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**CITY OF TEMPE  
DEVELOPMENT REVIEW COMMISSION**

Meeting Date: 03/28/2017  
Agenda Item: 8

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**ACTION:** Request for a Code Text Amendment for MEDICAL MARIJUANA AMENDMENT, consisting of changes within the Code that regulate the location, operation requirements and total number of dispensaries in Tempe. The applicant is the City of Tempe.

**FISCAL IMPACT:** This change will allow the collection of standard fees for permits and taxes applicable to new dispensaries in Tempe.

**RECOMMENDATION:** Staff – Approve

**BACKGROUND INFORMATION:** MEDICAL MARIJUANA AMENDMENT (PL170076), consists of a request for changes within the existing regulations for medical marijuana dispensaries. At the City Council's Issue Review Session on February 2, 2017, staff prepared a one year review and evaluation of the last ordinance amendment (Ordinance No. O2015.49) as originally stipulated. Staff received direction from City Council to prepare an ordinance amendment. Changes proposed would remove the limitation on the total number of dispensaries allowed in Tempe, and increase the separation requirements from one dispensary to another from 1,320 feet (1/4 mile) to a 2,640 feet (1/2 mile) distance. The request includes the following:

1. A Code Text Amendment within the Zoning and Development Code, Section 3-426, Medical Marijuana.

**ATTACHMENTS:** Ordinance, Project File

**STAFF CONTACT(S):** Ryan Levesque, Deputy Community Development Director (480) 858-2393

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Ryan Levesque, Deputy Community Development Director

## COMMENTS:

This is a request for a code text amendment within the Zoning and Development Code pertaining to the regulation of medical marijuana dispensaries within the City of Tempe.

The proposed amendment consists of changes within Section 3-426, Medical Marijuana, of Tempe's Zoning and Development Code. Two specific changes are proposed for consideration:

1. Eliminate the dispensary limitation enacted by Ordinance No. O2015.49, *"Dispensary Limitations. The maximum number of medical marijuana dispensaries within the Tempe City limits shall be two (2)."*
2. Increase the separation requirement from one medical marijuana dispensary to another dispensary, measured from parcel to parcel line, from 1,230 feet (1/4 mile) to 2,460 feet (1/2 mile).

In response to removing a specified number of dispensaries allowed within the city, staff also evaluated the potential number of dispensaries that could possibly comply with the separation requirements. Refer to the evaluation maps found in the attachments. Attachment 1 shows a map based on the most recent information of uses and districts requiring separation from a medical marijuana dispensary and the remaining parcel that may comply. Attachment 2 shows an evaluation map of the existing dispensaries and the current ¼ mile radius separation requirement. Attachment 3 shows an evaluation map with the existing dispensaries and the proposed ½ mile radius separation. In a hypothetical evaluation, the ¼ mile separation estimates a maximum potential of 21 dispensaries in Tempe. The proposed ½ mile separation estimates a potential of 13 dispensaries in Tempe.

Note, there are multiple factors that would further limit the maximum potential dispensaries, including the limited number of vacant sites or buildings within the eligible locations; the ability to obtain property owner's authorization whether in support of such use; a limited availability of desirable commercial frontages (mostly industrial/office locations); and the overall availability of qualified patients within a limited geographic area. The Medical Marijuana Act sets a state-wide dispensary limit on the total number based on the number of state registered pharmacies (1 per 10).

Staff recommends the extended ½ mile separation requirements from one medical marijuana dispensary to another dispensary in order to limit the potential of clustering similar uses, and providing a more appropriate means of dispensary limitation as a result of the land use separation requirements already in place (residential districts and use, childcare facility, elementary or secondary schools, place of worship, public park, library, or public community building). Comparatively, the City of Phoenix, Chandler and Mesa have greater separation requirements from dispensary to dispensary (5,280 feet or 1 mile). Other neighboring cities such as Scottsdale and Gilbert have a ¼ mile separation requirement.

## BACKGROUND:

In 2010, Proposition 203 cited as the "Arizona Medical Marijuana Act", is a voter-approved initiative that allows a "qualifying patient" who is registered with the Arizona Department of Health Services (ADHS), to legally obtain an "allowable amount of usable marijuana" from a "nonprofit medical marijuana dispensary" and possess and use marijuana to treat or alleviate symptoms associated with a "debilitating medical condition." With the adoption of Proposition 203, ADHS set forth rules which govern medical marijuana operating and application procedures. ADHS had initially given municipalities time to adopt zoning regulations before starting the permit process.

The City of Tempe requires a medical marijuana dispensary or cultivation facility business to apply for a "zoning clearance", an administrative review process that verifies compliance with Tempe's zoning regulations and procedure requirements for a security plan. Applicants then must apply to ADHS for a license and certify that their dispensary/cultivation facility location is in compliance with local ordinances.

On December 3, 2015, City Council adopted an ordinance amending regulations for Medical Marijuana Dispensaries (Section 3-426 of the Zoning and Development Code). The ordinance was effective 30 days after. Specific changes within the ordinance included the following:

- Changed dispensary size from a single exit to no more than 5,000 square feet.
- Changed the age limitation to enter a dispensary from 21 to 18 years of age (matching State Law)
- Increased hours of business operation from 6 p.m. to 8 p.m.
- Limit the total number of dispensaries within Tempe to two (2).

Council added a stipulation within the ordinance, one year after its effective date (January 2, 2016) that the Medical Marijuana ordinance shall be brought back to the City Council for review and evaluation. (Ordinance No. O2015.49)

#### 1 YEAR IN REVIEW:

Prior to the effective date of the ordinance, Community Development received two applications seeking use acceptance for a dispensary license in Tempe. Since both applications applied before the effective date of the new ordinance, the dispensary limitation (no more than 2) did not apply to their requests. One application, near Priest Drive and Warner Road, met the separation requirements and received an administrative approval letter for a dispensary. The other application, near McClintock Drive and Rio Salado Parkway, did not comply with the separation requirements and therefore received a letter of denial. The administrative denial was later appealed to the Board of Adjustment, in which the denial was upheld by the Board.

Tempe currently has two (2) legally operating dispensaries. One in the North Tempe area and one in South Tempe, based on the States CHAA (Community Health Analysis Area) boundaries. The city has one additional approved dispensary but not operational, as described above. Tempe also has one existing Medical Marijuana Cultivation Facility (without a dispensary), and one other Cultivation Facility approved but pending further permit processing.

During 2016, the Arizona Department of Health Services (ADHS) identified the allocation of 31 new certificates for additional dispensaries in Arizona. ADHS then ranked the State's priority CHAA locations, which included Tempe North (#14) and Tempe South (#16). Tempe received numerous communications from dispensary businesses or entrepreneurs looking to open a medical marijuana business in Tempe as a result of the allocation for new licenses. Interested applicants were informed of Tempe's ordinance and specifically the limitation on the total number of dispensaries (2), since Tempe already has two dispensaries in operation. Nevertheless, we received two applications during 2016 which received a determination letter of denial. The State ADHS concluded their certificate allocation process for vetting qualified and compliant applications within the prioritized 31 CHAAs. The City has been in communication with representatives of the two businesses that have been awarded dispensary certifications from ADHS that are eligible to locate in Tempe, but no application has been made at this time because of the current limitation on the total number of dispensaries.

City staff is also aware that there is the potential for existing dispensaries operating in Arizona may process a transfer with ADHS and seek potential operation within City of Tempe

#### PUBLIC INPUT:

In addition to the continued interest in prospective medical marijuana businesses looking to locate to Tempe, the city has also received a letter from the Tempe Coalition to Reduce Underage Drinking and Drug Use (dated: December 27, 2016), see Attachment 13, expressing concerns for an increase in the number of dispensaries.

#### TEMPE POLICE DEPARTMENT REPORT:

An interdisciplinary team which consisted of the Police Department, Community Development – Planning, Building Safety and Code Compliance, Tempe Fire Medical Rescue, Sales Tax & Licensing, and the City Attorney's Office, met to discuss the medical marijuana industry in order to increase our knowledgebase and determine how we might better manage and prepare for this growing industry. The discussions included a tour of a cultivation site with the opportunity for feedback from a stakeholder in the medical marijuana industry. I believe many of the departments now have a greater awareness of the medical marijuana industry but we learned under the AMMA (Arizona Medical Marijuana Act) few tools are afforded cities,

counties, and the state, to better manage the medical marijuana industry. Under Arizona Revised Statutes 36-2806.01 it states; "Cities, towns and counties may enact reasonable zoning regulations that limit the use of land for registered nonprofit medical marijuana dispensaries to specified areas..." Basically any laws or ordinances that fall outside of zoning that might help protect the public and better manage the industry are not able to be created or enforced. Fortunately, the City of Tempe has adopted Security Plans as part of our zoning requirements and we will be able to focus on some specific health and safety issues to add to the security plans that pertain to the medical marijuana industry.

The security plan additions will look something like:

- Any CO2 and/or other hazardous material enriched environments must be approved by Tempe Fire Safety and must include an illuminated exterior alert when in operation.
- Any area or material that has been treated with insecticides, herbicides or other similar chemicals must be clearly labeled at both the entrance and exit to the affected area, including, but not limited to a schedule of the application.
- Any room that has an extraction system must be clearly labeled at all entrances to that room, including, but not limited to, the type of extraction, the chemical used for extraction and any other hazards that may present due to the extraction.

Also, for section VI, 6 Security Plan Changes, we should add the following language; "Any property owner or authorized agent who intends to conduct an operation or business, or install or modify systems, equipment, or other building components which are regulated by the Tempe Fire and Building Codes, or to cause such work to be done, to include, but not limited to;

- Kitchen Facilities,
- Extraction Systems,
- CO2 and other hazardous or flammable substances,

shall first make application to Building Safety for applicable building code and/or fire code review and obtain the required permit or permits.

**Crime Study:**

As requested, Tempe Police Department, Crime Analysts, put together a study of some Part 1 crimes that occur in a ¼ mile radius around Pharmacies and Medical Marijuana Dispensaries. They also included some liquor stores and small markets. (See Attachments 6-12, titled "Dispensaries Study")

**Other Useful Information About Medical Marijuana in Tempe:**

	Qualified Patient (QP)	Caregiver (CG)	Dispensary Agent (DA)
Tempe North CHAA	2,219	16	79
Tempe South CHAA	1,986	8	50
Totals	4,205	24	129

(Source: Arizona Department of Health Services)

**Is the Demand for Product Not Being Met?**

Each "Qualified Patient" (QP) can, depending on their prescription, purchase up to a maximum of 2.5 oz. every two weeks or 5 ounces a month. This equates to 60 ounces or 3.75 pounds a year of medical marijuana for every "QP". If every Qualified Patient in Tempe purchased a full prescription amount of 2.5 ounces every two weeks, for which they are allowed, the two

dispensaries combined would be selling approximately 15,768.75 pounds per year.

**Actual Demand:**

According to Arizona Department of Health Services (AZDHS) - a combined total of about 2,300 pounds of medical marijuana were sold in Tempe during CY2016 from our two dispensaries. This results in a total of 13,468.75 pounds which makes-up approximately 85% of their full prescription that was available. The patients could have purchased from other nearby dispensaries in bordering cities or from one of the many delivery services that allege to represent other licensed dispensaries. However, our number, 15% of the potential allowable prescription amounts filled, are similar to the state's aggregate numbers. The state has approximately 114,439 Qualified Patients that filled approximately 14% of their allowable prescription amounts.

**Where medical-marijuana cardholders live:**

Maricopa County - 71,773 or 1.7% of the county population (Source: ADHS, Arizona Office of Economic Activity)

City of Tempe – 4,205 or 2.5% of the city's population.

Lessons Learned from Denver (See link to "Denver Symposium Community Health and Safety")

[www.dmms2016.com/2016-presentations/](http://www.dmms2016.com/2016-presentations/)

**Consumer Safety Issues:**

- Cultivation practices influenced by plant value
- Solvent grade; impure solvents are much cheaper
- Heavy metal absorption
- Nutrients
- Off-label pesticide residues
- Hash oil shelf-stability, C. bot concern with ingestion
- Unsafe equipment for food/smoking production
- Marijuana is a unique challenge because it is consumed in so many different ways – it's smoked, vaped, eaten, used as tinctures under the tongue and lotions on the skin.

**Inspections Challenges:**

- Constant industry innovations
- Unapproved equipment
- Industry lacks consumer safety expertise, GMPs
- Establishing standardized policies
- Safety
- Complex supply & distribution
- Staffing levels

**Occupational Safety Hazards:**

- Explosions from concentrate production
- Hydrocarbon toxicity from improper ventilation during concentrate production
- Reduced oxygen, increased CO2 in grows
- Criminal activity
- Cross contamination between grows- Tyvek

## HISTORY & FACTS:

October 29, 2010	Staff provided City Council a Friday memo update outlining the City of Tempe's current involvement with the Arizona League of Cities and Towns with potential provisions for the proposed Proposition 203, cited as the Arizona Medical Marijuana Act.
November 2, 2010	Election date, including the ballot initiative for Proposition 203, Arizona Medical Marijuana Act.
November 23, 2010	Development Review Commission held a study session with staff presenting an outline of proposed draft amendments regarding the regulation of medical marijuana.
December 1, 2010	Neighborhood Advisory Commission received a presentation by staff of an outline of proposed draft amendments regarding the regulation of medical marijuana.
December 14, 2010	Development Review Commission recommended approval of a Code Text Amendment for AZ MEDICAL MARIJUANA ACT Ordinance No. 2011.01. (5-2 Vote, DiDomenico and Webb dissenting)
December 17, 2010	The Arizona Department of Health Services (ADHS) posts initial draft of rules governing the regulatory system for the medical marijuana program.
January 13, 2011	City Council introduced and held the first public hearing for MEDICAL MARIJUANA (PL100378).
January 27, 2011	City Council held the second and final public hearing and adopted an ordinance for MEDICAL MARIJUANA (PL100378).
September 22, 2015	Development Review Commission recommended approval for a Code Text Amendment for MEDICAL MARIJUANA DISPENSARIES (PL150361), consisting of changes within the Code that regulate the location, operation requirements and total number of dispensaries in Tempe. The applicant is Steve White, White Berberian PLC. Development Review Commission recommended – <ol style="list-style-type: none"><li>1. Exit/Size limitation: Approval (7-0 vote), subject to conditions</li><li>2. Age limitation from 21 to 18: Approval (5-2 vote)</li><li>3. Dispensary hours: Approval (7-0 vote), subject to hours limited until 8 pm</li><li>4. Limiting total # of dispensaries: Denial (5-2 vote), not to limit the number of dispensaries</li></ol>
October 22, 2015	Introduction and first public hearing to adopt an ordinance for a Code Text Amendment for MEDICAL MARIJUANA DISPENSARIES (PL150361), consisting of changes within the Zoning and Development Code, Section 3-426 that regulate operation requirements and total number of dispensaries in Tempe. The applicant is Steve White, White Berberian PLC. (Ordinance No. O2015.49)
November 12, 2015	City Council continued the second and final public hearing an ordinance for a Code Text Amendment for MEDICAL MARIJUANA DISPENSARIES (PL150361).
December 3, 2015	City Council approved an ordinance for a Code Text Amendment for MEDICAL MARIJUANA DISPENSARIES (PL150361), consisting of changes within the Zoning and Development Code, Section 3-426 that regulate operation requirements and total number of dispensaries in Tempe. The applicant is Steve White, White Berberian PLC. (Ordinance No. O2015.49) (7-0 vote)
February 2, 2017	City Council Issue Review Session, regarding the one-year review and evaluation of Ordinance No. O2015.49. Received direction from Council to proceed with ordinance amendment, removing

the dispensary limitation (2).

March 23, 2017	Scheduled Development Review Commission hearing for this request.
April 5, 2017	Neighborhood Advisory Commission meeting for this request.
April 20, 2017	Proposed City Council introduction and first public hearing for this request.
May 4, 2017	Proposed City Council second and final public hearing for this request.

**ZONING AND DEVELOPMENT CODE REFERENCE:**

Section 6-304, Zoning Map Amendment and Code Text Amendments

ORDINANCE NO. O2017.xx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE CITY OF TEMPE ZONING AND DEVELOPMENT CODE, PART 3 – LAND USE, CHAPTER 4, SECTION 3-426, MEDICAL MARIJUANA.

\*\*\*\*\*

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:**

**SECTION 1.** That Section 3-426 of the Zoning and Development Code, pertaining to Medical Marijuana, is hereby amended to read as follows:

**Section 3-426 Medical Marijuana.**

**A. Purpose.** The purpose of this section is to implement Arizona Revised Statutes, Title 36, Chapter 28.1; entitled "Arizona Medical Marijuana Act".

**Cross reference**—See also the following definitions in Part 7 of this Code: *medical marijuana, medical marijuana cultivation facility, and medical marijuana dispensary.*

**B. Location Requirements.** A *medical marijuana dispensary, without cultivation,* is allowed in the CSS, CC, PCC-1, PCC-2, RCC, and LID districts. A *medical marijuana dispensary or cultivation facility* is allowed in the GID and HID zoning districts. The locations are limited to the following:

1. A MEDICAL MARIJUANA DISPENSARY SHALL NOT BE OPERATED OR MAINTAINED ON A PARCEL WITHIN TWO THOUSAND SIX HUNDRED FORTY (2,640) FEET FROM ANOTHER MEDICAL MARIJUANA DISPENSARY, MEASURED BY A STRAIGHT LINE IN ALL DIRECTIONS, WITHOUT REGARD TO INTERVENING STRUCTURES OR OBJECTS, FROM THE NEAREST POINT OF THE PROPERTY LINE OF A PARCEL CONTAINING SUCH USE.

2. A *medical marijuana dispensary or medical marijuana cultivation facility* shall not be operated or maintained on a parcel within 1,320 feet, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing the following:

a. ~~From one dispensary to another *medical marijuana dispensary*;~~

a. A child care facility;

- b. A *charter school, private school, or public school*, which provides elementary or secondary education;
  - c. A *church, synagogue, temple or similar religious worship building*; or
  - d. A public park, library, or public community *building*.
3. A *medical marijuana dispensary or medical marijuana cultivation facility* shall not be operated or maintained on a parcel within five hundred (500) feet from a residential zoning district or the property line of a parcel solely devoted to a residential use in any zoning district, measured by a straight line in all directions, without regard to intervening structures or objects, from the nearest point of the property line of a parcel containing such use.
  4. *Medical marijuana cultivation* for a caregiver or patient's residence in a residential district is not permitted, unless sufficient evidence exists that the location is greater than twenty-five (25) miles from a *medical marijuana dispensary* within the State of Arizona.

**C. Operation Requirements.** Any *medical marijuana dispensary or cultivation facility*, except within a residential home, shall comply with the following requirements, as well as those contained within Arizona Revised Statutes, Title 36, Chapter 28.1:

1. The business shall be located in a permanent building, with an engineered foundation that meets Tempe Building Code, and not located in a *mobile home, trailer, cargo container, motor vehicle, or similar personal property*.
2. The maximum size for a *medical marijuana dispensary* shall be no more than 5,000 square feet. The maximum size for a *cultivation facility* shall be no more than 25,000 square feet.
3. The business and tenant space must comply with Tempe's applicable Building Code and Fire Code requirements.
4. Drive-through facilities are prohibited.
5. The *medical marijuana dispensary* is limited to the hours of operation not earlier than 8:00 a.m. and not later than 8:00 p.m.
6. *Medical marijuana* remnants or bi-products shall be disposed of according to an approved plan and not placed within the facilities exterior refuse containers.
7. There shall be no emission of dust, fumes, vapors, or odors into the environment from the premise.
8. A security plan is required, which shall include, but is not limited to, the following:
  - a. All exterior doorways for the facility shall provide a security vision panel pursuant to Section 4-406, Employee Service Entrances and Exits, or a 180 degree rotatable viewer. If doorway is transparent, the door shall be designed with a material that is either impact resistant or restricts entry by means of a wrought iron gate;

- b. Closed circuit television cameras, operating 24 hours a day, shall be provided at the building's exterior entrances and inside the building at a designated service area;
- c. All lighting for the site shall be brought into conformance with the current lighting standards identified in Part 4, Chapter 8, Lighting. The building entrance of the business shall be illuminated from dusk till dawn activated by photocell relay to the lighting controller;
- d. No one under the age of eighteen (18) shall enter the medical marijuana dispensary; and
- e. Any person, prior to entering the establishment, shall remove all hats, sunglasses or other similar objects, to avoid obstruction of physical identification.

**D. Use Acceptance.** A zoning administrative application shall be processed, certifying that all City of Tempe regulations for the *medical marijuana dispensary or cultivation facility* are in compliance with the provisions set forth in Section 3-426 of this Code. The use shall not commence without the zoning administrator, or designee, acceptance letter. The application shall include, but is not limited to, the following items:

- 1. A project submittal form with applicable fee;
- 2. The property owner's letter of authorization for the use;
- 3. The name and location of the dispensary's off-site *medical marijuana cultivation facility*, if applicable;
- 4. A map showing the location in compliance with the separation requirements listed in Section 3-426(B);
- 5. A copy of operating procedures adopted in compliance with A.R.S. 36-2804(B)(1)(c);
- 6. A site plan;
- 7. A floor plan of the building or tenant space;
- 8. If applicable, Building permits (Separate submittal) in compliance with Tempe's Building Code and Fire Code; and
- 9. A Security Plan, in compliance with Section 3-426(C).

**E. ~~Dispensary Limitations.~~** ~~The maximum number of medical marijuana dispensaries within the Tempe city limits shall be two (2).~~

SECTION 3. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this \_\_ day  
of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Mark W. Mitchell, Mayor

ATTEST:

\_\_\_\_\_  
Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Judith R. Baumann, City Attorney

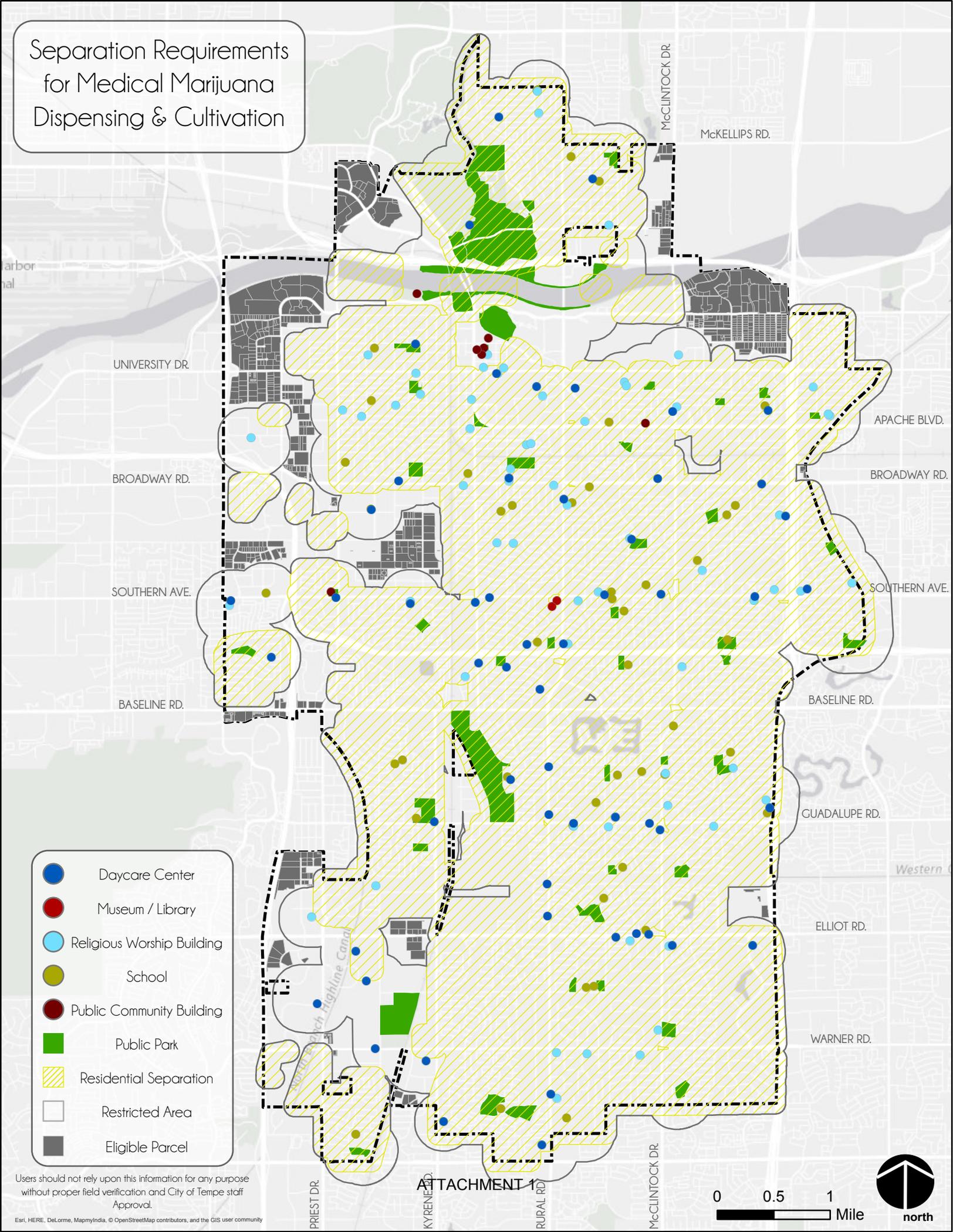


**PROJECT FILE**  
for  
**MEDICAL MARIJUANA AMENDMENT**  
(PL170076)

**ATTACHMENTS:**

1. Land Use Separation Map Example
2. Quarter-Mile Separation Map w/ Existing and Hypothetical Dispensaries
3. Half-Mile Separation Map w/ Existing and Hypothetical Dispensaries
4. New Dispensary Allocation Results (ADHS licensing)
5. Comparison Chart of Municipal Regulations
- 6-12. Crime Statistic Study
13. Public Comments received – 12/27/16

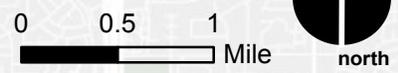
# Separation Requirements for Medical Marijuana Dispensing & Cultivation



- Daycare Center
- Museum / Library
- Religious Worship Building
- School
- Public Community Building
- Public Park
- Residential Separation
- Restricted Area
- Eligible Parcel

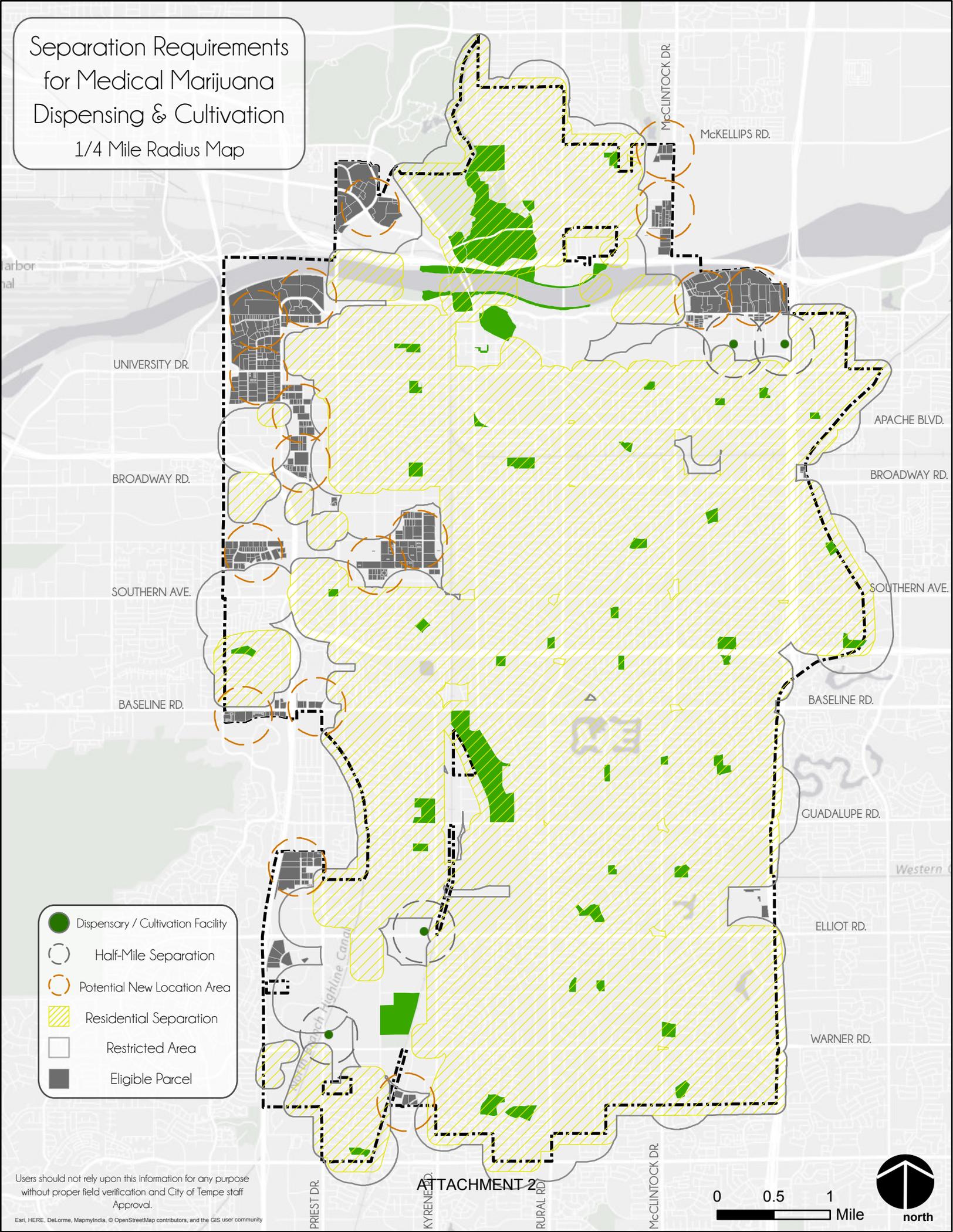
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ATTACHMENT 1

Separation Requirements  
for Medical Marijuana  
Dispensing & Cultivation  
1/4 Mile Radius Map



-  Dispensary / Cultivation Facility
-  Half-Mile Separation
-  Potential New Location Area
-  Residential Separation
-  Restricted Area
-  Eligible Parcel

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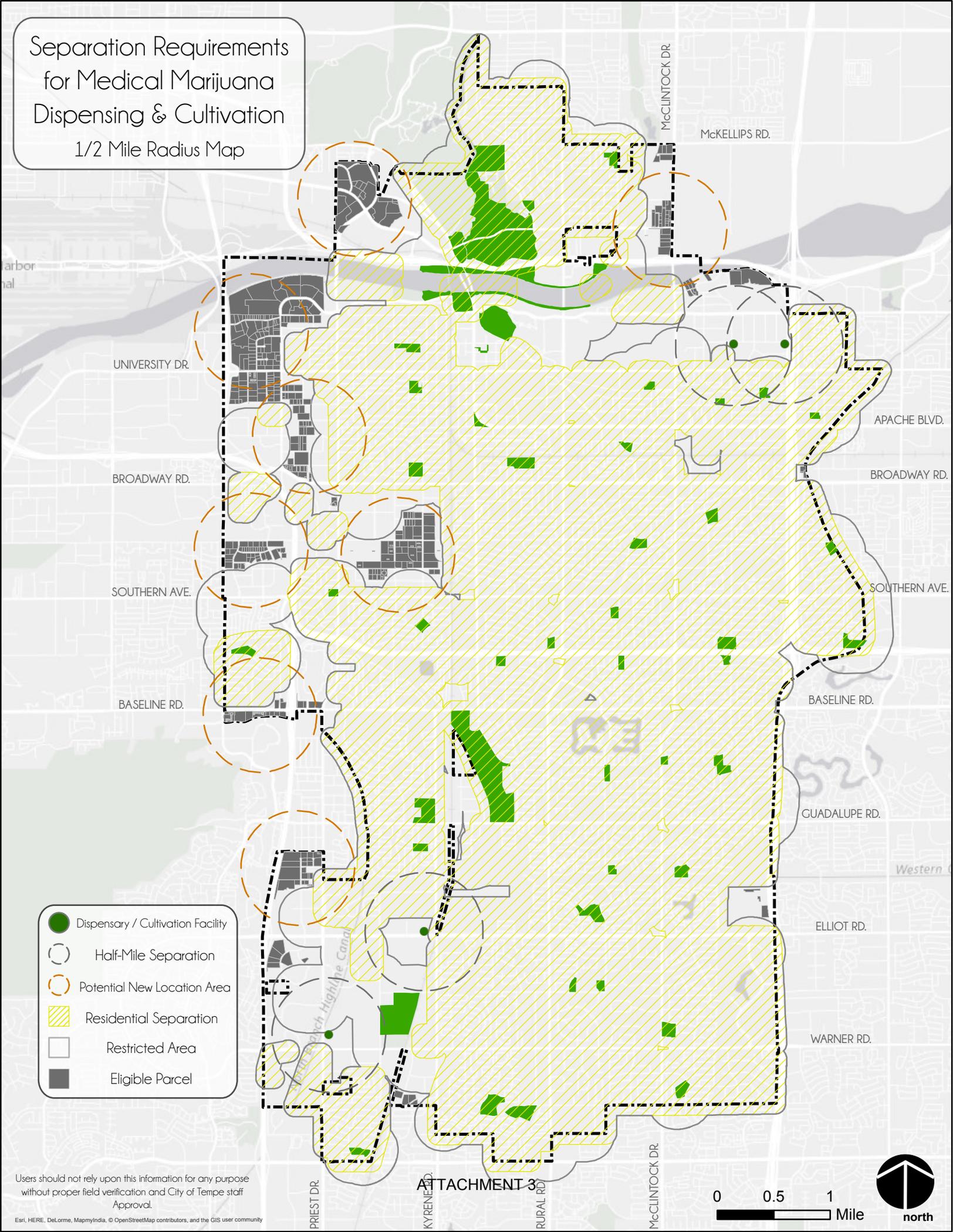
0 0.5 1 Mile



north

# Separation Requirements for Medical Marijuana Dispensing & Cultivation

## 1/2 Mile Radius Map



- Dispensary / Cultivation Facility
- Half-Mile Separation
- Potential New Location Area
- Residential Separation
- Restricted Area
- Eligible Parcel

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ATTACHMENT 3

0    0.5    1

Mile

north



# ARIZONA DEPARTMENT OF HEALTH SERVICES

## LICENSING

October 6, 2016

### Dispensary Registration Certification Allocation Results

<u>Rank</u>	<u>CHAA Name</u>	<u>CHAA ID</u>	<u>Allocated Application ID</u>
1	Paradise Valley Village	46	AZDS000001267
2	North Mountain	52	AZDS000001240
3	Deer Valley	44	AZDS000001272
4	Chandler SE	80	AZDS000001162
5	Scottsdale N	40	AZDS000001307
6	Camelback E	56	AZDS000001185
7	Peoria	41	AZDS000001276
8	Gilbert E	77	AZDS000001481
9	Mesa E	65	AZDS000001204
10	Scottsdale S	58	AZDS000001089
11	Surprise	47	AZDS000001497
12	Tanque Verde	106	AZDS000001289
13	Tucson NE	105	AZDS000001015
14	Tempe N	68	AZDS000001010
15	Mesa W	69	AZDS000001229
16	Tempe S	74	AZDS000001239
17	Maryvale	60	AZDS000001352
18	Alhambra	59	AZDS000001359
19	Yavapai Co. NE	26	AZDS000001514
20	Superior/Kearny	93	AZDS000001438
21	Chandler NW	79	AZDS000001051
22	Tucson E Central	109	AZDS000000986
23	South Mountain	71	AZDS000001360
24	Glendale N	45	AZDS000001034
25	Desert View/North Gateway	42	AZDS000000842
26	Mesa Central	70	AZDS000000948
27	Ahwatukee Foothills	78	AZDS000001271
28	Maricopa Co. W	51	AZDS000001233
29	Lake Havasu City	8	AZDS000001508
30	Mesa S	73	AZDS000001075
31	Apache Junction	92	AZDS000001248

Douglas A. Ducey | Governor    Cara M. Christ, MD, MS | Director

<b><u>Ordinances Adopted</u></b>	<b>Local Jurisdiction Differences (for Medical Marijuana Dispensaries)</b>	
<b>Tempe</b>	Distance: Hours of Operation: Size limitations: Misc:	1,320'mm/1,320'other/500'res. 8-8 pm 5,000 sf.
<b>Gilbert</b>	Distance: Hours of Operation: Size limitations: Misc:	1,320'mm/1,000'other/500'res. 8-6 pm None Annual Fire Permit
<b>Chandler</b>	Distance: Hours of Operation: Size limitations: Misc:	5,280' mm/1,320' other/1,320' res. 9-7 pm 2,500 s.f./500 s.f. product storage Non-transferable 1 year use permit required, renewable
<b>Mesa</b>	Distance:  Hours of Operation: Size limitations: Misc:	5,280' mm/2,400' other/1,200' other/500' other/0' res. 8-9 pm 2,500 s.f./500 s.f. product storage Customer floor area min. 25% of GFA, 1 year renewable registration, separate category for infusion facility
<b>Phoenix</b>	Distance:  Hours of Operation: Size limitations: Misc:	5,280'mm/500-1,320'other/ 1,000'res. 8-7 pm 2,000 sf. dispensary Cultivation bldg. setback 1,000' from property lines
<b>Scottsdale</b>	Distance:  Hours of Operation: Size limitations: Misc:	SC district no separation 1,320'mm/500'res. 6-7 pm None
<b>Maricopa County</b>	Distance:  Hours of Operation: Size limitations: Misc:	1,500' mm + other / Cultivation 500' from schools daycare None None Adult Biz. Now 1,500' from MM

# City of Tempe



## Medical Marijuana Dispensaries Study

2016

January 1 – December 31

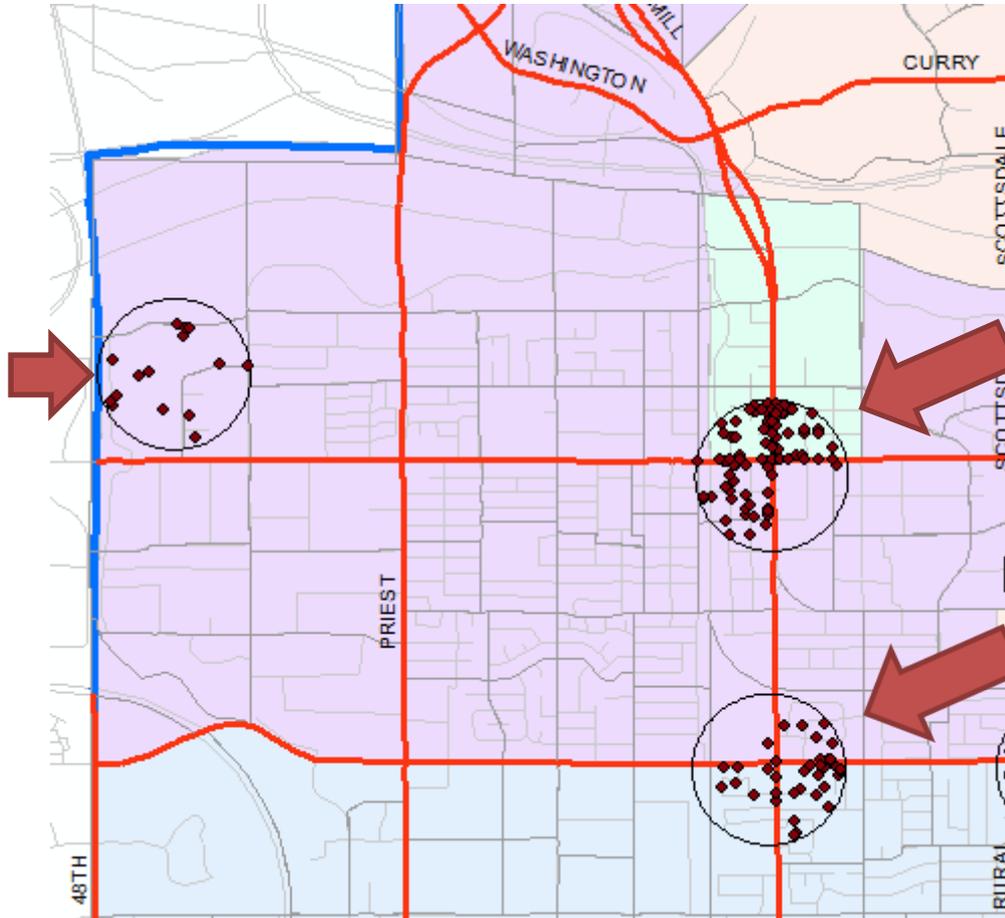
Statistics Provided by SPARC

02/24/2017  
ATTACHMENT 6



# Zone 1 Section

Cultivation Site 410 S Madison Ave	
Crime Type	Count
MURDER	0
RAPE	1
ROBBERY	0
AGGRAVATED ASSAULT	1
BURGLARY	4
LARCENY-THEFT	9
MOTOR VEHICLE THEFT	3
<b>Grand Total</b>	<b>18</b>



CVS - Mill 802 S Mill Ave	
Crime Type	Count
MURDER	0
RAPE	6
ROBBERY	6
AGGRAVATED ASSAULT	37
BURGLARY	16
LARCENY-THEFT	340
MOTOR VEHICLE THEFT	4
<b>Grand Total</b>	<b>409</b>

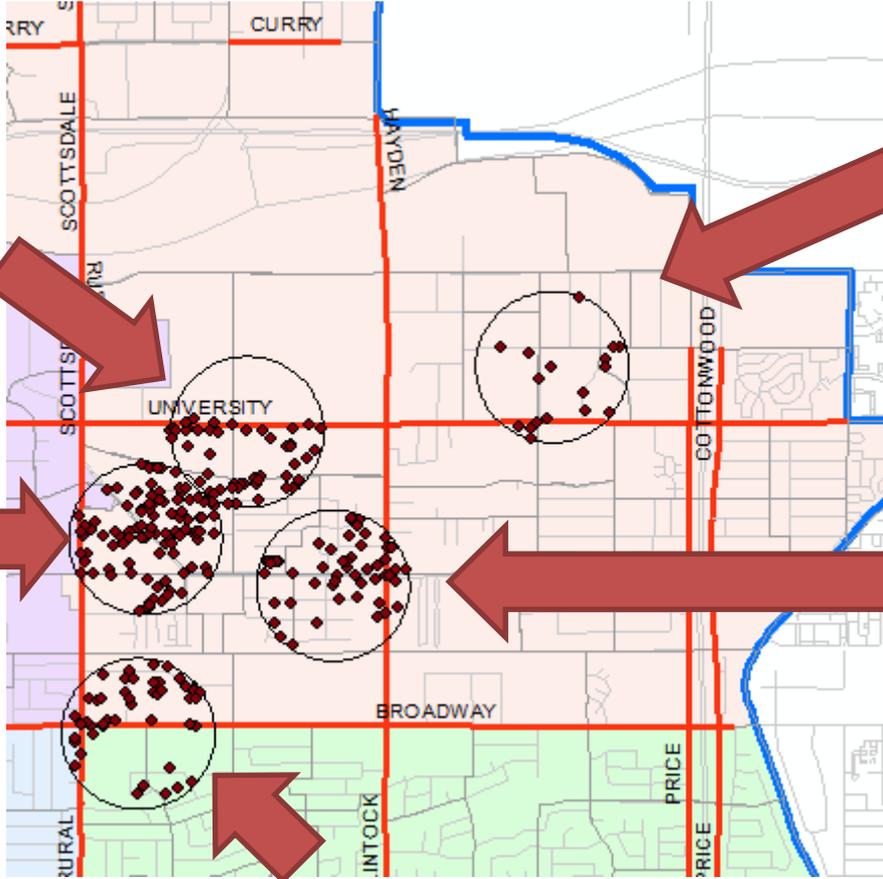
Walgreens - Mill 2000 S Mill Ave	
Crime Type	Count
MURDER	0
RAPE	0
ROBBERY	4
AGGRAVATED ASSAULT	4
BURGLARY	9
LARCENY-THEFT	58
MOTOR VEHICLE THEFT	1
<b>Grand Total</b>	<b>76</b>

- = Marijuana
- = Pharmacy
- = Liquor

T's Liquor	
1301 E University Dr	
Crime Type	Count
MURDER	0
RAPE	3
ROBBERY	6
AGGRAVATED ASSAULT	1
BURGLARY	25
LARCENY-THEFT	94
MOTOR VEHICLE THEFT	9
<b>Grand Total</b>	<b>138</b>

El Paisano Market	
1035 E Lemon St	
Crime Type	Count
MURDER	2
RAPE	11
ROBBERY	17
AGGRAVATED ASSAULT	15
BURGLARY	49
LARCENY-THEFT	179
MOTOR VEHICLE THEFT	13
<b>Grand Total</b>	<b>286</b>

- = Marijuana
- = Pharmacy
- = Liquor



Tempe Dispensary	
2009 E 5th St	
Crime Type	Count
MURDER	0
RAPE	0
ROBBERY	1
AGGRAVATED ASSAULT	0
BURGLARY	2
LARCENY-THEFT	19
MOTOR VEHICLE THEFT	1
<b>Grand Total</b>	<b>23</b>

Liquor Express	
1605 E Apache Blvd	
Crime Type	Count
MURDER	0
RAPE	2
ROBBERY	6
AGGRAVATED ASSAULT	11
BURGLARY	19
LARCENY-THEFT	126
MOTOR VEHICLE THEFT	5
<b>Grand Total</b>	<b>169</b>

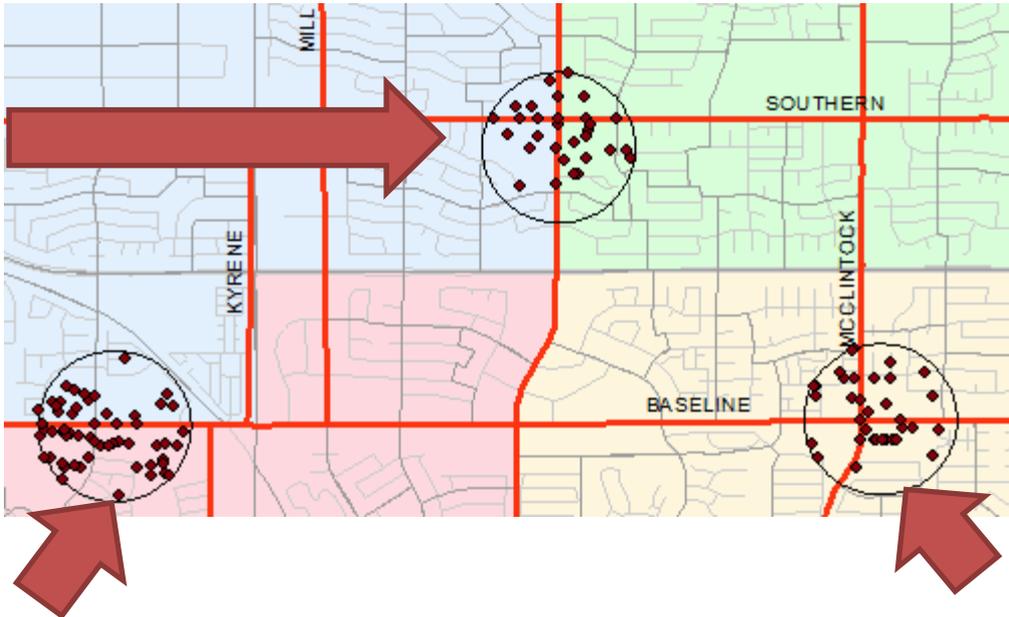
Sam's Liquor	
1025 E Broadway Rd	
Crime Type	Count
MURDER	0
RAPE	1
ROBBERY	2
AGGRAVATED ASSAULT	2
BURGLARY	9
LARCENY-THEFT	139
MOTOR VEHICLE THEFT	10
<b>Grand Total</b>	<b>163</b>

# Zone 2 Section

Each table is the number of UCR Part 1 crimes within the ¼ mile radius from the address stated

# Zone 3 & 4 Section

CVS - Rural	
3303 S Rural Rd	
Crime Type	Count
MURDER	0
RAPE	0
ROBBERY	3
AGGRAVATED ASSAULT	6
BURGLARY	6
LARCENY-THEFT	170
MOTOR VEHICLE THEFT	6
<b>Grand Total</b>	<b>191</b>



Walgreens- Baseline	
925 W Baseline Rd	
Crime Type	Count
MURDER	0
RAPE	3
ROBBERY	6
AGGRAVATED ASSAULT	7
BURGLARY	15
LARCENY-THEFT	68
MOTOR VEHICLE THEFT	9
<b>Grand Total</b>	<b>108</b>

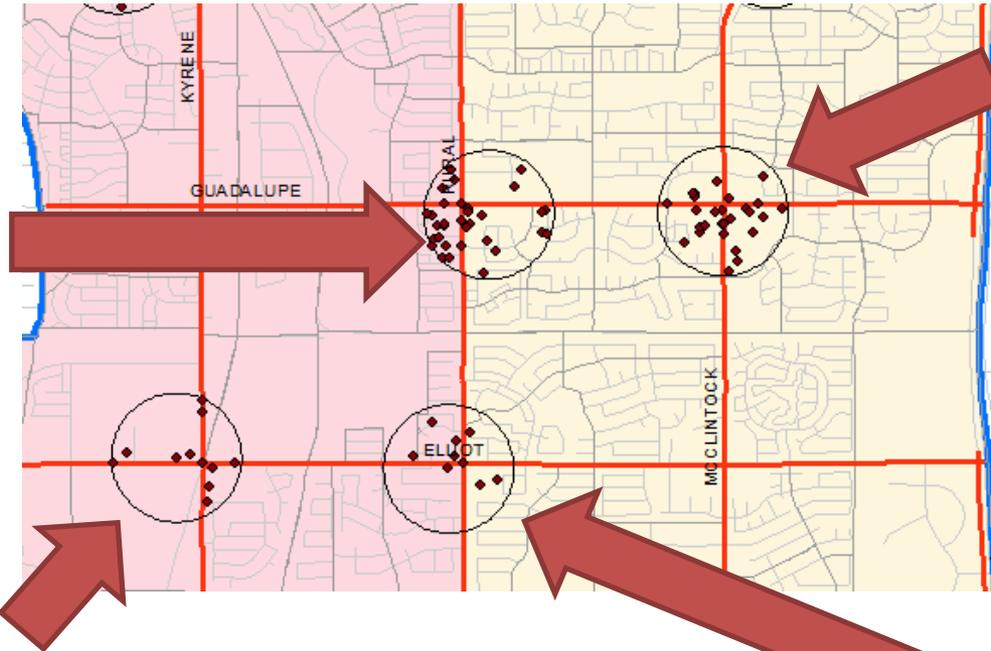
CVS -Baseline	
1818 E Baseline Rd	
Crime Type	Count
MURDER	0
RAPE	1
ROBBERY	1
AGGRAVATED ASSAULT	3
BURGLARY	7
LARCENY-THEFT	134
MOTOR VEHICLE THEFT	1
<b>Grand Total</b>	<b>147</b>

- = Marijuana
- = Pharmacy
- = Liquor

Each table is the number of UCR Part 1 crimes within the ¼ mile radius from the address stated

# Zone 5 & 6 Section

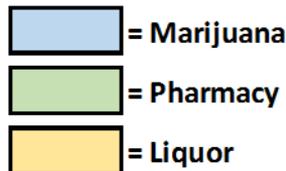
Shalako Liquors	
969 E Guadalupe Rd	
Crime Type	Count
MURDER	0
RAPE	0
ROBBERY	3
AGGRAVATED ASSAULT	2
BURGLARY	6
LARCENY-THEFT	57
MOTOR VEHICLE THEFT	3
<b>Grand Total</b>	<b>71</b>



Walgreens - McClintock	
6404 S McClintock Dr	
Crime Type	Count
MURDER	0
RAPE	1
ROBBERY	5
AGGRAVATED ASSAULT	1
BURGLARY	6
LARCENY-THEFT	35
MOTOR VEHICLE THEFT	1
<b>Grand Total</b>	<b>49</b>

Harvest of Tempe	
710 W Elliot Rd	
Crime Type	Count
MURDER	0
RAPE	0
ROBBERY	1
AGGRAVATED ASSAULT	1
BURGLARY	6
LARCENY-THEFT	11
MOTOR VEHICLE THEFT	0
<b>Grand Total</b>	<b>19</b>

CVS - Elliot	
855 E Elliot Rd	
Crime Type	Count
MURDER	0
RAPE	0
ROBBERY	0
AGGRAVATED ASSAULT	1
BURGLARY	0
LARCENY-THEFT	8
MOTOR VEHICLE THEFT	1
<b>Grand Total</b>	<b>10</b>



ATTACHMENT 10

Each table is the number of UCR Part 1 crimes within the ¼ mile radius from the address stated

# Crime Type by Location

Crime Type		Location															Total
		Harvest of Tempe	Tempe Dispensary	Cultivation Site	CVS - Mill	CVS - Rural	CVS - Baseline	CVS - Elliot	Walgreens - Mill	Walgreens - McClintock	Walgreens - Baseline	El Paisano Market	Liquor Express	Sam's Liquor	Shalako Liquors	T's Liquor	
Murder	# of Crimes											2					2
	% of Crime Type											100%					100%
Rape	# of Crimes			1	6		1			1	3	11	2	1		3	29
	% of Crime Type			3%	21%		3%			3%	10%	38%	7%	3%		10%	100%
Robbery	# of Crimes	1	1		6	3	1		4	5	6	17	6	2	3	6	61
	% of Crime Type	2%	2%		10%	5%	2%		7%	8%	10%	28%	10%	3%	5%	10%	100%
Aggravated Assault	# of Crimes	1		1	37	6	3	1	4	1	7	15	11	2	2	1	92
	% of Crime Type	1%		1%	40%	7%	3%	1%	4%	1%	8%	16%	12%	2%	2%	1%	100%
Burglary	# of Crimes	6	2	4	16	6	7		9	6	15	49	19	9	6	25	179
	% of Crime Type	3%	1%	2%	9%	3%	4%		5%	3%	8%	27%	11%	5%	3%	14%	100%
Larceny-Theft	# of Crimes	11	19	9	340	170	134	8	58	35	68	179	126	139	57	94	1447
	% of Crime Type	1%	1%	1%	23%	12%	9%	1%	4%	2%	5%	12%	9%	10%	4%	6%	100%
Motor Vehicle Theft	# of Crimes		1	3	4	6	1	1	1	1	9	13	5	10	3	9	67
	% of Crime Type		1%	4%	6%	9%	1%	1%	1%	1%	13%	19%	7%	15%	4%	13%	100%
Grand Total	# of Crimes	19	23	18	409	191	147	10	76	49	108	286	169	163	71	138	1877
	% of Crime Type	1%	1%	1%	22%	10%	8%	1%	4%	3%	6%	15%	9%	9%	4%	7%	100%

The totals and percentages are from the 1,961 UCR Part 1 crimes within these 16 buffer areas.  
 Each column is the number of UCR Part 1 crimes within the ¼ mile radius from the address stated.

- = Marijuana
- = Pharmacy
- = Liquor



## Tempe Coalition to Reduce Underage Drinking & Drug Use

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Tempe, AZ 85281

To: Mayor Mitchell and the Tempe City Council

From: Tempe Coalition Members

Date: December 27, 2016

Subject: Code Text Amendment for MEDICAL MARIJUANA DISPENSARIES

The Tempe Coalition is aware that Mayor Mitchell and the City Council are revisiting the City of Tempe Code Text Amendment for Medical Marijuana Dispensaries for the January 5 study session. We appreciate the opportunity to share our concerns again.

Our concern is with item E, which addresses limitations on the number of dispensaries within Tempe. We ask the Council to honor what the voters intended when they voted for the legalization of medical marijuana in Tempe.

We sincerely hope that Tempe will not allow an increase in the number of dispensaries in the city. We believe keeping the current number of two dispensaries within the city limits best reflects the original intent and will of the city's residents.

For many Tempe voters, one of the considerations to approve medical marijuana dispensaries was the belief that Tempe was being prudent in its actions to limit access for youth in our community by restricting the number of dispensaries to only two.

Most recently Proposition 205 - the proposal to allow recreational marijuana - was rejected by the voters. This clearly shows that residents do not want to see an expansion of marijuana use within our community.

Currently 20% of all 8th, 10th and 12th graders in Tempe use marijuana on a regular basis as indicated by 2014 Arizona Youth Survey data. Of those Tempe youth using marijuana, 15% get it from someone who has a medical marijuana card.

The Tempe Coalition members sincerely appreciate the Council's consideration to continue to restrict the current dispensary number to two in order to limit access to marijuana by the youth in our community.

*The Tempe Coalition recently produced a Town Hall "Keep Your Kids Safe" educational event in September 2016 that over 250 parents attended. We crafted the Social Host ordinance that became law in Tempe. We have created several campaigns to reduce underage drinking and drug use. We won national recognition for our "21 or Too Young" campaign. More than 25 local residents and professionals comprise the Tempe Coalition and work collectively to help youth reach their full potential by reducing the amount of underage drinking and drug use among Tempe youth.*