

Council passes medical pot rules

By Jeanne Davant

Manitou Springs City Council approved on Tuesday night an ordinance setting application procedures and regulations for medical marijuana centers that will sell marijuana and marijuana products to registered patients.

The ordinance, passed on second reading, goes into effect five days from today. That will give prospective owners two days to submit their applications in order to comply with a state deadline of July 1.

Applications will be accepted only on June 29 and 30 at the Planning office in City Hall, 606 Manitou Ave.

"We've had a lot of folks inquiring about this," Planning Director Dan Folke said. The department has prepared a checklist and application for a medical marijuana license that can be picked up at the Planning Department so that applicants can begin compiling the needed information.

Applicants will have to pay a nonrefundable fee of \$2,000 upon application and must also obtain a city business license. Applicants and all employees pay for and must undergo a criminal background check. Owners also must go through the city's conditional use approval process, which requires a hearing before the Planning Commission and final approval from City Council. The charge for that process is \$300.

During the conditional use process, property owners within 300 feet will be notified that a center is proposed. Although the ordinance and state law do not specify minimum distances from residential units or hotels, the Planning Commission and Council may consider compatibility with the surrounding neighborhood when deciding whether to allow the conditional use. Centers cannot operate in buildings that also contain residential units.

Only dispensary operations will be allowed in Manitou Springs, and medical marijuana centers will be permitted only in the commercial zone, which excludes central downtown. Centers must be at least 500 feet away from a school or park and at least 200 feet from each other.

Under state law, marijuana centers are required to grow 70 percent of the product they sell, but growing operations are not allowed in Manitou under the new ordinance. Neither are manufacturing businesses that make products like edible items and lotions.

"Council understands this is a constitutional right and I think we are being very compassionate, but we are taking a little bit of a gamble," Councilwoman Aimee Cox said. "We don't know how much they will proliferate."

If that happened, City Attorney Hilary Graham said, Council could change the ordinance or impose another moratorium.

"If it becomes a matter of public concern, an initiative could come about," Graham said.

Council voted 6-0 to pass the ordinance. Councilman Ed Klingman was absent.

Council had planned to vote on the ordinance on second reading at last week's regular meeting but had to wait an extra week. That's because the city charter requires at least seven days to elapse between the time an ordinance approved on first reading is published and the date of a hearing and second reading.

Conditional use issues

At Tuesday's special meeting, council also reviewed recommendations of the Planning Commission regarding conditional uses for two businesses and a rental property.

Council voted unanimously to allow William Fee to continue operating The Nature of Things at 347 Manitou Ave., a business in which he and employees carve and sell wooden bears.

The business requires the operation of chainsaws and other power tools, and for several years it has been the subject of noise complaints from neighbors across Manitou Avenue. People who live on Mayfair and El Paso Boulevard have been particularly affected.

Fee said he had built a wall insulated with foam that has substantially stopped the sound, although it has a 4-foot opening in front. Fee said that was necessary for airflow and to allow customers to watch the carving.

Fee also agreed to use chainsaws only on weekdays and to keep the use of other power tools to a minimum on weekends, and to take other noise abatement reassures as necessary.

Tom Lundgren, an El Paso Boulevard homeowner, said that although the noise had decreased over the past two months since Fee built the wall, the sound of chainsaws "turns into a major nuisance when repeated over and over. Our greatest fear is... that tomorrow it will be back to a nuisance. I would respectfully request the city take measured steps because of the potential harm it poses to us."

Mayor Marc Snyder said Fee had made efforts to accommodate his neighbors when problems were brought to his attention and that Lundgren had been committed to finding a solution that worked for him.

"I think a very good compromise has been reached," Snyder said. "I'm willing to give this a try." Council asked Folke to present a follow-up report on the situation in a few months.

Council also reviewed a conditional use granted to the Nile Cafe that allowed a hookah lounge. The cafe has been operating for the past year at 954 Manitou Ave.

Folke said the owner, Michael Ezzat, had not complied with the Colorado Clean Indoor Air Act, which requires the majority of income from an approved tobacco business to come from sale of tobacco products.

The cafe has been serving food during the day and operating the hookah lounge at night under a separate business license. However, his income from the sale of drinks after 7 p.m. has far exceeded revenue from hookah sales.

Ezzat proposed to raise his prices for hookah to \$12.99 for the smoking mixture plus a free drink. He expected he could then attribute at least 80 percent of sales to hookah.

Council voted 5-1 to allow Ezzat to try out his new pricing plan, with the provisos that hookah smoking would be allowed only indoors between 7 p.m. and 1 a.m. and that Ezzat return in October with a written report showing that he is in compliance with the state law.

Councilman Matt Carpenter opposed, stating that Ezzat had already had a year to comply with the law and citing other concerns about handmade signs and parking by Ezzat and employees on Manitou Avenue.

"I would like to see the whole business stepped up a little bit," Carpenter said.

Council also approved a short-term and vacation rental unit at 925 High Road.

[Return to Article Index](#)