

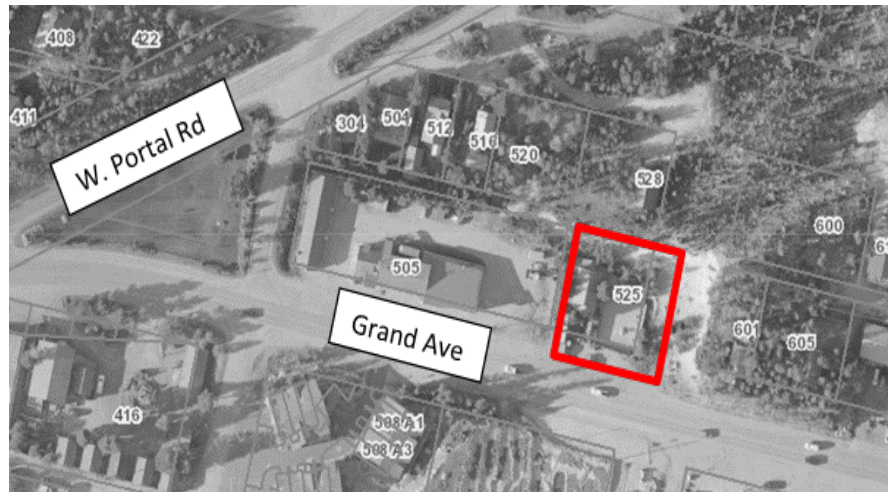


May 13<sup>th</sup>, 2024

To: Mayor Kudron and The Board of Trustees

From: Kim White, Community Development Director

RE: Resolution 27-2024, Conditional Use Permit for a Marijuana Business Located at Block 26, Lots 15, Town of Grand Lake; More Commonly Referred to as 525 Grand Avenue



#### Purpose

The Town has received a Conditional Use Permit (CUP) application from Verts Grand Lake, LLC (“The Applicant”) care of Daniel Rowland for a Marijuana business that requires recommendation by the Planning Commission and approval of a Conditional Use permit by the Board per Municipal code 6-5-10(E)(3) and 12-2-31(B) located at Lot 15, Block 26, Town of Grand Lake, also known as 525 Grand Avenue.

Conditional Uses are those uses allowed in a district, in addition to the uses by right, where so authorized, when and if a Conditional Use Permit (CUP) is granted under 12-2-31(B) of the Grand Lake Municipal Code.

**The Conditional Use permit review process is intended to assure compatibility and harmony between the proposed conditional use with both the surrounding properties and the town at large. As implied by the name, a conditional use permit is subject to various conditions that may be imposed by the Town as decided by the Board of Trustees following a recommendation from the Planning Commission.**

#### Background

Applications for application for marijuana store in Grand Lake were accepted by Town staff by November 6, 2023, at 4:00pm. Of the applications received, two entities had complete applications and were put into a lottery that was held on January 22, 2024. Verts Grand Lake, LLC was chosen via a number generator through random.org. to apply for a license as part of the process per GL municipal code 6-5-8. As part of the process, Verts Grand Lake, LLC must apply for a conditional use permit for this use.

Per municipal code 12-2-31 (B) staff presented the application to the Planning Commission at the previous Planning Meeting on April 3<sup>rd</sup>, at which point the Planning Commission voted to schedule a public hearing. Staff noticed the meeting 15 days prior to the April 17<sup>th</sup> meeting. Of the 12 certified letters mailed, 9 have been received with no letters have been received for or against the application. A letter was sent to Town prior to the official noticing of the item. It is attached as Exhibit 9. Staff presented the application during Public Hearing to the Planning Commission on April 17<sup>th</sup>, 2024 at which point the Planning Commission discussed the matter and moved to continue until May 1<sup>st</sup>, 2024. Since the Planning Commission continued the hearing and did not make a



recommendation to the Board at the April 22<sup>nd</sup> BOT meeting, the Board continued the Conditional Use Permit Hearing until May 13<sup>th</sup> 2024 in order to have a recommendation from the Planning Commission.

At the May 1<sup>st</sup> PC hearing, the Planning Commission took into consideration the following factors while making a recommendation to the Town Board of Trustees:

- (ii) Relationship of the proposed Conditional Use to the economic development objectives of the Town and the anticipated impact of the Conditional Use on existing businesses and neighborhood residences (as listed in 6.pdf).
- (iii) Effect upon the character of the area in which the proposed Conditional Use is to be located, including the scale and bulk of the proposed Conditional Use in relation to surrounding uses and neighborhood (as listed in 7.pdf).
- (iv) Other factors such as: hours of operation; signage; specific businesses, land owners or other interested parties to be notified; or proposed conditions of CUP issuance (as listed in 1-5,8.pdf).

At the May 1<sup>st</sup>, PC hearing, the Commission voted 2:2 to approve the Conditional use with conditions cited in the attached draft resolution. The tie vote means that the motion did not gain majority of votes.

The Board will now hear the matter and make a motion as described in the code as follows.

### **Municipal Code Procedure:**

12-2-31 (B) 3 (b) Procedure before the Board of Trustees....

2. In the Public Hearing, the Town Board of Trustees may move to approve, modify or disapprove the recommendation of the Planning Commission by Resolution.

### **Staff Comment:**

The Town may impose conditions with the review of a Conditional Use Permit, including improvements that are deemed necessary to achieve compatibility with the Town's commercial district appearance or other standards. The applicability of district regulations requires that buildings conform with Code standards. The change in the use and character requires a new development application which was submitted as the CUP application. The proposed use is deemed to amend previously approved CUP plans. The requirements to achieve compatibility and Code compliance vary based on the request.

The new business, Verts Neighborhood Dispensary, is proposing to change the use of the existing building. The previous business was a dog grooming and boarding facility (subject to a Conditional Use Permit). In addition to a change in use, the business proposes an increase in the intensity of the use. The applicant has estimated the business will serve approximately 100 customers per day during the summer season. Staffing will include up to four full-time year-round employees with additional seasonal employees as needed.

Code 12-7-4 includes design standards for commercial structures. All structures are subject to these Code standards.

- The color palette and materials have been reviewed and are found to be consistent with the Code.
- Refuse will be addressed through the Town's self-service Pay As You Throw trash program eliminating the need for a dumpster. As listed in the applicant's submission, any trash containing cannabis waste will be mixed at a 1:1 rate, then recorded in a log and disposed of properly.
- The applicant has addressed odor nuisance and will use filtration, and free-standing air scrubbers to filter out odors and pathogens. Any nuisance violation will be handled as reported.



- On-site consumption is prohibited by Town Code and is addressed in the application stating that employees will be terminated immediately if found to use cannabis onsite, and there will be signs for consumers to not consume on the property or penalty of law. It is recommended that an additional sign be included to state that it is a federal crime to consume cannabis in the National Park.
- The application states that they will comply with dark-sky regulations with all lights and bulbs not to be seen from off of the property.
- The hours of operation are within the law and are subject to change, but not outside the proposed hours in the application of 8am-10pm, 7 days a week (excluding Thanksgiving and Christmas).
- Parking requirements for the 920sf of retail space require 3 parking spaces

The boardwalk is a key architectural design that the property lacks and staff finds it is necessary for this property to comply with the aesthetics and safety considerations for pedestrians and a recommended improvement of this use approval. Per 11-4-1, Streets with on street parking require sidewalks or boardwalks and curb cuts are prohibited across these boardwalk areas. Similarly missing from this property, greenways act as a buffer between vehicular and pedestrian traffic and also aid in snow storage and drainage, and would be a required improvement to the site. Per MC 12-2-28 (C)(3)(c) in commercial zone, all parking areas are to be paved with concrete, or 4" asphalt.

The Applicant has requested that the requirement of the boardwalk be postponed until one of the two adjoining neighboring properties completes their boardwalk. Staff is in agreement with this request, as long as it is complete within 3 months of an adjoining property, to prevent an island of boardwalk in an area that is currently being developed.

#### **Submission Materials Complete:**

Items located in the attached application have an X next to them if found.

There are multiple documents attached to this packet. The attachments have a number in the file name which can be cross-referenced with the items below and their location (number.pdf then page of the pdf).

operational hours and functions (2.pdf page 1)

management responsibilities (2.pdf page 2)

assessed neighborhood compatibility and impact (2.pdf page 3)

Signage (5.pdf document)

layout of the structure with the proposed use, ingress and egress point (3.site plan)

parking and vehicular ingress and egress points (3.site plan)

snow storage (3.site plan)

Landowner or Homeowners Association approval (2.pdf, page 4 lease agreement)

trash receptacles (2.pdf page 2 and expanded on 4.pdf page 5)

specific businesses landowners or other interested parties to be notified (notice sent)

#### **Suggested Motions:**

1. **I move to approve Resolution 27-2024, a Conditional Use Permit for Verts Grand Lake, LLC at 525 Grand Avenue to the Board with the following necessary and appropriate terms and conditions \_\_\_\_\_ including the installation of a Boardwalk, greenspace, and improved parking surface adjacent to the frontage of the property, the work for which shall be completed within 3 months of an adjoining property completing the same work.**

OR

2. **I motion to deny a Conditional Use Permit for Verts Grand Lake, LLC. For the following reasons \_\_\_\_\_**