

BOARD OF SUPERVISORS AGENDA ITEM REPORT

DEC 08'22m1240 PC CLK OF B

*= Mandatory, information must be provided

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

*Title:

P22CU00011 CASA BLANCA PLAZA 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 6026 N. Oracle Rd (Assessors Parcel No. 102-20-019C), within an existing shopping center at the northwest corner of Oracle Rd. and Rudasill Rd. The properties at all four corners of this arterial intersection are zoned CB-1 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:

Department:	Develop	ment Servic	es. Planning	Division	Telephone [.]	520-724-8800
Department.	Develop		co, i iaiiiiiiie		reiephone.	520 724 0000

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

Department Director Signature:	Date:	1-28-2022
Deputy County Administrator Signature:		12/1/2022
County Administrator Signature:	Date:	12/12022



TO: Honorable Rex Scott, District 1

FROM: Chris Poirier, Deputy Director 756 Ton Orangewski Public Works-Development Services Department-Planning Division

DATE: November 29, 2022

SUBJECT: <u>P22CU00011 CASA BLANCA PLAZA LLC – N. ORACLE ROAD</u> (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.

- **<u>REQUEST</u>**: 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 6026 N. Oracle Road, in the CB-1 (Local Business) zone. (District 1)
- OWNER: Casa Blanca Plaza LLC 280 W Rudasill Rd Tucson, AZ 85704
- AGENT: Lazarus & Silvyn Attn: Keri Silvyn 5983 E Grant Rd., Ste. 290 Tucson, AZ 85712

1

DISTRICT:

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

<u>HEARING ADMINISTRATOR RECOMMENDATION</u>: APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS

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

TD/EP/ds Attachments

PIMA COUNTY DEVELOPMENT SERVICES BOARD OF SUPERVISORS MEMORANDUM

Subject: P22CU00011

Page 1 of 2

FOR DECEMBER 20, 2022 MEETING OF THE BOARD OF SUPERVISORS

- TO: HONORABLE BOARD OF SUPERVISORS
- FROM: Chris Poirier, Deputy Director
- DATE: November 29, 2022

ADVERTISED ITEM FOR PUBLIC HEARING

CONDITIONAL USE PERMIT

P22CU00011 CASA BLANCA PLAZA LLC - N. ORACLE ROAD

Casa Blanca Plaza, LLC, represented by 6026 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 **6026 N. Oracle Road**, in the CB-1 (Local Business) zone. On motion, the Planning and Zoning Commission voted 10-0 to recommend APPROVAL **SUBJECT TO STANDARD AND SPECIAL CONDITIONS.** The Hearing Administrator recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.** (District 1)

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 Commission had few follow-up questions and comments pertaining to the case or this dispensary after having already heard two prior cases by the same operator and applicant.

No (0) members of the public appeared to speak on the matter. Staff had received one (1) letter of support for the case, this actually being from a representative of the neighboring shopping center (on the west side of Oracle Road) that was once under consideration as a potential location for this same dispensary. The applicant also held a neighborhood meeting, wherein it was indicated that one (1) individual attended who had maintained an essentially unilateral opposition to marijuana dispensaries.

After closing the public hearing, the Commission voted 10-0 (motion by Maese, seconded by Matter) 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:

P22CU00011

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 of 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.

TD/EP/ds Attachments

C: Lazarus & Silvyn, LLC



MEMORANDUM

PUBLIC WORKS - DEVELOPMENT SERVICES

P22CU00011

Page 1 of 6

FOR BOARD OF SUPERVISORS DECEMBER 20, 2022 PUBLIC HEARING

TO: THE HONORABLE BOARD OF SUPERVISORS

FROM: Jim Portner, Hearing Administrator

DATE: October 31, 2022

DOCUMENT: P22CU00011

CONDITIONAL USE PERMIT REQUEST FOR PUBLIC HEARING

Casa Blanca Plaza, LLC, represented by 6026 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 **6026 N. Oracle Road**, in the CB-1 (Local Business) zone. (District 1)

CASE PARTICULARS

The property is located at 6026 N. Oracle Road (Assessors Parcel No. 102-20-019C), within an existing shopping center at the northeast corner of Oracle Road @ Rudasill Road. The immediate properties at all four corners of this arterial intersection are zoned and/or similarly developed for commercial uses that are comparable to those of the subject property.

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.

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 Commission had few follow-up questions and comments pertaining to the case or this dispensary after having already heard two prior cases by the same operator and applicant.

No (0) members of the public appeared to speak on the matter. Staff had received one (1) letter of support for the case, this actually being from a representative of the neighboring shopping center (on the west side of Oracle Road) that was once under consideration as a potential location for this same dispensary. The applicant also held a neighborhood meeting, wherein it was indicated that one (1) individual attended who had maintained an essentially unilateral opposition to marijuana dispensaries.

After closing the public hearing, the Commission voted 10-0 (motion by Maese, seconded by Matter) 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 of 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.

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.

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, all of which is zoned CB-1. All four quadrants surrounding the Oracle Road/Rudasill Road intersection are zoned CB-1. This is a highly urbanized context that is bisected by major arterial streets.

One of the properties to the south of the subject shopping center (across Rudasill Road) is zoned TR and contains what appears to be townhomes. Further to the east, beyond additional intervening CB-1 property, is a single-family residential subdivision zoned CR-5. A physical barrier exists between these homes and the shopping center in the form of an intervening channelized drainage.

The subject property and the proposed marijuana dispensary operation meets or exceeds 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 <u>Comprehensive Plan Considerations</u>. 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. Rudasill Road, the first of which is a designated major street 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 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 of 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.

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 Casa Blanca Plaza, LLC, Owner Lazarus & Silvyn, LLC, Applicant On Behalf of 6026 N Oracle, LLC & Copperstate Farms

P22CU00011

Standard Conditions

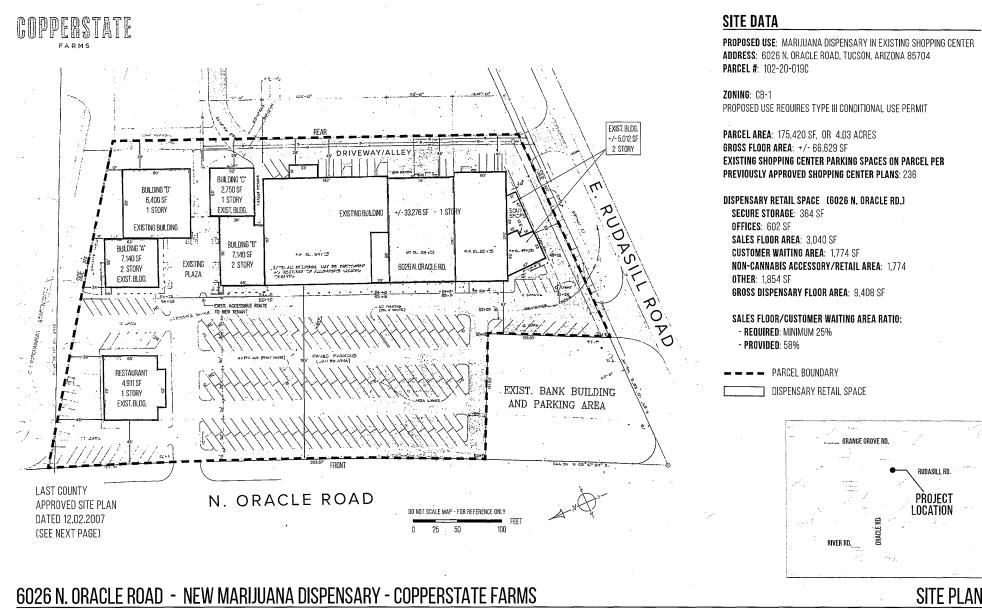
Compliance with all specialized requirements enumerated in Section 18.43.030.B.59 of the Pima County Zoning Code.

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 of implied.
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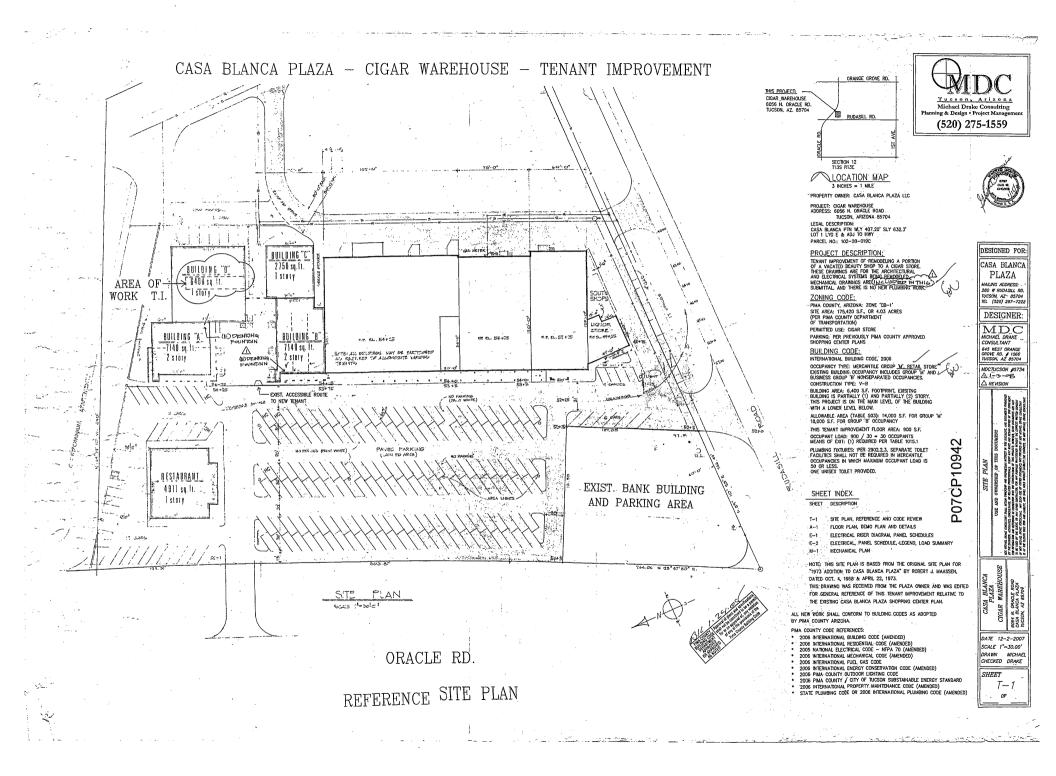
TD/EP/ds Attachments

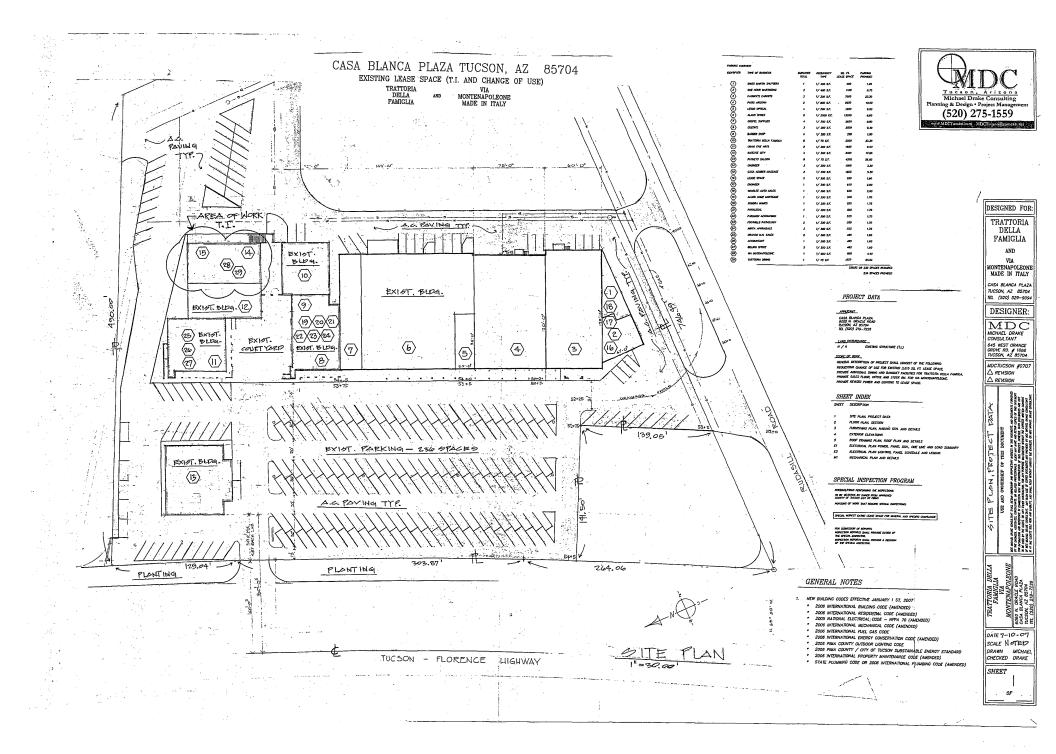
C: Lazarus & Silvyn, LLC



PIMA COUNTY, AZ

9.2.2022





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

CASE:P22CU00011CASA BLANCA PLAZA, LLC — N. ORACLE ROAD

- OWNERSHIP: Casa Blanca Plaza, LLC 280 W. Rudasill Road Tucson, AZ 85704
- APPLICANT: Lazarus & Silvyn, P.C c/o Keri Silvyn & Robin Large 5983 E. Grant Road Suite 290 Tucson, AZ 85712

On Behalf of: 6026 N Oracle, LLC A Subsidiary of Copperstate Farms

- **LOCATION:** The property is located at 6026 N. Oracle Road (Assessors Parcel No. 102-20-019C), within an existing shopping center at the northeast corner of Oracle Road @ Rudasill Road. The immediate properties at all four corners of this arterial intersection are zoned and/or similarly developed for commercial uses that are comparable to those of the subject property.
- **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."

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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.

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The subject property and the proposed marijuana dispensary operation meets or exceeds all of the Coderequired 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.

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See the above <u>Comprehensive Plan Considerations</u>. 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.

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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 buildingpermit 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

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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:

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Staff Commentary on Biological Impacts

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

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

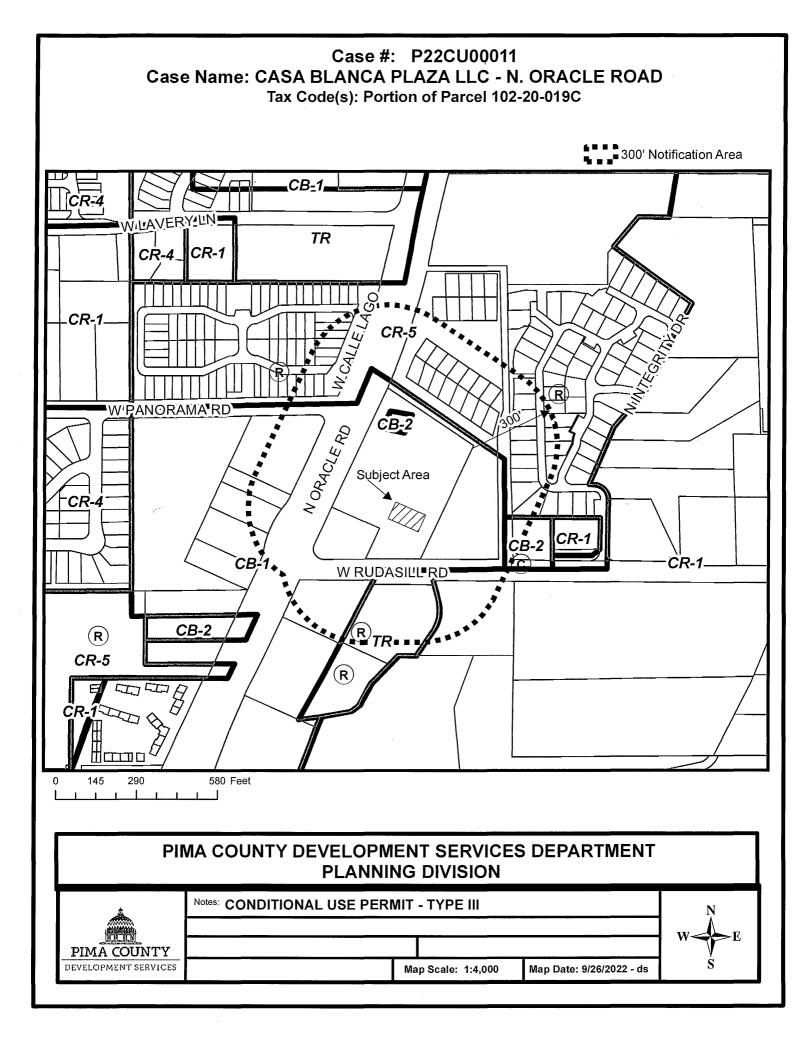
Pima Pineapple Cactus. The property is not located within an area that is within the known range of the Pima Pineapple Cactus and is not within the Priority Conservation Area (PCA) for this species.

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 Casa Blanca Plaza, LLC, Owner Lazarus & Silvyn, LLC, Applicant On Behalf of 6026 N Oracle, LLC & Copperstate Farms





201 N. Stone Avenue, Tucson, AZ 85701 (520) 724-9000 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):

6026 N. Oracle Road (APN 102-20-019C)

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) NA

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:

- 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		Νο
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:	Casa Blanca Plaza, LLC	Phone: (520) 297-7222
Owner's Mailing	Address, City, State & Zip: 280 W.	Rudasill Rd., Tucson, AZ 85704
Applicant (if diffe	rent from owner):_Lazarus & Silv	/yn/6026 N (_{Phone:} (520) 207-4464
		5983 E. Grant Rd., Ste. 290, Tucson, AZ 8571
		SLawAZ.com; RLarge@LSLawAZ.com
	or Tax Code: 6026 N. Oracle Rd	
	osed for the Property: Marijuana	

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

The applicant agrees to contact the <u>Regional Flood Control District</u> to discuss the proposal prior to application submittal.

The applicant agrees to contact United States Fish and Wildlife Service at <u>scott_richardson@fws.gov</u> 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

<u>Project Narrative</u> <u>6026 N Oracle, LLC</u> <u>Application for Marijuana Dispensary CUP</u>

This is a request for a Type III Conditional Use Permit ("CUP") for an adult-use marijuana dispensary (the "Project") for the property at 6026 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 (6026 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 Danzel Harrington through the "Your Bright Horizon" program, which resulted in Danzel and YBH 192, LLC being awarded a provisional adult-use marijuana license which authorizes the entity to operate a single adult-use marijuana dispensary (see Exhibit A – YBH 192, LLC Provisional License). Mr. Harrington qualified for the social equity program due to previous charges related to marijuana paraphernalia possession.

Copperstate Farms launched the Your Bright Horizon as a scholarship program to create partnerships and give assistance to people like Mr. Harrington during the social equity application process. Your Bright Horizon gave 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 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 Mr. Harrington can open a dispensary within the 18-month time frame required by AZ Department of Health Services ("AZDHS"). If a dispensary is not opened by October of 2023, Mr. Harrington and YBH 192, LLC will lose its provisional license entirely and irrevocably.

2. <u>Project Compliance with CB-1 Marijuana Dispensary Criteria</u>

The proposed dispensary will be located in the Casa Blanca retail shopping plaza on the northeast corner of Oracle Rd. and Rudasill Rd. The intersection consists of retail shopping centers and other retail developments with a variety of uses including, retail, banks, and restaurants. Behind the plazas are single-family residential and 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 9,408 square feet ("SF"), which is 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 Casa Blanca retail shopping plaza. The suite will be built-out and operated under the YBH 192, 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 9,408 SF, of which approximately 3,040 SF will be the sales floor and approximately 1,774 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 over the 25% minimum (over 58.35%).

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, parks and substance/rehabilitation uses as outlined in the Code (see Exhibit C - Separation Map) as follows:

Protected Use	Min. Separation Required by Code	Property Separation
Substance/Rehab	500ft	9,000ft
School	500ft	6,000ft
Library	500ft	12,000ft
Park	500ft	8,000ft
Other Dispensary	2000ft	6,000ft.

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 Rudasill 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 by-right 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 Rudasill 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 236 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 staffonly 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. <u>Conclusion</u>

The Proposed dispensary Project meets or exceeds all requirements of the Code, the Comprehensive Plan and the CUP requirements. Copperstate and Sol Flower has 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 192, LLC

702 W Pueblo Ave, Phoenix, AZ 85041

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: 0000152ESTNJ52349435

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, 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. *All ceilings heights are 10'-9" unless noted otherwise

6026 N Oracle Rd

Presented by Isaac Figueroa Larsen Baker (520) 490-5384

Sales Floor Area

Customer Waiting

Customer Waiting

The customer waiting area is 58.35% of the sales floor area.

This exceeds the 25% customer waiting area

requirement

= 0.5835

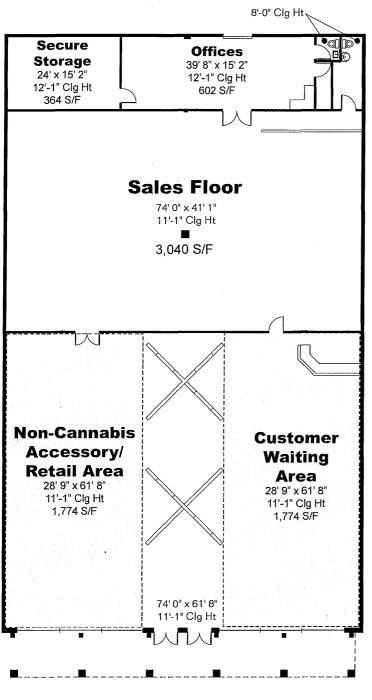
Sales Floor to

Area Ratio

3.040 S/F

3,040 S/F

Area 1,774 S/F



9,408 Sq Ft

EXHIBIT B



FloorPlansFirst.com⁺⁺ (520) 881-1500



6026 N ORACLE RD Proposed Marijuana Dispensary

Existing Zoning: CB-1



Desert Star Addiction Recovery ~9,000 ft



Kino School ~6,000 ft

Flowing Wells Library ~12,000 ft



Childrens Memorial Park ~8,000 ft

Earth's Healing North ~6,000 ft

All measurements are approximate Using online mapping tools

