

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO
7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

August 18, 2014

During a recess of the regular Study Session, Mayor Jay called the properly noticed **Special City Council Meeting** to order at 7:30 p.m. The meeting was called by Mayor Jay to consider a moratorium on the issuance of marijuana licenses and to declare an emergency.

MEMBERS PRESENT

Bud Starker	Zachary Urban	Kristi Davis	Jerry DiTullio
Tim Fitzgerald	Tracy Langworthy	Genevieve Wooden	

Absent: George Pond

Also present: City Clerk, Janelle Shaver; City Attorney, Carmen Beery; Community Development Director, Ken Johnstone; other staff and interested citizens.

CITIZENS' RIGHT TO SPEAK

Michale Illo (WR) is glad to see the marijuana industry in WR. There shouldn't be a negative stigma over something that's legal. People need to get over the discrimination.

Ron Benson (WR) listed numerous reasons why 38th & Miller is not an appropriate place for a marijuana facility. He supports the moratorium.

Tom Klinger (WR) doesn't think the proposed marijuana facility is appropriate for 38th & Miller. This is not good for our City's image.

Jack Shea (WR) said there's been no information at all about this marijuana shop. He asked for facts. Where's the public process like Sprouts and Morningstar had to do? Schools are nearby.

At the mayor's request staff member **Ken Johnstone** provided information about 38th & Miller. It is under demolition, underground storage tanks are being removed, and some soil is being remediated. ~ A pre-application meeting was held several months ago, but there has been no follow-up and the City has received no official application. It was described as a retail location with a warehouse component; no use was indicated. When an application comes in it will have an administrative review process for architectural design, landscaping and parking. The site is zoned commercial; cultivation and retail sales of marijuana are allowed uses; a manufacturing facility is not allowed.

Susan Paddock (LW) said cannabis is here and we have to face it, but a neighborhood is not the place. She suggested putting it out at the Cabella's property.

Guy Namiach (WR) gave a realtor's perspective. He and the families he brings in are concerned about marijuana issues -- the devaluation of property and the proximity to schools.

Monica Harris (WR) said she doesn't want her children to have to encounter this plant every day when they walk to and from school. This location is on a path to 3 schools.

Tim Mullen (WR) said the marijuana shop he owns in Mountain View has had no issues or impact. The zoning is there; the revenue will be good for the City. This is hysteria.

Jon Cooper (Denver) addressed the moratorium -- asking for exclusion for MIPS already in progress. Their facility is north of I-70 and not located near any residential.

Lee Reichardt (WR) thinks putting a pot shop at 38th & Miller is wrong. He spoke of the speeders and cut through traffic that already occurs. A pot store will just make it worse.

Fran Langdon (WR) noted the value of a public process required for certain uses. She knows it's zoned C-1, but thinks a moratorium is appropriate. Demolition/rebuild in C-1 zones should be addressed.

Joyce Camp (WR) said a marijuana shop at 38th & Miller will undermine ongoing efforts to update our housing stock. Also, the small lot doesn't have enough room for parking.

Jennifer Yates (WR) doesn't want her children to have to walk past this every day. She only learned of this on Saturday and that upsets her. We need the moratorium.

Lora Sicard (WR) lives near 38th & Miller and she's against having a marijuana shop there.

Earl Moyer (WR) believes this product should be restricted to industrial areas -- like Denver does.

John Berquist (WR) questions the number of marijuana businesses in WR. He listed all the cities that don't have any. Plus, this lot is too small for growing and retail.

Serin Ware (WR) doesn't want a marijuana shop at 38th & Miller. She said the facts about the long term effects of marijuana are still out.

Jennifer Shepherd (WR) listed all the negative effects on her neighborhood from the pot shop at 28th & Kipling. They also see out-of-state plates and the smell is very bad.

Steve Miller (WR) asked Council to help Miller Street and the area by not allowing something that will bring more traffic and speeders. The zoning is antiquated. We need to create safe neighborhoods.

Mike Griffith (WR) is tired of smelling the pot from the shop at 28th and Kipling. He wants the city to include stricter air regulations in the moratorium.

Vinnie Badolato (WR) voted for Am 64, but doesn't think this is a smart spot for a pot shop. They have a day care in their home; this would put a dent in their business.

Ashley Sakker (WR) lives on Miller. They moved here for more space and there are lots of children in her neighborhood. This is not a good location for a marijuana store

Lorrie Odom (WR) said marijuana facilities are not in line with the healthy lifestyle WR is trying to promote. She listed negative effects on young users. She prefers an indefinite moratorium.

John Bulter (WR) said marijuana takes away cognitive abilities and a long term public health problem is coming. Council should figure out how to limit this – maybe remove it.

Fran Route (WR) congratulated the young mothers who are concerned about their children being exposed to marijuana. It would also be great not to have surprises.

Becky Hathorne (WR) just learned about this recently. She has HS kids and thinks this should be an adult focused industry. The revenue should be used to help those who will be affected.

Reuben Martinez (WR) said that during and following his service in Viet Nam he's seen the negative effects of marijuana addiction on fellow veterans.

Keith Lamb (WR) thinks the zoning is what's wrong. It produces too much traffic for the residential area. This pot shop should be somewhere else.

John Clark (WR) wouldn't stigmatize pot, but this location is not good. WR is better than this. ~ He's at the meetings every Monday and he found out about this on the street.

Jane Dianich (WR) lives on Miller. Like the other speakers, they work hard to have a nice residential neighborhood, and don't want a marijuana shop near the houses.

Cheryl Lee (LW) People are free to oppose marijuana, but CO and Jeffco voted for this. She suggested rezoning 38th & Miller to residential and/or expanding separation requirements for schools to allow responsible business owners to exist.

Mr. Johnstone verified that only one business, EBBU, has a pending application. They would be exempt if Option 2 is approved.

Motion by Councilmember Wooden to impose an ordinance for a temporary moratorium on the submission, acceptance, processing and approval of applications for a land use

approval, permit or license for any medical marijuana establishment or retail marijuana establishment and declaring an emergency; second by Councilmember Langworthy;

It was clarified that Option 2 was being proposed.

Council comments followed.

- The current zoning of 38 & Miller allows for retail sales of marijuana, and cultivation is allowed by definition.
- A marijuana shop was located by Clancy's for several years and no one cared.
- To say nothing can be built at 38th & Miller is unreasonable - unfair to the owner

Motion by Councilmember DiTullio to amend the main motion directing the City Manager to bring forth a Special Use Permit option for marijuana establishments within the City of Wheat Ridge and the option, or options, be brought forth to the next study session; seconded by Councilmember Starker.

Discussion and comments followed. Mr. Starker asked to change the wording at the end of the amendment to read "in conjunction with the discussion of the moratorium" in place of "at the next study session". Mr. DiTullio was agreeable to that change.

The motion to amend, with revised wording, carried 7-0
Councilmember Starker noted this ordinance excludes pending applications.
The main motion as amended carried 7-0.

The Special City Council Meeting adjourned at 8:55 pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON SEPTEMBER 8, 2014


Kristi Davis, Mayor pro tem

The preceding Minutes were prepared according to §47 of Robert's Rules of Order, i.e. they contain a record of what was *done* at the meeting, not what was *said* by the members. Recordings and DVD's of the meetings are available for listening or viewing in the City Clerk's Office, as well as copies of Ordinances and Resolutions.