



## BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: 12/20/2022

*\*= Mandatory, information must be provided*

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

**\*Title:**

P22CU00010 S1K LLC – N. ORACLE ROAD

**\*Introduction/Background:**

This is a request for a Type III Conditional Use Permit for a Marijuana Dispensary in accordance with Section 18.43.030B of the Pima County Zoning Code.

**\*Discussion:**

The property is located at 6437 N. Oracle Rd. (Assessors Parcel No. 102-02-008F), within an existing shopping center at the northwest corner of Oracle Rd. and Orange Grove Rd. The properties at all four corners of this arterial intersection are zoned CB-1/CB-2 and similarly developed with commercial/retail uses of comparable intensity to that of the subject property's shopping center.

**\*Conclusion:**

The Pima County Zoning code requires a Type III Conditional Use Permit for a marijuana dispensary in the CB-1 zone.

**\*Recommendation:**

The Hearing Administrator and the Planning & Zoning Commission recommend APPROVAL of this Type III Conditional Use Permit subject to the Standard and Special Conditions.

**\*Fiscal Impact:**

N/A

**\*Board of Supervisor District:**

☒ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ All

DEC 05 2022 PM 12:40 POC CLK DF BD

Department: Development Services, Planning Division Telephone: 520-724-8800

Contact: Thomas Drzazgowski, Chief Zoning Inspector Telephone: 520-724-6675

Department Director Signature: \_\_\_\_\_

Date: 11-28-2022

Deputy County Administrator Signature: \_\_\_\_\_

Date: 12/1/2022

County Administrator Signature: \_\_\_\_\_

Date: 12/1/2022



**PIMA COUNTY**  
DEVELOPMENT SERVICES

**TO:** Honorable Rex Scott, District 1

**FROM:** Chris Poirier, Deputy Director *Bob Ton Drzazgowski*  
Public Works-Development Services Department-Planning Division

**DATE:** November 29, 2022

**SUBJECT:** **P22CU00010 S1K LLC – N. ORACLE ROAD**  
(Conditional Use Type III – Marijuana Dispensary)

The above referenced Conditional Use Permit is within your district and is scheduled for the Board of Supervisors' **TUESDAY, December 20, 2022** hearing.

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**REQUEST:** For a **Type III Conditional Use Permit for a Marijuana Dispensary**, in accordance with Section 18.43.030.B of the Pima County Zoning Code on property located at **6437 N. Oracle Road**, in the CB-1 (Local Business) zone. (District 1)

**OWNER:** S1K LLC  
6494 Westhers Pl, STE 200  
San Diego, CA 92121

**AGENT:** Lazarus & Silvyn  
Attn: Keri Silvyn  
5983 E Grant Rd., Ste. 290  
Tucson, AZ 85712

**DISTRICT:** 1

**STAFF CONTACT:** Spencer Hickman, Senior Planner

**PUBLIC COMMENT TO DATE:** As of November 29, 2022, no public comment has been received.

**PLANNING AND ZONING COMMISSION RECOMMENDATION:** APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS

**HEARING ADMINISTRATOR RECOMMENDATION:** APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS

**MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM (CLS):** The project is outside of the Maeveen Behan Conservation Lands System.

TD/EP/ds  
Attachments



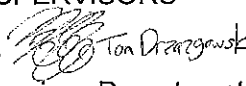
## BOARD OF SUPERVISORS MEMORANDUM

Subject: P22CU00010

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### FOR DECEMBER 20, 2022 MEETING OF THE BOARD OF SUPERVISORS

**TO:** HONORABLE BOARD OF SUPERVISORS

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

**DATE:** November 29, 2022

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### ADVERTISED ITEM FOR PUBLIC HEARING

#### CONDITIONAL USE PERMIT

#### P22CU00010 S1K LLC – N. ORACLE ROAD

S1K, LLC, represented by 6437 N. Oracle, LLC and Lazarus & Silvyn, request a **Type III Conditional Use Permit for a Marijuana Dispensary**, in accordance with Section 18.43.030.B of the Pima County Zoning Code on property located at **6437 N. Oracle Road**, in the CB-1 (Local Business) zone. On motion, the Planning and Zoning Commission voted 9-1 (Commissioner Maese voted Nay) to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The Hearing Administrator recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. (District 1)

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#### Summary of the Planning and Zoning Commission Hearing (October 26, 2022)

The Planning & Zoning Commission hearing on this case took place on October 26, 2022. At same, the Commission heard staff's and the applicant's presentation as to the particular details of the request. The follow-up discussion by the Commission spent significant time on the physical separation between this dispensary application and a subsequent one on the same agenda (at 6046 N. Oracle Road, Case No. P22CU00011). Two Commission members expressed their reservations about two dispensaries being located in relative proximity to each other. Two other commissioners felt comfortable with the marijuana dispensary use and business model. After lengthy discourse by other members of the Commission, as well as explanatory input from staff, it was determined that the issue of physical distancing was one already addressed by the criteria contained within adopted ordinance regulating dispensaries (Sec. 18.43.030.B.59). It was further recognized that the application was in conformance with all of these regulatory criteria.

No (0) members of the public appeared to speak on the matter. Staff had received no public comments, phone calls, or emails on the case. The applicant had held a neighborhood meeting, wherein the only attendee was the owner of the shopping center.

After closing the public hearing, the Commission voted 9-1 (motion by Truitt, seconded by Gungle; Commission Maese voting nay) to recommend **APPROVAL** of this CUP request to

**the Board of Supervisors, said recommendation recognizing and embracing the following standard and special conditions as promulgated by the Hearing Administrator:**

*Standard Conditions*

Compliance with all specialized requirements enumerated in Section 18.43.030.B.59 of the Pima County Zoning Code.

*Special Conditions*

1. This conditional use permit approval is for a marijuana dispensary as permitted per Section 18.43 (Local Business Zone) of the Code. No other non-residential or commercial conditional uses other than the above are authorized or implied.
2. This marijuana facility shall be operated in substantial accordance with the business operations, floorplan, and other particulars as described in the applicant's submitted materials.
3. The applicant will coordinate with S1K, LLC (the property owner) to create six (6) additional striped parking spaces within adjacent Parcel No. 102-02-008E. The new striped parking spaces will be located on existing pavement within this parcel, and will be configured to meet Code parking standards for size and for paved vehicular access and maneuverability to and from the new spaces.
4. The new spaces can be effectuated without any formal Development Plan or Site Development Package. An updated Site Plan, similar to that submitted with this conditional use permit application and delineating the new parking spaces, is sufficient in conjunction with the final issuance of this conditional use permit by the Development Services Department.

TD/EP/ds  
Attachments

C: Lazarus & Silvyn



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# MEMORANDUM

## PUBLIC WORKS - DEVELOPMENT SERVICES

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P22CU00010

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### **FOR BOARD OF SUPERVISORS DECEMBER 20, 2022 PUBLIC HEARING**

**TO:** THE HONORABLE BOARD OF SUPERVISORS

**FROM:** Jim Portner, Hearing Administrator

**DATE:** October 31, 2022

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**DOCUMENT:** P22CU00010

### **CONDITIONAL USE PERMIT REQUEST FOR PUBLIC HEARING**

S1K, LLC, represented by 6437 N. Oracle, LLC and Lazarus & Silvyn, request a **Type III Conditional Use Permit for a Marijuana Dispensary**, in accordance with Section 18.43.030.B of the Pima County Zoning Code on property located at **6437 N. Oracle Road**, in the CB-1 (Local Business) zone. (District 1)

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### **CASE PARTICULARS**

This is a Type III Conditional Use Permit request for a **marijuana dispensary**, submitted in accordance with Section 18.43 (CB-1 Local Business Zone) and being subject to this Type III conditional use process. The applicant has submitted a detailed narrative, along with supporting exhibits, that substantiates compliance with the specialized Code requirements which attend marijuana dispensaries.

The property is located at 6437 N. Oracle Road (Assessors Parcel No. 102-02-008F), within an existing shopping center at the northwest corner of Oracle Road @ Orange Grove Road. The immediate properties at all four corners of this arterial intersection are zoned commercial and developed for retail uses similar to the subject property's established shopping center.

### **SUMMARY OF THE PLANNING & ZONING COMMISSION PUBLIC HEARING**

The Planning & Zoning Commission hearing on this case took place on October 26, 2022. At same, the Commission heard staff's and the applicant's presentation as to the particular details of the request. The follow-up discussion by the Commission spent significant time on the physical

**STAFF REPORT TO THE BOARD OF SUPERVISORS**

P22CU00010 – S1K, LLC– N. ORACLE ROAD

October 31, 2022

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separation between this dispensary application and a subsequent one on the same agenda (at 6046 N. Oracle Road, Case No. P22CU00011). Two Commission members expressed their reservations about two dispensaries being located in relative proximity to each other. After lengthy discourse by other members of the Commission, as well as explanatory input from staff, it was determined that the issue of physical distancing was one already addressed by the criteria contained within adopted ordinance regulating dispensaries (Sec. 18.43.030.B.59). It was further recognized that the application was in conformance with all of these regulatory criteria.

No (0) members of the public appeared to speak on the matter. Staff had received no public comments, phone calls, or emails on the case. The applicant had held a neighborhood meeting, wherein the only attendee was the owner of the shopping center.

**After closing the public hearing, the Commission voted 9-1 (motion by Truitt, seconded by Gungle; Commission Maese voting nay) to recommend APPROVAL of this CUP request to the Board of Supervisors, said recommendation recognizing and embracing the following standard and special conditions as promulgated by the Hearing Administrator:**

*Standard Conditions*

Compliance with all specialized requirements enumerated in Section 18.43.030.B.59 of the Pima County Zoning Code.

*Special Conditions*

1. This conditional use permit approval is for a marijuana dispensary as permitted per Section 18.43 (Local Business Zone) of the Code. No other non-residential or commercial conditional uses other than the above are authorized or implied.
2. This marijuana facility shall be operated in substantial accordance with the business operations, floorplan, and other particulars as described in applicant's submitted materials.
3. The applicant will coordinate with S1K, LLC (the property owner) to create six (6) additional striped parking spaces within adjacent Parcel No. 102-02-008E. The new striped parking spaces will be located on existing pavement within this parcel, and will be configured to meet Code parking standards for size and for paved vehicular access and maneuverability to and from the new spaces.
4. The new spaces can be effectuated without any formal Development Plan or Site Development Package. An updated Site Plan, similar to that submitted with this conditional use permit application and delineating the new parking spaces, is sufficient in conjunction with the final issuance of this conditional use permit by the Development Services Department.

**HEARING ADMINISTRATOR'S CONSIDERATIONS**

This is a conditional use permit request to operate a marijuana dispensary within an established shopping center. The following considerations apply.

### **Comprehensive Plan Considerations**

The Pima County Comprehensive Plan (Pima Prospers) designates this property as *Community Activity Center (CAC)*, the purpose of which is “to designate medium and higher intensity mixed use districts designed to provide a full range of goods and services, office and medical uses, hotels, research and development opportunities, etc., etc.”

The proposed marijuana dispensary clearly falls within the above scope of uses and is complementary to the other established businesses within the same community shopping center and surrounding area.

This being the case, it is the Hearing Administrator’s position that the proposed facility is not in conflict with the goals, objectives and purposes of *Community Activity Centers* as put forth by Pima Prospers.

### **Zoning and Surrounding Land Use Considerations**

The subject parcel is within an existing shopping center, the entirety of which is zoned CB-1. All four quadrants surrounding the Oracle Road/Orange Grove Road intersection are zoned CB-1 or CB-2. This is a highly urbanized context that is bisected by major arterial streets.

The property abutting the subject shopping center to the north and west is zoned CR-5 and contains multi-family apartments. Substantial physical barriers exist between these apartments and the shopping center in the form of a large, intervening channelized drainage and a continuous cyclone fence.

The subject property and the proposed marijuana dispensary operation meet or exceed all of the Code-required parameters of Section 18.43.030.B.59, more particularly pertaining to maximum floor area, location within a permanent building, hours of operation, provision of an indoor customer waiting area, no outdoor seating, mitigation of odors, compliance with all State laws, and the minimum physical separation criteria from schools, libraries, parks, substance/rehab facilities, and other dispensaries.

An attendant issue to land use pertains to certain parking issues that are on-going at the larger shopping center where this dispensary is proposed. The Hearing Officer prepared a subsequent amendment to his original staff report after the applicant had prepared and submitted a detailed parking study for the shopping center. This amendment is attached to this Memorandum and resulted in the addition to Special Condition Nos. 3 & 4 as presented to (and embraced by) the Planning & Zoning Commission.

### **Hearing Administrator Required Standards & Findings**

Following are the Hearing Administrator’s findings relative to the standards set by Pima County Code Sec. 18.97.030.F.3.c. These Sections stipulate that the following standards be met by the proposed use:

- 1. It will not be in serious conflict with the objectives of the general land use plan or the area plan in which situated.**

See the above Comprehensive Plan Considerations. The Hearing Administrator's finds that the proposed facility is not in conflict with the goals, objectives and purposes of Community Activity Centers as put forth by Pima Prospers.

- 2. It will provide safeguards for the protection of adjacent developed property, or if the adjacent property is undeveloped, for the legal permitted uses of such property.**

The Hearing Administrator finds that the proposed marijuana dispensary will not have any impacts upon any of the surrounding properties in a way that prohibits any of their legal or permitted uses.

- 3. It has adequate accessibility to the County road network.**

The site lies at the intersection of N. Oracle Road and W. Orange Grove Road, both of which are designated major streets on the Pima County Major Streets & Routes Plan (MSRP). Access is found to be adequate.

- 4. It has sufficient off-street parking and loading facilities, that will be developed in accordance with County engineering standards.**

Parking sufficiency and compliance with the Zoning Code in this regard is a matter verified at the time of permitting. See the Hearing Administrator's amended staff report as attached to this Memorandum. Special Condition Nos. 3 & 4 further address parking for this facility.

- 5. It will meet County standards in terms of control of noise, smoke, glare or heat, odors, vibrations, fly, ash, dust, fumes, vapors, gasses, and other forms of air pollution, liquids and solid wastes.**

The Hearing Administrator finds that proposed use is found to not threaten the surrounding properties in any of the above ways.

- 6. Hours of operation will not be detrimental to adjoining residents.**

Hours of operation (7:00 AM to 10:00 PM) accord with those mandated by the Code.

- 7. Landscaping will be fully in conformance with zoning code regulations.**

Landscaping requirements, if any, are a matter enforced at the time of permitting.

## **DEPARTMENTAL COMMENTS ON THIS REQUEST**

### **Department of Transportation**

DOT has no objection to this conditional use permit and recommends approval.

### **Regional Wastewater Reclamation District**

The District has no objection subject to approval, subject to standard system connection and building-permit requirements.

## **HEARING ADMINISTRATOR'S RECOMMENDATION**

After visiting the subject property, considering all of the above, and reviewing the applicant's submitted materials, the Hearing Administrator found the proposed **marijuana dispensary** to be an appropriate acceptable use on the subject property that conforms with all specialized Code requirements that attend such dispensaries per Section 18.43 (Local Business Zone).

It was therefore the recommendation of the Hearing Administrator that the Planning & Zoning Commission recommend **APPROVAL** of this Type III conditional use permit subject to the following Standard and Special Conditions:

### **Standard Conditions**

Compliance with all specialized requirements enumerated in Section 18.43.030.B.59 of the Pima County Zoning Code.

### **Special Conditions**

1. This conditional use permit approval is for a marijuana dispensary as permitted per Section 18.43 (Local Business Zone) of the Code. No other non-residential or commercial conditional uses other than the above are authorized or implied.
2. This marijuana facility shall be operated in substantial accordance with the business operations, floorplan, and other particulars as described in applicant's submitted materials.
3. The applicant will coordinate with S1K, LLC (the property owner) to create six (6) additional striped parking spaces within adjacent Parcel No. 102-02-008E. The new striped parking spaces will be located on existing pavement within this parcel, and will be configured to meet Code parking standards for size and for paved vehicular access and maneuverability to and from the new spaces.
4. The new spaces can be effectuated without any formal Development Plan or Site Development Package. An updated Site Plan, similar to that submitted with this conditional use permit application and delineating the new parking spaces, is sufficient in conjunction with the final issuance of this conditional use permit by the Development Services Department.

## **SONORAN DESERT CONSERVATION CONCEPT PLAN/ENVIRONMENTAL ISSUES**

### **Comprehensive Plan Regional Environmental Policies — Conservation Lands System**

In December, 2001 the Board of Supervisors incorporated the Maeveen Marie Behan Conservation Lands System (MMB-CLS) into the Comprehensive Plan 2001 Update as the Regional Environmental Policies. The MMB-CLS is the heart of the Sonoran Desert Conservation Plan (SDCP). On June 21, 2005, the Board of Supervisors amended the Comprehensive Plan Regional Environmental Policies and the MMB-CLS to reflect recommendations from the SDCP Science Technical Advisory Committee that were based on new scientific and technical data. As adopted, Conservation Guidelines associated with the MMB-CLS establish conservation objectives for a variety of projects (e.g. rezoning actions, comprehensive plan amendments, Type II and Type III conditional use permits, etc.) that require a discretionary decision by the Board of Supervisors. Conservation objectives include:

- Important Riparian Areas — 95% undisturbed natural open space
- Biological Core Management Areas — 80% undisturbed natural open space
- Special Species Management Areas — 80% undisturbed natural open space
- Multiple Use Management Areas — 66-2/3% undisturbed natural open space

The property lies **OUTSIDE OF** the MMB-CLS within a wholly urbanized region.

### **Biological Impacts Report**

On July 17, 2001, the Board of Supervisors adopted Ordinance No. 2001-103, which requires the applicant's notice to the US Fish and Wildlife Service (USFWS) staff regarding the pending matter, and staff commentary on biological resources and development impacts of the subject site and proposal.

### **Staff Commentary on Biological Impacts**

Staff has reviewed this application and finds that: 1) its approval is not expected to affect any resources essential to Pima County's biological conservation priorities; and 2) that it will not be in conflict with the Regional Environmental Policies of the 2001 Comprehensive Plan Update.

This site is located within an established shopping center and within a larger region that is wholly and intensely urbanized. For all intents and purposes, no environmental issues attend this request.

### **Facts Confirmed by the Pima County Geographic Information System (GIS)**

The following facts are confirmed by the Pima County GIS and the Sonoran Desert Conservation Plan maps with respect to this conditional use permit request:

**STAFF REPORT TO THE BOARD OF SUPERVISORS**

P22CU00010 – S1K, LLC– N. ORACLE ROAD

October 31, 2022

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**Cactus Ferruginous Pygmy Owl.** The site and entire surrounding urban area is located within property is located within Priority Conservation Area (PCA) No. 2 for this species.

**Western Burrowing Owl.** The property not within the Priority Conservation Area (PCA) for this species.

**Pima Pineapple Cactus.** The property is not located within an area that is within the known range of the Pima Pineapple Cactus and is not within the Priority Conservation Area (PCA) for this species.

**Needle-Spined Pineapple Cactus.** The subject property is not located within an area that is within the known range of the Needle-Spined Pineapple cactus and is not within the Priority Conservation Area (PCA) for this species.

attachments

cc: Carla Blackwell, Director, Development Services  
Dan Ice, Chief Building Official  
Chris Poirier Planning Official  
Tom Drzazgowski, Chief Zoning Inspector  
S1K, LLC, Owner  
Lazarus & Silvyn, LLC, Applicant  
On Behalf of 6437 N Oracle, LLC & Copperstate Farms

**PIMA COUNTY**  
**DEVELOPMENT SERVICES DEPARTMENT**  
201 N. Stone Avenue, 1st Floor  
Tucson, Arizona 85701-1207

**CARLA BLACKWELL**  
Director

Phone: (520) 740-6520  
FAX: (520) 798-1843

October 24, 2022

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**HEARING ADMINISTRATOR'S AMENDMENT**  
**TO OCTOBER 10, 2022 STAFF REPORT**

**Case No. P22CU00010**  
**S1K, LLC — N. ORACLE ROAD**  
**Type III Conditional Use – Marijuana Dispensary**

**Background**

Following issuance of the original Staff Report and recommendation to the P&Z Commission in the above-referenced case, the applicant submitted a parking study for the Orange Grove Village shopping center where the requested marijuana dispensary is proposed to be located. This study was completed by the applicant at the request of the Pima County Development Services Department (DSD) due to the latter's familiarity with parking issues at this particular shopping center.

The parking study has been included as part of the Commission's packet on this CUP application. It documents that 98% of the shopping center's parking spaces are occupied during the weekend evening peak hours, with some additional spillover of parking occurring onto an adjacent unpaved property that is south of (and not a part of) the shopping center.

**Hearing Administrator's Comments**

The Hearing Administrator's consideration of this matter contemplated the following facts:

- There is no specific parking requirement identified in Zoning Code Sec. 18.75 (Off-Street Parking & Loading Requirements) for marijuana dispensaries. The closest designation within the Code would be the "general retail" land use, which would require seven (7) parking spaces for this proposed dispensary.
- The Orange Grove Village shopping center currently satisfies Code parking requirements for the amount of tenant space it contains.
- The nearly full occupancy level (98%) identified in the applicant's parking study during weekend evening peak hours is largely driven by three highly popular sit-down restaurants already operating within the shopping center (The Parish, Golden Dragon, Tacos del Rancho).

## STAFF REPORT TO THE BOARD OF SUPERVISORS

P22CU00010 – S1K, LLC– N. ORACLE ROAD

October 31, 2022

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- The 98% weekend evening peak-hour parking occupancy occurs currently, even though the tenant space for the proposed marijuana dispensary is presently vacant.
- It is therefore likely that, once the dispensary is operational, the shopping center's parking occupancy will exceed 100% during the weekend evening peak times.

In follow-up discussions with the applicant's representative, there was concurrence that the issue required further study and some form of action. In working with staff, the applicant undertook research into their client's other dispensary operations and attendant parking usage during similar weekend peak times. Their findings and a supplemental parking proposal are contained within the applicant's 20 October, 2022 Memorandum, which is attached to this staff report amendment.

### **Hearing Administrator's Evaluation**

The Hearing Administrator recognizes that any request for additional parking from the applicant is, in essence, a request to go above and beyond Code parking requirements for the shopping center. That being said, there is authority for such a request, given that the proposed marijuana dispensary is a *conditional* use in CB-1 zoning, and not one that is allowed automatically by right.

While this may be the case, any such stipulation for additional parking cannot be arbitrary. It must still have a reasonable and rational nexus to the proposed use's impact, be based upon reliable data, and be appropriately measured in its reach. The applicant's operational data for a comparably sized store (as described in their attached Memorandum) indicates that a total of 6-8 spaces are needed during weekend evening peak hours. As such, they propose to stripe six (6) additional spaces on immediately adjacent paved property that is owned by the same entity that owns the Orange Grove Village shopping center.

All things considered, the Hearing Administrator finds this to be an acceptable and good-faith proposal. It is important to recognize that the marijuana dispensary customer uses parking in a very different way than do patrons of the aforementioned three (3) sit-down restaurants. The dispensary customer enters the store, picks up and pays for their purchase, and then departs. This is a relatively rapid in-and-out process, meaning that the dispensary's comparatively small number of parking spaces will see a high rate of turnover and will serve a very large number of customers over the course of the peak period. The restaurant visitor, to the contrary, occupies a table and a parking space for an hour or more with no turnover, thereby constituting a more enduring demand over the course of the same peak period.

Providing the proposed six (6) additional parking spaces on nearby, easily accessible property helps to appropriately address the spillover parking that is presently occurring at the shopping center during weekend evening peak times, while suitably mitigating the anticipated additional parking usage attendant to the proposed marijuana dispensary.

### **Hearing Administrator's Amended Recommendation to the Planning & Zoning Commission**

The Hearing Administrator's report recommends that the Planning & Zoning Commission approve this Type III conditional use permit application for a marijuana dispensary, subject to the following:

#### **Standard Conditions**

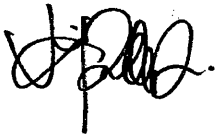
Compliance with all specialized requirements enumerated in Section 18.43.030.B.59 of the Pima County Zoning Code.

Special Conditions

The Hearing Administrator's original recommendation contained *Special Condition Nos. 1 & 2* below. This recommendation is now amended to also include *Special Condition Nos. 3 & 4* as follows:

1. This conditional use permit approval is for a marijuana dispensary as permitted per Section 18.43 (Local Business Zone) of the Code. No other non-residential or commercial conditional uses other than the above are authorized of implied.
2. This marijuana facility shall be operated in substantial accordance with the business operations, floorplan, and other particulars as described in applicant's submitted materials.
3. The applicant will coordinate with S1K, LLC (the property owner) to create six (6) additional striped parking spaces within adjacent Parcel No. 102-02-008E. The new striped parking spaces will be located on existing pavement within this parcel, and will be configured to meet Code parking standards for size and for paved vehicular access and maneuverability to and from the new spaces.
4. The new spaces can be effectuated without any formal Development Plan or Site Development Package. An updated Site Plan, similar to that submitted with this conditional use permit application and delineating the new parking spaces, is sufficient in conjunction with the final issuance of this conditional use permit by the Development Services Department.

Respectfully Submitted:



Jim Portner  
Pima County Hearing Administrator

October 24, 2022  
Date



Law Offices of  
**Lazarus & Silvyn, P.C.**

## MEMORANDUM

TO: Mr. Jim Portner, Pima County Hearing Administrator, and Pima County Staff  
FROM: Keri Silvyn, Esq.  
DATE: October 20, 2022  
RE: **Applicant Supplement on Parking Issues: 6437 N. Oracle Road**

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Upon reviewing the parking analysis prepared on our behalf by Mr. Marcos Esparza and dated October 11, 2022, the Hearing Administrator contacted our office to discuss the 98% parking occupancy documented in the analysis that presently occurs in the Orange Grove Village shopping center during the weekend evening peak hours. The primary concern expressed was the fact that this occupancy level occurs now, even though the proposed marijuana dispensary tenant space is presently vacant. All parties recognize that this high demand level is driven mostly by the three (3) very popular restaurants located in the shopping center.

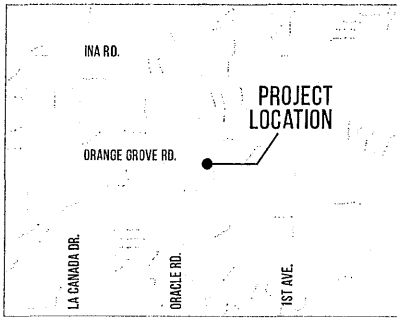
As a result, we have coordinated with our client, Copperstate Farms, to complete additional research to understand the peak times for dispensary use and the parking demands during those peak times. Copperstate Farms' Director of Retail Operations has advised us that the parking required during peak times for a store of similar size to the one proposed at Orange Grove Village (1,725 square feet) is best predicted by an existing store of comparable size already operating in the Phoenix market.

While dispensary traffic on Fridays at the Phoenix store is generally high, it tends to peak around 5:00 pm and taper down after 6:00 p.m. The parking required during this dispensary's peak time (prior to 6 pm) for customers is between 6 and 8 spaces.

Based on the parking analysis from Mr. Esparza completed for Orange Grove Village, together with the fact that a parcel of land adjoining the shopping center is also owned by the same owner, Copperstate Farms is working with that owner to determine the available paved area to stripe and provide six (6) overflow parking spaces. This would be sufficient to handle the 2-hour peak-time period when the existing three restaurants compete most directly with the dispensary parking.

The property in consideration for this additional striped/overflow parking is Tax Parcel No. 102-02-008E and is directly southwest of the shopping center's contiguous building mass.

Going forward, Copperstate Farms is committed to working with the property owner to stripe the six (6) overflow parking spaces within Parcel No. 102-02-008E on its existing pavement.



**COPPERSTATE**  
FARMS

## SITE DATA

**PROPOSED USE:** MARIJUANA DISPENSARY IN EXISTING SHOPPING CENTER  
**ADDRESS:** 6437 N. ORACLE ROAD, TUCSON, ARIZONA 85704  
**PARCEL #S:** 102-02-008E AND 102-02-008F

**ZONING:** CB-1  
PROPOSED USE REQUIRES TYPE III CONDITIONAL USE PERMIT

**PARCEL AREA:** 130,225 SF, OR 2.99 ACRES  
**GROSS FLOOR AREA:** 20,690 SF  
**EXISTING SHOPPING CENTER PARKING SPACES:** 111

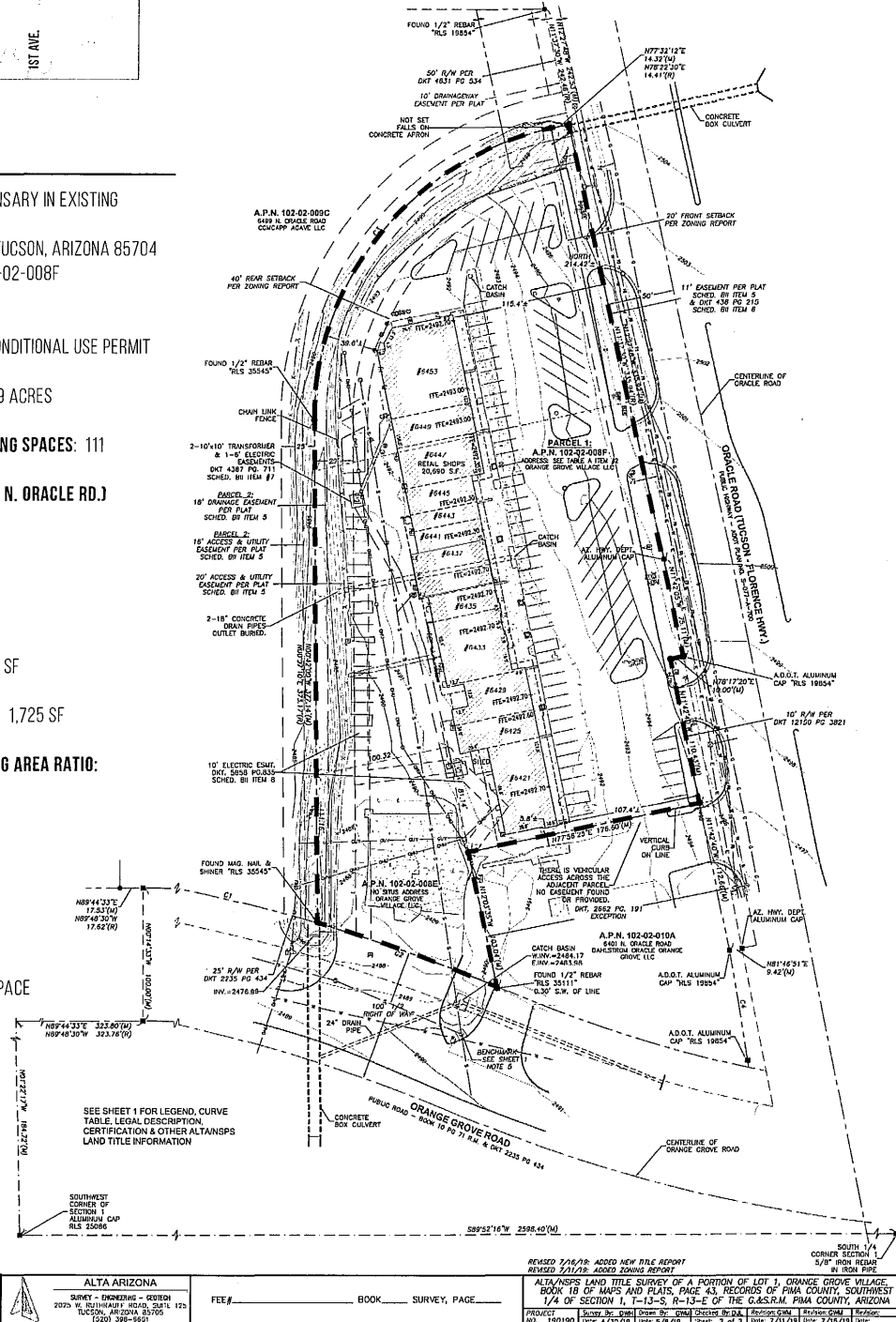
### DISPENSARY RETAIL SPACE (6437 N. ORACLE RD.)

**BATHROOMS:** 93.7 SF  
**OFFICES:** 100 SF  
**PATIENT CONSULTATIONS:** 135.8  
**SECURED STORAGE:** 115.8 SF  
**RECEPTIONIST:** 118.2 SF  
**SALES FLOOR AREA:** 370.5 SF  
**CUSTOMER WAITING AREA:** 500.1 SF  
**OTHER:** 290.9 SF  
**GROSS DISPENSARY FLOOR AREA:** 1,725 SF

### SALES FLOOR/CUSTOMER WAITING AREA RATIO:

- REQUIRED: MINIMUM 25%
- PROVIDED: 135%

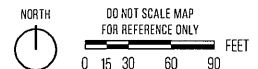
--- PARCELS BOUNDARY  
DISPENSARY RETAIL SPACE



SITE PLAN USES PAGE 2 OF 2 FROM A.L.T.A./N.S.P.S LAND TITLE SURVEY LAST REVISED 7.16.19  
(SEE NEXT PAGE FOR A.L.T.A. SURVEY)

**6437 N. ORACLE ROAD**  
**NEW MARIJUANA DISPENSARY**  
**COPPERSTATE FARMS**

PIMA COUNTY, AZ



**SITE PLAN**

9.1.2022

## **PIMA COUNTY DEVELOPMENT SERVICES REPORT TO THE PIMA COUNTY PLANNING & ZONING COMMISSION**

**CASE:** P22CU000010  
S1K, LLC — N. ORACLE ROAD

**OWNERSHIP:** S1K, LLC  
6494 Westhers Place – Suite 200  
San Diego, CA 92121-6303

**APPLICANT:** Lazarus & Silvyn, P.C  
c/o Keri Silvyn & Robin Large  
5983 E. Grant Road Suite 290  
Tucson, AZ 85712

On Behalf of: 6437 N Oracle, LLC  
A Subsidiary of Copperstate Farms

**LOCATION:** The property is located at 6437 N. Oracle Road (Assessors Parcel No. 102-02-008F), within an existing shopping center at the northwest corner of Oracle Road @ Orange Grove Road. The immediate properties at all four corners of this arterial intersection are zoned commercial and developed for retail uses similar to the subject property's established shopping center.

**REQUEST:** This is a Type III Conditional Use Permit request for a **marijuana dispensary**, submitted in accordance with Section 18.43 (CB-1 Local Business Zone) and being subject to this Type III conditional use process. The applicant has submitted a detailed narrative, along with supporting exhibits, that substantiates compliance with the specialized Code requirements which attend marijuana dispensaries.

### **PETITIONER'S STATEMENT REGARDING THE TYPE OF USE PROPOSED**

The Commission members are referred to the detailed Project Narrative submitted by the applicant. Same provides their overview of this request, together with a detailed description of compliance with all of the terms and requirements that apply to marijuana dispensaries per Sub-Section 18.43.030.B.59 (CB-1 Local Business Zone) of the Code.

### **HEARING ADMINISTRATOR'S CONSIDERATIONS**

This is a conditional use permit request to operate a marijuana dispensary within an established shopping center. The following considerations apply.

#### **Comprehensive Plan Considerations**

The Pima County Comprehensive Plan (Pima Prospers) designates this property as *Community Activity Center (CAC)*, the purpose of which is "to designate medium and higher intensity mixed use districts designed to provide a full range of goods and services, office and medical uses, hotels, research and development opportunities, etc., etc."

The proposed marijuana dispensary clearly falls within the above scope of uses and is complementary to the other established businesses within the same community shopping center and surrounding area.

This being the case, it is the Hearing Administrator's position that the proposed facility is not in conflict with the goals, objectives and purposes of *Community Activity Centers* as put forth by Pima Prospers.

### **Zoning and Surrounding Land Use Considerations**

The subject parcel is within an existing shopping center, the entirety of which is zoned CB-1. All four quadrants surrounding the Oracle Road/Orange Grove Road intersection are zoned CB-1 or CB-2. This is a highly urbanized context that is bisected by major arterial streets.

The property abutting the subject shopping center to the north and west is zoned CR-5 and contains multi-family apartments. Substantial physical barriers exist between these apartments and the shopping center in the form of a large, intervening channelized drainage and a continuous cyclone fence.

The subject property and the proposed marijuana dispensary operation meet or exceed all of the Code-required parameters of Section 18.43.030.B.59, more particularly pertaining to maximum floor area, location within a permanent building, hours of operation, provision of an indoor customer waiting area, no outdoor seating, mitigation of odors, compliance with all State laws, and the minimum physical separation criteria from schools, libraries, parks, substance/rehab facilities, and other dispensaries.

### **Hearing Administrator Required Standards & Findings**

Following are the Hearing Administrator's findings relative to the standards set by Pima County Code Sec. 18.97.030.F.3.c. These Sections stipulate that the following standards be met by the proposed use:

- 1. It will not be in serious conflict with the objectives of the general land use plan or the area plan in which situated.**

See the above Comprehensive Plan Considerations. The Hearing Administrator's finds that the proposed facility is not in conflict with the goals, objectives and purposes of Community Activity Centers as put forth by Pima Prospers.

- 2. It will provide safeguards for the protection of adjacent developed property, or if the adjacent property is undeveloped, for the legal permitted uses of such property.**

The Hearing Administrator finds that the proposed marijuana dispensary will not have any impacts upon any of the surrounding properties in a way that prohibits any of their legal or permitted uses.

- 3. It has adequate accessibility to the County road network.**

The site lies at the intersection of N. Oracle Road and W. Orange Grove Road, both of which are designated major streets on the Pima County Major Streets & Routes Plan (MSRP). Access is found to be adequate.

- 4. It has sufficient off-street parking and loading facilities, that will be developed in accordance with County engineering standards.**

Parking sufficiency and compliance with the Zoning Code in this regard is a matter verified at the time of permitting.

5. **It will meet County standards in terms of control of noise, smoke, glare or heat, odors, vibrations, fly, ash, dust, fumes, vapors, gasses, and other forms of air pollution, liquids and solid wastes.**

The Hearing Administrator finds that proposed use is found to not threaten the surrounding properties in any of the above ways.

6. **Hours of operation will not be detrimental to adjoining residents.**

Hours of operation (7:00 AM to 10:00 PM) accord with those mandated by the Code.

7. **Landscaping will be fully in conformance with zoning code regulations.**

Landscaping requirements, if any, are a matter enforced at the time of permitting.

#### **DEPARTMENTAL COMMENTS ON THIS REQUEST**

##### **Department of Transportation**

DOT has no objection to this conditional use permit and recommends approval.

##### **Regional Wastewater Reclamation District**

The District has no objection subject to approval, subject to standard system connection and building-permit requirements.

#### **HEARING ADMINISTRATOR'S RECOMMENDATION**

After visiting the subject property, considering all of the above, and reviewing the applicant's submitted materials, the Hearing Administrator finds the proposed **marijuana dispensary** to be an appropriate acceptable use on the subject property that conforms with all specialized Code requirements that attend such dispensaries per Section 18.43 (Local Business Zone).

It is therefore the recommendation of the Hearing Administrator that the Planning & Zoning Commission recommend **APPROVAL** of this Type III conditional use permit subject to the following Standard and Special Conditions:

##### **Standard Conditions**

Compliance with all specialized requirements enumerated in Section 18.43.030.B.59 of the Pima County Zoning Code.

##### **Special Conditions**

1. This conditional use permit approval is for a marijuana dispensary as permitted per Section 18.43 (Local Business Zone) of the Code. No other non-residential or commercial conditional uses other than the above are authorized or implied.
2. This marijuana facility shall be operated in substantial accordance with the business operations, floorplan, and other particulars as described in applicant's submitted materials.

## **SONORAN DESERT CONSERVATION CONCEPT PLAN/ENVIRONMENTAL ISSUES**

### **Comprehensive Plan Regional Environmental Policies — Conservation Lands System**

In December, 2001 the Board of Supervisors incorporated the Maeveen Marie Behan Conservation Lands System (MMB-CLS) into the Comprehensive Plan 2001 Update as the Regional Environmental Policies. The MMB-CLS is the heart of the Sonoran Desert Conservation Plan (SDCP). On June 21, 2005, the Board of Supervisors amended the Comprehensive Plan Regional Environmental Policies and the MMB-CLS to reflect recommendations from the SDCP Science Technical Advisory Committee that were based on new scientific and technical data. As adopted, Conservation Guidelines associated with the MMB-CLS establish conservation objectives for a variety of projects (e.g. rezoning actions, comprehensive plan amendments, Type II and Type III conditional use permits, etc.) that require a discretionary decision by the Board of Supervisors. Conservation objectives include:

- Important Riparian Areas — 95% undisturbed natural open space
- Biological Core Management Areas — 80% undisturbed natural open space
- Special Species Management Areas — 80% undisturbed natural open space
- Multiple Use Management Areas — 66-2/3% undisturbed natural open space

The property lies **OUTSIDE OF** the MMB-CLS within a wholly urbanized region.

### **Biological Impacts Report**

On July 17, 2001, the Board of Supervisors adopted Ordinance No. 2001-103, which requires the applicant's notice to the US Fish and Wildlife Service (USFWS) staff regarding the pending matter, and staff commentary on biological resources and development impacts of the subject site and proposal.

### **Staff Commentary on Biological Impacts**

Staff has reviewed this application and finds that: 1) its approval is not expected to affect any resources essential to Pima County's biological conservation priorities; and 2) that it will not be in conflict with the Regional Environmental Policies of the 2001 Comprehensive Plan Update.

This site is located within an established shopping center and within a larger region that is wholly and intensely urbanized. For all intents and purposes, no environmental issues attend this request.

### **Facts Confirmed by the Pima County Geographic Information System (GIS)**

The following facts are confirmed by the Pima County GIS and the Sonoran Desert Conservation Plan maps with respect to this conditional use permit request:

**Cactus Ferruginous Pygmy Owl.** The site and entire surrounding urban area is located within property is located within Priority Conservation Area (PCA) No. 2 for this species.

**Western Burrowing Owl.** The property not within the Priority Conservation Area (PCA) for this species.

**Pima Pineapple Cactus.** The property is not located within an area that is within the known range of the Pima Pineapple Cactus and is not within the Priority Conservation Area (PCA) for this species.

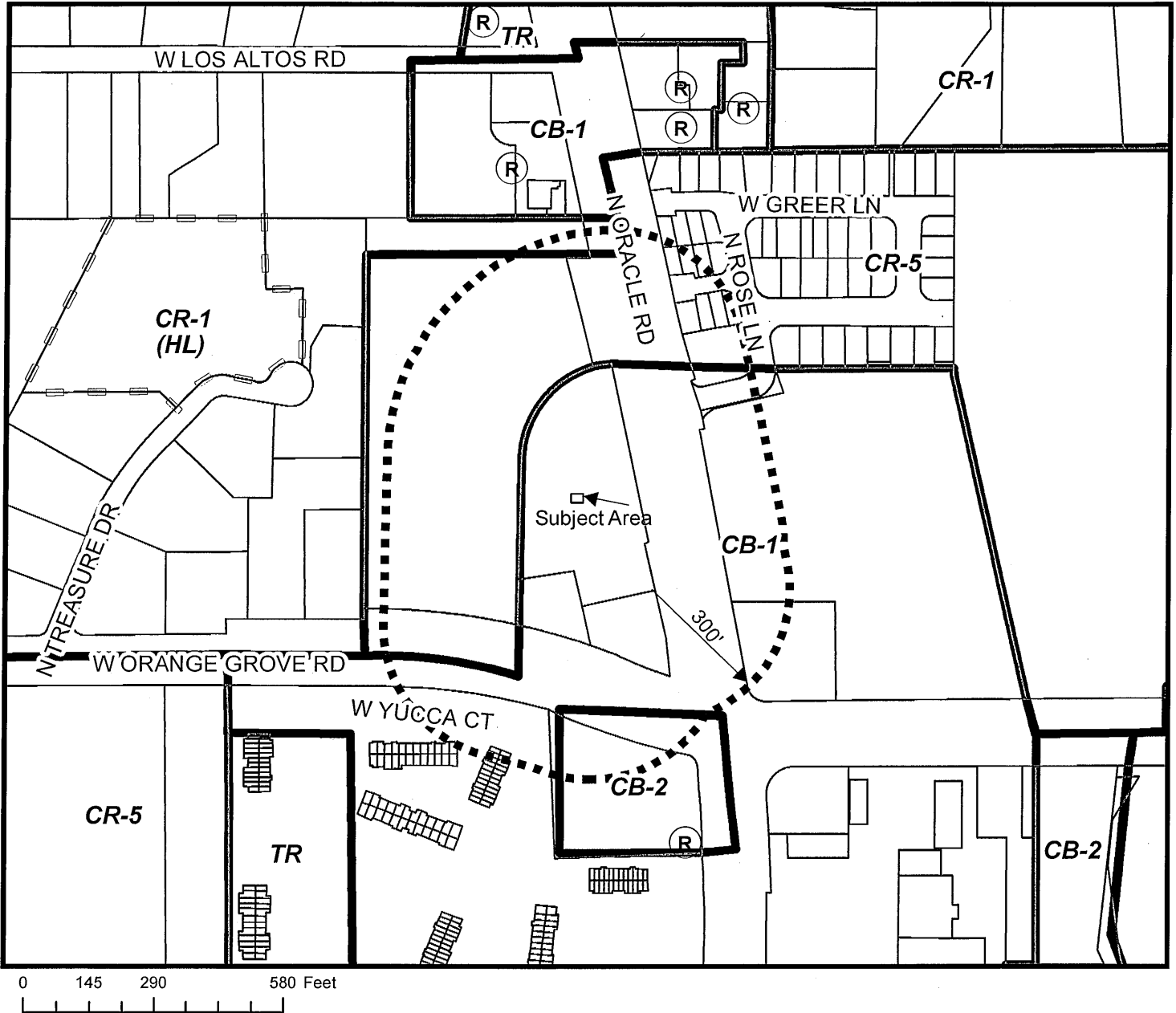
**Needle-Spined Pineapple Cactus.** The subject property is not located within an area that is within the known range of the Needle-Spined Pineapple cactus and is not within the Priority Conservation Area (PCA) for this species.

attachments

cc: Carla Blackwell, Director, Development Services  
Dan Ice, Chief Building Official  
Chris Poirier Planning Official  
Tom Drzazgowski, Chief Zoning Inspector  
S1K, LLC, Owner  
Lazarus & Silvyn, LLC, Applicant  
On Behalf of 6437 N Oracle, LLC & Copperstate Farms

Case #: P22CU00010  
Case Name: S1K LLC - N. ORACLE ROAD  
Tax Code(s): Portion of Parcel 102-02-008F

 300' Notification Area



PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION



Notes: **CONDITIONAL USE PERMIT - TYPE III**



Map Scale: 1:4,000

Map Date: 9/26/2022 - ds



## PIMA COUNTY

### DEVELOPMENT SERVICES

201 N. Stone Avenue, Tucson, AZ 85701

(520) 724-9000

[www.pima.gov/developmentservices](http://www.pima.gov/developmentservices)

## BIOLOGICAL IMPACT REPORT

*(Not applicable for rezonings that require a site analysis)*

The Biological Impact Report assists staff in assessing a proposed project's potential to impact sensitive biological resources and is required by the Pima County Zoning Code Chapter 18.91. A project's design should conserve these important resources.

The report will include information provided by both Pima County Planning staff (Part I) and the Applicant (Part II).

**INSTRUCTIONS FOR SAVING FORM:** 1) Download form to computer. 2) Fill out form as applicable. 3) Save completed form to computer. 4) Submit completed form to Pima County Development Services. **If you fill out the form before you download it, the info you entered will not be saved.**

**Project ID (case no., APN no., address, or other identifying info):**

6437 N. Oracle Road (APN 102-20-008F)

### **Part I. Information Provided by Pima County Staff**

Pima County Planning staff will provide the following information for the project site, as applicable:

1. Is the project located within any Maeveen Marie Behan Conservation Lands System (CLS) designation(s)? (Hold SHIFT for multiple selections)   
Important Riparian Area  
Biological Core  
Multi-Use Management Area
2. Is the project within a CLS Special Species Management Area? No
3. Is the project in the vicinity of any of the six Critical Landscape Linkages? No
4. Is the project designated for acquisition as a Habitat Protection or Community Open Space property? No
5. Is the project located within a Priority Conservation Area for any of the following species?
  - a. Cactus ferruginous pygmy-owl: Yes
  - b. Western burrowing owl: No
  - c. Pima pineapple cactus: No
  - d. Needle-spined pineapple cactus: No

**Part II. Information Provided by the Applicant**

The Applicant will provide the following information to the best of their knowledge, as applicable:

1. Has the owner of the project site had any communications with County staff about Pima County potentially acquiring the property? No  
If yes, provide a summary of those communications:
2. The following species are of particular interest to Pima County conservation efforts; please fill out the following table to the best of your knowledge:

Species	Ever found on project site?	If yes, date of last observation/survey?	Future surveys planned?
Cactus ferruginous pygmy owl	No		No
Western burrowing owl	No		No
Pima pineapple cactus	No		No
Needle-spined pineapple cactus	No		No

**Questions about this form?**

**Contact the Office of Sustainability and Conservation at (520) 724-6940.**



## Conditional Use Permit Application

Property Owner: S1K, LLC Phone: (858) 658-9200  
Owner's Mailing Address, City, State & Zip: 6494 Westhers Pl., Ste. 200, San Diego, CA 92121  
Applicant (if different from owner): Lazarus & Silvyn/6437 N C Phone: (520) 207-4464  
Applicant's Mailing Address, City, State & Zip: c/o 5983 E. Grant Rd., Ste. 290, Tucson, AZ 8571  
Applicant's or Owner's Email Address: KSilvyn@LSLawAZ.com; RLarge@LSLawAZ.com  
Property Address or Tax Code: 6437 N. Oracle Rd. (102-20-008F)  
Type of Use Proposed for the Property: Marijuana Dispensary

Discuss the proposed use and it's compatibility with the surrounding area: \_\_\_\_\_  
(see attached Project Narrative)

☒ The applicant agrees to contact the Regional Flood Control District to discuss the proposal prior to application submittal.

☒ The applicant agrees to contact United States Fish and Wildlife Service at scott\_richardson@fws.gov and provide a written notice that an application for a conditional use permit has been submitted a minimum of 15 days prior to the public hearing date.

**This application is for a (Select one):**

☐ Type I Conditional Use ☐ Type II Conditional Use ☒ Type III Conditional Use

### 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.)

Date: September 5, 2022

**Project Narrative**  
**6437 N Oracle, LLC**  
**Application for Marijuana Dispensary CUP**

This is a request for a Type III Conditional Use Permit (“CUP”) for an adult-use marijuana dispensary (the “Project”) for the property at 6437 N. Oracle Road, Pima County 85704 (the “Property”). The Property is zoned CB-1 and is permitted for a Marijuana Dispensary use subject to the Type III CUP. As described below, this Property is an appropriate location for a Marijuana Dispensary as it meets the criteria established in the County Code Title 18 (“Code”), and it will provide safe and legal access to marijuana for the area’s residents. For these reasons we respectfully request approval of this CUP request.

**1. Applicant Overview**

The Applicant (6437 N Oracle, LLC) is a special purpose entity, which is a subsidiary of Copperstate Farms. Copperstate Farms manages several retail adult-use and medical marijuana dispensaries under the Sol Flower brand name throughout Arizona. Copperstate Farms was founded to bring best practices from big agriculture, consumer packaged goods, and pharmaceutical industries to create one of the top medical and adult-use marijuana companies in North America. Copperstate Farms is dedicated to bringing growth to the local and state economy through the hiring of local laborers, material suppliers, and contractors. Copperstate currently employs nearly 700 Arizonans.

Copperstate Farms partnered with qualified social equity applicant MaryAnn Risvik through the “Your Bright Horizon” program, which resulted in Maryann and YBH 117, LLC being awarded a provisional adult-use marijuana license. These licenses authorize the entity to operate a single adult-use marijuana dispensary. See **Exhibit A—YBH 117, LLC Provisional License**). Ms. Risvik qualified for the social equity program in part because her father was caught making medical marijuana to help her mother treat chronic pain she experienced after a work-related injury. The result was her father being separated from the family due to the criminal charges.

Copperstate Farms launched the Your Bright Horizon as a scholarship program to create partnerships and give assistance to people like Ms. Risvik during the social equity application process. Your Bright Horizon provides social equity applicants a support system and the infrastructure to submit a strong dispensary application and ultimately improve their chances of securing an adult-use Arizona dispensary license. All the Your Bright Horizon social equity applicants were given the opportunity to expunge marijuana convictions. Independent legal counsel was provided to applicants before and after entering a partnership with Your Bright Horizon, and each applicant remains the majority owner of the entity and the awarded license. Copperstate Farms will assist social equity applicants through the entire process of setting up and running a successful and compliant cannabis dispensary.

Locating the Property and applying for this CUP is a vital first step to ensuring that Ms. Risvik can open a dispensary within the 18-month time frame required by Arizona Department

of Health Services Rules (“AZDHS”). If a dispensary is not opened by October of 2023, Ms. Risvik and YBH, 117, LLC will lose its provisional license entirely and irrevocably.

## **2. Project Compliance with CB-1 Marijuana Dispensary Criteria**

The proposed dispensary will be located in the Orange Grove Village retail shopping center on the northwest corner of Oracle Rd. and Orange Grove Rd. The intersection is dominated by large retail shopping centers with a variety of uses including retail, pharmacy, restaurants, etc. Behind the plazas are multi-family apartments. Pursuant to the Code, CB-1 zoning permits Marijuana Dispensary use subject to the criteria outlined in Section 18.43.030.B.59. Those criteria are addressed below and correlate to the Code subsections.

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

As shown on the floor plan attached as **Exhibit B – Floor Plan**, the total gross floor area of the Marijuana Dispensary is 1725 square feet (“SF”), which is well below the 10,000 SF threshold.

- b. A marijuana dispensary shall be located in a permanent building and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.*

The Project will be located in a permanent building in an existing suite in the Orange Grove Village Shopping Center. The suite will be built-out and operated under the YBH 117, LLC Provisional License as a Sol Flower adult-use marijuana dispensary.

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

Hours of operation will be limited to between 7:00 a.m. and 10:00 p.m. as required.

- d. Interior customer waiting area must be equal to a minimum of 25% of the sales floor area.*

As shown on the attached floor plan (**Exhibit B**), this dispensary will be a total of 1,725 SF, of which approximately 370.5 SF will be the sales floor and approximately 500.1 SF will be dedicated to the lobby/waiting area. The remaining areas will be apportioned between offices, bathrooms, and inventory storage as shown on the Floor Plan. Therefore, the waiting area is well over the 25% minimum (over 100%).

- e. Marijuana dispensary shall not have outdoor seating areas.*

As shown on the attached floor plan (**Exhibit B**), there is no outdoor seating area.

- f. Marijuana dispensary may deliver medical marijuana to the extent permitted by Arizona law. A marijuana dispensary may deliver recreational marijuana once rules permitting and regulating delivery are approved by the Arizona Department of Health Services and become effective and shall comply with Arizona law and all lawful applicable health regulations including those promulgated by the Arizona Department of Health Services and any other authorized regulatory agency.*

AZDHS has adopted the regulations for recreational marijuana. To obtain its operational authority from AZDHS, the dispensary will have to demonstrate that it meets all the requirements of the AZ adult-use marijuana law and AZDHS regulations and all other applicable laws and regulations (e.g., department of revenue). Further, the dispensary must submit to and obtain approval from AZDHS for all operating policies and procedures to ensure compliance with regulations.

The Sol Flower dispensaries have a long (5 years) and excellent track record of legal and regulatory compliance and to date have not received a single complaint from neighbors at any Sol Flower location.

AZDHS Rules require strict and comprehensive security measures, which will be implemented and approved prior to operation. This will include camera coverage of the entire interior and exterior of the Property and a single secure entrance for customers. Although not required by regulation, Sol Flower also maintains in-house security guards at all locations.

- g-i. CB-1 zoning permits Marijuana Dispensary subject to certain minimum separation requirements listed below.*

The Property exceeds the strict separation requirements for dispensaries, schools, libraries, parks and substance/rehabilitation uses as outlined in the Code (see **Exhibit C—Separation Map**) as follows:

<b>Protected Use</b>	<b>Min. Separation Required by Code</b>	<b>Property Separation</b>
Substance/Rehab	500ft	6,000ft
School	500ft	4,000ft
Library	500ft	14,000ft
Park	500ft	10,000ft
Other Dispensary	2000ft	9,000ft.

The Property is an appropriate location for a dispensary, is consistent with the uses in the area and will provide the area's residents with safe and legal access.

- 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.*

Not applicable as this is not an expansion.

- 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.***

As stated above, the dispensary will comply with all AZDHS and other regulatory requirements. Copperstate and Sol Flower dispensaries have a track record of compliance.

- l. Odor Mitigation.***

This section of the Code requires compliance with specific odor mitigation and requires submittal of a mitigation plan with the initial building permit application. All Sol Flower retail locations utilize 100% pre-packed marijuana, which results in no significant odor emitted from the building. However out of an abundance of caution, the Project will utilize state-of-the-art activated carbon filters on any exhaust from the building to ensure the Project is odor free. Sol Flower has not had a single complaint regarding odor at any of its existing 5 dispensaries, including those in multi-tenant properties. The specifics of this odor control plan will be submitted for approval by the County prior to construction of the tenant improvements.

### **3. Project Compliance with CUP Requirements**

As described below, the Project and the Property meet or exceed all the standards for CUP approval, including those specific for a marijuana dispensary:

- a. The use will not be in conflict with the objectives of the general land use plan or the area plan in which situated.***

The proposed dispensary will be located in an existing suite of an existing retail shopping plaza. The use and the Property are consistent with the County's Comprehensive Plan, which designates the shopping plaza as Community Activity Center ("CAC"). The CAC designation is designed to be a mixed-use district, which provides a full range of goods and services. Currently there are no marijuana dispensaries within the CAC located at the Oracle and Orange Grove intersection. Thus, approval of this CUP request would be consistent with the intent to provide a full range of goods and services within this CAC and is consistent with the myriad other retail uses on this corner and at this intersection.

- b. The proposed use will provide safeguards for the protection of adjacent developed Property.***

The entire intersection and all surrounding properties are already developed and are consistent with the proposed retail dispensary use on the Property. As discussed above and demonstrated on **Exhibit C**, the use will exceed the required setbacks from any protected uses. By occupying and improving a vacant suite, the proposed use will

improve the shopping plaza and the surrounding area and will provide a vital service to the area. There will be no substantial increase in traffic or parking as the proposed use intensity is the same as other retail uses that could be located in the Plaza. The increase in security and oversight required by AZDHS regulations will be a net-positive to the security of the plaza and the surrounding area by providing 24-hour video coverage and 30-day video storage and on-site security during operating hours.

***c. The proposed use has adequate accessibility to the County road network.***

The Project will be accessible by north and southbound traffic on Oracle Road and by westbound traffic on Orange Grove Road.

***d. The proposed use has sufficient off-street parking and loading facilities that will be developed in accordance with County engineering standards.***

The Project has ample existing off-street parking within the shopping plaza that meets County engineering standards for a retail dispensary use. The shopping plaza has a total of 111 parking spaces and Sol Flower will have access to these. Occasional deliveries to the dispensary can be handled at the rear of the building, which has staff-only access.

***e. The proposed use will meet County standards in terms of control of noise, smoke, glare or heat, odors, vibrations, fly, ash, dust, fumes, vapors, gasses, and other forms of air pollution, liquids, and solid wastes.***

The Project will meet all the County standards for nuisance and environmental issues. All Sol Flower retail locations utilize 100% pre-packed marijuana, which results in no significant odor emitted from the building. However, out of an abundance of caution, the Project will utilize state-of-the-art activated carbon filters on any exhaust from the building to ensure the Project is odor free. Sol Flower has not had a single complaint regarding odor at any of its existing 5 dispensaries, including those in multi-tenant properties. The specifics of this odor control plan will be submitted for approval by the County prior to construction of the tenant improvements. There will be no significant noise, smoke, heat, vibrations, fly, ash, dust, fumes, vapors, gasses, solids or liquids emitted from the Project.

***f. The hours of operation will not be detrimental to adjoining residents.***

The dispensary will be open between the hours of 7:00 a.m. and 10:00 p.m. as required by the County's ordinance. These hours are consistent with the other retail uses in the plaza and the surrounding area.

***g. Landscaping will be fully in conformance with zoning code regulations.***

The shopping plaza is already fully built-out and the existing landscaping will remain.

#### **4. Conclusion**

The Proposed dispensary Project meets or exceeds all requirements of the Code, the Comprehensive Plan and the CUP requirements. Copperstate and Sol Flower have a long track record of compliant operations and positive relationships with neighboring uses. The Project is consistent with surrounding retail uses in the plaza and at the intersection and will provide a needed service to the residents of the area. We respectfully request approval of this CUP application. Thank you.



ARIZONA  
DEPARTMENT  
OF HEALTH SERVICES

**EXHIBIT A**

**Your Bright Horizon 117, LLC**  
**7126 N 19th Ave Unit 142, Phoenix, AZ 85021**

The establishment listed above has been issued an Establishment License. This license has been issued under the authority of Title 36, Chapter 28.2, Arizona Revised Statutes and pursuant to the Arizona Administrative Code Title 9, Chapter 18 Department of Health Services' rules and regulations.

**Establishment License Number: 0000163ESTSO81819209**

**Effective Date: April 8, 2022**

**Expiration Date: April 7, 2024**

**THE ARIZONA MARIJUANA ACT DOES NOT AUTHORIZE THE HOLDER OF AN ESTABLISHMENT LICENSE TO CULTIVATE, POSSESS, MANUFACTURE OR SELL MARIJUANA PRIOR TO RECEIVING APPROVAL TO OPERATE FROM THE DEPARTMENT.**  
**THE APPLICANT AGREES NOT TO OPERATE THE ESTABLISHMENT UNTIL THE ESTABLISHMENT IS INSPECTED AND THE APPLICANT OBTAINS APPROVAL TO OPERATE FROM ADHS.**

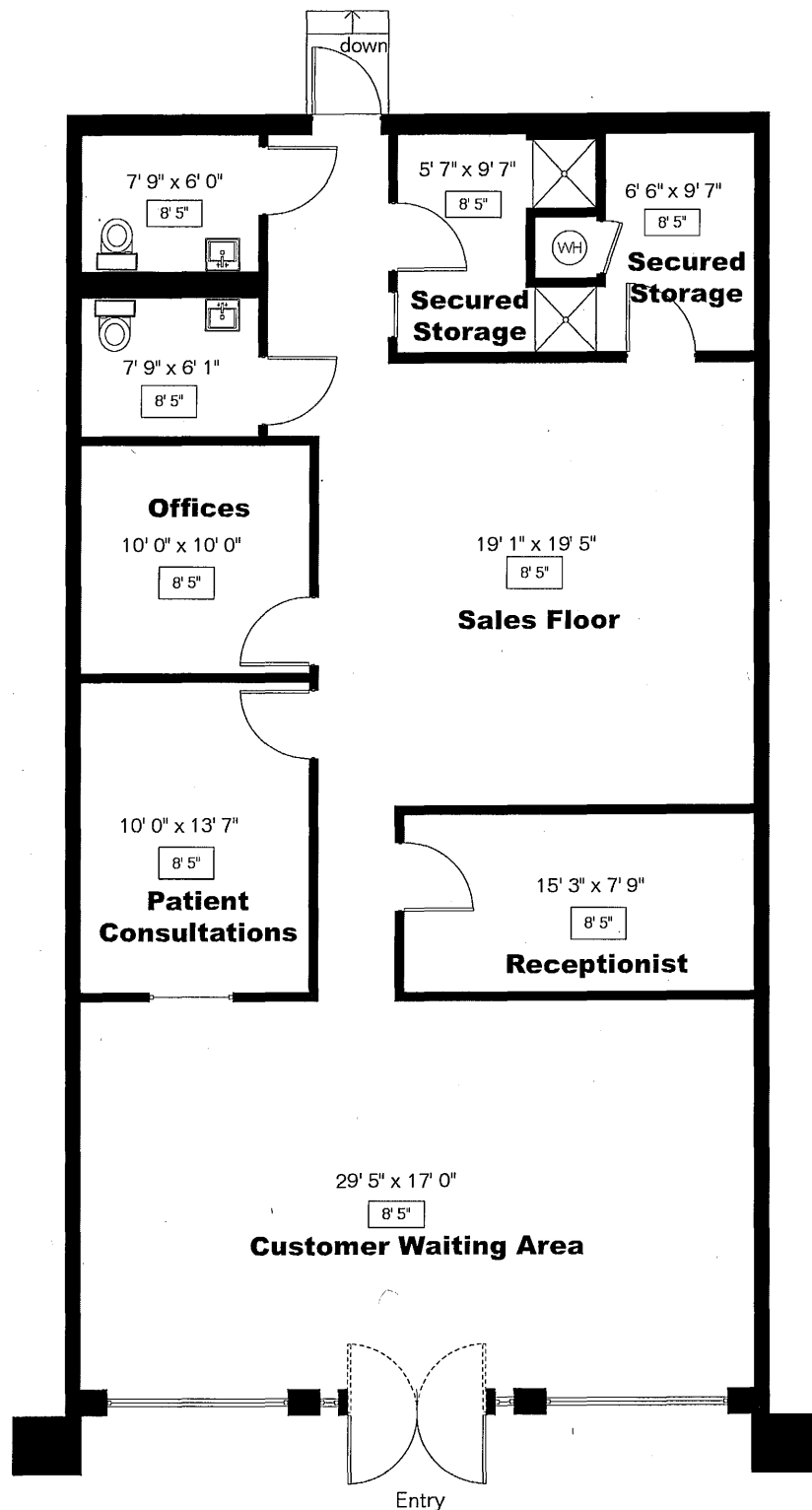
A Registration License issued by the Arizona Department of Health Services pursuant to A.R.S. Title 36, Chapter 28.2 and A.C.C. Title 9, Chapter 18 does not protect the holder from legal action by local, city, state, or federal authorities, including possible criminal prosecution for violations of federal law for the sale, manufacture, distribution, use, dispensing, possession, etc. of marijuana. The acquisition, possession, cultivation, manufacturing, delivery, transfer, transportation, supplying, selling, distributing, or dispensing marijuana under state law is lawful only if done in strict compliance with the requirements of the State Marijuana Act ("Act"), A.R.S Title 36, Chapter 28.2 and A.A.C. Title 9, Chapter 18. Any failure to comply with the Act may result in revocation of the Registration License issued by the Arizona Department of Health Services, and possible arrest, prosecution, imprisonment, and fines for violation of state drug laws. The State of Arizona, including but not limited to the employees of the Arizona Department of Health Services, is not facilitating or participating in any way with my acquisition, possession, cultivation, manufacturing, delivery, transfer, transportation, supplying, selling, distributing, or dispensing marijuana.

Recommended By: Megan Whitby  
Bureau Chief

Issued By: Tom Salow  
Interim Assistant Director

The square footages and room size information are deemed to be reliable but are not guaranteed and should be independently verified.

6437 N Oracle Rd



**Sales Floor Area**  
370.5 S/F

**Customer Waiting Area**  
500.1 S/F

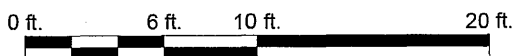
**Sales Floor to Customer Waiting Area Ratio**  
500.1 S/F  
370.5 S/F = 1.3497

*The customer waiting area is 134.97% of the sales floor area.*

*This exceeds the 25% customer waiting area requirement*

Gross 1,725 Sq Ft

Site Visit August 2022



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**EXHIBIT B**

**Floor Plans First!**  
See the Floor Plan First™

FloorPlansFirst.com™  
(520) 881-1500

# 6437 N ORACLE RD

Proposed Marijuana Dispensary  
Existing Zoning: CB-1



- Desert Star Addiction Recovery  
~6,000 ft
- Kino School  
~4,000 ft
- Flowing Wells Library  
~14,000 ft
- Childrens Memorial Park  
~10,000 ft
- Earth's Healing North  
~9,000 ft

*All measurements are approximate  
Using online mapping tools*

