



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 4/1/2025

*= Mandatory, information must be provided

Click or tap the boxes to enter text. If not applicable, indicate "N/A".

***Title:**

P24SP00006 MANZANITA INVESTMENT GROUP, LLC – W. VALENCIA ROAD SPECIFIC PLAN REZONING

***Introduction/Background:**

The applicant requests a specific plan rezoning for approximately .11 acres (portion of parcel code 137-22-0250) from the CB-1 (Local Business) to the SP (Specific Plan) zone, located at the northwest corner of W. Valencia Road and S. Cardinal Avenue.

***Discussion:**

The specific plan proposes rezoning an approximate .11-acre portion of a property to amend the hours of operation only, at 3000 W. Valencia Road, Suite 210, for Sol Flower, an existing approved marijuana dispensary. The property is located outside the Maeveen Marie Behan Conservation Lands System.

***Conclusion:**

The specific plan rezoning extends the hours of operation from 7 am through midnight (versus 10 pm). The proposal conforms to its Multifunctional Corridor Comprehensive Plan land use designation and is located within the Southwest Focused Development Investment (Growth) Area.

***Recommendation:**

Staff and the Planning and Zoning Commission recommend APPROVAL subject to standard and special conditions.

***Fiscal Impact:**


0


***Board of Supervisor District:**

- 1
- 2
- 3
- 4
- 5
- All

Department: Development Services - Planning Telephone: 520-724-6675

Contact: Terrill L. Tillman, AICP, Planner III Telephone: 520-724-6921

Department Director Signature:  For Date: 3/12/25

Deputy County Administrator Signature:  Date: 3/14/2025

County Administrator Signature: _____ Date: 3/14/2025



PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Adelita Grijalva, Supervisor, District 5

FROM: Chris Poirier, Deputy Director
Public Works-Development Services Department-Planning Division
Tom Drzewski

DATE: March 11, 2025

SUBJECT: P24SP00006 MANZANITA INVESTMENT GROUP, LLC – W. VALENCIA ROAD SPECIFIC PLAN

The above referenced Specific Plan Rezoning is within your district and is scheduled for the Board of Supervisors' **TUESDAY, APRIL 1, 2025** hearing.

REQUEST: For a **specific plan rezoning** for approximately .11 acres (portion of parcel code 137-22-0250) from the CB-1 (Local Business) to the SP (Specific Plan) zone, located at the northwest corner of W. Valencia Road and S. Cardinal Avenue, addressed as **3000 W. Valencia Road, Suite 210**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Multifunctional Corridor.

OWNERS: Manzanita Investment Group, LLC
6298 E. Grant Road, Suite 100
Tucson, AZ 85741

AGENT: Lazarus & Silvyn, P. C.
Keri Sylvyn and Robin Large
5983 E. Grant Road, Suite 290
Tucson, AZ 85712

DISTRICT: 5

STAFF CONTACT: Terrill L. Tillman, AICP, Planner III

PUBLIC COMMENT TO DATE: As of March 11, 2025, staff has received 22 letters of support.

PLANNING & ZONING COMMISSION RECOMMENDATION: **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS 9-0** (Commissioner Lane was absent)

STAFF RECOMMENDATION: **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM DESIGNATIONS: The subject site is located outside the Maeveen Marie Behan Conservation Lands System.

TD/TT/ds
Attachments



BOARD OF SUPERVISORS MEMORANDUM

SUBJECT: P24SP00006

Page 1 of 3

FOR APRIL 1, 2025 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Chris Poirier, Deputy Director 
Public Works-Development Services Department-Planning Division

DATE: March 11, 2025

ADVERTISED ITEM FOR PUBLIC HEARING

SPECIFIC PLAN REZONING

P24SP00006 MANZANITA INVESTMENT GROUP, LLC – W. VALENCIA ROAD SPECIFIC PLAN REZONING

3000 W. Valencia, LLC, on behalf of Manzanita Investment Group, LLC represented by Lazarus & Silvyn, P.C., request a **specific plan rezoning** for approximately .11 acres (portion of parcel code 137-22-0250) from the CB-1 (Local Business) to the SP (Specific Plan) zone, located at the northwest corner of W. Valencia Road and S. Cardinal Avenue, addressed as **3000 W. Valencia Road, Suite 210**. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Multifunctional Corridor. On motion, the Planning and Zoning Commission voted to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS 9-0** (Commissioner Lane was absent). Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.
(District 5)

Planning and Zoning Commission Public Hearing Summary (January 29, 2025)

The public hearing was held in person and virtually. Some commissioners attended in person while others attended virtually and through the telephonic option. Staff and the applicant attended and presented in person.

Staff presented information from the staff report to the commission with a recommendation of approval subject to standard and special conditions added to Section V of the final specific plan.

A commissioner questioned whether other dispensaries would take this path in order to extend their business hours if this request is approved. Staff replied that this is possible since there is competition in the market. The commissioner stated that there may be a number of applicants coming before the commission for the same reason. Staff replied that dispensaries are heard at the commission and this request is not much more intense than currently required; each site will

be evaluated based upon its specific characteristics. The commissioner commented that this will open the door for all dispensaries to amend their hours of operation.

A commissioner questioned why the hours of operation are so limited. Staff replied that Pima County aligned its zoning code with the City of Tucson's dispensary requirements and the limitation does not come from any state requirement.

The applicant's representative presented additional information about the proposed project and discussed that the customer base requested extended hours. She clarified that at the time the City of Tucson limited the hours of operation was due to the unknowns when marijuana use became legal and there were security concerns. She stated that these uses actually provide additional security.

A commissioner clarified that the only change to the use is in the hours of operation. The applicant stated that is correct.

A commissioner questioned whether the extended hours of operation would have additional security for the site. The applicant responded that additional security will be provided.

The hearing was opened to the public and there was no one from the public to speak. The public hearing was closed.

Commissioner Maese made a motion to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**; Commissioner Gungle gave second.

The commission voted to recommend **APPROVAL** of the specific plan rezoning 9 – 0 (Commissioner Lane was absent) subject to the following Standard and Special conditions added to Section V of the Specific Plan:

IF THE DECISION IS MADE TO APPROVE THE SPECIFIC PLAN, THE FOLLOWING REQUIREMENTS SHOULD BE MADE CONDITIONS OF APPROVAL. THE FOLLOWING CONDITIONS MAY RESIDE WITHIN THE SPECIFIC PLAN DOCUMENT:

1. Not more than 60 days after the Board of Supervisors approves the specific plan, the owner(s) shall submit to the Planning Director the specific plan document, including the following conditions and any necessary revisions of the specific plan document reflecting the final actions of the Board of Supervisors, and the specific plan text and exhibits in an electronic and written format acceptable to the Planning Division.
2. In the event of a conflict between two or more requirements in this specific plan, or conflicts between the requirements of this specific plan and the Pima County Zoning Code, the specific plan shall apply. The specific plan does not regulate Building Codes.
3. This specific plan shall adhere to all applicable Pima County regulations that are not explicitly addressed within this specific plan. The specific plan's development regulations shall be interpreted to implement the specific plan or relevant Pima County regulations.
4. Adherence to the specific plan document as approved at the Board of Supervisor's public hearing.
5. The hours of operation shall be limited to 7 am through midnight.
6. In the event the subject property is annexed, the property owner shall adhere to all applicable conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
7. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act rights: "Property Owner acknowledges that neither the rezoning of

the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l).”

TD/TT/ds
Attachments

c: Keri Silvyn & Robin Large

SOL FLOWER VALENCIA SPECIFIC PLAN



Exhibit I.A.2: Plaza Location Map



DO NOT SCALE MAP - FOR REFERENCE ONLY



Feet

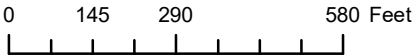
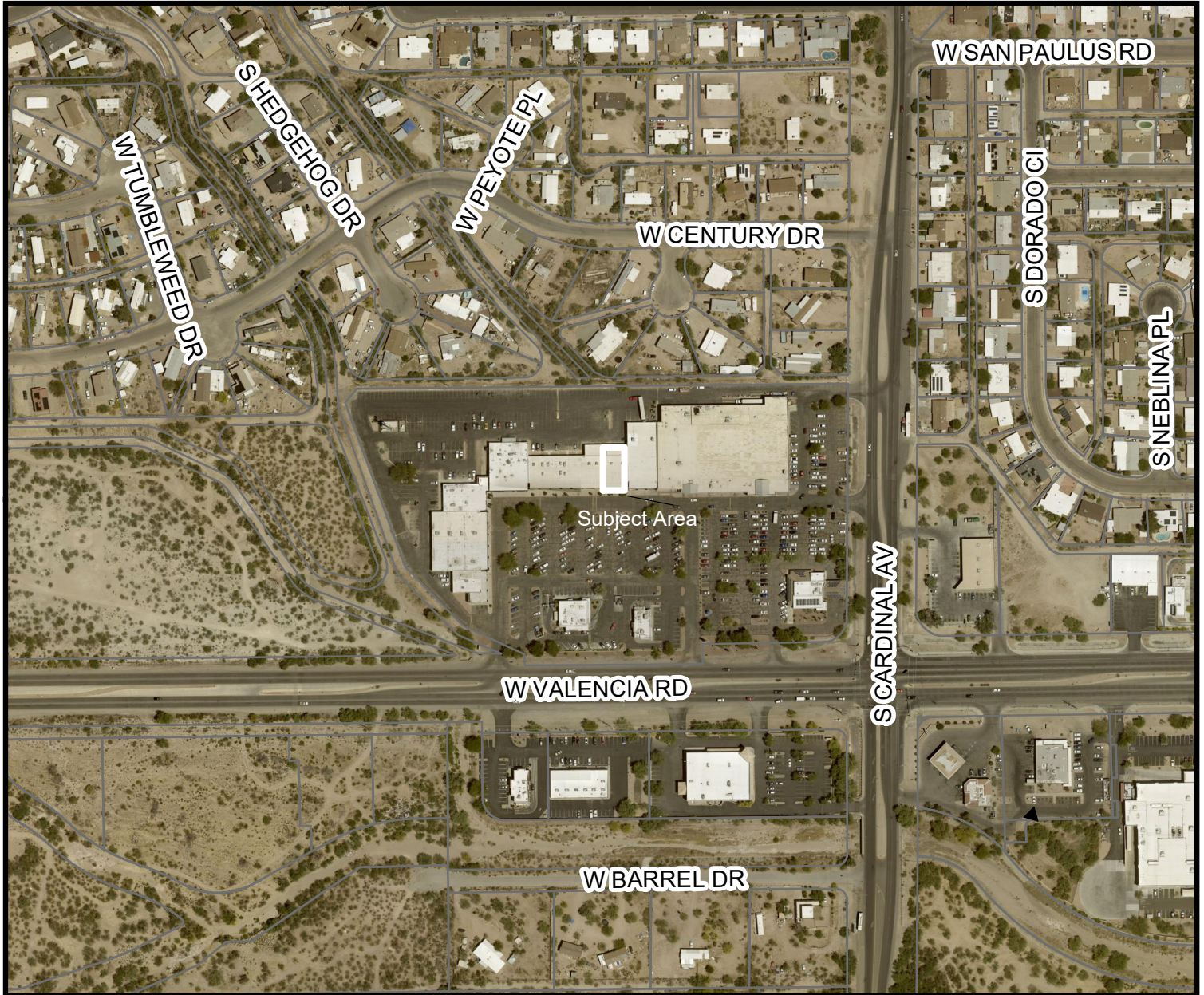


Case #: P24SP00006

Case Name: MANZANITA INVESTMENT GROUP, LLC - W. VALENCIA ROAD
SPECIFIC PLAN REZONING



Tax Code(s): Portion of Parcel 137-22-0250

AERIAL EXHIBIT



Area of proposed rezoning from CB-1 to SP 

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**

	Notes:		
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10		
	Map Scale: 1:4,000	Map Date: 11/7/2024 - ds	

**SPECIFIC PLAN
PLANNING AND ZONING COMMISSION
STAFF REPORT**

HEARING DATE	January 29, 2025
CASE	P24SP00006 Manzanita Investment Group, LLC – W. Valencia Road Specific Plan (Sol Flower Valencia Specific Plan)
PLANNING AREA	Southwest
DISTRICT	5
LOCATION	The suite is located within the strip commercial development located at the northwest corner of W. Valencia Road and S. Cardinal Avenue.
ACREAGE	.11 (+/-) acres
REQUEST	A Specific Plan Rezoning for an existing use within Suite 210 of the Manzanita Plaza Shopping Center to amend the hours of operation for the marijuana dispensary. The rezoning request is from the CB-1 (Local Business) to the SP (Specific Plan) zone.
OWNER	Manzanita Investment Group, LLC 6298 E. Grant Road, Suite 100 Tucson, AZ 85741
AGENT	Lazarus & Silvyn, P. C. Keri Sylvyn and Robin Large 5983 E. Grant Road, Suite 290 Tucson, AZ 85712

APPLICANT’S PROPOSED USE

The applicant proposes a specific plan rezoning for an approximate .11-acre portion of a property to amend the hours of operation for Suite 210, Sol Flower for an existing, approved marijuana dispensary.

APPLICANT’S STATED REASON

“The Plaza is zoned a combination of CB-1 (Local Business Zone) and CB-2 (General Business Zone), and the Property is zoned CB-1, which permits the marijuana dispensary use, subject to a Type III Conditional Use Permit. On December 20, 2022, the County Board of Supervisors approved a CUP to allow the operation of the marijuana dispensary on the Property. Sol Flower opened to the public on September 10, 2023. The Pima County Zoning Code Section 18.43.030.B(59)(c) limits a marijuana dispensary’s hours of operation to between 7:00 a.m. and 10:00 p.m. The State of Arizona (“State”) has no regulations governing a dispensary’s hours of operation.”



STAFF REPORT SUMMARY

Staff recommends **APPROVAL** of the Sol Flower Specific Plan (SP) rezoning subject to the addition of conditions to Section V. The specific plan rezoning is located within the Southwest Focused Development Investment Area (FDIA), adheres to the Comprehensive Plan’s Multifunctional Corridor land use designation and is an existing use under a Type III Conditional Use Permit approved by the Board of Supervisors, December 20, 2022. The extended hours of operation seem appropriate given that Sol Flower’s additional security will benefit the shopping center as a whole.

PUBLIC COMMENT

As of the writing of this report, January 14, 2025, staff has not received any written comment.

Published and mailed notice of the proposal along with the website posting of the application and specific plan will occur a minimum of fifteen days prior to public hearing. A draft staff report will be available a minimum of fifteen days prior to public hearing with the final version posted to the website. The website will be updated to include public comment throughout the process to the Planning and Zoning Commission and the Board of Supervisors.

COMPREHENSIVE PLAN POLICIES AND REGIONAL PLAN POLICIES

The land use designation of the subject site is Multifunctional Corridor (MFC). The MFC designation plans for integrated development with complementary uses along major transportation corridors containing commercial and other non-residential use services and provides guidance for compatible land uses that protect the health, safety and welfare of the community.

The Southwest Infrastructure Plan, S-29 (SWIP) special area policies were not in effect at the time of development, but the development is served by adequate infrastructure.

The proposal is supported by the Comprehensive Plan Regional Policies listed below:

Use of Land:

- Support land uses, densities, and intensities appropriate for the urban, suburban, and rural areas of the unincorporated County

Economic Development Goals and Policies:

- Aid the protection of our existing employers
- Create and maintain a positive climate for business

The policies of Pima Prospers are implemented within the specific plan rezoning by supporting the protection of an existing business within a FDIA.

SURROUNDING LAND USES/GENERAL CHARACTER

North:	TH	Developed Mobile Home Subdivision
South:	CB-1	Walgreens/Strip Services/Fast Food Drive Thru
East:	CB-2	Auto Zone/Ace Hardware Property
West:	TR/CB-2	Vacant Commercial Lots

The Valencia Road thoroughfare is predominantly commercial uses east of the subject site, providing grocery, banking, strip retail, automobile services, personal services, restaurants, car wash, a hardware store and big box retail. To the west, commercial zoning exists with few businesses in between vacant lots and apartment complexes. There are a mix of low, medium and high-density residential uses surrounding the commercial corridor. There is a larger

amount of un-subdivided, original GR-1 (Rural Residential) and SH (Suburban Homestead) zoned properties that were developed without adequate infrastructure.

PREVIOUS REZONING CASES ON PROPERTY

The 13.08-acre commercial center was rezoned in 1961 from GR to CB-1 (Local Business) by case Co9-61-088 with no conditions. A subsequent rezoning for a 3.88-acre portion of the site was rezoned from the CB-1 to the CB-2 (General Business) zone in 1963 by case Co9-63-113 with no conditions.

PREVIOUS REZONING CASES IN GENERAL AREA

Recent activity:

Case P20SP00001- W. Valencia Road, Belnor Vista Specific Plan approved by the Board of Supervisors June 22, 2021 for 125-acre Specific Plan for mixed-use live/work/play multi-modal destination that include potential uses such as offices, restaurant, commercial services, single and multi-family housing and a regional County library. The Belnor Vista Specific Plan is intended to be flexible in nature to attract end users interested in a unique development opportunity. In addition to the proposed uses, the specific plan allows all CB-2 (General Business) and CPI (Campus Park Industrial) zoning uses. The specific plan is located approximately one-half mile west of the subject rezoning.

Case P22RZ00001- S. Cardinal Avenue Rezoning located approximately 700 feet southeast of the subject rezoning for a 273-lot single family residential subdivision with 31% natural and functional open space was approved by the Board of Supervisors on November 1, 2022.

Past activity:

Properties surrounding the subject property have been rezoned to CB-1, CB-2, and TR (Transitional) for commercial uses beginning in 1961 through 2022. Residential rezonings to the CR-2 and CR-3 (Single Residence), CR-4 (Mixed-Dwelling Type) and CR-5 (Multiple Residence) have occurred over the span of years from the most recent rezoning in 2022 and going back to 1969. There is a larger amount of un-subdivided, original GR-1 and SH zoned properties that were developed without adequate infrastructure.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (CLS)

The site is located outside the Maveen Marie Behan CLS.

PLANNING REPORT

The proposed Sol Flower Valencia Specific Plan (SP) will allow extended hours of operation for the Sol Flower Dispensary. Staff supports the request because the SP conforms to the property's MFC comprehensive plan land use designation and the Comprehensive Plan, Pima Prospers supports the protection of our existing employers and creating and maintaining a positive climate for business.

The subject .11-acre suite currently operates as the Sol Flower marijuana dispensary under a Type III Conditional Use Permit, approved by the Board of Supervisors on December 20, 2022. The Pima County Zoning Code limits the operating hours of a marijuana dispensary from 7 am thru 10 pm, conversely, the State of Arizona has no limit on a dispensary's operating hours. The specific plan does not plan to limit the hours of operation.

There were several options to amend the hours of operation for the use, one being a specific plan rezoning and the other, through the variance process that allows the Pima County Board of Adjustment to amend the requirements and standards of the Pima County Zoning Code. The Board of Adjustment may allow a variance or change from the provisions of the zoning code

considering the standards by which a variance may be granted. A variance in this case could have been granted because the strict application of the code could work an unnecessary hardship, the change of hours would not have allowed a use which is not permitted in the zone by the code, the request was in harmony with the general intent and purposes of the code and the provision for which the variance was requested did not violate state law. The applicant applied for a variance to extend the operating hours of the dispensary from 7 am thru midnight, which was an appropriate path to compliance, however, the variance was denied citing concerns that the Board of Supervisors approved the Type III Conditional Use Permit and should also hear the change in hours.

The specific plan will conform the property to its existing, approved use with extended hours of operation without the need for additional public processes and the Board of Supervisors may hear the proposed changes, validating the Board of Adjustment's decision. Based upon the allowances in the zoning code for relief from the provisions of the code and the fact that the specific plan rezoning will align the Board of Adjustment's decision, staff supports the specific plan rezoning request with limited hours of operation from 7 am thru midnight, captured as rezoning condition #5.

The area contains several big box retailers as well as two casinos that are larger, 24-hour based employers in the area. The marijuana dispensary has received public comments requesting the extended hours of operation for those who do not work regular day time or evening work hours. The Sol Flower dispensary provides additional security to the commercial center while in operation, so with extended hours, the commercial center as a whole can benefit from the extended hours of security.

Concurrency of Infrastructure:

Concurrency of infrastructure exists to serve the proposed development.

CONCURRENCY CONSIDERATIONS		
<i>Department/Agency</i>	<i>Concurrency Considerations Met: Yes / No / NA</i>	<i>Other Comments</i>
TRANSPORTATION	Yes	No objection
FLOOD CONTROL	Yes	No objection
WASTEWATER	Yes	No objection
DEPARTMENT OF ENVIRONMENTAL QUALITY	N/A	
WATER	Yes	No comment
SCHOOLS	N/A	

TRANSPORTATION REPORT

The Department of Transportation has no objection to the specific plan.

FLOOD CONTROL REPORT

The Regional Flood Control District has the following comments:

1. The site is not impacted by a federal or local floodplain and is not impacted by Regulated Riparian Habitat.

2. The sole purpose of this submittal of a Specific Plan is to eliminate the hours of operation at the existing location. There is no proposed development, and the business is within an existing shopping mall, as such there will be no change to the drainage to the existing property.

The Regional Flood Control District has no objection to the specific plan.

WASTEWATER RECLAMATION REPORT

The Pima County Regional Wastewater Reclamation Department (PCRWRD) has no comment as the specific plan rezoning is served by existing wastewater infrastructure.

PCRWRD has no objection to the proposed rezoning.

ENVIRONMENTAL PLANNING REPORT

Environmental Planning has no comment.

CULTURAL RESOURCES REPORT

Cultural Resources has no comment since there is no new ground disturbance.

DEPARTMENT OF ENVIRONMENTAL QUALITY

The Department of Environmental Quality have no comment since there is no new ground disturbance.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

Natural Resources, Parks and Recreation have no comment.

PASQUA YAQUI TRIBAL AUTHORITY (PYT)

The Pasqua Yaqui Tribal Authority have no comment.

TOHONO O'ODAM NATION, SAN XAVIER DISTRICT

The San Xavier District have no comment.

UNITED STATES FISH AND WILDLIFE SERVICE REPORT

US Fish and Wildlife Service have no comment.

WATER DISTRICT REPORT

Tucson City Water has no comment.

FIRE DISTRICT REPORT

Drexel Fire District has no comment.

IF THE DECISION IS MADE TO APPROVE THE SPECIFIC PLAN, THE FOLLOWING REQUIREMENTS SHOULD BE MADE CONDITIONS OF APPROVAL. THE FOLLOWING CONDITIONS MAY RESIDE WITHIN THE SPECIFIC PLAN DOCUMENT:

1. Not more than 60 days after the Board of Supervisors approves the specific plan, the owner(s) shall submit to the Planning Director the specific plan document, including the following conditions and any necessary revisions of the specific plan document reflecting the final actions of the Board of Supervisors, and the specific plan text and exhibits in an electronic and written format acceptable to the Planning Division.
2. In the event of a conflict between two or more requirements in this specific plan, or conflicts between the requirements of this specific plan and the Pima County Zoning Code, the specific plan shall apply. The specific plan does not regulate Building Codes.

3. This specific plan shall adhere to all applicable Pima County regulations that are not explicitly addressed within this specific plan. The specific plan's development regulations shall be interpreted to implement the specific plan or relevant Pima County regulations.
4. Adherence to the specific plan document as approved at the Board of Supervisor's public hearing.
5. The hours of operation shall be limited to 7 am thru midnight.
6. In the event the subject property is annexed, the property owner shall adhere to all applicable conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
7. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Respectfully Submitted,



Terrill L. Tillman, AICP
Planner III

c: Keri Silvyn

Multifunctional Corridor (MFC)

Objective: To designate areas for the integrated development of complementary uses along major transportation corridors. The MFC designation serves a similar purpose as the CAC plan designation. These areas contain commercial and other non-residential use services, research and development and similar uses (as delineated in the CPI zoning district) and medium to high density residential clusters in a linear configuration along major transportation corridors. Potential adverse impacts of strip commercial development are mitigated through application of special design standards, in the zoning code and design manuals such as standards for access management, building setbacks, open space, signs, parking, and landscaping.

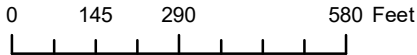
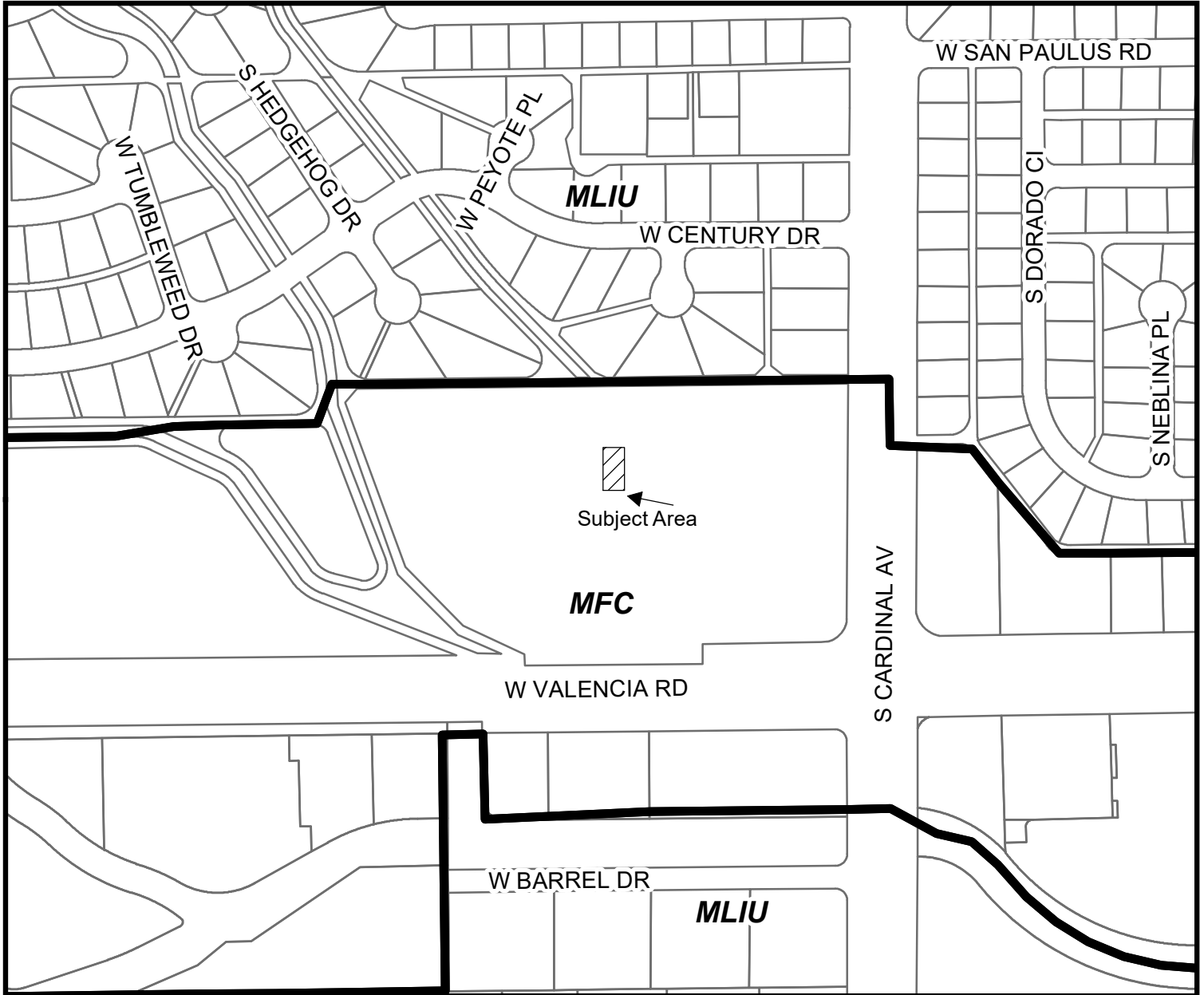
- Residential Gross Density: (if applicable) Minimum- 6 RAC; Maximum- as allowed by the requested conforming zoning district
- Residential Gross Densities for TDR Receiving Areas: Minimum- 6 RAC; Maximum- 18 RAC

Case #: P24SP00006



Case Name: MANZANITA INVESTMENT GROUP, LLC - W. VALENCIA ROAD
SPECIFIC PLAN REZONING

Tax Code(s): Portion of Parcel 137-22-0250

Comprehensive Plan Exhibit



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

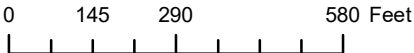
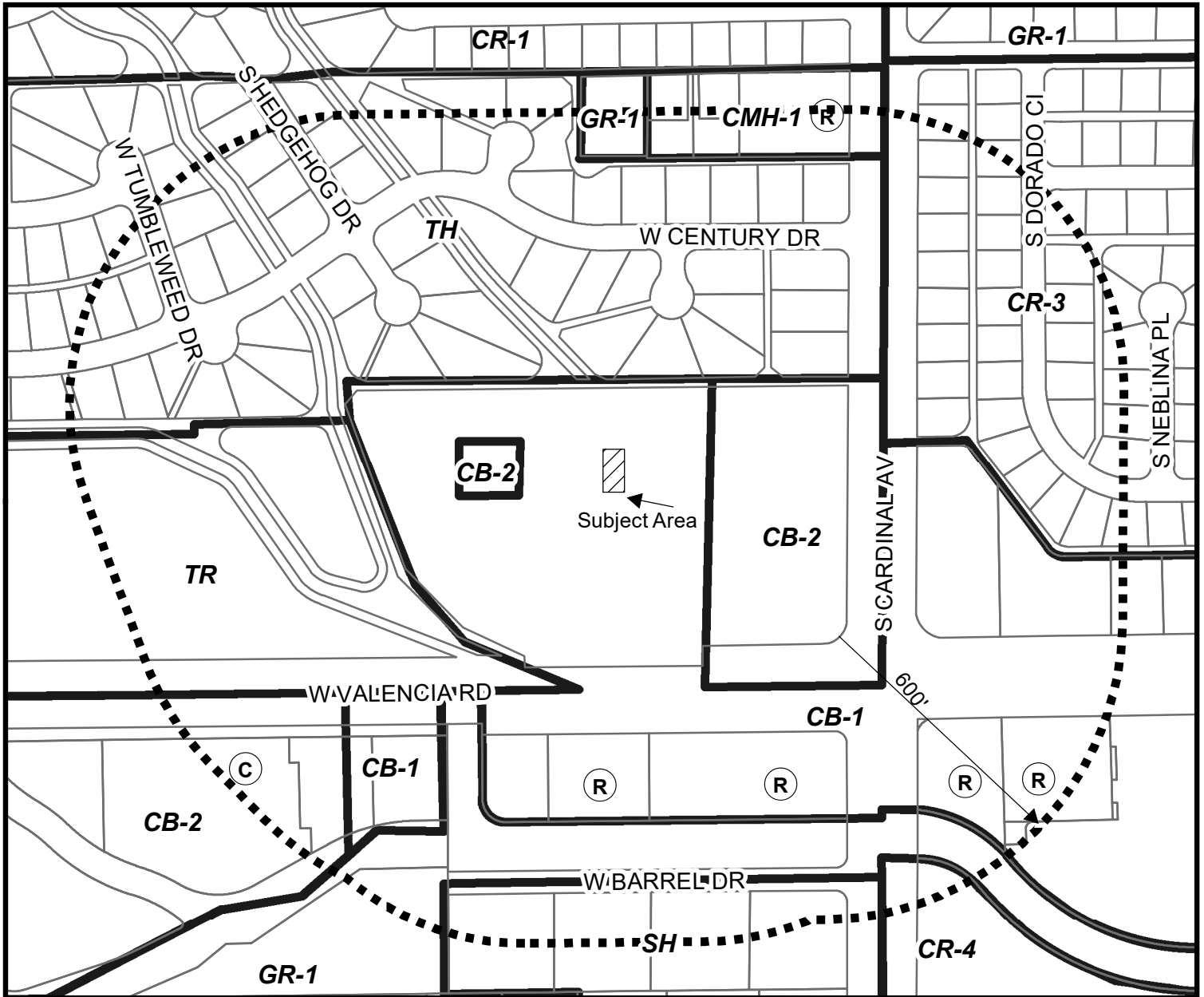
	Notes:		
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10		
	Map Scale: 1:4,000		Map Date: 11/7/2024 - ds

Case #: P24SP00006

Case Name: MANZANITA INVESTMENT GROUP, LLC - W. VALENCIA ROAD
SPECIFIC PLAN REZONING



Tax Code(s): Portion of Parcel 137-22-0250

600' Notification Area



Area of proposed rezoning from CB-1 to SP 

PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

	Notes:		
	PIMA COUNTY COMPREHENSIVE PLAN CO7-13-10		
	Planning & Zoning Hearing: 1/29/24 (scheduled)	Board of Supervisors Hearing: TBA	
	Base Map(s): 35 & 62	Map Scale: 1:4,000 Map Date: 11/7/2024 - ds	

October 21, 2024

Pima County Development Services
Planning Department
201 N. Stone Avenue
Tucson, Arizona 85701

Re: Sol Flower Valencia Specific Plan

Dear Planning Department:

On behalf of 3000 W Valencia, LLC, a subsidiary of Copperstate Farms (“Copperstate”), our Firm is submitting a request to rezone a portion of Manzanita Plaza shopping center (the “Plaza”) located at the northwest corner of W. Valencia Road and S. Cardinal Avenue (APN 137-22-0250) in unincorporated Pima County (the “County”). The Plaza is currently zoned a combination of CB-1 (Local Business Zone) and CB-2 (General Business Zone). Specifically, this request is to rezone the tenant space occupied by Sol Flower Dispensary (the “Sol Flower”) at 3000 W. Valencia Road (the “Property”) to Specific Plan to remove the hours of operation restriction for this Sol Flower location only.

A. Background Facts

On December 20, 2022, the County Board of Supervisors (“BOS”) approved a Type III Conditional Use Permit (“CUP”) to allow the operation of the marijuana dispensary on the Property.¹ To obtain its operational authority from the Arizona Department of Health Services (“AZDHS”), the dispensary had to demonstrate that it meets all County use standards for a dispensary, in addition to the requirements of the AZ adult-use marijuana law, AZDHS regulations and all other applicable laws. Plans demonstrating compliance were approved and implemented prior to operation, and Sol Flower opened to the public on September 10, 2023.

Although the State has no regulations governing a dispensary’s hours of operation, the Pima County Zoning Code (“PCZC”) § 18.43.030.B(59)(c) limits all marijuana dispensary’s hours of operation to between 7:00 a.m. and 10:00 p.m. The BOS established these hours of operation for all dispensaries when marijuana was legalized in anticipation of actual or perceived negative impacts from the land use that would not otherwise be mitigated by the State regulations.

¹ P22CU00009

Since opening its doors last year, many of the surrounding businesses have commented on the added security that Sol Flower brings to the shopping center during operating hours. In addition, Sol Flower customers at this location, particularly those in the hospitality or other industry whose shifts do not end until after Sol Flower's closing time, have requested extended hours of operation.

As was demonstrated during the CUP process for this Property in particular, the land use has not produced the concerned public response anticipated at the time the zoning regulations were crafted. No neighbors attended the neighborhood meeting nor appeared at the CUP hearing. Marijuana dispensaries in general, and Copperstate's Sol Flower in particular, have proven they can operate in a safe and secure manner and have adopted protocols to minimize or negate potential impacts to neighbors (e.g., odor, loitering, underage usage). This lack of unintended consequences aligns with the results of the ballot measure for adult-use marijuana, which was supported by over 60% of voters in this precinct.

Outwardly, Sol Flower operates like any other retail or commercial business, and the anticipated unintended consequences of this use that were the basis of the County's regulatory restrictions have simply not come to fruition. This Sol Flower location is within an existing shopping center with one user open until 1 a.m., and another that operates 24-hours. The shopping center is adjacent to a major arterial road (Valencia) and there is significant 24/7 hospitality and other industries nearby with varying shift workers. After being open for more than seven months, there have been no reported safety or security issues at this Sol Flower location and removing the hours of operation limitation will only generate positive impacts for the Plaza by increasing the amount of security on the Property. In fact, with a track record of safe operation, other jurisdictions have permitted expanded hours of operation with several dispensaries across the State now staying open until midnight or beyond.

In February of this year, Copperstate submitted a request for a variance asking for relief from the PCZC provision hours of operation.² On March 14, the County District 5 Board of Adjustment ("BOA") voted 2-2 on the variance request. While the result of a tie vote is denial, the BOA members who voted against the proposal indicated they did not necessarily have an issue with the request. Instead, they felt that since the BOS adopted the hours of operation, the BOS should be the ones to approve any relief rather than the BOA. It should be noted that the BOA for District 1 approved relief from the hours of operation for a second Sol Flower dispensary location also approved through a CUP process at the BOS. Requests have not been made for other dispensary locations.

² P24VA00004

B. Zoning Options and Reasons for Specific Plan Request

After the BOA hearing, our team met with staff to consider zoning alternatives, and together we concluded there are two options:

1. PCZC Text Amendment

A text amendment could be processed to delete or modify PCZC § 18.43.030.B(59)(c), the use standard restricting the hours of operation for marijuana dispensaries. Such an amendment would apply to all marijuana dispensaries in the County, regardless of a property's unique site situation or context.

2. Specific Plan

Rezoning to Specific Plan allows for site-specific modifications to use standards that are appropriate for this Property and its neighborhood context. The Specific Plan approach enables Sol Flower to change its hours of operation while continuing to adhere to all other County use standards for marijuana dispensaries. In this case, Sol Flower operates within an existing shopping center along a major arterial roadway with sufficient parking, and the closest residential neighbor is located behind the Plaza. There is customer activity within the Plaza every night past 10:00 p.m., and Sol Flower's tenant neighbors have expressed appreciation for the added security measures that Copperstate has put into place within the Plaza. Removing restrictions on Sol Flower's hours of operation is a reasonable request considering that the Plaza includes Desert Sports & Fitness, which is open 24 hours a day, and Famous Sam's Sports Grill, where alcohol may be consumed on the premises and is open until 1:00 a.m. Sol Flower's products may not under any circumstances be consumed within the store or anywhere within the Plaza, including the parking lot, and such activity is closely monitored by Sol Flower security.

C. Conclusion

Limiting the hours of operation for Sol Flower below other users in the Plaza does not make sense. No other retail land use is subject to restricted hours of operation by the PCZC. As long as a land use complies with State regulations, a business' hours of operation should be able to be tailored to fit its customer demand and location context. The Specific Plan is the preferred entitlement option because it limits modification of use standards to only this Property.

The Sol Flower Valencia Specific Plan (the "Specific Plan") is requested based on Copperstate's desire to meet the needs of its customers without adversely impacting adjacent properties. The request, as described above, provides a benefit to the community and will contribute to the overall success and security of the Plaza. Since opening, Sol Flower has created jobs, added to tax revenues, and demonstrated a strong track record of safety. Their customers have requested extended hours and neighboring businesses support this request. The Specific

Plan is submitted herewith for your review. Our team is happy to discuss the proposal as you conduct your review.

Sincerely,

A handwritten signature in blue ink that reads "Keri Silvyn". The signature is written in a cursive, flowing style.

Keri Silvyn, Esq.

Attachments:

Sol Flower Valencia Specific Plan
Owner Authorization Letter

cc: Patrick Barrett

January 3, 2025

Dear Neighbors and Nearby Property Owners:

As a nearby property owner and neighbor, we invite you to join us for a neighborhood meeting to learn more about a proposed rezoning request related to the Sol Flower Dispensary (“Sol Flower” or “Dispensary”) located within Manzanita Plaza (the “Plaza”) at 3000 W. Valencia Road (the “Property”) in unincorporated Pima County (“County”). (See *Location Map below.*) Although there is no State law restricting the hours of operation, the County Zoning Code currently requires dispensaries to close by 10:00 p.m. Sol Flower’s owners are seeking a rezoning of the Sol Flower tenant space to remove restrictions on the Dispensary’s hours of operation (the “Project”) and align hours of operation with other tenants in the Plaza. If successful, the rezoning would change the zoning of only the Sol Flower tenant space from CB-1 (Local Business Zone) to Specific Plan, a zoning designation tailored to this specific site and use. No other changes to Manzanita Plaza are proposed, and the only modification proposed for Sol Flower relates to its hours of operation.

Sol Flower opened to the public on September 10, 2023. To obtain its operational authority from the Arizona Department of Health Services (“AZDHS”), the Dispensary had to demonstrate that it meets all the requirements of the AZ adult-use marijuana law, AZDHS regulations and all other applicable laws. In fact, Sol Flower exceeds many of the State regulations, especially related to its strict and comprehensive security measures. Sol Flower’s tenant neighbors have expressed appreciation for the added security measures that Copperstate has provided within the Plaza during Sol Flower’s operating hours. Many Sol Flower customers, particularly those in the hospitality or other industry whose shifts do not end until after 10:00 pm, have requested extended hours of operation. Based on adjacent tenant hours of operation (some 24-hour), there is already customer activity within the Plaza every night past 10:00 p.m.

We are hosting this meeting to provide you with information about the proposed Project. The meeting will include a presentation about the Project, a review of the County’s rezoning process and plenty of time for questions. The meeting will be held in-person on:

Thursday, January 16, 2025 at 6:00pm
Miller Elementary School Cafeteria
6951 S. Camino De La Tierra

If you cannot attend the meeting, or if you have questions about the Project or the rezoning process, please contact Keri Silvyn or Robin Large at (520) 207-4464, or via email at:

KSilvyn@LSLawAZ.com or
RLarge@LSLawAZ.com.

Sincerely,
Keri Silvyn & Robin Large
Lazarus & Silvyn, P.C.



Sol Flower Valencia Specific Plan

Neighborhood Meeting Summary

Project: The owners of Sol Flower Dispensary (“Sol Flower” or “Dispensary”), located within Manzanita Plaza (the “Plaza”) at 3000 W. Valencia Road (the “Property”) in unincorporated Pima County (“County”), are seeking a rezoning of the Sol Flower tenant space to extend the Dispensary’s hours of operation to midnight (the “Project”). Although there is no State law restricting the hours of operation, the County Zoning Code currently requires dispensaries to close by 10:00 p.m. If successful, the rezoning would change the zoning of only the Sol Flower tenant space from CB-1 (Local Business Zone) to Specific Plan, a zoning designation tailored to this specific site and use. No other changes to Manzanita Plaza are proposed, and the only modification proposed for Sol Flower relates to its hours of operation.

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Date/Time: Thursday, January 16, 2025
6:00 p.m.

Location: Miller Elementary School Cafeteria, 6951 S. Camino De La Tierra

Meeting Invitation: The meeting invitation was sent to all property owners within 600 feet of the Property via First-class Mail using a County-generated mailing list.

Attendance: Other than the Project Team, there were no attendees.

Project Team: The Project Team in attendance included:

- Aly Ennis & Roy Rivas, Sol Flower
- Keri Silvyn & Robin Large, Lazarus & Silvyn (Planning/Zoning Consultants)

The meeting concluded at approximately 6:25 p.m.

January 3, 2025

Dear Neighbors and Nearby Property Owners:

As a nearby property owner and neighbor, we invite you to join us for a neighborhood meeting to learn more about a proposed rezoning request related to the Sol Flower Dispensary (“Sol Flower” or “Dispensary”) located within Manzanita Plaza (the “Plaza”) at 3000 W. Valencia Road (the “Property”) in unincorporated Pima County (“County”). (See *Location Map below.*) Although there is no State law restricting the hours of operation, the County Zoning Code currently requires dispensaries to close by 10:00 p.m. Sol Flower’s owners are seeking a rezoning of the Sol Flower tenant space to remove restrictions on the Dispensary’s hours of operation (the “Project”) and align hours of operation with other tenants in the Plaza. If successful, the rezoning would change the zoning of only the Sol Flower tenant space from CB-1 (Local Business Zone) to Specific Plan, a zoning designation tailored to this specific site and use. No other changes to Manzanita Plaza are proposed, and the only modification proposed for Sol Flower relates to its hours of operation.

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Keri Silvyn & Robin Large
Lazarus & Silvyn, P.C.



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The meeting concluded at approximately 6:25 p.m.

DSD - Application for Rezoning or Specific Plan

10/21/2024 2:28 PM (MST)

Comprehensive Plan Amendment Application OR Concurrent Comprehensive Plan Amendment and Rezoning or Specific Plan Application

To electronically submit a rezoning application, complete the application and upload the required documentation. To submit an application in person to 201 N Stone Avenue, 1st-floor Planning, fill out the printable application and submit the application and attachments in electronic form.

If you have additional questions please visit our [Rezoning Application & Submittal Guidelines page](#).

Full Name: Manzanita Investment Group, LLC

Mailing Address: 6298 E. Grant Rd., Ste. 100

City: Tucson

State: AZ

Zip Code: 85712

Email: melissa@larsenbaker.com

Phone: 5202960200

Is the property owner the applicant? No, the owner is not the applicant

Applicant's Full Name: Robin Large & Keri Silvyn

Applicant's Address: 5983 E. Grant Rd., Ste. 290

City: Tucson

State: AZ

Zip Code: 85712

Email: RLarge@LSLawAZ.com

Phone: 5202074464

Property Address: 3000 W. Valencia Road, Suite 210

Tax Parcel Number: 137-22-0250

Acreage: 0.11

Present Zone: CB-1

Proposed Zone: Specific Plan

Letter of Authorization

If the applicant is not shown as the owner of the subject parcel a letter of authorization with a signature matching the APIQ must accompany the application at the time of submittal. For example, if the APIQ indicates ownership in a numbered trust such as Chicago Title and Trust #700, a signature of the Trust Officer is required along with a disclosure of the beneficiaries of the trust. If the APIQ indicates ownership to be in an LLC, LP, corporation or company, a signature from an officer with his/her title is required along with a disclosure of the officers of the entity.

Upload Letter of Authorization:



sol flower mig signed authorization.pdf

Site Analysis Document

Submit an electronic version of the site analysis document for a Site Analysis Rezoning or Specific Plan OR submit an electronic version of the required submittal documents as requested at the Pre-Rezoning Meeting for a Non-Site Analysis Rezoning.

Upload Site Analysis Document:



Sol Flower Valencia Specific Plan.pdf



Sol_Flower_Valencia_SP_cover_letter.pdf

Upload ESRI Shapefile or AutoCad DWG File

An ESRI Shapefile or AutoCad DWG file referenced to the Pima County GIS coordinate system for any zoning and/or land use boundary contained within a portion of a parcel or parcels that creates its own unique boundary that is not legally described.

Terms and conditions

- I confirm the information provided is true and accurate to the best of my knowledge. I am the owner of the above described property or have been authorized by the owner to make this application. (By checking the box, I am electronically signing this application.)
-

For Electronic Submittal:

A rezoning case will be opened and an email containing an invoice with the case number and instructions for making payment through the online payment portal will be sent to the applicant within 2 business days.

Attendance to a *Pre-Rezoning meeting* is a pre-requisite to rezoning application submittal. The Pre-Rezoning meeting is scheduled at 201 N. Stone Avenue, 2nd floor on the 3rd Wednesday of the month beginning at 9:00 am.

ARTICLES OF ORGANIZATION

OF LIMITED LIABILITY COMPANY

ENTITY INFORMATION

ENTITY NAME: MANZANITA INVESTMENT GROUP, LLC
ENTITY ID: 1913931
ENTITY TYPE: Domestic LLC
EFFECTIVE DATE: 10/28/2018
CHARACTER OF BUSINESS:
MANAGEMENT STRUCTURE: Manager-Managed
PERIOD OF DURATION: Perpetual
PROFESSIONAL SERVICES: N/A

STATUTORY AGENT INFORMATION

STATUTORY AGENT NAME: Jennifer Raimondi
PHYSICAL ADDRESS: 6298 E. Grant Road, Suite 100, TUCSON, AZ 85712
MAILING ADDRESS:

KNOWN PLACE OF BUSINESS

6298 E. Grant Road, Suite 100, TUCSON, AZ 85712

PRINCIPALS

Manager: George Larsen and Margaret Larsen, Trustees of the George & Margaret Larsen Exempt Trust - 6298 E. Grant Road, Suite 100, TUCSON, AZ 85712 - - Date of Taking Office: 10/28/2018

ORGANIZERS

George Larsen

SIGNATURES

Organizer: George Larsen - 10/28/2018

Space Above for ACC Use Only

**ARTICLES OF ORGANIZATION
OF
MANZANITA INVESTMENT GROUP, LLC**

Pursuant to A.R.S. Section 29-632, the undersigned hereby states as follows:

1. **Company Name.** The name of the limited liability company is MANZANITA INVESTMENT GROUP, LLC (the "Company").

2. **Address.** The address of the known place of business of the Company is 6298 E. Grant Rd., Suite 100, Tucson, AZ 85712.

3. **Statutory Agent.** The name and business, residence or mailing address of the Company's agent for service of process is Jennifer Raimondi, 6298 E. Grant Rd., Suite 100, Tucson, AZ 85712.

4. **Duration.** The duration of the Company is perpetual.


5. **Manager Managed.** Management of the limited liability company is reserved to the Manager. The following is the name, business, or mailing address of each person who is a Manager of the Company:

George Larsen and Margaret Larsen as Trustees of the George & Margaret Larsen Exempt Trust
6298 E. Grant Rd., Suite 100
Tucson, AZ 85712

7. **Member(s).** The following is the name, business, or mailing address of each Member of the Company owning a twenty percent (20%) or greater interest in the capital or profits of the Company:

George & Margaret Larsen Exempt Trust
6298 E. Grant Rd., Suite 100
Tucson, AZ 85712

DATED this 26th day of October, 2018.


George C. Larsen, Organizer

CONSENT OF STATUTORY AGENT:

The undersigned, having been designated to act as Statutory Agent for the Company, hereby consents to act in that capacity until removed or resignation is submitted in accordance with the Arizona Revised Statutes.


Jennifer Raimondi

October 9, 2024

Pima County
Development Services Department
201 N. Stone Ave., 2nd Floor
Tucson, AZ 85701

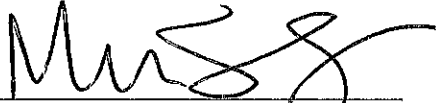
RE: Property Owner Authorization – Valencia Sol Flower Dispensary Specific Plan

Dear Development Services Department:

Manzanita Investment Group, LLC (“Manzanita”) owns the Manzanita Plaza shopping center (the “Plaza”) located at the northwest corner of W. Valencia Road and S. Cardinal Avenue, Assessor’s Parcel No. 137-22-0250, in unincorporated Pima County (“County”). The Sol Flower Dispensary (“Sol Flower”) operates out of the tenant space at 3000 W. Valencia Road (the “Property”) within the Plaza.

The purpose of this letter is to authorize Lazarus & Silvyn, P.C. and its respective employees and other engaged consultants to take such action they deem advisable in order to obtain zoning entitlements and related approvals for the Property, including but not limited to, filing an application for a Specific Plan rezoning request that will allow Sol Flower to extend its hours of operation. This authorization is limited to the Property, and the change in zoning will extend to no other tenant spaces within the Plaza.

Sincerely,

By: 
Name: MELISSA LAL
Its: MANAGER
Date: 10.17.24



4-D PROPERTIES LLP
2870 NORTH SWAN ROAD, SUITE 100
TUCSON, ARIZONA 85712
(520) 325-9600 • FAX (520) 327-9744

January 14, 2025

Pima County
Development Services Department
201 N. Stone Ave.
Tucson, AZ 85701

RE: Support for Sol Flower Valencia Specific Plan

Dear Development Services Staff:

I am writing in support of the Sol Flower Valencia Specific Plan request. We own the property across the street from the Sol Flower Dispensary and Manzanita Plaza at 2851 W. Valencia Road. I am supportive of the request to rezone the Sol Flower tenant space to permit extension of the hours of operation. In our opinion, Sol Flower has proven it is able to operate like any other retail business without producing any negative impacts on surrounding properties or businesses. Other businesses within Manzanita Plaza have commented that the dispensary has brought added security to the Plaza during the dispensary's operating hours, and extending those hours will only ensure that security is physically present for a longer period during the night.

When there is no negative impact on the surrounding area, a business' hours of operation should be tailored to fit its customer demand and location context. I'm confident that Sol Flowers will remain vigilant and continue to provide the required security to ensure the safety and security of all Manzanita Plaza customers and employees. The economic success of Sol Flower benefits all businesses in the area along Valencia, including ours. Thank you for considering my support for this request, and I encourage you to recommend approval of this project.

Sincerely,

Pat DeConcini
Cardinal Valencia, LLC
Managing Partner, 4-D Properties, LLP
2870 N Swan Rd, Suite 100
Tucson, Arizona 85712
Cell: (757) 412-5101
pdeconcini@4dproperties.com

Date: 1/6/2025

To Pima County:

Moe Madani
Metro Bx-Mobile
Owner


I am writing in support of extended hours of operation for Sol Flower dispensary at 3000 W Valencia Rd. Tucson, AZ, 85746.

Since opening last year, Sol Flower has been a welcome addition to the plaza. Their dispensary business helps drive traffic to the plaza and that benefits all businesses in the area.

Sol Flower's dedication to security is an asset for the entire shopping center. Their security presence helps deter crime and loitering during business hours.

I support Sol Flower expanding their hours of operation until midnight and you should too.

Respectfully submitted,


Moe Madani

Date: 01-06-25

Junior Leonel McDonald's

To Pima County: Shift manager

I am writing in support of extended hours of operation for Sol Flower dispensary at 3000 W Valencia Rd. Tucson, AZ, 85746.

Since opening last year, Sol Flower has been a welcome addition to the plaza. Their dispensary business helps drive traffic to the plaza and that benefits all businesses in the area.

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I support Sol Flower expanding their hours of operation until midnight and you should too.

Respectfully submitted,



Date: 1-6-25

To Pima County: Martha Chavez, Store Manager.
Family Dollar #5793

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I support Sol Flower expanding their hours of operation until midnight and you should too.

Respectfully submitted,

Martha Chavez

Date:

January 6th 2025

To Pima County:

Steve from Red Star Vapor on Valencia

I am writing in support of extended hours of operation for Sol Flower dispensary at 3000 W Valencia Rd. Tucson, AZ, 85746.

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I support Sol Flower expanding their hours of operation until midnight and you should too.

Respectfully submitted,

Steve D.

Date: 1/6/25

To Pima County:

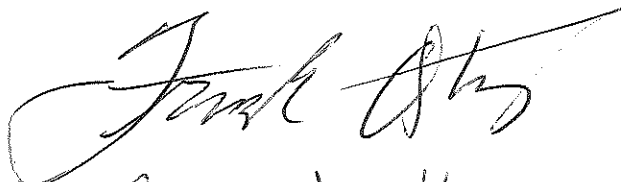
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I support Sol Flower expanding their hours of operation until midnight and you should too.

Respectfully submitted,


General Manager
Famous Sam's #11
3010 W. Valencia Rd.
Tucson, AZ. 85746

Date: 01/06/25

To Pima County:

Joella Parra, Manager
Desert Sports & Fitness Express

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I support Sol Flower expanding their hours of operation until midnight and you should too.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joella Parra". The signature is written in dark ink and is positioned below the "Respectfully submitted," text.

I am a Sol Flower customer and support extended hours of operation because:

Get out of work late

Name/Signature: Alan Ornelas Date: 1/6/25

Address: 4409 S Liberty Ave

I am a Sol Flower customer and support extended hours of operation because:

Closest Dispensary to my house.

Name/Signature: Shane Date: 1-6-25

Address: N/A

I am a Sol Flower customer and support extended hours of operation because:

visiting after hours -

MICHAEL V.

Name/Signature: Michael Vulp Date: 1-6-25

Address: 7621 Paces Wood Tucson, AZ 85757

I am a Sol Flower customer and support extended hours of operation because:

I fully support Sol Flower in any way shape or form because to do helpful community

Name/Signature: [Signature] Date: 1/8/25

Address: 5535 S. Meadowlark
MARTIN CORRAL 85746-3025

I am a Sol Flower customer and support extended hours of operation because:

I support Extended hours!!

Name/Signature: Cashmere Shelley Crutchfield Date: 1-6-25

Address: 7680 E Broadway Blvd

I am a Sol Flower customer and support extended hours of operation because:

My wife and I are disabled, and always have bad hours. Open later will help alot

Name/Signature: [Signature] Date: 1-8-25

Address: 4831 W Cashin dr. 85757

I am a Sol Flower customer and support extended hours of operation because:

To be more convenient because have a lot going on throughout the day.

Name/Signature: Luis Angulo Date: 01-08-25

Address: 8959 W Razorbill Dr

I am a Sol Flower customer and support extended hours of operation because:

For the late night people that work all day.

Name/Signature: Chris Jimenez Date: 1/8/25

Address: 5747-S Manta Ray Rd

I am a Sol Flower customer and support extended hours of operation because:

Not everyone works the same hours of 8-4 or 9-5pm. Some people need this accomidation and consideration like the next customer!

Name/Signature: Georgiana Nishi Date: 1/8/25

Address: 8171 S Aliso Viejo Lane, Tucson, AZ 85736

I am a Sol Flower customer and support extended hours of operation because:

Better times more hours.

Name/Signature: [Signature] Date: 12/8/25

Address: 5505 S Mission Rd.

I am a Sol Flower customer and support extended hours of operation because:

People get out of work at 10

Name/Signature: [Signature] Date: 1/7/25

Address: 1966 W Sinda Place.

I am a Sol Flower customer and support extended hours of operation because:

Provide Cannabis to adults with a busy schedule.

Name/Signature: Ann Smith Date: 1-8-25

Address: 4545 S Mission rd #402 Tucson AZ 85746

**I am a Sol Flower customer and support
extended hours of operation because:**

Might run out after 10:00 pm

Name/Signature: *Rahik f Vega* Date: *01-8-2005*

Address: *5031 S. Highway Ave*

**I am a Sol Flower customer and support
extended hours of operation because:**

Im working late.

Name/Signature: *[Signature]* Date: *01/08/05*

Address: *1610 W. Vereda de la Manana*

**I am a Sol Flower customer and support
extended hours of operation because:**

Cause of work I get off at 11 pm

Name/Signature: *[Signature]* Date: *1-7-05*

Address: *7781 S. Hou off road*