

To: City Council
From: City Clerk Gail A Davidson
Date: October 9, 2015
Re: Retail Marijuana Store License Application
ACME Healing Center of Gunnison LLC dba ACME Healing Center of Gunnison
620 S. 9th Street
Gunnison, Colorado

City Staff Report and Recommendations

The City Council of the City of Gunnison, approved and adopted Marijuana Establishment rules and regulations. These are found in the Gunnison Municipal Code (GMC) and the City of Gunnison *Land Development Code* (LDC). To operate a Marijuana Establishment in the City, a license from both the State of Colorado and the City of Gunnison must be obtained. The City application and licensing regulations are outlined in GMC Section 8.40.

ACME Healing Center of Gunnison LLC, dba ACME Healing Center of Gunnison, 157 Hwy 550, Ridgway, CO 81432, completed and submitted the required State Marijuana Enforcement Division (MED) and the City of Gunnison Marijuana Establishment License Application forms for a retail marijuana store to be located at 620 S. 9th Street in Gunnison. Christopher Sanchez, 14129 3100 Rd, Hotchkiss, CO 81419, is the 100% owner/principal in the LLC.

The proposed store location property is owned by Donald L. Calhoun. Mr. Calhoun has completed the Property Owner Consent for the City stating he authorizes the submission of the application for a retail marijuana store on property he owns. The proposed location was approved by the City Planning and Zoning Commission as a Conditional Use within the zoning district for a retail marijuana store establishment within the City.

The State MED submitted their completed forms back to the City within the required seven days of their submission. ACME Healing Center of Gunnison, LLC paid the City-required \$2,000 license fee and the \$2,500 application fee, for a total of \$4,500 paid directly to the City of Gunnison. Once the State Application forms were received, they were forwarded onto the Police, Finance, City Clerk, Public Works, and Community Development Departments, as well as to the City Attorney for review.

A copy of the City of Gunnison Departmental Approvals form is included in the Public Hearing information packet. The results of that review include:

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- Clerk's Department: the required complete application was filed including the property owner consent form. All City-required fees have been paid. The premise is currently licensed by the City and State Liquor Authorities as a Tavern by Donald Calhoun, dba as YDLC LLC. Mr. Calhoun must surrender the Tavern Liquor License prior to a Marijuana Establishment License being issued by the City or the State.
- The Finance Department has issued a City Sales Tax License and has provided sales tax remittance information to the applicant.
- The Police Department has completed local background checks and investigations on the applicants - the LLC Principal.
- The Public Works Department has not identified any compliance issues with the City Utility Codes.

The Community Development Department has received their internal Marijuana Site Development Application and has reviewed the application for compliance with the provisions of the City of Gunnison *Land Development Code* regarding allowed location, signage, control of marijuana-related odors, hours of operation, and City-adopted building standards. The proposed location was approved by the City Planning and Zoning Commission as a Conditional Use within the zoning district for a retail marijuana store establishment within the City.

- The CD Department has issued their retail marijuana establishment permit with the following conditions:
 - Marijuana establishment shall comply with all provisions, standards and regulations of the *Land Development Code*.
 - Marijuana-related odors shall not be discharged or emanate from any licensed marijuana establishment.
 - Hours of Operation of the retail marijuana store establishment shall be anytime between 8 a.m. and 10 p.m. Monday through Saturday, and limited to the hours of 1 p.m. to 6 p.m. on Sunday.
 - The licensed marijuana establishment is subject to inspections by the Community Development Director or designee. Inspections may include review of operations and maintenance records.
 - The Retail Store front window glazing shall not be painted or covered with opaque material, but non-reflective tinted glazing is permitted on the building fenestration.
 - Off-premises retail marijuana establishment storage facilities are prohibited.
 - The applicant shall provide a revised floor plan that is legible and drawn to a standard scale for measuring dimensions. The floor plan shall identify public exit and emergency exit points with associated dimensions.

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- The Restricted Area occupant load is set at 1 person/60 SF. The licensed premises shall be signed with the maximum allowed occupant load.
- The applicant shall provide a revised site plan that is legible and to a standard scale for measuring dimensions. The plan shall depict parking, buffering, landscaping and the building footprint.

The City has received the Conditional State Retail Marijuana Store License from the Colorado Marijuana Enforcement Division. Per City Code, after the Conditional State Retail Marijuana Store License was received, the City Council set the Public Hearing for 7:30 P.M., Tuesday, October 13, 2015, the premises was posted with the Public Hearing notice for over the minimum of 10 days, and the public hearing notice was published as required in the Gunnison Country Times Newspaper.

Based on the review and investigations of the license application, City Staff recommends approval of the ACME Healing Center of Gunnison LLC dba ACME Healing Center of Gunnison, 620 S. 9th Street, Gunnison, Colorado, 81230, Retail Marijuana Store License Application with the above-stated City Clerk and Community Development Departments conditions.