



COUNCIL REPORT  
Development Services  
For the June 25, 2019 Council Meeting

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DATE: June 11, 2019 File No. Z 19-06 (Prime Cannabis)

TO: Jim Zaffino, CAO

FROM: Chris Oliver, Planner III

RE: Application: Zoning Amendment Bylaw No. 154.77, (Z 19-06)  
Legal: Lot 28 DL 486 ODYD Plan 19995 Except Plan 40663  
Address: #14-2528 Main Street  
Owners: Otter Farm & Home Co-Operative  
Agent: 1184962 BC Ltd. (Prime Cannabis)

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**RECOMMENDED MOTION:**

**THAT** Council give third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.77, 2019 (Prime Cannabis, Z19-06); 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:

- The Government of Canada legalized non-medical cannabis on October 17, 2018 and 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; and
- This is one of the two highest scoring applications identified through the evaluation processes for the Westbank Centre neighbourhood area.

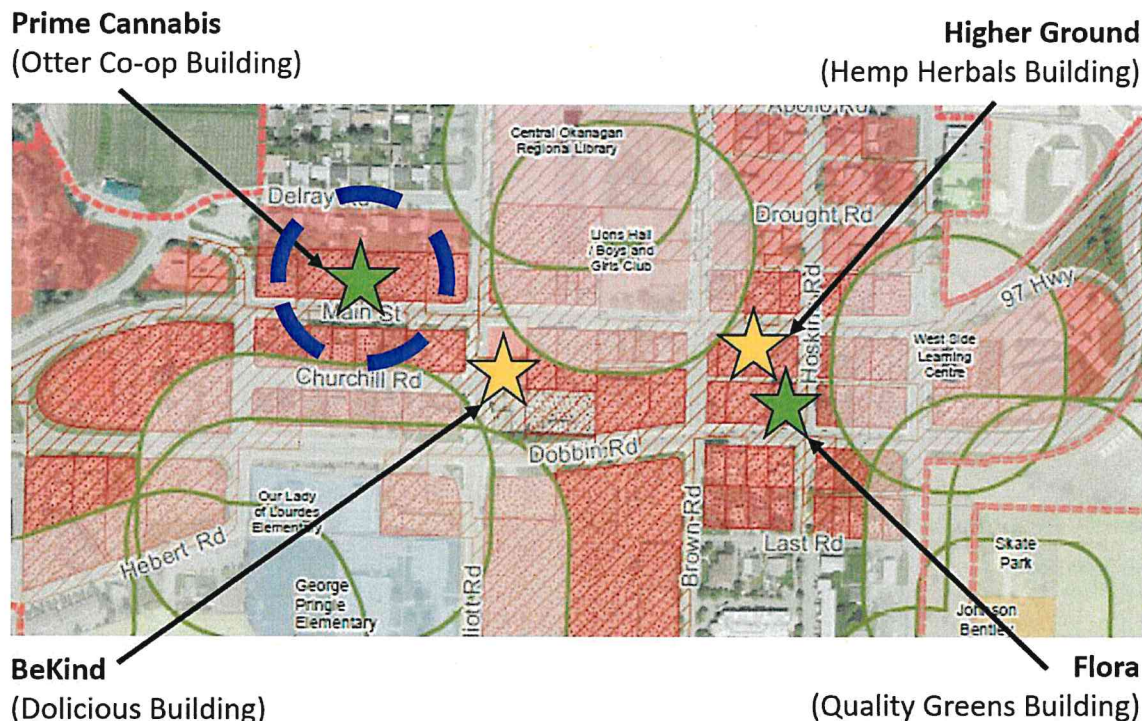
**LEGISLATIVE REQUIREMENTS:**

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

**BACKGROUND:**

In accordance with the Non-Medical Cannabis Retail Store Policy, the highest scoring applications are being brought forward for rezoning with a site-specific text amendment to permit Non-Medical Cannabis Retail Stores. 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 Prime Cannabis location on Main Street has been highlighted in blue.



**Figure 1.** Westbank Centre Applications

#### LOCATION AND SURROUNDING USES:

The subject property is located in a unit on the west side of the existing multi-tenant building located at 2528 Main Street. This building includes the new Otter Co-op gas station and was the former Cattle Country restaurant. The building includes various units all of which are currently vacant. The surrounding land uses include:

- North – R1 Single Detached Residential Zoned Parcels
- East – C3 Gasoline Service Station Commercial Zoned Parcel (Otter Co-op)
- South – Duplex Residential Zoned parcels and R1 Single Detached Residential Zoned Parcels
- West – R1 Single Detached Residential Zoned Parcel

#### POLICY AND BYLAW REVIEW:

##### **Official Community Plan**

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**

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.

#### PUBLIC CONSULTATION:

A public hearing was held on May 14, 2019 in accordance with the *Local Government Act*. As part of the public hearing process, four written submissions were made. Two submissions supported the proposal and two identified concerns with the operation of stores in Westbank Centre as a whole. The concerns raised were related to potential loitering and impacts related to the proximity to other uses in the area. These concerns are generally addressed in various ways through enforcement of the Good Neighbour Bylaw, action by the RCMP, or as part of the operation of a business. In addition to the written submissions, one resident also spoke at the Public Hearing and expressed their opposition with the use of cannabis and all proposed store locations due to perceived health-related impacts.

Staff included in the public notice summary and the opening statement of the public hearing that the Provincial cannabis license is being processed and considered concurrently with the rezoning and that the public hearing will be used to gather the views of residents. Should Council consider adopting the proposed amendment bylaw, staff will include a motion at adoption that meets the Provincial licensing requirements.

#### 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.
May 14, 2019	Public Hearing held and closed	N/A
April 23, 2019	<b>THAT</b> Council give first and second readings to City of West Kelowna Zoning Amendment Bylaw No. 0154.77, 2019 (Prime Cannabis, Z 19-06);  <b>THAT</b> Council direct staff to schedule the bylaw for public hearing; and  <b>THAT</b> Council consider the notification and public hearing as consultation for both the rezoning application and the British Columbia Liquor and Cannabis Regulation Branch license.	C168/19

#### ALTERNATE MOTIONS

1. **THAT** Council postpone third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.77, 2019 (Prime Cannabis, Z19-06).

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. 0154.77, 2019 (Prime Cannabis, Z19-06) and abandon the bylaw.

Should Council deny the proposed bylaw amendment, 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.

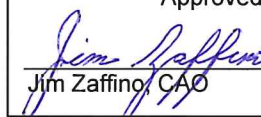
Respectfully submitted,

  
Chris Oliver  
Planner III

  
Nancy Henderson  
GM of Development Services

  
Brent Magnan  
Planning Manager

Powerpoint: Yes ☐ No ☒

Approved for Agenda	
 Jim Zaffino, CAO	June 18, 2019 Date

Attachments:

1. Zoning Amendment Bylaw No. 0154.77, 2019 (Prime Cannabis, Z19-06)
2. Context Map
3. Subject Property Map

H:\DEVELOPMENT SERVICES\PLANNING\3360 Zoning & Rezoning\20 Applications\2019\Z 19-06 #14 - 2528 Main St - Prime Cannabis\Bylaw\_Rpts\_Minutes\Third Reading\Z 19-06 3rd Reading Council Report.docx

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**CITY OF WEST KELOWNA**

**BYLAW NO. 0154.77**

**A BYLAW TO AMEND "ZONING BYLAW NO. 0154"**

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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. 0154.77, 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 28 DL 486 ODYD Plan 19995 Except Plan 40663 (#14-2528 Main Street): one Non-Medical Cannabis Retail Store as indicated on Schedule 'B' of Zoning Amendment Bylaw No. 0154.77.

- 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 23<sup>RD</sup> DAY OF APRIL, 2019

PUBLIC HEARING HELD THIS 14<sup>TH</sup> DAY OF MAY, 2019

READ A THIRD TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_

APPROVED BY MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE THIS

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_

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MAYOR

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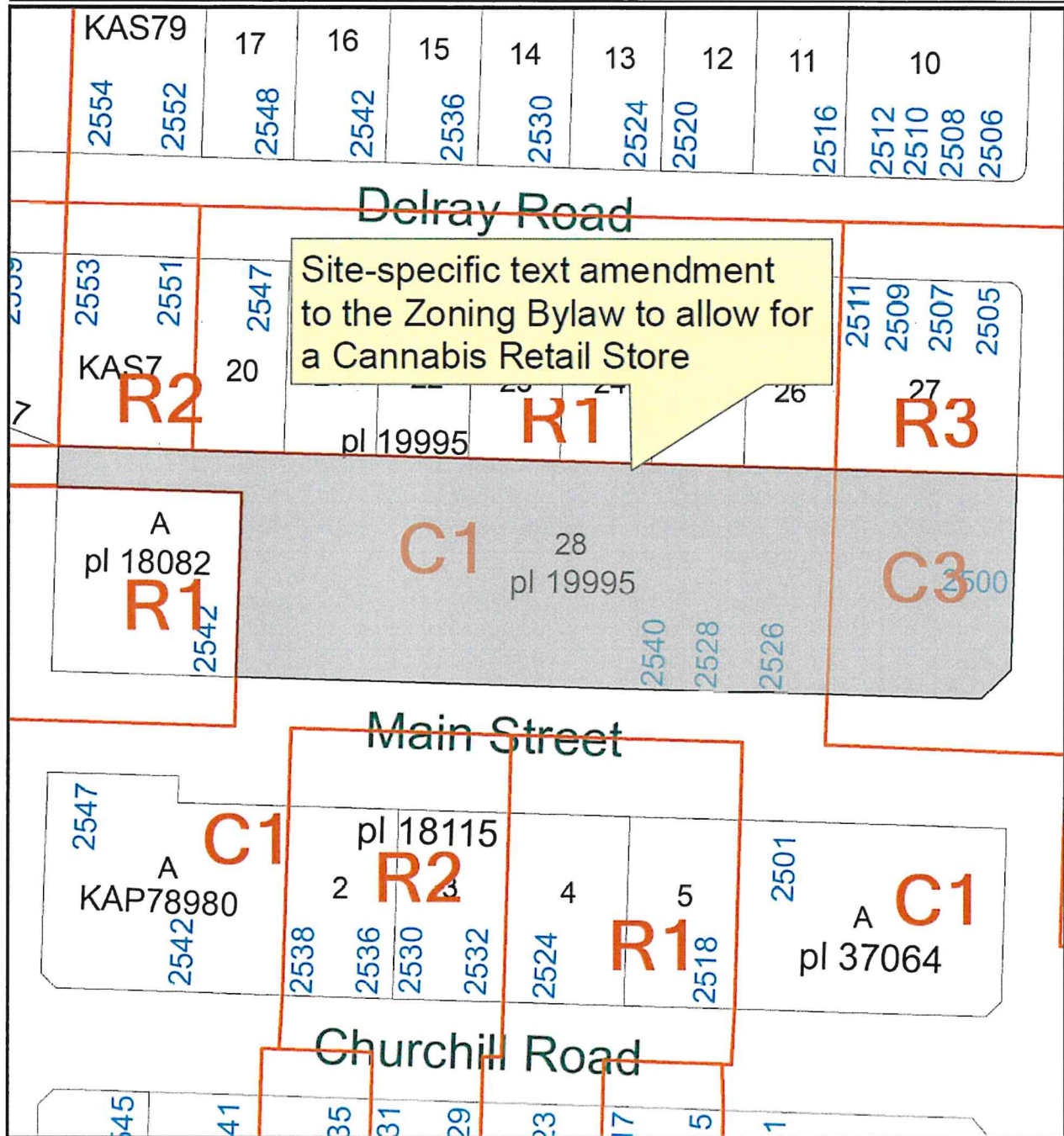
CITY CLERK





CITY OF  
WEST  
KELOWNA

## SCHEDULE 'A' of BYLAW NO. 0154.77



File: Z 19-06

Legal Description: Lot 28 District Lot 486, ODYD,  
Plan 19995 Except Plan 40663

0 15 30 60 Metres 1:1,041

### LEGEND

- Subject Property
- Zoning Boundary
- Parcels

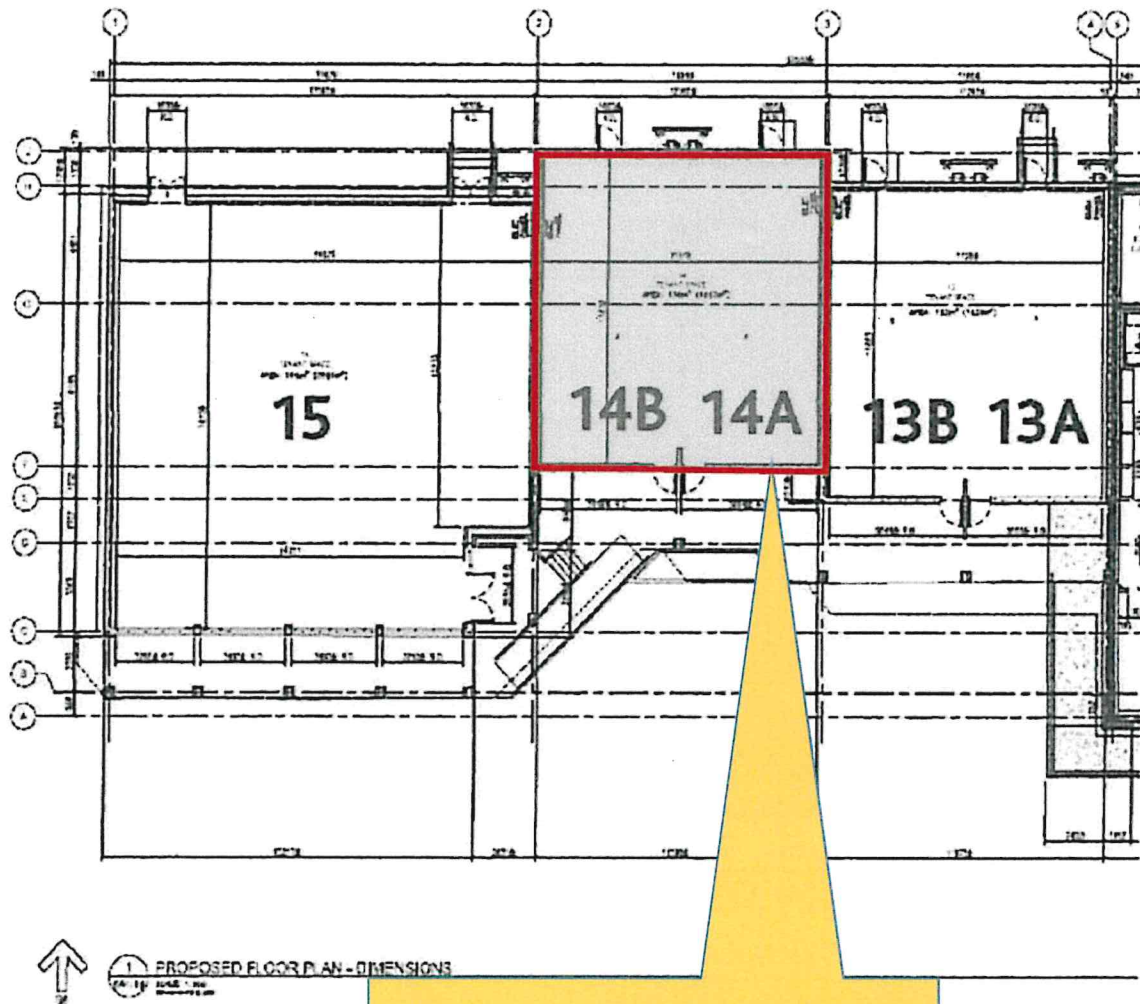


Date: 2019-04-05



CITY OF  
WEST  
KELOWNA

## SCHEDULE 'B' of BYLAW NO. 0154.77



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

File: Z 19-06

Legal Description: Lot 28 District Lot 486, ODYD, Plan 19995 Except  
Plan 40663

Address: Unit #14 (14A & 14B) 2528 Main Street, West Kelowna, BC

Date: 2019-04-08







CITY OF  
WEST  
KELOWNA

# CONTEXT MAP: Z 19-06



File: Z 19-06

Legal Description: Lot 28, DL 486, ODYD, Plan 19995  
Except Plan 40663

 Subject Property  
 City Boundary

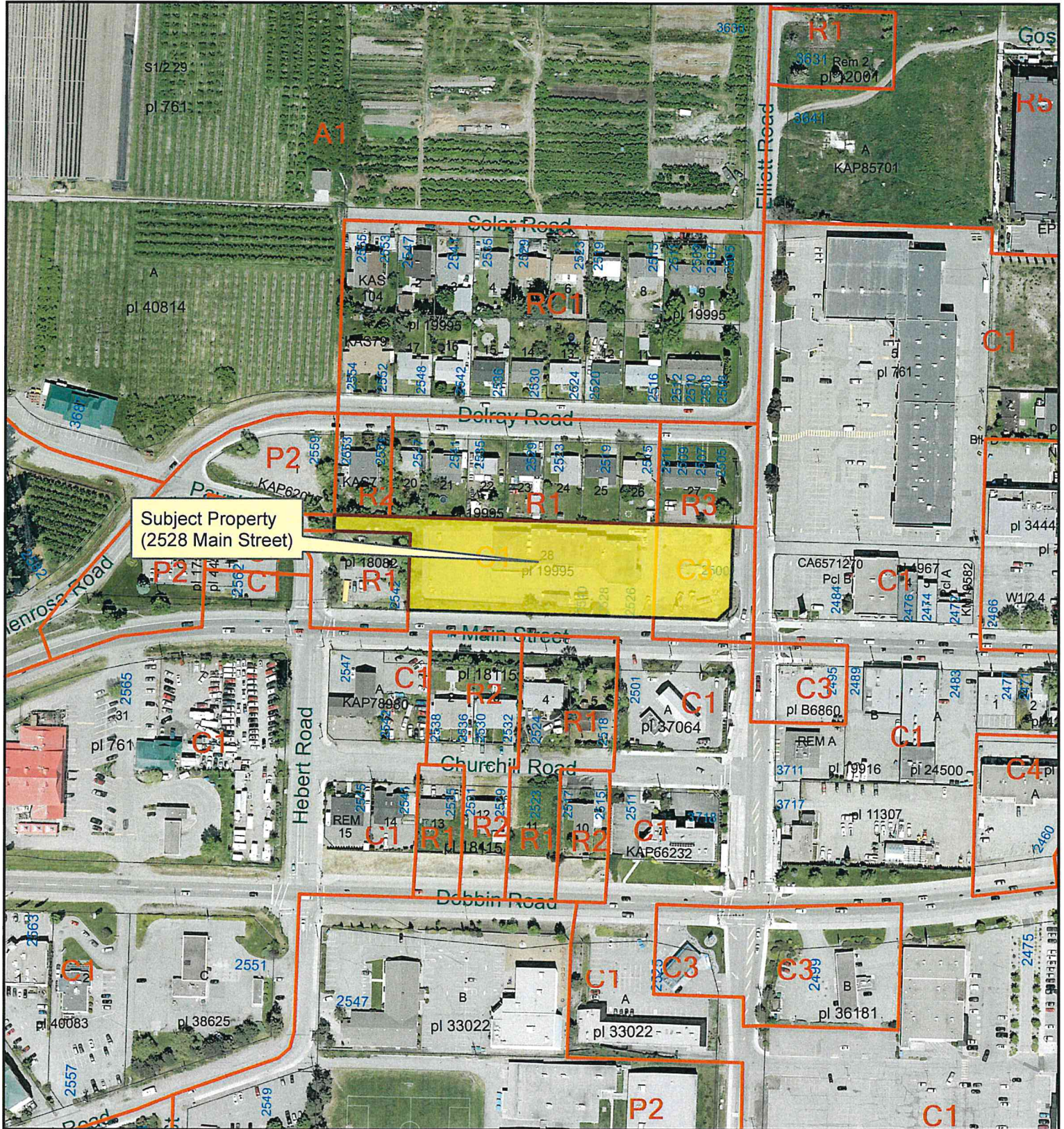
0 120 240 480  
Metres







# SUBJECT PROPERTY: Z 19-06



File: Z 19-06

Legal Description: Lot 28, DL 486, ODYD, Plan 19995  
Except Plan 40663

## LEGEND

- Subject Property
- Zoning Boundary
- Parcels

0 35 70 140 Metres

1:2,500

