



COUNCIL REPORT  
Development Services  
For the July 9, 2019 Council Meeting

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DATE: June 25, 2019 File No. Z 19-06 (Prime Cannabis)  
TO: Tracey Batten, Deputy 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 adopt City of West Kelowna Zoning Amendment Bylaw No. 0154.77, 2019 (Prime Cannabis, Z19-06); and

**THAT** Council direct staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch in support of the issuance of a non-medical cannabis retail store license in accordance with Amendment Bylaw No. 0154.77 with the following comments:

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated; and
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached.

**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; and
- The Ministry of Transportation and Infrastructure has approved the amendment Bylaw and all conditions have been met.

**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 Non-Medical Cannabis Retail Store Policy, five applications are being brought forward for rezoning with a site-specific text amendment to permit Non-Medical Cannabis Retail

Stores. As part of this process, staff also 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. As part of the adoption of the amendment Bylaw, a motion that satisfies the Liquor and Cannabis Regulation Branch has been included.


**COUNCIL REPORT/RESOLUTION HISTORY**

Date	Report Topic/Resolution	Resolution No.
June 25, 2019	<p><b>THAT</b> Council give third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.77, 2019 (Prime Cannabis, Z19-06); and</p> <p><b>THAT</b> Council direct staff to schedule the bylaw for consideration and adoption following approval by the Ministry of Transportation and Infrastructure.</p>	C252/19
May 14, 2019	Public Hearing held	N/A
April 23, 2019	<p><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);</p> <p><b>THAT</b> Council direct staff to schedule the bylaw for public hearing; and</p> <p><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.</p>	C168/19

Respectfully submitted,

  
 Chris Oliver  
 Planner III

  
 Brent Magnan  
 Planning Manager

  
 Nancy Henderson  
 GM of Development Services

Powerpoint: Yes  No

Approved for Agenda  
 July 3/19  
 Tracey Batten, Deputy CAO Date

Attachments:

1. Zoning Amendment Bylaw No. 0154.77, 2019 (Prime Cannabis, Z19-06)
2. May 14, 2019 Public Hearing Minutes
3. Context Map
4. Subject Property Map

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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 25<sup>TH</sup> DAY OF JUNE, 2019

APPROVED BY MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE THIS 27<sup>TH</sup> DAY OF JUNE, 2019

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

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MAYOR

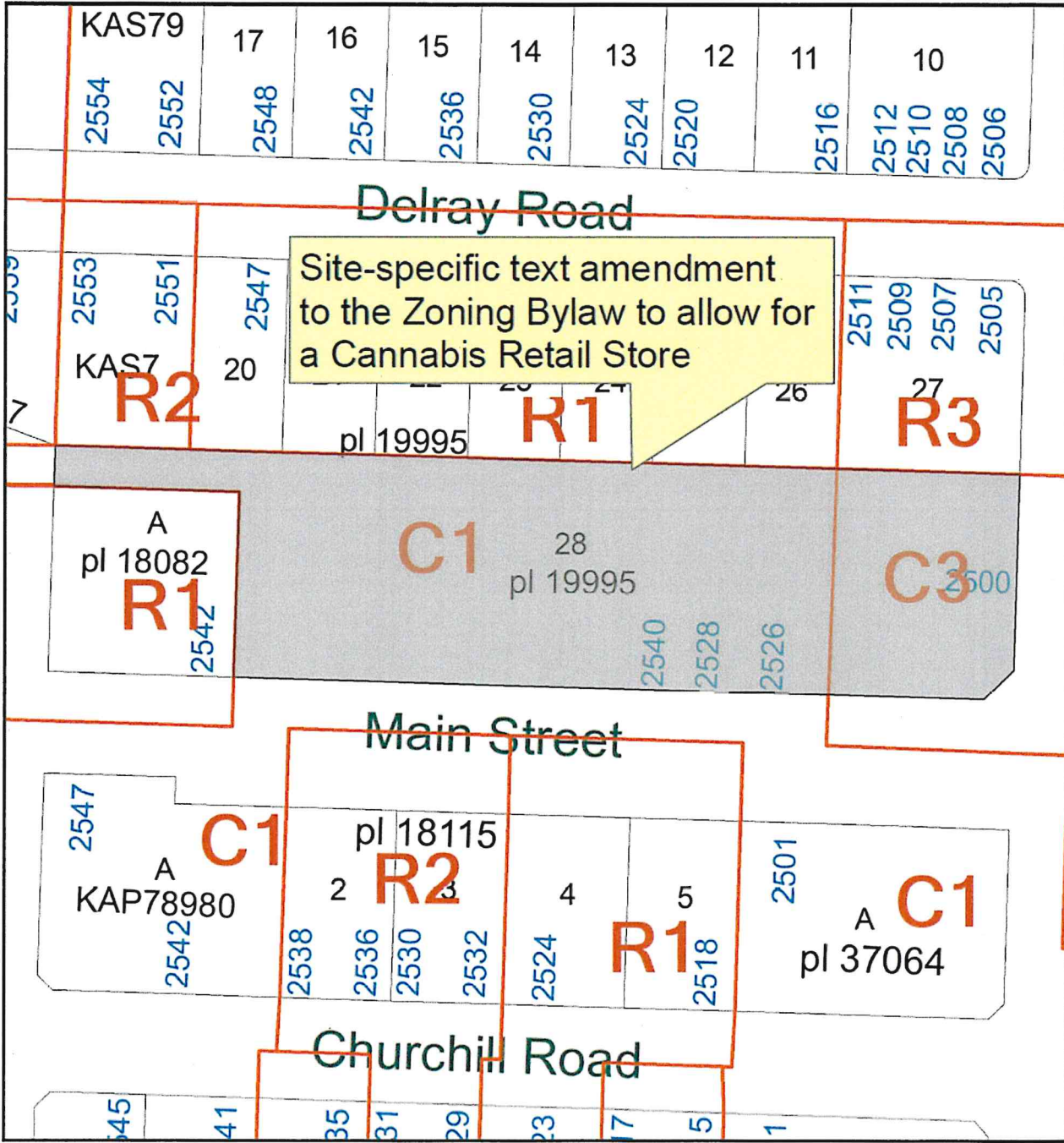
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CITY CLERK



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



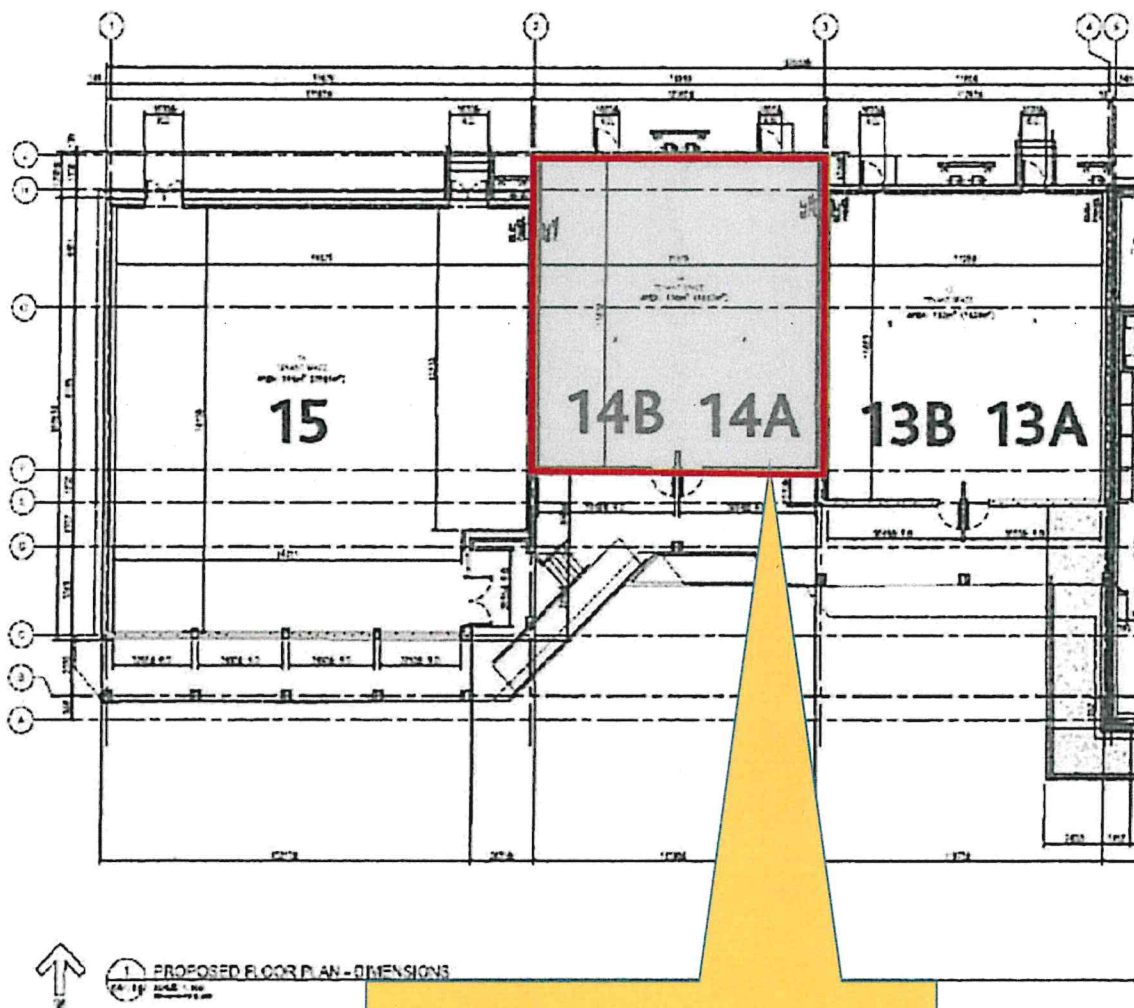
- LEGEND**
- Subject Property
  - Zoning Boundary
  - Parcels



Date: 2019-04-05



# 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



## PUBLIC HEARING MINUTES

MINUTES OF THE PUBLIC HEARING  
HELD AT THE CITY OF WEST KELOWNA COUNCIL CHAMBERS,  
2760 CAMERON ROAD, WEST KELOWNA, BC  
TUESDAY, MAY 14, 2019

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**MEMBERS PRESENT:** Mayor Gord Milsom  
Councillor Rick de Jong  
Councillor Doug Findlater  
Councillor Jason Friesen  
Councillor Stephen Johnson  
Councillor Carol Zanon  
Councillor Jayson Zilkie

**Staff Present:** Jim Zaffino, CAO  
Tracey Batten, Deputy CAO  
Nancy Henderson, GM of Development Services  
Brent Magnan, Planning Manager  
Shelley Schnitzler, Legislative Services Manager  
Brandon Mayne, Help Desk Assistant  
Chris Oliver, Planner III

**1. CALL THE PUBLIC HEARING TO ORDER:**

The Public Hearing was called to order at 6:00 p.m.

**2. INTRODUCTION OF LATE ITEMS:**

2.1 Re: Item 4.1, Z 19-06, 14 – 2528 Main Street  
Letter received from Michael Plumpton

2.2 Re: Item 4.5, Z 19-10, 1192 Industrial Road  
Replacement Page 61

**3. ADOPTION OF AGENDA:**

It was moved and seconded that the agenda be adopted as amended. The motion carried unanimously.

**4. PUBLIC HEARING:**

The Mayor explained the process of this public hearing being held pursuant to Division 3, Part 14 of the *Local Government Act* for the purpose of hearing representation from those persons who believe their interests may be affected by the following bylaws:

- Zoning Amendment Bylaw No. 0154.77
- Zoning Amendment Bylaw No. 0154.78
- Zoning Amendment Bylaw No. 0154.79
- Zoning Amendment Bylaw No. 0154.80
- Zoning Amendment Bylaw No. 0154.81
- Zoning Amendment Bylaw No. 0154.82

The Mayor noted that binders have been available for inspection which includes any written comments received to date for the applications and that Notices of the Public Hearing were duly advertised in accordance with the requirements of the *Local Government Act*.

#### 4.1 Z 19-06, 14-2528 Main Street

The Planner introduced Zoning Amendment Bylaw No. 0154.77, to permit a non-medical cannabis retail store at 14-2528 Main Street, and to provide the public consultation component for the Liquor and Cannabis Regulation Branch licensing process.

The Mayor asked if the owner/agent wished to address Council regarding this application.

#### Rob Anderson

- Has owned and operated restaurants for several years;
- Familiar with liquor control licensing regulations and Branch;
- Is a local resident;
- Previously owned a restaurant in Kelowna;
- Has inventory ordering management and auditing systems (for restaurants and liquor) experience;
- Work with Cannabis Compliance Inc.
- Regarding illicit drugs, needles, etc. previously the property was empty; along with adjoining properties and this business, this site will be more secure;
- There will be 4 exterior cameras;
- Will ensure there is no loitering and that the area is secure;
- Will ensure there will be no illicit drugs;
- Having a business on the subject property will clean up the area;
- Has applied for maximum operating hours; may refine hours as business dictates.

The Mayor asked a first time if there were any members of the public who wished to address Council regarding this file.

#### Dr. Corrina Lampen, Sensei Laser and Vein

- Cameras don't make a difference;
- Her business has been broken into;
- Concern with opening a cannabis business in an area that supports homeless people;
- There are already drug issues;





Subject Property  
(2528 Main Street)

Johnson Bentley Aquatic Center

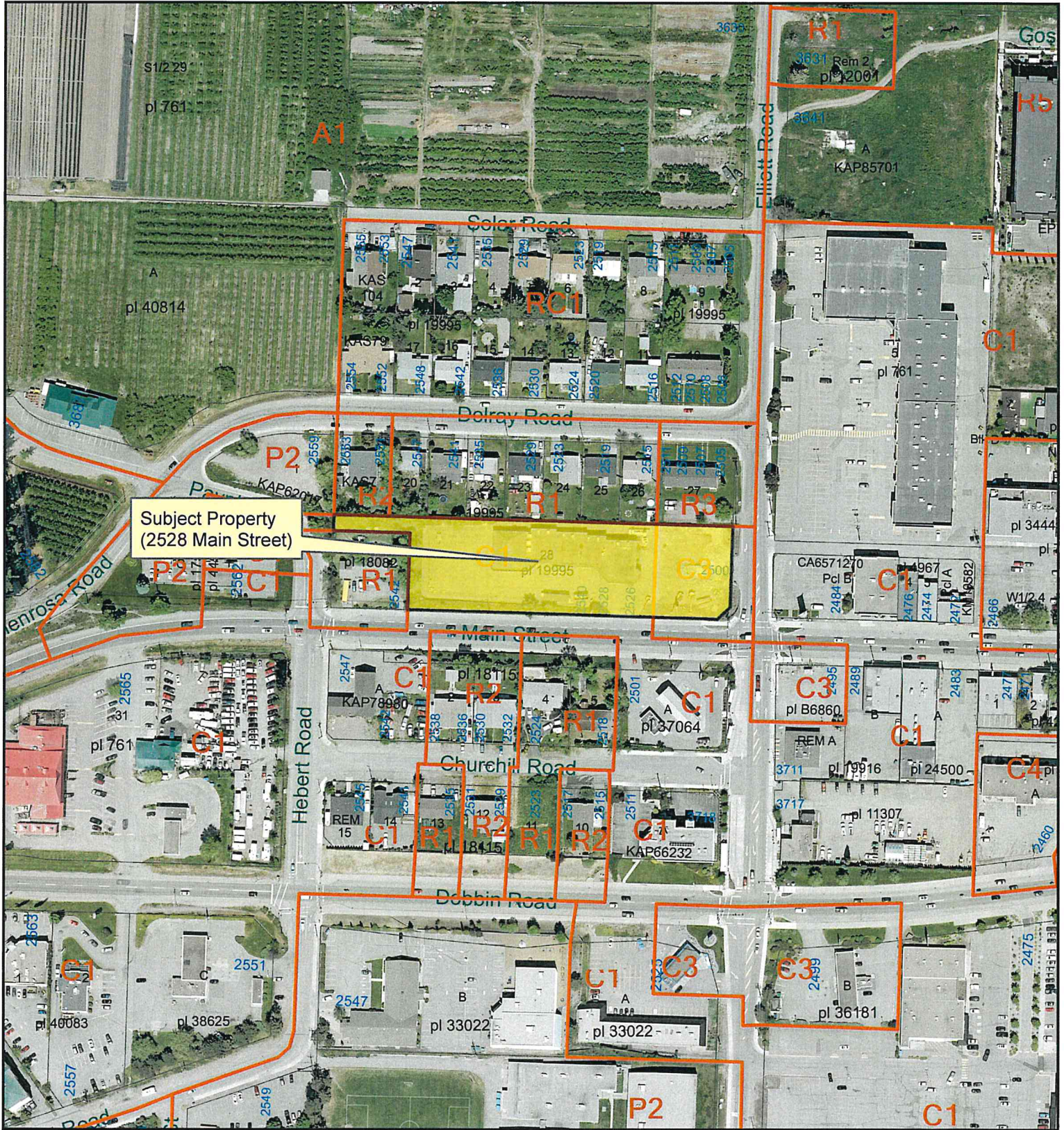
File: Z 19-06

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

-  Subject Property
-  City Boundary










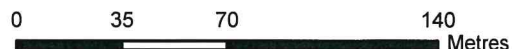
Subject Property (2528 Main Street)

File: Z 19-06

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

LEGEND

-  Subject Property
-  Zoning Boundary
-  Parcels



1:2,500

Date: 2019-03-29