

SPONSORED BY: MAYOR LEIGHTY

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-112
Series of 2021

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A RESOLUTION MAKING FINDINGS OF FACT IN SUPPORT OF THE DECISION TO DENY A NEW RETAIL MARIJUANA STORE LICENSE TO DISCRETE GREENS, LLC

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 Discrete Greens, LLC (“Applicant”) for a new Retail Marijuana Store License to be located at 12170 Claude Court, Northglenn, Colorado 80241, on September 27, 2021, pursuant to C.R.S. § 44-10-303(3) and Article 16 of Chapter 18 of the Northglenn Municipal Code;

WHEREAS, the City Council at the September 27, 2021, hearing took evidence and heard arguments regarding the criteria set forth in Section 18-6-7(h) 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 new Retail Marijuana Store 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 18-16-14 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 retail marijuana establishments and other pertinent factors as set forth in Article 16 of Chapter 18, specifically Section 18-16-7(h) of the Northglenn Municipal Code precludes the issuance of a license to Discrete Greens, LLC pursuant to Section 18-16-7(h) of the Northglenn Municipal Code as follows:
 - 1. The City Council finds that the number, type, and availability of retail marijuana establishments in or near the premises under consideration and 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 and Applicant's representatives did not show a need for an additional retail marijuana establishment, in large part because Applicant's testimony was largely based on a presentation related to the medicinal use of marijuana, and did not include evidence satisfactory to the Authority of a need for an additional retail outlet; and

3. More specifically, even in the absence of evidence in opposition to the application, Applicant did not meet its burden by a preponderance of the evidence of showing the number, type and availability of retail marijuana establishments located in or near the premises under consideration were insufficient to serve the needs of the residents of the City.

Section 3. Based on the findings of fact in Section 2 above, the City Council therefore determines to DENY the application for a new Retail Marijuana Store License pursuant to Section 18-16-7(h) of the Northglenn Municipal Code.

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, and transmit the decision to the state licensing authority as required by law.

DATED, at Northglenn, Colorado, this ____ day of _____, 2021.

MEREDITH LEIGHTY
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney