

**CITY OF NORTHGLENN
MARIJUANA LICENSING AUTHORITY MINUTES
January 24, 2022**

CALL TO ORDER Mayor Leighty called a meeting of the Northglenn Marijuana Licensing Authority to order on Monday, January 24, 2022 at 10:01 p.m. Due to the COVID-19 pandemic, the meeting was held remotely with electronic participation by all members of the City Council.

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

ABSENT None.

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

**APPROVAL
OF MINUTES:**
October 25, 2021

MOTION TO PASS Council member Brown **MOVED** and it was **SECONDED** by Mayor Pro Tem Willford to approve the minutes of the October 25, 2021 meeting as presented.

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

**REHEARING 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 Attorney Hoffmann asked members of the Authority to disclose any ex-parte communications related to the Discrete Greens, LLC application before proceeding with the hearing.

Council member Walker disclosed the applicant, Mr. Sutton, had contacted him when he was a candidate for City Council and prior to

being elected, and stated the communications would not affect his ability to participate in the hearing. Council member Witkovich disclosed her husband, by coincidence, golfed with one of the representatives for the applicant today. Council member Brown disclosed that she received an email related to the application and stated the communication does not affect her ability to hear the application. Council member Jaramillo stated he received an email related to the application and met the applicant at the City Council candidate forum and stated he is able to consider the application without bias.

City Clerk Small presented a summary of the 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. She stated staff's investigation of the application confirmed that all of the eligibility requirements for the location and of the applicant had been met. City Clerk Small presented maps showing the proposed location of the business. 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 the Applicant, Shad Sutton, sole managing member of Discrete Greens, LLC, under oath.

Lauren Davis, Applicant's legal counsel, provided information about the applicant, Dr. Shad Sutton, his background, medical certifications, and his vision for Discrete Greens, stating the business is focused on educating consumers to use marijuana both responsibly and legally to treat the whole person, to fight addiction, and to provide a unique offering that current marijuana outlets do not provide.

Dr. Sutton provided sworn testimony regarding his chiropractic business and licensing, his ties to Northglenn, and his desire to give back to the community through the operation of Discrete Greens, which would include quality jobs, a compassionate place for holistic care, and tax revenue. He stated the business, through its revenue, would be able to assist with social equity programs, homelessness,

police initiatives, and other forward-thinking programs. Dr. Sutton stated he has a unique knowledge base regarding addictionology and compulsive behaviors that is not present at other marijuana businesses in the City. Dr. Sutton spoke about using marijuana to help address the opioid epidemic and stated regulatory compliance is paramount to the success of the business. He stated his business plan will offer a unique holistic approach to marijuana use that is not currently provided by other marijuana stores. He stated staff will be trained to educate consumers on safe consumption and will operate as a small business, which will allow it to provide the best strains of marijuana available to individual consumers. Dr. Sutton stated the drive-thru will address the need for a touchless option due to COVID-19 concerns and will address the gap between in-store and delivery purchases, which are the only options currently available in Northglenn. Dr. Sutton stated the proposed location near the light rail station provides better access to those who use public transportation, which is not currently provided elsewhere. He stated the site is an undeveloped lot which currently provides no benefit to the City and spoke about the development generating permit fees and property taxes. Dr. Sutton stated he is well-suited to hold a marijuana business license in the City and he intends to contribute positively to the community through the business.

Ms. Davis stated the proposed location is located more than one mile from the closest marijuana store and Discrete Greens will offer the only drive-thru option in the City. She provided information about the business operations and stated there are no marijuana businesses located in close proximity in Thornton. She stated the business will not impact public safety resources and provided information about studies related to the legalization of marijuana. She stated the business will follow all security regulations to address any concerns regarding increased crime and noted representatives from the Police Department were able to tour the site with no concerns being cited. Ms. Davis stated the business will not negatively impact traffic in the area and sufficient parking will be provided.

City Clerk Small placed Austin Gemella, Oedipus Petitioning, under oath.

Mr. Gemella provided sworn testimony about the needs and desires of the neighborhood as evidenced by petitions that were circulated to businesses and residences within a half-mile radius of the proposed business location. Mr. Gemella provided information about their petitioning processes and stated 82% of those petitioned were in favor of the issuance of the retail marijuana store license. Excluding factors such as an abhorrence of marijuana, 92% of those petitioned were in favor of the issuance of the retail marijuana store license.

Ms. David provided information about a voluntary neighborhood notice and meeting the applicant held for the neighborhood. Ms. Davis stated the business will impact the neighborhood positively through increased jobs, increased home values, and tax revenue. She stated no marijuana businesses have closed in the City, demonstrating that the market is not saturated. Ms. Davis stated that based on the evidence presented, the applicant should be granted the retail marijuana store license and urged City Council to approve the application.

There were questions from City Council regarding traffic near the proposed business site, pedestrian traffic, and the drive-thru proposed at the business.

Brook Svoboda, Director of Planning and Development, stated the roadway network has the capacity to absorb the additional traffic generated by the proposed development, and noted intersection improvements will be constructed at 120th Avenue and Claude Court as part of the 120th Improvements Project.

City Attorney Hoffmann confirmed that a drive-thru is not prohibited by the City's Code. He stated traffic impacts in general are irrelevant to the determination tonight and any traffic impacts affecting the application would need to be caused specifically by a marijuana business.

Ms. Davis stated the proposed drive-thru has been conditionally approved by the State Marijuana Enforcement Division and will provide the opportunity for increased security measures such as additional perimeter cameras.

Ms. Davis asked that the application along with exhibits be admitted as evidence for Council's consideration.

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

City Clerk Small read an email submitted by Catrina Bullard in favor of the application filed by Discrete Greens, LLC.

City Clerk Small played a voicemail from Beth McIlree in opposition to the application filed by Discrete Greens, LLC.

Mayor Leighty asked the applicant to present any rebuttal evidence.

Ms. Davis stated an affidavit in support of the application would be forwarded to Council. Ms. Davis spoke about the proposed location of the business and stated the evidence presented outweighs the one resident calling in opposition to the application.

Mayor Leighty asked Council if there were any other questions for the applicant.

Council member Jaramillo spoke about the application, Dr. Sutton's reputation in the community, and the proposed location of the business.

City Clerk Small read the affidavit from June Nieto in favor of the application submitted by Discrete Greens, LLC.

Mayor Leighty asked for any other evidence to be presented. There was no response and Mayor Leighty closed the public hearing.

MOTION TO PASS

Council member Witkovich **MOVED** and it was **SECONDED** by Council member Brown 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 February 14, 2022.

MOTION PASSED

There was no discussion and the motion **PASSED**.

IN FAVOR - Leighty, Willford, Walker, Witkovich, Brown,
Jaramillo, Duran Mullica, Goff, Lukeman-Hiromasa.

OPPOSED - None.

ABSENT - None.

ADJOURNMENT

The meeting adjourned at 11:12 p.m.

JOHANNA SMALL, CMC
City Clerk

MEREDITH LEIGHTY
Mayor