

Public Hearing: Ordinance 031-2024 Regarding the Sale of Retail Marijuana

Erie Town Council

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Sept. 24, 2024



Presentation Overview

- Staff Recommendation
- Background
- Ordinance overview:
 - Location requirements
 - Licensing process and procedures
- Planning Commission recommendation
- Staff Recommendation
- Next steps



Staff Recommendation

- Following the public hearing, staff recommends Town Council approve Ordinance 031-2024 (Option #1), establishing the new zoning and licensing requirements for the sale of retail marijuana in the Town of Erie.



Background

- **2012:** Cannabis sales permitted in Colorado; Board of Trustees chooses not to permit sales in Erie.
- **2021:** Community survey results indicate 59% of residents are supportive of ending the moratorium.
- **2023:** Community survey results show 67% of residents are supportive of ending the moratorium.
- **2024:** Town Council approves ballot language for a 5% Excise Tax on November 2024 election (Resolution 24-108); Erie Planning Commission recommends Ordinance to Town Council on Aug. 7.



Proposed Zoning Requirements

- **Separation of uses:**
 - 1,000 feet away from any school activity
 - 250 feet away from residential zoning
- **Separation of stores:**
 - No store should be located within 1,000 feet of another.
 - Limited to 2 stores in Erie.
- **Planning Commission Recommendation (Aug. 7, 2024):**
 - 500 feet from parks and open space



Proposed Zoning Requirements

- Facility Size: no greater than 5,000 sq. ft. for single or combined use
- Ventilation measures required so odor is not perceptible from the exterior.
- Permitted use by right in the following zoning districts:
 - “CC-Community Commercial”
 - “RC-Regional Commercial”
 - “B-Business”

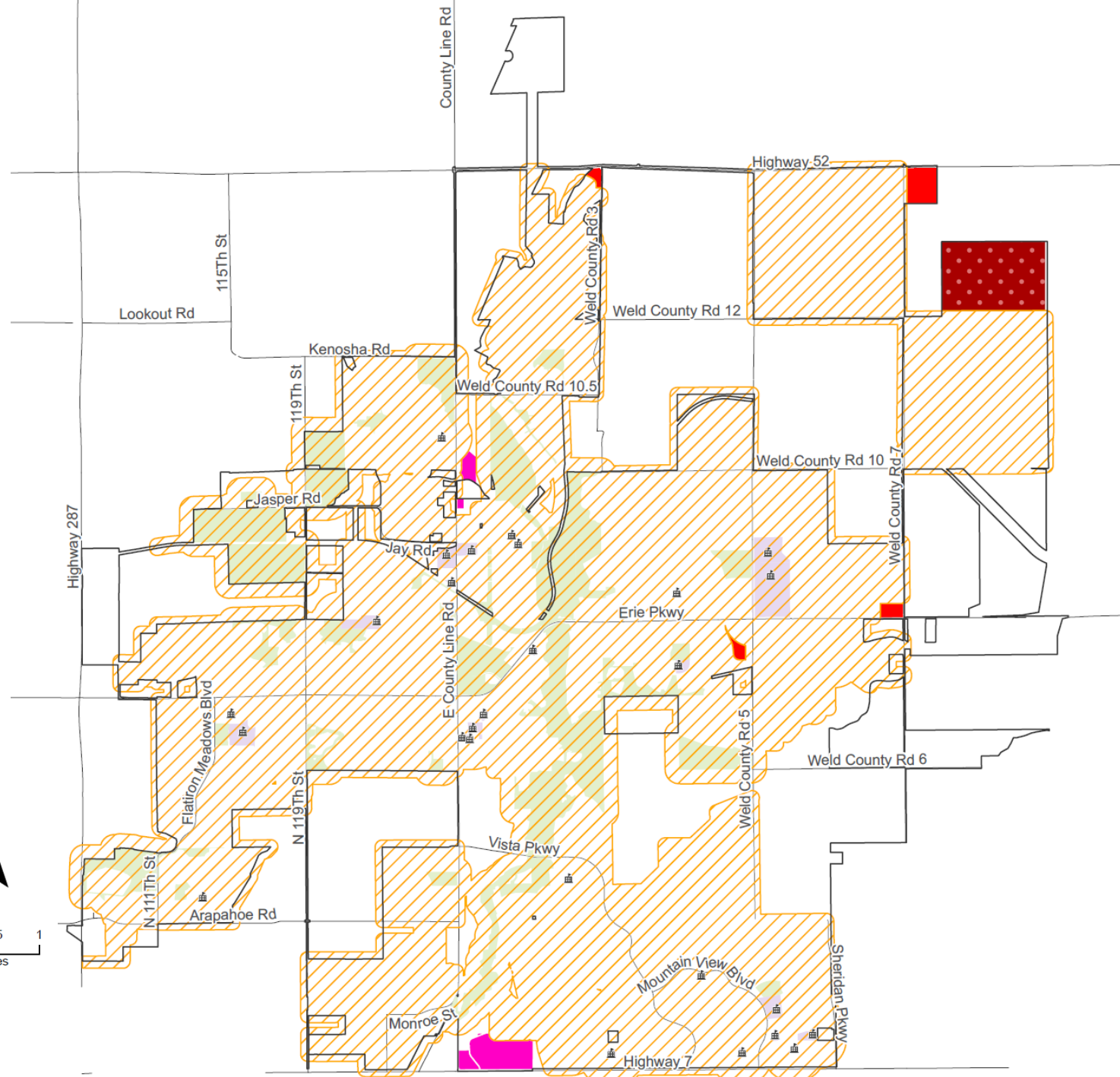


Potential Locations

Potential Locations for Marijuana Sales in Erie

- Schools or Childcare Facilities
- School or Childcare Property
- Parks & Open Spaces
- Ineligible Areas*

- Zoning for Potential Marijuana Sales:
- Regional Commercial (RC)
 - Community Commercial (CC)
 - Business (B)



*The Ineligible Area includes any areas within 1000 ft from active schools or childcare properties, 250 ft from residential zoning, and 500 ft from a park or open space.



Proposed Licensing Requirements

- New applicants first apply with the State of Colorado.
- Applications submitted to Town Clerk's Office including "proof of the State's Finding of Suitability."
- Documentation is robust and includes, but is not limited to:
 - Business plan, details of overall management/operations, commitments to hiring a diverse and inclusive workforce, experience operating a licensed marijuana business in CO, community engagement plan, security plan, sustainability plan, disposal plan, ventilation plan, report of a certified industrial hygienist, etc.



Proposed Licensing Requirements

- A proposed location must be included in the submission (copy of the deed, lease, or contract).
- Town Clerk's office will check the submissions for completeness.
- Completed applications are forwarded to the Local Licensing Authority (the Municipal Court) in the order in which they are received.
- All applications receive a public hearing.



Proposed Licensing Requirements

- Municipal Court shall use a multi-factor balancing test considering different criteria and the totality of the circumstances as presented in the application.
 - This considers a variety of factors including: previous experience, convenience of the location, quality of the business plan, community benefit, etc.
- Licenses are valid for one year from the date they are issued.
- Applicant must notify the Town of its intent to renew its license at least 45 days before expiration.



Planning Commission Recommendation

- On Aug. 7, 2024, Planning Commission voted 3-2 to add an additional location requirement prohibiting store locations within 500 feet of parks and open space.
- Two versions of the ordinance are therefore under consideration:
 - 031-2024 (Option #1): Recommended by Town staff
 - 031-2024 (Option #2): Recommended by Erie Planning Commission on Aug. 7, 2024



Public Notice

- Public Notice of Public Hearing
 - Published in Colorado Hometown Weekly on Sept. 4, 2024.



Staff Recommendation

- Following the public hearing, staff recommends Town Council approve Ordinance 031-2024 (Option #1), establishing the new zoning and licensing requirements for the sale of retail marijuana in the Town of Erie.



Next Steps

- **Scenario 1:** If the Town Council approves Ordinance 031-2024, and Erie voters approve the ballot measure in November 2024, then the ordinance will go into effect on Jan. 1, 2025.
- **Scenario 2:** If the Town Council approves Ordinance 031-2024, but the ballot measure fails in November 2024, then the ordinance does not take effect.
- **The November 2024 excise tax ballot measure must pass for the ordinance to take effect.**

Questions & Discussion

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