

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-12
Series of 2014

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A RESOLUTION MAKING FINDINGS OF FACT IN SUPPORT OF THE DECISION TO DENY A MEDICAL MARIJUANA CENTER LICENSE TO ROCKY MOUNTAIN RETAIL MANAGEMENT LLC d/b/a ROCKY MOUNTAIN HIGH

WHEREAS, the City Council of the City of Northglenn acting as the City's Medical Marijuana Local Licensing Authority conducted a hearing on the request by Applicant Rocky Mountain Retail Management, LLC d/b/a Rocky Mountain High ("Applicant") for a new Medical Marijuana Center License to be located at 11455 Washington Street, Northglenn, Colorado 80233, on January 13, 2014, pursuant to C.R.S. § 12-43.3-302 and Article 14 of Chapter 18 of the Northglenn Municipal Code;

WHEREAS, the City Council at the January 13, 2014, hearing took extensive evidence and heard arguments regarding the qualifications of the Applicant, and the criteria set forth in C.R.S. § 12-43.3-303 and Article 14 of Chapter 18 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 deny a Medical Marijuana Center License to Applicant.

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 18-14-12 of the Northglenn Municipal Code;
- B. The location of the licensed premises complies with Section 18-14-11 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 Medical Marijuana Code, C.R.S. § 12-43.3-101, *et seq.*, and Article 14 of Chapter 18, specifically Section 18-14-7(h) of the Northglenn Municipal Code precludes the issuance of a license to Rocky Mountain Retail Management d/b/a Rocky Mountain High pursuant to C.R.S. § 12-43.3-303 as follows:

1. The City Council finds that the number, type and availability of medical marijuana centers in proximity to Applicant's proposed location and within the boundaries of the City of Northglenn are sufficient to serve the needs of the Northglenn community;

2. The City Council further finds that the testimony of Applicant's representative included an acknowledgement that Applicant could not prove "need" as of the date of the public hearing, but that Applicant believed such need would be shown after Applicant had been in business in Northglenn for a period of time after the application was granted; and

3. The City Council finds that Applicant's testimony regarding the uniqueness of its products as compared to other existing licensed medical marijuana businesses, in part when weighed against contradictory testimony received from representatives of an existing medical marijuana business in the City, was insufficient to show that the number, type and availability of medical marijuana outlets was not meeting the needs of the Northglenn community.

Section 3. Based on the findings of fact in Section 2 above, the City Council therefore determines to DENY the application for a new Medical Marijuana Center License to be located at 11455 Washington Street, Northglenn, Colorado 80233.

Section 4. THIS DECISION IS EFFECTIVE IMMEDIATELY, and the City staff is directed to send a copy of this decision via certified mail to the Applicant pursuant to C.R.S. § 12-43.3-303(3), and transmit the decision to the state licensing authority as required by law.

DATED at Northglenn, Colorado, this _____ day of _____, 2014.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney