



Legislation Text

File #: 20-017, **Version:** 1

To: Arapahoe County Board of County Commissioners

Through: Ron Carl, County Attorney

From: Robert Hill, Asst County Attorney

Subject:

Modification of Marijuana Premises - Golden Meds

Purpose and Recommendation:

Adoption of a resolution to approve an Application for Modification of Premises pursuant to the Arapahoe County Marijuana Licensing Policy ("the Policy") for GM 2280, LLC d/b/a Golden Meds located at 2280 S. Quebec St., Unit G, Denver, CO 80231.

Background:

On July 28, 2020, the BoCC adopted Arapahoe County Ordinance No. 2020-02 Establishing Limited Retail Marijuana Stores within Unincorporated Arapahoe County, which became effective August 27, 2020. Ordinance No. 2020-02 allows the four (4) existing licensed medical marijuana stores to also operate retail marijuana stores in accordance with the Arapahoe County Land Development Code ("the LDC"). On July 28, 2020, BoCC also adopted a revision to the LDC, Sec. 3-3.5 Marijuana Land Uses, which also became effective on August 27, 2020 and provides for the retail sale of marijuana and marijuana products at the store locations stated in the Ordinance. The Ordinance and the LDC provisions allow these four stores to operate both medical and retail marijuana stores, as non-conforming uses under the LDC, at those specified locations.

On September 22, 2020, the Board adopted, by Resolution No. 200621, the Arapahoe County Marijuana Licensing Policy ("the Policy") to establish procedure and standards to regulate the issuance and renewal of licenses for both retail and medical marijuana stores at the four allowed and to regulate applications for transfers of ownership, internal ownership structure changes, and modifications of the licensed premises at these four locations.

Discussion:

Pursuant to and in accordance with the Arapahoe County Marijuana Licensing Policy, GM 2280, LLC d/b/a Golden Meds, applied for approval to modify the licensed premises at 2280 S. Quebec St, Unit G, Denver, Colorado. Under the Licensing Policy, the LDC Sections and the Ordinance, these premises are allowed only as non-conforming uses subject to the provisions for non-conforming uses specified in Section 6-4 of the LDC. As such, GM 2280 may not expand, alter or modify the licensed premises at 2280 S. Quebec, Unit G, except in compliance with the limitations for non-conforming uses specified in the LDC.

On December 14, 2020, the Arapahoe County Zoning Department confirmed that the proposed modification is consistent the allowances under the Land Development Code and the Ordinance No. 2020-02. The modification does not expand the area of the business or relocate the business from the licensed premise in any manner prohibited for non-conforming uses under the LDC.

As required under the Policy, GM 2280, LLC d/b/a Golden Meds also applied to the State of Colorado, Department of Revenue, for approval of its proposed modification of premises at the address, and provided the County with a copy of that application with its application to the County.

GM 2280, LLC d/b/a Golden Meds' application for a modification of premises for the store at 2280 S. Quebec St., Unit G, Denver, CO 80231 is in compliance with the standards under the Policy for an application for modification of the premises of the marijuana store and is in compliance with the requirements of Ordinance No. 2020-02 and Section 3-3.5 of the Land Development Code. All fees for the application have been paid.

The Policy provides:

Upon proof the Authority has determined that the State Licensing Authority application is in compliance with the Colorado Marijuana Code, and upon approval by the Local License Authority, the transfer of ownership, internal ownership structure change, or modification of premises shall be authorized by the Local Licensing Authority. The Local Licensing Authority shall provide a copy of the approved application to the Authority.

GM 2280, LLC d/b/a Golden Meds' application is complete and pursuant to the Policy, approval of a Modification of Premises of the Marijuana Store for GM 2280, LLC d/b/a Golden Meds is being placed on the BOCC consent agenda for approval.

Alternatives:

The Board may deny the application for Modification of Premises for this property upon a finding that the proposed application does not comply with a particular requirement of the Policy, Ordinance No. 2020-02 or Section 3-3.5 of the Land Development Code or it turns out that the State denies the corresponding State approval of the Application for Modification of Premises.

Fiscal Impact:

Licensing fees, including fees for Modification of Premises will provide revenue to the county to cover the cost of licensing. Otherwise there is no fiscal impact.

Reviewed By:

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Attachments:

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