

REPORT TO THE PLANNING COMMISSION



DATE: June 11, 2019

TITLE: Request for a one-year Time Extension for Conditional Use Permit No. 22-14 to operate a cannabis dispensary in a commercial building located at 11940 Palm Drive (APN: 639-293-029).

Prepared by: Judy Deertrack, Assistant Planner

Reviewed by: Rebecca Deming, Director of Community Development

RECOMMENDATION

- 1) Staff Report;
- 2) Entertain Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 4) Take Testimony from Applicant;
- 5) Take Public Testimony
- 6) Opportunity for Applicant Rebuttal;
- 7) Close the Public Hearing;
- 8) Planning Commission discussion and questions to Staff; and
- 9) Recommendation from staff that the Planning Commission approve a one-year extension of time for Conditional Use Permit No. 22-14 located at 11940 Palm Drive, subject to staff's recommended conditions.

PRIOR ACTIONS

On March 20, 2017, the applicant submitted an application for a Conditional Use Permit (CUP) to allow a cannabis dispensary to operate in an existing retail commercial building at 11940 Palm Drive. On June 13, 2017, CUP 22-14 was heard by the Planning Commission and approved, with Conditions of Approval.

The code history reflects that the building was significantly fire damaged in 2015, prior to approval. Several notices were issued to the property owner from 2014-2016 citing violations including plumbing and electrical corrections that are extensive. The records indicate no permit was ever obtained to correct the violations.

DISCUSSION

The applicant, Stephanie Bodde, acting for Desert Hot Springs Dispensary (DHSD) has requested a one (1) year extension of time for Conditional Use Permit (CUP) 22-14 from June 13, 2019, to June 13, 2020.

The property in question has a history of illegal work performed including plumbing, electrical, drywall, etc. Applicant's good cause letter for the extension is based upon delays caused by a contractor who altered the interior of the building without necessary permits. Applicant has hired a new contractor to correct the many existing code violations and unpermitted work to bring the building and its premises into code compliance, but to date no building permit applications have been submitted, nor have any inspections been scheduled to resolve the numerous violations.

Staff has concerns about granting an extension of time on a project without some clear path of resolution on these issues and is therefore recommending Condition No 1. "the applicant/developer shall correct the code violations and obtain all necessary permits (to a level

that is satisfactory to the Community Development Director) within 60 days of the granting of the Time Extension, or the Time Extension shall become null and void. “

Applicant has stated in her letter for good cause that subsequent to the approval of the Conditional Use Permit, masses of trash and debris were removed from the property, along with relocation of dozens of homeless people. Applicant asserts that remodeling the building has required extensive renovations at great expense, and that 75% of the electrical and wiring is complete. Noting the inspection requirements by the City, and with a newly hired licensed contractor, applicant anticipates completed renovations within 3-6 months, depending upon permits, inspections, and construction timelines.

BACKGROUND

Pursuant to Section 17.76.090 Time extension, *“The Planning Commission for good cause, grant a time extension not to exceed 12 months. Upon granting of an extension, the Commission shall ensure the Conditional Use Permit complies with all current Zoning Ordinance provisions.”*

NOTICING REQUIREMENT

The project was noticed to neighboring owners within a 300-foot radius of the project site on May 30, 2019 and was advertised in the Desert Star Weekly on May 31, 2019, per noticing requirements. No public comments have been received as of this writing.

FISCAL IMPACT

Business will contribute to the city in way of 10% taxation of profits and \$25.00 per square foot for any area used for ancillary cultivation.

EXHIBIT(S)

1. Draft Conditions of Approval
2. Site Plan
3. Floor Plan – 1st Floor
4. Floor Plan – 2nd Floor
5. Elevations (West)
6. Elevations (N-S-E)
7. Landscape Plan
8. Lighting
9. Code Case 2013-00000394
10. Applicant Good Cause Letter
11. Site Photo, from Pierson
12. Site Photo, from City Hall