

October 31, 2013



CITY OF
TUCSON

PLANNING &
DEVELOPMENT
SERVICES
DEPARTMENT

ZONING
ADMINISTRATION
DIVISION

John Feneck
Feneck Group, Inc.
PO Box 550
Vail, AZ 85641

SUBJECT: Medical Marijuana Cultivation Site – T13SA00308
3615 East Golf Links Road

Dear Mr. Feneck,

You want to know if an infusion kitchen as described in the Arizona Department of Health Services Medical Marijuana Program is permitted at a dispensary off-site cultivation location in the I-1 Zone.

There is already a dispensary off-site cultivation location, which is approved by both the State and the City, at the location of 3615 E. Golf Links Road where you want to locate the infusion kitchen.

In your application materials you have noted that you want to use 624 square feet of the 3,000 square foot maximum floor area for an infusion kitchen.

While the Unified Development Code (UDC) permits a dispensary off-site cultivation location in the I-1 Zone, it also requires compliance with use specific standards in Sections 4.4.4.E.2 and 4.9.13.Q. These requirements mainly applied to the original permit regarding the size of the facility, its setbacks, and the type of building being used. In Section 4.4.4.E.2.g it also states that the facility must comply with all lawful health regulations including the Arizona Department of Health Services.

In your background materials, you supplied an Arizona Department of Health Services (ADHS) application that is used for applying for a license to operate an infusion kitchen. We understand that infusion kitchens are allowed by the ADHS as part of the operation of State-approved dispensaries.

We believe that an infusion kitchen is permitted as part of the operation of a dispensary off-site cultivation location in the I-1 Zone as well as other approved medical marijuana dispensaries operating as primary uses.

Planning & Development Services Department (PDSD) - 201 North Stone Avenue
P.O. Box 27210 - Tucson, AZ 85726-7210
Telephone: (520) 791-5550 - Fax: (520) 791-5852
Website: www.ci.tucson.az.us/dsd
Email: DSD_zoning_administration@tucsonaz.gov

3615 East Golf Links Road
Tucson, Arizona
October 31, 2013
T13SA00308

Page 2 of 2

We understand this type of kitchen prepares medical marijuana products in an edible form so that medical marijuana qualifying patients can ingest rather than smoke the product. As you have noted, some patients cannot smoke for various reasons and can only ingest the medication in a non-smoking form.

We understand an infusion kitchen to be different than the use type, bakery which is part of the UDC's Retail Trade Use Group and in the Food and Beverage Sales class or as a use type in the Industrial Use Group's Perishable Goods Manufacturing Use class.

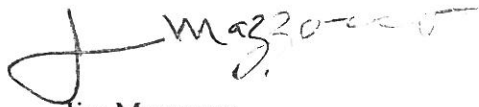
The main difference is the infusion kitchen's edible products can be produced and sold only at approved dispensaries and only purchased by medical marijuana qualifying patients and not the general public.

The UDC size requirement for the infused kitchen is noted in Section 4.9.9.E.2.a that states a dispensary off-site cultivation location is limited to a maximum floor area of 3,000 square feet and for a non-cultivation dispensary the maximum floor area is 2,500 square feet as noted in Section 4.9.9E.1.a. There are also other dispensary size requirements related to a secure storage area and in non-cultivation dispensaries for customer waiting areas. In the applicable circumstance, these size requirements would also have to be met.

In summary, the infusion kitchen that you are proposing at the location of 3615 E. Golf Links Road is simply one facet of, and therefore permitted within, a dispensary off-site cultivation location.

Caveat: This opinion is solely related to City of Tucson zoning regulations and does not address the issue of whether the production of edible goods infused with marijuana is legal under Federal, State or local laws.

Sincerely,



Jim Mazzocco
Zoning Administrator

s: zoning administration/zoning/2013/3615 E Golf Links Rd. T13SA00308.doc

Planning & Development Services Department (PDSD) - 201 North Stone Avenue
P.O. Box 27210 - Tucson, AZ 85726-7210
Telephone: (520) 791-5550 - Fax: (520) 791-5852
Website: www.ci.tucson.az.us/dsd
Email: DSD_zoning_administration@tucsonaz.gov