

Council OKs 2nd medical pot center

By Jeanne Davant

Manitou Springs City Council approved a second medical marijuana dispensary Tuesday night.

The new dispensary will be located at 2 Manitou Ave. It will be operated by Reza Hassani, who also owns a dispensary just west of Manitou on Colorado Avenue.

Council postponed action on Hassani's application from its Sept. 21 meeting after asking him to provide additional information, including a parking, landscaping and lighting plan. Council also wanted to know how far the dispensary would be from Fields Park.

Planning Director Dan Folke said the distance from the fields was determined to be 490 feet, give or take 10 feet, as the crow flies. From property line to the corner of the building, the distance spans another 235 feet. Manitou's medical marijuana ordinance requires a dispensary to be 500 feet away from a school facility.

In approving Hassani's application, Council set 11 conditions he must meet before he can open the business, including blocking access to the back of the building, landscaping with planters along the front of the building and limiting signage.

Hassani must also install a curb and gutter along the front of the property within two years. The Planning Department recommended that condition in order to keep people from backing into Manitou Avenue from one of the parking spaces Hassani will provide. Mayor Marc Snyder said he hoped funds would become available so that the city could install curbs and gutters on the east end of town.

Owners of half a dozen motels in the neighborhood came to the meeting to oppose the application.

George James, owner of the Dillon Motel, said they are concerned about the impact the dispensary would have on their businesses.

"The tourist industry is our main concern," James said. "Every one of the locations here have a major investment in the community and have for a number of years."

He said there are 25 dispensaries between Manitou and Interstate 25 to provide medication for patients.

Susie Brock, co-owner of El Colorado Lodge, said more than 60 percent of her income during the summer was from family reunions and she feared having a dispensary nearby would drive guests away.

James Brock, her husband, recalled when another motel was a trouble spot for drug dealing.

"People were leaving because of what they called a police action," he said. "It got cleaned up and is a very nice place, but we don't want to have the same problem again."

Lisabeth Rea, who will work at the dispensary, said she hoped education would overcome the stigma attached to medical marijuana.

"We are not here to bring down neighborhoods," she said. "We're here to help patients. There are so many people out there that can benefit from this."

Ashleigh Stuart, who also will be employed by Hassani, noted that medical marijuana "is the most highly regulated industry out there and that the business would benefit the community.

Council voted 6-1 to approve the dispensary.

"I have absolutely no evidence that a business like this increases police presence or (jeopardizes) public safety," Snyder said. He said he thought "most of the concern about this business is based on bias.... I really cannot justify turning down this application."

Councilman Rick Barry voted against approving the application but did not comment on why he dissented.

The only other approved medical marijuana dispensary in town is Physician Preferred Products, 1118 Manitou Ave., owned by Marcos Ronquillo of Thornton.

Council stands by vinyl siding decision

Also Tuesday, Council voted 3-2 to approve an order reversing a decision of the Historic Preservation Commission and approving an appeal of homeowners at 5 Cherokee Road to install vinyl siding on their cottage.

The owners, Frederic and Elizabeth Beattie, appealed a Sept. 1 HPC decision denying them permission to install vinyl siding over the top of the deteriorating wood siding on the cottage, instead of refinishing and painting the wood. The commission unanimously voted against the installation on the ground that vinyl siding is not consistent with Historic Design Guidelines.

Council heard the appeal at its Oct. 5 meeting and voted 4-2 to reverse the HPC decision.

Former HPC commissioner Brian Murphy asked council Tuesday to reconsider the matter or remand it back to the HPC.

"I think Council's decision was flawed and undermines the Historic District," Murphy said. "The applicant made no real effort to comply with the guidelines but simply asked that the guidelines be waived ... I think the decision was made with some emotion... and sets a bad precedent."

Councilman Matt Carpenter, who voted against the reversal Oct. 5, said-new evidence had been considered at Council's hearing, although Council was supposed to consider only evidence from the HPC record.

"Time and time again, new evidence was introduced," Carpenter said. "Council used new evidence to reverse that decision, and I have a real problem with some of that evidence." He referred specifically to testimony from the Beatties' vinyl siding contractor that a portion of the cottage was covered with 4-inch lap siding.

"There is no 4-inch siding" on the cottage, Carpenter said. "Getting rid of the 2-inch lap siding was a major concern to the HPC ... I hope some of you are concerned that you were flat-out lied to about the lap."

Carpenter said he also was concerned that another council member "basically advocated that because of what others (in the neighborhood) had done, this should be allowed.... This decision can jeopardize the HPC's and the city's ability to maintain the Historic District and (jeopardize) federal funds," Carpenter said.

Carpenter moved to reconsider the decision but withdrew his motion when City Attorney Jeff Parker said the city could be liable if the Beatties had already spent money or had work done in reliance upon the decision.

Mayor Pro Tem Aimee Cox then moved to approve the order formalizing Council's reversal of the HPC decision. Carpenter and Councilman Michael Gerbig voted against the motion. Snyder abstained because he was not present at the original hearing, and Councilwoman Ingrid Richter had not arrived when the vote was taken. She arrived later in the meeting.

Cox, Gerbig and Snyder said they supported a work session with the HPC to talk about what Cox called "a bigger issue": What determines the character of a neighborhood, and whether language in the guidelines about avoiding vinyl or aluminum siding means those materials are forbidden.

In other business, Council...

- Approved new application packets for liquor licenses and liquor service at special events developed by City Clerk Donna Kast. The packets contain detailed information and checklists to help applicants comply, with city and state regulations and clarify the process.
- Approved on second and final, u reading an ordinance authorizing the fire chief to declare high fire danger and impose restrictions on open burning.
- Approved on first reading an ordinance setting city council terms at four years. Kast said a provision regarding terms was deleted when the city charter was revised. That meant the state provision setting terms at two years kicked in. Current council members were elected to four-year terms. Since the term was stated on the ballot, their terms were not affected, Parker said.

[Return to Article Index](#)