

Sunday, October 27, 2019

Letter Of Justification

Kind Therapeutics Inc

Randy W Tuck

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Colorado Springs, Colo 80905

719-499-1106

City Planning Department
30 South Nevada Ave.
Suite 102
Colorado Springs, CO 80903

Attn: Matthew Fitzsimmons

Subject: Conditional Use Application FBZ-T1
To Allow MMC/OPC at
910 S Nevada Ave
Colorado Springs, Colorado 80903

Description:

Legal Description:

Lot 2 Bonicelli Sub

Assessor's Parcel No.:

6419211024

Lot size:

15,877 SF

Zone:

FBZ-T1

The building located at 910 S Nevada Ave is in a form-based zone whereby we intend to put an MMJ grow, or an OPC, and we are proposing the following:

The proposed new use for this location is for an OPC or marijuana cultivation. This building will be brought up to regional building code as well as built out to the requirements for this type of use per the state, MED and city MMC/OPC requirements. With the location of this building being in the downtown corridor we realize that we must be mindful of the new proposed renovations to take place in the area as well as be considerate of the surrounding businesses and residents.

The west, south and east elevations of the building has a storefront assembly with glazing. We are going to build an area on the inside of the building that will completely obstruct the view from any interior processing from the grow. We are going to build out the front/south elevation area of the building so that we can lease it out for retail use, approx. 800 sf to a natural/organic retail sales area or one of a few other business models.

However, it is possible that the front of the building or south elevation area may be used as retail area for one of several entities, OFFICE SPACE, RETAIL SALES OF MANY USE'S COFFE SHOP, DELIVERY COMPANY, DR OFFICE, ETC.

There is going to be several business types that may want to move into this location due to the proximity of downtown.

At present there is a mural on the east elevation of the building that is of high quality and we have plans to leave it as is, unless there is a requirement stating otherwise. There will also be photocells installed to turn the lighting on and off with the change from daylight to dark.

There is an area above the front entrance that is basically the length west to east that will be illuminated and used for advertising the business contained there-in. Once the business model that is going in that area is in place, the façade will be upgraded to accommodate that entity.

We are going to install the charcoal scrubbers along the west elevation of the building to mitigate any/all smell coming from the grow apparatus from the interior. The charcoal scrubbers will each have a 1600 cfm hurricane fan that will help to move the air and process out any smell from the grow area.

The building/project once built out will meet ADA requirements. If there are any changes that need to be made or necessary per building code they will be made. The concern of smell coming from the grow area we feel has been and will be addressed to the fullest.

The scrubbers to be put in place will mitigate any and all smell coming from the building. It is not difficult to make this happen if it is engineered properly and the latest technology is implemented.

Signage necessary for the proposed location that needs to be in place or needs to be considered will be addressed at some point prior to any C.O.

The east side of the building will have had the asphalt pavement all removed from the area that is now in the landscape area called out on the drawing. I will also have the road base/un organic materials that is under the paved area removed, then will have an organic growing medium put in place that will allow for the installation of a garden fabric and planting of tree's, shrubs, ground cover of a garden product like a rock.

The trees will also have an exaggerated hole size opened for each tree and new organic growing media installed so that the root systems for the trees have a larger footprint of growing area that will sustain the root system for each tree. Finally, there will be an irrigation system put in place to keep the entire area irrigated to keep all the landscaped areas growing.

We will possibly have some additions in this area to help make it more appealing to view but will have to make those decisions after we have some of this in place.

Justification:

The justification for allowing an OPC to be approved at this location is as follows:

Colorado Springs since approving medical marijuana for sale and use has had a very positive effect on our city. The industry has brought jobs to our city, increased the building environment to the point that there have been numerous jobs created from general contractor work to engineering to fire protection to various couriers, to processing the products. The entire industry has evolved and as a result has increased the sales tax revenues for our city, helped to open the jobs market in many other areas, and on the other side through the administration realm has brought in millions in license fee's both city and state. Helped to employ

enforcement officers and even brought in money to help with some of the needs for the school districts. I realize that there are some who might have reservations about allowing a grow in this area but if the build out is done properly any concern can be addressed and mitigated. This cannabis industry is a large part of our city and hopefully possibly recreational cannabis sales might even be allowed. We have plans to perform a buildout that will be compliant with the building codes as well as requirements for MED and local licensing authority. This location has very few applications that it could be used for. The request that we are making for this location would be one of them.

We feel that no matter which area of town you look to this industry has in most locations some support component from the industry. Whether it be a building used for growing, sales, storage processing etc the city has opened up to supporting the industry. We realize that there will need to be strict compliance for the build out and occupancy going forward and we will make that happen.

Finally, I feel because I am being asked to justify the approval of this location it is incumbent on me to address the following.

Responses to letters from downtown partnership and individuals that have raised their personal concerns;

I will restate the downtown partnership concern then rebuttal:

- The proposed use is not a welcoming use as it will not attract retail customers, as glazing will lead directly into a wall that partitions the interior space.

***We have plans now to buildout the area mentioned before as a partition wall into a retail space that will be leased for and used as retail sales for one of several business models. This area will now be active and used during the open period for whatever hours of business operation it will be open. The other concern was that there would be not any person on sight. Because it is a grow area, there will always be someone working at the grow 24/7. None the less there will be someone there during business hours as well.**

- Master Plan states that important entrances to Downtown should be designed and programmed to improve multi-modal access and begin to address visually unappealing uses and infrastructure. With the addition of a non-accessible grow operation with a

fence across the northern boundary of the property, the business does not seem appealing.

***the fence that was proposed is now not going to be necessary, so that has been removed from the plan. Now that there will be a retail sales area at the front/south elevation of the building the issue with non-accessible is resolved.**

**** The immediate entire area, the repair shop, car lot and our building being in one of the “Gateways” and first impression needing to be considered, this building once remodeled on the exterior, to include signage, landscaping, irrigation and having a mural on the east side of the building with trees, then the new retail sales location going in at the south elevation, I feel it would be the opinion of most that this building once remodeled and occupied would be not only well more aesthetically pleasing to view but with the auto repair shop in place to the west that has been there for quite some time and its current condition, but also the car lot that is currently operating to the south just across the parking lot are also in the same “Gateway” and as far back as I can remember has not had any remodel or renovations in the past several years. The reason I mention these areas they too are in the same location and this project that we are proposing will be the first of any business’s in the immediate area that will have been renovated in a fashion that will meet your concerns.**

- With the addition of a non-accessible grow operation with a fence across the northern boundary of the property, the business does not seem appealing.

**** I mentioned earlier that the fence is no longer going to be part of the project or installed. I feel all of these issue’s that have been called out as considerations by the downtown partnership, have been addressed as they have been noted.**

Also, one consideration that was not mentioned at any point that I feel has just as much bearing as those mentioned. It is that within the 1000 ft boundary/border there happens to be as close as I can recall at least 10 other dispensaries or grows of the same type of business model. If you look all of them, they have aesthetically pleasing facades and buildings most all have been remodeled and brought up to building code. If they are a grow, they all

follow the state guidelines and meet all requirements. The other businesses that are in the immediate areas that are close to these other cannabis businesses vary from restaurants, to coffee shops to a police station, to other types of stores, to retail sales of many other types.

Finally, this business will be housed in a building like that of many others in the surrounding area. This business will not only be aesthetically pleasing to look at but will offer to the area one of possibly several types of business operations. The difference with respect to our grow area is that we intend to use the latest in air exchange/out and recirculation with an over kill of charcoal filtration system so that the cannabis being grown on the interior can not be detected.

I would agree that there are those locations where grow operations are housed that do not meet the standard filtration. That is not due to there not being a way to filter out the smells but the fact is that the owners of those business have not done what is necessary to make certain that any smell from the processing is mitigated and filtered out prior to being exhausted into the elements. That is not due to their being no way to get rid of the smells but those whom are responsible for making certain that this is done are not making it happen. We would be willing to have a walk thru of the premises to allow those whom might be skeptical to view the operation prior to start up.

I realize that there is and has been a strong consensus among those whom don't like cannabis and are against any progress for our local industry. As a result, there is and has been a movement toward making this industry an outlier. There is still a percentage of the population that just does not like the products nor the fact that sales for those products have been approved for sale and consumption in our city.

That being the case I understand it's easier to just say out of sight out of mind and no one thinks twice about it. I feel that this industry has greatly contributed to the community and should have the same considerations as any other. If this were a nursery and they stored compost on site, or this was a brewery and one could smell the barley and hops brewing would they have to endure the same criticisms and concerns as we do? Maybe or maybe not? This area is now an open car lot that quite frankly needs some attention on the outside of the building. The repair shop next to us has been there as well for quite some time and it has not been remodeled.

Will they be required to do a complete remodel of the premises as well? Who knows, but understand we are happy to not only address the concerns upon us now

but will go above and beyond as well. Will that neighbor who can't see into the building where we will be growing or not be able to smell any residual smell still have the same concerns especially when the ones mentioned have been addressed? That is to say how can not being able to smell any product or see any product be a threat or detrimental to the newly proposed business's coming into the area that is actually quite a distance away from us and more closer to those already operating a cannabis operation.

As far as being accepted in the area, well that is something that we should at least have the opportunity to show that we can be as of high of a quality business as any other and should be afforded the chance to earn the respect of those questioning our abilities and whether or not their concerns are valid especially with the number of business' the same type already in the area..

When I hear the concerns from others and even the comments from those in the same area like the car lot or the neighbor speaking about degradation of the area if this is allowed, it's hard to understand what reasoning is being used to prop up their arguments.

With all the new entities moving into the area and being built in, its hard not to look at the cannabis business's already operating that have brought and continue to bring extremely high volume of clients to the area. Even more to think that one more business, especially one that you won't even be able to tell is there will be a huge negative is a a bit hard to understand.

If you take the arguments from the car lot or the homeowner at face value, it sounds like they are saying that our business is going to just kill all positive effects of the stadium, or apartments, or the Olympic museum. I wonder if either of these persons has gone out to really see what is going on. Much of the business traffic especially at the area where the day care school is up the road or a couple of the night clubs are at Cimarron street and south on Tejon street are and elevate8 bringing in most of the business in that area where there happens to be 5 other cannabis shops a couple with grow operations. Those businesses are the heartbeat of that area and bring in large numbers of folks that patronize their businesses and others in the immediate area.

Finally, the location of Bobby Browns bail bonds and his dispensary and grow at the corner or Nevada Ave and Cimarron st south to past our proposed location at E Las Vegas st and then west to Tejon st is comprised of 5 other cannabis processing, dispensaries and grows.

This is not an industry that is new to the area. The grow operation that we are putting in will follow mitigation of smell, and there will be no way to see any of the plant products from the outside view. There will be no way for anyone to view any of the operations going on inside of the building while growing is going on. a

There will not be manufacturing any-kind within this building. There will be a perpetual grow operation whereby we will cultivate immature plants, as well as change the growth phase from immature to vegetative to flowering. The start to finish time frame from immature growth to finish flowering it will take 90 days per crop. We have plans to harvest a crop every 2 weeks therefore we plan on what is known as a perpetual harvest which is a crop taken down every two weeks. Just a note on smell, most of the smell comes when the plants are in the flowering stage and it is at that point the filtration systems really play a role. Not that they are not helpful during the vegetative phase, but the flowering phase is by far the one that calls for the filtration.

The actual growing apparatus and cultivation bring no biohazards from products being used for growing, nor hazards from the actual cultivations of the plants. Because mold and other microbial contaminants are caused by the environment in which the plants are growing, we will not have that worry because we will have in place the properly engineered HVAC system in place to achieve the proper environment. Even if we did have at some point an issue it would be addressed via the products, we use on a regular basis to mitigate these kinds of items.

Finally, as we have done before we will always comply with the buildout requirements per the city and state as well as do anything, we can to show the downtown partnership that we are willing to do whatever they deem necessary. We will address any concerns and as well make any changes that will help to put the partnerships concerns to rest. We will continue to show we are dedicated to being considerate of the vision for the city going forward. We are willing to go above and beyond what is required of us and show our dedication toward the city's future and considerations for the downtown partnership. We want to be the model that they can point to and say, "it can be done right just take a look at Kind Therapeutics Inc, they are in the downtown corridor growing and you can't see or smell cannabis because they have done it right!

There will always be concerns and considerations but having and understanding of what is expected and working toward solutions will be what is necessary. For us were willing to go the distance.

Thank you for your consideration with regards this matter,
Sincerely
Randy W Tuck