

**ARAPAHOE COUNTY PLANNING COMMISSION
PUBLIC HEARING
OCTOBER 18, 2022
6:30 P.M.**

SUBJECT: LDC22-004 Marijuana Land Uses Land Development Code Amendment

Jason Reynolds, Planning Division Manager

Revised 10/25/22 for Board hearing

PURPOSE AND REQUEST

This County-initiated application proposes amending the Land Development Code (LDC) to change the medical and retail marijuana regulations applicable to unincorporated Arapahoe County. The proposed regulations would allow the existing four medical/retail marijuana stores to relocate to other locations in the unincorporated area with a Use by Special Review process for the new location.

BACKGROUND

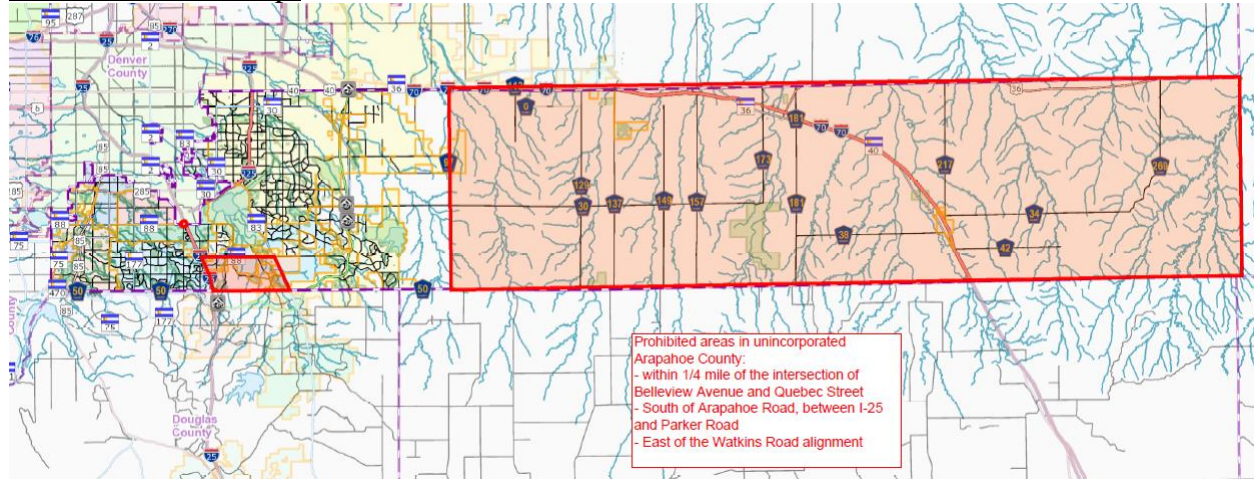
The Board of County Commissioners asked staff to develop rules that could allow the existing marijuana stores to change locations and to consider rules for marijuana grow operations. The Board discussed proposals at March 21, 2022 and July 5, 2022 study sessions and directed staff to proceed with rules for medical and retail marijuana stores, but to delay discussions regarding grow operations to a later date.

ANALYSIS OF THE PROPOSED REGULATIONS

State law authorizes the Board to limit the number of licenses and designate the location where a marijuana store is located. There are currently only four (4) marijuana store locations allowed as legal nonconforming uses in unincorporated Arapahoe County. The Board directed staff not to increase the number of marijuana store locations. Currently, the existing marijuana stores cannot relocate to another location if they need to address ADA issues, experience a fire, or would like to work with a different landlord. If approved, the proposed regulations would provide additional options for the four existing businesses.

Based on Board direction, staff recommends amending the Land Development Code (“LDC”) to remove the nonconforming use designation on marijuana stores, and to allow the four (4) current marijuana stores to move to locations within the Business zone districts B-3, B-4, and B-5 and Industrial zone districts I-1 and I-2, and within commercial or industrial portions of Planned Unit Developments allowing retail uses, through a Use by Special Review (“USR”) process, and with a marijuana licensing process requiring law enforcement inspections, provided that the proposed retail site is located west of the North-South alignment of Watkins Road. Based on feedback from the City of Centennial and from Greenwood Village, staff recommends prohibiting stores from the areas depicted on the attached map: within one quarter mile of the Bellevue Avenue and Quebec Street intersection and south of Arapahoe Road between I-25 and Parker Road. Further, relocated marijuana stores would be limited in size to less than 5,000 square feet and they would be required to include odor mitigation measures.

Prohibited Areas Map:



Staff recommends relying on the state statute distance requirements that prohibit a marijuana store from being located within one thousand feet of a school; an alcohol or drug treatment facility; the principal campus of a college, university, or seminary; or a residential child-care facility. As specified in statute, the distances referred to above are computed by direct measurement from the nearest property line of the land used for a school or campus to the nearest portion of the building in which medical marijuana is to be sold, using a route of direct pedestrian access. Finally, staff recommends a provision prohibiting more than two commercial marijuana stores within a one and one half mile radius around any existing licensed commercial marijuana store in unincorporated Arapahoe County (for a total of two stores, including the existing store). This provision would prevent clustering of marijuana businesses within specific geographic areas.

Outreach and Public/Referral Comments

Staff posted the proposed amendments on the County website on September 15, 2022. A summary of the comments received by October 11, 2022 is provided on the next page. Public notice was posted in the I-70 Scout on October 4, 2022 and in the Centennial Citizen, Englewood Herald, and Littleton Independent on October 6, 2022. Any additional comments received will be presented to the Planning Commission at the hearing.

Agency	Referral Comment
Adams County	No comments.
Arapahoe County Building Division	No comments.
Arapahoe County Sheriff/Patrol	No comments.
City of Centennial	Opposed the regulations and asked the County to prohibit retail marijuana in areas adjacent to Centennial. <i>Staff revised the regulations to prohibit retail marijuana in areas adjacent to and near Centennial.</i>
Greenwood Village	Opposed the regulations. <i>Staff revised the regulations to prohibit retail marijuana within a quarter mile of the Quebec/Belleview Intersection. This is the only unincorporated site with commercial zoning near Greenwood Village.</i>
City of Littleton	No comments.
Denver International Airport	No comments.
Elbert County	No comments.
Tri-County Health Department	Recommended separating retail stores from sites where children might gather such as parks and schools. <i>The state regulations require separation from schools and childcare facilities.</i>
No responses from: Arapahoe County Assessor, Arapahoe County Community Resources, Aurora Chamber of Commerce, Aurora Economic Development Council, Denver South Economic Development Partnership, Englewood Chamber of Commerce, South Metro Denver Chamber of Commerce, CENCON (Centennial Council of Neighborhoods), East Arapahoe County Advisory Planning Commission, Four Square Mile Area Neighborhood, May Farms, REAP (I70 Corridor Regional Advancement Partnership), Unincorporated Arapahoe County Economic Development, City of Aurora, Town of Bennett, Bow Mar, Cherry Hills Village, Colorado State Land Board, Columbine Valley, Deer Trail, City and County of Denver, Douglas County, Foxfield, Glendale, Jefferson County, Sheridan, Parker, Washington County, or Weld County.	

FISCAL IMPACT

No direct fiscal impact.

STAFF FINDINGS AND RECOMMENDATION

The proposed regulations provide options for existing marijuana retail businesses and the Use by Special Review process allows public input on any proposed locations. Staff recommends approval of the proposed Land Development Code amendment.

ALTERNATIVES

The Planning Commission could take the following actions:

1. Recommend approval of the Land Development Code amendment as proposed or with modifications.
2. Continue the amendment to a time and date certain for more information.
3. Recommend denial of the Land Development Code amendment.

CONCURRENCE

Arapahoe County Public Works and the County Attorney have reviewed the proposed regulations.

DRAFT MOTIONS (removed from Board of County Commissioners version of this report)

ATTACHMENTS

Draft Land Development Code (in Resolution)

Outside Referral Comments

Prohibited Area Map

One and One Half Mile Buffer Map

Potential Retail Marijuana Store Location Maps