



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

DATE: June 25, 2019 File No. Z 19-08 (Cheeba Cheebas)

TO: Tracey Batten, Deputy CAO

FROM: Chris Oliver, Planner III

RE: Application: Zoning Amendment Bylaw No. 154.79, (Z 19-08)
Legal: Lot 7 DLS 507 and 2601 ODYD Plan KAP50056
Address: 1812 Byland Road
Owners: Canada West Realty Ltd.
Agent: Christy and Associates Ltd. (On behalf of Cheeba Cheebas)

RECOMMENDED MOTION:

THAT Council adopt City of West Kelowna Zoning Amendment Bylaw No. 0154.79, 2019 (Cheeba Cheebas, Z19-08); 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. 0154.79 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>THAT Council give third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.79, 2019 (Cheeba Cheebas, Z19-08); and</p> <p>THAT Council direct staff to schedule the bylaw for consideration and adoption following approval by the Ministry of Transportation and Infrastructure.</p>	C254/19
May 14, 2019	Public Hearing held	N/A
April 23, 2019	<p>THAT Council give first and second readings to City of West Kelowna Zoning Amendment Bylaw No. 0154.79, 2019 (Cheeba Cheeba, Z 19-08);</p> <p>THAT Council direct staff to schedule the bylaw for public hearing; and</p> <p>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.</p>	C172/19

Respectfully submitted,



 Chris Oliver
 Planner III



 Brent Magnan
 Planning Manager



 Nancy Henderson
 GM of Development Services

Powerpoint: Yes No

Approved for Agenda

 Tracey Batten, Deputy CAO Date

Attachments:

1. Zoning Amendment Bylaw No. 0154.79, 2019 (Cheeba Cheebas, Z19-08)
2. May 14, 2019 Public Hearing Minutes
3. Context Map
4. Subject Property Map

H:\DEVELOPMENT SERVICES\PLANNING\3360 Zoning & Rezoning\20 Applications\2019\Z 19-08 1812 Byland Rd - Cheeba Cheebas\Bylaw_Rpts_Minutes\Adoption\Z 19-08 Adopt Council Report.docx

CITY OF WEST KELOWNA

BYLAW NO. 0154.79

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. 0154.79, 2019".

2. Amendments

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

2.1 By adding to Section 11.4 Service Commercial Zone (C4), Sub-section 11.4.4 (Site Specific Uses, Building and Structures):

On Lot 7 DLS 507 and 2601 ODYD Plan KAP50056 (#1-1812 Byland Road): one Non-Medical Cannabis Retail Store as indicated on Schedule 'B' of Zoning Amendment Bylaw No. 0154.79.

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 25TH DAY OF JUNE, 2019

APPROVED BY MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE THIS 27TH DAY OF JUNE, 2019

ADOPTED THIS ____ DAY OF _____

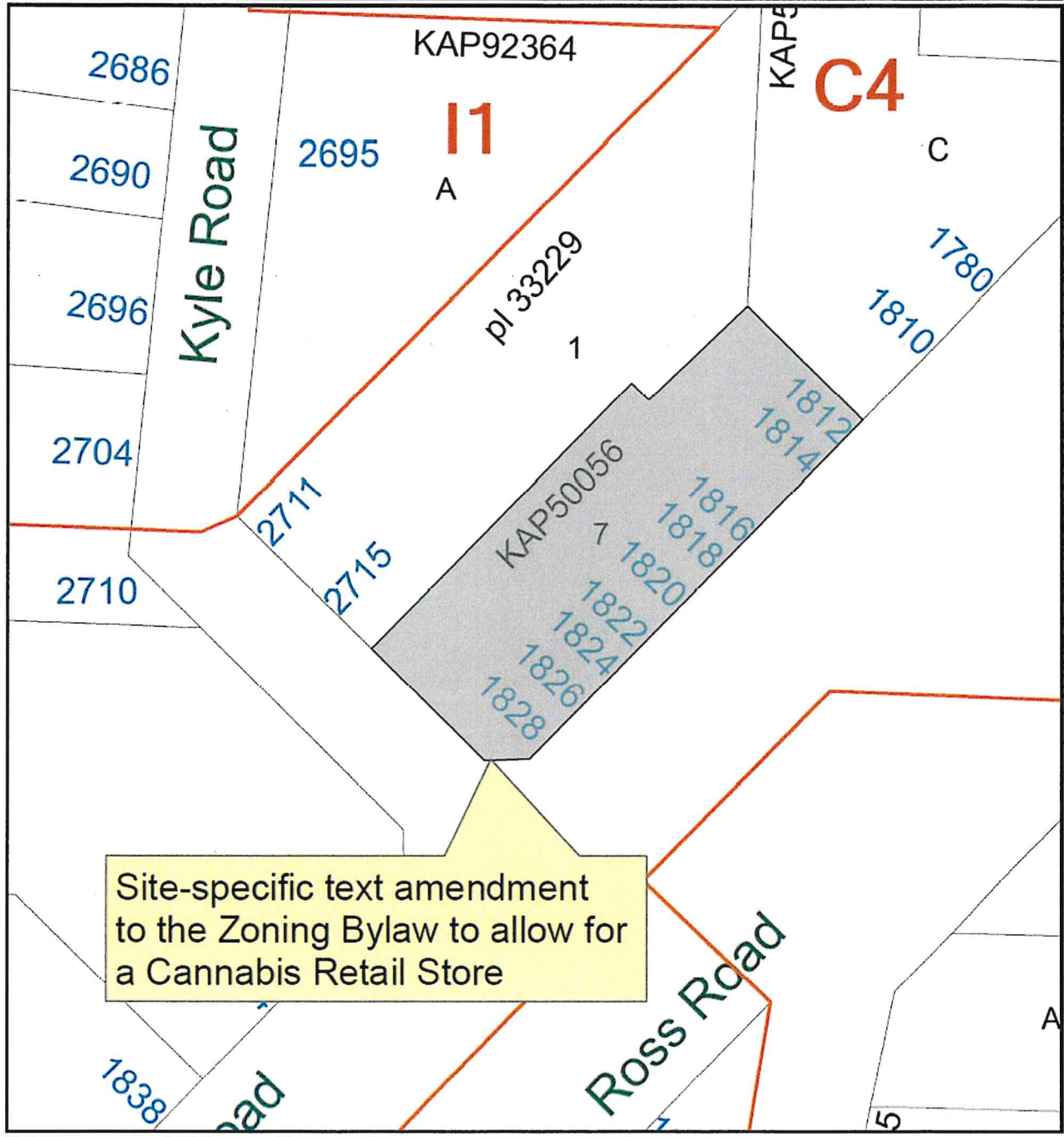
MAYOR

CITY CLERK



CITY OF
WEST
KELOWNA

SCHEDULE 'A' of BYLAW NO. 0154.79



File: Z 19-08

Legal Description: Lot 7, District Lots 507 and 2601,
ODYD, Plan KAP50056



LEGEND

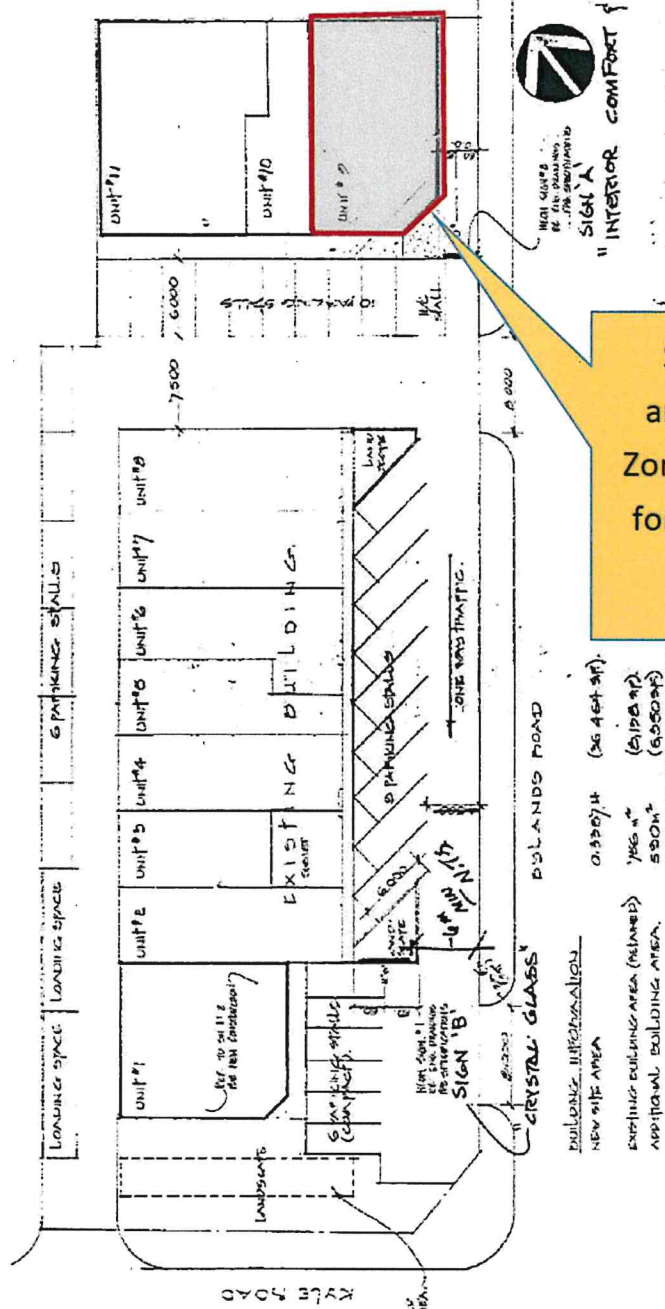
- Subject Property
- Zoning Boundary
- Parcels



Date: 2019-04-05



SCHEDULE 'B' of BYLAW NO. 0154.79



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

File: Z 19-08
 Legal Description: Lot 7, District Lots 507 and 2601, ODYD, Plan KAP50056
 Address: Unit 1 - 1812 Byland Road, West Kelowna, BC



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

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:

The Mayor asked a third and final time if there were any members of the public who wished to address Council regarding this application.

Dr. Corrina Lampen, Sensei Laser and Vein

- There are now genetic modifications to plant substances to increase potency;
- They are not the typical garden variety grown in back yards;
- They become stronger and have more serious complications.

The Mayor asked a first time if there were any members of the public who wished to address Council regarding this file. There were no comments from the public.

The Mayor asked a second time if there were any members of the public who wished to address Council regarding this application. There were no comments from the public.

The Mayor asked a third and final time if there were any members of the public who wished to address Council regarding this application. There were no comments from the public.

The Mayor declared the public hearing closed at 6:37 p.m. and Council cannot accept any further information regarding this application.

4.3 Z 19-08, 1 - 1812 Byland Road

The Planner introduced Zoning Amendment Bylaw No. 0154.79, to permit a non-medical cannabis retail store at 1 - 1812 Byland Road, 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.

Hazel Christy, Christy & Associates and Chris Gayford

- With reference to the logo, the design has been submitted to the Provincial Government for review; there has been no comment from them;
- Mr. Gayford is willing to work with staff and the OCP guidelines regarding façade improvements;
- Is aware of the Sign Bylaw and will comply with all of Council's regulations on façade improvements;
- Façade design is a subjective consideration; there is room for discretion;
- The idea for the facade design came from seeing similar facades in Seattle;
- Has hired a company for the design; will work with them to improve branding and façade improvements; will work with them once the application has gone through the licensing process.

The Mayor asked a first time if there were any members of the public who wished to address Council regarding this file. There were no comments from the public.

The Mayor asked a second time if there were any members of the public who wished to address Council regarding this application. There were no comments from the public.



Subject Property
(1812 Byland Road)





Constable Neil Bruce Middle School

City of West Kelowna Office



File: Z 19-08

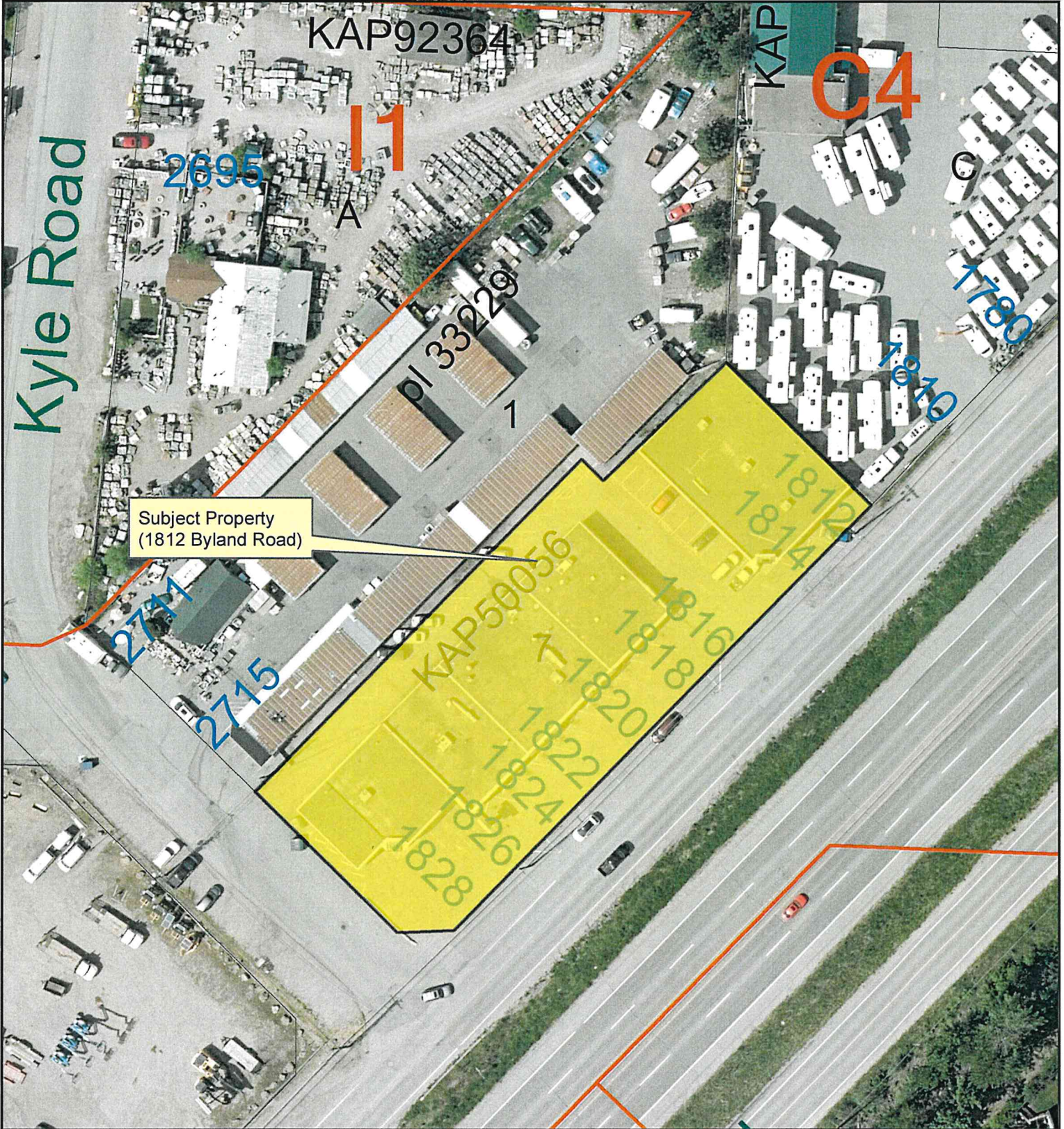
Legal Description: Lot 7, DL 507 & 2601, ODYD, Plan KAP50056

-  Subject Property
-  City Boundary





SUBJECT PROPERTY: Z 19-08



File: Z 19-08

Legal Description: Lot 7, DL 507 & 2601, ODYD, Plan KAP50056

LEGEND

- Subject Property
- Zoning Boundary
- Parcels



1:800



Date: 2019-04-09