

To: City Council
From: City Clerk Gail A Davidson
Date: September 8, 2016
Re: Transfer of Retail Marijuana Store License Application
Best Buds LLC
811 N. Main 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 transfer the ownership of an existing Marijuana Establishment in the City, approval 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.

Best Buds Inc., dba Best Buds, completed and submitted the required State Marijuana Enforcement Division (MED) and the City of Gunnison Marijuana Establishment Transfer of License Application forms for a retail marijuana store that is located at 811 N. Main Street in Gunnison. Principal in the Best Buds Corporation is Kenneth Lee Chick, 2688 Whisper Cr. Grand Junction, CO 81503. The existing license is held by East River Management LLC, dba Growhouse Gunnison. That license was approved and issued by the City of Gunnison on December 8, 2015.

The State MED has conditionally approved the transfer of license. A copy of that license was included in the public hearing packet. Best Buds Inc. has paid the City-required \$2,000 application fee

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 form. All City-required fees have been paid. The needs and wants of allowing a retail marijuana establishment at this location was determined in the original license public hearing and approval process.
- City Attorney: had a question regarding the ownership of the Business to be. The applicant will explain the business ownership during his testimony and a statement of explanation is also included in the application documents.
- 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 check and investigation on the applicant - the LLC Principal.
- The Community Development Department has completed their review of 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 report with the following conditions:
 - 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.
 - The facility is partitioned with the Retail Establishment comprising approximately 1,422 square feet (sf) and the remaining building floorplan (\pm 3,152 sf), is identified as “storage”. Any future change in use for the designated storage floor area shall be subject to review and approval by the Community Development Director.
 - A minimum of 4 exterior parking spaces shall be dedicated to accommodate parking demand associated with the accessory “storage” use as depicted on the floor plans.
 - The parking facilities will include an 8’ perimeter landscaping island pursuant to Section 4.6.G.2 of the City of Gunnison *Land Development Code* and as depicted on the site plan submittal on file that was approved on November 3, 2015.
 - Building occupancy for the licensed retail marijuana establishment shall be subject to final inspection and approval by the Building Official, Fire Marshal and Director of Community Development.

Per City Code, after the staff completed their reviews of the application, City Council set the Public Hearing for 7:00 P.M., Tuesday, September 13, 2016, the premises was posted with the required 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 transfer of ownership license application, City Staff recommends approval of the Best Buds Inc., dba Best Buds, transfer of license ownership application, for the retail marijuana store establishment located at 811 N. Main Street in Gunnison, CO. with the above-stated conditions.