

RESOLUTION OF CITY OF LAKEWOOD PLANNING COMMISSION

On December 7, 2009 the Lakewood Planning Commission participated in a joint study session with the Lakewood City Council regarding the regulation of the medical use of marijuana and on January 6, 2010 the Lakewood Planning Commission reviewed Case No. OA-09-003 to amend Article 17 of the Zoning Ordinance regarding medical marijuana facilities.

Motion was made by COMMISSIONER PLOTKIN and seconded by COMMISSIONER MESCH to recommend APPROVAL by City Council, which passed by a vote of 5 to 0. The roll having been called, the vote of the Lakewood Planning Commission was as follows:

George Brown III	Yea
Julia Burroughs	Yea
Carrie Mesch	Yea
Alice Nightengale-Luhan	Absent
John Plotkin	Yea
Rich Urbanowski	Yea

FINDINGS OF FACT

- a. WE FIND THAT Kathleen E. Hodgson, City Manager for the City of Lakewood has submitted an application to amend Title 17 of the Lakewood Municipal Code regarding medical marijuana facilities; and
- b. WE FIND THAT federal and state law generally prohibit the possession and sale of marijuana; and
- c. WE FIND THAT in the November 2000 general election, the voters of the State of Colorado adopted Amendment 20 to the Colorado Constitution ("Amendment 20") that creates an affirmative defense from state prosecution for individuals using medical marijuana in the treatment of debilitating medical conditions, under the limited, specified circumstances described in Amendment 20; and
- d. WE FIND THAT medical marijuana has never been specifically addressed in the Lakewood Zoning Ordinance and the City has no current land use regulations governing the cultivation, processing, preparation, distribution, sale or use of medical marijuana; and
- e. WE FIND THAT there is a proliferation of businesses wishing to dispense medical marijuana and/or provide it to those who qualify under state law; and
- f. WE FIND THAT if businesses wishing to dispense medical marijuana ("Medical Care-giver Facilities") pursuant to Amendment 20 were allowed to be established

and to operate without appropriate local regulation, such businesses might conflict with the City's comprehensive land use plan, be inconsistent with surrounding uses, or otherwise be detrimental to the public health, safety and welfare; and

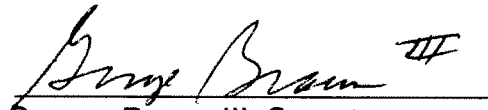
- g. WE FIND THAT it is necessary to enact an ordinance to provide for the licensing and location of Medical Marijuana Care-giver Facilities; and
- h. WE FIND THAT the proposed amendments to Title 17 constitute a City-initiated, legislative rezoning that: (1) affects a large number of properties, (2) is not applicable only to a specific individual or readily identifiable group of individuals, (3) would be inefficient, cumbersome, and unduly burdensome on the resources of the City if pursued on a site-by-site basis of each potentially affected property, (4) is prospective in nature and reflects public policy of a permanent or general character impacting the City on a scale greater than at the individual property level, (5) is consistent with and will implement the goals of the City's Comprehensive Plan, (6) promotes the health, safety or welfare of the inhabitants of the City and the purposes of the City of Lakewood Zoning Ordinance, and (7) is in the public interest.

ACTION

NOW, THEREFORE, BE IT RESOLVED, by the Lakewood Planning Commission on the basis of the evidence presented and the findings of fact stated herein this 6th day of January 2010, that Planning Case No. OA-09-003 is hereby recommended for APPROVAL and that City Council consider allowing Care-giver Facilities in the Colfax Mixed Use – Neighborhood subdistrict, perhaps limiting the addition to those parcels that front Colfax.



Rich Urbanowski, Chair




George Brown III, Secretary

CERTIFICATION

I, WALTER M. JAUCH, Secretary to the City of Lakewood Planning Commission, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Lakewood Planning Commission at a Public Hearing held in Lakewood, Colorado, on the 6th day of January 2010 as the same appears in the minutes of said meeting.

January 6, 2010
Date approved



Walter M. Jauch, Secretary to the
Planning Commission