

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-100
Series of 2010

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A RESOLUTION MAKING FINDINGS OF FACT IN SUPPORT OF THE DECISION TO SET ASIDE THE CITY MANAGER'S DECISION REGARDING AN APPLICATION FOR A MEDICAL MARIJUANA DISPENSARY AT 470 MALLEY DRIVE

WHEREAS, the City Council of the City of Northglenn conducted a public hearing on June 10, 2010, pursuant to Section 18-14-15 of the City of Northglenn Municipal Code to consider the appeal filed by The Green Solution, LLC of the determination by the City Manager to deny an application for a medical marijuana dispensary based on the City Manager's determination that the location of 470 Malley Drive was within two hundred feet (200) feet of "any single or multi-family residential structure or unit, or parcel or lot";

WHEREAS, the City Council at the June 10, 2010 public hearing took evidence and heard arguments regarding the interpretation of Section 18-14-24 of the Northglenn Municipal Code, and specifically (1) whether the two hundred feet (200) foot distance limitation from "any single or multi-family residential structure or unit, or parcel or lot" was intended to address not only the use of the property, but also the zoning of the property that is subject to the distance limitation; and (2) whether the computation of the distance was from a unit within a building, or from the building itself; and

WHEREAS, after hearing the evidence and deliberating on the evidence, the City Council directed that findings of fact be drafted to set aside the City Manager's determination to deny the application.

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 distance limitation measurement in Section 18-14-24(b) from any prohibited location shall be calculated from the unit of the building housing a medical marijuana dispensary, as opposed to from the entire building if the building consists of multiple units; and

- B. The meaning of the term “any single or multi-family residential structure or unit, or parcel or lot” within Section 18-14-24(a)(1) refers to the actual use of the residential property, as opposed to the zone district where the property is located.

Section 3. Based on the findings of fact in Section 2 above, the City Council therefore determines to set aside the City Manager’s decision denying the application for a medical marijuana dispensary at 470 Malley Drive. The City Manager is directed to approve the permit for a medical marijuana dispensary at 470 Malley Drive with appropriate conditions to assure compliance with the regulations contained in Article 14 of Chapter 18 of the Northglenn Municipal Code.

DATED at Northglenn, Colorado, this ____ day of _____, 2010.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney