

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-153  
Series of 2013

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A RESOLUTION MAKING FINDINGS OF FACT IN SUPPORT OF THE DECISION TO GRANT A RETAIL MARIJUANA STORE LICENSE TO BOTANACARE LLC, d/b/a ROLLING STONED

WHEREAS, the City Council of the City of Northglenn acting as the City's Retail Marijuana Local Licensing Authority conducted a hearing on the request by Applicant BotanaCare, LLC d/b/a Rolling Stoned ("Applicant") for a new Retail Marijuana Store License to be located at 11450 Cherokee Street, Northglenn, Colorado 80234 on December 9, 2013, pursuant to C.R.S. § 12-43.4-302 and Article 16 of Chapter 18 of the Northglenn Municipal Code;

WHEREAS, the City Council at the December 9, 2013 hearing took evidence and heard arguments regarding the qualifications of the Applicant and the criteria set forth in Section 18-16-7 of the Northglenn Municipal Code; and

WHEREAS, after hearing the evidence, hearing arguments, and deliberating on the evidence, the City Council directed in accordance with Section 3-7-11 of the Northglenn Municipal Code that findings of fact be drafted to grant a Retail Marijuana Store License to Applicant on the condition set forth below, thereby authorizing a dual operation within the meaning of Article 16 of Chapter 18 of the Northglenn Municipal Code.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The recitals set forth above are hereby incorporated herein by this reference.

Section 2. The City Council hereby makes the following findings of fact:

- A. The members and agents of Applicant are not prohibited as licensees pursuant to Section 18-16-14 of the Northglenn Municipal Code;
- B. The location of the licensed premises complies with Section 18-16-13 of the Northglenn Municipal Code;
- C. The evidence presented at the hearing showed that the number, type and availability of medical marijuana outlets and other pertinent factors as set forth in the Colorado Retail Marijuana Code, C.R.S. § 12-43.4-101, *et seq.*, and Article 16 of Chapter 18 of the Northglenn Municipal Code did not preclude the issuance of a license to Applicant pursuant to Section 18-16-7 of the Northglenn Municipal Code;

- D. Evidence was presented regarding the “d/b/a” of the Applicant potentially having a negative impact on the type of business proposed, and Applicant agreed to keep the same “d/b/a” as Applicant’s existing medical marijuana business; and
- E. No evidence was presented that would require denial of the Application.

Section 3. Based on the findings of fact in Section 2 above, the City Council therefore determines to GRANT the application for a new Retail Marijuana Store License to be located at 11450 Cherokee Street, Northglenn, Colorado 80234, and that such location is therefore authorized to be a dual operation within the meaning of Article 16 of Chapter 18 of the Northglenn Municipal Code. The application is GRANTED herein on the condition, stipulated and agreed to by Applicant, that the Applicant change and modify the name of the business, or “d/b/a,” from “Rolling Stoned” to “BotanaCare.”

Section 4. City staff is directed to send a copy of this decision to the Applicant, and to transmit the decision to the state licensing authority as required by law.

DATED at Northglenn, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

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JOYCE DOWNING  
Mayor

ATTEST:

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JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

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COREY Y. HOFFMANN  
City Attorney