

Legislation Details (With Text)

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File created: 3/22/2017 **In control:** Planning Commission
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Title: CASE NO. Conditional Use Permit No. 16-041

APPLICANT: Valley Compassionate Care, Inc., Benno Pabst

LOCATION: 68374 Kieley Road (APN: 687-072-030)

REQUEST: Consider a Conditional Use Permit Application to operate a medical cannabis business (dispensary and cultivation site) within an existing industrial building in the I-1 (Light Industrial) Zoning District located at 68374 Kieley Road.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment 1 - Conditions of Approval, 2. Attachment 2 - Site Plan, 3. Attachment 3 - Floor Plan, 4. Attachment 4 - Medical Cannabis License Cultivation, 5. Attachment 5 - Medical Cannabis License Dispensary, 6. Attachment 6 - PC Hearing Notice

Date	Ver.	Action By	Action	Result
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Planning Commission

MEETING DATE: 4/19/2017

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REQUEST: Consider a Conditional Use Permit Application to operate a medical cannabis business (dispensary and cultivation site) within an existing industrial building in the I-1 (Light Industrial) Zoning District located at 68374 Kieley Road.

STAFF PLANNER:

Pat Milos, Community Development Director

RECOMMENDATION:

APPROVE an exemption to the California Environmental Quality Act (CEQA) pursuant to Section No. 15301, Class No. 1 (Existing Facilities).

APPROVE Conditional Use Permit No. 16-041 subject to the attached Conditions of Approval and

based on the findings contained in the staff report.

FINDINGS:

APPROVAL OF AN EXEMPTION TO CEQA based on the finding that the project qualifies as Categorically Exempt under Section No. 15301, Class No. 1 (Existing Facilities) of the State CEQA Guidelines.

APPROVAL OF CONDITIONAL USE PERMIT NO. 16-041, subject to the attached conditions of approval, and based on the following findings:

1. The medical cannabis business to be located at 68374 Kieley Road in the I-1 Zoning District is authorized as a conditional use per the City of Cathedral City Zoning Ordinance, Chapter 9.40.
2. The medical cannabis business as well as all operations as conducted therein, fully complies with all applicable building, electrical, zoning and fire codes, accessibility requirements of the Americans with Disability Act (ADA), and all relevant City and State Law. Staff has reviewed the site and floor plans submitted and determined that, as conditioned herein, the medical cannabis business will comply with all relevant building codes, zoning, and the ADA.
3. The medical cannabis business fully complies with and meets all operating criteria required pursuant to State Laws, Chapter 5.88 of the City Municipal Code (CCMC), any other provisions of the CCMC, and any specific, additional operating procedures and measures as may be imposed as conditions of approval in this conditional use permit. The applicant has been granted a local license (MCL No. 16-040- D & C) in accordance with Chapter 5.88 of the CCMC, and in granting the local license the City Manager determined that the medical cannabis business was in compliance with all applicable laws regarding the operation of the business.
4. The number, type, and availability of dispensaries located in or near the proposed licensed premises are such that the issuance of a conditional use permit to the Applicant will not result in or add to an undue concentration of Dispensaries and/or result in a need for additional law enforcement resources. There are no approved dispensaries located in the immediate vicinity of the proposed dispensary. There is no evidence that any negative secondary effects associated with dispensaries are occurring in the area.
5. The medical cannabis business is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located. By allowing medical cannabis businesses in certain zones, the City Council has determined that medical cannabis businesses are necessary and desirable for the development of the community, is consistent with the general plan, and will not be detrimental to other uses in the zones.
6. The site for the medical cannabis business is adequate in size and shape to accommodate such use and any and all of the yards, setbacks and walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses on land in the

neighborhood. The medical cannabis business meets all site development standards.

7. The site for the medical cannabis business relates properly to streets and highways which are designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use. The medical cannabis business primary collector streets is Cathedral Canyon Road, both have adequate capacity to serve the limited traffic that will be generated by the use.

8. The applicant agrees to comply with any and all of the conditions imposed by the Planning Commission or be subject to a revocation hearing.

BACKGROUND:

City ordinances allow for the establishment of medical cannabis businesses (dispensaries, cultivation sites and manufacturing sites) within certain zoning districts of the City, subject to a Conditional Use Permit (CUP). The ordinances regulating medical cannabis businesses are codified at CCMC Chapter 5.88 and 9.108 (the "Ordinance").

Under the ordinance, medical cannabis businesses are required to obtain both a medical cannabis license (local license) and CUP. For the local license, applicants are required to submit various documents such as the ownership structure of the medical cannabis business, a general description of the products and services to be provided and security and delivery plans. In addition, all owners, directors, officers and persons who are managing or otherwise responsible for the activities of a proposed medical cannabis business must submit to a background check. The City Manager, or his designee, shall decide whether to approve or deny a local license application.

A Local License and Conditional Use Permit for a dispensary and cultivation site application were submitted on October 18, 2016. The Local License application was reviewed by staff including the Police Department, the background check completed and the licenses were granted on March 28, 2017 (see Attachment No. 4 & 5).

ANALYSIS:

The project site is located within the I-1 (Light Industrial) Zoning District. The surrounding uses include a construction materials supply company, an equipment rental facility, automotive body and engine repair and towing facilities. Pursuant to CCMC section 9.108.090, a dispensary and cultivation site may only be located within the I-1 (Light Industrial), CBP-2 (Commercial Business Park) Zoning District or PCC (Planned Community Commercial) Zoning Districts.

Furthermore, no dispensary shall be located: a) within six-hundred (600) feet of a school, day care center, or youth center; or b) within two-hundred and fifty (250) feet of East Palm Canyon Drive or a residential zone. Staff has confirmed that the subject location does not violate any of the applicable location restrictions set forth in the CCMC.

Furthermore, no cultivation site shall be located: a) within six-hundred (600) feet of a school, day care center, or youth center; b) within three hundred (300) feet of a residential zone, or C) within two hundred and fifty (250) feet of East Palm Canyon Drive. Staff has confirmed that the subject location

does not violate any of the applicable location restrictions set forth in the CCMC

The existing two-story industrial building is approximately 6,541 square feet in total and is located on a 10,813 square foot lot. The applicant is proposing a 900 square foot dispensary facility which includes a secure reception area, waiting room, lounge and restroom facilities on the first floor. The applicant is proposing to have approximately 1,983 square foot of cultivation site at the rear of the existing building (first floor). The applicant is proposing to have the second floor dedicated to cultivation. The second floor cultivation area will have eight (8) rooms with a total area of approximately 3,658 square foot; however the combined cultivation site area is approximately 5,641 square feet.

The applicant is proposing to install an electrical transformer and switch gear, construct new landscape planters, and construct a new trash enclosure (per City Standard).

Based on the proposed uses, the applicant is required to have four (4) off-street parking spaces for the dispensary and six (6) off-street parking spaces for the cultivation with a least one being ADA van accessible space. Therefore, the applicant is required to have 10 parking spaces for the project. The Applicant is providing a total of eight (8) parking spaces (one ADA van accessible space and seven (7) regular parking spaces) with four (4) of those spaces behind the gated area and designated for employee parking. Section 9.58.010(B) of the Code authorizes the Planning Commission to approve a project that does not provide the requisite number of off-street parking spaces if the Commission finds that the reduction is justified

The applicant is proposing to repaint the existing building with the existing color to freshen the appearance. Additionally, the applicant is proposing the removal of the exterior metal staircase at the front of the building to open up the area and make the frontage more appealing and renovate the landscaping as well as adding curbing and landscape along the north and west areas of the employee parking area.

The applicant is proposing to frame in the existing door and storefront windows located on the south and east elevations of the building including the second story balcony. The proposed material of the walls will be similar to the existing building which will continue the architectural style of the building. Also, applicant is proposing to frame in the open area on the first floor to convert into cultivation area. Based on the location the proposed cultivation area, there are no issues with setbacks or building height. In addition, the building does not face a public road and is largely screened from public view by surrounding commercial buildings, landscaping and an existing block wall along Kieley Road. As a result, staff reviewed the changes made to the building and no formal review by the Architectural Review Subcommittee was needed. The Planning Commission will take final action on this matter unless it is appealed to the City Council.

Upon inspection of the site, there were a number of other concerns that the applicant has agreed to address and have been incorporated into the Conditions of Approval:

1. A new trash enclosure location shall be approved by local waste hauler, Burrtec and shall be

constructed per City standard.

2. The proposed parking area shall be repaved, parking stalls restriped and signed in accordance with ADA (Americans with Disabilities Act) standards.

3. The applicant shall construct a sidewalk along the south facing frontage of the site to the satisfaction of the City Engineer.

4. All existing broken or damaged curb, gutter and drive approaches shall be replaced and/or repaired as determined by the City Engineer.

5. Illuminated building address numbers, a minimum of 8 inches in height, shall be placed on the building, plainly visible from the street, and be internally or externally illuminated.

6. Landscaping shall be renovated to comply with current City design standards and requirements.

ENVIRONMENTAL ANALYSIS:

Categorical Exemption under Section No. 15301, Class No. 1 (Existing Facilities) of the State CEQA Guidelines, which allows tenant improvements in existing buildings to be exempt. Since there is no outside expansion, this qualifies for a Class No. 1 Exemption.

NOTE: The City of Cathedral City Planning Department is custodian of the documents or other material, which constitute the record of proceedings upon which this decision is based.

PUBLIC NOTIFICATION:

This project and the environmental determination were noticed in accordance with the City Municipal Code and CEQA (see Attachment No. 6).

ATTACHMENTS:

Attachment 1:	Conditions of Approval
Attachment 2:	Site Plan
Attachment 3:	Floor Plan
Attachment 4:	Local Cultivation License
Attachment 5:	Local Dispensary License
Attachment 6:	Public Hearing Notice