



**City of Fort Lupton
Marijuana Licensing Authority
Agenda
Tuesday, January 2, 2024
6:00 PM
130 South McKinley Avenue**

Zo Hubbard, Mayor
Valerie Blackston, Ward 1
Chris Ceretto, Ward 2
Carlos Barron, Ward 3
David Crespín, Ward 1
Claud Hanes, Ward 2
Bruce Fitzgerald, Ward 3

**You may join in person or join remotely by clicking on:
<https://global.gotomeeting.com/join/353347597>**

Call to Order

Pledge of Allegiance

Roll Call

Public Hearings - Public Hearings allow members of the audience to present comments and questions to the City Council on the item being presented. Comments and questions may be limited to three (3) minutes- Mayor Hubbard

- a.** AM 2024-001 Consideration of the Transfer of Ownership Application for 1310 Factory Circle, LLC Located at 1310 Factory Circle, Fort Lupton

Adjourn



SUBJECT FOR DISCUSSION

Consideration of the Transfer of Ownership Application for 1310 Factory Circle, LLC Located at 1310 Factory Circle, Fort Lupton

SUMMARY STATEMENT/BACKGROUND DISCUSSION

A Transfer of Ownership Application was submitted on November 1, 2023, by Alicia Rotherham to acquire 100% ownership of 1310 Factory Circle, LLC ("LLC") from Colin Madden. The LLC was successful in the lottery held on February 15, 2022, for a retail marijuana business.

Pursuant to Section 6-364 of the Municipal Code, any transfer or assignment of ten percent (10%) or more corporate structure of any retail marijuana business shall require the filing of an application and payment of the requisite fees and shall be subject to all requirements of the post-award licensing process. A change of corporate structure shall be heard and approved or denied by the Authority.

Applications may not be approved until all City and state occupational taxes, City and state sales and use taxes, excise taxes, any fines, penalties, and interest assessed against or imposed upon such licensee in relation to operation of the licensed business are paid in full. The LLC, does not have any taxes, fines, penalties or assessments against or imposed upon it.

In determining whether to permit a transfer of ownership, the Authority may consider the requirements of state statute and the Colorado Marijuana Rules. In addition, no application for transfer of ownership will be considered by the Authority if, at the time of such application, the licensee is under a notice of violation or other unlawful acts issued by either the Authority or the state licensing authority. The LLC is not under any known violations.

Notification requirements have been met including publication on December 21, 2023, ten (10) days prior to the hearing, in the Fort Lupton Press and posting at the premises, December 22, 2023.

The applicant, Alicia Rotherham, has paid all applicable fees including the application fee and the fee for a background check. Based upon the background investigation conducted by Investigator Palissa, no concerns were noted with Mrs. Rotherham and she may move forward with her application.

The LLC has registered a trade name as "Nature's Herbs & Wellness Center of Fort Lupton"

Status of Application with the Planning Department:

The applicant, Colin Madden, had two pre-application meetings with the Planning Department on August 25, 2022, and February 23, 2023. A follow up email was sent on March 14, 2023, advising Mr. Madden that based upon the discussion during the pre-application meeting, any new structures or major design changes may require a full site plan review, final design is to be submitted for review of final determination of process by the Planning Department. No communication or additional information has been received by the department.

Certification of Council Approval:

Ordinance No. _____

Resolution No. _____

City Clerk

Date

Status of Application with the Authority:

The application for 1310 Factory Circle, LLC was renewed on April 4, 2023, based upon the facts and evidence presented, the Authority approved the application for a retail marijuana business conditioned upon the following:

- Applicable issuance of building permits and land use approvals as applicable,
- Approved site inspections,
- Approved security inspections,
- Any additional background information (if necessary) on any parties providing financing, and
- Maintaining compliance with all state and local laws, codes and ordinances.

Once the conditions listed have been met and the building is ready for occupancy with such furniture, fixtures and equipment in place as are necessary to comply with the applicable provisions and the local authority has inspected and approved the premises for occupancy, the City will issue the retail marijuana business license.

FINANCIAL CONSIDERATIONS

N/A

LEGAL/POLITICAL CONSIDERATIONS

N/A

ALTERNATIVES/OPTIONS

1. Approve the Transfer of Ownership with the conditions as set forth by the Authority.
2. Deny the Transfer of Ownership listing the reasons for the denial.

STAFF RECOMMENDATIONS

Staff seeks direction.