

To: City Council
From: City Clerk Gail A Davidson
Date: June 21, 2016
Re: Retail Marijuana Store License Application
The Pot Shop, LLC dba
The Pot Shop, 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.

The Pot Shop LLC, dba The Pot Shop, 905B N. Main Street, Gunnison, CO 81230, 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 905B N. Main Street, in Gunnison. 100% Principal in the LLC is: Jonathan Billingsley, 130 Tawanka Trail, Gunnison, CO 81230.

The proposed store location property is owned by Bennett Acquisitions LLC, Deven Bennett Principal. The property owner's consent to the submission of the application for a Marijuana Establishment on the premises notarized form was included in the application. The proposed store location is within the allowed zoning district for a retail marijuana store establishment within the City.

The Pot Shop LLC has paid the City-required license and application fees. The State MED submitted their completed forms back to the City within the required seven days of their submission. 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:

- Clerk's Department: the required complete application was filed including the property owner consent forms. All City-required fees have been paid. The City has received a copy of the conditional State-approved Retail Marijuana Store License.

The Pot Shop
Staff Report -2-

- 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 applicant LLC Principal – Jonathan Billingsley.
- 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 CD Department has issued their retail marijuana establishment permit with the following conditions:
 - The Marijuana establishment shall comply with all provisions, standards and regulations of the *Land Development Code* and all relevant building, mechanical and fire codes adopted by the City.
 - A mechanical source capture and exhaust system shall be installed and subject to inspection and approval by the Building Official.
 - The licensed retail marijuana establishment premises shall be equipped with a carbon monoxide detector.
 - A minimum of 3 exterior parking spaces with one handicap accessible space shall be dedicated to this retail Marijuana establishment operation.
 - Building occupancy for the licensed retail marijuana establishment shall be subject to final inspection and approval by the Building Official, Fire Marshal and Community Development Director.

City Council set the Public Hearing for 7:00 P.M., Tuesday, June 28, 2016, the premises was posted with the Public Hearing notice poster, and the public hearing notice was published as required in the Gunnison Country Times Newspaper.

City Staff has heard verbal concerns about the proposed location of this Establishment next to a Liquor Licensed Establishment, the Powerstop. City Staff, as well as the applicant, contacted the Colorado State Marijuana Enforcement Division and there is no regulations prohibiting this adjacent location. In addition, verbal concerns have been made concerning the proximity to the church located west of the proposed establishment. Again, there are no State or City prohibitions for this location.

Therefore, based on the review and investigations of the Retail Marijuana Store Establishment license application for compliance with City regulations, City Staff recommends approval of The Pot Shop LLC, dba The Pot Shop, 905B N Main Street in Gunnison, with the stated conditions.