

RESOLUTION 22-16

A Resolution of the Fairfax Town Council Dismissing as Moot an Appeal of a Planning Commission denial of a Conditional Use Permit and Formula Business Conditional Use Permit for a Medical Cannabis Storefront Retailer/Adult-Use Retail Delivery-Only Business located at 1930 Sir Francis Drake Boulevard

WHEREAS, the Town of Fairfax received an application to convert the structure at 1930 Sir Francis Drake Boulevard into a combination medical retail storefront and adult use delivery only cannabis business at 1930 Sir Francis Drake Boulevard from Element 7/Fairfax Remedy on January 6, 2020; and

WHEREAS, the submitted application included requests for a Conditional Use Permit, and Formula Business Conditional Use Permit, Commercial Cannabis Business Permit, Design Review Permit and Sign Exception Permit; and

WHEREAS, the Planning Commission held duly noticed Public Hearings on September 16, 2021 and October 21, 2021, at which time all interested parties were given a full opportunity to be heard and to present evidence; and

WHEREAS, the Planning Commission denied the application for a Conditional Use Permit and Formula Business Conditional Use Permit and the applicant timely appealed the denial to the Town Council; and

WHEREAS, the Town Council held a duly noticed Public Hearing on February 2, 2022 and continued the matter to the March 2, 2022 Council meeting; and

WHEREAS, the Town Council has denied the Commercial Cannabis Business Permit and accompanying Design Review Permit and Sign Exception Permit by adopting Resolution 2022-15; and

WHEREAS, the Town Council's denial of the Commercial Cannabis Business Permit renders the appeal of the Planning Commission's denial of the Conditional Use Permit and Formula Business Use Permit moot, as the Commercial Cannabis Business Permit is required to operate the proposed cannabis business at the proposed location; and

WHEREAS, the Town Council finds that the aforementioned recitals are true and correct and are hereby incorporated into this Resolution.

NOW, THEREFORE BE IT RESOLVED, the Town Council of the Town of Fairfax hereby finds and determines as follows:

1. The Town Council's adoption of Resolution 2022-15 denying the application for a Commercial Cannabis Business Permit at the proposed location renders the appeal of the Conditional Use Permit and Formula Business Conditional Use

Permit moot, as the Commercial Cannabis Business Permit is necessary and required to operate a cannabis business at the proposed location.

2. The Town Council hereby dismisses as moot the applicant's appeal from the Planning Commission's denial of the Conditional Use Permit and Formula Business Conditional Use Permit.

The foregoing resolution was adopted at a regular meeting of the Town Council Planning Commission held in said Town, on the 2nd day of February 2022, by the following vote:

AYES:

NOES:

ABSENT:

Mayor Stephanie Hellmann

Attest:

Michele Gardner, Town Clerk