



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

DATE: June 11, 2019 File No. Z 19-09 (Spirit Leaf)
TO: Jim Zaffino, CAO
FROM: Chris Oliver, Planner III
RE: Application: Zoning Amendment Bylaw No. 154.80, (Z 19-09)
Legal: Lot 2 DL 506 ODYD Plan 18464 Except Plan H16956
Address: 1195 Industrial Road
Owners: BMK133 Holdings Inc.
Agent: 1143782 B.C. Ltd. (Spirit Leaf)

RECOMMENDED MOTION:

THAT Council give third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.80, 2019 (Spirit Leaf, Z19-09); 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 three highest scoring applications identified through the evaluation processes for the Boucherie Centre/ West Kelowna Business Park neighbourhood areas.

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 Boucherie Centre/ West Kelowna Business Park areas with the two other store locations being considered for rezoning. The Spirit Leaf location on Industrial Road has been highlighted in blue.

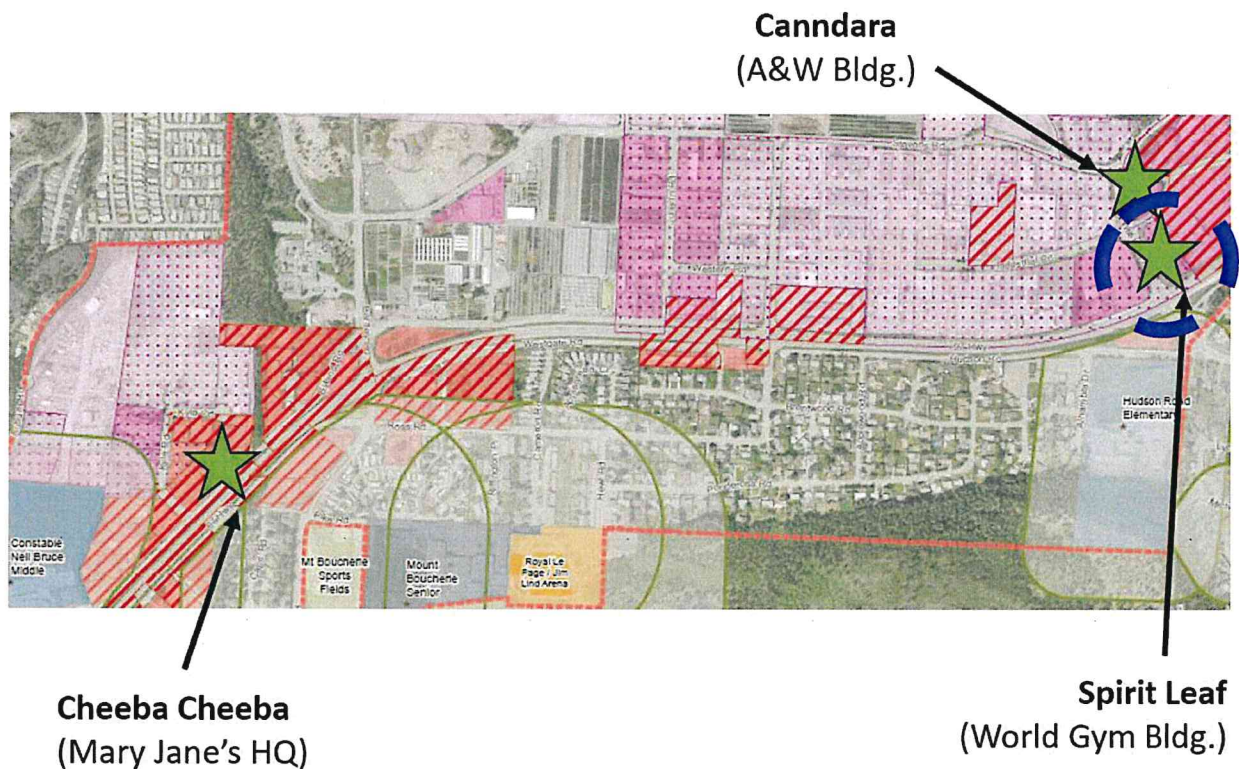


Figure 1. Boucherie Centre/ West Kelowna Business Park Applications

LOCATION AND SURROUNDING USES:

The subject property is located in a unit on the north side of the existing multi-tenant building located at 1195 Industrial Road. This building includes World Gym, Hergott Law, as well as other existing tenants. The surrounding land uses include:

- North – C3 Gasoline Service Station Zoned Parcel
- East– C4 Service Commercial Zoned Parcels
- South – P2 Parks and Institutional Zoned Parcel and C3 Zoned Parcel (Sonic Car Wash)
- West – I1 Light Industrial 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 I1 – Light Industrial which currently a variety of uses including retail uses. In addition to being commensurate with permitted uses in the I1 Light Industrial Zone, the proposed use can be accommodated in the existing building and satisfies all applicable parking requirements in the 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 no comments regarding the Spirit Leaf location.

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 for the British Columbia Liquor and Cannabis Regulation Branch.

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. 0154.80, 2019 (Spirit Leaf, Z 19-09); 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.	C170/19

ALTERNATE MOTIONS:

1. **THAT** Council postpone third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.80, 2019 (Spirit Leaf, Z19-09).

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

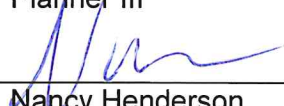
2. **THAT** Council rescind first and second readings of City of West Kelowna Zoning Amendment Bylaw No. 0154.80, 2019 (Spirit Leaf, Z19-09) and abandon the bylaw.

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 20, 2019
Date

Attachments:

1. Zoning Amendment Bylaw No. 0154.80, 2019 (Spirit Leaf, Z19-09)
2. Context Map
3. Subject Property Map

H:\DEVELOPMENT SERVICES\PLANNING\3360 Zoning & Rezoning\20 Applications\2019\Z 19-09 #104 - 1195 Industrial Rd - Spiritleaf\Bylaw_Rpts_Minutes\Third Reading\Z 19-09 3rd Reading Council Report.docx

CITY OF WEST KELOWNA

BYLAW NO. 0154.80

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. 0154.80, 2019".

2. Amendments

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

- 2.1 By adding to Section 12.1 Light Industrial Zone (I1), Sub-section 12.1.4 (Site Specific Uses, Building and Structures):

On Lot 2 DL 506 ODYD Plan 18464 Except Plan H16956 (#104-1195 Industrial Road): one Non-Medical Cannabis Retail Store as indicated on Schedule 'B' of Zoning Amendment Bylaw No. 0154.80.

- 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 _____

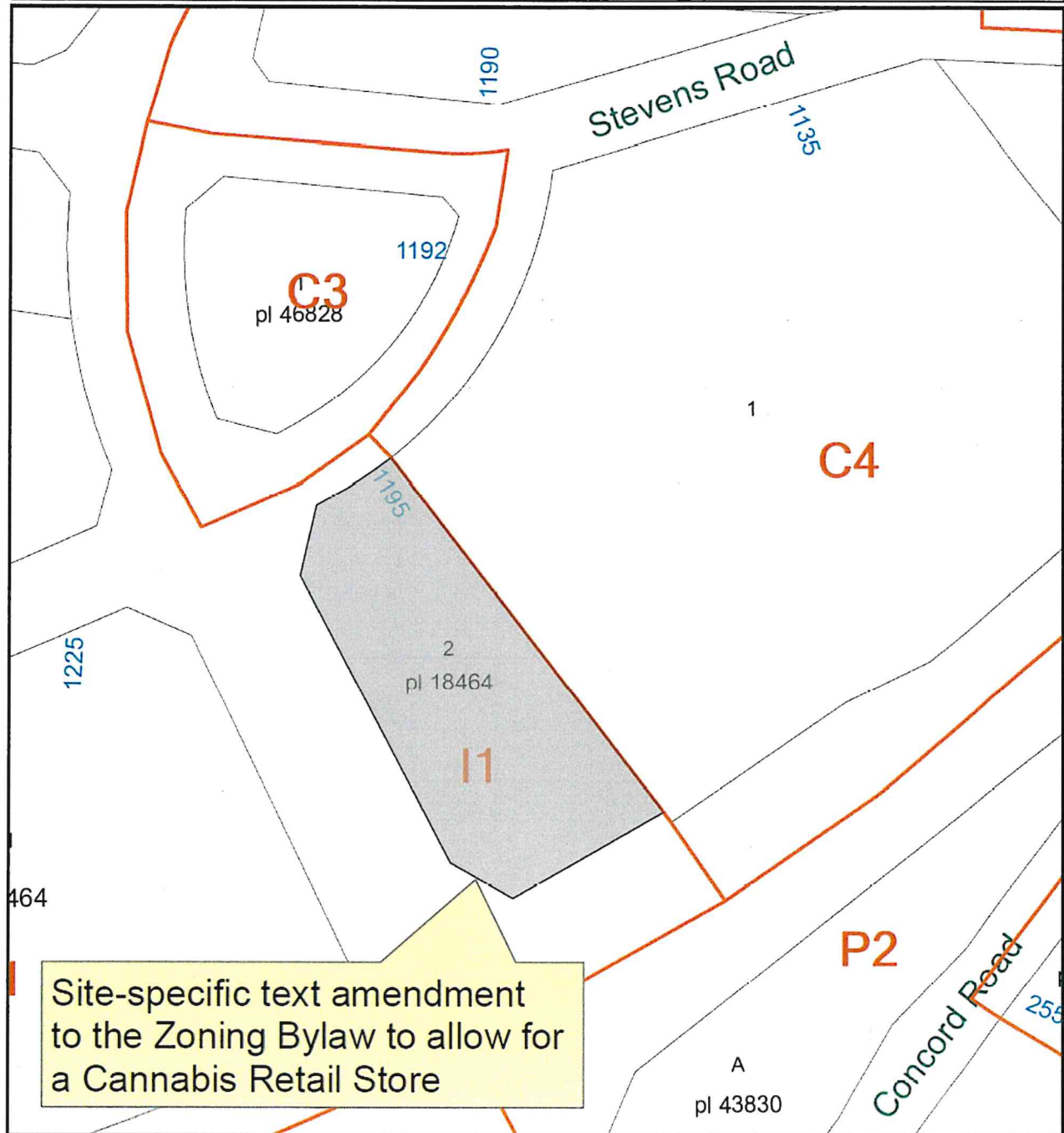
MAYOR

CITY CLERK



CITY OF
WEST
KELOWNA

SCHEDULE 'A' of BYLAW NO. 0154.80






File: Z 19-09

Legal Description: Lot 2, District Lot 506, ODYD,
Plan 18464 Except Plan H16956

0 20 40 80 Metres

1:1,500

LEGEND

-  Subject Property
-  Zoning Boundary
-  Parcels

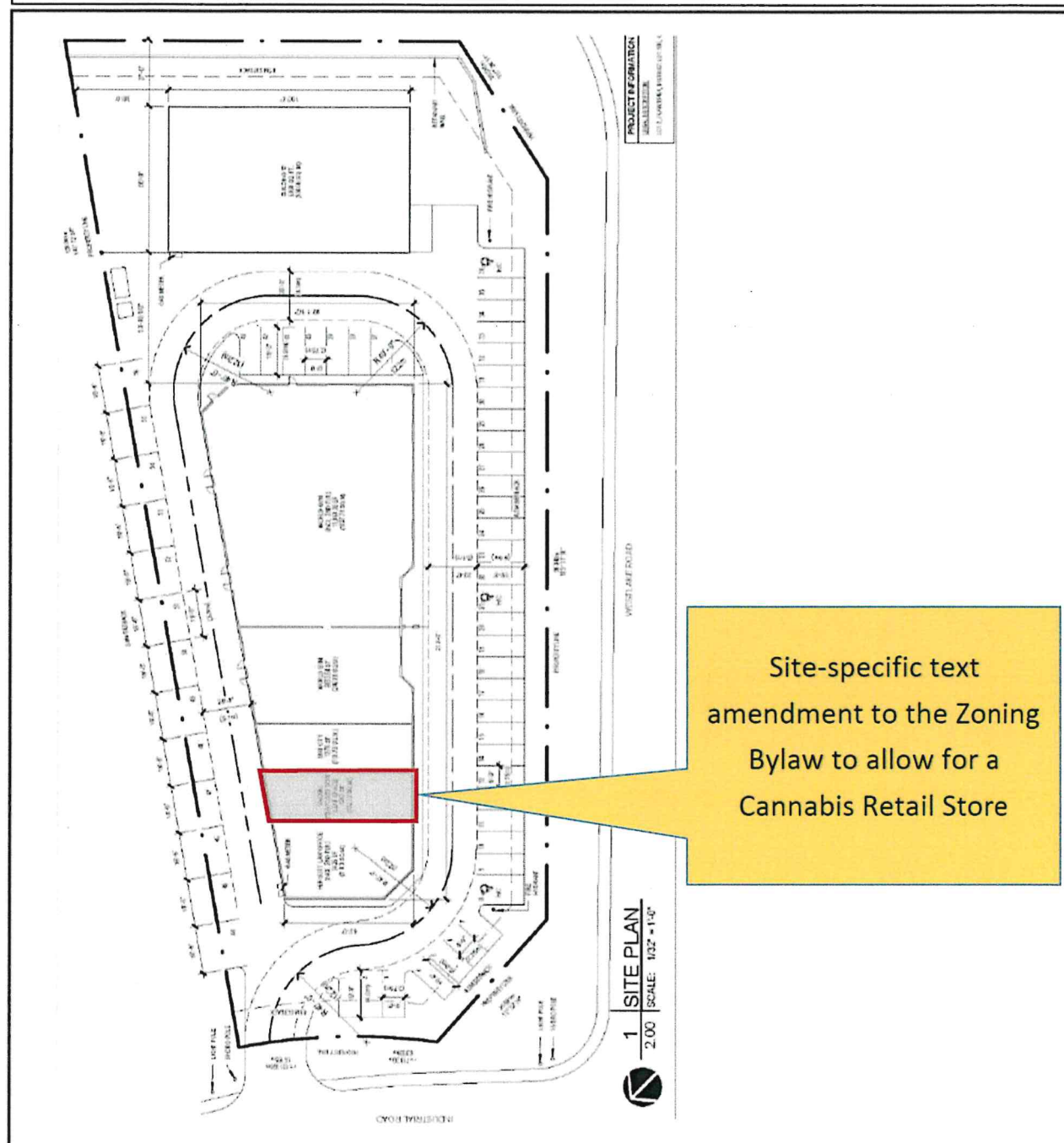


Date: 2019-04-05



CITY OF
WEST
KELOWNA

SCHEDULE 'B' of BYLAW NO. 0154.80



File: Z 19-09

Legal Description: Lot 2, District Lot 506, ODYD,
Plan 18464 Except Plan H16956

Address: #104 - 1195 Industrial Road, West Kelowna, BC

Date: 2019-04-08



File: Z 19-09

Legal Description: Lot 2, DL 506, ODYD, Plan 18464
Excerpt Plan H16956



Subject Property



City Boundary

0

120

240

480

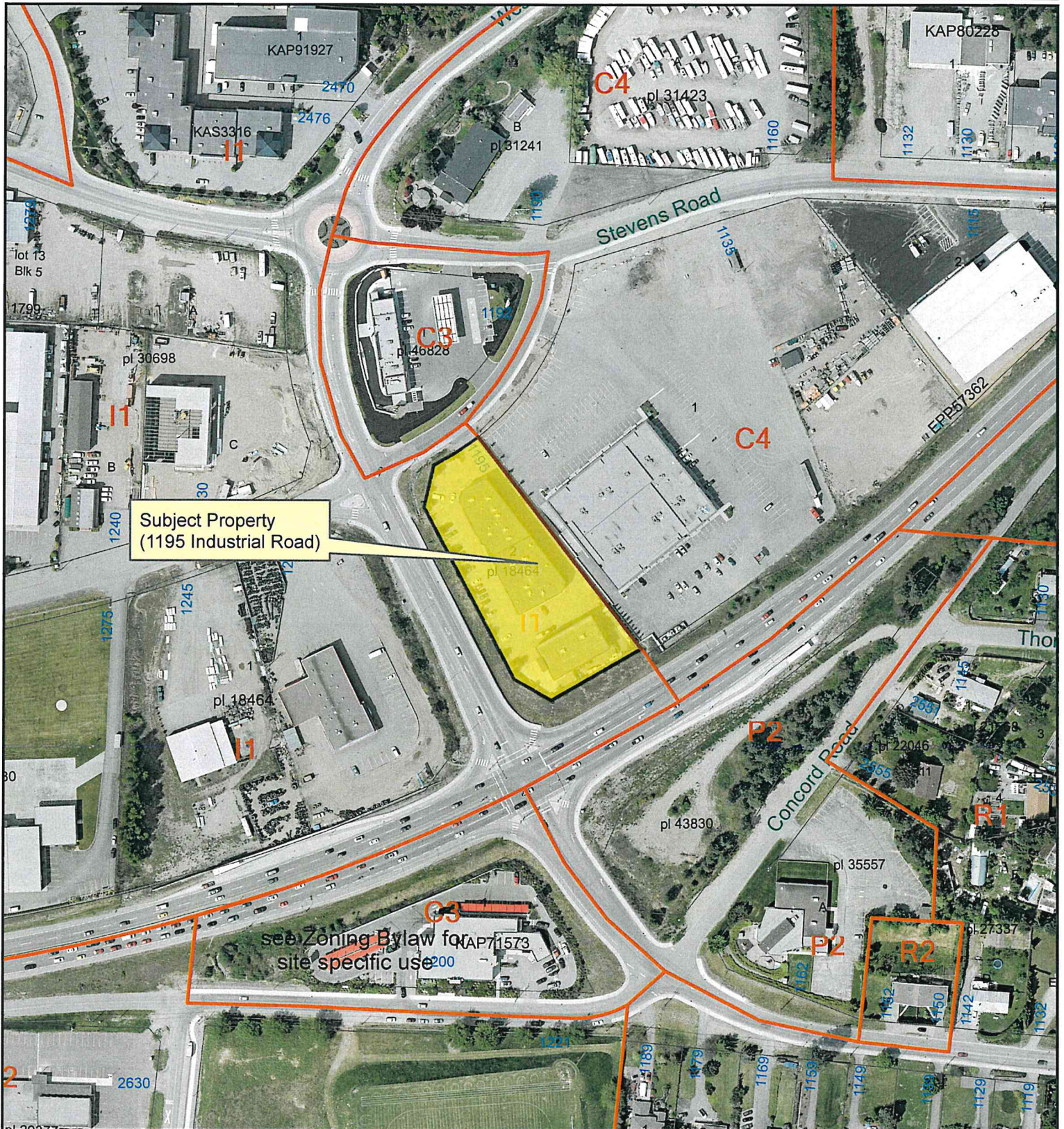
Metres



1:8,000



SUBJECT PROPERTY: Z 19-09



File: Z 19-09

Legal Description: Lot 2, DL 506, ODYD, Plan 18464
Except Plan H16956

LEGEND

- Subject Property
- Zoning Boundary
- Parcels

0 35 70 140 Metres

1:2,500



Date: 2019-03-29