



COUNCIL REPORT
Development Services
For the December 16, 2019 Council Meeting

DATE: November 28, 2019 File: Z 19-11

TO: Paul Gipps, CAO

FROM: Chris Oliver, Planner

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

RECOMMENDED MOTION:

THAT Council give third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.85, 2019 (Z19-11); and

THAT Council direct staff to schedule the bylaw for consideration and adoption following approval by the Ministry of Transportation and Infrastructure.

RATIONALE:

The recommended motion is based on the following 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;
- 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.

LEGISLATIVE REQUIREMENTS:

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 (Attachment 2).

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

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 the 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.

PUBLIC CONSULTATION:

A public hearing was held on November 26, 2019 in accordance with the *Local Government Act*. The City received five written submissions prior to the public hearing opposed to the bylaw amendment citing the following concerns:

- that two locations for this use have already been approved in this neighbourhood
- the existing presence of homelessness, traffic and illegal activities already occurring in neighbourhood may be further exacerbated should this store be approved
- potential negative impacts to property value
- proximity of the proposed retail store to George Pringle Elementary
- general concern with regard to recreational cannabis use
- the approval of this application would be unfair to prior applicants and would also place the prior applications in an unfair competitive position (who made business and investment decisions based on Council policy) as the Province was not part of the initial intake period
- the impacts of the industry have yet to be evaluated and adding additional stores before this use is evaluated may be premature

Three speakers at the public hearing were opposed to the bylaw amendment citing the following concerns:

- the policy has only recently been adopted and amended and there is no need to change the policy until the impacts of the industry on the community are reviewed (in terms of the 5 store cap on the number of stores and approving this application outside of the intake period)
- prior applicants have been rejected based on the cap on the number of stores (and lost money in the application process due to site/lease securement)
- the proposed location is close to existing residential uses that will be negatively impacted
- the surrounding residential neighbourhood is already seeing illegal activities that may be further exacerbated with this store
- concern over the type of clientele anticipated to frequent the store given the proposed security measures (security cameras, ID checks, locked product cases)

TECHNICAL REVIEW:

The subject property is located within 800m of a Ministry of Transportation and Infrastructure (MOTI) controlled intersection and requires sign-off prior to adoption of the site-specific text amendment. Should Council give the proposed bylaw third reading, the amendment bylaw will be forward for review by MOTI.

COUNCIL REPORT/RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
August 13, 2019	THAT 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	THAT Council give first and second readings to City of West Kelowna Zoning Amendment Bylaw No. 0154.85, 2019 (BC Cannabis Store, Z19-11); and THAT Council direct staff to schedule the bylaw for public hearing.	C340/19
November 26, 2019	Public Hearing held and closed.	N/A

ALTERNATE MOTIONS:

1. **THAT** Council postpone third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.85, 2019 (Z19-11).

Should Council wish to postpone third reading, it is requested that direction be provided as part of the Council resolution.

2. **THAT** Council rescind first and second readings of City of West Kelowna Zoning Amendment Bylaw No. 0154.85, 2019 (Z19-11) and abandon the bylaw.

Should Council rescind first and second reading, the application will be closed in accordance with Development Applications Procedures Bylaw No. 0260. Council shall not reconsider an application of this nature for the property for a period of six months.

REVIEWED AND APPROVED BY:

Brent Magnan, Planning Manager
Tracey Batten, Deputy CAO/Corporate Officer
Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Subject Property Map
2. Proposal Summary
3. Draft Bylaw No.0154.85