



To: City Councilors  
CC: City Manager Ken Coleman  
From: City Clerk Gail Davidson  
Date: November 23, 2015  
Re: Setting Public Hearings on Retail Marijuana Store License Applications from:  
1) RFSCG LLC dba Roots RX; 2) MissKat Inc., dba Frosty Leaf; 3) Colorado Cannabis Cabin LLC dba Colorado Cannabis Cabin

Councilors:

On June 23, 2015, City Council passed Ordinance No. 5, Series 2015, establishing the regulations and process for approving medical and retail marijuana establishments in Gunnison. The State Marijuana Enforcement Division (MED) has approved Conditional Retail Marijuana Store Licenses for three applications that are currently being processed by City Staff. After a marijuana applications status meeting, Staff is recommending the City Public Hearings on these three applications be set in accordance with Gunnison Municipal Code Section 8.50.040B (1). A copy of the City application form has been included in your packet for preliminary information. The more detailed application will be included for the public hearing meetings.

Thank you, Gail

**Action Requested of Council:** A motion, second and vote to set the City's public hearing on the retail marijuana store license application from RFSCG LLC dba Roots RX, 1198B N. Main Street in Gunnison for 7:00 P.M., Tuesday, December 15, 2015, in the City Council Chambers of City Hall, 201 W. Virginia Ave. in Gunnison.

**Action Requested of Council:** A motion, second and vote to set the City's public hearing on the retail marijuana store license application from MissKat Inc., dba Frosty Leaf, 500 W. Highway 50, Unit 102, in Gunnison for 7:20 P.M., Tuesday, December 15, 2015 in the City Council Chambers of City Hall, 201 W. Virginia Ave. in Gunnison.

**Action Requested of Council:** A motion, second and vote to set the City's public hearing on the retail marijuana store license application from Colorado Cannabis Cabin LLC dba Colorado Cannabis Cabin, 650 S. 11<sup>th</sup> Street, Unit B, in Gunnison for 7:40 P.M., Tuesday, December 15, 2015 in the City Council Chambers of City Hall, 201 W. Virginia Ave. in Gunnison.



**APPLICANT INFORMATION**

APPLICANT is applying as a: (please choose ONE):

- Corporation
- Limited Liability Company (LLC)
- Partnership (includes Husband/Wife Partnerships)
- Individual (Sole Proprietor)
- Other (Specify)

APPLICANT NAME: THE COLORADO CANNABIS CABIN, LLC

Individual or Sole Proprietorship:

Applicant Full Legal Name: \_\_\_\_\_ Social Security Number: \_\_\_\_\_ DOB: 1/1

Applicant's Physical Address: [REDACTED] B, GUNNISON, CO 8123

Applicant's Mailing Address: [REDACTED], GUNNISON, CO 81230

Applicant's Home and Cell Phone Numbers: [REDACTED]

Applicant's Current Email Address: [REDACTED]

What Marijuana License(s) does the Applicant or any member of the LLC, Corporation, Partnership/Association currently hold with the State of Colorado?

- Medical Marijuana Center License #: \_\_\_\_\_
- Retail Marijuana Establishment License #: \_\_\_\_\_
- Marijuana Product Manufacturing License #: \_\_\_\_\_
- Marijuana Testing License #: \_\_\_\_\_
- Cultivation Center License #: 403R-00369
- Other License #: \_\_\_\_\_
- None

What Marijuana License(s) does the Applicant hold with the City of Gunnison?

- Type: \_\_\_\_\_ License #: \_\_\_\_\_
- Type: \_\_\_\_\_ License #: \_\_\_\_\_

Additional Licenses Use Additional Pages

- None

**OATH OF APPLICANT**

I declare under penalty of perjury in the second degree that this application and any required attachments are true, correct and complete to the best of my knowledge. I also acknowledge that it is my responsibility and the responsibility of my agents and employees to comply with the provisions of the Colorado Marijuana Code that will affect my license.

Authorized Signature: Louis F Costello  
 Printed Name and Title: LOUIS F. COSTELLO, MEMBER MANAGER  
 Date: 08-26-2015

**(This page BELOW to be completed by City Staff)  
CITY OF GUNNISON DEPARTMENTAL APPROVALS**

Each Department Must Review, Approve, Sign, Check-Off, and Date for Application Approval to be forwarded to City Council for approval.

CITY CLERK'S DEPARTMENT

- Includes payment of application and licensing fees; submission of complete application forms and any other forms as required.

Date approved: 11/17/15 By: [Signature]

COMMUNITY DEVELOPMENT DEPARTMENT

*see attached*

- Compliance with Mechanical, Fire and Technical Codes of the Gunnison Municipal Code
- Compliance with Land Use Requirements as defined in the Gunnison Land Development Code.

Date approved: \_\_\_\_\_ By: \_\_\_\_\_

FINANCE DEPARTMENT

- Compliance with sales tax collection and remittance Code requirements

Date approved: \_\_\_\_\_ By: \_\_\_\_\_

POLICE DEPARTMENT

- Successful completion of local background checks and investigations

Date approved: 11/17/15 By: [Signature]

PUBLIC WORKS DEPARTMENT

- Compliance with City Utilities Codes

Date approved: 11-6-15 By: [Signature]

---

**REQUIRED ATTACHMENTS FOR CITY COUNCIL PUBLIC HEARING**

Results of local background check by City of Gunnison Police Department.  
Approved Site Development Application and/or Conditional Use Permit.  
Completed State of Colorado License Application Forms to Application.

Date Application Accepted by City Council: \_\_\_/\_\_\_/\_\_\_

Date of Public Hearing: \_\_\_/\_\_\_/\_\_\_

APPLICATION APPROVED: \_\_\_/\_\_\_/\_\_\_

APPLICATION DENIED: \_\_\_/\_\_\_/\_\_\_

## Retail Marijuana Establishment Permit Community Development Department

Applicants Name: The Colorado Cannabis Cabin LLC.

Applicants Address: 103 Basin Park Drive, Gunnison, CO 81230

Establishment Address: 650 S. 11<sup>th</sup> St. Suite B, Gunnison, Co 81230

APPROVED WITH CONDITIONS

*Steve W. [Signature]*  
Nov 18, 2015

Compliance	Initial Compliance Criteria and Standards for all Marijuana Establishments
OK	<i>Buffers:</i> Marijuana establishment is not located within 1000 feet of a public school; private or charter school; daycare school, center or home; and mental health facilities. Establishments shall not be located on real property that fronts, abuts or is adjoining to any Residential District zone.
OK	Marijuana establishment complies with the district zone location standards set forth in Table 2-3, Principal Use Table of the <i>Land Development Code</i> .
OK	Marijuana establishment complies with all provisions, standards and regulations of the <i>Land Development Code</i> .
OK	Marijuana establishment is served by city water, wastewater, and electrical utility services and complies with all provisions, standards and regulations of the <i>City of Gunnison Municipal Code</i> , Title 12, Utilities.
CHECKED	<i>State Regulations:</i> Marijuana establishment complies with all applicable requirements of Colorado State Law and <i>Code of Colorado Regulations</i> , Medical Use of Marijuana and Retail Marijuana Code.
OK W/ CONDITIONS	A source capture system cable of removing particulate and odors to achieve levels that do not constitute a nuisance to adjacent occupants, structures and properties has been approved.
OK W/ CONDITIONS	Marijuana establishment complies with International Code Council building and fire codes adopted by the City.
Compliance	Additional Standards for Retail Marijuana and Medical Marijuana Centers
1/ 60 sq ft = 21 max occ	Retail establishments shall be located in buildings that comply with occupancy standards established by the International Code Council codes and adopted by the City.
OK	Retail establishments shall be located on lots in buildings that comply with the regulations in the <i>Land Development Code</i> including, but not limited to, landscaping, buffers, lighting, screening and parking standards.

The Community Development Director finds that initial compliance with Mechanical, Fire and Technical Codes and Land Use Requirements have been met with the following conditions:

**Conditions:**

1. Marijuana establishment signage shall include only the registered business or trade name, address, and telephone number of the marijuana establishment.
2. Marijuana establishment complies with all provisions, standards and regulations of the *Land Development Code*.
3. Marijuana-related odors shall not be discharged or emanate from any licensed marijuana establishment.
4. *Hours of Operation:* Anytime between 8 a.m. and 10 p.m. Monday through Sunday, except that Retail Marijuana Establishment hours are limited on Sunday to the hours of 1 p.m. to 6 p.m.
5. The licensed marijuana establishment shall have inspections by the Community Development Director or designee. Inspections shall include review of operations and maintenance records.

**Retail Marijuana Establishment Permit**  
**Community Development Department**

6. Store front window glazing shall not be painted or covered with opaque material, but non-reflective tinted glazing is permitted on the building fenestration.
7. Off-premise retail marijuana establishment storage facilities are prohibited.
8. Mechanical odor mitigation system installation shall be inspected and approved by the Building Official.
9. The licensed retail marijuana establishment premises shall be equipped with a carbon monoxide detector.
10. A minimum of 5 off street parking spaces shall be dedicated to this retail Marijuana establishment operation.
11. Building occupancy for a retail marijuana establishment shall not occur until final inspection and approval by the Building Official, Fire Marshal and Community Development Director.

CITY OF GUNNISON, COLORADO  
MARIJUANA ESTABLISHMENT LICENSE – PROPERTY OWNER CONSENT

CITY CLERKS DEPARTMENT  
201 W. VIRGINIA AVENUE  
P.O. BOX 239  
GUNNISON, CO 81230  
970-841-8140 (phone) 970-641-8051 (FAX)  
mail@cityofgunnison-co.gov (Email)

BUSINESS NAME: THE COLORADO CANNABIS CABIN, LLC

APPLICANT NAME: SAME

STREET ADDRESS OF PROPOSED LICENSED PREMISES:

650 S. 11TH STREET, UNIT B, GUNNISON, CO 81230

LEGAL DESCRIPTION: LOT 5-13 BLK 6 RIO GRAND ADDITION # 565096

**OWNER'S CONSENT TO SUBMISSION OF APPLICATION  
FOR MARIJUANA ESTABLISHMENT ON OWNED PREMISES**

As owner of the real property listed above, I hereby authorize the submission of this application for my property to be used as a (check all that apply):

- Medical Marijuana Center
- Retail Marijuana Store
- Cultivation Establishment: Medical \_\_\_\_\_ Retail \_\_\_\_\_ (check one)
- Marijuana Product Manufacturing Establishment: Medical \_\_\_\_\_ Retail \_\_\_\_\_
- Marijuana Testing Facility

SANDRA L. HEAD TRUST Property Owner (Printed Name)

Sandra Head Property Owner (Signature)

8-27-15 Date

(Attach copy of deed or lease in name of the license applicant)

STATE OF COLORADO )

COUNTY OF Montrose ) ss.

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of August, 2015, by Patricia J. Cummings

WITNESS my hand and official seal.  
My commission expires 8-6-18

PATRICIA J. CUMMINGS  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20104028576  
MY COMMISSION EXPIRES AUGUST 6, 2018

**AUTHORIZATION OF AGENT**

I/We, the undersigned owner(s) of the following described real property located in the City of Gunnison, Colorado, hereby authorize the following individual(s):

LEWIS CASTELLO 535 RIVERFRONT RD GUNNISON, CO 81224 970 209 4865  
Name Address Phone

to act in my/our behalf concerning the application for action under the Land Development Code of the City of Gunnison.

Legal description and street address of the property for which application is being made:  
LOT 5-13 BLK 6 RIV GRAND ADDITION #16-5096  
600 SOUTH 11TH STREET UNIT B GUNNISON, CO 81224

Type(s) of permit applied for:

- 1) Conditional Use
- 2) Marijuana
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_

FIRST OWNER OF RECORD:

SANDRA L HEAD TRUST  
Printed Name of Property Owner

Sandra Head  
Signature of Property Owner

9-15-15  
Date

LANDLORD/LESSOR  
~~SECOND OWNER OF RECORD:~~

NEALE ACKLEY  
Printed Name of Property Owner ~~LESSOR~~

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

OFFICE OF THE SECRETARY OF STATE  
OF THE STATE OF COLORADO

**CERTIFICATE**

I, Wayne W. Williams, as the Secretary of State of the State of Colorado, hereby certify that, according to the records of this office,

**The Colorado Cannabis Cabin, LLC**

is a **Limited Liability Company** formed or registered on 07/16/2015 under the law of Colorado, has complied with all applicable requirements of this office, and is in good standing with this office. This entity has been assigned entity identification number 20151457045.

This certificate reflects facts established or disclosed by documents delivered to this office on paper through 07/24/2015 that have been posted, and by documents delivered to this office electronically through 07/27/2015 @ 11:00:37.

I have affixed hereto the Great Seal of the State of Colorado and duly generated, executed, authenticated, issued, delivered and communicated this official certificate at Denver, Colorado on 07/27/2015 @ 11:00:37 pursuant to and in accordance with applicable law. This certificate is assigned Confirmation Number 9257754.



Secretary of State of the State of Colorado

\*\*\*\*\*End of Certificate\*\*\*\*\*

*Notice: A certificate issued electronically from the Colorado Secretary of State's Web site is fully and immediately valid and effective. However, as an option, the issuance and validity of a certificate obtained electronically may be established by visiting the Certificate Confirmation Page of the Secretary of State's Web site, <http://www.sos.state.co.us/biz/CertificateSearchCriteria.do> entering the certificate's confirmation number displayed on the certificate, and following the instructions displayed. Confirming the issuance of a certificate is merely optional and is not necessary to the valid and effective issuance of a certificate. For more information, visit our Web site, <http://www.sos.state.co.us/> click Business Center and select "Frequently Asked Questions."*