

# ARROYO CHICO NEIGHBORHOOD ASSOCIATION

11-JAN-2016

**TO: Planning Commission**  
c/o City of Tucson Planning and Development Services Department  
cotplanningcommission@tucsonaz.gov

**FR: Les Pierce**  
President, Arroyo Chico Neighborhood Association  
les\_p\_hackenslash@yahoo.com

**RE: case# C8-15-03, proposed amendments to UDC section 4.9.9.E., Medical Marijuana**

Honorable Commissioners:

We have read the proposed amendments to the Medical Marijuana section of the City's Unified Development Code and the supporting documentation noted below, and I now write on behalf of the Arroyo Chico Neighborhood Association to bring two concerns to your attention:

**(a) Balancing gifts to businesses with checks by impacted neighborhoods.**

The proposed amendments would allow currently-operating dispensaries to expand their operations to 500 feet from any surrounding K-12 school; setback requirements from all other "sensitive uses" (parks, libraries, et cetera) listed in UDC section 4.9.9.E. would be eliminated only for currently operating dispensaries that want to enlarge. We respectfully request that, in any case wherein a proposed dispensary expansion would breach the 1000-foot buffers of schools and/or other "sensitive uses" that existed before the dispensary opened, there be a public process to give these entities and the impacted neighborhood(s) a chance for input and, if deemed appropriate, for conditioning plan approval on mitigation of any concerns raised by the neighborhood(s) about the dispensary's operations. Newly-opened "sensitive uses" would not trigger this process (anyone who locates next to an operating dispensary has presumably made a willing choice to do so), but "sensitive uses" that had been deemed worthy of a 1000-foot "protection" buffer before the dispensary opened should not lose that protection wholesale just because a dispensary business owner wants more square footage.

*Please note:* This request is not compelled by any particular dispensary operation, but by the broader need to ensure that residents are given a modicum of consideration when the rules are relaxed for the businesses and developers that impact them.

**(b) "Me too!" requests from other industries with required setbacks from "sensitive uses".**

Consideration is being given to removing restrictions imposed by legal non-conforming status on one business sector. Will other industries currently restricted by setback requirements from "sensitive uses" (e.g., blood donor centers, restricted adult activities) receive similar adjustments? If so, what opportunities will there be for impacted neighborhoods to either voice support for the operators who have been good neighbors or to lodge protests against bad actors?

Thank you for your kind attention and consideration of our concerns.

Respectfully submitted,

*Les Pierce*  
Les Pierce

( continues ... )

**SOURCES AND REFERENCES:**

- (A) Memo from PDSO interim director Jim Mazzocco to Planning Commission summarizing proposed amendments to MMJ sections of UDC -- [https://www.tucsonaz.gov/files/pdsd/boards-committees-commissions/Item\\_7\\_Medical\\_Marijuana\\_Zoning\\_Text\\_Amendment.pdf](https://www.tucsonaz.gov/files/pdsd/boards-committees-commissions/Item_7_Medical_Marijuana_Zoning_Text_Amendment.pdf) -- (~781KB, nine pages, PDF format)
- (B) Presentation from PDSO to Planning Commission 02-DEC-2015 --[https://www.tucsonaz.gov/files/pdsd/boards-committees-commissions/Item\\_7\\_Presentation\\_-\\_Medical\\_Marijuana\\_Zoning\\_Text\\_Amendment.pdf](https://www.tucsonaz.gov/files/pdsd/boards-committees-commissions/Item_7_Presentation_-_Medical_Marijuana_Zoning_Text_Amendment.pdf) -- (~305KB, nine pages, PDF format)
- (C) C8-15-03 Medical Marijuana Zoning Text Amendment - Mayor and Council Memorandum SS/JAN05-16-3 -- [https://www.tucsonaz.gov/sirepub/view.aspx?cabinet=published\\_meetings&fileid=7389550](https://www.tucsonaz.gov/sirepub/view.aspx?cabinet=published_meetings&fileid=7389550) -- (~173KB, three pages, PDF format) from Assistant City Manager Albert Elias
- (D) C8-15-03 Medical Marijuana Zoning Text Amendment - Attachment A - Medical Marijuana Zoning Text Amendment -- [https://www.tucsonaz.gov/sirepub/view.aspx?cabinet=published\\_meetings&fileid=7389551](https://www.tucsonaz.gov/sirepub/view.aspx?cabinet=published_meetings&fileid=7389551) -- (~129KB, five pages, PDF format) redline version
- (E) C8-15-03 Medical Marijuana Zoning Text Amendment - Attachment B - CHAA map -- [https://www.tucsonaz.gov/sirepub/view.aspx?cabinet=published\\_meetings&fileid=7389552](https://www.tucsonaz.gov/sirepub/view.aspx?cabinet=published_meetings&fileid=7389552) -- (~510KB, one 17 x 11" page, PDF format) showing locations of Tucson MMJ operations