

# Downtown Review Board Appeal

## 910 South Nevada Avenue Conditional Use - MMJ - APPEAL

CITY COUNCIL HEARING  
MARCH 24, 2020  
MATTHEW FITZSIMMONS



# 910 South Nevada Avenue



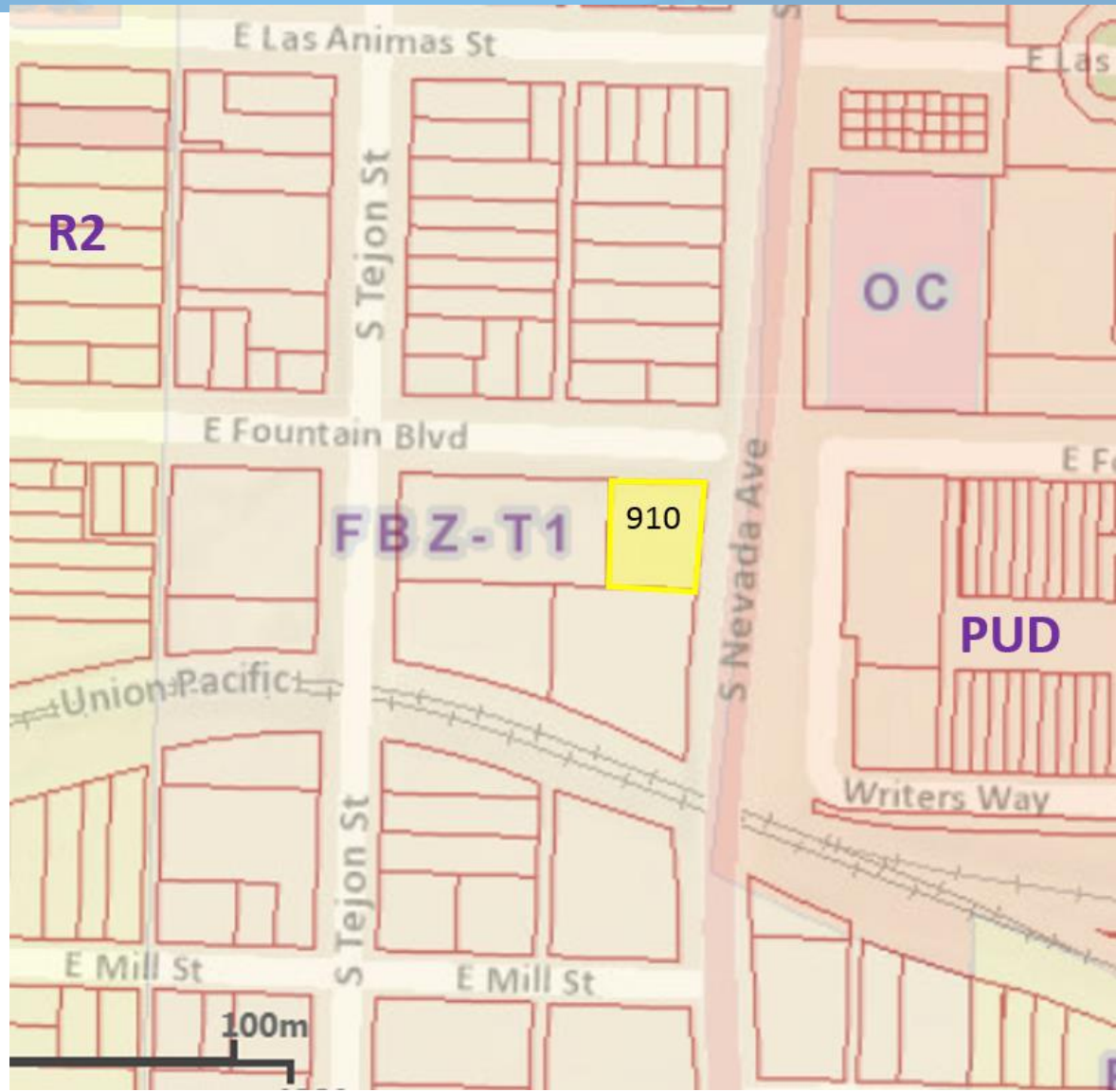
- Located At:
  - Mill St. Neighborhood
  - 910 S. Nevada Ave.
  - Between
    - S. Tejon
    - S. Nevada
- Applicant:
  - Kind Therapeutics Inc. - Randy Tuck
- Owned by:
  - Bonicelli Brothers Inc.



# 910 South Nevada Avenue



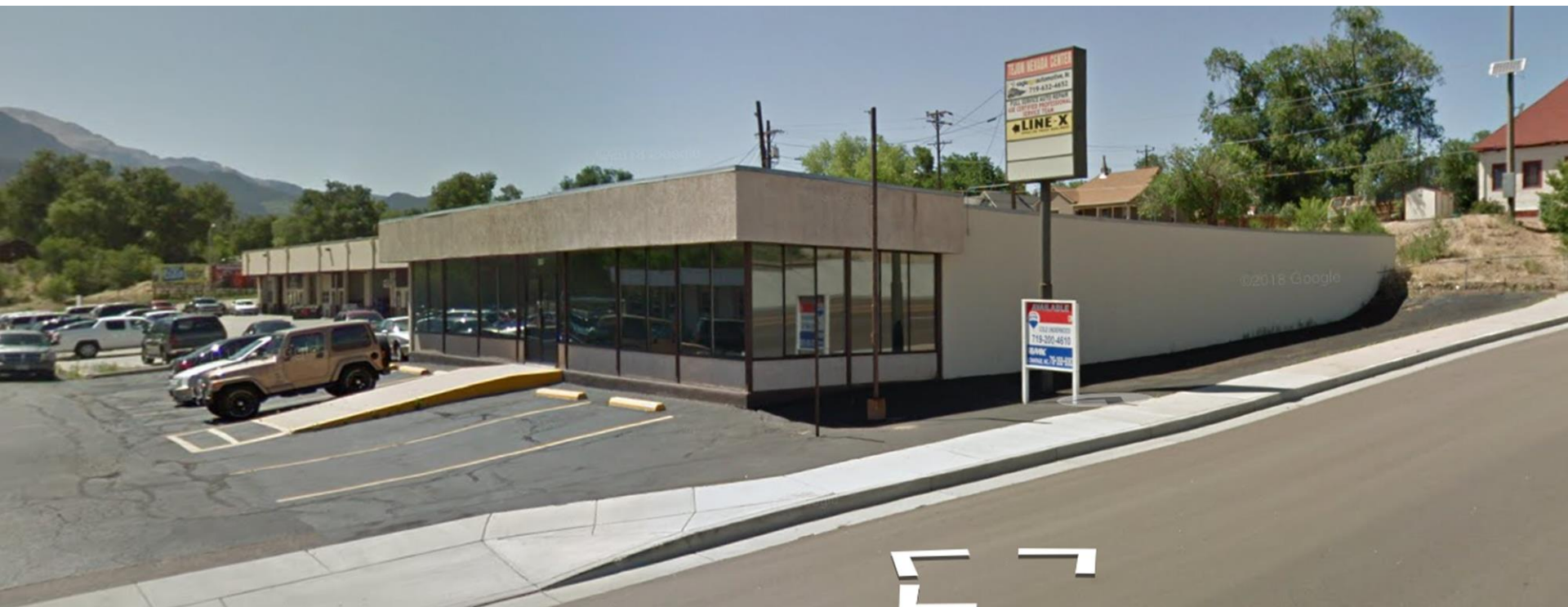
- Zoning:
  - FBZ – T1
  - Transition Sector 1
- Lot Size:
  - 0.37 acres
  - 15,888 sf
- Building Size:
  - 5,783 sf
  - No additional square footage is proposed



# Current Status



- Property:
  - Vacant
  - One Story
  - Single Tenant
  - Commercial Building



# 910 South Nevada Avenue



## ○ Proposed Uses:

### ○ **Medical Marijuana Grow**

- 4,600-5,000 SF

### ○ **Store Front**

- **Proposed Uses:**  
Retail, Grocery, Office, Cafe'
- 800-1200 SF



# Site Plan



- Conditional Use
  - To allow a Medical Marijuana Grow in The Form-Based Zone



# Conditional Use - Criteria



- The three(3) conditional use criteria:
  1. **Surrounding Neighborhood:** That the value and qualities of the neighborhood surrounding the conditional use are not substantially injured
  2. **Intent Of Zoning Code:** That the conditional use is consistent with the intent and purpose of this Zoning Code to promote public health, safety and general welfare
  3. **Comprehensive Plan:** That the conditional use is consistent with the Comprehensive Plan of the City (PlanCOS)

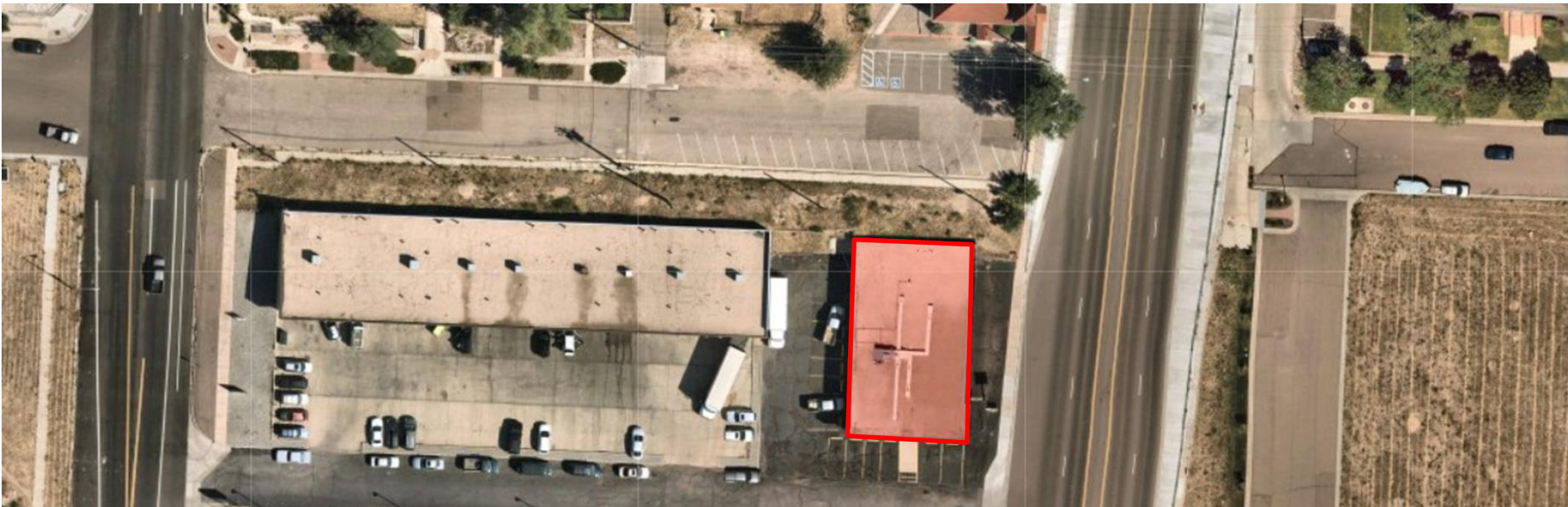




# Stakeholder Input



- Postcards – 259 sent (1,000 ft buffer) - 3x
- Poster - 10 days - 3x
- Stakeholder Letters: 4
  - Support: Downtown Partnership + Mill St. HOA
  - Opposition: 2 Neighbors



# Downtown Review Board



- 5 to 2 vote to deny Conditional Use – February 5<sup>th</sup>, 2020
- Main Reasons for denial:
  - Location of the external air filtration system
  - Odors
  - Viability of storefront building - 800-1200 square feet
  - How does the City regulate storefront concept
  - MMJ grow in the downtown



# Recommendation



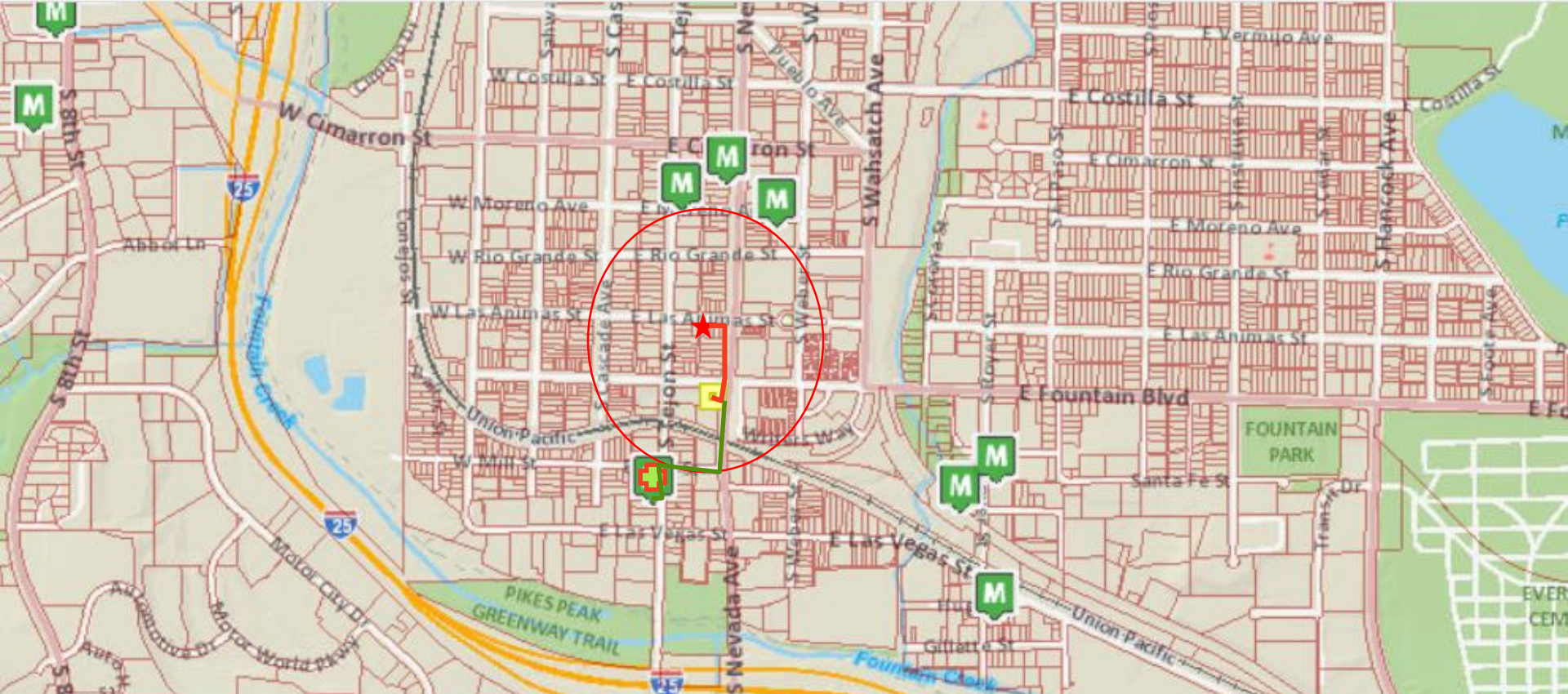
Recommend overturning the Downtown Review Board's decision to deny the Conditional Use based on the finding that the required criteria are met.

- Technical modifications listed in the staff report will be met.





# MMJ Dispensaries in S. Downtown



- Required 1,000 ft Buffer From any dispensary
- Alamo Home Drug and Alcohol Treatment Facility at 117 E. Las Animas St. = 764' away ★
- Closest Dispensary is 1,034' away 🏥