



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

DATE: June 11, 2019 File No. Z 19-07 (Flora)

TO: Jim Zaffino, CAO

FROM: Chris Oliver, Planner III

RE: Application: Zoning Amendment Bylaw No. 154.78, (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.

RECOMMENDED MOTION:

THAT Council give third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.78, 2019 (Flora, Z19-07); 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:

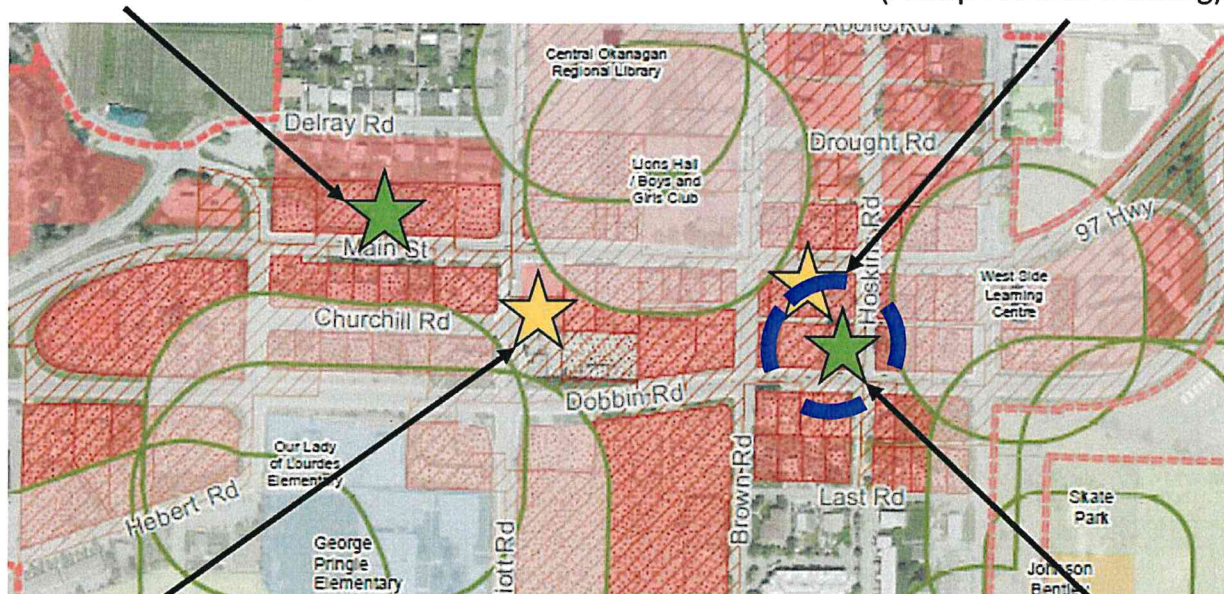
Council has the authority under s.479 of the *Local Government Act* to create and amend the Zoning Bylaw.

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 Flora Cannabis 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

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

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, there were 13 submissions made. Only one of the submissions opposed the proposal and identified concerns with the operation of non-medical cannabis retail stores in Westbank Centre. 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.

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 also 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	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

ALTERNATE MOTIONS

1. **THAT** Council postpone third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.78, 2019 (Flora, Z19-07).

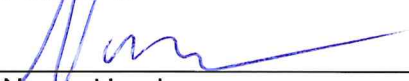
Should Council wish to postpone third reading, it is requested that direction be provided as part of the Council resolution.

2. **THAT** Council rescind first and second readings of City of West Kelowna Zoning Amendment Bylaw No. 0154.78, 2019 (Flora, Z19-07) 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.

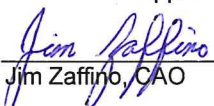
Respectfully submitted,


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. 0154.78, 2019 (Flora, Z19-07)
2. Context Map
3. Subject Property Map

H:\DEVELOPMENT SERVICES\PLANNING\3360 Zoning & Rezoning\20 Applications\2019\Z 19-07 3710 Hoskins Rd - Flora\Bylaw_Rpts_Minutes\Third Reading\Z 19-07 3rd Reading Council 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 14TH DAY OF MAY, 2019

READ A THIRD TIME THIS ____ DAY OF _____

APPROVED BY MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE THIS

ADOPTED THIS ____ DAY OF _____

MAYOR

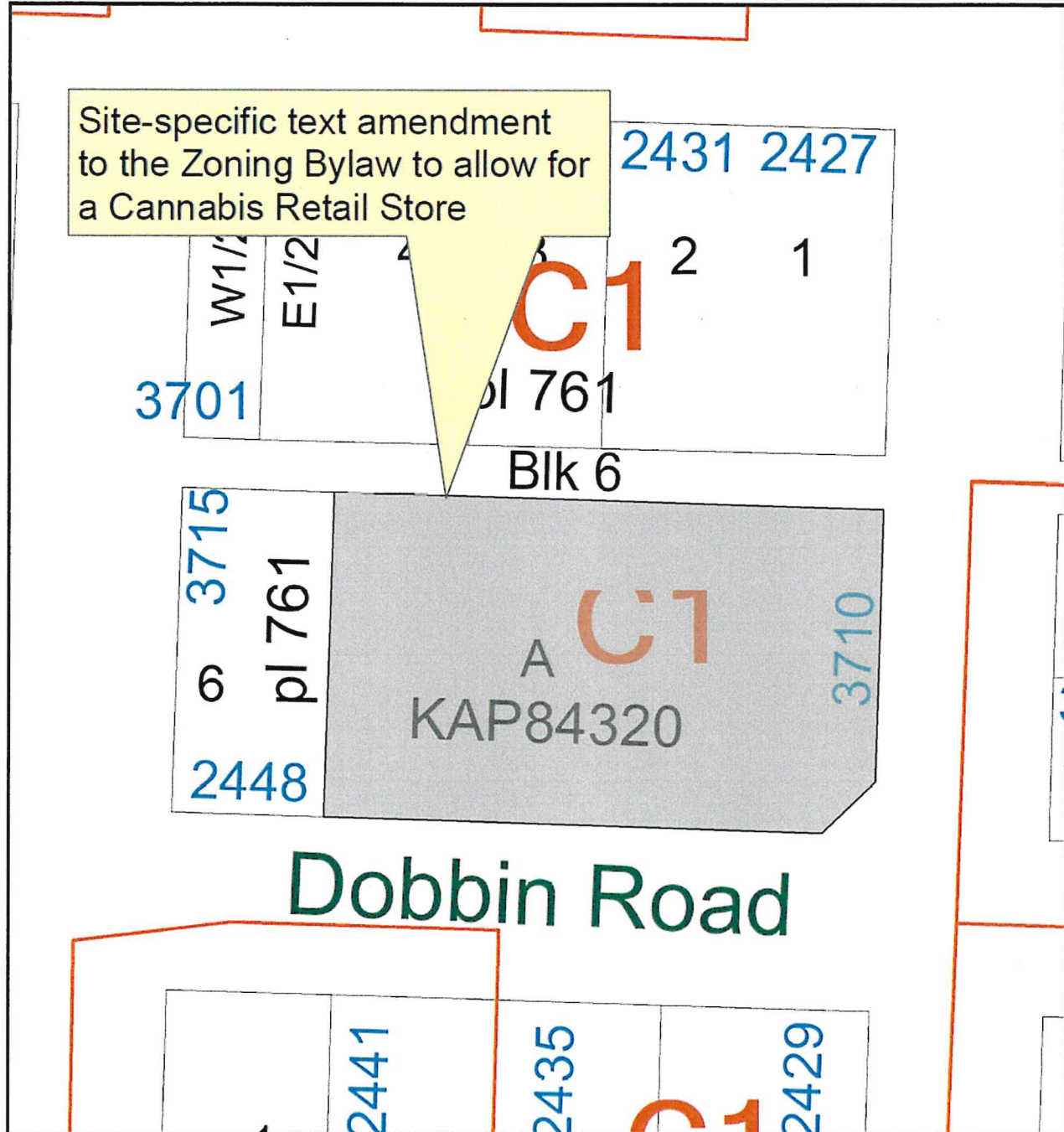
CITY CLERK



CITY OF
WEST
KELOWNA

SCHEDULE 'A' of BYLAW NO. 0154.78

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



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

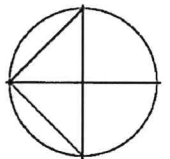
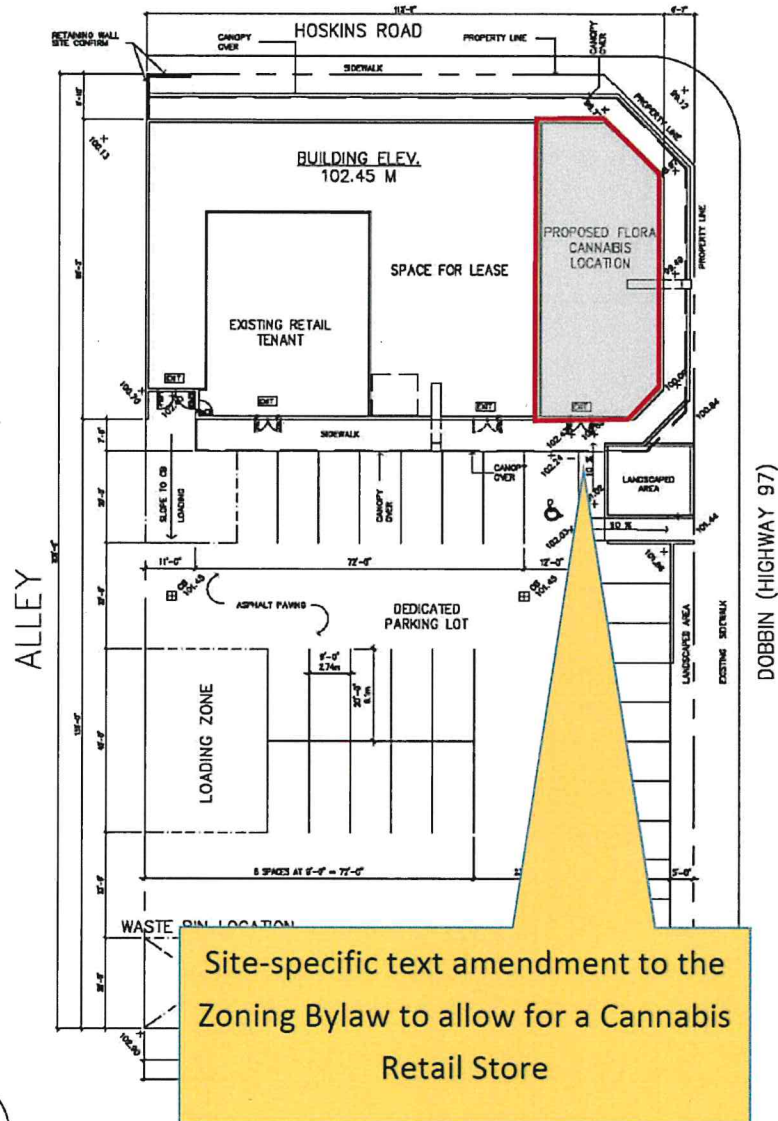


Date: 2019-04-05



CITY OF
WEST
KELOWNA

SCHEDULE 'B' of BYLAW NO. 0154.78



NORTH

PLAN KAP84320, LOT A, DISTRICT LOT 486

SITE PLAN

SCALE: 1/32" = 1'-0"

File: Z 19-07

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

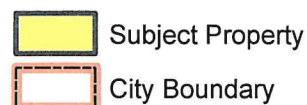
Address: 3710 Hoskins Road, West Kelowna, BC

Date: 2019-04-08



File: Z 19-07

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

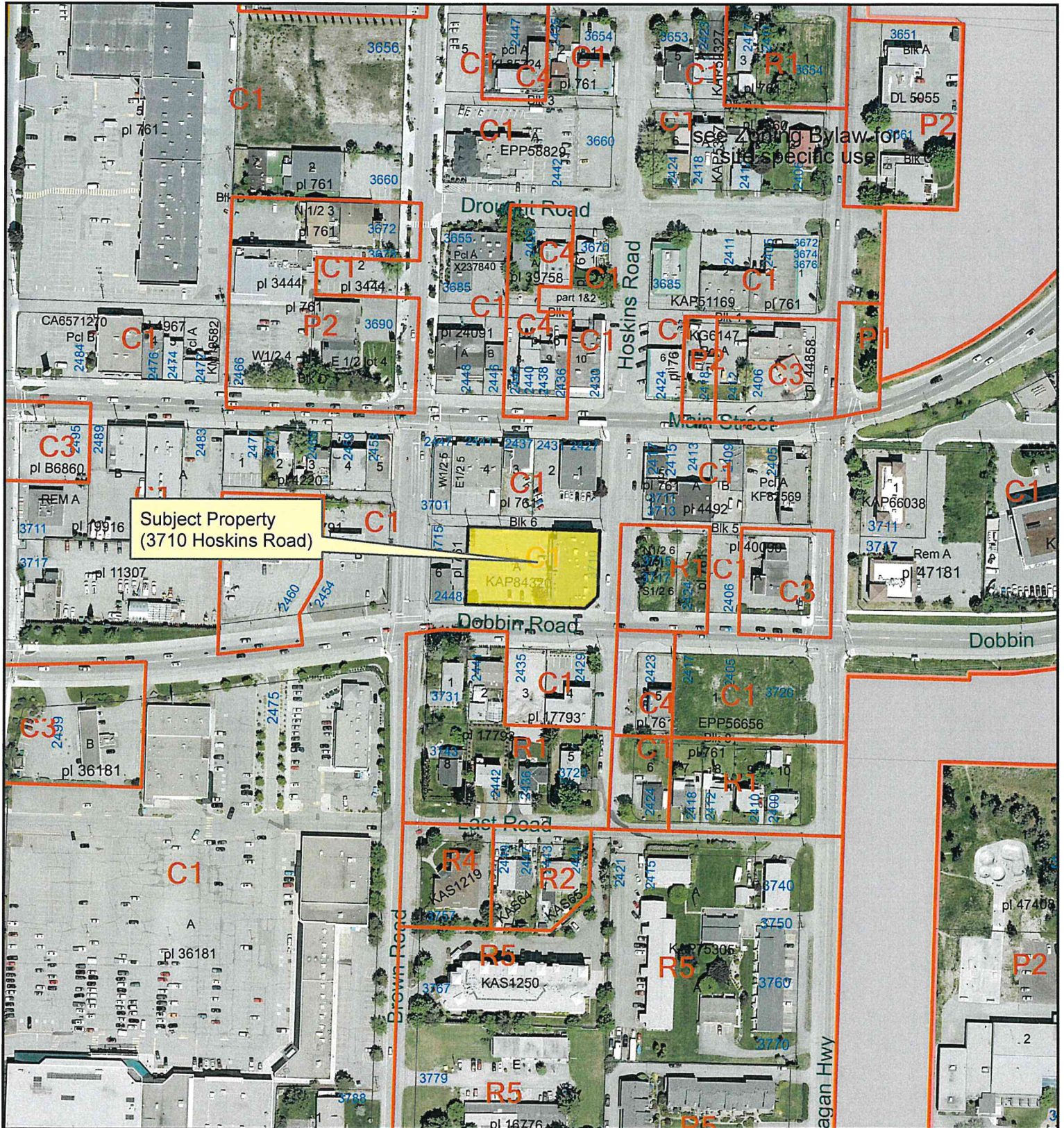


0 120 240 480 Metres





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

