

CITY OF NORTHGLENN
MARIJUANA LICENSING AUTHORITY MINUTES
September 27, 2021

CALL TO ORDER Mayor Leighty called a meeting of the Northglenn Marijuana Licensing Authority to order on Monday, September 27, 2021 at 8:54 p.m. in the City Hall Council Chambers, 11701 Community Center Drive, Northglenn.

ROLL CALL Present were: Mayor Leighty, Mayor Pro Tem Willford, Council members Witkovich, Downing, Goff, Duran Mullica, and Lukeman-Hiromasa.

ABSENT Council member Brown.

STAFF PRESENT City Manager Geyer, City Attorney Hoffmann, and City Clerk Small.

APPROVAL
OF MINUTES:
August 23, 2021

MOTION TO PASS Council member Downing **MOVED** and it was **SECONDED** by Mayor Pro Tem Willford to approve the minutes of the August 23, 2021 meeting as presented.

MOTION PASSED There was no discussion and the motion **PASSED**.
IN FAVOR - Leighty, Willford, Witkovich, Downing, Goff,
Duran Mullica, Lukeman-Hiromasa.
OPPOSED - None.
ABSENT - Brown.

PUBLIC HEARING ON
NEW RETAIL BUSINESS
LICENSE APPLICATION:

Discrete Greens, LLC
dba Discrete Greens

Mayor Leighty opened the public hearing on the new retail marijuana business license application filed by Discrete Greens, LLC d/b/a Discrete Greens for the premises at 12170 Claude Court, and read a statement regarding the jurisdiction and procedures of the hearing. There were no objections to the jurisdiction or form of proceedings.

City Clerk Small provided a summary of the new retail marijuana business license application. Ms. Small stated the Authority previously approved a preliminary findings of fact report regarding retail marijuana business requirements and the eligibility of the applicant to operate the proposed marijuana business based on staff's investigation of the application. She stated the burden of proof is on

the applicant seeking the license and the Authority may consider the number, type, and availability of retail marijuana establishments located in or near the premises under consideration. Ms. Small stated the Authority must also consider whether approval of the application would result in any apparent negative impacts on the surrounding neighborhood, such as an undue concentration of a certain class of retail marijuana establishments that would require the use of additional law enforcement resources; an increase in traffic congestion; a shortage of available parking; or other demonstrable negative impacts caused by the new retail marijuana business.

City Clerk Small placed all individuals intending to provide testimony on the application under oath.

Dr. Shad Sutton stated he is the owner of Discrete Greens, LLC and provided sworn testimony regarding the application for a retail marijuana store license at 12170 Claude Court.

Dr. Sutton distributed a copy of a memorandum dated August 20, 2021 regarding traffic conformance and a bound document containing reference materials in support of the application.

Dr. Sutton provided testimony regarding his education, career practicing chiropractic medicine, medical certifications, and research of the marijuana industry. Dr. Sutton stated the proposed location of the business is undeveloped property he owns, and the business is not attached to a corporate entity or a vertical grow operation, which will allow them to select and provide consumers with the best marijuana products for their needs. He stated the business would be COVID-sensitive and include a drive-thru option to eliminate close in-person contact for high-risk customers while maintaining established guidelines for the sale of marijuana.

Dr. Sutton spoke about the traffic report and site survey and stated there would be no demonstrable negative impacts from traffic at the business. He stated he held a community meeting regarding the proposed business and testified that approximately one dozen people provided positive feedback about the proposal. Dr. Sutton stated Discrete Greens would provide the following additional benefits to the community: development of an underutilized lot, generation of revenue, residents within the community would be hired to fill positions at the business, and the business would have an employee volunteer program with an emphasis on the needs of Northglenn.

Dr. Sutton presented data related to the increased use of marijuana in Colorado, increased sales data supporting the need for additional access, increased tax revenue and population figures, increased

population density from the Karl's Farm development, decreased crime statistics, and increased home values near marijuana dispensaries. Dr. Sutton stated the use of cannabis is associated to lower use of opioids and a lower risk of exposure to fentanyl, and stated cannabis can fill the need for alternative therapies to reduce opioid use and overdoses.

City Attorney Hoffmann asked Dr. Sutton to limit his presentation of evidence to criteria the Council, as the licensing authority, must consider, which is whether there is an undue concentration of licenses and if the impacts of the business would require a commitment of additional law enforcement resources.

Dr. Sutton testified the marijuana offered at the business would help individuals improve their sleep and would help people dealing with anxiety, stress, and addiction. He stated the community needs the outlet and the products would save lives that would otherwise be lost due to opioid addiction and overdoses. Dr. Sutton stated the site plan had been prepared to address the distance requirement in proximity to residential property and to mitigate traffic and lighting impacts to the neighboring areas. He stated he reviewed the business security plan with the Police Department, and they had no issues with the plan. Dr. Sutton stated the proposed business will help remove barriers to access for customers using public transportation and will increase education about the proper use of marijuana.

Paul Sorensen, Sorensen Engineering & Construction, provided sworn testimony regarding the traffic study and site plan for the proposed marijuana business development. Mr. Sorensen spoke about traffic, drainage, and signage planned for the business. He stated the business will alleviate people's suffering from opioid addiction and the business plan has been developed to mitigate impacts to neighbors. Mr. Sorensen stated the proposed building meets the City's architectural guidelines, the traffic pattern, lighting, and landscaping comply with regulations, and the business will be an amenity to the City.

Jade Raber, Cannabis Consultant, stated she was available to answer questions about the proposed business operations. Ms. Raber provided sworn testimony in response to a question from Council member Goff regarding the operation of a drive-thru window at the business. Ms. Raber stated ordering and payment for the drive-thru option would be completed online and customers would utilize the drive-thru window to present identification and pick-up their order.

Joaquin Padilla, legal counsel for the applicant, provided sworn testimony. Mr. Padilla stated he echoed Dr. Sutton's sentiments about

the need for the marijuana business and was available to answer questions.

Mayor Leighty stated all of the discussion about need was not needed by the Authority since marijuana businesses are already allowed in the City and asked to receive information regarding the criteria the Authority should consider.

Dr. Sutton stated there are six marijuana dispensaries in Northglenn with the closest business being one mile away from the proposed location of Discrete Greens. He stated the proposed location near the light rail would provide access to consumers who use public transportation. He stated the business would provide access to individuals who live in the area so they do not have to travel to another business. Dr. Sutton stated the Police Department visited the proposed site and they did not believe police services would be negatively impacted by the business. He stated the business will be located on its own arterial road and will not impact traffic negatively. He testified the security, traffic, and site plans were reviewed by City staff and no concerns were expressed. Dr. Sutton acknowledged agreement on the need and stated the business will help those who are self-medicating with marijuana by providing access and education.

Dr. Sutton reiterated his communications with the Police Department, stated traffic will not be impacted negatively, and there will not be a shortage of parking because he owns the adjacent lot that can be utilized for additional parking, if needed. He stated the lighting plan mitigates negative impacts to the neighborhood and provided additional testimony regarding the community meeting he hosted at the site for the public to learn about the proposed business.

Mayor Pro Tem Willford asked staff if any feedback, either positive or negative, was received in response to the neighborhood notices.

City Clerk Small stated notices were sent to 416 Northglenn property owners within the designated neighborhood and no responses were received by the City Clerk's Office.

Mayor Pro Tem Willford inquired about the timing of Dr. Sutton's invitations for the community meeting and whether the people in attendance were residents of Northglenn.

Dr. Sutton testified that based on his conversations with the individuals, he believes all were Northglenn residents. He stated he is here to improve the community with the marijuana business.

Council member Duran Mullica inquired if the notices were sent to businesses in the area and if the staff report contains reports from the Police Department regarding whether the proposed business would require use of additional police resources.

Dr. Sutton stated it is his understanding the notices were sent to businesses as well as residents.

Council member Duran Mullica questioned if the traffic study included vehicles traveling near the proposed business to park at the light rail station north of the proposed development.

Mr. Sorensen stated he does not believe traffic for the light rail station north of the proposed site was included in the study. Dr. Sutton stated he believes traffic studies are based on the standards for marijuana retail facilities, the number of people who may appear at the business each day, and traffic from different sources.

City Clerk Small stated the initial Police Department request included a review of the applicant's background investigation and did not address any potential negative impacts since the applicant is required to address negative impacts from the business.

City Attorney Hoffmann stated no evidence has been presented contrary to the applicant's testimony regarding his conversations with the Police Department about the proposed business and public safety.

Mayor Leighty called for anyone wishing to speak in opposition to the application. There was no response.

Mayor Leighty asked Council if there were any other questions for the applicant. There was no response.

City Attorney Hoffmann asked that the staff report and evidence presented by the applicant be admitted as part of the record for the case.

Mayor Leighty closed the public hearing.

Council member Goff inquired about whether the proposed business meets the distance requirements for marijuana businesses.

City Attorney Hoffmann stated the preliminary findings, which were previously issued, confirmed that all of the eligibility requirements for the location and the applicant had been met.

There was discussion among Council regarding whether there is a need for the new business since existing marijuana businesses are currently located in the City. Council members expressed concerns related to the public health issue of increased use of marijuana among youth and overall traffic congestion in the area. There was discussion about the future widening of 120th Avenue near the Karl's Farm development, the absence of evidence that would support a denial of the application, and future park property in the area.

City Attorney Hoffmann provided information about the criteria used for marijuana business license applications and stated the Authority must rely on evidence presented during the public hearing tonight. He stated no evidence had been submitted contrary to the testimony addressing whether the neighborhood would be negatively impacted. He stated the location is eligible for a license based on regulations previously adopted by the City and stated the remaining criteria to consider is whether the need is being met by the existing retail outlets even though the proposed location is eligible for a license based on the proximity requirements.

Council member Downing expressed concern about the thoroughness of the traffic study and questioned why an additional traffic analysis was not performed.

MOTION TO PASS

Council member Goff **MOVED** and it was **SECONDED** by Council member Witkovich to direct the Attorney for the Authority to prepare a draft resolution approving the retail marijuana business license application filed by Discrete Greens, LLC d/b/a Discrete Greens, and for the draft resolution to be presented to the Authority for action on October 11, 2021.

MOTION FAILED

There was discussion and the motion **FAILED**.
IN FAVOR - Witkovich, Goff.
OPPOSED - Leighty, Willford, Downing, Duran Mullica,
Lukeman-Hiromasa.
ABSENT - Brown.

ADJOURNMENT

The meeting adjourned at 10:15 p.m.

JOHANNA SMALL, CMC
City Clerk

MEREDITH LEIGHTY
Mayor