



PUBLIC HEARING REPORT  
Development Services  
For the November 26, 2019 Public Hearing

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DATE: November 19, 2019 File: Z 19-11

TO: Paul Gipps, CAO

FROM: Chris Oliver

RE: Application: Z 19-11, Site Specific Text Amendment (PH), 2475 Dobbin Road  
Legal: Lot A District Lot 486 ODYD Plan 36181  
Owner: Anterra Westbank Towne Centre LTD.  
Agent: BC Liquor Distribution Branch (LDB)

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**LEGISLATIVE REQUIREMENTS:**

Section 464 of the *Local Government Act* requires a local government to hold a public hearing as part of the bylaw amendment process to allow the public to make representations to Council regarding the matters contained in the proposed bylaw amendment. The public hearing must be held after first reading and before third reading. Notification of the public hearing was completed in accordance with Section 466 of the *Local Government Act*.

Council has the authority under s.479 of the *Local Government Act* to create and amend the Zoning Bylaw.

**BACKGROUND:**

**Proposal**

The applicant has applied for a site-specific text amendment to Zoning Bylaw No. 0154 to allow for a Non-Medical Cannabis Retail Store within a unit located at 2475 Dobbin Road (*Attachment 1*). In addition to retail sales, the proposal also includes the regional office for BC Cannabis Stores in the Okanagan Valley (from Osoyoos to Vernon) which would provide administration, management, and staff training for the regional stores.

**History**

On September 4, 2018, Council directed the development of a municipal framework that would require proponents for non-medical cannabis retail stores to obtain site-specific zoning approval and further directed the development of a proposed intake process for applicants.

On October 2, 2018, Council adopted the Non-Medical Cannabis Retail Store Rezoning Policy which included a framework and review matrix that would guide the acceptance and evaluation of applications. The framework and matrix were largely based on the criteria that the BC Liquor Distribution Branch (LDB) were applying in the selection of their store locations and store operation. The Policy was created to help inform Council's decision making to select four cannabis

retail stores based on a variety of considerations including location, security, form and character, bylaw compliance and underlying Zoning.

Through the selection process, Council brought five site-specific rezoning applications forward and as of July 9, 2019, all five have been approved by Council. Two of the approved non-medical cannabis retail stores are in Westbank Centre and three are located in the Boucherie Centre/West Kelowna Business Park.

While the Policy provides direction for the initial intake period of Non-Medical Cannabis Retail Store applications, Section 6.1 maintains Council's discretion in consideration of applications for rezoning and the ability to exempt applications from the Policy or require additional considerations not included in the Policy (*Attachment 2*).

### **LDB Application**

The BC Liquor Distribution Branch (LDB) undertook efforts to locate available spaces as part of the City's initial intake process but were unable to do so due to a lack of availability to substantiate long term tenancy and capital investment. Since the initial period, the LDB has secured a suitable location that meets the criteria of the LDB and substantially meets the City's Policy. Staff initially brought the LDB's request for consideration of a BC Cannabis Store to Council on July 23<sup>rd</sup>, 2019, which was not supported by Council.

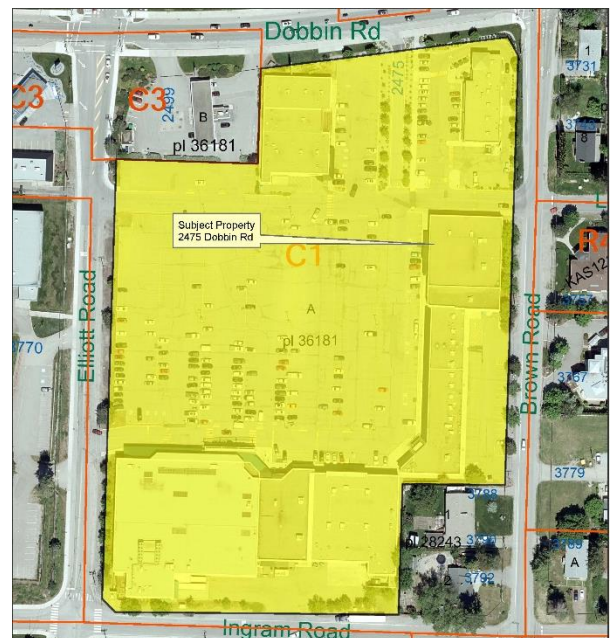
On August 13<sup>th</sup>, 2019, after reconsideration of the request, Council directed staff to accept a sixth Zoning Bylaw amendment application for a BC Cannabis Store. The Non-Medical Cannabis Retail Store Rezoning Policy in accordance with the Development Application Procedures Bylaw outlines the application procedures under which proposals for retail cannabis applications are submitted, assessed and approved to operate in the City.

### **Location and Surrounding Uses**

The subject property is located in a unit on the East side of the parcel in an existing multi-tenant building located at 2475 Dobbin Road in West Kelowna. The subject property is approximately 9.7 acres which fronts the Eastbound couplet of Hwy 97 in the Westbank Centre neighbourhood. There are 4 existing multi-tenant buildings on the site with various uses including Save-On Foods, Shoppers Drug Mart, Home Hardware, BC Liquor Store, and various uses including financial, personal services, offices, retail and food service.

The subject property is located in the Westbank Centre neighbourhood and is surrounded by the following uses:

- North – C1, C3 and C4 Zoned Parcels; Hwy 97
- East – R1, R4, and R5 Zoned Parcels
- South – R5 and RC1 Zoned Parcels
- West – P2 and C1 Zoned Parcels



**Figure 1 – Subject Property**

The subject property is located within 800m of multiple Provincial highway intersections and is not directly adjacent to other approved non-medical cannabis retail stores.

## **Policy and Bylaw Review**

### *Official Community Plan Bylaw No. 0100*

The proposed site-specific text amendment to allow for a Non-Medical Cannabis Retail Store is supported by the existing Commercial Land Use Designation in the Official Community Plan.

### *Zoning Bylaw No. 0154*

The subject property is zoned C1-Urban Centre Commercial which currently supports a mix of uses including general retail which permits the sale of alcohol. In addition to being commensurate with the purpose of the C1 Zone, the proposed use can be accommodated in the existing building and satisfies all applicable parking requirements in Zoning Bylaw No. 0154.

### *Non Medical Cannabis Retail Store Rezoning Policy*

Based on the evaluation matrix used to score applications during the initial intake period, the criteria of which were based on the LDB's criteria, this proposed non-medical retail cannabis store would have had one of the highest scores had it been subject to the rankings.

### *Liquor and Cannabis Regulation Branch (LCRB)*

Under the *Cannabis Control and Licensing Act*, private retail stores may not operate without a licence issued by the general manager of the LCRB. Public stores run by the LDB are authorized under the *Cannabis Distribution Act* and do not require a licence from the LCRB.

## **Technical Review**

### *Neighbourhood Location*

The proposed BC Cannabis store is located within the preferred neighbourhood of Westbank Centre in accordance with the Policy.

### *Total Number of Non-Medical Cannabis Retail Stores*

Currently, the Policy only permits two non-medical cannabis retail stores within Westbank Centre. However, Council has directed staff to accept the application for the BC Cannabis store and if approved the addition of a third store could be permitted at Council's discretion. This would bring the total number of non-medical cannabis retail stores to three in Westbank Centre and three in Boucherie Centre/West Kelowna Business Park.

### *Preferred Underlying Zoning and/or Land Use Designation*

The subject property has the preferred Zoning for non-medical cannabis retail stores, which is Urban Centre Commercial (C1). Both the underlying Zoning and future Land Use Designation of Commercial support the proposed use.

### *Separation from Sensitive Uses*

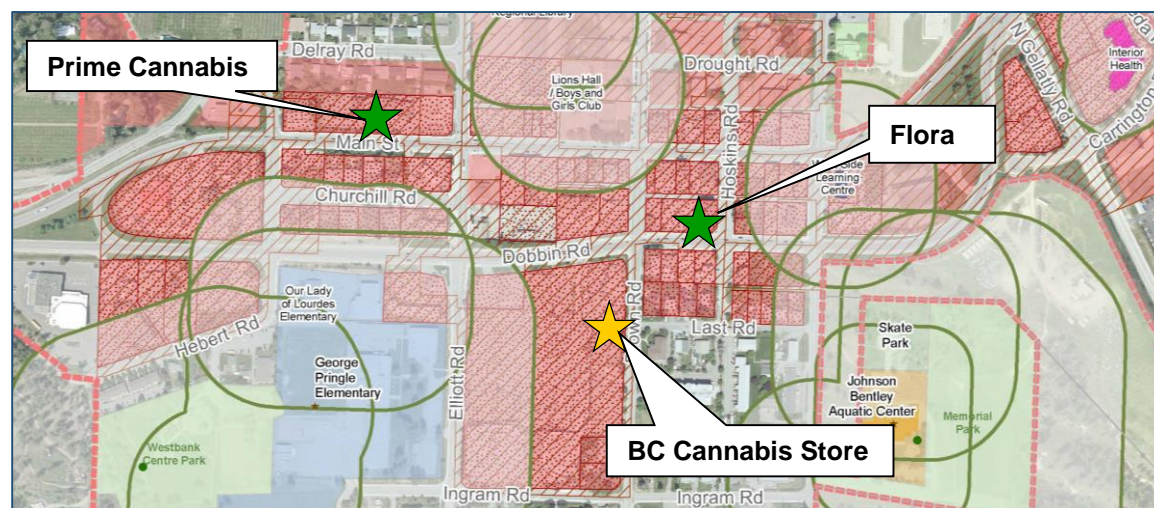
The proposal meets the minimum separation distances from sensitive uses as outlined in Council's Non-Medical Cannabis Retail Store Rezoning Policy. The proposed public entrance of the non-medical cannabis retail store should be a minimum of 100m from the nearest parcel boundary of an Elementary School and 50m from the nearest public entrance of the Johnson Bentley Memorial Aquatic Centre.

**Table 1 - Non-Medical Cannabis Retail Store suggested Sensitive Use Buffers**

Sensitive Use	Minimum Separation Distance	Actual Separation Distance
Elementary School	100m from any public entrance of the non-medical cannabis retail store to the nearest parcel boundary of the applicable sensitive use	162m (531ft) – George Pringle Elementary 243m (797ft) – Our Lady of Lourdes
Johnson Bentley Aquatic Centre	50m from any public entrance of the non-medical cannabis retail store to the nearest parcel boundary of the applicable sensitive use	300m (984ft)+
Alternative School or Youth Centre	100m from any public entrance of the non-medical cannabis retail store to the front entrance of the sensitive use	300m (984ft)+ - Westside Learning Centre

#### *Separation from other Non-Medical Cannabis Retail Stores*

The proposed location of the BC Cannabis Store does not directly abut another non-medical cannabis retail store in accordance with the Policy.



**Figure 2 – Westbank Centre Non-Medical Retail Cannabis Stores**

#### *Building Design, Aesthetics and Neighbourhood Security*

The proposed BC Cannabis Store design is a high-quality storefront and retail space which includes a floor plan that mitigates the entrance of minors with an ID Check area. A Commercial Form & Character Development Permit will be required for any external renovations that significantly change the form and character of the building. The mountain design of the opaque window treatment is the standard design of the BC Cannabis Stores.



**Figure 3 – Exterior Design of BC Cannabis Stores**

#### *Nuisance Activity*

BC Cannabis Stores and the LDB, actively promote the safe and responsible use of cannabis and will use in-store



campaigns with strategically placed messaging. Mandatory training for all BC Cannabis Stores staff covers best practices for dealing with nuisance activities and strategies for maintaining a safe environment for employees and customers.

#### *Parking*

The Zoning Bylaw requires 3.0 spaces per 100m<sup>2</sup> (1,076.4ft<sup>2</sup>) of Gross Floor Area (GFA). The proposed non-medical cannabis retail store has a GFA of approximately 7,116ft<sup>2</sup> which requires a minimum of 20 parking spaces, which are accommodated in the existing parking lot shared by the various multi-tenant buildings on the site.



**Figure 4 – Interior Design of BC Cannabis Stores**

#### *Municipal Bylaw Compliance History*

The LDB, which operates the BC Liquor Store on the same site, has had no history with the City's Bylaw Compliance and Enforcement Department.

#### *Operational Plan*

The LDB has provided an operational plan which addresses security, staff training and odour mitigation in addition to ID check procedures to ensure minors are not permitted entrance inside the BC Cannabis Store. The proposed hours of the BC Cannabis Store are Monday to Sunday, 10:00am to 10:00pm. The proposed BC Cannabis Store would occupy approximately half of the retail space in the unit with the remaining area to be used for storage and office space for the LDB's regional office for the Okanagan Valley. The regional office would accommodate staff and management training and regional administration.

### **Referral Responses**

#### *Advisory Planning Commission*

The Advisory Planning Commission (APC) considered the application on September 18, 2019 and supported the proposed site specific text amendment (Z19-11) as presented.

#### *Bylaw Services*

The City's Bylaw Compliance and Enforcement Department has had no complaints involving the BC Liquor Store located on the same parcel and operated by the LDB.

#### *Ministry of Transportation*

The Ministry of Transportation has no objections to the site specific text amendment as proposed. As the subject property is within 800m of a Provincial highway, the amendment bylaw must be forwarded to the Ministry for approval after third reading and prior to adoption.

### **Key Considerations**

- Proceeding to rezone this location will further the goal of providing safe access to cannabis in West Kelowna;
- Consideration for rezoning the proposed location is based on the framework outlined in the Non-Medical Cannabis Retail Store Rezoning Policy and direction provided by Council;

- Council will have the opportunity to further evaluate the application and gather input from the public through the Public Hearing process;
- The proposed non-medical retail cannabis store would have had one of the highest scores had it been subject to the evaluation matrix rankings based on location, the proponent, and the security and operational plans; and
- The site would also house the regional office for BC Cannabis Stores throughout the Okanagan Valley to provide administration, management, and training.

### **Public Consultation/Notification**

Four Notice of Application signs have been posted on site as per the Development Applications Procedures Bylaw No. 0131. Two advertisements have been placed in the local newspaper (November 20<sup>th</sup> and 22<sup>nd</sup>) and notices were mailed to all property owners and/or tenants within 100 metres (222 notices) of the subject property (Attachment 6).

At the time of writing this report, one submission has been received during the public hearing notification window for the proposed bylaw amendment. The response cited concerns with the proposed retail cannabis sales use and the number of cannabis retail stores in Westbank Centre.

### **COUNCIL REPORT/RESOLUTION HISTORY:**

Date	Report Topic/Resolution	Resolution No.
August 13, 2019	<b>THAT</b> Council direct staff to accept a Non-Medical Cannabis Retail Store Rezoning application for a Government Operated Cannabis Retail Outlet located at 2475 Dobbin Road.	C293/19
October 8, 2019	<b>THAT</b> Council give first and second readings to City of West Kelowna Zoning Amendment Bylaw No. 0154.85, 2019 (BC Cannabis Store, Z19-11); and  <b>THAT</b> Council direct staff to schedule the bylaw for public hearing.	C340/19

### **REVIEWED AND APPROVED BY:**

Dallas Clowes, Senior Planner  
Tracey Batten, Deputy CAO/Corporate Officer  
Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

### **Attachments:**

1. Subject Property Map
2. Non-Medical Cannabis Retail Store Rezoning Policy
3. Proposal Summary
4. Sensitive Use Buffer Map
5. Amendment Bylaw No.0154.85
6. Public Notification Mail Notice Map