



PUBLIC HEARING REPORT
Development Services
For the May 14, 2019 Council Meeting

DATE: April 25, 2019 File: Z 19-07 (Flora)

TO: Jim Zaffino, CAO

FROM: Chris Oliver, Planner III

RE: Applications: Zoning Amendment Bylaw No. 154.78, 2019 (Z 19-07)
Legal: Lot A, DL 468, ODYD Plan KAP84320
Address: 3710 Hoskins Road
Owners: 0778967 B.C. LTD. Inc.
Agent: Flora Enterprises Inc.

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*.

As of October 17, 2018, non-medical cannabis is legal in Canada under the Federal *Cannabis Act*. In British Columbia, the Liquor and Cannabis Regulation Branch¹ oversees retail sales of non-medical cannabis as per the *Cannabis Control and Licensing Act*, *Cannabis Distribution Act* and the Cannabis Control and Licensing Regulations. Under this Federal and Provincial framework, municipalities in BC have the authority to regulate certain aspects of non-medical cannabis retail sales, including zoning regulations, public consultation methods, public consumption and business licensing regulations. Municipalities are required to provide a positive recommendation to the Province before any application for a non-medical cannabis retail store can be approved by the Province under the Cannabis Control and Licensing Regulations. As part of the licensing process local governments are required to gather the views of residents of the area if the location of the proposed store may affect nearby residents. Input can be gathered by:

- Receiving written comment in response to a public notice of the application;
- Conducting a public hearing in respect of the application;
- Holding a referendum; or
- Using another method the local government considers appropriate.

BACKGROUND

The proposed amendment bylaw received first and second reading on April 23, 2019, where Council directed staff to schedule the Public Hearing. At the April 23 meeting, Council also decided to consider the notification and public hearing as consultation for both the rezoning application and the British Columbia Liquor and Cannabis Regulation Branch license. The notification for the

¹ Previously named the Liquor Control and Licensing Branch

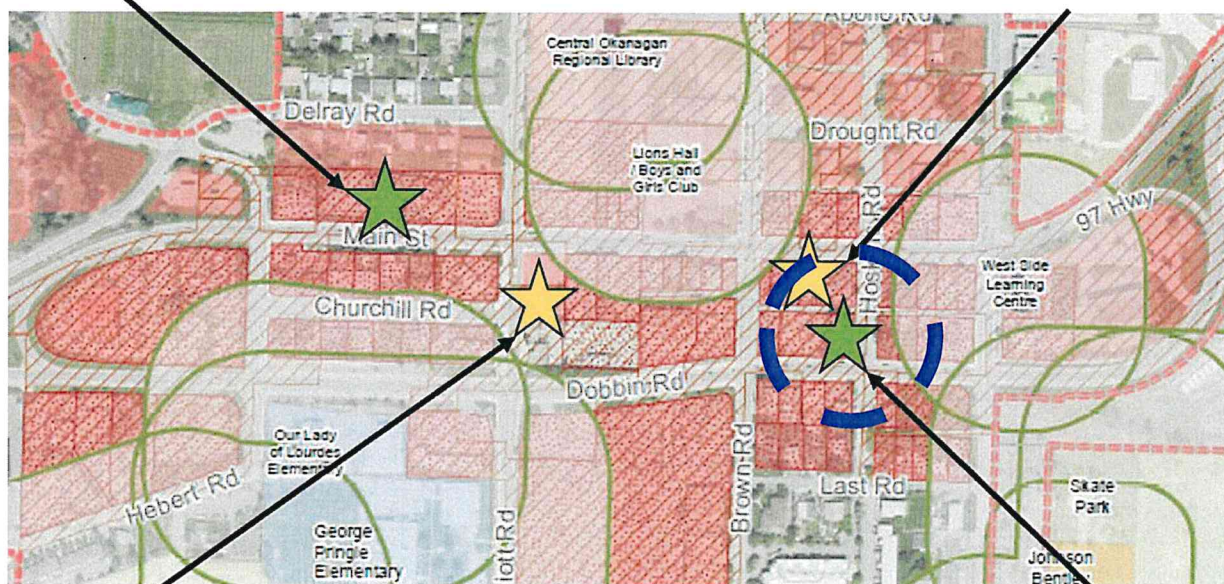
public hearing included pertinent information for the Cannabis Retail Store license to ensure it can be considered adequate for gathering the views of residents for licensing purposes.

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. In accordance with the Policy, the highest scoring applications are being brought forward to rezone with a site-specific text amendment to permit the Non-Medical Cannabis Retail Store use within the proposed unit.

Figure 1 provides an overview of the Westbank Centre neighbourhood area with the two store locations being considered for rezoning as well as the two stores being placed on hold. The Flora location on Hoskins Road has been highlighted in blue.

Prime Cannabis
(Otter Co-op Building)

Higher Ground
(Hemp Herbals Building)



BeKind
(Dolicious Building)

Flora
(Quality Greens Building)

Figure 1. Westbank Centre Applications

Proposal

The proposed site-specific text amendment and Cannabis Retail Store License would allow for a Non-Medical Cannabis Retail Store in the proposed unit located at 3710 Hoskins Road. The proposed unit and subject building constructed under a Commercial Development Permit in 2006 and generally comply with current OCP guidelines. Flora has proposed as part of their application to install decorative window treatments as required by the LCRB licensing requirements and install signage associated with their unit (Figure 2).

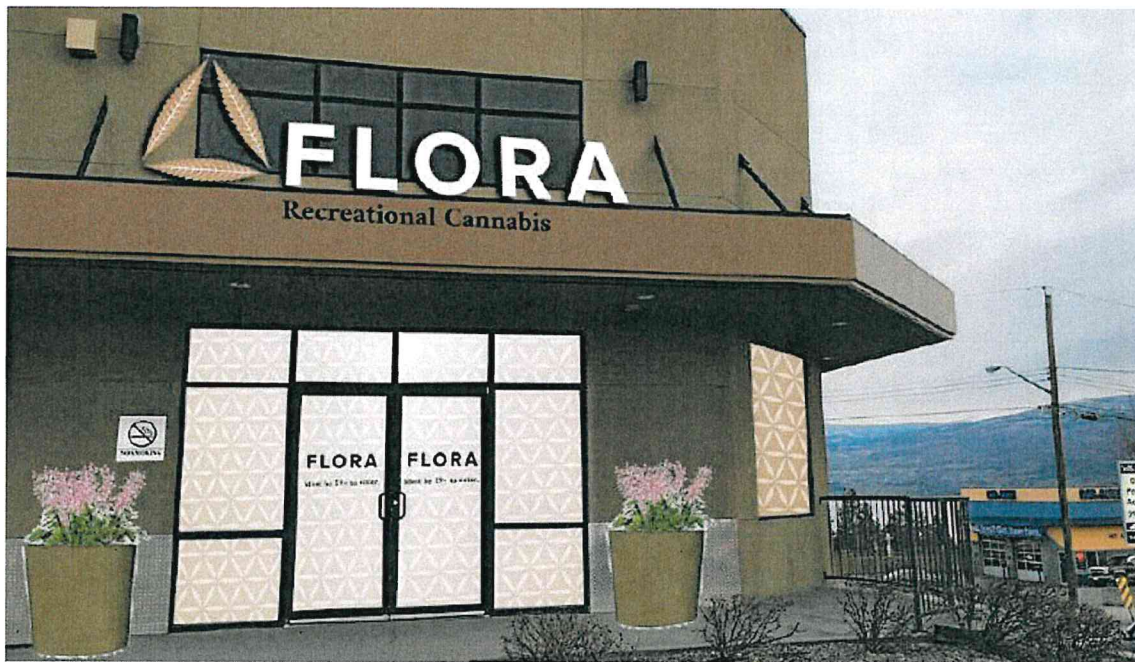


Figure 2. Proposed Signage and Window Treatment

LOCATION AND SURROUNDING USES

The subject property is located in a unit on the south side of multi-tenant building located 3710 Hoskins Road. This building includes T-Bones Fresh Meat Market and was the Quality Greens grocery store. The building includes various units which include a variety of different uses. The surrounding land uses include:

- North, South and West – C1 Urban Centre Commercial Zone
- East – R1 Single Detached Residential Zoned Parcels

POLICY AND BYLAW REVIEW

Official Community Plan (OCP) 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 the Zoning Bylaw.

Cannabis Retail Store License (Liquor and Cannabis Regulation Branch)

The LCRB has stringent requirements that each retail store licensee must achieve prior to approval. These requirements regulate various items related to store layout, security requirements, use of smell jars, sale of accessories, branding, gift cards, etc. The proposed exterior improvements for Flora are related to the following LCRB requirements:

- The store must be located in a permanent building or structure and be enclosed by floor-to-ceiling walls that are not transparent;

- Non-medical cannabis, cannabis accessories and transactions involving those products must not be visible from outside the store;
- Licensees and employees must take reasonable measures to prevent disturbances. This means performing actions that are appropriate in the circumstances and within their capacity to do. Examples of reasonable measures include:
 - Installing adequate lighting outside the store and in the parking lot;
 - Supervising parking areas; and/or
 - Posting signs asking patrons not to disturb the neighbours.

No additional permitting or conditions are required to ensure that the required LCRB improvements such as window treatments are implemented.

The LCRB also limits the hours of operation for Cannabis Retail Stores to between the hours of 9 a.m. and 11 p.m., unless their hours are further restricted by the local government. The proposed hours of operation for Flora have been revised from their original LCRB application to 9:00 a.m. - 11:00 p.m. Monday through Sunday. The applicant may as part of future operational considerations choose to reduce these hours with no impact to their license, but they would not be able to be extended. The hours of operation limited by the LCRB are the same as licensee retail stores (private liquor stores) which have limited hours of sale between 9:00 a.m. and 11:00 p.m.

REFERRAL RESPONSES

The application has not been considered by the City's Advisory Planning Commission (APC), as the City recently filled 2019 - 2021 Commission member positions and the Commission hasn't yet met in 2019.

PUBLIC CONSULTATION/NOTIFICATION

A Development Proposal sign has been posted on site in accordance with the Development Applications Procedures Bylaw No. 0131. Two advertisements have been placed in the local newspaper and notices were mailed to 127 property owners and/or tenants within 100 metres of the subject property (Attachment 4).


Should Council consider adopting the proposed amendment bylaw, staff will include a motion at adoption that meets the Provincial licensing requirements for the British Columbia Liquor and Cannabis Regulation Branch.


At the time of writing this report, 12 submissions have been received during the public hearing notification window for the proposed bylaw amendments and LCRB Cannabis Retail License. These submissions were provided as letters of support by the applicant and were completed by West Kelowna residents and business operators. All of the letters received indicate support for the proposed store location and the operators (Attachment 5).


COUNCIL REPORT/RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
Apr 23, 2019	THAT Council give first and second readings to City of West Kelowna Zoning Amendment Bylaw No. 0154.78, 2019 (Flora, Z 19-07); THAT Council direct staff to schedule the bylaw for public hearing; and THAT Council consider the notification and public hearing as consultation for both the rezoning application and the British Columbia Liquor and Cannabis Regulation Branch license.	C169/19

Respectfully Submitted,


Chris Oliver
Planner III



Brent Magnan
Planning Manager


Nancy Henderson
General Manager of Development Services

Powerpoint: Yes ☒ No ☐

Attachments:

1. Zoning Amendment Bylaw No. 0154.78, 2019 (Flora Z19-07)
2. Context Map
3. Subject Property Map
4. Map of Notification Area
5. Public Hearing Submissions

Approved for Agenda

Jim Zaffino, CAO
May 8, 2019
Date

H:\DEVELOPMENT SERVICES\PLANNING\3360 Zoning & Rezoning\20 Applications\2019\Z 19-07 3710 Hoskins Rd - Flora\Bylaw_Rpts_Minutes\Public Hearing\Z 19-07 Public Hearing Report.docx

CITY OF WEST KELOWNA

BYLAW NO. 0154.78

A BYLAW TO AMEND "ZONING BYLAW NO. 0154"

WHEREAS the Council of the City of West Kelowna desires to amend "CITY OF WEST KELOWNA ZONING BYLAW NO. 0154" under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as "CITY OF WEST KELOWNA ZONING AMENDMENT BYLAW NO. 0154.78, 2019".

2. Amendments

"Zoning Bylaw No. 0154" is hereby amended as follows:

- 2.1 By adding to Section 11.1 Urban Centre Commercial Zone (C1), Sub-section 11.1.4 (Site Specific Uses, Building and Structures):

On Lot A, DL 468, ODYD Plan KAP84320 (#101-3710 Hoskins Road): one Non-Medical Cannabis Retail Store as indicated on Schedule 'B' of Zoning Amendment Bylaw No. 0154.78.

- 2.2 By depicting the site specific text amendment on "Zoning Bylaw No. 0154 Schedule B" (Zoning Bylaw map) as shown on Schedule 'A' attached to and forming part of this bylaw.

READ A FIRST TIME AND SECOND TIME THIS 23RD DAY OF APRIL, 2019

PUBLIC HEARING HELD THIS ____ DAY OF _____

READ A THIRD TIME THIS ____ DAY OF _____

APPROVED BY MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE THIS

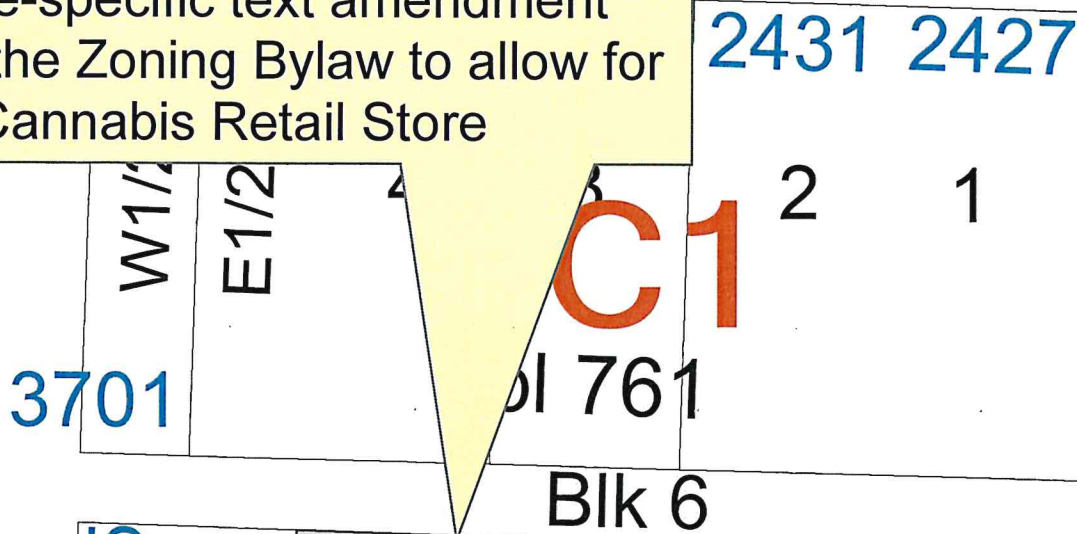
ADOPTED THIS ____ DAY OF _____

MAYOR

CITY CLERK



Site-specific text amendment
to the Zoning Bylaw to allow for
a Cannabis Retail Store



Dobbin Road

File: Z 19-07

Legal Description: Lot A, District Lot 486,
ODYD, Plan KAP84320

0 5 10 20
Metres

1:600

LEGEND

- Subject Property
- Zoning Boundary
- Parcels



Date: 2019-04-05





Date: 2019-04-08



File: Z 19-07

Legal Description: Lot A, DL 476, ODYD, Plan KAP84320

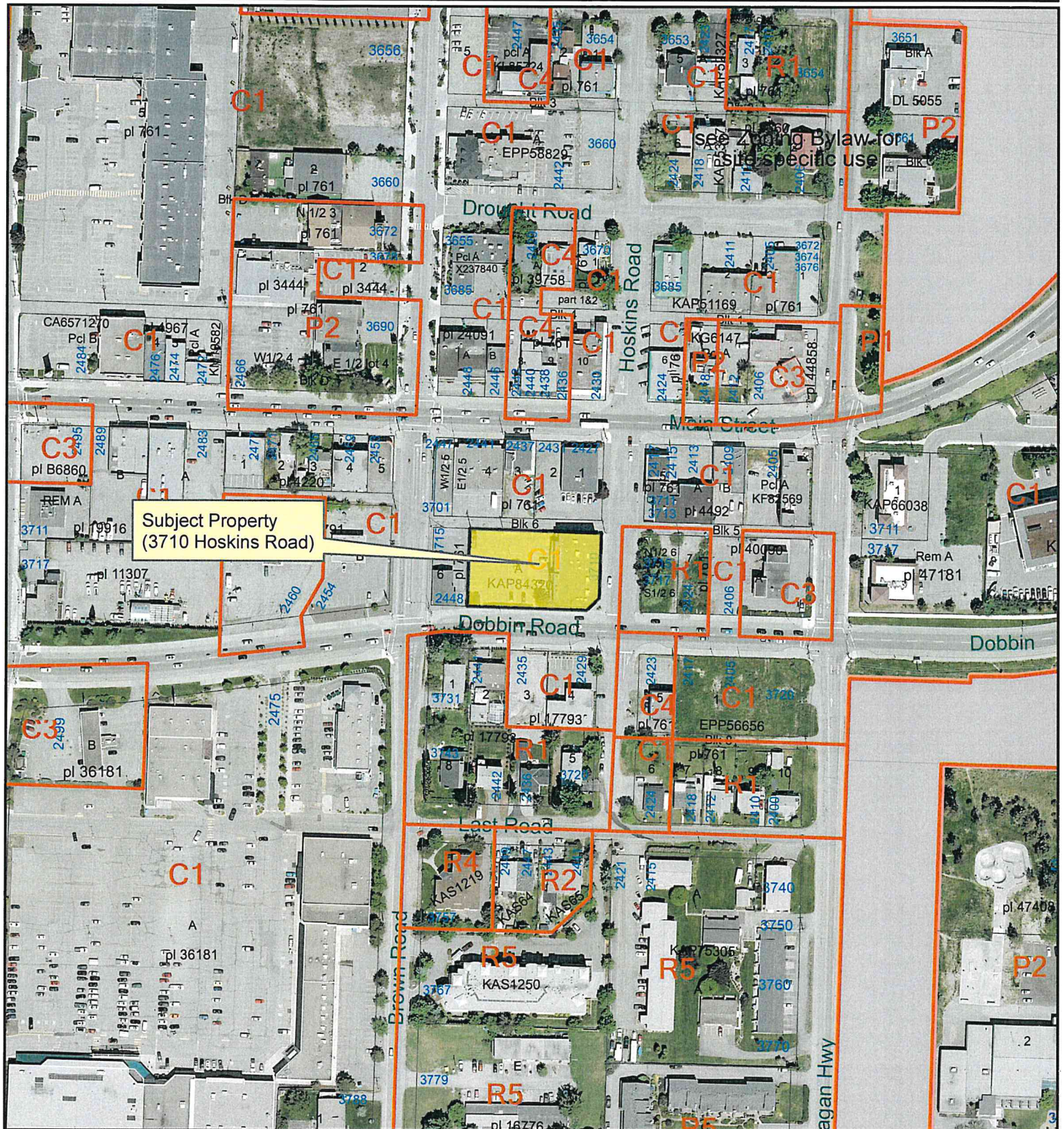
 Subject Property
 City Boundary

0 120 240 480 Metres





SUBJECT PROPERTY: Z 19-07



File: Z 19-07

Legal Description: Lot A, DL 486, ODYD, Plan KAP84320

LEGEND

- Subject Property
- Zoning Boundary
- Parcels

0 35 70 140 Metres

1:2,500



Z 19-07 GIS Mail Notification Map



Legend

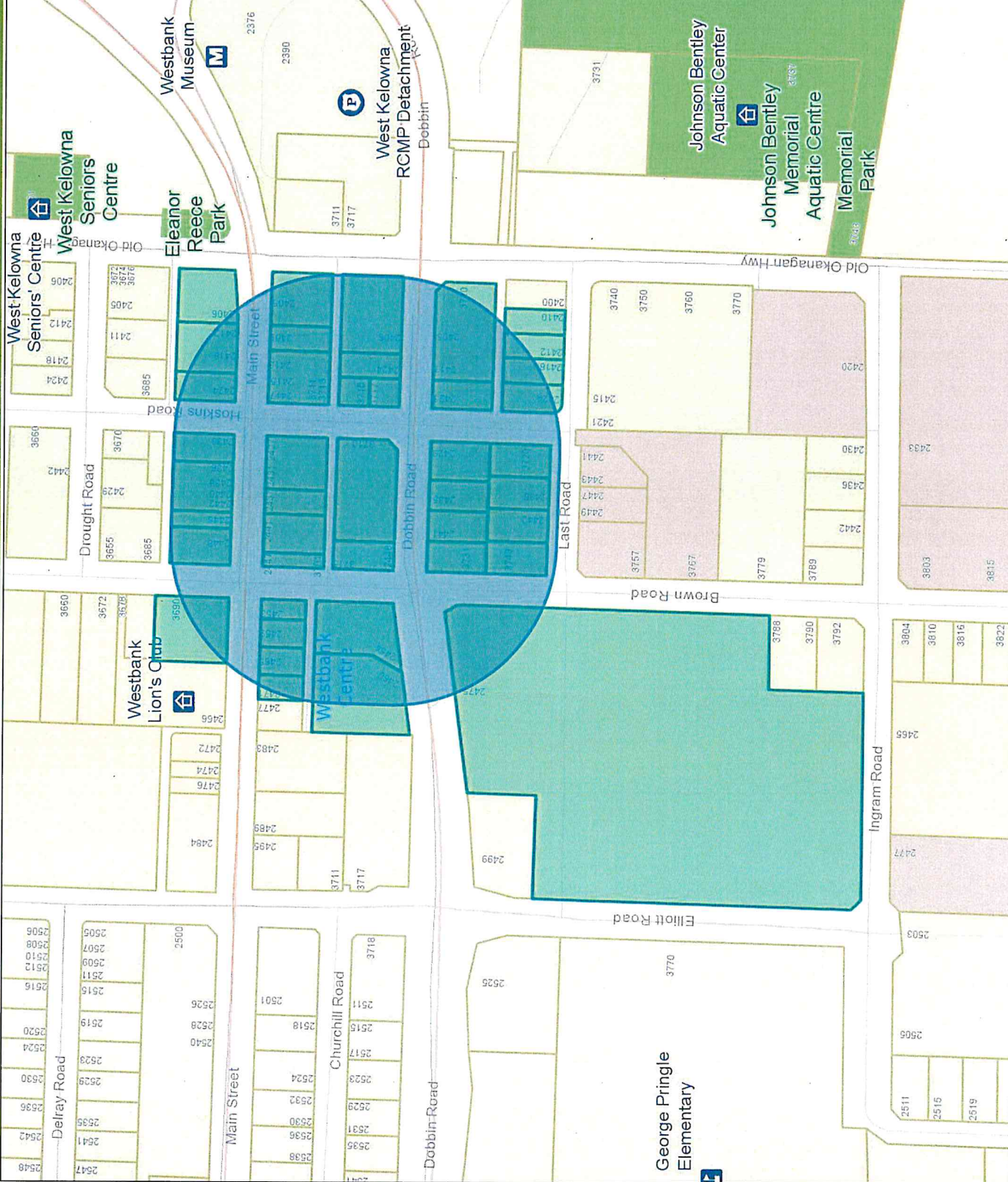
- Landmarks**
 - Cemetery
 - City Hall
 - Community Centre
 - Dam
 - Fire Hall
 - Museum
- Basemap Layers**
 - WK Admin Boundary
 - Regional Admin Boundary
 - Highway
 - River / Stream
 - Intermittent Stream
 - Waterbody
 - Lake Access
 - Regional Park
 - Municipal Park
 - Westbank First Nation
- Parcels**
 - Ownership
 - Land Strata
 - Building Strata
 - Common Property
 - Crown Land
 - Lease
 - Park
 - Road Right-Of-Way
 - Walkway
 - Common Access



Scale 1 : 3,400

Notes

ATTACHMENT 4



This map has been produced by the City of West Kelowna's Geographic Information System. The data provided is derived from a variety of sources with varying levels of accuracy. The City of West Kelowna makes no warranty or representation, expressed or implied, with the regard to the correctness, accuracy and/or reliability of the information contained herein.



173 Meters

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Map Projection: NAD_1983_UTM_Zone_11N
© City of West Kelowna (2015)

Map Produced on: 4/23/2019 4:36:29 PM

Approval Letter for Retail Cannabis Sales

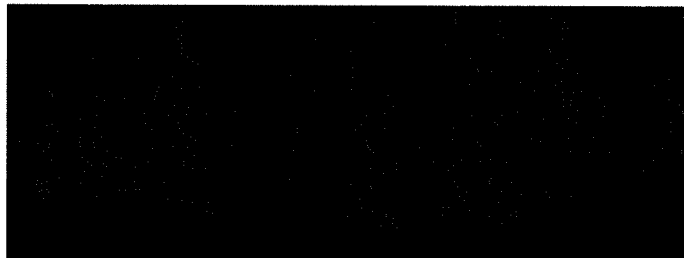


Dear Mayor and Council,

Please accept this as my letter of approval for the Retail Cannabis Sales License Application for Flora Recreational Cannabis at 3710 Hoskins Road, West Kelowna B.C. V4T 2H8.

Thank you,

Signature:



Print Name:

Cynthia LAKOWIC

Address:

2043 moonbeam close
West Kelowna BC
V1Z 3X9.

Date:

Apr. 15. 2019



FLORA

Recreational Cannabis

Approval Letter for Retail Cannabis Sales

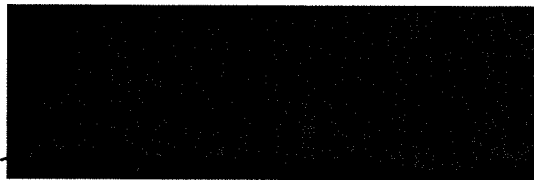


Dear Mayor and Council,

Please accept this as my letter of approval for the Retail Cannabis Sales License Application for Flora Recreational Cannabis at 3710 Hoskins Road, West Kelowna B.C. V4T 2H8.

Thank you,

Signature:



Print Name: MILOSH LAKOVIC

Address: 2043 MIDWATER CLOSE
WEST KELOWNA BC V1Z3X9

Date: Apr. 15. 2019



FLORA

Recreational Cannabis

Approval Letter for Retail Cannabis Sales

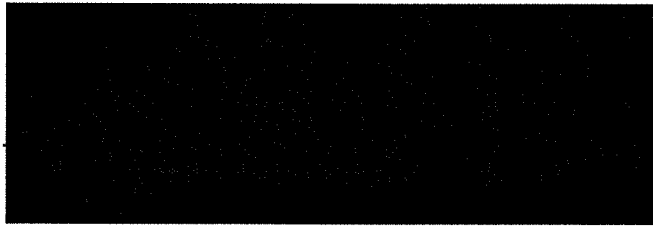


Dear Mayor and Council,

Please accept this as my letter of approval for the Retail Cannabis Sales License Application for Flora Recreational Cannabis at 3710 Hoskins Road, West Kelowna B.C. V4T 2H8.

Thank you,

Signature:



Print Name: MARSHA LAKOVIC

Address: 1274 LAKEVIEW CLOVE PLACE
WEST KELOWNA BC

Date: Apr. 15. 2019



FLORA

Recreational Cannabis

Approval Letter for Retail Cannabis Sales



Dear Mayor and Council,

Please accept this as my letter of approval for the Retail Cannabis Sales License Application for Flora Recreational Cannabis at 3710 Hoskins Road, West Kelowna B.C. V4T 2H8.

Thank you

Signature:



Print Name: NICOLE RAYNAUD

Address: 2043 MOONBEAM CLOSE, WEST KELOWNA

Date: APRIL 6TH, 2019



FLORA

Recreational Cannabis

Approval Letter for Retail Cannabis Sales



Dear Mayor and Council,

Please accept this as my letter of approval for the Retail Cannabis Sales License Application for Flora Recreational Cannabis at 3710 Hoskins Road, West Kelowna B.C. V4T 2H8.

Thank you,

Signature:

A large black rectangular box redacting the signature of the sender.

Print Name:

Will Chambers

Address:

2742 Cameron rd., West Kelowna

Date:

5/4/19



FLORA

Recreational Cannabis

Approval Letter for Retail Cannabis Sales



Dear Mayor and Council,

Please accept this as my letter of approval for the Retail Cannabis Sales License Application for Flora Recreational Cannabis at 3710 Hoskins Road, West Kelowna B.C. V4T 2H8.

Thank you,

Signature: _____

Print Name: Amy Ruocco

Address: 2742 Cameron Rd, West Kelowna

Date: 4/5/2019



FLORA

Recreational Cannabis

Approval Letter for Retail Cannabis Sales

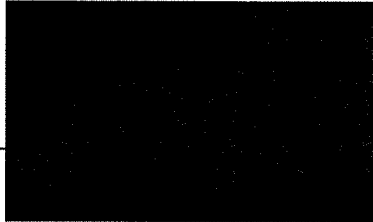


Dear Mayor and Council,

Please accept this as my letter of approval for the Retail Cannabis Sales License Application for Flora Recreational Cannabis at 3710 Hoskins Road, West Kelowna B.C. V4T 2H8.

Thank you,

Signature: _____



Print Name: CHRIS LEWICKI

Address: 30-2490 TUSCANY DR. WEST KELOWNA

Date: APRIL 5/2019



FLORA

Recreational Cannabis

Approval Letter for Retail Cannabis Sales



Dear Mayor and Council,

Please accept this as my letter of approval for the Retail Cannabis Sales License Application for Flora Recreational Cannabis at 3710 Hoskins Road, West Kelowna B.C. V4T 2H8.

Thank you,

Signature:



Print Name:

Brett Leveque

Address:

2043 Monksbeam Close

Date:

April 2nd 2019



FLORA

Recreational Cannabis

Approval Letter for Retail Cannabis Sales

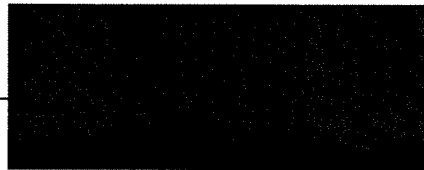


Dear Mayor and Council,

Please accept this as my letter of approval for the Retail Cannabis Sales License Application for Flora Recreational Cannabis at 3710 Hoskins Road, West Kelowna B.C. V4T 2H8.

Thank you,

Signature: _____



Print Name: _____

Jillian Earl.

Address: _____

16 V4T 1S6

Date: _____

April 1, 2019



FLORA

Recreational Cannabis

Approval Letter for Retail Cannabis Sales

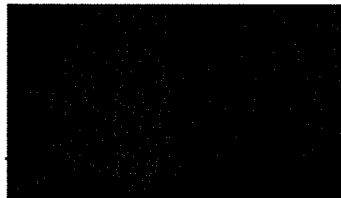


Dear Mayor and Council,

Please accept this as my letter of approval for the Retail Cannabis Sales License Application for Flora Recreational Cannabis at 3710 Hoskins Road, West Kelowna B.C. V4T 2H8.

Thank you,

Signature:



Print Name:

George Gerio

Address:

#30 - 2490 Tuscomy Drive West Kelowna

Date:

April 5/2019



FLORA

Recreational Cannabis

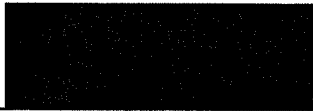
Approval Letter for Retail Cannabis Sales



Dear Mayor and Council,

Please accept this as my letter of approval for the Retail Cannabis Sales License Application for Flora Recreational Cannabis at 3710 Hoskins Road, West Kelowna B.C. V4T 2H8.

Thank you,

Signature: 

Print Name: MORGAN-LEE GENIO

Address: 30-2490 TUSCANY DR. WEST KELOWNA

Date: APRIL 5/2019



FLORA

Recreational Cannabis



April 2, 2019

Dear City of West Kelowna:

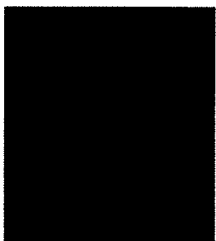
Letter of Support: Flora Recreational Cannabis

I am the owner of Sovereign Cycle, located at #110, 3480 Carrington Rd. Recently I have been informed regarding the non-medical retail cannabis store proposed for the unit in my area neighbourhood at 3710 Hoskins Road.

I have been provided the opportunity to discuss Flora with the operators and would like to put my support behind this project.

I believe that Flora Recreational Cannabis will definitely be an asset for our area. Their passion to be leaders in this new industry will set an example of how a non-medical cannabis retail store should operate. With a great reputation as contributing members within our community and an excellent track record as positive business leaders, I know they will do a superb job of running the store and ensuring responsible operations.

Sincerely,



Russell Morton
Owner, Sovereign Cycle