

**CITY OF NORTHGLENN
MARIJUANA LICENSING AUTHORITY MINUTES
June 22, 2015**

CALL TO ORDER Mayor Downing called a meeting of the Northglenn Marijuana Licensing Authority to order on Monday, June 22, 2015 at 7:39 p.m. in the City Hall Council Chambers, 11701 Community Center Drive, Northglenn.

ROLL CALL Present were: Mayor Downing, Mayor Pro Tem C. Dodge, Council members Snetzinger, Mullica, W. Dodge, Brown, Carrico, and Whitman.

ABSENT Council member Wieneke.

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

**APPROVAL
OF MINUTES:**

May 18, 2015

MOTION TO PASS Council member W. Dodge **MOVED** and it was **SECONDED** by Council member Brown to approve the minutes of the May 18, 2015 meeting as presented.

MOTION PASSED There was no discussion and the motion **PASSED**.
IN FAVOR - Downing, C. Dodge, Snetzinger, Mullica, W. Dodge, Brown, Carrico, Whitman.
OPPOSED - None.
ABSENT - Wieneke.

PUBLIC HEARINGS:

Reconsideration of
Modification of Premises
Application – BotanaCare,
LLC

Mayor Downing opened the public hearing on the modification of premises application filed by BotanaCare, LLC d/b/a BotanaCare and BotanaCare 21+ for the premises at 11450 Cherokee Street, and read a statement regarding the jurisdiction and procedures of the hearing. There were no objections to the jurisdiction or form of proceedings.

Attorney Hoffmann provided information about the modification of premises application, approval of the initial licensed premises, and changes to the measurement of distances for marijuana businesses. Attorney Hoffmann spoke about time, place, and manner regulations

and the Authority's discretion regarding allowing or denying the modification of premises to include Units A3, A2, and A1.

Ms. Robin Hackett and Ms. Cheri Hackett, BotanaCare, LLC, were placed under oath by the City Clerk.

Ms. Robin Hackett provided sworn testimony stating the modification of premises had been applied for in December, but was missed in the license renewal.

Attorney Hoffmann stated that was not correct. He stated the modification was made on the license renewal application to the State, but they did not file a modification of premises application with the City of Northglenn.

Ms. Cheri Hackett provided sworn testimony about the State's approval of Units A1 and A2 and stated BotanaCare took possession of Unit A3 on March 1st. Ms. Hackett apologized if she convoluted the applications, and testified that she indicated the modification on all applications.

Attorney Hoffmann clarified that licensees cannot renew an expanded area; they must seek a modification of premises, and no modification of premises application was received by the City.

Ms. Robin Hackett spoke about BotanaCare's desire to provide CBD products, stating they are one of only two companies in Colorado who produce CBDs. Ms. Hackett spoke about the time required to produce CBD cannabinoids and conditions treated with CBDs, and stated the business needs the expanded space in order to produce CBDs. Ms. Hackett stated they currently produce enough CBD for 20 patients. Ms. Hackett testified that other than smell, there would be no impact to the neighborhood from the expansion, and stated she believes there are no issues related to odors.

Ms. Cheri Hackett testified about odors from the business and stated she has visited with neighbors to inquire if there are odor issues. Ms. Hackett stated the building was leased with the intent of adding a lab and occupying the entire building. Ms. Hackett stated the change to the ordinance and distance regulations is the reason they are here and they have an interest in protecting the neighborhood.

Attorney Hoffmann stated there is a powerpoint presentation entitled BotanaCare City Council Petition to Expand, dated May 13, 2015, in the meeting packet and asked that it be made part of the record.

Mayor Downing called for any person wishing to speak on the modification of premises application to come forward.

Ms. Staci Pace spoke against the modification of premises application. Ms. Pace stated she lives four doors from the business and has never been approached by the owners. Ms. Pace stated the business negatively affects the neighborhood and she believes the location and expansion of the business is inappropriate.

Ms. Pace read a letter from Ms. Brenda Ralph, Northglenn resident, stating her opposition to the modification of premises application.

Mayor Downing called for anyone else wishing to speak on the modification of premises application. There was no response.

Ms. Cheri Hackett provided rebuttal testimony, stating they have “No Loitering” signs posted at the business and she cannot control customers once they leave the premises. Ms. Hackett stated she feels traffic through the neighborhood has not been impacted by the business and offered to distribute fliers to customers regarding respecting the community.

Ms. Cheri Hackett answered questions from the Authority regarding the proposed use of Units A1, A2, and A3. Ms. Hackett stated Units A2 and A3 would be used for CBD production and a lab would occupy Unit A1. Ms. Hackett stated their business is located in an industrial park and people driving through the neighborhood could be attributed to other businesses.

Ms. Robin Hackett stated BotanaCare has operated at the location for five years and stated she does not believe there has been increased crime in the area due to the business.

Mayor Downing inquired of Police Chief James May regarding increased criminal activity in the neighborhood. Chief May stated he would need to access crime statistics to determine if there has been an increase.

Ms. Cheri Hackett answered questions from the Authority regarding regulations on the percentage of marijuana they produce and what the business plan was if Units A1, A2, and A3 had not become vacant. Ms. Hackett stated they are looking for additional business space in Northglenn and in other municipalities, but it is limited.

Ms. Robin Hackett addressed questions from the Authority regarding the processing of marijuana into oils and stated they utilize another

company for that type of processing. Ms. Hackett also spoke about the vacant units in the building.

Mayor Downing closed the public hearing.

Attorney Hoffmann advised the Authority regarding the alternate resolutions to approve or deny the modification of premises application and the authority's options regarding conditional approval to limit impacts on the neighborhood.

There was discussion among the Authority regarding the location of the business, the zoning and uses allowed, the small number of neighbors opposing the application, and conditionally approving the application to limit the expansion of the premises.

RESOLUTIONS:

CR-71 – Reconsideration
of Modification of Premises
Application: Units A1, A2,
A3 – BotanaCare, LLC

MOTION TO PASS

Council member Snetzinger **MOVED** and it was **SECONDED** by Council member W. Dodge to approve CR-71, approving the modification of premises application filed by BotanaCare, LLC with the following conditions: 1) The expansion of the licensed premises to include Units A3, A2, and A1 shall be limited to an expansion of the cultivation facility and inclusion of a lab for the licensee's own use, and such expansion shall not include any expansion of the Limited Access area, or any other area where retail or medical marijuana is sold; and 2) To minimize the impact on the adjacent neighborhood, licensee shall not be permitted to include any additional signage on Units A3, A2, and A1 of the licensed premises.

MOTION PASSED

There was discussion and the motion to continue **PASSED**.
IN FAVOR - Downing, C. Dodge, Snetzinger, Mullica, W.
Dodge, Carrico.
OPPOSED - Whitman, Brown.
ABSENT - Wieneke.

ADJOURNMENT

The meeting adjourned at 8:33 p.m.

JOHANNA SMALL, CMC
City Clerk

JOYCE DOWNING
Mayor