

MEMBERS	PRESENT	ABSENT	EXCUSED
Erik Niemeyer	X		
Erich Ferchau	X		
Andy Tocke	X		
Bob Beda	X		
Sharon Cave	X		
Greg Larson	X		
Councilor Matt Schwartz			X

OTHERS PRESENT: Community Development Director Steve Westbay, Planner Andie Ruggera, Planning Technician Michelle Spain

I. CALL TO ORDER AT 7:00 PM BY CHAIR GREG LARSON

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. PUBLIC HEARING AND POSSIBLE ACTION – CONDITIONAL USE APPLICATION- CU 15-4, SUBMITTED BY LOU COSTELLO, THE COLORADO CANNABIS CABIN, LLC, FOR THE OPERATION OF A RETAIL MARIJUANA STORE IN THE INDUSTRIAL ZONE DISTRICT.

Open Public Hearing. 7:01pm

Proof of publication. Proof of publication was entered into the record.

Review of the Process. Planner Ruggera commenced the review procedures. The request is for a Retail Marijuana Sales establishment, located in the Industrial zoned area. Conditional Use application is then required.

Applicant Presentation. Mr. Louis F Costello the applicant introduced himself. Mr. Costello referred to the information submitted for this application. Mr. Costello indicated that the location was perfect for this operation. The adjoining building is currently a hydroponic store and is very compatible with his operation. The hours of operation were discussed. He described the parking and access that is available. The rear area will be the designated access. Mr. Costello reviewed the engineered odor capture system for the odor control.

No questions to the applicant from the Commission.

Public Input. None

Staff Presentation. Planner Ruggera explained the various items that were reviewed. The site more than meets the parking and landscaping requirements. The buffer area is currently set in place. Staff is recommending approval of this application.

Commission Discussion. Commissioner Niemeyer complimented staff for the quick review of this application. Director Westbay indicated that when there is multi-tenant occupancy that all tenants need to be protected. This is why on this application an engineered exhaust / ventilation system is required.

Close Public Hearing. Chair Larson closed the public hearing at **7:09pm.**

Commission Action.

ACTION

During the regular Planning and Zoning Commission meeting held on November 4, 2015, Commissioner Tocke moved, and Commissioner Cave seconded, and the Commission voted to APPROVE Conditional Use Application CU 15-4, submitted by The Colorado Cannabis Cabin, LLC for the operation of a retail marijuana establishment at 650 South 11th Street, Unit B within the Industrial district, based on the following findings of fact and conditions:

FINDINGS OF FACT:

1. The Planning and Zoning Commission finds that the record of this action includes the application contents on file with the City of Gunnison; all comments entered into the Public Hearing record; and provisions of the *City of Gunnison Land Development Code* and the *City of Gunnison Master Plan*.
2. The Planning and Zoning Commission finds that this Conditional Use application is for the operation of a retail marijuana establishment in the Industrial zone district.
3. The Planning and Zoning Commission finds that the retail marijuana establishment is compatible with the surrounding neighborhood as long as certain conditions are fulfilled.
4. The Planning and Zoning Commission finds that 15 off-street parking spaces are required on the site by the *LDC* for the two retail uses.
5. The Planning and Zoning Commission finds that 24 off-street parking spaces with one access point off 11th Street are indicated on the site plan.
6. A 15 foot-wide buffer is required along Rio Grande Avenue. The Planning and Zoning Commission finds that the site meets the requirements of the *LDC* for landscaping and buffering and provides a 44 foot-wide buffer along Rio Grande Avenue.
7. The Planning and Zoning Commission finds that an inspection by the Building Official and Fire Marshall is required to ensure compliance with Building, Fire and Mechanical Codes.
8. The Planning and Zoning Commission finds that the applicant has submitted a license to the City and the State of Colorado for a Retail Marijuana Establishment and this Conditional Use is contingent upon license approval.

9. The Planning and Zoning Commission finds that the retail marijuana establishment will not be a detriment to the community's health, safety and welfare as long as the following conditions are fulfilled:

CONDITIONS:

1. A site inspection of the property is required by the Building Official and the Fire Marshal.
2. A HVAC exhaust / ventilation system designed by a registered engineer shall be approved by the Building Official and a Mechanical Permit is required for installation of the system. Final inspection and approval of the system is required prior to Certificate of Occupancy.
3. This Conditional Use approval is contingent upon the issuance of the City of Gunnison and State of Colorado license for a Retail Marijuana Establishment.

Roll Call Yes: Beda, Ferchau, Larson, Niemeyer, Cave, Tocke

Roll Call No:

Roll Call Abstain:

Motion carried

IV. UNSCHEDULED CITIZENS. There were none.

V. CONSIDERATION OF THE OCTOBER 28, 2015 MEETING MINUTES.

Commissioner Niemeyer moved, and Commissioner Tocke seconded, to approve the October 28, 2015 meeting minutes as presented.

Roll Call Yes: Beda, Cave, Ferchau, Larson, Niemeyer, Tocke.

Roll Call No:

Roll Call Abstain:

Motion carried

VI. COUNCIL UPDATE. Councilman Schwartz was not present.

- Various budget items were discussed.
- Contract for services were also reviewed.
- Some Strategic Plan items were also reviewed.

VII. COMMISSIONER COMMENTS. None

VIII. PLANNING STAFF UPDATE. Director Westbay started his review.

- Safe Street meeting was held on October 29th with 40+ attending. Chairperson Larson attended this meeting and he indicated that there was a lot of good discussion. He also

observed that there was a large group of bicyclist that did not necessarily want a bike lane on Main Street. Director Westbay reviewed the format for the meeting.

- Lazy K meeting will be on November 12th with a site visit at 2:00pm and then an open house located here in council chambers, from 3:00pm to 5:00pm. It is a great site with lots of potential for the community. Silver Sage Restaurant is gutted and it looks very sturdy. If this Commission is unable to make it to this meeting we could set another site visit.
- Marijuana applications are coming in and are in the review process right now.
- The Colorado Division of Parks and Wildlife hydrologists and engineering team were in town commencing surveying work on the river. Permitting is going forth at this time.
- Budget review is still continuing.
- 3-Mile application was reviewed with the new committee. The distance and the alignments were discussed. Trails use, alignments and access points were discussed for future projects. Sales tax issues were brought up. Do we allow retail sales establishments in the County? This current request does not generate a lot of tax. Director Westbay was concerned with a strip development along the highway corridor. Chairperson Larson indicated that the church was approached and has approved the land swap and possible move of the Lutheran church to this area.
- Commissioner Ferchau indicated that the Crested Butte area had problems with the Riverland Industrial area on the same type of situation.

IX. ADJOURN TO WORKSESSION. 7:25 pm

Attest:

Greg Larson, Chair

Michelle Spain, Secretary