

**GRAND JUNCTION CANNABIS LICENSING AUTHORITY  
MINUTES  
September 7, 2022**

**I. Call to Order**

The meeting was called to order at 10:00 a.m. Those present were Hearing Officer Stephanie Rubinstein, City Attorney John Shaver, Staff Attorney DeLayne Merritt, Principal Planner Nicole Galehouse, Police Officer Travis Wright and Deputy City Clerk Janet Harrell.

Hearing Officer Rubinstein reviewed the hearing process and confirmed representatives were present for each item.

**II. New License Applications**

1. CamCap, LLC dba Grand Junction Greenery, 762 Horizon Drive, Grand Junction, CO 81506, Retail

Member: Joel Cameron, 110 Whistling Horse Trail, Durango, CO 81301

Member: Brian Capsay, 68 Bad Mule Road, Durango, CO 81301

Members Joel Cameron and Brian Capsay were present. Mr. Capsay addressed information not initially disclosed in the application packet and Mr. Cameron gave a character reference for Mr. Capsay.

Staff Attorney DeLayne Merritt explained the application disclosure requirements, listed the items deemed deficient in the Review & Findings Report (Report), noted the applicant cooperated with Officer Travis Wright when additional information was requested and provided court dispositions.

Hearing Officer Rubinstein asked if anyone present would like to speak regarding the application. There was no one.

Hearing Officer Rubinstein found none of the deficiencies were intentionally omitted or would preclude the application from moving forward. She deemed the application complete and moved the application to the random selection process. A written order will be issued.

2. Kush Gardens Cannabis CO, LLC dba Kush Gardens Cannabis CO, LLC, 2599 Highway 6 & 50, Grand Junction, CO 81501, Retail

Member: Dawn A. Palmer, 632 N 15th Street, Grand Junction, CO 81501

Member Dawn Palmer and Jesse Palmer were present. Ms. Palmer spoke regarding her business history in Mesa County.

Hearing Officer Rubinstein asked Ms. Palmer if she would like her August 31,

2022 response to the Report submitted as part of the application packet. Ms. Palmer said yes.

Staff Attorney Merritt listed the items deemed deficient from the Report; of specific concern was the inadequate parking based on the building's square footage (sq. ft.) and that two different sq. ft. calculations were included in the application. Ms. Palmer explained the difference between the sq. ft. number on the application diagrams and that the parking plan was based on the lower sq. ft. that is to be the licensed premises (no office, general storage or waiting area is to be licensed). Ms. Palmer also addressed the other noted deficiencies.

Staff Attorney Merritt clarified the sq. ft. and use of the proposed licensed and unlicensed areas and City Attorney Shaver identified the customer exit (not through the front entrance).

Principal Planner Nicole Galehouse recalculated the number of required parking spaces based on the updated licensed premises sq. ft. and found the business will need a total of 23 spaces; based on the Vortex Engineering parking plan, 17 spaces are available.

Staff Attorney Merritt stated the sign information submitted on August 31, 2022 is not the City required sign plan (showing all proposed signage), but rather a sign permit request (application for an individual sign). Ms. Palmer noted she did not understand the distinction between the sign plan and permit request.

Staff Attorney Merritt noted the applicant cooperated with Officer Wright when additional information was requested and provided court dispositions.

Hearing Officer Rubinstein asked if anyone present would like to speak regarding the application. There was no one.

Hearing Officer Rubinstein admitted Exhibits "A" and "B" into the record, took this matter under advisement and will issue a written order within 30 days.

3. Zuma B, LLC dba Elevate, 1022 N 3rd Street, Grand Junction, CO 81501, Retail

Member: Charles Jackson, 3803 Brightwater Center Drive, Missouri City, TX 77459

Member: Ann Brisbin, 6431 Galbreth Road, Pueblo, CO 81005

Member: Jack Brisbin, 1394 W Carrizo Springs Avenue, Pueblo West, CO 81007

Member: Diane Brisbin, 23 Sepulveda Drive, Pueblo, CO 81005

Members Ann and Jack Brisbin and Brad Brisbin were present. Jack Brisbin submitted references into the record (Exhibit "A") and addressed deficiencies from the Report attributed to him. Ann Brisbin then provided business information and addressed deficiencies from the Report attributed to her. Brad Brisbin explained his association with the business and spoke on behalf of members Charles Jackson and Diane Brisbin regarding the deficiencies from the Report attributed to them.

Staff Attorney Merritt clarified the business names with Ms. Brisbin.

Hearing Officer Rubinstein clarified business license deficiencies were filings with the Secretary of State that were not disclosed on the application.

Brad Brisbin explained records were no longer available for some of the California court cases.

Staff Attorney Merritt noted the listed deficiencies were not included in the original application but when contacted for additional information by Officer Wright the applicant cooperated and provided available information.

Staff Attorney Merritt addressed the deficiency regarding window coverings and stated the applicant submitted a "View Obstruction Plan" (Exhibit "B") to Officer Wright which for the purpose of the application is sufficient. Jack Brisbin explained that shortly before the end of the application period the City updated their drive-through requirements and upon resubmission of their Operating Plan the window obstruction issue was overlooked.

Hearing Officer Rubinstein asked if anyone present would like to speak regarding the application. Local real estate agent Andrea Hartz spoke in favor of the applicant.

Hearing Officer Rubinstein took this matter under advisement and will issue a written order within 30 days.

### **III. Appeal of Application Denial**

1. High Colorado, LLC dba High Colorado, LLC, 337 North Avenue, Grand Junction, CO 81501, Retail

Member: Lyndsay Allen, 2339 Airport Drive, Unit A, Rifle, CO 81650

Member: Cole Manuppella, 249 Meadow Drive, Parachute, CO 81635

Members Lyndsay Allen and Cole Manuppella were present.

Hearing Officer Rubinstein explained this Appeal of Application Denial is based on the August 8, 2022 Order issued regarding lack of an approved Zoning Verification (ZV) and financial information.

Mr. Manuppella clarified the financial deficiency in that the landlord committed to moving a building door if the applicant is issued a local cannabis license through the random selection process but that he has no other interest in the business.

Mr. Manuppella then explained they initially applied for a ZV for a location within the Colorado Mesa University buffer under the entity name Skunkies Lounge, LLC. When that verification was denied, they reached out to the City with their current business name regarding the current location with the stipulation of having the door in the rear of the building to be used as the main entrance in order to comply with the buffer requirement. He said the City told them "to submit the new zoning with the application to the City."

Ms. Allen further explained she applied for a ZV for the 337 North Avenue location under Skunkies Lounge, LLC and was denied because it was within the buffer to Grand Junction High School (GJHS) by 15 feet. At that time, they decided to move the main entrance to the rear of the building to comply with the

buffering requirements and change their entity name to High Colorado, LLC. She said they were told by the City they could reapply noting the change of the main entrance to the rear of the building.

Staff Attorney Merritt stated the City Clerk's Office received High Colorado, LLC's application packet for the 337 North Avenue location and upon review by Deputy City Clerk Selestina Sandoval it was noted the ZV had a hand-written notation, "optional" at the top and did not include the City's verification or reviewed by signature which was an application requirement. Ms. Sandoval contacted Mr. Mannupella regarding both issues. High Colorado, LLC was then issued an application denial letter in part based on the missing approved ZV. High Colorado, LLC then submitted appeal documents that included the Preliminary ZV for 337 North Avenue that was issued under the entity name, Skunkies Lounge, LLC. Community Development Principal Planner Nicole Galehouse reviewed the application and confirmed neither a preliminary nor a final ZV application was received from High Colorado, LLC for 337 North Avenue. Also, per City Code, only one application per location would be accepted so multiple preliminary or final ZV would not have been issued for the same location. Ms. Galehouse spoke with property owner Donald Becraft and let him know the City would not consider the rear door to be the main entrance as it would not be considered the first entrance available to the public.

Landlord Mark Sales said the building has always had two entrances and some businesses used the rear door (faces the alley) as the main entrance since all parking is in the back. He also said he was told Community Development would not accept another ZV application.

Ms. Galehouse noted the initial preliminary ZV was denied because the location is within the GJHS buffer based on the measurement from the "first entrance available to the public" per Code. Subsequently, she told Mr. Sales, per Code moving the "main entrance" to the back would not change the determination. Ms. Galehouse also let him know they could apply for a ZV and when denied could appeal the denial, but she never received another application.

Staff Attorney Merritt noted Mr. Mannupella submitted a ZV application for 810 North Avenue and therefore demonstrated knowledge of the application requirement.

Ms. Allen said she wrote "optional" on the preliminary ZV because she was unsure of the submission process/requirements.

Hearing Officer Rubinstein took this matter under advisement and will issue a written order within 30 days.

#### **IV. Other Business**

There was none.

#### **V. Adjournment**

The meeting adjourned at 11:33 a.m.





# MULBERRY STREET

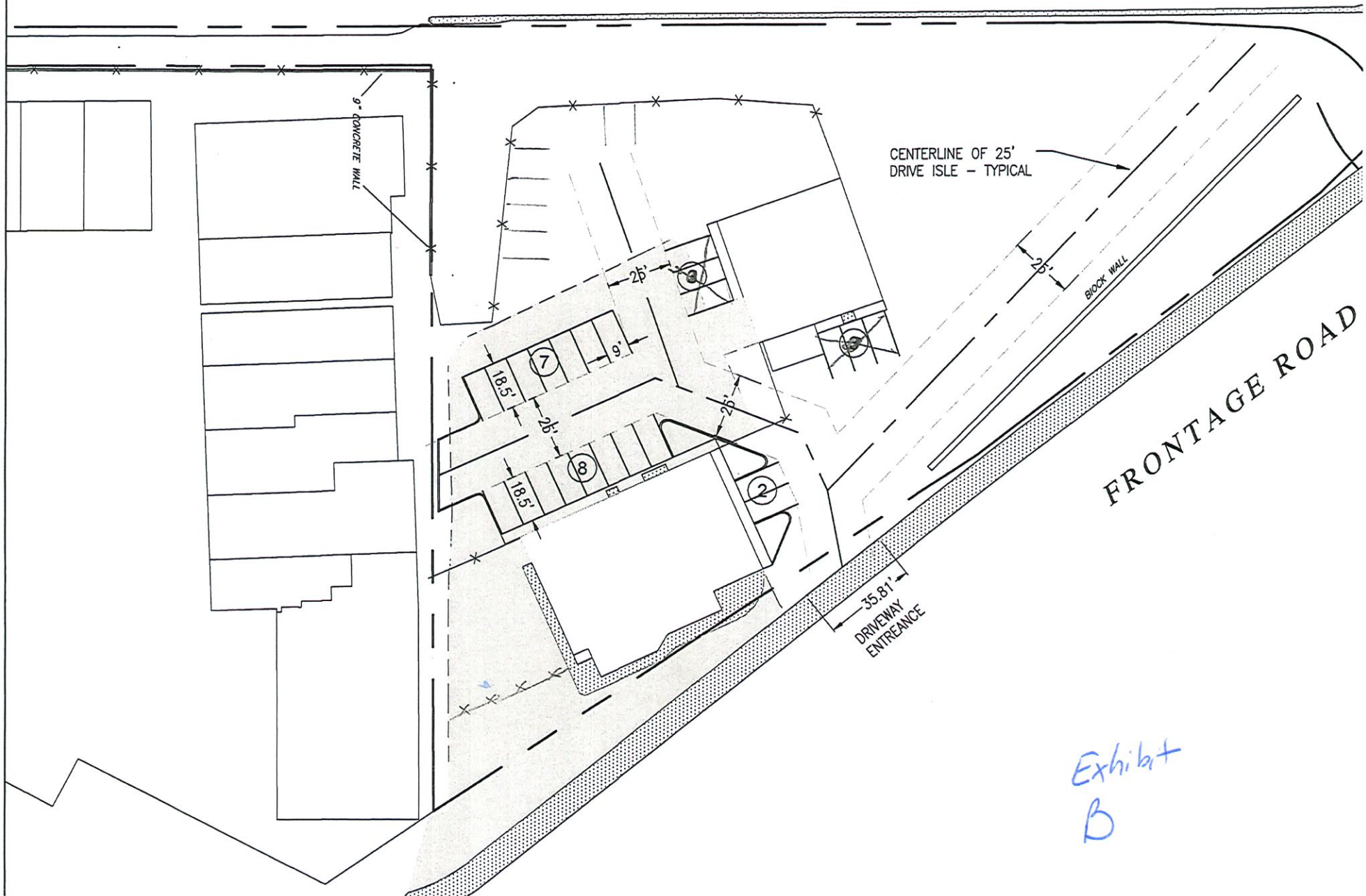
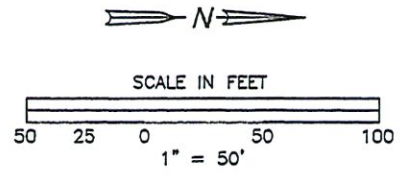
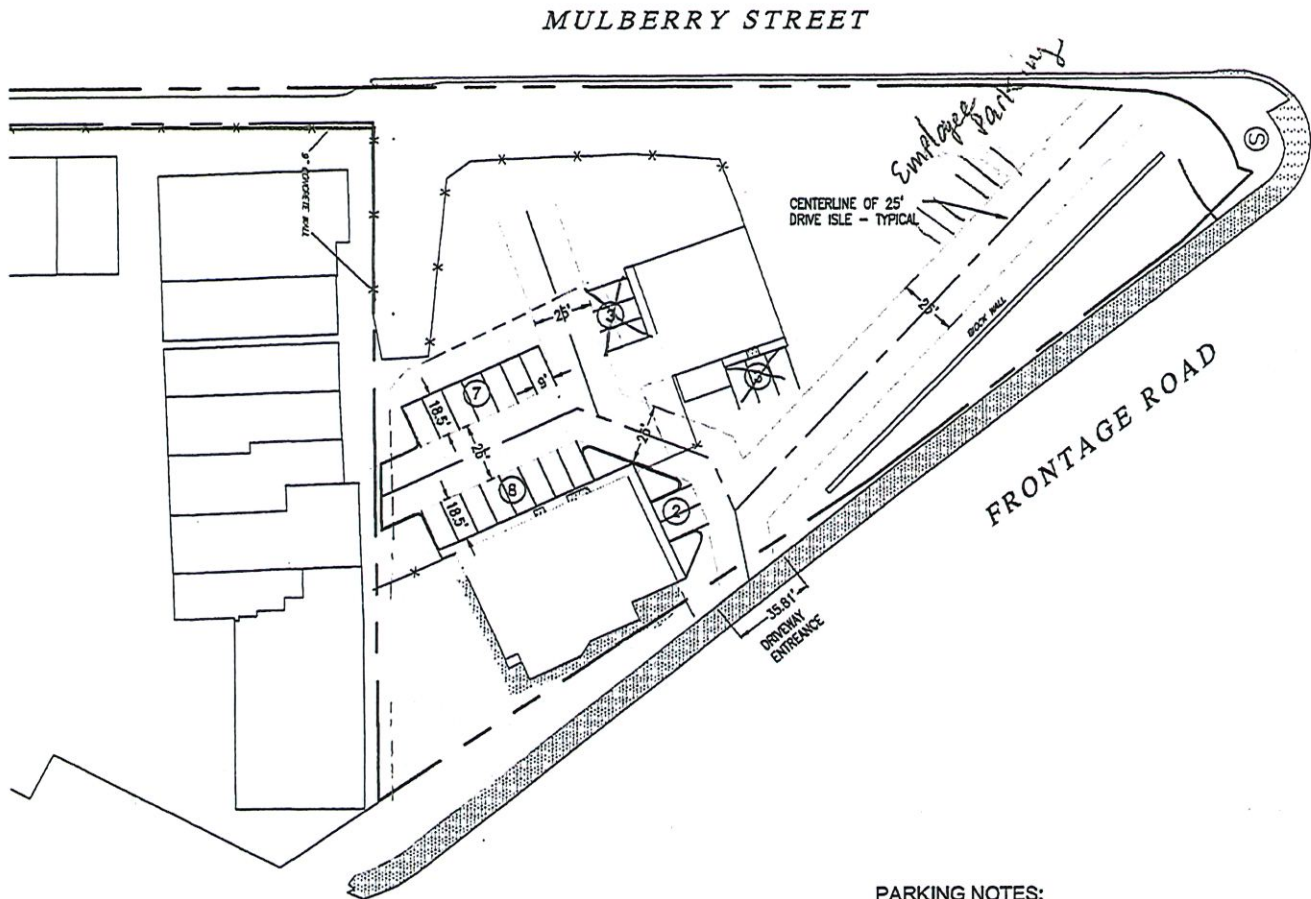


Exhibit  
B



**PARKING NOTES:**  
TOTAL PARKING SPACES SHOWN: 23  
ADA SPACES HAVE NOT BEEN SHOWN

**VORTEX ENGINEERING, INC.**  
REGISTERED PROFESSIONAL ENGINEERS  
881 Road Avenue  
Grand Junction, Colorado 81505  
Phone: (970) 245-9793  
Fax: (970) 244-1722

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R.W. JONES I  
PROFESSIONAL ENGINEER  
Colorado License # 3904

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DATE: 12/26/23  
PROJECT: 25599 HIGHWAY 6, 6, & 50  
DRAWN BY: R.W. JONES I  
CHECKED BY: [Signature]  
APPROVED BY: [Signature]  
SCALE: 1" = 50'  
SHEET: 1 OF 1

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CONCEPTUAL SITE PLAN  
The Kush Gardens Cannabis Co.  
25599 HIGHWAY 6, 6, & 50

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SCALE: 1" = 50'  
DATE: 12/26/23  
PROJECT: 25599  
DRAWN BY: R.W. JONES I  
CHECKED BY: [Signature]  
APPROVED BY: [Signature]  
SHEET: 1 OF 1





# PUEBLO COUNTY

C O L O R A D O

Budget & Finance

Ashley Huggins  
Director

February 2, 2022

To Whom it May Concern:

I have received on time payments from Malibu RDL LLC., license #403R-00773 since December 2016.

If you have any questions, you can reach me at 719-583-6554.

Thank You!

Melissa A. Spengler  
Pueblo County  
Marijuana Tax & Revenue Specialist

*Exhibit  
A*



To whom it may concern,

12.19.2021

My name is Pratt Bethers. I own West Edison INC, we extract cannabis and make concentrates such as wax, shatter, and activated oil.

I have had the pleasure to know and do business with Jack and Diane Brisbin, through their grow and dispensary, for the last 3 years. I have always had exemplary business dealings with them. I know I can count on Jack and Diane to be timely, compliant, responsive, and professional.

Any time there has been even the smallest 'speed bump' they go above and beyond to help me identify and correct the problem.

It has been my experience that they are extremely honest, hardworking, and dependable people.

I greatly value my relationship with them. I can count on one hand the businesses that are as on top of their business as Jack and Diane.

I have the highest regard for Jack and Diane and would be happy to answer any questions or provide further comments.

Any  
Thank you,

Pratt Bethers  
Business as Jar  
[Pratt@westedison.com](mailto:Pratt@westedison.com)

(720) 328-8280 office  
(303) 263-0499 cell



## Letter of Recommendation

Date: 01/07/2022

To Whom This May Concern,

My name is Matthew Terrell, Vice President of Operations, High Spark Management & Consulting. I am proud to offer my recommendation of Jack Brisbin, Malibu RDL LLC, whom I have personally known for three years as a client.

During my relationship with Malibu RDL LLC, I have experienced outstanding work ethics and integrity. In the three years I have worked with Malibu, I have been delighted with the quality of their services, and I look forward to continuing my relationship with them.

Please do not hesitate to contact me if you require any further information.

Matthew E. Terrell  
Vice President of Operations  
Office Hours: M-F 8:30 am-5 pm  
Address: 66 S Logan St, Denver, CO 80209  
p: 720.261.4501  
w: [www.matthew@highsparkgroup.com](mailto:www.matthew@highsparkgroup.com)



Proposed Operating Plan Zuma B LLC- Attachment V

View Obstruction Plan

All exterior doors of the building will be solid metal commercial style doors without windows. As well, any exterior windows will be one way mirrored in order to obstruct view from outside. This will successfully keep the public from being able to view marijuana products from outside the building.

Exhibit B