



TM

11701 Community Center Drive
PO Box 330061
Northglenn, Colorado 80233-8061
Phone (303) 451-8326
FAX (303) 450-8708
TDD (303) 450-8805

May 28, 2010

Eric Speidell
The Green Solution
1882 E. 104th Avenue, Unit 332
Thornton, CO 80233

RE: The Green Solution: Appeal Dated May 17, 2010 – Notice of Appeal Hearing

Dear Mr. Speidell:

It is my understanding that you have received the notice from the City Clerk regarding a June 10, 2010 hearing on your appeal. Please let this correspondence confirm the nature of your appeal to the City Council. In your appeal, you indicate you "would like to request a variance for this location to the city council."

Based on the language of Article 14 of Chapter 18 of the Northglenn Municipal Code (the "Code"), you have a right to appeal my decision to the City Council. While there is no authorization within Article 14 of Chapter 18 of the Code for a "variance," I have caused your appeal to the City Council to be scheduled for an appeal hearing in accordance with Section 18-14-15 of the Code.

Because I was required to give you no less than ten (10) days' notice of such a hearing pursuant to Section 18-14-15 of the Code, the earliest regular City Council meeting date to conduct the public hearing on your appeal is **June 10, 2010**. The City's notice of hearing that you received previously reflects this date. Please let me know if you have any questions.

Sincerely,

William Simmons
City Manager

c: Johanna Small, City Clerk
Robert T. Hoban
Corey Hoffmann, City Attorney



ROBERT HOBAN, PARTNER
303.674.7000 MAIN
303.960.8849 DIRECT

May 20, 2010

City of Northglenn
11701 Community Center Drive
P.O. Box 330061
Northglenn, Colorado 80233-8061

RECEIVED

MAY 25 2010

City of Northglenn
City Clerk's Office

9:51 a.m.
[Signature]

RE: Notice of Appeal

To whom it may concern:

Please receive and consider this appeal, pursuant to the Northglenn Municipal Code, on behalf of my client, the Green Solution, LLC (Eric Speidell). Specifically, my client challenges the ordinance interpretation and determination rendered by the City in its attached May 13, 2010 denial letter.

Pursuant to the City Code, please arrange any and all relevant administrative procedures to address this matter.

With that said, I look forward to hearing from you.

Gratefully yours,

/s/ Robert T. Hoban

Robert T. Hoban

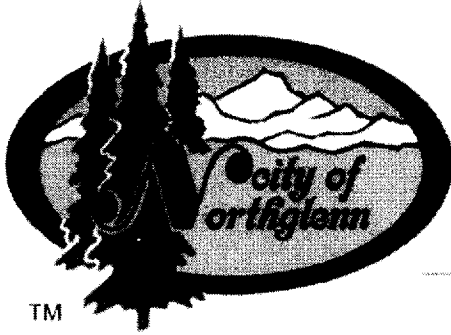
DENVER OFFICE

600 17th STREET, Suite 2800 • SOUTH TOWER • DENVER, CO 80202
303.260.6475 MAIN • 303.260.6476 FAX

EVERGREEN OFFICE

4611 PLETHIN LANE, Suite 110 • EVERGREEN, CO 80439
303.674.7000 MAIN • 303.260.6476 FAX

WWW.HOBANANDFEOLA.COM



11701 Community Center Drive
PO Box 330061
Northglenn, Colorado 80233-8061
Phone (303) 450-8709
FAX (303) 450-8798
TDD (303) 450-8805

May 13, 2010

The Green Solution, LLC
Attn: Eric Speidell
1882 E. 104th Avenue, Unit 332
Thornton, CO 80233

RE: Medical Marijuana Dispensary Permit Application

Mr. Speidell,

The City of Northglenn has completed its review of your permit application to establish a medical marijuana dispensary at 470 Malley Drive. This review was conducted pursuant to the provisions of Chapter 18, Article 14 of the Northglenn Municipal Code and the application that you submitted.

Section 18-14-11 of the Medical Marijuana Dispensaries Ordinance specifies that the City Manager shall deny an application for a permit under the Ordinance if the City Manager determines that the application fails to meet any of the standards set forth in Section 18-14-10. Section 18-14-10(f) provides that the permit may only be issued for a location that is permitted by Section 18-14-24.

A review of the application shows that the location of the proposed dispensary is within 200 feet of any single or multi-family residential structure or unit, or parcel or lot and therefore is a prohibited location pursuant to Section 18-14-24(a)(1). Therefore, I do not have the authority to issue a permit for this location pursuant to Chapter 18, Article 14 of the Northglenn Municipal Code

I, therefore, have no choice but to deny the permit based on the proposed location.

Sincerely,

William A. Simmons
City Manager

Cc: City Clerk
City Attorney



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May 20, 2010

The Green Solution, LLC
Attn: Mr. Eric Speidell
1882 E. 104th Avenue, Unit 332
Thornton, CO 80233

Re: Notice of Hearing on Appeal

Dear Mr. Speidell:

The City is in receipt of your letter dated May 17, 2010 requesting to appeal the decision issued by the City Manager regarding the Medical Marijuana Dispensary Permit application for the proposed location at 470 Malley Drive.

Please take notice that a hearing on this matter has been scheduled before the Northglenn City Council for June 10, 2010 at 7:00 p.m. or as soon thereafter as it may reasonably be heard, at the Northglenn City Hall, located at 11701 Community Center Drive, Northglenn, Colorado 80233, pursuant to the provisions of Section 18-14-15 and Chapter 3, Article 7 of the Northglenn Municipal Code. Please be advised that the burden of proof in this appeal is on the applicant, The Green Solution, LLC.

Sincerely,

Johanna Small, CMC
City Clerk

cc: William Simmons, City Manager

RECEIVED

MAY 17 2010

**City of Northglenn
City Clerk's Office**

C. Messick

May 17, 2010

RE: Medical Marijuana Dispensary

Dear, Mr. Simmons

I Eric Speidell owner of The Green Solution would like to appeal the decision regarding the proposed medical marijuana dispensary on 470 Malley Drive. I would like to request a variance for this location to the city council.

Sincerely,



Eric Speidell
The Green Solution



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Northglenn, Colorado 80233-8061
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May 13, 2010

The Green Solution, LLC
Attn: Eric Speidell
1882 E. 104th Avenue, Unit 332
Thornton, CO 80233

RE: Medical Marijuana Dispensary Permit Application

Mr. Speidell,

The City of Northglenn has completed its review of your permit application to establish a medical marijuana dispensary at 470 Malley Drive. This review was conducted pursuant to the provisions of Chapter 18, Article 14 of the Northglenn Municipal Code and the application that you submitted.

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I, therefore, have no choice but to deny the permit based on the proposed location.

Sincerely,

William A. Simmons
City Manager

Cc: City Clerk
City Attorney



11701 Community Center Drive
P.O. Box 330061
Northglenn, CO 80233-8061
P: 303-451-8326
F: 303-450-8708
www.northglenn.org

May 7, 2010

The Green Solution, LLC
Attn: Eric Speidell
1882 E. 104th Avenue, Unit 332
Thornton, CO 80233

RE: Medical Marijuana Dispensary Permit Application

Dear Mr. Speidell:

Pursuant to Section 18-14-13(a) of the Northglenn Municipal Code, please be advised that it is necessary to extend the decision period for the Medical Marijuana Dispensary Permit application filed by The Green Solution, LLC on April 7, 2010 for an additional ten (10) days to complete the review of the application. Upon the rendering of a decision by the City Manager, you will be notified in writing via first-class mail.

Please contact me at 303-450-8757 with any questions.

Sincerely,

Johanna Small, CMC
City Clerk

cc: William Simmons, City Manager

William Simmons - The Green Solution - application

From: Travis Reynolds
To: Simmons, William
Date: 5/4/2010 3:38 PM
Subject: The Green Solution - application
CC: Hayes, James

Bill,
Planning and Zoning denied the application for The Green Solution based on the following criteria from Ordinance 1550.

Section 18-14-24 Prohibited Locations: Permanent Location Required

(a) No medical marijuana dispensary shall be located at the following locations:

- (1) within 200 feet of any single or multi-family residential structure or unit, or parcel or lot; **does not comply***
- (2) within 500 feet of a licensed child care facility; **in compliance***
- (3) within 500 feet of any educational institution or school, college or university, either public or private; **in compliance***
- (4) within 500 feet of any public park, public pool, or public or private recreational facility; **in compliance***
- (5) within 1000' of any halfway house or correctional facility; **in compliance***
- (6) within 1000' of any other medical marijuana dispensary; **in compliance***
- (7) within any building or structure that contains a residential unit; or **in compliance***
- (8) Upon any City of Northglenn owned property **in compliance***

Further, the measurements were based on item (b) from Section 18-14-24 and computed using Geographic Information Systems (GIS).

(b) The distances described in subsection (a) shall be computed by direct measurement from the nearest property line of the land used for the above purposes to the nearest portion of the building housing the medical marijuana dispensary using a straight line.

Please contact me if you require further information.

Travis

