the next several decades. They include a mix of such uses as a variety of housing types, grocery stores, and other retail or services, schools, parks, recreational facility, and multi-modal transportation options.

The following policies support the proposed dispensary relocation:

LT.28.2.12 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.28.2.13 Support infill and redevelopment projects that reflect sensitivity to sire and neighborhood conditions and adhere to relevant site and architectural design guidelines.

Project Background

The special exception site is located on West Irvington Road, an arterial route, at the northeast corner of the intersection of Irvington Road and Interstate-19. The site is currently zoned C-2, and a Mayor & Council Special Exception is required for the proposed Marijuana Dispensary

use. The applicant is proposing to open the 5,000 square-foot facility in a currently vacant suite in the existing shopping center.

Design Considerations

<u>Land Use Compatibility</u> – 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 shows that the project includes a 5,000 square-foot space within an existing 32,405 square-foot structure. The structure is the only building on the subject parcel and includes multiple suites with several occupancies including a laundromat, gym, barbershop, and automotive accessory retail.

The building is located along the northwest corner of the parking area. Vehicle access is provided from Irvington Road and is shared with the other parcels comprising the shopping center. Parking calculations are identical to the previous use in the vacant suite, and there are no proposed changes to parking on-site.

The entire building requires 254 parking spaces, and 462 parking spaces are provided on-site. No bicycle parking is indicated on the preliminary development plan or design compatibility report, a future development package must include adequate bicycle parking.

With an approved Special Exception, the applicant will file a security plan with the State of Arizona to ensure compliance with A.R.S §36-2804(B)(1)(C). The security plan will include:

- Surveillance cameras covering all exterior and interior areas of the property, and all portions of the building used for storage and dispensary uses with a minimum backup storage of thirty (30) days;
- A 24-hour independently monitored security alarm system (with backup cellular communication capability, audible alarms, motion detectors, panic buttons, yard signs and window stickers);
- Controlled access to loading areas;
- Trackable and controlled keycard access to the building and all portions used for dispensary and secure storage purposes (with employees only given keycard access to areas where they work); and
- Secure and controlled access to all areas where marijuana products are stored or displayed.

In addition to the security plan filed by applicant, A.R.S. § 36-2806(H) requires AZDHS to carry out a minimum of one unannounced inspection of the Project per year.

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:

• <u>UDC 4.9.9.E.1.a – The total maximum floor area of a marijuana dispensary shall not exceed 10,000 square feet.</u>

The proposed dispensary is proposed to occupy 5,227 square feet of the building.

• <u>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.</u>

The proposed dispensary will occupy a suite within a permanent building made of brick with a concrete foundation and utility connections.

• <u>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.</u>

The proposed dispensary will adhere to the required hours of operation.

• <u>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.</u>

The applicant has stated that the proposed dispensary will have a sales floor that meets the minimum required area. The application materials state that the minimum sales floor area will be 1,307 square feet.

The area requirement in this portion of the UDC only refers to the minimum size of the customer waiting area, and not the sales floor area. It will be required to delineate these two spaces and demonstrate compliance with this requirement at the time building permit applications are submitted.

• *UDC 4.9.9.E.1.e – A marijuana dispensary shall not have outdoor seating areas.*

The existing shopping center has no outdoor seating areas, and none will be provided for the proposed dispensary.

• <u>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.</u>

The proposed dispensary will comply with all state laws and applicable regulations regarding delivery should they begin offering a delivery service from this location.

• <u>UDC 4.9.9.E.1.g – A marijuana dispensary shall be setback a minimum of 2,000 feet</u> 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 2.5 miles north of the project site.

• <u>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.</u>

The proposed dispensary meets this setback requirement, and the closest school or child-care center is approximately a half-mile from the project site.

• <u>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 rehabilitee facility. –</u>

The proposed dispensary meets this setback requirement, there are no parks or treatment 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.

This is not an expansion of an existing dispensary, and no schools are within 500 feet of the project site.

• <u>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. –</u>

The proposed dispensary will comply with all applicable health regulations from the Arizona Department of Health Services and other authorized regulatory agencies.

• <u>*UDC 4.9.9.E.1.l – Odor Mitigation*</u>

- (1) Odor mitigation devices and techniques shall be incorporated in all marijuana facilities to ensure that odors are mitigated.
- (2) <u>An odor mitigation plan shall be submitted demonstrating compliance with odor control requirements.</u>

An approved odor mitigation plan will ensure compliance with all odor mitigation regulations.

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 Project meets all applicable standards and regulations governing marijuana dispensaries.
- 2. <u>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</u>. Use as a marijuana dispensary conforms to and complements adjacent land uses and the surrounding neighborhood because:
 - The Project represents an investment and improvement on a parcel and building that are currently underutilized;
 - The security plan required by the State of Arizona will ensure the Project is safe for its patients, employees, and neighbors, as well as increase the safety of the surrounding properties;
 - The applicant is familiar with odor mitigation requirements as they currently operate a dispensary, and an odor mitigation plan will be included at the time of development package or building permit submittal; and
 - The Project reactivates a vacant commercial space.
- 3. Provides for adequate and efficient vehicular and pedestrian access and circulation and vehicular parking. The Property will utilize existing shopping center parking and access from Irvington Road. The proposed use is subject to the standard parking requirements of 1 space per 300 square feet, which is already provided by existing parking spaces. According to City of Tucson Traffic Engineering review, no street improvements are needed.
- 4. <u>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</u>

<u>disposal and/or collection as may be required by the various public and private agencies</u>. – This project requires no additional public facilities or services as compared to the property's previous uses. The project is in Tucson Police Department's Operations Division South as well as by Tucson Fire. Solid waste facilities will be designed according to City of Tucson code.

5. <u>Complies with the General Plan and any applicable sub-regional, area, or neighborhood plan</u>. - The Project will be a retail establishment, and the property is already zoned C-2 Commercial. Further, the project lies within the Neighborhoods of Greater Infill Potential building block of the Future Growth Scenario Map. Policies within these areas encourage the reactivation of vacant commercial space.

Drainage/Grading/Landscape

The site is an existing development that will be improved as part of the proposed project; as such, there will be no elevation changes due to grading. There are no proposed improvements to site landscaping.

Traffic/Circulation

The site will retain the existing traffic circulation and curb cut locations. Parking will be provided per City of Tucson parking requirements. No new ADA compliant parking or bicycle parking are indicated – development package must demonstrate compliance with applicable requirements per the UDC.

<u>Conclusion</u> – 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.

TP-ENT-1224-00028 Irvington Dispensary – W Irvington Rd – C-2 Special Exception (Ward 1) Preliminary Conditions

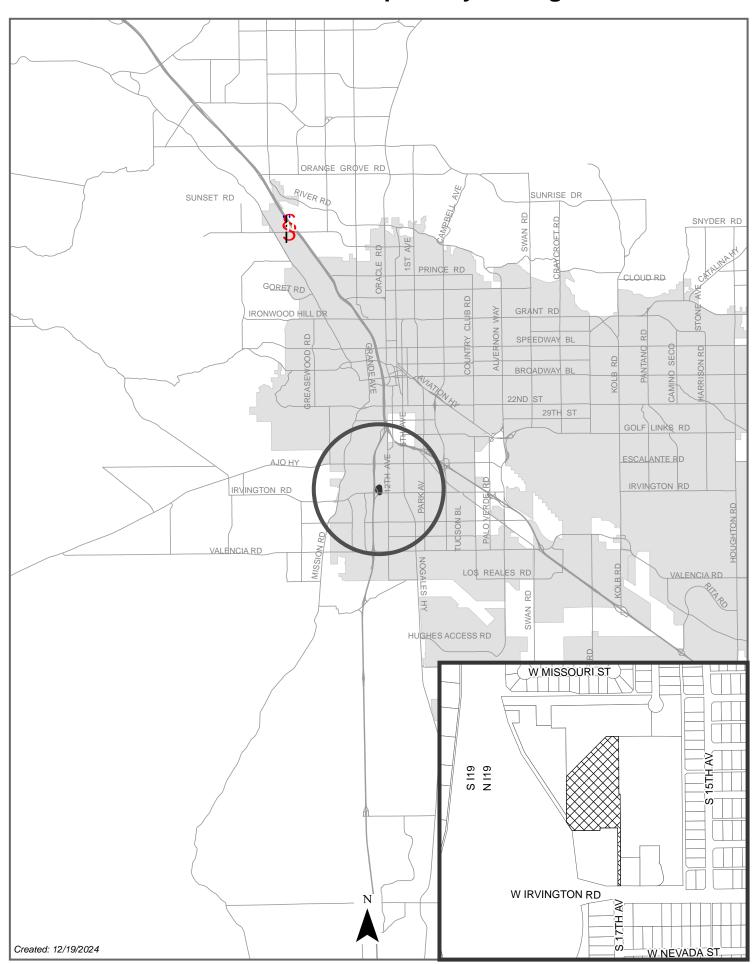
PROCEDURAL

- 1. A development package in substantial compliance with the revised preliminary development plan, and required reports, dated January 7, 2025, 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*.
- 8. Commercial buildings must provide cool roofs. New and replacement roofing materials must demonstrate a high albedo level (>60 Solar Reflectance Index) or utilize other cool roof technology per the ICC Green Construction Code.
- 9. An interior customer waiting area of at least 25 percent of the sales floor area shall be provided.

TP-ENT-1224-00028 Dispensary - Irvington Rd



TP-ENT-1224-00028 Dispensary - Irvington Rd





Area of Special Exception Request



Address: 918 W IRVINGTON RD Base Maps: Twp. 1403 Range 1302 Sec. 35 Ward(s): 1

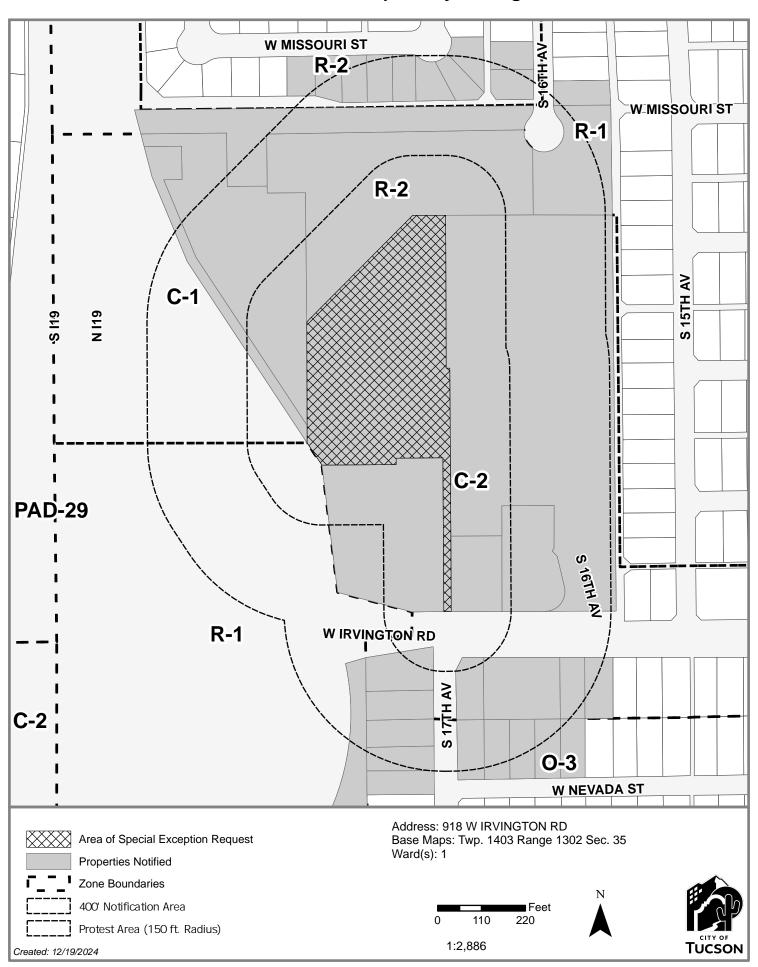


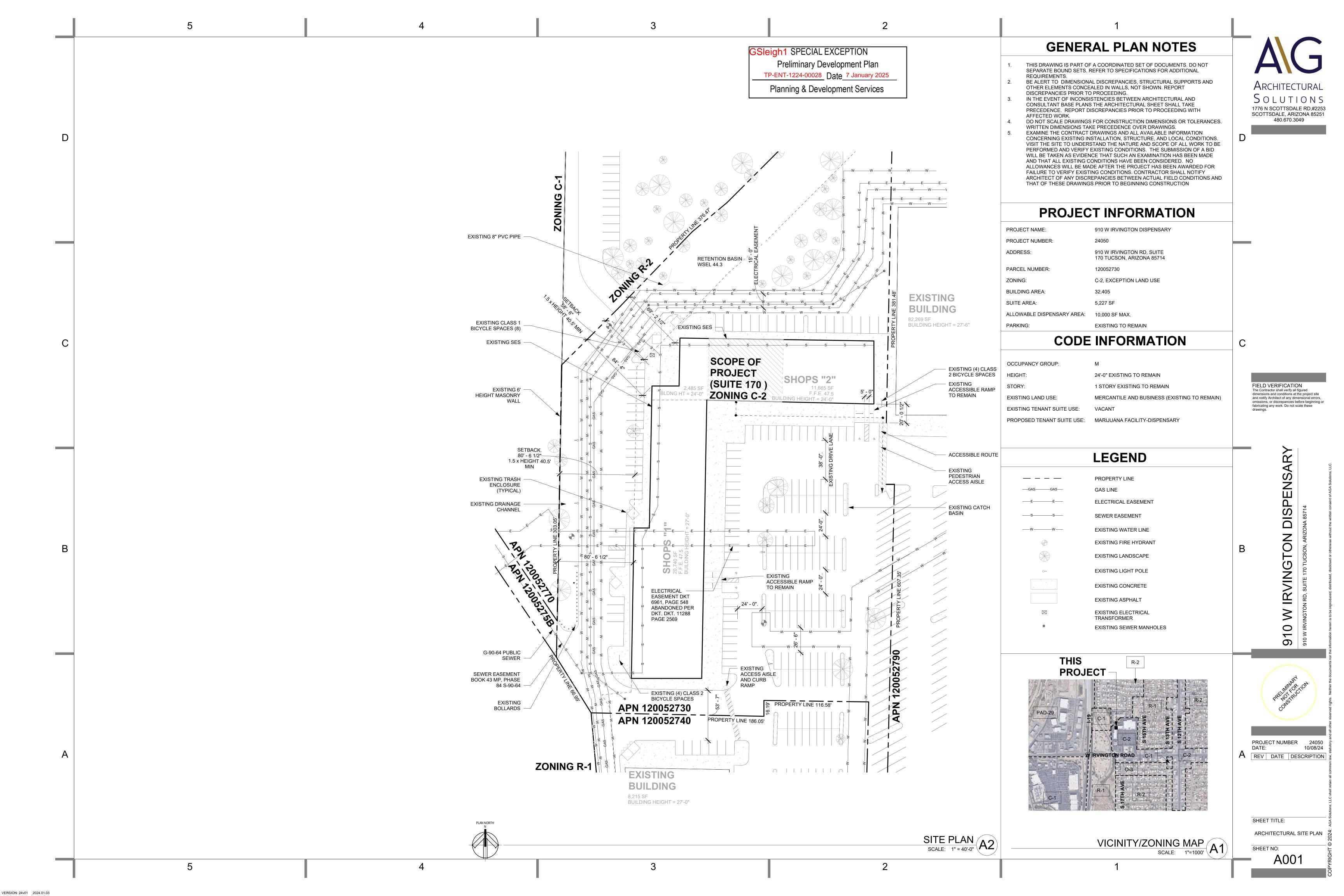


2022 Aerial

Created:12/19/2024

TP-ENT-1224-00028 Dispensary - Irvington Rd







IRVINGTON DISPENSARY

MAYOR AND COUNCIL SPECIAL EXCEPTION

910 West Irvington Road, Suite 170 Tucson, AZ 85714

Submitted to:



CITY OF TUCSON

Planning & Development Services Department 201 North Stone Avenue Tucson, Arizona 85701

Prepared for:

Andrew Kevelson

Prepared By:



THE PLANNING CENTER

2 East Congress Street, Suite 600 Tucson, Arizona 85701

JANUARY 2025

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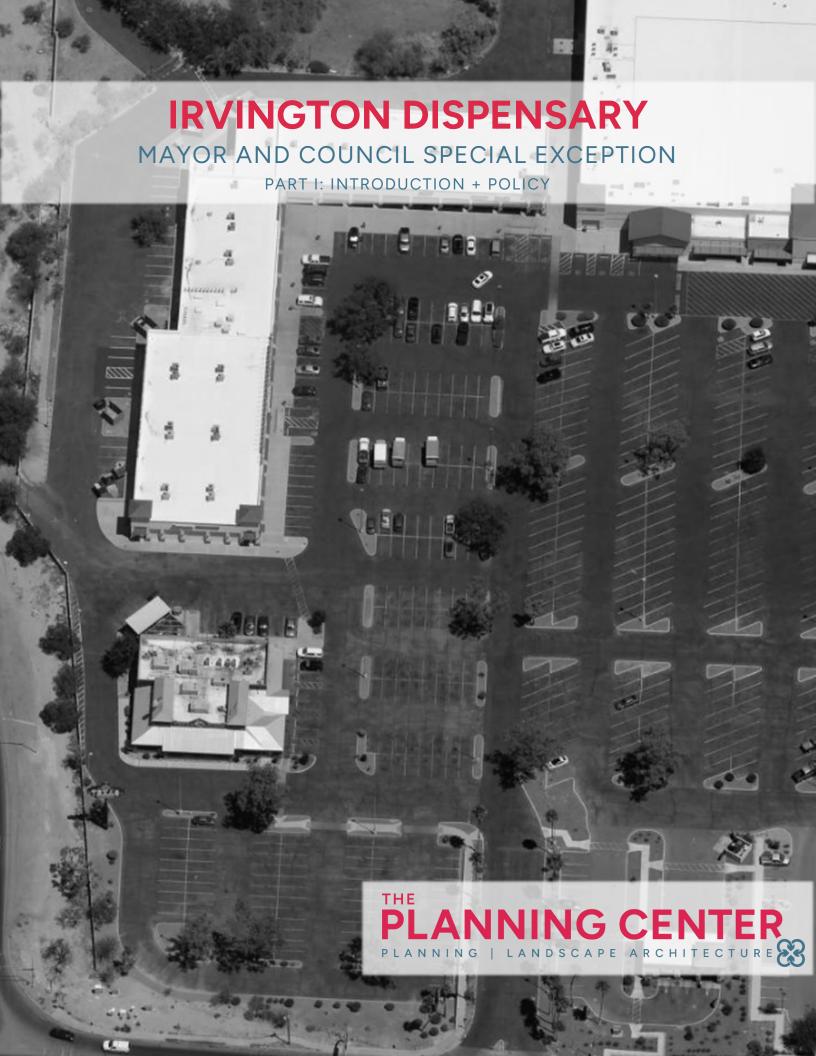
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I. INTRODUCTION + POLICY

A. PROJECT OVERVIEW

Since the passage of the Arizona Medical Marijuana and subsequent Act recreational (or "adult-use") legalization, marijuana dispensaries have brought significant economic growth to Arizona. Since recreational sales began in 2021, the state's cannabis industry has flourished with total sales reaching \$1.43 billion in 2023. Of these sales, 76% were recreational, generating an additional 16% excise tax on top of the 5.6% state sales tax (8.7% with local tax added) on all marijuana sales. Recreational use has been significantly increasing in market share since starting at 45% of the legal cannabis market in 2021. The excise tax revenue is



distributed to public organizations responsible for public safety, transportation, education, and public health. In Pima County, total marijuana sales generated over \$4.5 billion in tax revenue last year.

Tucson has several reputable marijuana businesses that consistently contribute to the local tax base. Growth in this industry will increase Tucson's excise tax revenue, supporting funding for local public safety, transportation, education, and public health services.

On behalf of Andrew Kevelson, we are pleased to present this special exception request for a new Marijuana Dispensary located at the northeast corner of Irvington Road and Interstate 19 in the Placita Del Rio shopping center. While the site's existing C-2 (Commercial) zoning used to allow a marijuana dispensary by right, a recently adopted ordinance now requires a special exception for all new dispensaries. The proposed dispensary will fill an approximately 5,000-square-foot vacant suite which has been vacant for seven of the last ten years. It will help revitalize the shopping center and has the potential to attract customers to other shopping center businesses. The subject parcel and suite for the proposed dispensary are highlighted in **EXHIBIT I.A:** SITE CONTEXT.

B. APPLICABLE PLANS + ORDINANCES

The proposed dispensary aligns with the goals and policies set forth in several City adopted plans and ordinances. Specifically, *Plan Tucson — City of Tucson General & Sustainability Plan 2013* encourages redevelopment projects located near existing neighborhoods. Because the project is located along an arterial roadway, Irvington Road, the goals and policies of the *City of Tucson Major Streets and Routes Plan* apply to the property.

Adopted in 2023, *Tucson Resilient Together – Climate Action and Adaptation Plan* functions as a climate action and adaptation plan that is framed around City departments but provides goals and actions that private development can incorporate into their plans around sustainability and climate equity.

1. PLAN TUCSON

Plan Tucson provides land use and policy direction for future growth within the city limits based on specific characteristics or 'building blocks.' On the Future Growth Scenario map, the subject property is located within a Neighborhood with Greater Infill Potential building block. The goal for properties with this designation is:

"Neighborhoods with greater infill potential are residential neighborhoods and commercial districts for which there is potential for new development and redevelopment in the next several decades. In some areas, entire new neighborhoods may be built. These neighborhoods are characterized by an urban scale that allows for more personal interaction, while providing safe and convenient access for all ages and abilities to goods and services needed in daily life. These neighborhoods include a mix of such uses as a variety of housing types, grocery stores and other retail and services, public schools, parks and recreational facilities, and multi-modal transportation choices."

This area of the Neighborhood with Greater Infill Potential building block does not have a nearby marijuana dispensary. The nearest dispensary is nearly 2.5 miles east down Irvington Road. Additionally, there are very few marijuana dispensaries on the south side of Tucson and this dispensary will reduce the length of trips required for medical and recreational cannabis users in this part of Tucson.

The following goals/policies within Plan Tucson support this rezoning request:

- BC5 Foster the success of commercial areas, including downtown; major corridors; and arts, entertainment, and business districts through targeted investment, incentives, and other revitalization strategies.
- LT9 Locate housing, employment, retail, and services in proximity to each other to allow easy access between uses and reduce dependence on the car.

The shopping center currently includes a good balance of dining, recreation, and services including a nail salon, laundromat, barber, jiu-jitsu studio, steakhouse, auto parts, and a boba tea shop. The addition of a dispensary will add to the potential of customers to use two or more of the businesses in a single trip.

- RR2 Focus private and public investments in Plan Tucson Building Blocks
- RR4 Build from existing assets of areas identified for redevelopment and revitalization.

The proposed dispensary is in a shopping center that has been around for 20 years. In addition, the site has been vacant for seven of the past ten years, and the shopping center has multiple

other vacancies. The proposed dispensary will be a high-traffic user that helps revitalize the shopping center and surrounding area.

 RR6 Prioritize neighborhood revitalization efforts to focus on those geographic areas with the greatest need.

According to the City of Tucson Equity Priority Index, the proposed dispensary falls in a census tract marked for high levels of vulnerability indicating social and economic distress. This proposed project will help revitalize the neighborhood.

 LT28.2.12 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.

The proposed dispensary will be located within an existing building and shopping center that has been part of the neighborhood for over two decades and is of a similar architectural style to the surrounding buildings. Reusing this building will create a more environmentally sensitive design by eliminating materials and pollution associated with new construction.

 LT28.2.13 Support infill and redevelopment projects that reflect sensitivity to site and neighborhood conditions and adhere to relevant site and architectural design guidelines.

This dispensary will involve the redevelopment of an existing suite within the Placita Del Rio shopping center. Any exterior improvements will align with the shopping center's existing architectural style. The dispensary will occupy a suite located in the far corner of the shopping center and does not offer any direct public access to the surrounding neighborhoods. While pedestrian pathways connect the shopping center to the Mountain Trace Terrace senior living facility to the north, these paths are exclusively for Mountain Trace Terrace residents and are marked with "No Trespassing" signs, indicating they are not open to the public or residents of nearby neighborhoods.

2. MAJOR STREETS & ROUTES PLAN / SETBACK ZONE OVERLAY

The City of Tucson Major Streets & Routes (MS&R) Plan provides comprehensive guidance on the City's transportation network including roadway widths, classifications, and land use coordination to ensure safe and efficient circulation throughout Tucson. Since the bordering street Irvington Road is identified as an arterial road by the MS&R Plan, the Major Streets & Routes Setback Zone applies. However, the structures within Placita del Rio already comply with the setback zone requirements.

3. TUCSON RESILIENT TOGETHER

Tucson Resilient Together is a climate action and adaptation plan adopted by the city in 2023 that strives to prepare Tucson for the impacts of climate change and to reach net zero emissions by 2030. Many of the goals of Tucson Resilient Together are most applicable to City of Tucson departments but private development can help achieve some of the goals.

The proposed dispensary furthers the following goal and action of Tucson Resilient Together.

Goal T-1: Champion walking, biking, and rolling as sustainable and climate-resilient mobility options

The proposed dispensary will be located in a shopping center that provides walking paths with shade along the front of businesses, ADA ramps, and well-marked pedestrian crossways throughout the parking lot. There is a continuous curb-separated sidewalk along the eastern border of the shopping center with trees and other vegetation around it. This allows pedestrians and transit users to access the shopping center comfortably. The property is also close to the Santa Cruz River Bikeway portion of the Chuck Huckleberry Loop and Michigan/Fair Bicycle Boulevard. The Loop connection allows bike and pedestrian customers to access the shopping center from around Tucson.

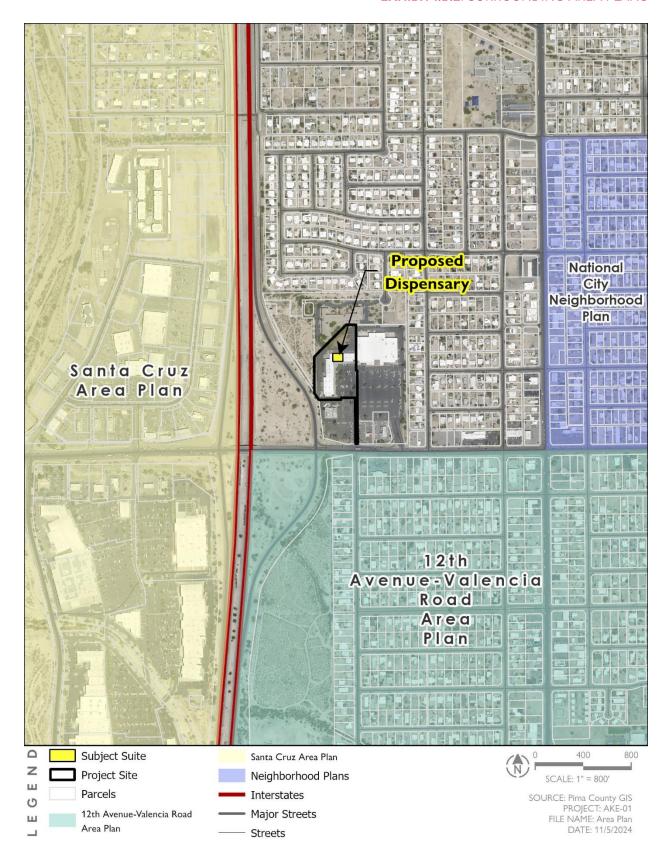
4. ORDINANCE No. 11978

Ordinance No. 11978 was adopted by the Mayor and Council in response to the Arizona State Health Department's issuance of 26 social equity licenses for adult-use-only marijuana dispensaries in 2022. This ordinance made changes to the City of Tucson's Unified Development Code (UDC) that required all proposed dispensaries to go through a Mayor and Council Special Exception (M&C SE) process. This document serves as the site analysis and design compatibility report for the special exception application. The proposed dispensary complies with all applicable use-specific standards listed in Section 4.9.9.E.1 of the UDC. More information can be found in Section III.B.1: Marijuana Dispensary Use-Specific Standards.

5. AREA AND NEIGHBORHOOD PLANS

The project site does not lie within any area or neighborhood plans, but three plans affect nearby areas. These plans include the 12th Avenue-Valenica Road Area Plan, the Santa Cruz Area Plan, and the National City Neighborhood Plan. The boundaries of these plans can be found in **EXHIBIT 1.B.2**: SURROUNDING AREA PLANS.

EXHIBIT I.B.2: SURROUNDING AREA PLANS



C. CONFLICTS WITH ADOPTED CITY ORDINANCES OR POLICIES

Because the proposed dispensary is going through this special exception process and will demonstrate compliance with all applicable use-specific standards, it does not conflict with any adopted city ordinances or policies.



II. SITE ANALYSIS

The purpose of *Part II*: Site Analysis is to highlight the site's physical characteristics, identify key opportunities and constraints, and provide analysis that will guide development that is sensitive to the site and its surroundings. This section was prepared in accordance with the UDC and includes information from site visits, topographic and traffic data, and correspondence with the property owner and city staff.

A. GENERAL INFORMATION

1. PROJECT LOCATION

The proposed marijuana dispensary will be in the Placita Del Rio Shopping Center at 910 West Irvington Road Suite 170, in the City of Tucson. Specifically, the dispensary will be on parcel 120-05-2730 on Irvington Road, just east of I-19 in Township 14 South, Range 13 East, Section 35. Parcel 120-05-2730 is referred to as the "project site" and Suite 170 is referred to as the "subject suite."

EXHIBIT II.A.1: PROJECT LOCATION outlines the project site subject to this rezoning request and provides the property's dimensions.

ASSESSOR PARCEL NUMBER	ADDRESS	ACREAGE
120-05-2730	910 West Irvington Road	4.33

2. EXISTING LAND USES + STRUCTURES

Land uses within a half mile of the project site comprise a mix of residential and commercial developments (refer to **EXHIBIT II.A.2**: SITE CONTEXT).

The project site, located within the Placita Del Rio shopping center, contains a single L-shaped strip commercial building. Placita Del Rio also has a larger anchor building and three smaller standalone buildings closer to Irvington Road. Businesses in the shopping center offer a variety of commercial services including a furniture store, laundromat, barber, martial arts studio, nail salon, transportation company, insurance broker, boba tea shop, and two auto parts businesses. The standalone businesses include two restaurants and an auto repair business. The shopping center is positioned along a commercial corridor on Irvington Road between I-19 and Nogales Highway. Directly north of the shopping center lies the two-story Mountain Trace Terrace senior living facility.

Refer to **EXHIBIT II.A.1**: PROJECT LOCATION and **EXHIBIT II.A.2**: EXISTING LAND USES for details on onsite uses and neighboring uses within 100 feet of the project site.

EXHIBIT II.A.1: PROJECT LOCATION

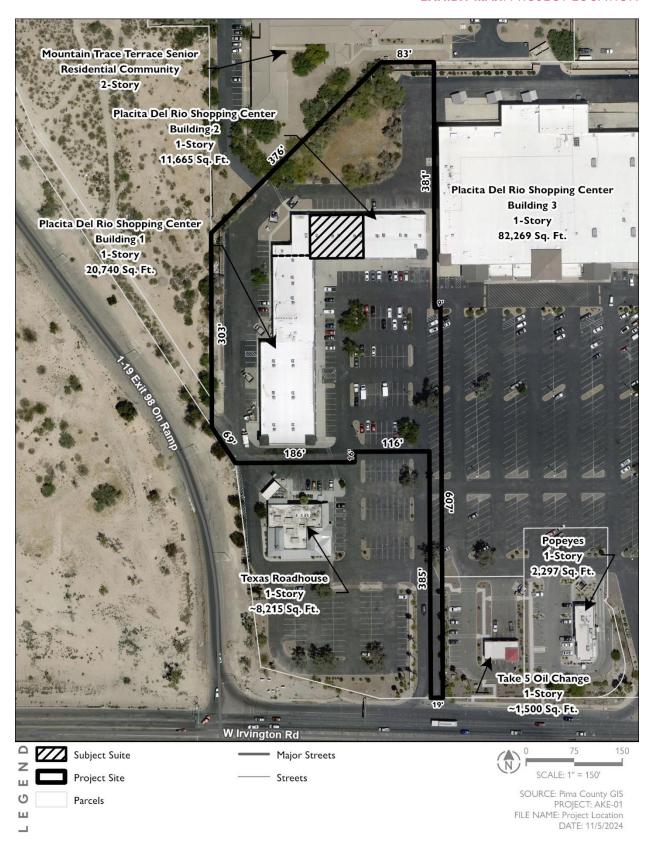
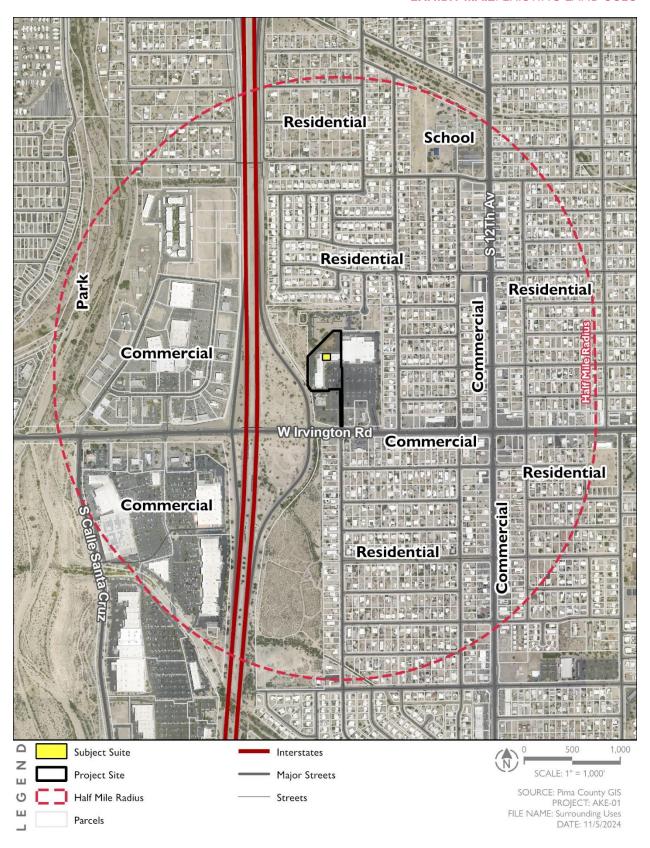


EXHIBIT II.A.2: EXISTING LAND USES



3. EXISTING ZONING

The project site is zoned C-2 (Commercial Zone). Properties to the north are R-2 (Residential Zone), while those to the east and south share the C-2 designation with the project site. Properties to the west, adjacent to Interstate 19, include C-1 (Commercial Zone) and R-1 (Residential Zone) designations but are not currently developed.

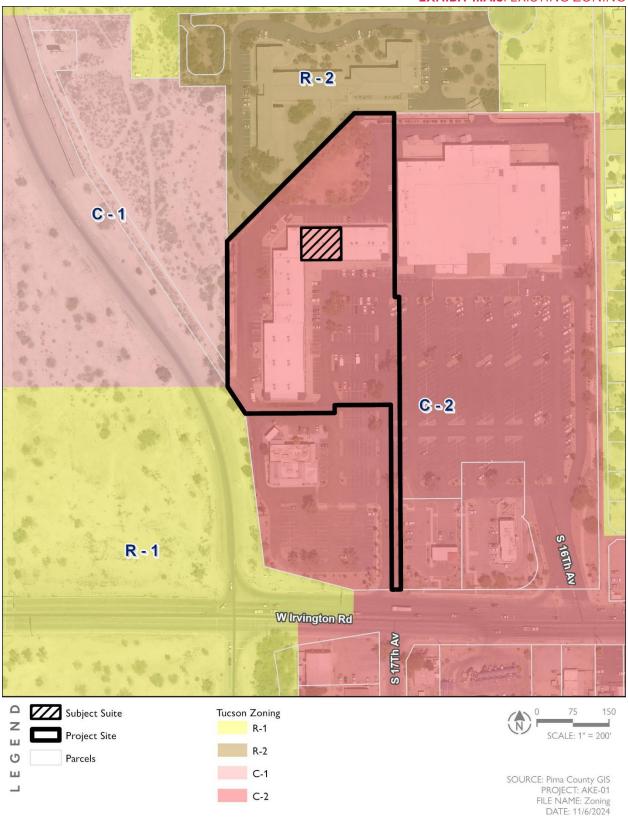
As shown in **EXHIBIT II.A.3**: EXISTING ZONING and summarized in the table below, properties immediately adjacent to the site (i.e., within 100 feet) are primarily zoned for commercial use.

DIRECTION	ZONING	
North	R-2 (Residential)	
East	C-2 (Commercial)	
South	C-2 (Commercial)	
West	C-1 (Commercial) and R-1 (Residential)	

4. EXISTING BILLBOARDS

No billboards are on the subject property, and no billboards are proposed as part of the project.

EXHIBIT II.A.3: EXISTING ZONING



B. CIRCULATION + TRIPS

1. EXISTING STREETS ABUTTING THE SITE

The project site is adjacent to Irvington Road, an arterial street on the City's Major Streets and Routes Plan (refer to **EXHIBIT II.B.1**: EXISTING ACCESS).

Irvington Road

Irvington Road has a speed limit of 35 miles per hour (mph) and a planned right-of-way (ROW) of 150 feet, with a current ROW width ranging between 100 and 120 feet near the project site. It is a four-lane road with a continuous center turn lane, bus stops, unprotected bike lanes, and curb-separated sidewalks.

2. EXISTING + PROPOSED CURB CUTS

The project site has one existing 90-foot wide curb cut, designed to accommodate safe right turns in and out of the project site. The access driveway is approximately 50 feet across, but only the eastern half of it (the 25-foot wide entry lane) is part of the project site parcel. This curb cut has a porkchop-shaped raised median to prevent drivers from making left turns out of the shopping center. A no-left-turn sign is on Irvington to discourage drivers from turning left into the center at this driveway location. An additional curb cut to the east at the Irvington and 16th Avenue intersection serves the shopping center but is not part of the project site. There are no other public access streets to the project site. Existing access points are shown in EXHIBIT II.B.1: EXISTING ACCESS. No changes are proposed to the parking area or curb cuts.

3. DECELERATION LANES + TURN LANES

A right-turn lane along Irvington Road provides a safe and efficient entrance into the project site. Its primary purpose is to serve as a right-turn-only lane for vehicles entering the I-19 Highway at the intersection 250 feet west of the subject property.

4. Proposed Improvements within the Right-of-Way

No changes are proposed for the ROW as part of this project.

5. TRANSPORTATION CHARACTERISTICS WITHIN ONE MILE

EXHIBIT II.B.2: CIRCULATION depicts all major streets, traffic signals, public transit stops, bike lanes, and park-and-ride facilities within a one-mile radius.

The nearest public transit stops to the subject property are along Irvington Road for Route 23. Westbound Route 23 has a stop 450 feet from the front of the project site, and the eastbound stop is an approximately 475-foot walk using a pedestrian crossing at the intersection of Irvington and 16th Street. Additionally, the Roy Laos Transit Center is less than one mile east of the project site and provides routes that connect riders to the rest of Tucson.

The table below provides the existing traffic counts for all major streets within one mile of the property.

STREET	TRAFFIC COUNT	LOCATION ID
Irvington Road	24,423	A-64
12 th Avenue	20,081	A-71
6 th Avenue	19,612	B-26
Nogales Highway	15,349	A-57
Calle Santa Cruz	11,916	C-121

Source: Pima Association of Governments, 2023.

6. AVERAGE DAILY TRIPS

Based on the ITE Trip Generation Manual, potential users are expected to generate 55 new AM peak hour trips, 99 new PM peak hour trips, and 1,104 daily trips.

EXHIBIT II.B.1: EXISTING ACCESS

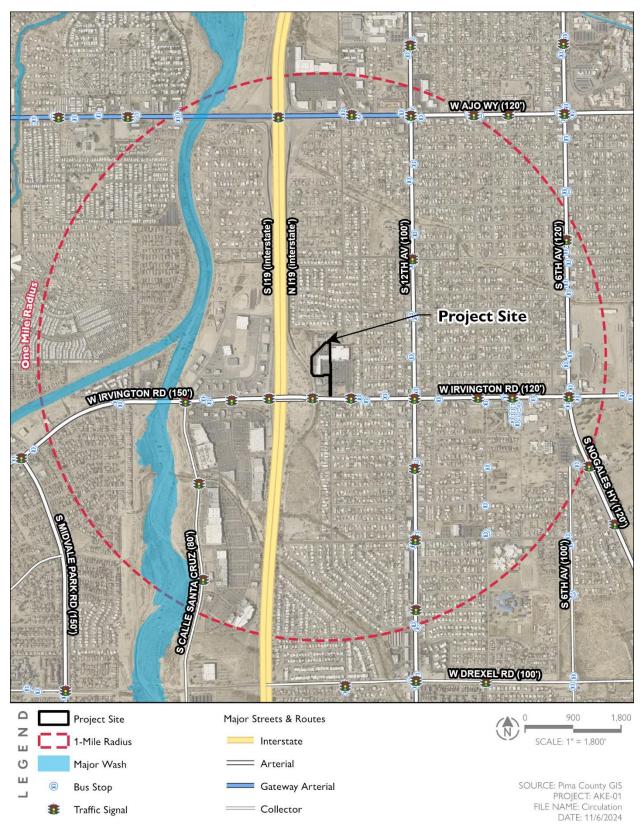






SOURCE: Pima County GIS PROJECT: AKE-01 FILE NAME: Existing Access DATE: 11/6/2024

EXHIBIT II.B.2: CIRCULATION



C. CULTURAL RESOURCES

The project site is fully developed, with planned improvements involving remodeling an existing building suite to use as a dispensary. Cultural resources will not be impacted since no new ground disturbance is anticipated. However, should cultural artifacts be uncovered during future redevelopment efforts, the Tucson Historic Preservation Office shall be contacted immediately for assessment.

D. PRE-DEVELOPMENT HYDROLOGY

The subject property is an existing development with an approved Development Plan (DP) in Book 43, Page 84 of Pima County's Development Records (Permit D00-0023 of Tucson's development records). This DP includes a large drainage basin on the project site, effectively managing site hydrology. As no significant exterior changes are planned, no adverse impacts on upstream or downstream drainage are anticipated.

E. SCHOOLS, RECREATION + CULTURAL FACILITIES

No schools, parks, libraries, or public lands are within 500 feet of the subject suite, and no adjacent properties are designated for such use. The nearest school is CE Rose PreK-8 School, which is approximately half a mile from the project site.

1. RECREATIONAL FACILITIES

Pima Regional Trail System Master Plan

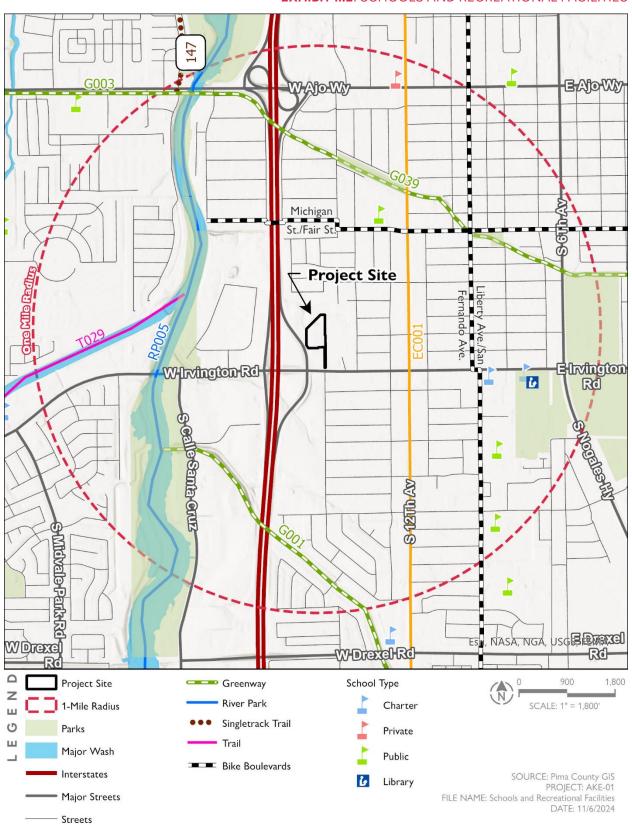
Five Pima Regional Trail System trails are within a mile of the project. Trail routes and locations are shown in **EXHIBIT II.E**: RECREATIONAL FACILITIES, with additional details provided in the table below.

TRAIL NAME	TRAIL TYPE	TRAIL LENGTH (Miles)
Santa Cruz Diversion Channel Trail (T029)	Trail	3.8
Airport Wash Greenway (G001)	Greenway	2.4
Rodeo Wash Greenway (G039)	Greenway	10.5
10 th Avenue / 12 Avenue Enhanced Corridor (EC001)	Enhanced Corridor	5.8
Santa Cruz River Park (RP005)	River Park	60.1
Cottonwood Lane (147)	Singletrack Tral	0.5

Two completed bicycle boulevards are within a mile of the project site. The Liberty Avenue/ Fernando Avenue Bike Boulevard, approximately 4.84 miles in length, is located approximately 0.64 miles east of the project site, where it intersects with Irvington Road. The Michigan Street/ Fair Street Bicycle Boulevard, measuring 2.66 miles, can be accessed by traveling 0.82 miles down Irvington and 15th Avenue from the southern corner of the project site. This route provides a protected bike and pedestrian bridge over Interstate 19 to the Santa Cruz River Park portion of the Chuck Huckleberry Loop.

In addition to the Santa Cruz River Park, there are three City of Tucson parks located around the intersection of Irvington Road and Sixth Street/ Nogales Highway. The Tucson Rodeo Grounds, located approximately one mile to the east at the northeast corner of Irvington Road and 6th Avenue, hosts the Tucson Rodeo in February and other related events throughout the year. Rudy Garcia Park, located at the southeast corner of that intersection, contains six baseball/softball fields, a basketball court, three soccer fields, and a YMCA. The Richard Ortiz Barker Regional Complex, located at the southwest corner, houses the El Pueblo Activity Center, Senior Center, Neighborhood Center, El Pueblo Pool, the Frank De La Cruz – El Pueblo Library, and El Pueblo Park, which features a playground, turf areas, trails, and ramadas.

EXHIBIT II.E: SCHOOLS AND RECREATIONAL FACILITIES



F. EXISTING DISTURBANCE + SOILS

The project site's soils are Laveen-Rilito complex (0-3% slopes) and Cave gravelly loam (0-5% slopes), generally suitable for urban development. The entire project site is developed as shown in **EXHIBIT II.A.1:** PROJECT LOCATION. No hazardous materials are present on the site, nor are there landfills or other facilities within a one-mile radius that could negatively impact the site.

G. TOPOGRAPHY

Refer to **EXHIBIT II.G**: TOPOGRAPHY for a depiction of the site's topographic characteristics.

1. TOPOGRAPHIC CHARACTERISTICS

The project site is an existing development that has been graded and is no longer in its natural state. It is generally flat with a very gradual slope down to the north and west. A large retention basin is located at the northwest corner of the property, and a concrete drainageway running along the west and north boundaries of the project site produces the only significant surface slope as shown in **EXHIBIT II.G**: TOPOGRAPHY.

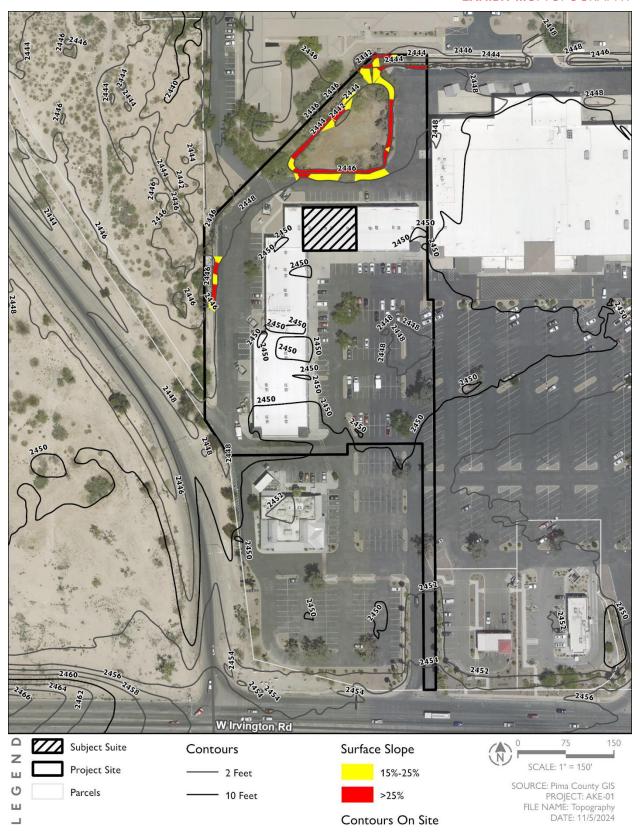
2. AVERAGE CROSS SLOPE

The average cross slope is calculated below by multiplying the contour interval (I) by the total length of contours (L) by a constant (0.0023), divided by the area of the site in acres:

• Average Cross Slope =
$$\frac{I \times L \times 0.0023}{\text{Site Acreage}}$$

• Average Cross Slope =
$$\frac{2 \times 3,770 \times 0.0023}{4.33}$$

EXHIBIT II.G: TOPOGRAPHY



H. UTILITIES

All necessary utilities already serve the project site, as it is an existing development with current tenants in neighboring suites. The approved development plan for the site indicates the presence of a sewer easement along the northern boundary of the subject suite. Locations of existing utilities can be seen in **EXHIBIT II.H**: UTILITIES.

1. SEWER

The Pima County Regional Wastewater Reclamation Department currently serves the site.

2. WATER

The subject suite is within Tucson Water's obligated service area and has been previously served by Tucson Water. Tucson Water currently serves neighboring tenants.

3. ELECTRICITY

Tucson Electric Power serves the site.

I. VEGETATION + SCREENING

1. EXISTING VEGETATION ONSITE

Since the project site has been developed for decades, no naturally occurring vegetation is found on-site, but there is dense native vegetation in the drainage basin along the northwest boundary.

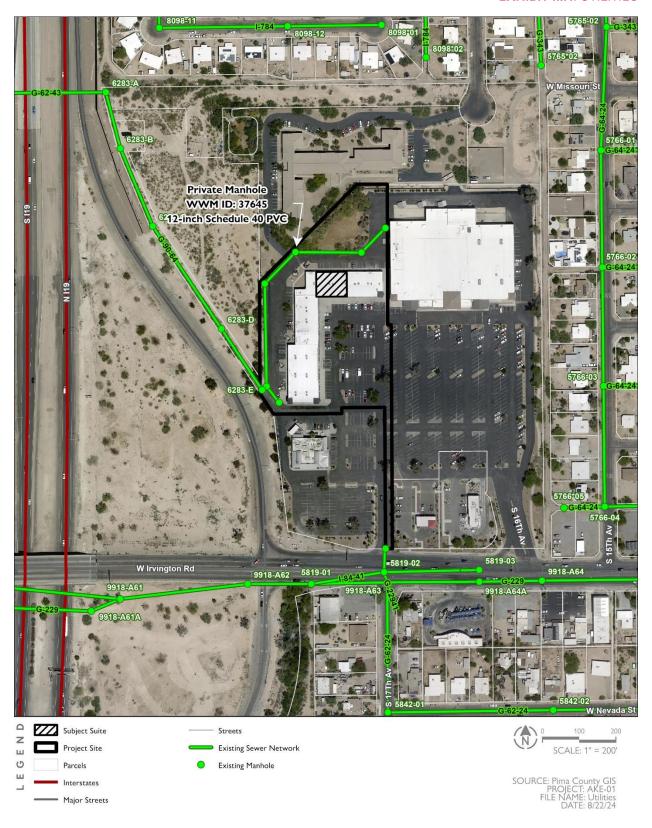
2. EXISTING LANDSCAPING + SCREENING

The project site is bordered by a five to six-foot masonry wall on the north and west sides. On the west side is a five-foot interior landscape border and a ten-foot cement drainageway outside the wall. The border extends around the Placita Del Rio Shopping Center, but the project site occupies only a portion of the shopping center, with the east and south sides of the parcel bordering more of Placita Del Rio's parking and the large anchor tenant building.

The northern side of the property contains a densely vegetated drainage basin that establishes privacy for the Mountain Trace Terrace senior living facility to the north.

The property exit on Irvington Road is lined with palm trees, and there is a 40-foot landscape buffer between the Placita Del Rio Shopping Center and Irvington Road. Trees are located throughout the parking lot in landscaping islands. Site landscaping contains a mix of bushes, trees, and shrubs, including desert willow, oleander, and mesquites.

EXHIBIT II.H: UTILITIES



J. VIEWS

The existing views across the project site will remain unchanged, as the proposed dispensary will occupy an existing suite within the shopping center. Photo #1 depicts the subject suite, visible from Irvington Road at the southern access point of the project site, though partially obscured by existing trees and light poles in the parking lot. Photo #2 illustrates the subject suite's main parking area from the parcel's southeast corner, near the end of the driveway off Irvington.

Photo #3 captures the front entrance of the subject suite from the north-south parking area access lane (PAAL) directly in front of it, while Photo #4 provides a side view of the suite's entrance from the east-west PAAL closest to the building.

Photo #5 shows the subject suite and the adjacent businesses to the east, with a storm drain on the eastern edge of a parking island in the foreground. Photo #6 shows the pedestrian crossing near the east boundary of the project site.

Photo #7 depicts employee parking on the west side of the project site, where a masonry wall and landscape border provide screening between the site and vacant land to the west. Photo #8 illustrates the rear of the subject suite where the employee entrance and refuse enclosure are located.

Photo #9 depicts the large, vegetated retention basin that serves as a densely vegetated barrier between the project site and the Mountain Trace Terrace senior living community to the north.

Photo #10 shows the Texas Roadhouse restaurant south of the project site. Photo #11 shows the sizeable vacant anchor space located just east of the project site. This space shares a common wall with an AutoZone that has both retail and distribution space. The building with the vacant space and AutoZone are part of the same shopping center and share a parking lot, so there is minimal separation or screening between buildings.

Finally, Photo #12 shows the access gate to the adjacent senior living community, with screening that limits visibility between the two properties.

Please see EXHIBIT II.J.1: SITE PHOTO LOCATIONS and EXHIBIT II.J.2: SITE PHOTOS.

EXHIBIT II.J.1: SITE PHOTO LOCATIONS

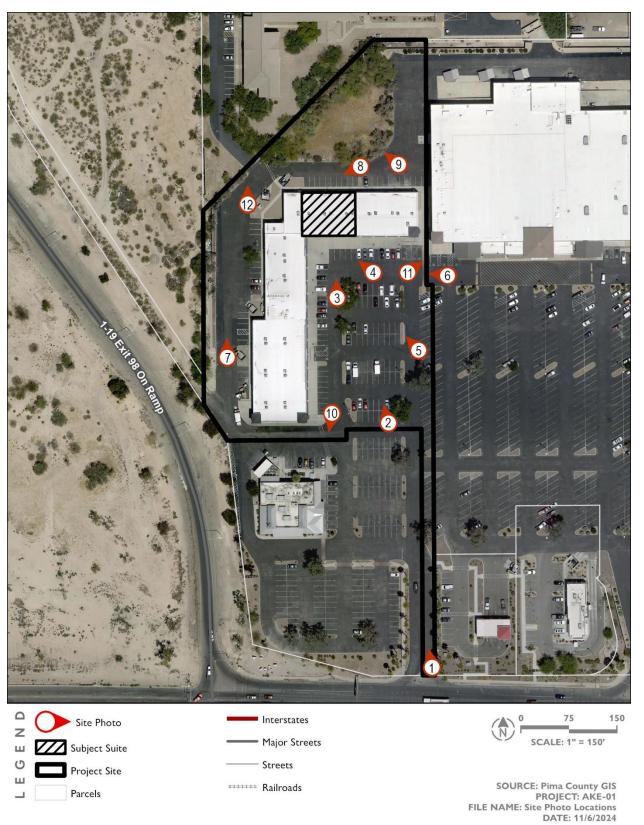


EXHIBIT II.J.2: SITE PHOTOS



PHOTO #1: View from Irvington Road of the project site's main driveway, with the subject suite visible in the distance



PHOTO #2: View of parking lot area from the southeast corner of the project site looking northwest, with views of the subject suite obscured by trees in the parking lot

EXHIBIT II.J.2: SITE PHOTOS



PHOTO #3: View of the subject suite's front entrance from the north-south PAAL in front of the building



PHOTO #4: Side view of the front of the subject suite looking northwest, with the neighboring Brazilian Jiu-Jitsu business to the west



PHOTO #5: View of a storm drain on the east side of the project site, with the subject suite and neighboring businesses in the background



PHOTO #6: View of pedestrian crossing at eastern edge of project site looking west

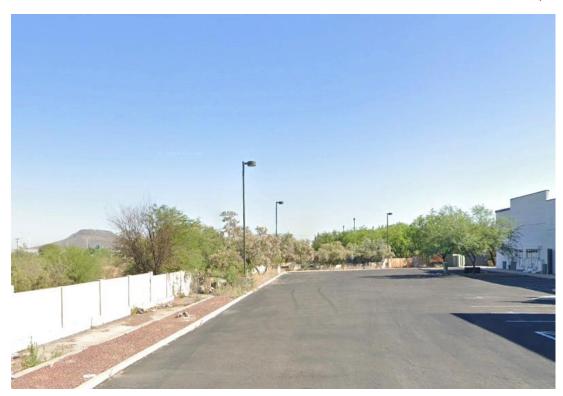


PHOTO #7: View of the rear PAAL, employee parking, perimeter masonry wall, landscape border, and drainageway along the western edge of the project site looking north



PHOTO #8: View of the rear of the subject suite and employee parking, with the refuse enclosure in the background



PHOTO #9: View of the large drainage basin in the northern portion of the property



PHOTO #10: View of adjacent Texas Roadhouse directly south of the project site



PHOTO #11: View of large vacant anchor space east of the project site

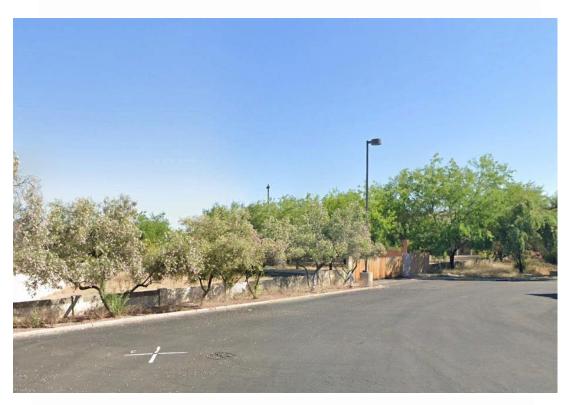


PHOTO #12: View of the locked gate to the Mountain Trace Terrace senior residential community along northwest edge of the project site



III. PLAN PROPOSAL

The purpose of *Part III: Plan Proposal* is to demonstrate the proposed project's compatibility with surrounding properties, uses, and neighborhoods by explaining project features and design, including building layout, height, the transition of intensity, landscaping and screening, traffic, and lighting.

A. BUILDING LAYOUT

The proposed dispensary will be located within an existing shopping center, and no new buildings will be constructed. The project site consists of one single-story, L-shaped building with a total area of 34,890 square feet. The building stands at a height of over 20 feet and currently houses nine different businesses.

Parking is primarily located southeast of the building to accommodate customers, with additional rows of parking for employees on the north and west sides. All parking spaces on the project site will remain as is.

Refer to EXHIBIT III.A: PRELIMINARY DEVELOPMENT PLAN for further details.

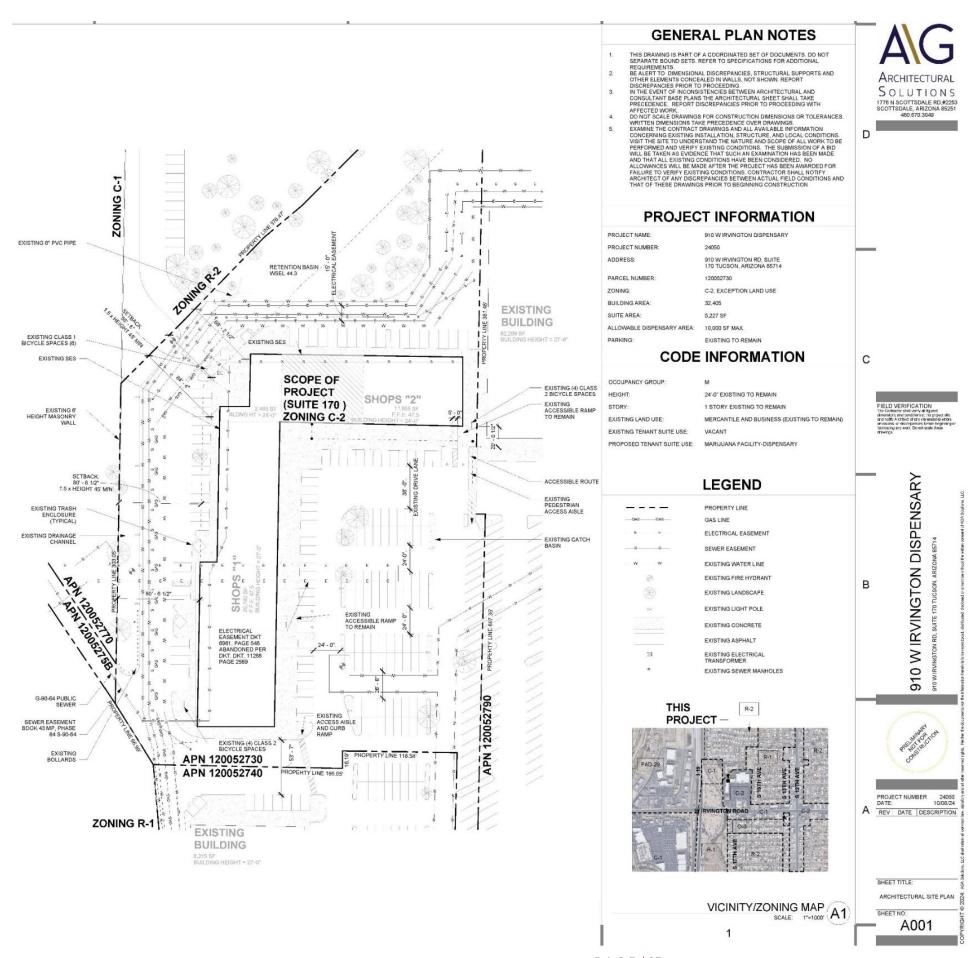


EXHIBIT III.A: PRELIMINARY DEVELOPMENT PLAN

B. DESIGN COMPATIBILITY

1. MARIJUANA DISPENSARY USE SPECIFIC STANDARDS

The following lists how the proposed dispensary complies with each use-specific standard listed in Section 4.9.9.E.1 of the UDC

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

The proposed dispensary's existing suite is 5,227 square feet, which is far below the maximum floor area.

• 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. "Building" shall have the same meaning provided in Section 11.4.3, Definitions-B.

The proposed dispensary will occupy an existing suite within a permanent building with a concrete foundation and utility connections.

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

The proposed dispensary will adhere to the required hours of operation.

 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 proposed dispensary will have a sales floor that meets the minimum required area. For a dispensary that is 5,227 square feet, the floor area will be a minimum of 1,307 square feet.

• e. A marijuana dispensary shall not have outdoor seating areas.

The existing shopping center has no outdoor seating areas, and none will be provided for the proposed dispensary.

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.

It has not yet been determined whether the proposed dispensary will offer delivery services at this time, but it will comply with all state laws and applicable regulations regarding delivery should it begin to offer these services in the future. 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 property. The nearest dispensary is approximately 2.5 miles north of the project site.

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. Exception: For the purposes of this section, the following uses are not considered schools and, therefore, are exempt from the setback requirement: 1) school administrative offices not located on or contiguous with a school site; and, 2) athletic fields or playgrounds used for school functions that are not contiguous with a school site, except as provided in Section 4.9.9.E.1.k.

No K-12 public, private, or charter schools or licensed childcare centers are within 500 feet of the subject suite. The nearest school is CE Rose PreK-8 School, which is approximately half a mile from the project site.

• 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.

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.

• 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.

This is not an expansion of an existing dispensary and no K-12 public, private, or charter schools are within 500 feet of the subject suite.

 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 applicant is familiar with applicable health regulations for marijuana dispensaries, and the proposed dispensary will comply with all applicable health regulations from the Arizona Department of Health Services and other authorized regulatory agencies.

I. Odor Mitigation

(1)Odor mitigation devices and techniques shall be incorporated in all marijuana facilities to ensure that odors are mitigated. As such, this may be done through an exhaust air filtration system with odor control that prevents internal odors from being emitted externally or through any other best practices deemed adequate for odor mitigation as determined by the Zoning Administrator.

(2) An odor mitigation plan shall be submitted demonstrating compliance with odor control requirements. When a modification is made to a marijuana facility, or the facility operation, that has the potential to impact the nature or degree of odor, or affects the control of odor, and UDC requirements for bringing the entire site up to code per Sections 7.4.3.E, 7.5.3.E, 7.6.2.B & 9.2.2, the marijuana facility owner must update its odor mitigation plan within 30 days of facility modification. Failure to submit an updated odor mitigation plan within 30 days of facility modification is a violation of this section and shall be a civil infraction.

(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. If an inspection reveals that the existing odor mitigation plan does not comply with the odor mitigation plan for the marijuana facility or marijuana facility's cultivation site, code enforcement shall provide the owner or person in charge with a notice of deficiencies and the owner or person in charge will be required to bring facility into compliance with the approved odor mitigation plan.

The applicant is familiar with the City's odor mitigation plan requirements, and an odor mitigation plan will ensure compliance with all odor mitigation regulations.

2. MITIGATION ENSURING THE PRIVACY OF ADJACENT RESIDENCES

Mountain Trace Terrace, a senior living facility, borders the project site to the north and is the only residential property adjacent to it. The shared property line is well-screened by a large, vegetated retention basin. A wooden automated gate restricts non-resident vehicle traffic from the project site into Mountain Trace Terrace, which borders the rear of the subject suite and shopping center. The layout effectively prevents customer traffic from nearing Mountain Trace Terrace, preserving residents' privacy.

3. DESIGN CRITERIA

The proposed dispensary will occupy an existing suite within a shopping center. The building is constructed of materials like brick and stucco, which are well-suited for the Sonoran Desert's climate. The shopping center features a black-and-white color scheme and has a modern commercial architectural style. Utilizing an existing building suite helps maintain the visual consistency of the neighborhood, as the shopping center has been part of the neighborhood for decades.

4. Conservation + Urban Heat Island Effect Reduction

The proposed dispensary will occupy an existing building, avoiding the environmental impacts associated with new development.

5. SITE + BUILDING CONFIGURATION

The project site contains one existing L-shaped building that complies with all setback requirements. The required and provided building setbacks are shown in the table below.

DIRECTION	ADJACENT ZONING OR STREET	REQUIRED SETBACK	PROVIDED SETBACK
North	R-2 (Residential)	1.5 X Building Height (Approx. 36 feet)	>60 feet
South	C-2 (Commercial)	0 feet	30 feet
East	C-2 (Commercial)	0 feet	15 feet
West	C-1 (Commercial) and R-1 (Residential)	1.5 X Building Height (Approx. 36 feet)	>80 feet

6. Transition of Building Heights + Number of Stories

The existing building is a one-story structure with a height of approximately 24 feet, similar to the other nearby buildings, such as the approximately 27-foot anchor building to the east and the two-story Mountain Trace Terrace senior living facility to the north.

7. TRANSITION OF INTENSITY

The project site supports a gradual transition of intensity from Irvington Road towards the residential neighborhoods to the north. Most commercial activity and parking are situated on the south side of the building, away from the residential development to the north.

8. LANDSCAPE + SCREENING

The project site is an existing development with a six-foot masonry wall and a five-foot interior landscape border adjacent to a ten-foot cement drainage channel. There are no proposed changes to the screening or landscape border. To the north, the wall and landscape border continue, along with an approximately 20,000 square-foot vegetated retention basin that screens the commercial development on the project site from Mountain Trace Terrace residents. There are trees and shrubs throughout the parking lot and palm trees that line the access driveway, with landscaping at the project site entrance on Irvington Road.

9. STREET IMPROVEMENTS

An existing right-turn lane provides access to the project site from Irvington Road. According to the City of Tucson Traffic Engineering review, no street improvements are needed.

10. DEFENSIBLE SPACE TECHNIQUES

Irvington Road, an active arterial street, allows clear views of business fronts on the project site. All but one suite in the building are active businesses with frequent visitors. The project site's surroundings provide eyes on the site to help deter unwanted activity. Light poles illuminate parking areas both in front of and behind the building, while sidewalks direct people toward active areas of the development. Additionally, the subject suite will be monitored by high-resolution security cameras for additional monitoring.

11. VIEW CORRIDORS

The changes to the subject suite will primarily be internal, with no impact on building height. Views of the site from surrounding properties will remain unchanged.

12. Changes in Elevation Due to Grading

The site is an existing development that will be enhanced by the proposed project, with no changes to elevation or grading.

C. POST-DEVELOPMENT HYDROLOGY

The proposed project is part of an existing shopping center with a previously approved Development Plan (DP) that can be found in Book 43 Page 84 of Pima County's Development Records (Permit D00-0023 of Tucson's development records). No drainage changes are proposed as part of this project.

D. LANDSCAPED AREAS + SCREENING

1. LANDSCAPING (MATERIALS + LOCATIONS)

No changes to landscaping or screening are proposed. The property's western boundary includes a ten-foot cement drainage way, a six-foot masonry wall, and a five-foot internal landscape border. Along the northwest boundary of the project site, the five-foot border widens to a ten-foot internal landscape border followed by a gated driveway that provides access to the adjacent senior living community. East of this gate is a large, vegetated drainage basin that exceeds ten feet in width. The ten-foot internal landscape border continues along the northern property line after the drainage basin. The eastern boundary is within the shopping center, and the southern boundary includes only the access lane adjacent to Irvington Road, so no landscape borders exist along the south and east boundaries of the project site.

2. SCREENING (MATERIALS + LOCATIONS)

DIRECTION	ADJACENT ZONING OR STREET	REQUIRED LANDSCAPE BORDER AND SCREENING	PROVIDED LANDSCAPE BORDER AND SCREENING
North/Northwest	R-2 (Residential)	10' border, 5' wall	10' border or >10' vegetated drainage basin, 5' wall
South (driveway access only)	C-2 (Commercial) & Irvington Road	none	10' border
East	C-2 (Commercial)	none	N/A
West	C-1 (Commercial)	none	10' drainageway, 5' border, and 6' masonry wall

3. RAINWATER HARVESTING

No changes to existing landscaping are proposed. However, the project site includes a retention basin along the northern border that contains dense, mature vegetation. Water runoff is directed into the retention basin via a cement drainageway along the western boundary of the property. Additionally, there is a storm drain in the parking lot.

E. LIGHTING

The location and type of new lighting fixtures on the subject suite will be determined during the development plan process. All fixtures will comply with the City of Tucson/Pima County Outdoor Lighting Code. Existing lighting in the parking area will remain in place as is.

F. PEDESTRIAN ACCESS

Pedestrians can reach the project site via the public sidewalk along Irvington Road. Sidewalks on the project site connect to the public sidewalks at two locations through the other parcels of the Placita Del Rio shopping center: one along the west side of the shared access driveway (part of the Texas Roadhouse parcel) and another along the eastern boundary of the shopping center.

G. SIGNS

Business signage will be installed on the front façade of the suite, facing Irvington Road. The Placita Del Rio shopping center has a single monument sign located at the intersection of Irvington Road and 16th Avenue, which includes space for new businesses. It has not yet been determined whether the proposed dispensary will be included on the monument sign.

H. TOPOGRAPHY

The project site has been developed for many decades, and no additional grading is proposed for the proposed dispensary.

I. TRAFFIC

Based on the ITE Trip Generation Manual, the proposed dispensary is expected to generate approximately 53 AM peak hour trips and 95 new PM peak hour trips. This volume of traffic is similar to the traffic generated by past tenants and can be accommodated on Irvington Road.

J. UNDISTURBED AREAS

The project site is an existing development, and no undisturbed areas remain.

K. UTILITIES

1. SEWER

The Pima County Regional Wastewater Department will continue to serve the subject suite. The proposed dispensary is not expected to generate more wastewater than previous tenants, including a dental office, which produced higher volumes of wastewater than typical commercial users.

2. WATER

The subject property is within the Tucson Water Obligated Service Area. Tucson Water has served the property's previous tenants, and there are no expected capacity issues with the proposed dispensary.

3. ELECTRICITY

There are no proposed changes to the electrical connection provided by TEP for the site.

L. VEHICULAR USE AREAS

1. MOTOR VEHICULAR + BICYCLE PARKING

The proposed dispensary requires one space for every 300 square feet of building space. With a total area of 5,227 square feet, the dispensary will need seventeen parking spaces. Given that the project site is part of a larger shopping center, it requires an estimated 120 parking spaces, but 185 parking spaces currently exist in addition to the parking on the other parcels within Placita Del Rio.

The site also includes two short-term bike parking spaces, satisfying the requirements for the commercial use group, while long-term bike parking will be provided inside the building.

2. PUBLIC OR PRIVATE STREETS

There are no proposed public or private streets on the property.

3. LOADING AREAS

Loading already exists on the project site.

4. SOLID WASTE + RECYCLING COLLECTION AREA

There is a solid waste enclosure behind the subject suite.

RESOURCES

MapTucson, City of Tucson GIS, 2024.

Pima Association of Governments, Transportation Data Management System, 2024.

PimaMaps, Pima County GIS, 2024.

Pima Regional Trail System Master Plan, Revised May 2012.

City of Tucson Unified Development Code, 2016.

Aerial Photographs, Pictometry, 2022.

Plan Tucson, City of Tucson General & Sustainability Plan, ratified 2014.



MEMORANDUM

DATE: December 12, 2024 CASE NO: AKE-01

TO: John Beall

FROM: Brian Underwood

SUBJECT: Irvington/I-19 Marijuana Dispensary M&CSE Outreach Summary

Neighborhood Meeting:

The following provides a summary of the in-person neighborhood meeting held at the El Pueblo Activity Center on October 29, 2024 at 6:00 PM to discuss a Mayor & Council Special Exception (M&CSE) application for a proposed marijuana dispensary located within Suite 170 of the Placita del Rio Shopping Center at 910 West Irvington Road in Ward 1. The meeting was noticed utilizing mailing labels prepared by the City of Tucson Planning and Development Services Department. Letters were sent to all property owners within 400 feet of the property in which the proposed marijuana dispensary will be located, and all city-registered neighborhood associations within one mile were also notified. Overall, 46 property owners were notified. Four individuals signed in at the meeting (see attached sign-in sheet).

The meeting began at 6:00 PM and was hosted by The Planning Center and the proposed developer. The Planning Center opened the meeting by welcoming attendees and describing the site's location, onsite characteristics, existing zoning, separation and size requirements, and the proposed preliminary development plan. The presentation concluded with a discussion regarding the M&CSE process and additional opportunities for those in attendance to participate in the process.

While there were many topics discussed, the following were of most prominence and are listed in no specific order of importance.

Topics Discussed

- Notification area and who received notice. The City's records for the representative of the Rose Neighborhood Association are listed incorrectly and should be updated accordingly
- Timing for public meetings
- Existing vacancies within the shopping center and the ability to retain existing tenants and attract new ones
- Hours of operation (7 AM to 10 PM)
- Timing for staff's recommendation



- Security measures provided onsite (security cameras and security guards)
- Potential for irresponsible use and increased chances for traffic-related accidents
- Clientele who will be using the facility

After asking if the attendees had any other questions or concerns, none were raised, and the meeting was adjourned at approximately 6:45 p.m.

Follow-up Correspondence:

An email was sent to meeting attendee Scott Douglas on November 26, 2024, to follow up on concerns Mr. Douglas and his associate, Phil Skillings, had raised at the neighborhood meeting. The email contained a letter addressing concerns over perceived business impacts from the proposed dispensary and invited Mr. Douglas to continue the conversation. No reply was received, and a second email was sent on Friday, December 6, 2024. The letter and emails are attached to this memo.

Our team is committed to working with the community members to ensure the proposed marijuana dispensary positively contributes to the shopping center, surrounding neighborhoods, and the city at large. Should you have questions or would like additional information, please do not hesitate to contact me.

T	han	k y	y0	u.

Attachments:

- Follow-up emails and letter
- Sign-in sheet
- Neighborhood meeting notice
- Mailing labels and maps
- Neighborhood Mailing Certification
- PowerPoint slides from the neighborhood meeting



From: andrew kevelson

<u>Tim Kinney; Brian Underwood; Lexy Wellott</u> Fwd: 910 W Irvington Rd - Suite 170 Cannabis Concerns Subject:

Date: Friday, December 6, 2024 11:53:32 AM

----- Forwarded message -----

From: andrew kevelson < kevelson@gmail.com >

Date: Fri, Dec 6, 2024 at 11:52 AM

Subject: Re: 910 W Irvington Rd - Suite 170 Cannabis Concerns

To: < sdouglas@westcoastcap.com>

Dear Mr. Douglas,

I hope you're well. I am following up on my email below in case you have any questions or would like to discuss anything further. Please do not hesitate to reach out if so.

Thank you, Andrew Kevelson

On Tue, Nov 26, 2024 at 8:42 AM andrew kevelson kevelson@gmail.com> wrote: Dear Mr Douglas,

I've organized some thoughts in the attached letter that I'd like to share with you. I appreciate your consideration and hope to find an amenable solution.

Andrew Kevelson



November 5, 2024

Mr. Scott Douglas
NEC Irvington I-19, LLC
Attn: West Coast Capital Partners
Via Email: sdouglas@westcoastcap.com

Dear Mr. Douglas:

I wanted to start by thanking you and Mr. Skillings for attending our neighborhood meeting on October 29th. I am reaching out to offer more detail and to better understand your concerns regarding my application to open a marijuana dispensary within Suite 170 of the "shops" component at Placita del Rio. My hope is that this letter addresses and assuages some of your concerns.

As it stands, it is my understanding that your concerns are centered around the perceived detriment that the use will have in attracting new tenants and maintaining the demographic quality of those who visit the center, along with the use's compatibility and impact on the shopping center's aesthetic appeal; all of which are in concert with protecting the value of your investment. As a businessman, I understand and relate to that concern.

In response to the comments expressed by you and Mr. Skillings at the neighborhood meeting, I would like to offer the following for your consideration:

- Similar Examples of Successful Dispensaries. As requested, the following is a list of marijuana
 dispensaries located within existing shopping centers or in predominantly commercial areas for
 you and your associates to review. Please note I do not own or operate the dispensaries on this
 list they are simply examples of successful dispensaries that coexist in similar shopping centers
 in the Tucson area.
 - D2 Dispensary (7139 East 22nd Street)
 - Sol Flower (3000 W Valencia Road / 6026 North Oracle)
 - Earth's Healing (78 West River Road / 2075 East Benson Highway)
 - Prime Leaf (4220 East Speedway Boulevard)

As you will see in these examples, marijuana dispensaries have successfully integrated into a number of shopping centers and commercial areas and within neighborhoods of varying demographic characteristics. In each of the examples provided, the surrounding tenant spaces are primarily occupied and consist of a variety of users, ranging from large fitness centers, retail, restaurants, urgent cares, professional offices, jewelry stores, and personal services (hair and nail salons, barbershops, waxing studios, etc.). The lack of vacancies in and around these centers or commercial areas is indicative that dispensaries can, in fact, attract and retain a plethora of

The typical marijuana dispensary patron represents a reasonably balanced cross-section of the general population. The exception to this is that the average marijuana dispensary customer often has an average or above-average disposable income. As a point of reference, in Arizona, the average sale per cannabis customer has ranged from approximately \$55.00-\$79.00 over the last few years. The 16% excise tax alone that is associated with the product, on top of the local sales tax (8.7%), attracts individuals with higher buying power and discretionary incomes,



leading to an increased potential for other spending to occur within the center, particularly given the current mix of uses. Additionally, the revenues generated by the excise tax and the number of jobs created positively contribute to the overall economic stability of the neighborhood and the community.

2. Security is very important. Regarding the notion of safety associated with a marijuana dispensary – as you know, the cannabis industry is not only regulated at the local and county level, but it is also highly regulated at the state level. In order for an operator to open a dispensary, they are required to demonstrate compliance with local zoning regulations and a number of state mandates. Among them include the incorporation of onsite safety and security measures. A certificate of occupancy will only be issued if safety measures are in place, and licenses are subject to revocation if safety measures are compromised.

As noted, this marijuana dispensary will have 24-hour surveillance, security alarms, secure locks on all entry points, an onsite security guard during business hours, and an emergency signal feature that directly communicates with security and management personnel for swift communication with the Tucson Police Department. These are best practices associated with the industry and are what every dispensary within the city limits has in place, which has been proven to be successful in deterring unwanted activities.

Additionally, in order for an operator to maintain their licensure, they are strictly obligated to monitor and regulate the behaviors of their customers, and I can assure you that the future operator of this dispensary will be committed to maintaining a high level of safety within the shopping center. This is not only in the best interest of other tenants and users of the shopping center, but it is also imperative to maintaining our investments as well as the customers' experience and the overall success of the business.

Also, importantly, vacant buildings and properties inherently compromise property values and the safety of the spaces and neighborhoods surrounding them. Occupying this suite, which has effectively been vacant since 2019, and in turn, putting more eyes on the entire center will stabilize values, improve safety, and reduce crime over time. We aim to positively contribute to the neighborhood by providing preferential hiring for residents within the same ZIP code and creating a more active and safe shopping center. Again, this is something that I think is in the best interest of the various ownership entities.

I welcome any suggestions you may have that would help improve the overall safety of the shopping center in the future.

3. The Use is Compatible with others in the Shopping Center. To speak to the notion that the proposed use is incompatible with its surroundings – from my perspective, this is a matter of opinion and is, more often than not, a misperception. The reality is that marijuana dispensaries function similarly to other retail uses and look like any other commercial storefront. However, unlike some retail uses that might invite "perceived unwanted users" to the center, marijuana dispensaries are held to a higher level of scrutiny from a land use perspective and are subject to specific requirements (otherwise known as use-specific standards) aimed solely at addressing compatibility with adjacent properties. These use-specific standards were determined by the City through an extensive analysis and public process.

As noted at the meeting, these use-specific standards include satisfying specific separation requirements from other dispensaries and incompatible uses (schools, childcare facilities, parks,



libraries, and substance abuse facilities), maximum floor area limitations, limited hours of operation, and odor mitigation measures, in addition to the typical development standards, such as screening, setbacks, and landscape buffers. I can assure you that the proposed marijuana dispensary satisfies all required use-specific standards as well as the typical standards for development.

In my opinion, this location is also highly compatible for this use as it is located within an existing commercial center that directly fronts onto a major street, already contains the appropriate screening, setbacks, and landscape buffers, and does not provide direct vehicular access into the adjacent neighborhoods. Additionally, the suite is well-positioned within the center to accommodate traffic, onsite circulation, and parking needs without disrupting other users. The hours of operation will be limited to the specified hours required by the City (7:00 AM to 10:00 PM). Security cameras, an onsite security guard, alarms, and secure locks on all entry points will be installed, and odor mitigation technology will be implemented to ensure that odors do not trespass beyond the exterior walls of the dispensary. With the implementation of these measures, it has been proven that marijuana dispensaries can co-locate in centers without having detrimental impacts, despite the common misperception of the use and its customers.

4. The last point I would like to iterate is that I believe we have parallel interests in ensuring that Placita del Rio is a thriving commercial center that provides a quality experience and services to its customers regardless of the business(es) they are frequenting and that we all want to protect our investments. I also believe that in time (just as demonstrated at the other dispensary locations I provided you with), this marijuana dispensary will prove to enhance the overall value of the center and will positively contribute to its success.

In closing, I would really appreciate the opportunity to continue to discuss how we can work together to mitigate or resolve your concerns. I would like to extend a standing offer to meet with you to discuss my proposed use. If you would like to meet please do not hesitate to reach out to me directly at kevelson@gmail.com or 917-375-3900.

Thank you for your time and consideration.

Sincerely,

Andrew Kevelson



IRVINGTON/I-19 MARIJUANA DISPENSARY - SPECIAL EXCEPTION

Neighborhood Meeting Sign-in Sheet

October 29, 2024

Name	Address, Zip Code	Phone	Email Address
marting Leon Rodinging	931 W. Michigan	520-241-1573	Loseneighborhodassociation y nh
Martina Leon Rodinging Elvia Cervantes	931 W. Michigan 801 W Muchegan	520-440-164	cy nla
Scott Dougly PHIL SKILLING	90/ W. Frangs	311-489-	PSKILLINGS BUSST COMMERCIAL. COM
PHIL SKILLING	901 W. Frango	20 577-6367	PSKILLINGS BWEST CAR
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GAMMAGE & BURNHAM, PLC

ATTORNEYS AT LAW
40 NORTH CENTRAL AVENUE
20TH FLOOR
PHOENIX, ARIZONA 85004

TELEPHONE (602) 256-0566 FACSIMILE (602) 256-4475

WRITER'S DIRECT LINE (602) 256-4486

October 14, 2024

RE: Notice of Neighborhood Meeting for <u>TP-PRE-0824-00198</u>
Marijuana Special Exception Application for 910 W Irvington Rd STE 170

Dear Property Owner or City Registered Neighborhood Organization:

Gammage & Burnham, PLC recently filed a Special Exception pre-application on behalf of a client, regarding the approximate 4.33-acre property located at 910 West Irvington Road, known as APN 120-05-2730, (the "Property"), as shown on the aerial to the right. The Applicant intends to improve Suite 170 within the existing commercial/retail center for use as a marijuana dispensary, as defined in the Tucson Unified Development Code (the "UDC") Section 11.3.9.F.3 The UDC requires those intending to construct and operate a marijuana dispensary to apply for and receive approval of a Mayor and Council Special Exception. We invite you to a neighborhood meeting to discuss this proposed use & specialty process.



The neighborhood meeting will be held on

Tuesday, October 29, 2024, at 6:00 PM

El Pueblo Activity Center 101 W Irvington Rd Building 9, Tucson, AZ 85714

You are invited to attend this meeting to learn about the project. This is not a notice of a public hearing with the Zoning Examiner or City Council. However, you may receive such a notice at a future date when the Application is scheduled for hearing. Should you have any questions or comments regarding the proposed development, please contact me at (602) 256-4486 or via email at msantoro@gblaw.com. You may also inform your opinions on this case by writing to the City of Tucson Planning and Development Services Department at 201 North Stone Avenue, Tucson, Arizona, 85701, and referencing the case number above. You can contact them at (520) 791-5550 or pdsinquiries@tucson.gov. We appreciate your time and consideration.

Sincerely,
GAMMAGE & BURNHAM, PLC

By Michelle Santoro Senior Land Use Planner

URQUIDEZ GREGORIO CONTRERAS & MARIA L JT/RS 4934 S 17TH AVE TUCSON AZ 85706	DABDOUB CELINA 4926 S 17TH AVE TUCSON AZ 85706	SMITH ROSIE F 4918 S 17TH AVE TUCSON AZ 85706
MEZA ANGEL E & GEORGINA B LIVING TR 4908 S 17TH AVE TUCSON AZ 85706	RED MOUNTAIN ASSET FUND I LLC 1234 E 17TH ST SANTA ANA CA 92701	OCEJO ARMANDO 826 W NEVADA ST TUCSON AZ 85706
RODRIGUEZ RAMON B & RODRIGUEZ JOSE 6751 S VEREDA DE LAS CASITAS TUCSON AZ 85746	CONTRERAS MARINA RUIZ 836 W NEVADA ST TUCSON AZ 85706	MARTINEZ RAQUEL ABRIL DE 842 W NEVADA ST TUCSON AZ 85706
GONZALEZ ALFONSO & CYNTIA CP/RS 850 W NEVADA ST TUCSON AZ 85706	MEZA RICARDO 849 W IRVINGTON RD TUCSON AZ 85714	STORE MASTER FUNDING XII LLC ATTN TRUE BLUE CAR WASH 1255 W RIO SALADO PKWY STE 111 TEMPE AZ 85281
ORTIZ JUAN M & ROSA JT/RS 4745 N PASEO DEL SUENO TUCSON AZ 85745	ORTIZ JUAN M & ROSE JT/RS 819 W IRVINGTON RD TUCSON AZ 85714	TUCSON IRVINGTON TAKE FIVE LLC ATTN: RYLAND POND 106 FOSTER AVE CHARLOTTE NC 28203
ZUBHA REALTY LP 4415 HWY 6 SUGAR LAND TX 77478	NEC IRVINGTON I-19 LLC ATTN: WEST COAST CAPITAL PARTNERS 25500 HAWTHORNE BLVD STE 2250 TORRANCE CA 90505	NATIONAL CHURCH RESIDENCES OF TUCSON AZ 2335 N BANK DR COLUMBUS OH 43220
980 W IRVINGTON SELF STORAGE LLC 999 CORPORATE DR STE 100 LADERA RANCH CA 92694	MSC INVESTMENTS LLC 546 E MARIPOSA DR REDLANDS CA 92373	IRVZONA LLC ATTN: TEXAS ROADHOUSE 6040 DUTCHMANS LN LOUISVILLE KY 40205
MONTANO HIGINIO & SOCORRO R JT/RS 4641 S 16TH AVE TUCSON AZ 85714	DOMINGUEZ VANESSA 4632 S 16TH AVE TUCSON AZ 85714	HINOJOS ADRIAN 4622 S 16TH AVE TUCSON AZ 85713
KLEIMOLA LEAH A & KEITH A JR 4617 S 17TH AVE TUCSON AZ 85714	ARELLANO ROCIO MAGDALENA VAZQUEZ 825 W MISSOURI ST TUCSON AZ 85714	PESQUEIRA ROXANNA 833 W MISSOURI ST TUCSON AZ 85714
ALDACO BERNARDINO 841 W MISSOURI ST	PIERCE ZACHARY I & ERICA M CP/RS 849 W MISSOURI ST	CASTRO LUIS P & CASTRO LUIS J JR JT/RS

TUCSON AZ 85714

857 W MISSOURI ST TUCSON AZ 85714

TUCSON AZ 85714

GARCIA RUBEN R 865 W MISSOURI ST TUCSON AZ 85714

Yolanda Herrera N.A. - Sunnyside P.O. Box 11411 Tucson, AZ 0

Henry Vega N.A. - Rose 4314 S 15th Ave Tucson, AZ 85714

Lucia Vindiola N.A. - Midvale Park 5839 S Hillerman Dr Tucson, AZ 85746

Abdul Alehaithl N.A. - Rose 4870 S 12th Ave Tucson, AZ 85714

Gammage & Burnham PLC Attn: Michelle Santoro 40 N Central Ave 20th Fl Phoenix, AZ 85004 ALVAREZ-ROMO MARTIN 873 W MISSOURI ST TUCSON AZ 85714

Margaret Chumbler (Contact) N.A. - West Lamar 1108 W Columbia Tucson, AZ 85714

Patricia Maztn-Brownell N.A. - Sunset Villa 4433 S Valley Rd Tucson, AZ 85714

> Joe Flores N.A. - Rose 4876 S 12th Ave Tucson, AZ 85714

Richard G. Fimbres Ward 5 4300 S. Park AV Tucson, AZ 85714 Regina Romero Mayor 255 W. Alameda ST Tucson, AZ 85701

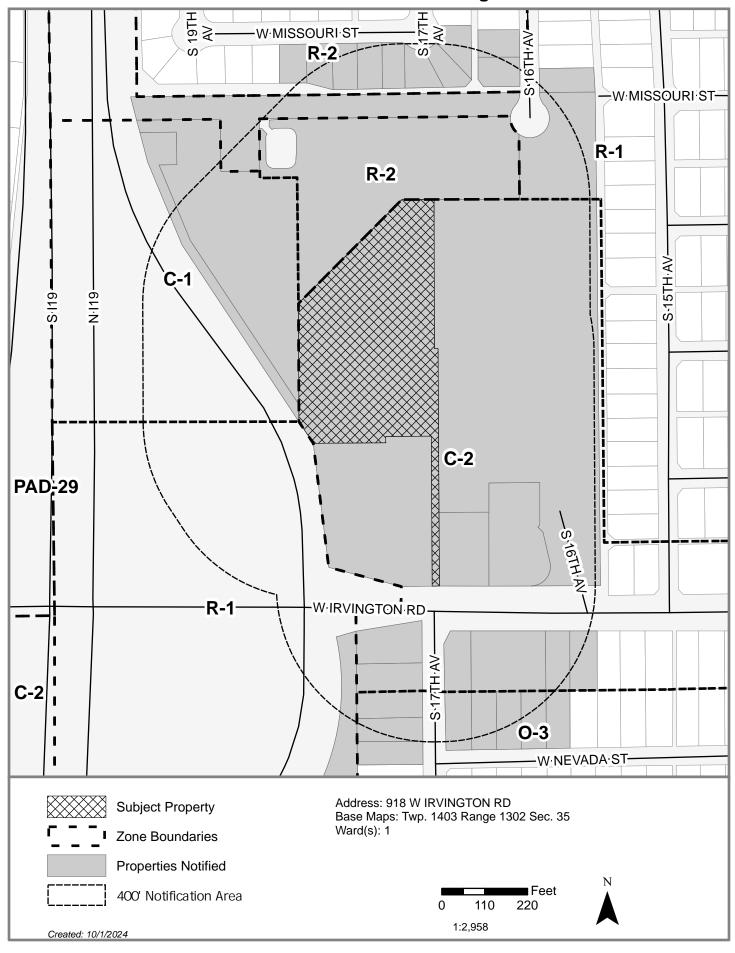
Joseph (Joe) Miller N.A. - Midvale Park 6020 S Springbrook Dr Tucson, AZ 85746

Mark Albrecht N.A. - Sunnyside 518 W Calle Margarita Tucson, AZ 85706

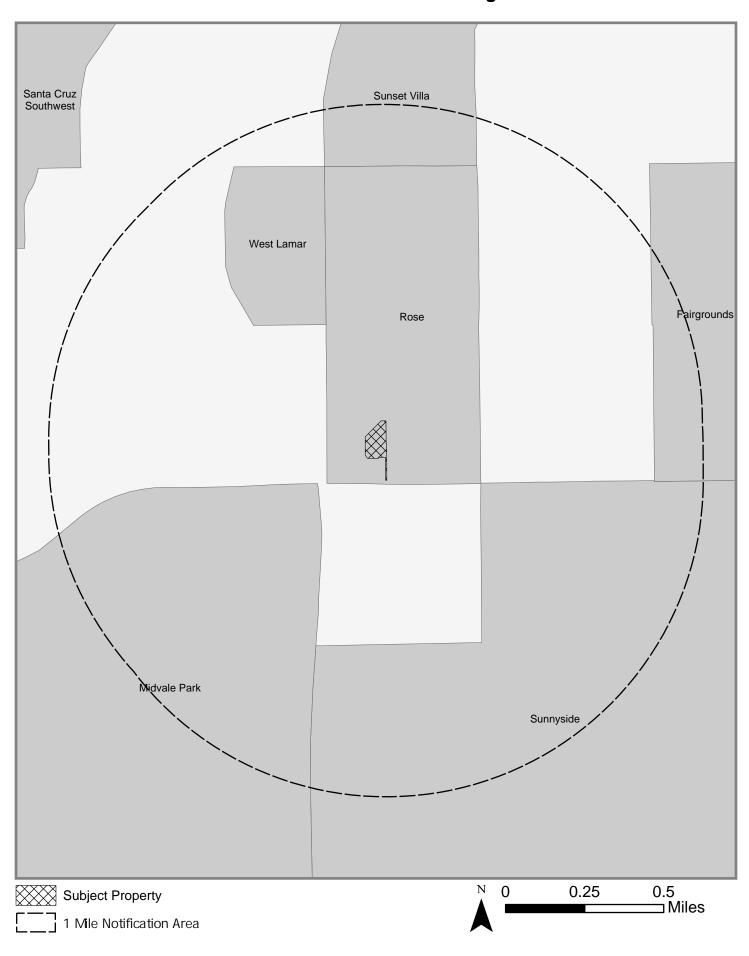
Rebecca "Beki" Quintero N.A. - Sunnyside 247 W Calle Francita Tucson, AZ 85706

Lane Santa Cruz Ward 1 940 W. Alameda ST Tucson, AZ 85745

TP-PRE-0824-00198 - 910 W Irvington Rd



TP-PRE-0824-00198 - 910 W Irvington Rd





Attachment: Copy of mailing labels

201 North Stone Avenue PO Box 27210 Tucson, AZ 85726-7210

SUBJECT: Neighborhood Mailing Certification				
ACTIVITY NUMBER: TP-PRE-0824-00198				
PROJECT LOCATION: 910 W Irvington Road Suite 170				
This serves to place on record the fact that on	10/14/2024	Michelle Santoro		
This serves to place on record the fact that on	(mailing date)	(sender's name)		
mailed notice of the $\frac{10/29/2024}{\text{(date of meeting)}}$ neighborhood meeting such that the notice was				
received at least ten (10) days prior to the date of the meeting.				
Signature: Date	:: <u>10/14/2024</u> ::	-		

IRVINGTON/I-19 MARIJUANA DISPENSARY

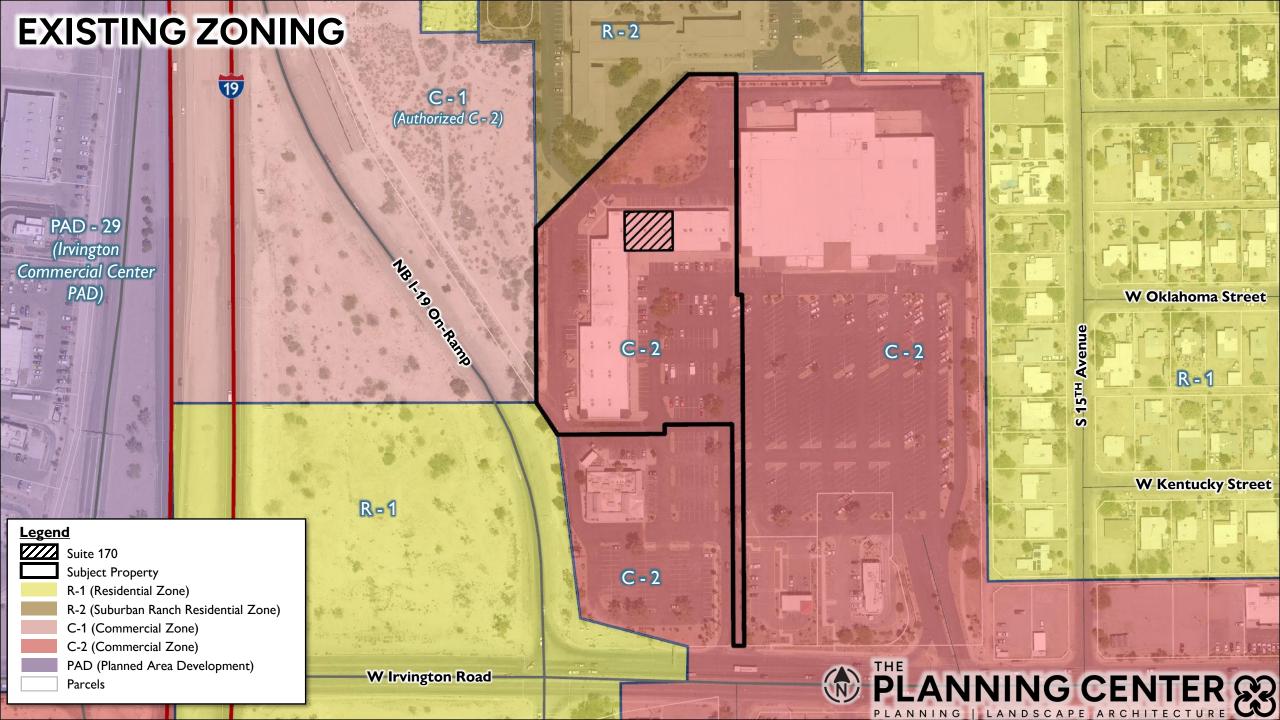
Special Exception | Neighborhood Meeting



PLANNING CENTER &

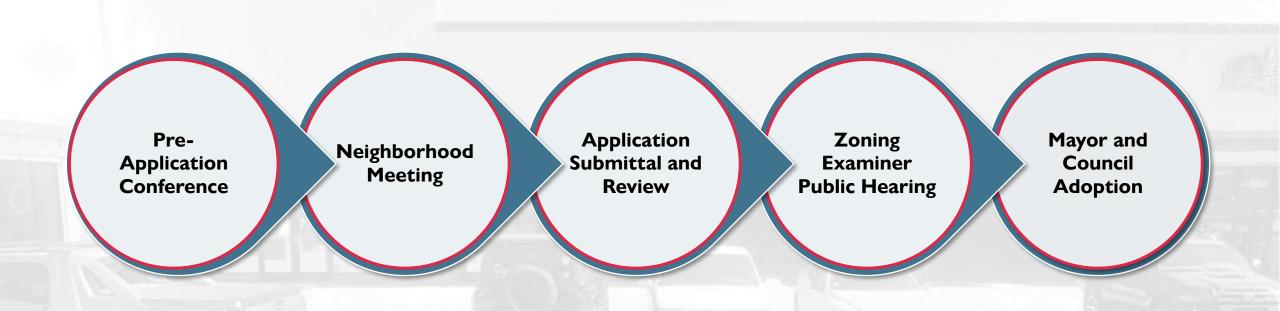








MAYOR & COUNCIL SPECIAL EXCEPTION PROCESS





IRVINGTON/I-19 MARIJUANA DISPENSARY

Special Exception | Neighborhood Meeting



PLANNING CENTER &

CITY OF TUCSON PUBLIC HEARING NOTICE

County Assessor records indicate that you are an owner of property located within 400 feet of parcels that is being considered for a Special Exception.

The Zoning Examiner will hold a public hearing public hearings on March 6, 2025, at or after 6:00 P.M. to consider a proposal to the property at the location indicated below. Copies of the proposed request can be obtained from the City of Tucson Planning & Development Services Department Rezoning Section, located at 201 North Stone, Tucson, Arizona. If you have any questions, please contact the Rezoning Section at 520-791-5550.

MEETING NOTE: This meeting will be held remotely through technological means, as permitted under Arizona law. These measures are in place to ensure that the discussions, deliberations and actions of the Zoning Examiner are transparent and conducted openly.

IN-PERSON ATTENDANCE BY MEMBERS OF THE PUBLIC WILL BE PROHIBITED.

The Zoning Examiner, on behalf of the Mayor and Council, conducts public hearings and considers testimony for each rezoning in the City of Tucson. The Zoning Examiner may impose reasonable limitations on the number of speakers and the length of the testimony.

After the close of each Public Hearing, the Zoning Examiner issues written reports with findings of fact and recommendation. A preliminary report is issued five working days after the close of the public hearing. A final report is issued 14 days after the close of the public hearing and transmitted to the Mayor and Council. Any person may request a public hearing before Mayor and Council provided the written appeal is filed with the City Clerk within 14 days after the close of the Zoning Examiner's public hearing. The Mayor and Council make the final decision on all rezoning requests.

PUBLIC HEARING INFORMATION

Date: March 6, 2025 Time: 6:00 PM

Please join the Zoning Examiner hearing from your computer, tablet, or smartphone. Members of the public may view, listen to, and participate in the hearing online by going to the Zoning Examiner website and clicking "Join Meeting" at the top of the page. The Zoning Examiner website may be accessed at the following location: https://www.tucsonaz.gov/Departments/Planning-Development-Services/Public-Meetings-Boards-Committees-Commissions/Zoning-Examiner.

You can also dial in using your phone.

United States: +1 346-248-7799 Meeting ID: 824 9464 9853# Passcode: 281408 If you encounter difficulty accessing the hearing please contact Tucson Rezoning at TucsonRezoning@tucsonaz.gov for technical assistance.

The public has the following options to provide comment to the Zoning Examiner:

- 1) Members of the public may submit written comments prior to the hearing by sending an email to TucsonRezoning@tucsonaz.gov. The email should include the Zoning Examiner public hearing date, the case number or name, and your name. Written comments must be received no later than 5:00 pm March 5, 2025.
- 2) Individuals wishing to speak during the hearing may join the hearing via teleconference and should submit a written request to TucsonRezoning@tucsonaz.gov. Written request should be received by no later than 5:00 pm March 5, 2025. The email should include the Zoning Examiner hearing date, your

name, and the phone number you will use for the teleconference. The phone number provided will be used to identify the individual when/if being called upon to speak during the hearing by the Zoning Examiner. Individuals wishing to speak but who did not submit a prior written request will be provided instructions by the Zoning Examiner at the time of the hearing on how to comment.

APPLICANT

Brian Underwood The Planning Center 2 E Congress #600 Tucson AZ 85701

SPECIAL EXCEPTION REQUEST

Case: TP-ENT-1224-00028 Irvington Dispensary – W Irvington Rd (Ward 1)

Requested Change: Special Exception Land Use request for a Marijuana Dispensary in the C-2 Zone.

Location: 910 W Irvington Rd

Proposed Development: 5,200 square-foot marijuana dispensary in suite 170 of the existing building on the site.

Notificación de Audiencia Pública del Examinador de Zonificación

Para oír y tomar en consideración el siguiente caso: TP-ENT-1224-00028 Irvington Dispensary, Special Exception in the C-2 Zone (Ward 2)

Cambio solicitado: Autorización de Excepción Especial para uso de suelo de Dispensario de Marihuana en la Zona C-

Ubicación: 910 W Irvington Rd

Desarrollo Propuesto: Dispensario de marihuana de 5,200 pies cuadrados en la suite 170 del edificio existente en el

sitio.

Si usted desea este documento escrito en español, por favor llame al número de teléfono: 520-791-5550

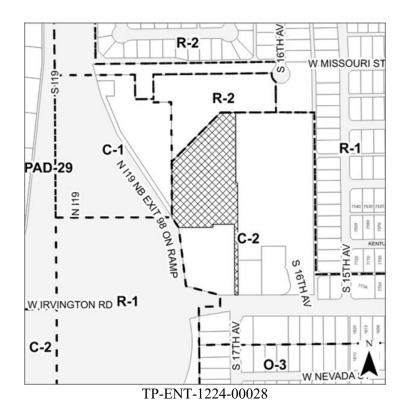
For further information, please contact Gabriel Sleighter at gabriel.sleighter@tucsonaz.gov or email Tucson Rezoning at tucson.gov. You may also write to Planning & Development Services Department (PDSD) – Entitlement Section, P.O. Box 27210, Tucson, AZ 85726

ZONING DISTRICT NARRATIVE SUMMARIES

(For a complete description, refer to Unified Development Code, Chapter 23, Tucson Code, which can be found at https://beta.tucsonaz.gov/files/sharedassets/public/city-services/planning-development-services/documents/dimensional standards summary july 2020.pdf)

Current Zoning:

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



For further information, please contact Gabriel Sleighter (gabriel.sleighter@tucsonaz.gov, 520-837-6952) or write to Planning & Development Services Department – Rezoning Section, 201 N. Stone Avenue, P.O. Box 27210, Tucson, AZ 85701

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, February 18, 2025 at https://www.tucsonaz.gov/Departments/Planning-Development-Services/Public-Meetings-Boards-Committees-Commissions/Zoning-Examiner

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, including BOTH 20% of the property by area and 20% of the number of lots with 150', require an affirmative vote of ³/₄ 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.

	APPROVE the proposed rezoning/special exception		
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	PLEASE PRINT	PLEASE PRINT YOUR MAILING ADDRESS	
OWNER(S) SIGNATURES	PROPERTY ADDRESS	TOUR MAILING ADDRESS	
OWNER(S) SIGNATURES	PROPERTY ADDRESS	TOUR MAILING ADDRESS	

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-1224-00028 GS

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 PLANNING & Tucson, Arizona 85726-7210