



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

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DATE: June 25, 2019 File No. Z 19-09 (Spirit Leaf)  
TO: Tracey Batten, Deputy 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)

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RECOMMENDED MOTION:

**THAT** Council adopt City of West Kelowna Zoning Amendment Bylaw No. 0154.80, 2019 (Spirit Leaf, Z19-09); 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. 0154.80 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. 0154.80, 2019 (Spirit Leaf, Z19-09); 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>	C255/19
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. 0154.80, 2019 (Spirit Leaf, Z 19-09);</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>	C170/19

Respectfully submitted,



Chris Oliver  
Planner III



Brent Magnan  
Planning Manager



Nancy Henderson  
GM of Development Services

Powerpoint: Yes  No

Approved for Agenda

*Tracey Batten* *July 31/19*  
Tracey Batten, Deputy CAO Date

Attachments:

1. Zoning Amendment Bylaw No. 0154.80, 2019 (Spirit Leaf, Z19-09)
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 19-09 #104 - 1195 Industrial Rd - Spiritleaf\Bylaw\_Rpts\_Minutes\Adoption\Z 19-09 Adopt Council Report.docx

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CITY OF WEST KELOWNA

BYLAW NO. 0154.80

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. 0154.80, 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 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

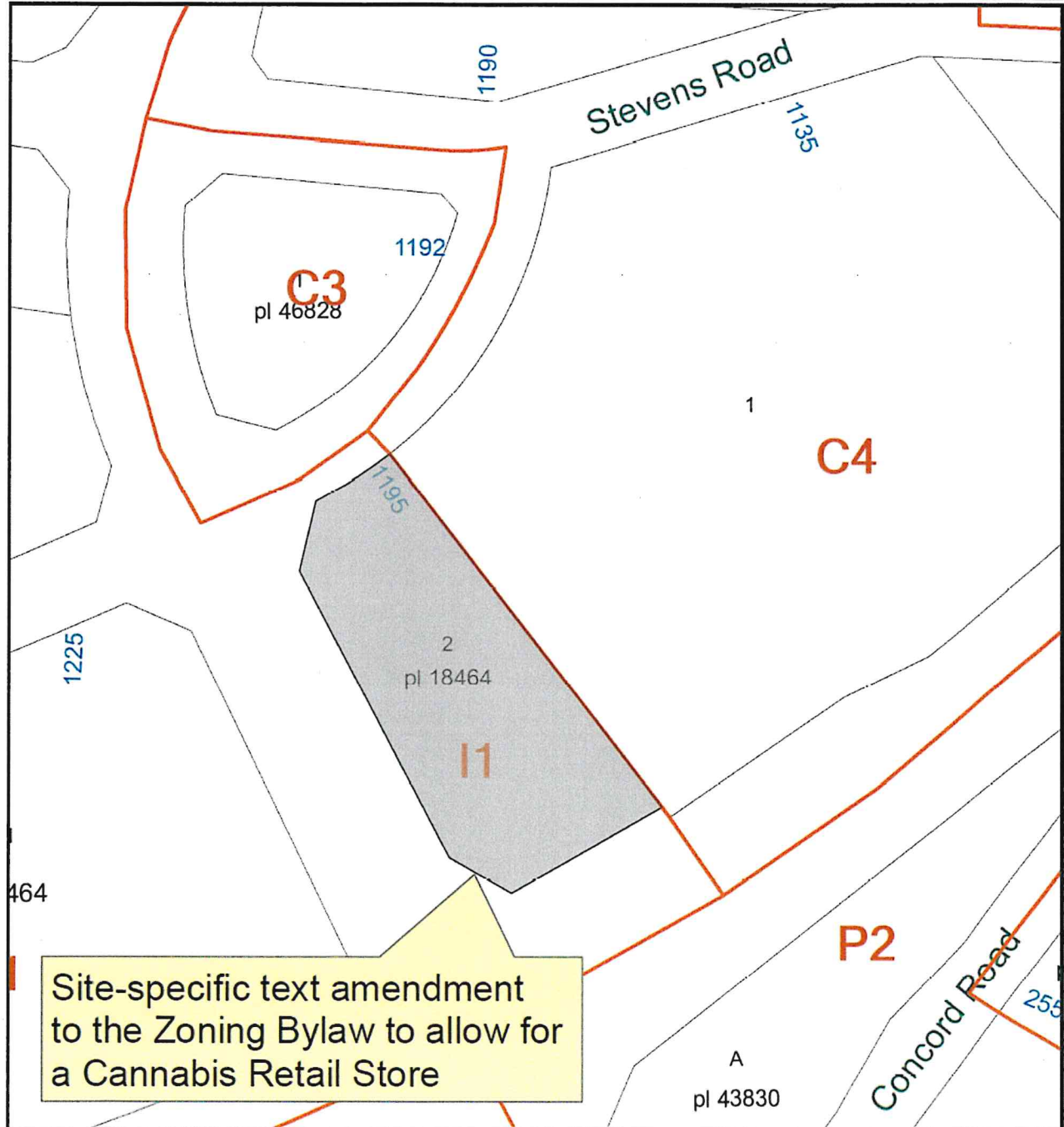
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CITY CLERK



CITY OF WEST KELOWNA

# SCHEDULE 'A' of BYLAW NO. 0154.80






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

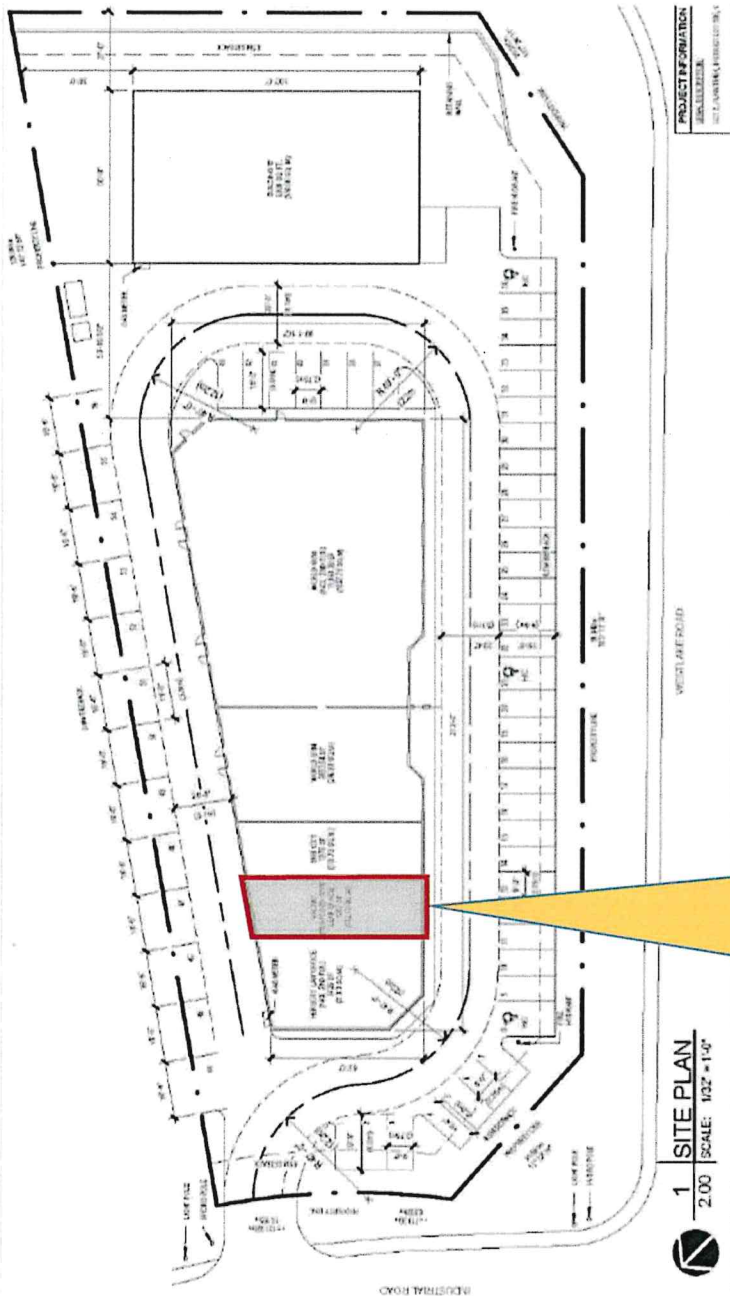


Date: 2019-04-05



CITY OF  
WEST  
KELOWNA

# SCHEDULE 'B' of BYLAW NO. 0154.80



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

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





## 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:

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 6:59 p.m. and Council cannot accept any further information regarding this application.

#### 4.4 Z 19-09, 104 – 1195 Industrial Road

The Planner introduced Zoning Amendment Bylaw No. 0154.80, to permit a non-medical cannabis retail store at 104 – 1195 Industrial 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.

##### Michael Adams

- Spiritleaf is a franchise;
- Minors will not be permitted in the store;
- Will adhere to all laws regarding minors;
- No loitering or consumption will be permitted outside the store;
- Security – will have surveillance to keep staff and customers safe;
- Panic button will be located in the store;
- All products will be kept under lock and key;
- Staff will be educated and trained in Spiritleaf's safety plan;
- The business will be monitored by a security company 24/7;
- A security company will provide patrols after hours;
- Will follow all laws around sale and consumption of non-medical cannabis;
- Will ensure compliance with the Liquor and Cannabis Regulation Branch;
- Their Community Engagement Program provides sponsorships, donations and endowments to the community.

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 7:09 p.m. and Council cannot accept any further information regarding this application.





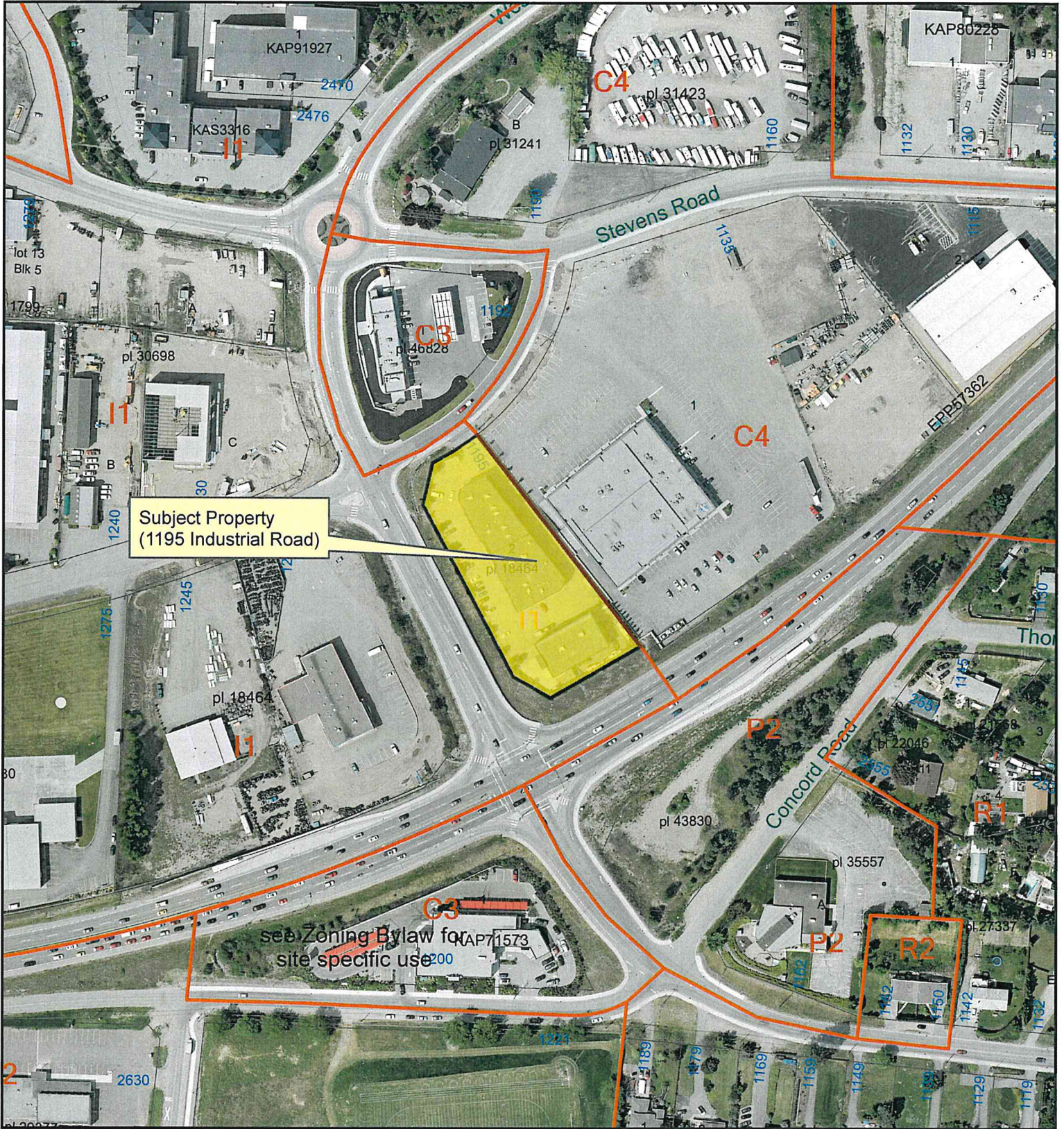
File: Z 19-09

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

-  Subject Property
-  City Boundary







File: Z 19-09

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

### LEGEND

- Subject Property
- Zoning Boundary
- Parcels



1:2,500



Date: 2019-03-29