

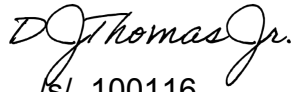
RETURN DATE: October 15, 2024 : **SUPERIOR COURT**
PVG LLC dba RODEO CANNABIS CO. : **J/D OF ANSONIA-MILFORD**
VS. : **AT MILFORD**
PLANNING & ZONING COMMISSION
OF THE CITY OF SHELTON : **September 18, 2024**

CITATION

You are hereby commanded by the authority of the State of Connecticut to summon the Planning and Zoning Commission of the City of Shelton, Connecticut to appear before the Superior Court for the Judicial District of Ansonia / Milford, at Milford at 14 West River Street, Milford, CT 06460 within two days after the return date of October 15, 2024, then and there to answer the attached appeal of PVG LLC dba Rodeo Cannabis Co., a Connecticut limited liability company, with a business address of 221 Old Cider Mill Rd, Southington, CT, 06489, by leaving two true and attested copies of this Citation and the attached Appeal, at least 12 days before the Return Date, with the Town Clerk of the City of Shelton, 54 Hill Street, Shelton, Connecticut and directing the Town Clerk to retain one copy and forward the second copy to the Planning and Zoning Commission, pursuant to §§8-8(f) and 52-57(b)(5) of the Connecticut General Statutes, such appearance shall not be made in person, but shall be made by filing a statement of appearance with the Clerk of the Superior Court, whose address is 14 West River Street, Milford, CT, on or before the second day following the Return Date.

Hereof fail not, but of this writ and you doings thereon make due service and return according to law.

Dated this 18th day of September, 2024.


/s/ 100116

BY: DOMINICK J. THOMAS, JR.
Cohen and Thomas, Juris #010072
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COMPLAINT / APPEAL FROM A DECISION OF
THE PLANNING AND ZONING COMMISSION OF THE CITY OF SHELTON

1. The plaintiff, PVG LLC dba RODEO CANNABIS CO., is the applicant and tenant in property located at 504 Bridgeport Avenue, Shelton, Connecticut, (hereinafter "Property").
2. The plaintiff has a license from the State of Connecticut Department of Consumer Protection for the retail sale of cannabis.
3. The Property is zoned Planned Development District ("PDD") #48 and, pursuant to the Statement of Uses and Standards ("SOUS"), §5(b) of PDD #48, "Stores and other buildings and structures where goods are sold or service is rendered primarily at retail" is a permitted use as of right in PDD #48.
4. On or about April 11, 2024, the plaintiff made application to the defendant, Planning and Zoning Commission of the City of Shelton for a retail cannabis store of approximately 2,000 square feet in a portion an existing building located on the Property.
5. The defendant received the application at its May 8, 2024, meeting and set a public hearing for June 19, 2024, at which time the defendant received evidence from the applicant, staff and public and closed the public hearing.
6. On August 28, 2024, the defendant voted to deny the application.

7. The decision of the defendant was published in the Connecticut Post on September 18, 2024.
8. The plaintiff is statutorily aggrieved by the decision of the defendant in that it is the tenant of the Property and the applicant for the approval of retail use in PDD #48 and the denial of the application by the defendant is illegal, arbitrary and an abuse of discretion.
9. The defendant, in denying the application of the plaintiff, acted illegally, arbitrarily and in abuse of the discretion vested in it by law as an administrative agency in that:
 - a. The use proposed by the plaintiff is a store where goods are sold at retail which use is permitted as of right in PDD #48.
 - b. The claim of the defendant that it has discretion with respect to approved uses within a PDD is without any legal basis; and/or
 - c. There is no evidence in the record to support claims of the defendant of parking, traffic and tenant problems which claims were based on speculation of the defendant commissioners; and/or
 - d. The claim of the defendant that "Retail sales did not mean dispensaries of federally illegal Schedule I drugs. At the PDD's inception, the Drug Enforcement Agency of the United States considered cannabis to be Schedule I and illegal" is contrary to the law of the State of Connecticut and cannot be a basis for denying an application of a use that is a matter of right in the zone in which it is located ; and/or
 - e. There is no substantial evidence in the record to support any of the reasons stated by the defendant for denial of the plaintiff's application .

WHEREFORE, THE PLAINTIFF PRAYS THAT:

1. The appeal be sustained and the application of the plaintiff for the retail use on the Property be approved.
2. The Court award fees and costs in accordance with Connecticut General Statutes §8-8(l).
3. Such other relief as the court may deem appropriate.

Dated this 12th day of September, 2024.

PLAINTIFFS / APPELLANTS

/s/ 100116 

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