

MEETING DATE: 12/14/2016

TITLE:

Appeal of Planning Commission Denial of Conditional Use Permit 16-038 for Green Dragon Collective, 68860 Perez Road, Suite K

FROM:

Pat Milos, Community Development Director

RECOMMENDATION:

Staff recommends the City Council hear an appeal of the decision of the Planning Commission to deny a Conditional Use Permit; hold a public hearing; and then affirm, modify or reverse the Planning Commission decision.

BACKGROUND:

Section 9.72 of the Cathedral City Municipal Code states that a "Conditional Use Permit is intended for those types of land uses which require special consideration because they possess unique characteristics or present special issues that make being a permitted use impractical or undesirable." The Conditional Use Permit process provides a mechanism for the Planning Commission and in the case of an appeal the City Council, to impose conditions to mitigate the potential negative impacts of a particular use. Typical conditions address impacts such as traffic, parking, noise, odors, light pollution, vibration, smoke or other concerns associated with the proposed use.

In this instance the Planning Commission denied a Conditional Use Permit.

In the appeal process, the City Council has several resources to draw upon in order to reach a conclusion about the merits of the application including, but not necessarily limited to:

1. The original Planning Commission staff report prepared for consideration by the Planning Commission (Attachment 2)
2. The record of the Planning Commission meeting (minutes) of October 19, 2016 (Attachment 7)
3. The official applications for an appeal filed with the Community Development Department (Attachment 8)

4. Testimony of the applicant and the public at the public hearing

Once the City Council has had an opportunity to review the information listed above and held a public hearing, the City Council will need to deliberate on whether the decision of the Planning Commission should be affirmed, reversed or modified.

DISCUSSION:

On October 19, 2016 the Cathedral City Planning Commission denied Conditional Use Permit 16-038 for Green Dragon Collective (Glenn Standridge) to operate a Medical Cannabis Business (dispensary with delivery service) in the Light Industrial (I-1) District of Cathedral City. The Planning Commission denial was based on the Commission's concern that granting the CUP as described in the staff report would be detrimental to existing uses specifically permitted in the I-1 Zone in which the applicants proposed use would be located. Following the denial by the Planning Commission, and within the 10 day appeal period, an appeal of the Planning Commission's decision was filed with the Deputy City Clerk.

In accordance with Section 9.72.080 of Title 9, Planning, Zoning, and Subdivisions of the Cathedral City Municipal Code, any person aggrieved or affected by the final determination of the Planning Commission concerning an application for a Conditional Use permit including any conditional requirement imposed on the project may appeal the decision within 10 calendar days. The Council may affirm, reverse or modify, in whole or in part, any final determination, condition or requirement of the Planning Commission.

The process for hearing the appeal is typically a summary of the situation by staff followed by testimony of the appellants. Following that testimony the City Council should open a public hearing and take comment from those in attendance. Following the hearing the City Council will take action on the appeal. The City Council has several options in relation to the appeal:

1. The City Council may affirm, in whole, the decision of the Planning Commission.
2. If the City Council finds that new or additional information has been discovered in the appeal process that may result in the Planning Commission reaching a different conclusion, the City Council may remand the application back to the Planning Commission with direction to consider the new or additional information.
3. The City Council may remand the application back to the Planning Commission with direction to further review specific elements of the proposal and impose conditions to mitigate the potential impact on the neighborhood.
4. The City Council may modify the approval of the Planning Commission to impose additional, fewer, modified conditions that the City Council finds will better mitigate the potential negative impacts of the

proposal.

5. The City Council may reverse the decision of the Planning Commission and approve the Conditional Use Permit if the City Council finds the applicant is willing and able to satisfy the conditions of approval.

FISCAL IMPACT:

There is no direct fiscal impact related to this action

ATTACHMENTS:

1. Public Hearing Notice for Planning Commission CUP 16-038
2. Planning Commission Staff Report for CUP 16-038
3. Planning Commission Conditions of Approval for CUP 16-038
4. Planning Commission Site Plan for CUP 16-038
5. Planning Commission Floor Plan for CUP 16-038
6. MCL 16-008 Local License
7. Minutes of the October 19, 2016 Planning Commission Meeting
8. Appeal of CUP 16-038 (Appellant Document)
9. Public Hearing Notice for Appeal for CUP 16-038