

ORDINANCE NO. 1186

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA APPROVING CHANGE OF ZONE 21-01 FROM M-H (MANUFACTURING HEAVY) TO M-S (MANUFACTURING SERVICE) AND ADD THE INDUSTRIAL PARK OVERLAY ZONE AMENDING THE OFFICIAL ZONING MAP FOR PROPERTY LOCATED 86705 AVENUE 54. APPLICANT: COACHELLA RELEAF, ADRIANA GONZALEZ. (1st Reading)

WHEREAS, Adriana Gonzalez filed an application for Change of Zone 21-01 to change the zoning from M-H (Manufacturing Heavy) to M-S (Manufacturing Service) and add the Industrial Park Overlay Zone on a 1.74 acre parcel of vacant land and attendant applications Conditional Use Permit 337 and Variance No. 21-01, located at 86705 Avenue 54; Assessor’s Parcel No. 764-280-010 (“Project”); and,

WHEREAS, the City has processed Change of Zone 21-01 pursuant to the Coachella Municipal Code, the California Government Code and the California Environmental Quality Act of 1970 as amended; and,

WHEREAS, on August 4, 2021 the Planning Commission of the City of Coachella held a duly noticed and published Public Hearing and considered the CEQA document and the proposed project and recommended to the City Council approval of Change of Zone 21-01 adopting the recommended findings and staff recommendations; and,

WHEREAS, on August 25, 2021 the City Council of the City of Coachella held a duly noticed and published Public Hearing wherein the public was given an opportunity to testify regarding the proposed project, and wherein the City Council approved Change of Zone 21-01 adopting the recommended findings and staff recommendations; and,

WHEREAS, the City Council of the City of Coachella finds that the applicant’s request for Change of Zone 21-01 is internally consistent with the overall goals, objectives, policies and implementation measures of the Coachella General Plan 2035.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. That the City of Coachella Official Zoning Map be amended as shown on the attached Change of Zone 21-01 Map marked “Exhibit A” from M-H (Manufacturing-Heavy) to M-S-IP (Manufacturing Service – Industrial Park Overlay) for 1.74 acres located at 86705 Avenue 54, with the findings listed below.

Findings for Change of Zone 21-01:

1. That the strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the chapter as the subject site is located in Subarea #7 (South Employment District) and consistent with zoning requirements of the Industrial Overlay Zone, except for the minimum project area of 10 acres, minimum individual 5 acre lot size, and minimum lot depth of 220 feet. The subject site is within a project area defined by a previous subdivision under parcel map 26716 consisting of 7.91 acres, has an individual lot size of 1.74 acres, and a lot depth of 165 feet. The proposed change of zone from M-H to M-S would be consistent with the intent and purpose of the Industrial Park Overlay Zone as the subject site is within a project area that is well-planned with orderly development of industrial multi-tenant buildings with existing on-site improvements. The proposed retail cannabis use is consistent with the distance requirements of retail microbusinesses in the IP Overlay Zone from residential zones uses and Avenue 52. The existing building on the subject parcel is approximately 5,400 feet from the nearest building on a residentially zoned lot and therefore consistent with the minimum 1,000 foot distance of the use from any residentially zoned lot. Retail cannabis microbusinesses are not permitted within 800 feet of Avenue 52. The proposed business is more than 4,000 feet away from Avenue 52. Due to the subject site location significantly beyond the IP Overlay Zone and Retail Cannabis Business distance requirements for cannabis uses from residential uses and other sensitive uses, the proposed use would not present an adverse impact to the community. In fact, the change of zone from M-H to M-S would permit less intensive industrial uses permitted in the M-S zone and IP Overlay District.
2. That there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings, that do not apply generally to other property in the same zone and vicinity, in that the subject parcel is within Parcel Map 26716 and the gross area of the project area consists of 9.61 acres, inclusive of dedicated lots for Enterprise Way and Avenue 54, or .4 acres below the minimum required 10 acre project area. The site is located in boundary area designated by the City Council, Subarea #7 as appropriate for cannabis uses.
3. That such variance and change of zone is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity, but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question in that the subject parcel is in a project area developed in a well-planned and orderly development as intended by the Industrial Park Overlay Zone and is within a boundary that the overlay zone is applicable to with the exception of the corresponding M-S zoning and minimum 10 acre project area. The gross project area for Parcel Map 26716, in which the subject parcel is a part, is 9.61 acres and therefore substantially consistent with the minimum required project area.
4. That the granting of such variance and approval of the change of zone will not be materially detrimental to the public welfare or injurious to the property or improvements in the same

zone or vicinity in which the property is located in that the proposed zone change of the subject site from M-H to M-S and the application of the IP Overlay Zone would reduce to intensity of industrial uses that could be permitted on-site. Furthermore, cannabis related businesses are subject to findings and conditions of a conditional use permit. If a cannabis related business operating on the subject site was determined to be operating in violation of conditions of approval of the conditional use permit then the City of Coachella Planning Commission may revoke the conditional use permit.

5. That the granting of the change of zone and associated variance will not adversely effect any element of the general plan. In fact, the Subarea #7 (South Employment District) identifies a vision for an employment district that contain a diversity of job-producing uses. Furthermore, policy direction for Subarea #7 allows support retail and services that support employment uses.

Section 2. SEVERABILITY The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 3. EFFECTIVE DATE This ordinance shall take effect thirty (30) days after its second reading by the City Council.

Section 4. CERTIFICATION The City Clerk shall certify to the adoption of this Ordinance and shall cause it to be published and circulated in the City of Coachella.

ORDINANCE PASSED AND APPROVED on this ____ day of _____, 2021.

Steven Hernandez, Mayor

ATTEST:

Angela M. Zepeda, City Clerk

APPROVED AS TO FORM:

Carlos Campos, City Attorney

I, Angela M. Zepeda, City Clerk, City of Coachella, California, certify that the foregoing Ordinance No. 1186 was adopted by the City Council at a regular meeting of the City Council held on the _____, of _____, 2017, and was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Angela M. Zepeda, City Clerk

EXHIBIT A

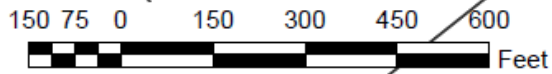


54TH AVE

**Existing M-H (Heavy Industrial) Zone
to
Proposed M-S (Manufacturing Service) Zone,
Industrial Park Overlay Zone**

APN# 764-280-010 (1.74 acres)

ENTERPRISE WAY



Change of Zone 21-01 Exhibit

2021