

# *Discrete Greens Rehearing*

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**Marijuana Licensing  
Authority**

*Jan. 24, 2022*



**CITY OF  
Northglenn**

# ***REHEARING***

- Municipal Code authorizes application for rehearing
- Rehearing requested by applicant; granted by City Council on Oct. 25, 2021
- Public hearing is the opportunity to receive and consider evidence
- Council members must avoid prejudgment
- Council members must only consider the evidence presented during tonight's public hearing
- Burden of proof is on the applicant



# ***PUBLIC HEARING PROCESS***



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# ***PUBLIC HEARING PROCESS***

- Staff will provide a summary of the matter
- Applicant (or applicant's legal counsel) will present their application to the Authority
- Any other persons in support of the application may testify
- Any persons opposing the application may then testify
- Applicant may submit rebuttal testimony
- All witnesses will be placed under oath and may be cross-examined
- Questions of the applicant or witnesses must be asked during the public hearing to be considered as evidence
- After the public hearing is closed, Council will have an opportunity to deliberate and provide direction to the City Attorney





# ***STAFF SUMMARY***



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# ***MARIJUANA REGULATIONS***

## **Two-tiered licensing process**

- **City & State approval required**

## **Additional City regulations**

- **Hours of operation – between 8 a.m. & 10 p.m.**
- **Number of marijuana businesses controlled by location requirements**
- **Neighborhood notice requirements**



# ***APPLICATION***

**Applicant:** Discrete Greens, LLC

**Owner:** Shad D. Sutton, DC  
(100% sole managing member)

**License Type:** Retail Marijuana Store

**Proposed Site:** 12170 Claude Court  
Northglenn, CO 80241



# ***APPLICATION***

## **Retail Marijuana Store License**

Allows the sale of retail marijuana and/or marijuana-infused products to consumers over 21 years of age for consumption off premises

## **Proposed Location**

12170 Claude Court - an undeveloped lot owned by Dr. Shad Sutton, D.C., sole managing member of Discrete Greens, LLC



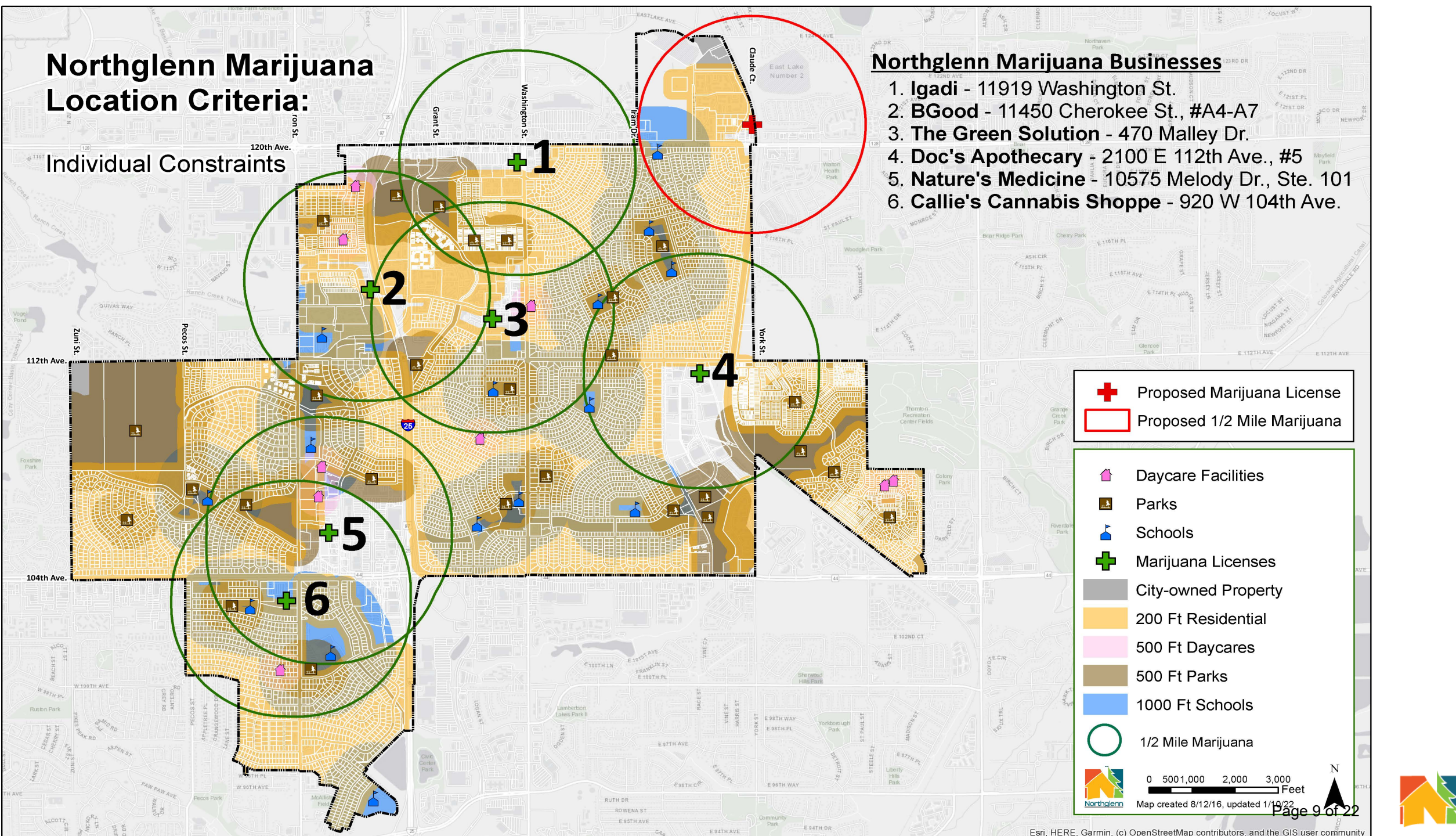


# Northglenn Marijuana Location Criteria:

## Individual Constraints

## Northglenn Marijuana Businesses

1. Igadi - 11919 Washington St.
2. BGood - 11450 Cherokee St., #A4-A7
3. The Green Solution - 470 Malley Dr.
4. Doc's Apothecary - 2100 E 112th Ave., #5
5. Nature's Medicine - 10575 Melody Dr., Ste. 101
6. Callie's Cannabis Shoppe - 920 W 104th Ave.



+

Proposed Marijuana License

Proposed 1/2 Mile Marijuana

Daycare Facilities

Parks

Schools

+

Marijuana Licenses

City-owned Property

200 Ft Residential

500 Ft Daycares

500 Ft Parks

1000 Ft Schools

1/2 Mile Marijuana

Northglenn

0

500

1,000

2,000

3,000

Feet

Map created 8/12/16, updated 1/19/22



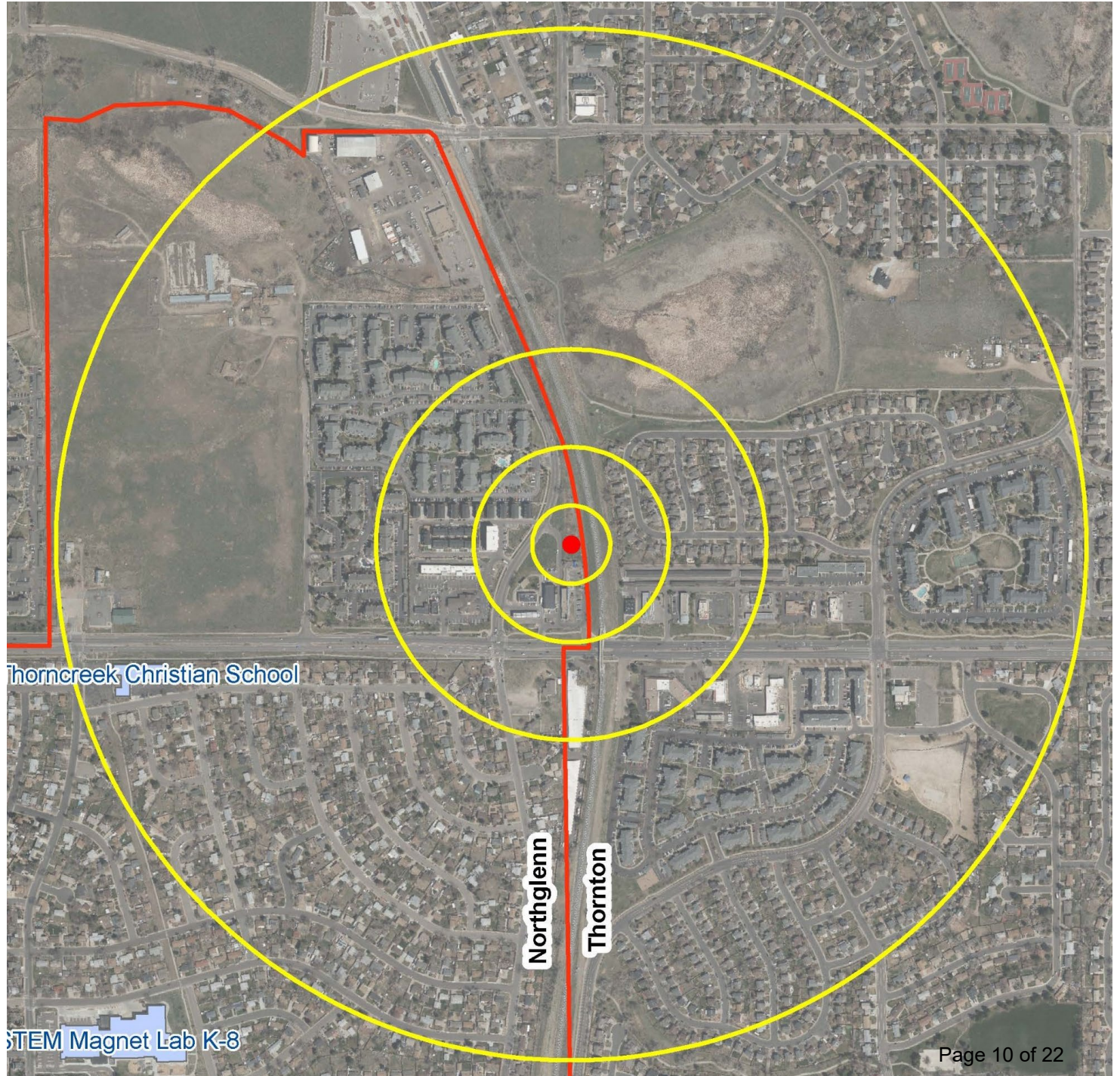


# Proposed Location

● 12170 Claude Court

□ 200, 500, 1000 ft,  
½ mile buffers

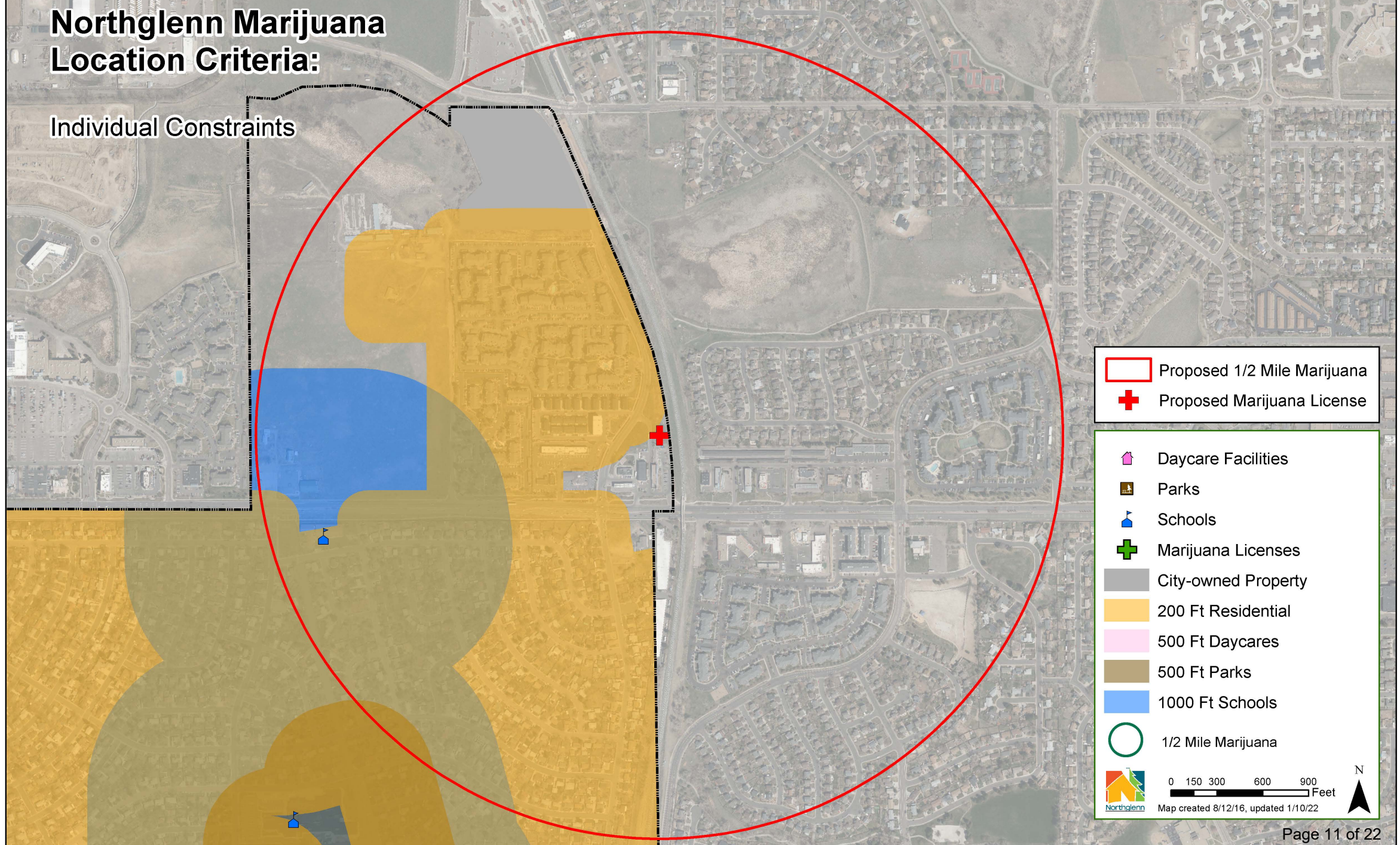
— City boundary



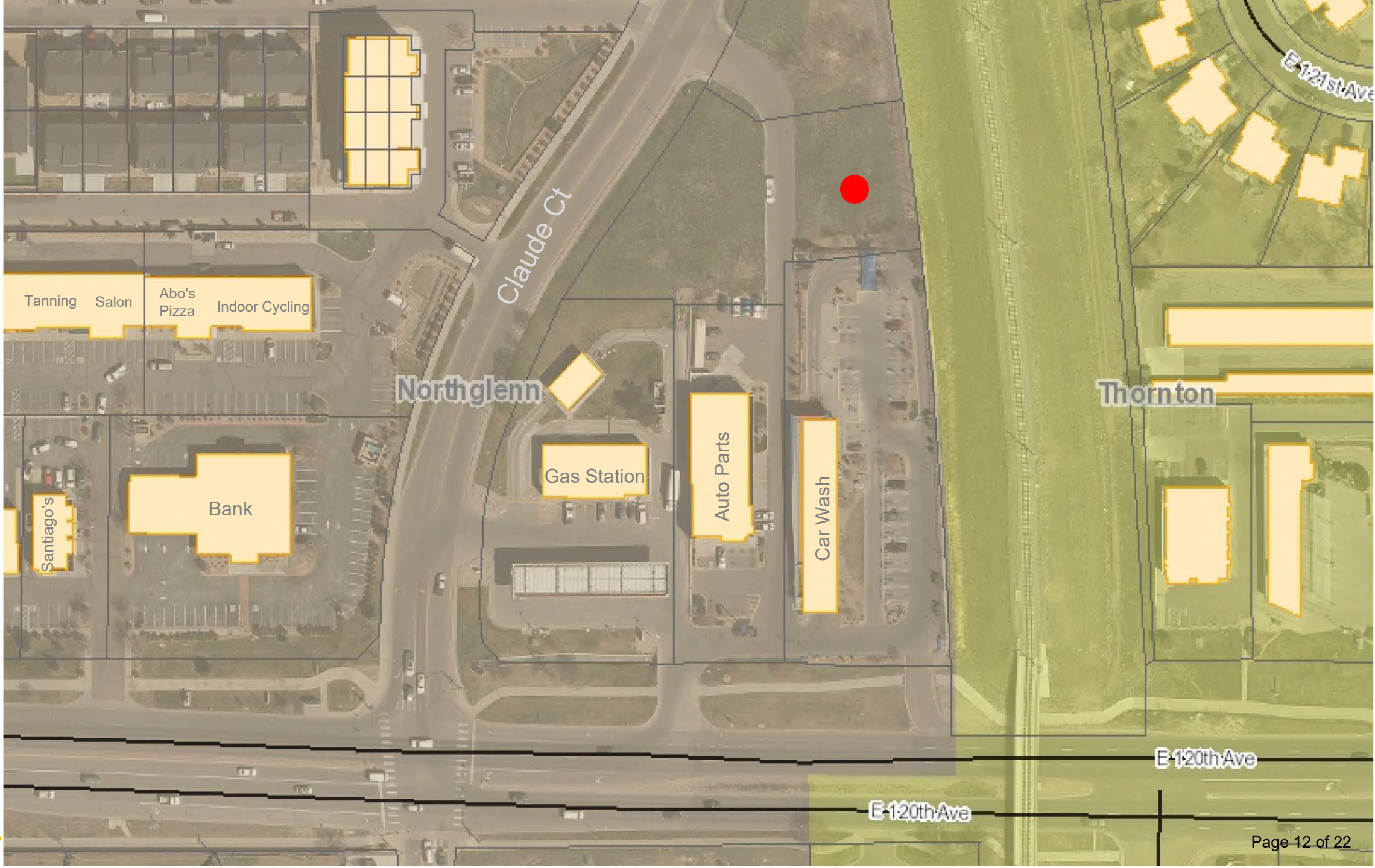


# Northglenn Marijuana Location Criteria:

Individual Constraints









# ***PUBLIC HEARING NOTICES***

On Jan. 13, 2022, public hearing notices were:

- Posted at 12170 Claude Court
- Published in the Denver Post
- Mailed to 416 Northglenn property owners within a ½ mile radius of the proposed establishment

Notices provided date, time, and access information for the public hearing, noting that the Authority will be taking public comments during the public hearing.



# ***PRELIMINARY FINDINGS***

1. Application is complete and all fees have been paid.
2. All proposed employees, managers, and persons having 10% or greater financial interest in the business have been identified.
3. The Applicant has completed a background investigation acknowledgement.
4. CBI & FBI fingerprint based criminal history reports for Shad D. Sutton, sole managing member of Discrete Greens, LLC disclosed no prior record of arrest or conviction.
5. The Applicant has submitted all required information relating to the legal status and registration of Discrete Greens, LLC with the Colorado Secretary of State.
6. The Applicant has submitted proof of legal possession of the property proposed for the retail marijuana store.



# ***PRELIMINARY FINDINGS*** **CONT'D**

7. The proposed location to be licensed is a permanent location and is not:
  - a. within 200 feet of any single or multi-family residential structure or unit, or parcel or lot;
  - b. within 500 feet of a licensed childcare facility;
  - c. within 1,000 feet of any educational institution or school, college or university, either public or private;
  - d. within 500 feet of any public park, public pool, or public recreational facility;
  - e. within 1,000 feet of any halfway house or correctional facility;
  - f. within ½ mile of any other marijuana business;
  - g. within any building or structure that contains a residential unit; or
  - h. upon any City of Northglenn owned property.



# ***PRELIMINARY FINDINGS*** **CONT'D**

8. The Applicant holds a valid state sales tax license and has applied for a city sales tax license for the business.
9. The application includes an acceptable “to scale” diagram of the proposed premises.
10. The application includes an acceptable comprehensive business operation plan.
11. The zoning of the premises is CA (Commercial – Auto Oriented) and has been approved for marijuana businesses.
12. Six marijuana businesses currently exist in Northglenn.
13. The Applicant is not prohibited from being a licensee pursuant to Northglenn Municipal Code § 18-16-14.



# ***PRELIMINARY FINDINGS***

## **CONT'D**

14. Considering the forgoing findings, the Applicant appears eligible to operate a marijuana business within the City of Northglenn, subject to the following conditions:
  - a. A public hearing before the Northglenn Marijuana Licensing Authority wherein the Applicant will be required to make a showing with affirmative evidence that approval of the application will result in no demonstrable negative impacts on the neighborhood;
  - b. All other required permits or licenses related to the operation of the marijuana business are approved; and
  - c. Inspection by the Northglenn Police Department of the proposed licensed premises.



# ***CRITERIA FOR CONSIDERATION***

## **The Authority may consider:**

- Facts cited as evidence
- Any other facts pertinent to the license application including the number, type and availability of retail marijuana establishments located in or near the proposed premises
- Any other pertinent matters affecting the qualification of the Applicant for the conduct of the type of business proposed



# ***CRITERIA FOR CONSIDERATION***

**The Authority shall consider whether approval would result in any of the following demonstrable negative impacts on the surrounding neighborhood:**

1. An undue concentration of a certain class of retail marijuana establishment that would require the use of additional law enforcement resources;
2. An increase in traffic congestion;
3. A shortage of available parking; and/or,
4. Other demonstrable negative impacts caused by the new retail marijuana establishment.



# ***NEXT STEPS***

## **If the application is approved:**

- Applicant may proceed with the development of the property for a retail marijuana business
- All pertinent approvals, licenses, and permits must be obtained
- State Marijuana Enforcement Division has issued a conditional license for the business, pending the outcome of the local hearing
- Once a Certificate of Occupancy has been issued for the premises, the Police Department will conduct an inspection prior to the issuance of the marijuana license





# ***NEXT STEPS***

## **If the application is denied:**

**CONT'D**

- The decision becomes final upon approval of a resolution at the next regular meeting
- Jurisdiction for appeal is Adams County District Court
- If the Authority denies the issuance of the license because the neighborhood needs and desires are met by existing marijuana businesses, the City would be prohibited from accepting a retail marijuana business license application for the same location for 2 years



# *QUESTIONS?*



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