

2430 E. Platte Place – Project Statement Revision 1

1. A clear description of the proposed conditional use.

This request for a Conditional Use permit is requesting an added and “new use” (as defined by the UDC tables), of the property. The facility has been a licensed manufacturing and packaging facility of medicinal marijuana infused products for distribution to medicinal marijuana stores - locally and across the state. The facility has operated in this location and in this capacity since 2012. The facility is now applying for a recreational marijuana license with the intention to also manufacture recreational marijuana infused products for distribution. The facility is not and will not become a store or dispensary and is not open to the public. The facility intends to continue to operate exactly as it does today with the ability to manufacture recreational marijuana infused products alongside the products they already manufacture. An approved Conditional Use permit is required for the Recreational License to be approved.

The requested change does not require an expansion, more/different equipment, more employees or infrastructure. Per the Marijuana Enforcement Division’s Colorado Marijuana Rules 1 CCR-213-3 (referred to as ‘MED’ herein) section 3-215 C items 1-4:

*A Medical Marijuana Products Manufacturer and Retail Marijuana Products Manufacturer may share a single Licensed Premises and operate at the same location the following circumstances, 1) the relevant Local Licensing Authority and Local Jurisdiction permit a dual operation at the same location; 2) the Medical Marijuana Products Manufacturer and the Retail Marijuana Products Manufacturer are commonly owned; 3) The Medical Marijuana Products Manufacturer and the Retail Marijuana Products Manufacturer shall maintain **either a physical or virtual separation** between (i) Medical Marijuana Concentrate, Medical Marijuana Products and other Medical Marijuana-related inventory and (ii) Retail Marijuana, Retail Marijuana Concentrate, Retail Marijuana Products, and other Retail Marijuana-related inventory. Nothing in this Rule prohibits a Retail Marijuana-Products Manufacturer and Medical Marijuana Products Manufacturer from sharing raw ingredients in bulk, for example flour, or sugar, except Retail Marijuana and Medical Marijuana may not be shared under any circumstances, and; 4) Record-keeping, inventory tracking, packaging and labeling for the Medical Marijuana Products Manufacturer and Retail Marijuana Products Manufacturer must enable the Davion and Local Licensing-authority or Local Jurisdiction to clearly distinguish the inventories and business transactions of the Medical Marijuana Products Manufacture from the Retail Marijuana Products Manufacturer.*

In this instance the medical products manufacturer and retail products manufacturer owner is the same person. Unlike a retail facility, a manufacturing facility **does not** specifically require a physical separation (per the MED rule cited above; therefore, the manufacturer is not providing any physical separation with building infrastructure (e.g. interior renovation including walls and rooms). Instead, Nine Extract’s Standard Operating Procedures will be updated to outline the required procedures to keep medical marijuana and retail marijuana virtually separated as required by the MED. Manufacturer

will store retail marijuana and medical marijuana in logically designated storage areas (e.g. appropriately labeled shelves or zones) to prevent comingling. The waste will also be disposed separately. The products will be tracked at each step of the process, packaged, labeled, and inventoried separately per MED established regulations, meeting the virtual separation requirement.

A Conditional Use permit is required in accordance with the Ordinance 25-10. Per City Code 7.3.303.F.5, a separation requirement of 1,000 feet away from any operating public or private daycare facility, including but not limited to child day care centers, childcare facilities, and home child day cares, elementary or secondary schools, and drug or alcohol treatment facilities. This property is located 1,000 feet away from all facility types listed above and is therefore eligible for a Conditional Use Permit. This location is not an MMJ store and therefore the 1,000-foot separation from other MMJ stores is not applicable.

2. A justification based on how the proposed conditional use meets the review criteria

a. The application complies with any use-specific standards for the use in Part 7.3.3 (Use Specific Standards)

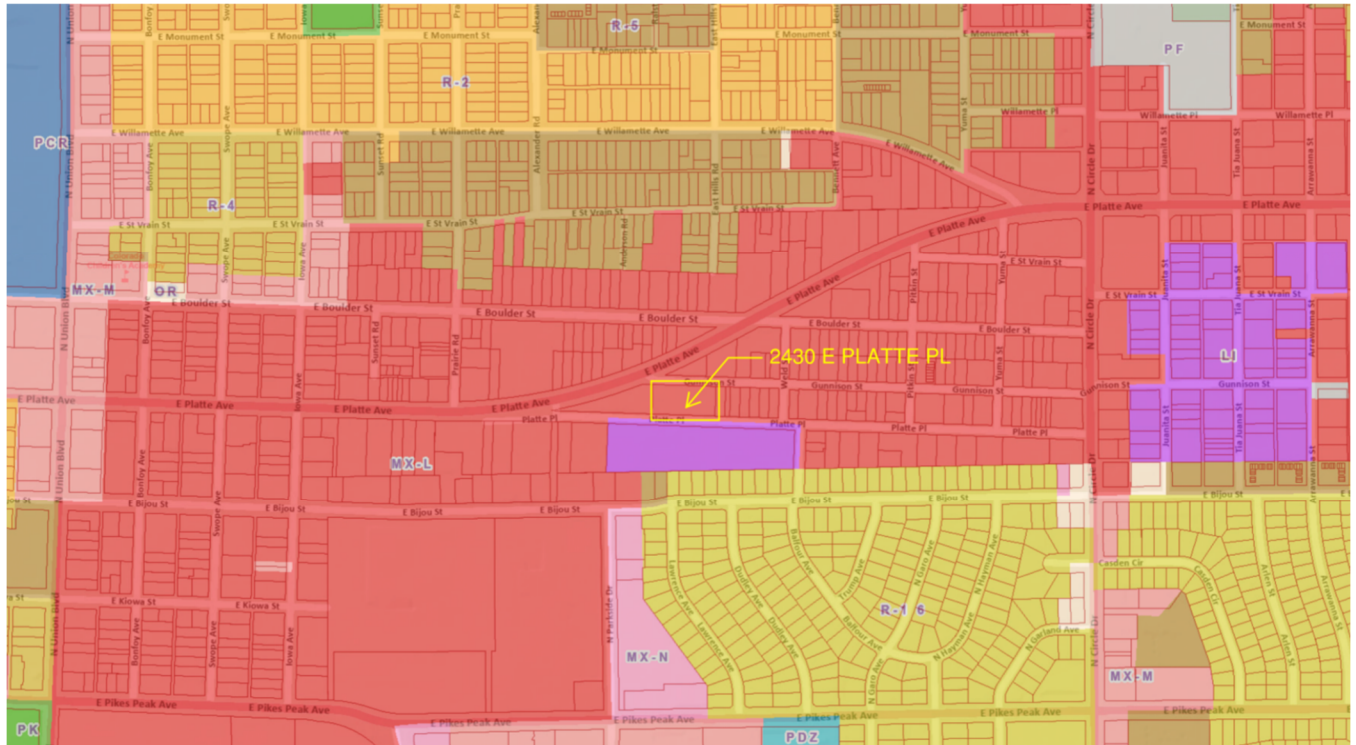
The facility has met the requirements listed in 7.3.303.D.4 Plant Based Extraction in maintaining and operating adequate ventilation and filtration systems that ensure odors are not detectible by nearby persons since 2012. The facility is regularly inspected by the Fire Code Official for code compliance of Hazardous Plant-Based Extraction. There will be no changes to these systems or processes by manufacturing recreational marijuana infused product in addition to the currently manifesting.

The facility has met the requirements of 7.3.303.F Marijuana-Related Services since 2012 and will continue to. The facility is not a retail marijuana establishment. The facility does not transfer marijuana or marijuana concentrate at no cost for any reason. The facility does not grow or cultivate marijuana. The facility is not within a residential zone district. The property located at 2430 Platte Pl. is zoned MX-L in which the manufacturing of marijuana products, either medical or retail, is a conditional use. The facility is a medical marijuana facility and does hold valid local and state medical marijuana business licenses and is working to obtain a recreation license. No consumption, ingestion, or inhalation is permitted on site.

b. The size, scale, height, density, multimodal traffic impacts, and other impacts of the use are compatible with existing and planned uses in the surrounding area, and any potential adverse impacts are mitigated to the extent feasible.

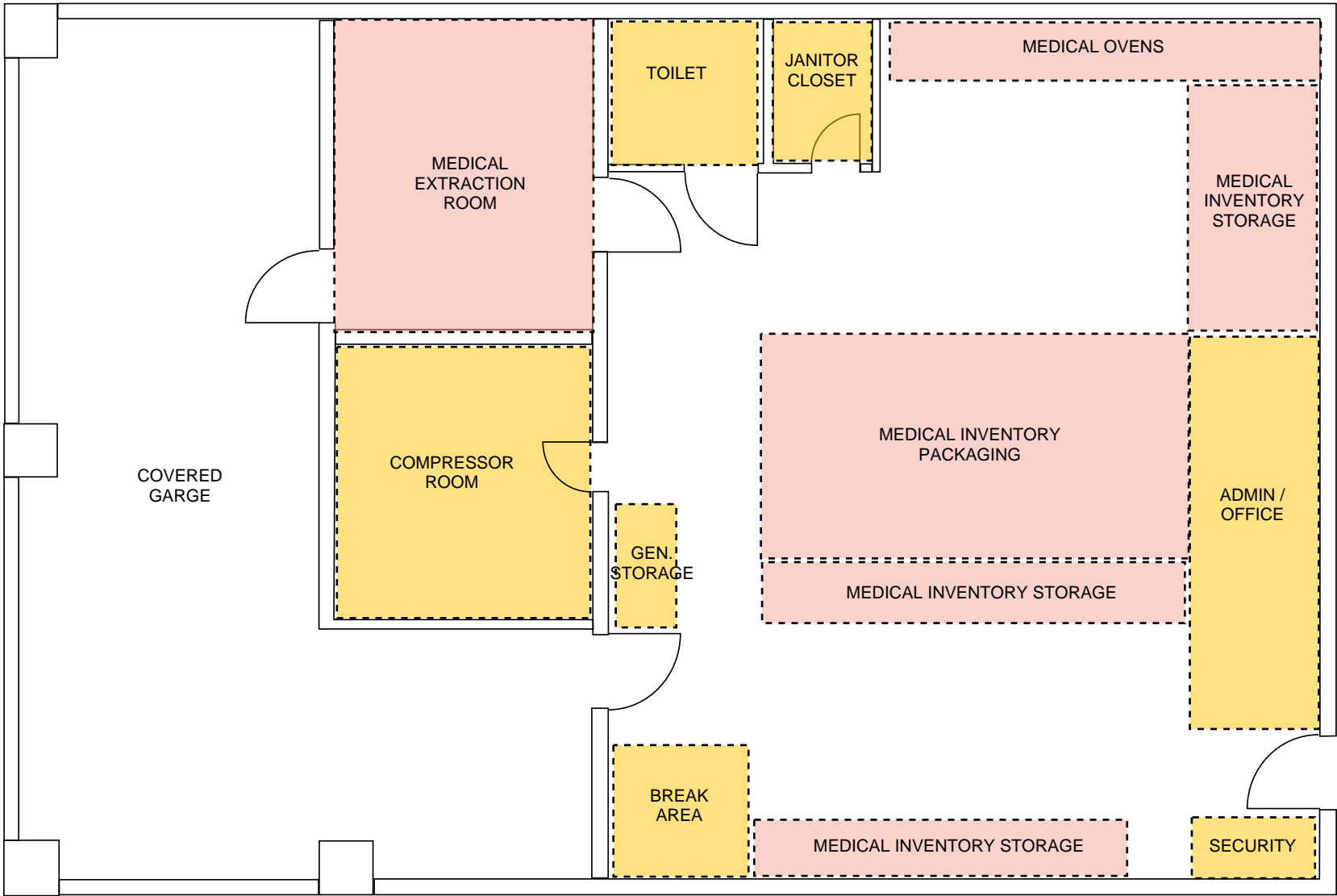
The facility at 2430 E. Platte Place is existing and there are no proposed physical changes to the facility. A snapshot of the adjacent zoning districts is included for

reference. The areas immediately adjacent to the property are Mixed Use Large Scale and Light Industrial. There are no anticipated impacts, adverse or otherwise, anticipated for the surrounding area.

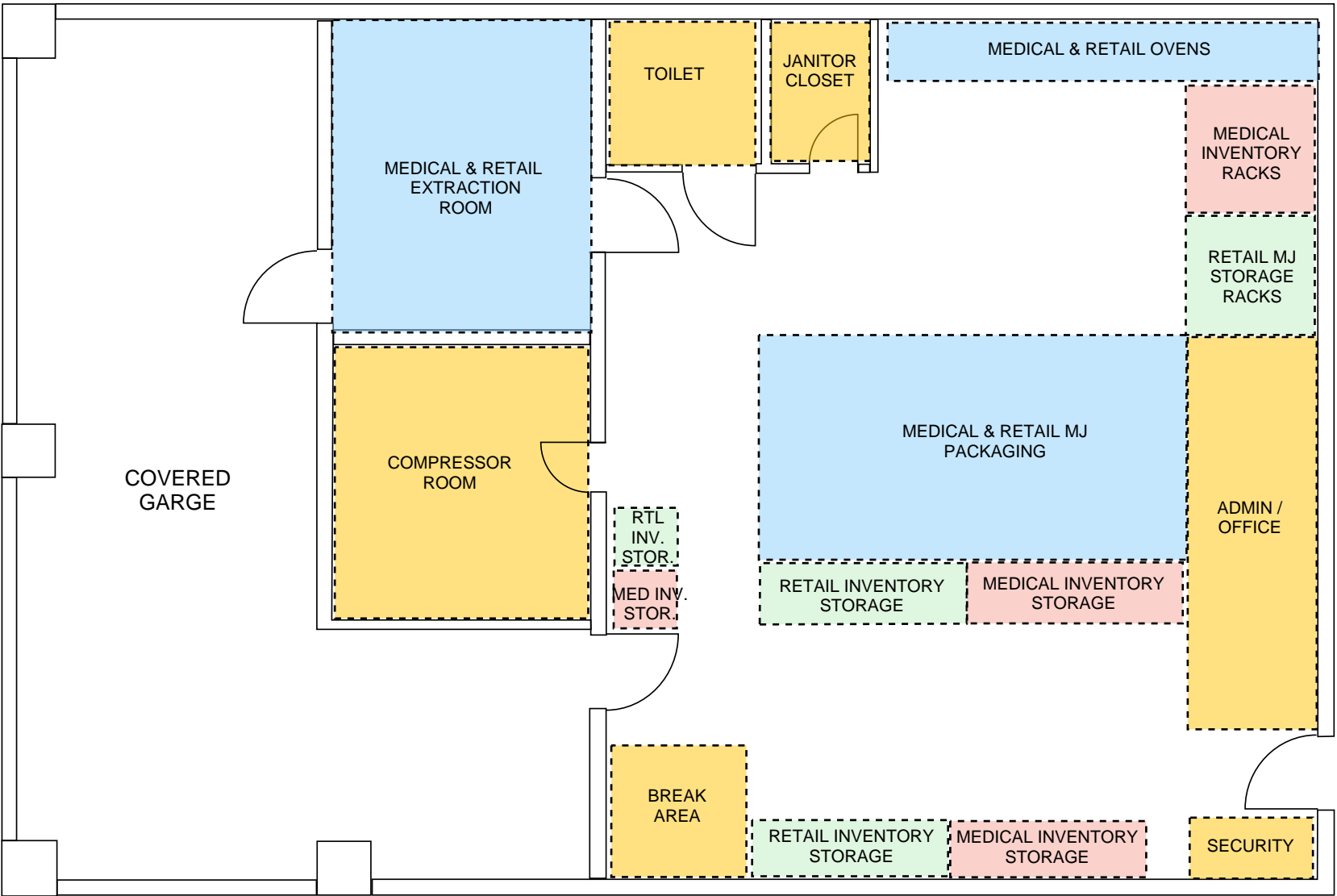


- c. **The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems, have adequate capacity to serve the proposed development and any burdens on those systems have been mitigated to the maximum extent feasible.**

There are no physical changes that will occur to the property or facility. The facility will not be hiring more employees nor does it anticipate any changes to the amount of vehicle traffic coming and going from the facility, thus no impacts to the existing infrastructure are anticipated. Even though this is a "new use" there will be no changes related to or effecting the existing infrastructure; therefore, the existing surrounding infrastructure and public improvements have adequate capacity to serve the "new use".



1 FLOOR PLAN - CURRENT USE AND STORAGE ZONES
1/8" = 1'



2 FLOOR PLAN - PROPOSED USE AND STORAGE ZONES
1/8" = 1'