

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, Andie Ruggera, Planner 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 15-3, SUBMITTED BY CHRISTOPHER SANCHEZ, ACME HEALING CENTER OF GUNNISON, LLC, FOR THE OPERATION OF A RETAIL MARIJUANA STORE IN THE INDUSTRIAL ZONE DISTRICT.

Open Public Hearing. Chair Larson opened the public hearing at approximately 7:01 p.m.

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

Review of Process. Reported by Planner, Andie Ruggera. Conditional Use applications requirements were reviewed and the brief description of the current application and location of the project was given. Neighboring structures and uses were reviewed. The total square footage in relation to parking requirements, landscaping, and the buffer areas were presented. All inspections will be completed prior to the issuance of the Retail Marijuana Establishment License.

Applicant Presentation. Christopher Sanchez with Acme Healing Centers introduced himself and told the commissioners he had 4 other locations in the state. He is willing to supply any items that are requested from this review. Mr. Sanchez believed that he has a good business in all his locations and was anxious to start in this community. He will comply with all codes from the City, Building Official and Fire Marshall.

Larson asked how much of the existing space would be actual retail sales. Sanchez indicated about 2/3 will be retail sales consisting of product and T-shirt inventory.

Niemeyer asked about how the requirements in this municipality compare to other areas. Sanchez indicated this was very well presented. The only items that were different were the conditions.

Sanchez will keep up the maintenance of the building. One of their other facilities is a log building and they want to keep the Western appearance. They want to be a positive part of this community.

Public Input. None. No written or electronic comments were received.

Staff Presentation. Director Westbay commenced his review. He was encouraged to hear from the applicant that the current application process was good. He acknowledged that the applicant had

submitted a well-designed site plan. The site was then inspected and stepped off. Some dimensions and the some items did not match. So Ruggera revised the site plan to include buffer standards to comply with. Landscaping with planters were discussed. This did change the parking also. The two parking spaces bordering the 9th St West property line are outside the property and the Code does not allow this. The collector street of Rio Grande Avenue was reviewed. This street is the main route to the airport. They want this street to look well maintained. Alpine Express route was discussed. This is our first conditional use for a Marijuana establishment. Westbay went over terminology of the criteria, standards and provisions.

Planner Ruggera reviewed the findings. Site plan, inspections, parking buffer need to be established and maintained. Site inspections by the Building Official and the Fire Marshal shall be completed. HVAC Exhaust/ventilation system designed by a registered engineer. Conditional Use permit is contingent on issuance and the license kept in good standing.

This will be added to Number 5 of the Conditions. “and said licenses, City and State shall be kept in good standing.”

Commission Discussion.

Larson complimented staff for the detailed review of other municipalities in order to draft our regulatory review.

Niemeyer- none

Tocke- none

Beda – Will this location have retail sales only, medical or both? Sanchez responded retail for now but they would accept medical cards.

Cave- none

Close Public Hearing. Chair Larson closed the public hearing at 7:20 p.m.

During the regular Planning and Zoning Commission meeting held on August 26, 2015, Commissioner Niemeyer moved, and Commissioner Cave seconded, and the Commission voted to APPROVE Conditional Use Application CU 15-3, submitted by Christopher Sanchez for the operation of a retail marijuana establishment at 620 South 9th Street within the Industrial district and buffer waiver, based on the following findings of fact and conditions:

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 16 off-street parking spaces are required by the LDC and the Director is reducing the parking by 25% for a total of 12 off-street parking spaces.
5. The Planning and Zoning Commission finds that backing onto Rio Grande Avenue is prohibited and two access points off Rio Grande Avenue and one access point off 9th Street are indicated on the site plan.
6. The Planning and Zoning Commission finds that a 15 foot-wide buffer is required along Rio Grande Avenue and waives the tree planting requirement along with a waiver of three feet on two sections, twenty feet long, for two off-street parking spaces as indicated on the site plan.
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:

CONDITION:

1. A site plan indicating off-street parking, landscaping and street buffer shall be approved by the Community Development Director.
2. The required buffer shall be established and maintained by the applicant.
3. A site inspection of the property is required by the Building Official and the Fire Marshal.
4. A HVAC exhaust / ventilation system designed by a registered engineer shall be submitted and 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.
5. This Conditional Use approval is contingent upon the issuance of the City of Gunnison and State of Colorado license for a Retail Marijuana Establishment, and said licenses, City and State shall be kept in good standing.”

Roll Call Yes: Beda, Larson, Tocke, Cave, Niemeyer
Roll Call No:
Roll Call Abstain:
Motion carried

IV. UNSCHEDULED CITIZENS There were none

V. CONSIDERATION OF THE AUGUST 12, 2015 MEETING MINUTES.

OFFICIAL MINUTES AUGUST 26, 2015
CITY OF GUNNISON PLANNING AND ZONING COMMISSION
REGULAR MEETING

7:00PM

Commissioner Tocke moved and Commissioner Beda seconded, to approve the August 12, 2015 meeting minutes as corrected and amended.

Roll Call Yes: Cave, Larson, Niemeyer, Beda, Tocke
Roll Call No:
Roll Call Abstain:
Motion carried

VI. Commissioner Cave moved and Commissioner Niemeyer seconded, to approve the absence of Councilor Schwartz from this meeting.

Roll Call Yes: Beda, Larson, Tocke, Niemeyer, Cave
Roll Call No:
Roll Call Abstain:
Motion carried

VII. COUNCIL UPDATE. Councilor Schwartz excused. No update.

VIII. COMMISSIONER COMMENTS. None

IX. PLANNING STAFF UPDATE.

Director Westbay started his review.

- Gunnison River biological assessment by CPW is completed. River Habitat Restoration project. 2.3 miles of the river is being reviewed.
- Safe Streets Program. Will be holding a workshop on September 3, 2015 at the Fred Field building 6-8:30pm. The contents: Defining the problem, interactive session amongst tables showing drawings, signage etc., Coming to terms with who the stakeholders are. We want input from all areas of the community.

Tocke asked if there would be education prior to the drawing stage. Westbay indicated a tool box method would be used.

Larson asked about islands.

Beda indicated that the Safe Streets was for traffic not crime related incidents etc. Beda indicated that this is not just in Gunnison but Crested Butte is experiencing the same traffic problems.

Boulder's street problems were discussed.

Westbay indicated that funds were directed to this project. No funds for a demonstration project now.

- City Council did discuss design standards. During strategic planning process they will request direction as to which way staff should proceed.
- Staff is working with OVPP to look at their visioning step. We are jointly working with Gunnison County on this.
- Internship for the Safe Streets project will be interviewed tomorrow.
- Westbay indicated in the first month, after Marijuana was approved we had 35 inquiries.
- The City Clerk has 6 applications she is working on currently.

OFFICIAL MINUTES AUGUST 26, 2015
CITY OF GUNNISON PLANNING AND ZONING COMMISSION
REGULAR MEETING

7:00PM

Larson requested an email notification on any additional meetings coming up.

X. ADJOURN. 7:44 p.m.

Attest:

Greg Larson, Chair

Michelle Spain, Secretary