



AGENDA
CITY OF GLENWOOD SPRINGS
SPECIAL CITY COUNCIL MEETING
APRIL 24, 2023
ZOOM
4:00 PM

The agenda is subject to *change, including the addition of items 24 hours in advance or the deletion of items at any time.*

The order and times of agenda items listed are approximate and intended as a guideline for the City Council.

ATTENTION: To ensure your written comments are included in the City Council packet, public comments must be received by 4 p.m. on the day before City Council meetings. Comments may be submitted to ryan.muse@cogs.us. Written comments may be submitted after this deadline and will be shared via email to City Council but are not guaranteed to make it into the meeting packet. Submit comments at any time directly to City Council via email at citycouncil@cogs.us.

ZOOM INSTRUCTIONS

You are invited to a Zoom webinar.

When: Apr 24, 2023 04:00 PM Mountain Time (US and Canada) Topic: April 24th, 2023 Special Council Meeting

Please click the link below to join the

webinar: <https://us02web.zoom.us/j/84710728561?pwd=QXJPcFVFTHpYXBrWGJuZFhN3IUZz09>

Passcode: 637790 Or One tap mobile: +17193594580,,84710728561# US; +16699006833,,84710728561# US (San Jose)

Or Telephone: Dial(for higher quality, dial a number based on your current location): +1 719 359 4580 US; +1 669 900 6833 US (San Jose); +1 253 205 0468 US; +1 253 215 8782 US (Tacoma); +1 346 248 7799 US (Houston); +1 669 444 9171 US; +1 312 626 6799 US (Chicago); +1 360 209 5623 US; +1 386 347 5053 US; +1 507 473 4847 US; +1 564 217 2000 US; +1 646 931 3860 US; +1 689 278 1000 US; +1 929 205 6099 US (New York); +1 301 715 8592 US (Washington DC); +1 305 224 1968 US; +1 309 205 3325 US

Webinar ID: 847 1072 8561 International numbers available: <https://us02web.zoom.us/j/84710728561>

SPECIAL CITY COUNCIL MEETING

1. Roll Call
2. Consideration of Ordinance 2023-06, Series of 2023; An Ordinance of the City of Glenwood Springs initiated by Citizen Petition pursuant to Glenwood Springs Municipal Charter Article V to amend Glenwood Springs Municipal Code Sections 050.080.080 and 050.090.090 expanding retail and medical marijuana sales hours from 7:00 p.m. to 10:00 p.m. on first reading.
3. Adjournment



City Council
STAFF REPORT
City of Glenwood Springs
April 24, 2023

Agenda Item:	Consideration of Ordinance 2023-06, Series of 2023; An Ordinance of the City of Glenwood Springs initiated by Citizen Petition pursuant to Glenwood Springs Municipal Charter Article V to amend Glenwood Springs Municipal Code Sections 050.080.080 and 050.090.090 expanding retail and medical marijuana sales hours from 7:00 p.m. to 10:00 p.m. on first reading.
Action Requested:	Determine whether to change the code to allow Marijuana stores to be open later or put it on a ballot.
Department:	City Administration
Presented By:	Beverli Marshall
Strategic Goals:	Protect and Preserve our Quality of Life
Background Info:	A group has submitted a petition to put a ballot initiative to the public allowing marijuana stores to extend their hours from 7 p.m. to 10 p.m. Council can decide to make this change to code by passing this Ordinance or put it out to vote.
Issues:	The citizen's initiative that was submitted with the petition is attached along with findings from staff polling and research.
Fiscal Impact:	Nominal, but if the stores are open longer it may increase taxable sales slightly.
Legal Review:	Legal will draft an Ordinance or a ballot question.
Staff Recommendation:	Staff defers to Council.

ORDINANCE NO. 06

Series of 2023

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AMENDING ARTICLES 050.080.080 AND 050.090.090 OF THE CITY OF GLENWOOD SPRINGS MUNICIPAL CODE TO EXTEND THE HOURS OF OPERATION OF MEDICAL AND RETAIL MARIJUANA BUSINESSES LOCATED WITHIN THE CITY.

WHEREAS, the Colorado Constitution, Article XVIII, Subsection 16(5)(f) authorizes localities to enact ordinances or regulations, not in conflict with state regulations or legislation, governing the time, place, and manner for marijuana establishment operations; and

WHEREAS, the Colorado Marijuana Rules authorize the sales of Regulated Marijuana between the hours of 8:00 a.m. and 12:00 a.m.; and

WHEREAS, the city of Glenwood Springs imposes a Retail Marijuana Sales Tax on all Retail Regulated Marijuana; and

WHEREAS, the city of Glenwood Springs could see an increase in the city's marijuana revenue with extended hours of operation; and

WHEREAS, the city of Glenwood Springs is a touristic destination for travelers around the world; and

WHEREAS, expanding the hours of operations will allow marijuana businesses to better cater to tourists and residents at different times of the day; and

WHEREAS, other local jurisdictions in the state of Colorado authorize the sales of Regulated Marijuana between the hours of 8:00 a.m. and 12:00 a.m.; and

WHEREAS, the decision to extend hours of operation has not resulted in unintended negative consequences for local jurisdictions that have opted to authorize the sales of Regulated Marijuana between the hours of 8:00 a.m. and 12:00 a.m.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS THAT:

Section 1. The recitals made above are hereby incorporated as the findings of City Council.

Section 2. Articles 050.080.080 and 050.090.090 of the city's Municipal Code are hereby amended, as provided for on Exhibit A attached hereto and incorporated herein.

Section 3. All other ordinances or portions thereof, and all City Code provisions inconsistent or in conflict with this ordinance or any portion hereof, are hereby repealed, only to the extent of the inconsistency or conflict.

INTRODUCED, READ ON FIRST READING, PASSED AND ORDERED
PUBLISHED BY TITLE ONLY THIS __ DAY OF APRIL 2023.

CITY OF GLENWOOD SPRINGS, COLORADO

Ingrid Wussow, Mayor

ATTEST:

Ryan Muse, City Clerk

INTRODUCED, READ ON SECOND READING, AND ORDERED PUBLISHED BY
TITLE ONLY TO BE EFFECTIVE TEN DAYS FOLLOWING THE DATE OF SECOND
PUBLICATION THIS ____ DAY OF _____ 2023.

CITY OF GLENWOOD SPRINGS, COLORADO

Ingrid Wussow, Mayor

ATTEST:

Ryan Muse, City Clerk

EXHIBIT A

050.080.080 - Requirements related to operation of medical marijuana business.

(b) In addition, all medical marijuana businesses shall comply with the following local restrictions:

(2) Medical marijuana businesses shall limit their hours of operation to between 8:00 a.m. and ~~7:00 p.m.~~ 10:00 p.m. Monday through Sunday or as otherwise limited by state law.

050.090.090 - Requirements related to operation of a retail marijuana business.

(b) In addition, all retail marijuana businesses shall comply with the following local restrictions:

(2) Hours of operation shall be limited to between 8:00 a.m. and ~~7:00 p.m.~~ 10:00 p.m. Monday through Sunday.

WARNING: IT IS AGAINST THE LAW:

For anyone to sign any initiative or referendum petition with any name other than his or her own, or to knowingly sign his or her name more than once for the same measure, or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE. TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.

Do not sign this petition unless you have read or have read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

Summary of New Ordinance:

THIS ORDINANCE CHANGES THE HOUR OF CLOSURE FROM 7:00 P.M. TO 10:00 P.M. FOR MEDICAL AND RETAIL MARIJUANA BUSINESSES WITHIN THE CITY OF GLENWOOD SPRINGS.

**PETITION TO INITIATE A NEW ORDINANCE
OF THE CITY OF GLENWOOD SPRINGS**

Pursuant to Section 5.1 of the Charter of the City of Glenwood Springs (“Charter”) and C.R.S. §§ 31-11-106, this petition is being circulated to registered electors of the City of Glenwood Springs, Colorado (“City”), to initiate a new ordinance in the City.

Pursuant to C.R.S. § 31-11-106(b), the following summary is printed following the warning at the top of each page of a petition section:

Summary of New Ordinance:

THIS ORDINANCE CHANGES THE HOUR OF CLOSURE FROM 7:00 P.M. TO 10:00 P.M. FOR MEDICAL AND RETAIL MARIJUANA BUSINESSES WITHIN THE CITY OF GLENWOOD SPRINGS.

Pursuant to C.R.S. § 31-11-106(c), the full text of the ordinance that is the subject to the initiated petition is printed below and continued onto the following page.

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AMENDING ARTICLES 050.080.080 AND 050.090.090 OF THE CITY OF GLENWOOD SPRINGS MUNICIPAL CODE TO EXTEND THE HOURS OF OPERATION OF MEDICAL AND RETAIL MARIJUANA BUSINESSES LOCATED WITHIN THE CITY

***WHEREAS**, the Colorado Constitution, Article XVIII, Subsection 16(5)(f) authorizes localities to enact ordinances or regulations, not in conflict with state regulations or legislation, governing the time, place, and manner for marijuana establishment operations; and*

***WHEREAS**, the Colorado Marijuana Rules authorize the sales of Regulated Marijuana between the hours of 8:00 a.m. and 12:00 a.m.; and*

***WHEREAS**, the city of Glenwood Springs imposes a Retail Marijuana Sales Tax on all Retail Regulated Marijuana; and*

***WHEREAS**, the city of Glenwood Springs could see an increase in the city's marijuana revenue with extended hours of operation; and*

***WHEREAS**, the city of Glenwood Springs is a touristic destination for travelers around the world; and*

***WHEREAS**, expanding the hours of operations will allow marijuana businesses to better cater to tourists and residents at different times of the day; and*

***WHEREAS**, other local jurisdictions in the state of Colorado authorize the sales of Regulated Marijuana between the hours of 8:00 a.m. and 12:00 a.m.; and*

***WHEREAS**, the decision to extend hours of operation has not resulted in unintended negative consequences for local jurisdictions that have opted to authorize the sales of Regulated Marijuana between the hours of 8:00 a.m. and 12:00 a.m.*

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS THAT:

***Section 1.** The recitals made above are hereby incorporated as the findings of City Council.*

***Section 2.** Articles 050.080.080 and 050.090.090 of the city's Municipal Code are hereby amended, as provided for on Exhibit A attached hereto and incorporated herein.*

***Section 3.** All other ordinances or portions thereof, and all City Code provisions inconsistent or in conflict with this ordinance or any portion hereof, are hereby repealed, only to the extent of the inconsistency or conflict.*

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***050.090.090** - Requirements related to operation of a retail marijuana business.*

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STATE OF COLORADO)

)ss.

COUNTY OF _____)

I, the undersigned, being the circulator of the foregoing Petition to Hold a Referendum on an Ordinance Adopted by the City of Glenwood Springs City Council (the "Petition"), hereby state and affirm the following:

1. My address is _____;
2. I am eighteen years of age or older;
3. I have read and understood the laws governing the circulation of the Petition;
4. I circulated the forgoing Petition;
5. Each signature on the foregoing Petition was affixed in my presence;
6. Each signature on the foregoing Petition is the signature of the person whose name it purports to be;
7. To the best of my knowledge and belief, each of the persons signing the Petition was at the time of signing a registered elector of the City;
8. I have not paid and will not in the future pay, and I believe that no other person has so paid or will pay, directly, or indirectly, any money or other thing of value to any signer of the Petition for the purpose of inducing or causing such signer to affix the signer's signature to the Petition.

Name:

Acknowledged and sworn to before me this ____ day of _____, 2023, by _____.

Witness my hand seal and official seal.

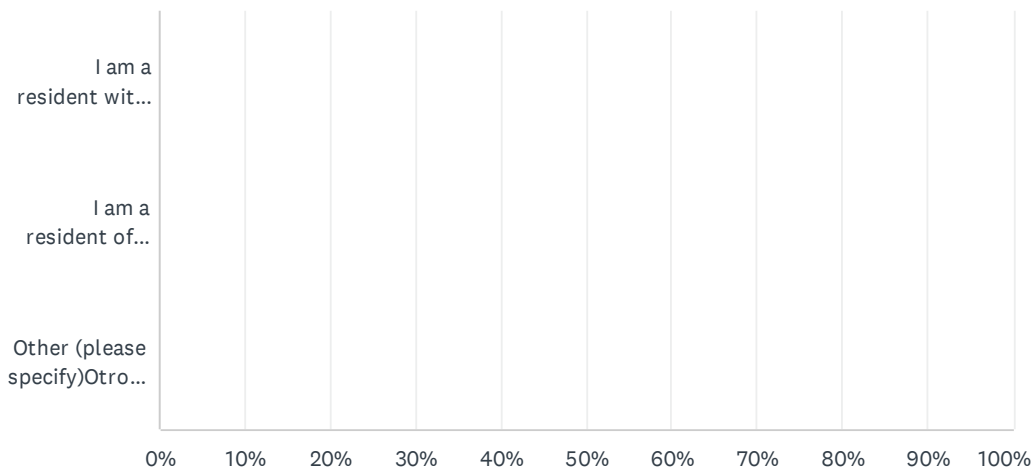
My commission expires: _____

Notary Public: _____

This public comment form closes Monday, April 3 at 10 a.m. The following pages reflect responses submitted as of noon on Thursday, March 30. All responses will be shared with City Council.

Q1 Please select the option that best fits you. Seleccione la opción que mejor se adapte a usted.

Answered: 25 Skipped: 0



ANSWER CHOICES

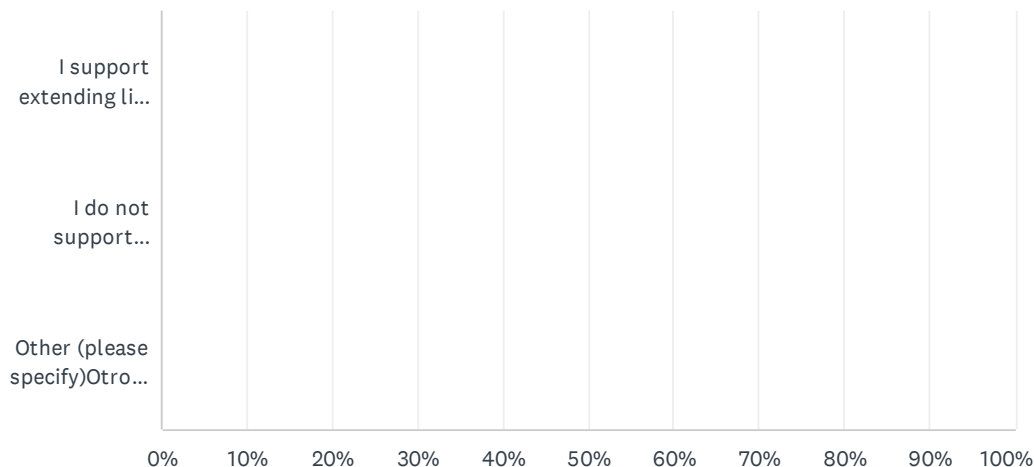
RESPONSES

I am a resident within the City limits of Glenwood Springs.Soy residente dentro de los límites de la ciudad de Glenwood Springs.	84.00%	21
I am a resident of Glenwood Springs, but outside of city limits.Soy residente de Glenwood Springs, pero fuera de los límites de la ciudad.	4.00%	1
Other (please specify)Otros (especifíquese)	12.00%	3
TOTAL		25

#	OTHER (PLEASE SPECIFY)OTROS (ESPECIFIQUESE)	DATE
1	Parachute	3/28/2023 5:42 PM
2	Not a resident now, but I was for 14 years.	3/28/2023 11:41 AM
3	Business owner in GWS.	3/23/2023 6:08 PM

Q2 Please select the option that best reflects your opinion. Seleccione la opción que mejor se adapte a usted.

Answered: 25 Skipped: 0



ANSWER CHOICES

RESPONSES

I support extending limit on retail marijuana operating hours from 7 p.m. to 10 p.m. daily.Apoyo extender el límite en las horas de operación de la marihuana al por menor de 7 p.m. a 10 p.m. todos los días.	52.00%	13
I do not support extending limit on retail marijuana operating hours from 7 p.m. to 10 p.m. daily.No apoyo extender el límite en las horas de operación de la marihuana al por menor de 7 p.m. a 10 p.m. todos los días.	40.00%	10
Other (please specify)Otros (especifíquese)	8.00%	2
TOTAL		25

#	OTHER (PLEASE SPECIFY)OTROS (ESPECIFÍQUESE)	DATE
1	I live on the east side of the 1100 block of Grand Ave. The marijuana store on the NE corner of Grand & 11th has customers shooting off of Grand, parking awkwardly on 11th St., often blocking the alley for access to the parking behind my house. I do not support the extension of tie to 10 PM	3/29/2023 7:32 AM
2	Could care less. Amazing what is wasting time on the city council.	3/25/2023 9:24 PM

Q3 Please share any additional input regarding limits on marijuana business hours of operation. Comparta cualquier información adicional sobre los límites en el horario de negocio de la marihuana.

Answered: 13 Skipped: 12

#	RESPONSES	DATE
1	Lots of people are still working when the dispos are closing up. It would be nice to be able to drop by after work.	3/29/2023 9:22 PM
2	I do not believe 3 more evening hours for access will improve the marijuana business' dollar-wise. We all seem to be able to secure the items we need to purchase based on the current time scheduled business open hours.	3/29/2023 7:32 AM
3	I believe this change to evening hours of operation will increase revenues, add employee hours, add to the tax base and create convenience for cannabis shoppers.	3/28/2023 4:19 PM
4	Well, liquor stores and bars are allowed to stay open extended hours, so why not pot stores? Just wondering, is domestic violence more likely with under the influence of alcohol or marijuana? Bruce Kime, Rifle	3/28/2023 11:41 AM
5	Even if it comes to a comprise at 9pm, it will benefit the tax base. Not much goes on around town after 9pm anyway and I think mj users have proven to be responsible around town, for the most part, over the last 13 years	3/24/2023 6:56 PM
6	The current business hours of operation should still work fine.	3/24/2023 3:48 PM
7	These businesses haave proven to be good neighbors. Also, the more business we can get to stay open later, the more vibrant our downtown will become.	3/24/2023 12:32 PM
8	we live in downtown and our business is in west next to Marijuana store and I do not want more people late close to our property, we already have issues with people at night by the shop, I have call the police a few times, also the pot store is by busses station and people are hidden behind the building, they have stolen a bike and broke a couple car lights on our business so please please do not extend the hrs. we are a family that works so hard to live and with all these issues is not been easy for us. I also see younger kids by the pot shop, someone will care about them and not only care for money.	3/24/2023 12:28 PM
9	Liquor stores stay open until 12 am. There's no reason that marijuana shops shouldn't stay open until 10 pm. Even 8 or 9 pm would be a good closing time. 6:45 is too early, many people get off work at that time.	3/24/2023 11:55 AM
10	I feel that the hours the stores have is sufficient.	3/24/2023 11:00 AM
11	Liquor stores can stay open longer so cannabis stores should stay open even longer	3/24/2023 10:43 AM
12	The entire MJ industry is untrustworthy with no principles and their product is destroying the minds of our youth. The last we need to do is be more lenient. Additionally, the majority of customers at The Green Joint simply walk outside, go across the street and smoke their purchase in Axtell Park. Allowing later hours will only increase this type of behavior.	3/23/2023 10:33 PM
13	If liquor stores can be open later I do not see a reason for the marijuana stores to be open as well. It generates tax money.	3/23/2023 10:15 PM



Fact Sheet

Petition to Extend Marijuana Establishment Operating Hours

Background Information

Under state rules, retail marijuana businesses can be open only between 8 a.m. and midnight. Municipalities can require stricter hours of operation. The Glenwood Springs Municipal Code currently limits retail marijuana hours of operation to 8 a.m. to 7 p.m. daily.

A petition has been submitted to put a ballot initiative to the public allowing marijuana stores to extend evening hours to 10 p.m. If they get the required number of signatures City Council can decide to make this change to code or put it out to vote if enough qualifying signatures are submitted.

This item will be discussed at the next City Council meeting on Thursday, April 6, 2023. Please share your input via this [brief form](#) or by email to Ryan.Muse@cogs.us by 10 a.m. on Monday, April 3, 2023.

Hours Permitted by Other Municipalities

Municipality	Hours Permitted	Notes
Boulder	8 a.m. to 10 p.m.	
Carbondale	Same as state regulation (8 a.m. and midnight)	Staff has not observed any law enforcement issues.
Central	8 a.m. and midnight, daily	Originally set at 10 p.m. Observationally, they don't stay open until midnight. No law enforcement issues with marijuana businesses since start in 2010.
Eagle	8 a.m. and midnight, daily	
Golden	8 a.m. to 10 p.m.	
Gypsum	None	Medical and retail marijuana establishments prohibited.
Log Lane Village	Medical 8 pm and 10 for recreational	
Manitou Springs	8 a.m. to 11:45 p.m.	
New Castle	None	Medical and retail marijuana establishments prohibited.
Northglenn	8 a.m. to 10 p.m., daily	
Rifle	8 a.m. to 10 p.m., daily*	*For medical or retail establishments in the light-industrial zones. No retail sales permitted outside of light-industrial zones. Medical establishments outside of light-industrial areas may only operate 8 a.m. to 7 p.m.
Silt	10 a.m. to 10 p.m.	
Steamboat Springs	8 a.m. to 10 p.m.	

Telluride	Same as state regulation (8 a.m. and midnight)	While retail marijuana shops are allowed to stay open until midnight, most stores only stay open until 9 or 10 p.m. Staff has not observed a significant change in tax revenue or crime rates.
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Municipal Retail Marijuana Laws (2022)

The Colorado Municipal League (CML) assembled a [list of status of retail marijuana for various Colorado municipalities](#). The list includes type of permitted use and links to related municipal codes. This was last updated in April 2022.

Effect on Crime

Glenwood Police evaluated call data in geofenced areas with proximity to existing marijuana businesses and found no correlation between crime rates and the presence of such establishments. Extended evening hours for marijuana sales establishments is not projected to create substantial change in local crime rates, and the Glenwood Police department is not in opposition of the extension of their operating hours.

Colorado Division of Criminal Justice Report on Impacts of Marijuana Legalization in Colorado (2021)

In 2021, the Colorado Division of Criminal Justice's Office of Research and Statistics published "Impacts on Marijuana Legalization in Colorado" report, which presents data on marijuana-related topics including crime, impaired driving, hospitalizations, emergency room visits, usage rates, effects on youth, and more.

[View report highlights.](#)

[View full report.](#)

Effect on Tax Revenue

The Glenwood Springs Finance Department does not forecast a significant change in sales tax due to extended evening hours for marijuana sales establishments.

Share Your Input

This item will be discussed at the next City Council meeting on Thursday, April 6, 2023. Please share your input via this [brief form](#) or by email to Ryan.Muse@cogs.us by 10 a.m. on Monday, April 3, 2023.

Form Link: surveymonkey.com/r/YLHLLWB

Hoja Informativa

Petición para extender el horario de operación del establecimiento de marihuana

Antecedentes

Bajo las reglas estatales, los negocios minoristas de marihuana pueden estar abiertos solo entre las 8 a.m. y la medianoche. Los municipios pueden requerir horarios de operación más estrictos. El Código Municipal de Glenwood Springs actualmente limita las horas de operación de la marihuana al por menor de 8 a.m. a 7 p.m. todos los días.

Se ha presentado una petición para poner una iniciativa de votación al público que permita a las tiendas de marihuana extender el horario nocturno hasta las 10 p.m. Si obtienen el número requerido de firmas, el Concejo Municipal puede decidir hacer este cambio al código o ponerlo a votación si se presentan suficientes firmas calificadas.

Este tema se discutirá en la próxima reunión del Concejo Municipal el jueves 6 de abril 2023. Comparta sus comentarios a través de este breve formulario o por correo electrónico a Ryan.Muse@cogs.us antes de las 10 a.m. del lunes 3 de abril 2023.

Horas Permitidas Por Otros Municipios

Municipio	Horas Permitidas	Notas
Boulder	8 a.m. to 10 p.m.	
Carbondale	Igual que la regulación estatal (8 a.m. and medianoche)	El personal no ha observado ningún problema de aplicación de la ley.
Central	8 a.m. and medianoche, diario	Originalmente programado a las 10 p.m. Observacionalmente, no permanecen abiertos hasta la medianoche. No hay problemas de aplicación de la ley con los negocios de marihuana desde su inicio en 2010.
Eagle	8 a.m. and medianoche, diario	
Golden	8 a.m. to 10 p.m.	
Gypsum	Ninguno	Prohibida la marihuana medicinal y minorista.
Log Lane Village	Medicinal 8 pm and 10 para recreacional	
Manitou Springs	8 a.m. to 11:45 p.m.	
New Castle	Ninguna	Prohibida la marihuana medicinal y minorista.
Northglenn	8 a.m. to 10 p.m., diario	
Rifle	8 a.m. to 10 p.m., diario*	*Para establecimientos médicos o minoristas en las zonas de industria ligera. No se permiten ventas minoristas fuera de las zonas de industria ligera. Los establecimientos médicos fuera de las áreas de industria ligera solo pueden operar de 8 a. m. a 7 p. m.

Silt	10 a.m. to 10 p.m.	
Steamboat Springs	8 a.m. to 10 p.m.	
Telluride	Igual que la regulación estatal (8 a.m. and medianoche)	Aun que las tiendas minoristas de marihuana pueden permanecer abiertas hasta la medianoche, la mayoría de las tiendas solo permanecen abiertas hasta las 9 o 10 p.m. El personal no ha observado un cambio significativo en los ingresos fiscales o las tasas de delincuencia.

Leyes Municipales de Marihuana al por menor (2022)

La Liga Municipal de Colorado (CML) reunió una lista del estado de la marihuana al por menor para varios municipios de Colorado. La lista incluye el tipo de uso permitido y enlaces a códigos municipales relacionados. Esto se actualizó por última vez en abril de 2022.

Efecto Sobre el Crimen

La policía de Glenwood evaluó los datos de llamadas en áreas geocercadas con proximidad a negocios de marihuana existentes y no encontró correlación entre las tasas de criminalidad y la presencia de dichos establecimientos.. No se proyecta que las horas nocturnas extendidas para los establecimientos de venta de marihuana creen cambios sustanciales en las tasas de delincuencia local, y el departamento de policía de Glenwood no se opone a la extensión de sus horas de funcionamiento.

Informe de la División de Justicia Criminal de Colorado Sobre los Impactos de la Legalización de la Marihuana en Colorado (2021)

En 2021, la Oficina de Investigación y Estadísticas de la División de Justicia Criminal de Colorado publicó el informe “Impactos en la Legalización de la Marihuana en Colorado”, que presenta datos sobre temas relacionados con la marihuana, incluyendo delitos, conducir con problemas, hospitalizaciones, visitas a salas de emergencia, tasas de uso, etc. efectos en la juventud, y más.

Ver los aspectos más destacados del informe.

Ver informe completo.

Efecto Sobre los Ingresos Fiscales

El Departamento de Finanzas de Glenwood Springs no pronostica un cambio significativo en el impuesto a las ventas debido a las horas nocturnas extendidas para los establecimientos de venta de marihuana.

Comparta su Opinion

Este tema se discutirá en la próxima reunión del Concejo Municipal el jueves 6 de abril 2023. Comparta sus comentarios a través de este breve formulario o por correo electrónico a Ryan.Muse@cogs.us antes de las 10 a.m. del lunes 3 de abril 2023.

Enlace de formulario: surveymonkey.com/r/YLHLLWB



MEMO

TO: Jenn Ooton
Assistant City Manager/Economic & Community Development Director

FROM: Gretchen Ricehill
Asst. Director, Community Development Dept.

DATE: October 5, 2018

RE: Code Text Amendment – Marijuana Uses - Extension of Business Hours

Several weeks ago we received a letter from Dan Sullivan, owner of the Green Joint, requesting that the City consider amending the Municipal Code to extend business hours for marijuana related uses. Currently the Code (050.080, 050.090 and 070.030.030) requires that retail and medical marijuana businesses close at 7 PM. Mr. Sullivan requested that these hours be extended to 9 PM.

The purpose of this memo is to inform you of a similar request that Community Development received three years ago and to ask if you want to move forward given the outcome and the relative recent nature of the request.

In May 2015, the Green Dragon requested an amendment of the Municipal Code to extend marijuana business hours from 7PM to 10PM. The Planning & Zoning Commission heard and recommended that Council approve the code amendment.

During this same period, the City's Liquor Hearing officer was conducting licensing hearings for one or two marijuana establishments, at least one of which was downtown. A number of people attended these licensing hearings and expressed their objection to any more marijuana establishments in the downtown area.

Reacting to public outcry, on June 4th, Council adopted a three month moratorium on the acceptance, processing and approval of marijuana land use applications including marijuana-related legislation. This temporarily suspended consideration of the business hours code text amendment.

Council conducted a workshop on July 2nd and discussed a wide range of potential code revisions to address public concerns. This included increasing setback requirements between marijuana establishments, changing review procedures and adjusting hours of operation. Council's direction to staff was to bring legislation which would change the review procedures for retail and medical marijuana businesses from a use by right (requiring only a licensing hearing) to a special review with hearings before the Planning & Zoning Commission and City Council; to

*City of Glenwood Springs Community Development Department
101 W 8th Street
Glenwood Springs, Colorado 81601
Tel: 970-384-6400
FAX: 970-945-8582*

change the setback between marijuana businesses from 325 feet to 900 feet; and, to add new special review criteria for marijuana businesses. Council did not direct staff to address hours of operation.

During the workshop, Police Chief Terry Wilson recommended, and Council expressed its support to leave the business hours as-is, 7AM – 8PM. A number of marijuana business representatives and the general public attended this workshop, including Dan Sullivan. Mr. Sullivan then attended the regular Council meeting and under “Citizens Appearing” commended Council on their efforts at the work session and concurred with Chief Wilson that there was no reason to extend operating hours.

Regarding the current request, at a recent department review meeting Chief Wilson indicated that he was not necessarily opposed to the extended hours to 9PM. He indicated that the police have had the chance to monitor the situation over time and the issues are not generally related to the business hours.

Please let me know how you would like to proceed. There are three Councilors (Gamba, Leahy and Davis) that may remember this workshop and, given recent comments about The Station’s marijuana special use permit, I believe there may be at least two Councilors (Godes, Ingraham) who would be opposed to an expansion of marijuana related uses, even if it is just business hours.

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MINUTES
City of Glenwood Springs
Planning and Zoning Commission
Special Meeting
May 5, 2015
Council Chambers, First Floor, City Hall
101 W. 8th Street
6:00 p.m.

Vice Chairman Blair called the meeting to order at 6:02 p.m.

MOTION: Commissioner Geiger moved to seat Vice Chairman Blair as Chairman for this meeting. Commissioner Dehm seconded the motion. The motion carried by voice vote.

MOTION: Commissioner Geiger moved to seat Alternate Schachter for the meeting. Commissioner Dunn seconded the motion. Motion carried by voice vote.

1. Roll call.

Present at roll call were Commissioners: Sumner Schachter, Judy Gillespie, Michael Dunn, Michael Blair, Kathryn Grosscup, Mary Elizabeth Geiger, and Marco Dehm.

Also present were City staff members: Andrew McGregor, Community Development Director
Gretchen Ricehill, Senior Planner
Jill Peterson, City Planner
Trent L. Hyatt, Planner
Kathleen Michel, Administrative Assistant
Karl Hanlon, Special Counsel

2. Comments from citizens appearing for items not on the agenda.

No one was present to comment.

Continued Public Hearings:

7. #11-15 – Consideration of Amendments to Section 070.040.030 of the Glenwood Springs Municipal Code regarding hours of operation for retail marijuana establishments.

Applicant: City of Glenwood Springs
Location: City-wide

Andrew McGregor presented background on the item. A local retailer asked City Council to consider changes of the hours for medical and retail marijuana establishments. Council asked the P&Z to consider the request. He said that there was a letter in the packet from Jeff Kennedy, manager of one of our local facilities, supporting the measure. Regulations for medical marijuana were imposed by state statute. Retail marijuana followed the regulations set for medical, i.e. hours of operation, but they were not codified by the state. Retail is allowed to

be regulated by local jurisdictions. Mr. Kennedy's request was to extend hours to 10:00 p.m. The co-located facilities had to conform due to different clients and ages. The reality has been shown to be different. The Police Chief did not believe this would change public safety substantially. He was more concerned with possible attempts to steal product or cash. We are suggesting that there is no reason not to extend hours.

Questions of staff

Commissioner Geiger is still concerned about the safety issue. She does not see a reason to change hours.

Mr. McGregor said the Police Chief was not willing to extend hours past 10 o'clock.

Commissioner Dehm wondered if the public other than the Green Dragon has contacted Andrew.

Mr. McGregor said that no one else has commented.

Commissioner Dehm asked about Glenwood's hours.

Mr. McGregor said they were 8:00 a.m. to 7:00 p.m.

Commissioner Grosscup asked for the number of establishments in each category.

Mr. McGregor said there were three co-located facilities, two are exclusively medical, one grow facility with retail, and two pending applications for retail only. There is another prospective grow facility that will have a retail establishment at the same location. He said we are approaching a saturation level with the separation required from schools and other facilities.

Commissioner Geiger commented that we didn't establish a hard number.

Mr. McGregor said the setback model accomplishes the same thing.

Commissioner Dunn wondered how late liquor stores were open.

Mr. McGregor said that liquor stores were open 8 a.m. to 12:00 midnight.

Commissioner Dunn asked if regular retail, like a clothing store, had the same restricted hours.

Mr. McGregor none.

Commissioner Dunn commented that liquor stores are treated differently than other retail.

Mr. McGregor said they get State and local licenses and are highly regulated.

Commissioner Schachter they have asked for a generous extension of hours as opposed to keeping the current 11 hour window and just shifting.

Mr. McGregor said that the earlier opening time is allowed but not obligatory. He didn't know how much demand there was at that time of day.

Commissioner Schachter said that the decision about retail marijuana shapes the character of the town. We don't have liquor tourism but if other states allow marijuana, we may no longer have it either. We are the main state selling it retail. We need to decide what kind of character we want in this town as we are in flux right now.

Commissioner Gillespie was concerned about discrimination against this business and we should allow it later. We are a tourist town and there are people who probably come here for the marijuana. We should encourage all retail businesses to be open later. That would help business in general. She said she would hate to see it not approved.

Commissioner Schachter asked if our recommendation picked the hours or let the Council determine the hours.

Mr. McGregor said it was more helpful to council if we had a specific time.

Commissioner Geiger asked if we had the numbers on sales tax generated by retail marijuana.

Mr. McGregor said that we do not disclose the income of the individual businesses, as a policy of the Finance Department.

Commissioner Dehm asked where the two possible new retail locations would be.

Mr. McGregor said they would be in downtown Glenwood, one on Grand Avenue and the other on 10th St.

The Chair reminded Commissioners that we are here to provide advice to Council. He thought everyone's comments were valuable. He questioned hours for each type of use. We can recommend different hours as suggested by staff.

No one from the public was present to comment. The Chair closed the time for public comment and asked for a motion.

MOTION: Item #11-15: Commissioner Dehm moved to approve a code text amendment to extend the hours for retail marijuana sales from 8 a.m. to 8 p.m. based on the comments from the Police Chief and the City Attorney. Commissioner Geiger seconded the motion.

Commissioner Dunn did not want to infringe on anyone's ability to conduct business. He was concerned about effects on young people and wanted to be more conservative. He favored keeping same hours or going with this motion.

Commissioner Grosscup noted that Mr. McGregor suggested 9:00; we are splitting hairs. With an extra hour, our tourists will not have to go up to Aspen for product.

Commissioner Geiger pointed out that people staying in hotels cannot smoke, unless staying in someone's home, they have nowhere to smoke it, so she does not favor changing it.

Commissioner Schachter wondered if there was a conflict with marijuana tourism and family vacations. We can become less restrictive in time, but would have difficulty dialing it back. This is a cash business and that adds to the safety issues.

Commissioner Dehm suggested taking a baby step as with more stores coming in, it would be hard to reel it back.

Commissioner Gillespie wondered why we should take away the busiest time. She does not want to discriminate against this business.

Commissioner Schachter observed that we are giving an additional hour in the busiest time.

Commissioner Geiger pointed out that Council has the opportunity to choose a different time.

Commissioner Gillespie wants to jump to 10:00.

Commissioner Schachter said that we are not the ones to determine success or failure of a business.

Commissioner Dunn we have every reason to go slowly as this is an experiment in our state.

Commissioner Gillespie said that if a pot shop is open until 10, not all the kids are going to be there.

Commissioner Dunn doesn't think we have enough data yet. Let's take baby steps.

Chair called for the vote: 6-1 with Commissioner Dunn voting no. The motion carried.

Other business:

The Chair indicated he would prefer to have the election as the last item on tonight's agenda.

9. Community Development Director's Update.

Mr. McGregor said that the regular meeting is May 26. We have three items: Large child home application; the continued item from this agenda, and a major development application for the Lofts at Red Mountain, on Lot 11A, fronting on Wulfsohn Road. This is not a Meadows application but they do own the property.

Commissioner Geiger indicated that three of the Commissioners would have to recuse themselves.

Mr. McGregor introduced and welcomed Trent Hyatt, new planner, whom you all met in the kitchen.

10. Comments from the Commission.

Commissioner Schachter asked about the request for a workshop with the City Council. Did they take any action?

Mr. McGregor said that he corresponded with Councilmember Trauger about this and she assured us an invitation would be forthcoming. He further commented that Commissioner Schachter would likely be appointed as a full-time member of the Commission on Thursday night. We will try to get some new alternates.

8. Election of Chairman and Vice-Chairman.

Mr. McGregor said that typically this selection was for a two year period.

For Chairman:

Commissioner Geiger nominated Marco Dehm and Commissioner Schachter seconded the nomination.

Commissioner Gillespie nominated Mary Elizabeth Geiger and Commissioner Grosscup seconded the nomination.

Vote by show of hands: 4 for Dehm; 3 for Geiger. **Commissioner Dehm was elected as Chairman.**

For Vice Chairman:

Commissioner Dehm nominated Mary Elizabeth Geiger and Commissioner Dunn seconded the nomination.

Commissioner Geiger nominated Michael Blair and Commissioner Grosscup seconded the nomination.

Vote by show of hands: 5 for Geiger; 2 for Blair. **Commissioner Geiger was elected as Vice Chairman.**

11. Adjournment. Adjourned at 8:00 p.m.

Pursuant to Section 5.1 of the Charter of the City of
Glenwood Springs and C.R.S. §§ 31-11-106,

THIS ORDINANCE CHANGES THE HOUR OF CLOSURE FROM 7:00 P.M.
TO 10:00 P.M. FOR MEDICAL AND RETAIL MARIJUANA BUSINESSES
WITHIN THE CITY OF GLENWOOD SPRINGS.

THIS EFFORT IS TO SIMPLY ALLOW CANNABIS DISPENSARIES TO REMAIN OPEN LATER THAN 7PM.

Allowing dispensaries to remain open later will bring more tax dollars to the city with no cost associated. This additional tax revenue supports the community and infrastructure of the town. In turn, making Glenwood Springs a more attractive place to live

Extending hours will create more jobs within the city, as well as promote a safer environment for Glenwood's citizens.

Glenwood Police evaluated call data in geofenced areas with proximity to existing marijuana businesses and found no correlation between crime rates and the presence of such establishments. Extended evening hours for marijuana sales establishments is not projected to create substantial change in local crime rates, and the Glenwood Police department is not in opposition of the extension of their operating hours (1)

Carbondale, Central City and Telluride all reported no significant crime change

1. Glenwood is an outlier in the state when it comes to allotted operational closing times for dispensaries.

- Colorado state law is that dispensaries can not make sales between Midnight and 8AM. (2)
 - Aspen, Snowmass, and Carbondale are all able to stay open till midnight.
 - No other city in Colorado limits its dispensaries to close earlier than 8PM.

2. Glenwood Working Class spending tax dollars **outside** of the city.

- A large and growing number of people working from Aspen down to Carbondale are living in Glenwood and even out to Rifle/Silt now.
- It's common for those workers to get off of work at 6PM or later. By far, the most common routine of purchasing cannabis is after one's shift. We find this purchasing routine to be accurate based on the increased volume of customer traffic within our last hour of daily operation, customer word of mouth, and also based on the support behind the petition we circulated.
- As a result, people are potentially speeding down to our store from upvalley and surrounding areas to catch us before we close. Or they are simply purchasing outside of Glenwood as those are the only places still open. Or they go to the liquor store.

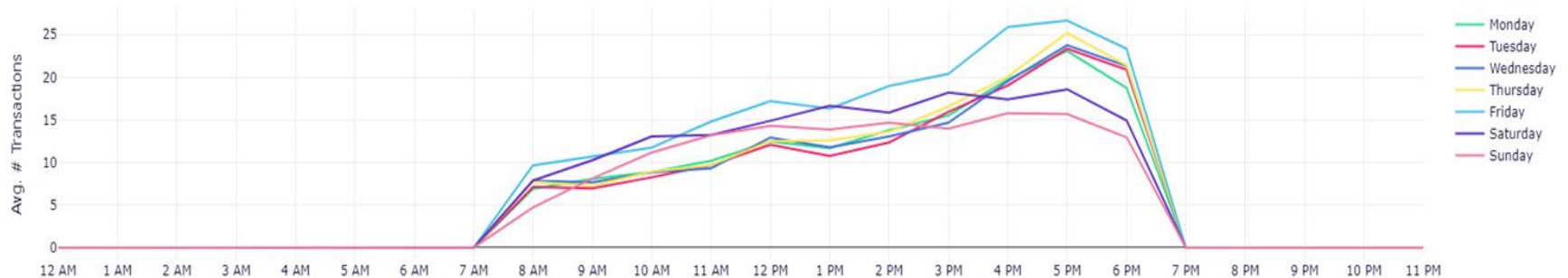
Location The Dab by Silverpeak - Glenwood Springs

Start Time 2022-03-01

End Time 2023-04-05

Update Charts

Busy Times of Day



Please note that we close our shop at 6:45PM to ensure no sales are made past 7PM.

3. Cannabis has important health and medical benefits.

The health and medical benefits of cannabis are numerous. Both infrequent and daily cannabis use can:

- Relieve pain (3)
- Reduce nausea and vomiting from chemotherapy (3)
- Promote sleep in people with chronic pain (3)
- Improve mood and quality of life in people with health conditions (4)
- Ongoing research is focused on other potential health benefits of cannabis, such as its ability to help with cancer, inflammatory bowel disease, as well as neurodegenerative diseases and many more.

There are very few health benefits of alcohol. These benefits are all related to cardiovascular health, and benefits are greatest when alcohol is consumed in moderation (about one drink per day):

- Red wine contains polyphenols, which have antioxidant properties. (5)
- Drinking alcohol reduces fibrinogen, a blood-clotting protein. (6)
- Moderate alcohol use can increase HDL cholesterol (the good cholesterol). (7)

Citations

- (1) Ballard, Cassandra. “Coming to Council: Late Night Marijuana Sales and Council Decision on Housing Bill That Affects Local Zoning Laws.” *PostIndependent.com*, PostIndependent.com, 4 Apr. 2023, <https://www.postindependent.com/news/coming-to-council-late-night-marijuana-sales-and-council-decision-on-housing-bill-that-affects-local-zoning-laws/>.
 - (2) Govt, Colorado. “Laws about Marijuana Use.” *Colorado Cannabis*, 2014, <https://cannabis.colorado.gov/legal-marijuana-use/laws-about-marijuana-use>.
 - (3) “Cannabis (Marijuana) and Cannabinoids: What You Need to Know.” *National Center for Complementary and Integrative Health*, U.S. Department of Health and Human Services, 2019, <https://www.nccih.nih.gov/health/cannabis-marijuana-and-cannabinoids-what-you-need-to-know#:~:text=Are%20cannabis%20or%20cannabinoids%20helpful,loss%20associated%20with%20HIV%20FAIDS>.
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- (4) DJ,, Boehnke KF;Litinas E;Clauw. “Medical Cannabis Use Is Associated with Decreased Opiate Medication Use in a Retrospective Cross-Sectional Survey of Patients with Chronic Pain.” *The Journal of Pain*, U.S. National Library of Medicine, 2016, [https://pubmed.ncbi.nlm.nih.gov/27001005/#:~:text=Among%20study%20participants%2C%20medical%20cannabis,quality%20of%20life%20\(45%25\).](https://pubmed.ncbi.nlm.nih.gov/27001005/#:~:text=Among%20study%20participants%2C%20medical%20cannabis,quality%20of%20life%20(45%25).)
 - (5) Staff, Mayo Clinic. “The Truth about Red Wine and Heart Health.” *Mayo Clinic*, Mayo Foundation for Medical Education and Research, 14 Jan. 2022, <https://www.mayoclinic.org/diseases-conditions/heart-disease/in-depth/red-wine/art-20048281#:~:text=Red%20wine%2C%20in%20moderation%2C%20has,attacks%20aren't%20completely%20understood.>
 - (6) Eismann, Hendrik. “Influence of Alcohol Consumption on Blood Coagulation in Rotational Thromboelastometry (Rotem): An in-Vivo Study.” *Korean Journal of Anesthesiology*, U.S. National Library of Medicine, Aug. 2020, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7403120/>.

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- (7) Foster, David. "Alcohol Consumption Raises HDL Cholesterol Levels by ... - Circulation." *AHA Journals*, 2000, <https://www.ahajournals.org/doi/10.1161/01.CIR.102.19.2347>.



City Council
STAFF REPORT
City of Glenwood Springs
April 24, 2023

Agenda Item: Adjournment

Action Requested:

Department: City Clerk

Presented By:

Strategic Goals:

Background Info:

Issues:

Fiscal Impact:

Legal Review:

Staff Recommendation: