



COUNCIL REPORT
Development Services
For the October 8, 2019 Council Meeting

DATE: September 27, 2019 File: Z19-11
TO: Paul Gipps, CAO
FROM: Hailey Rilkoff, Planner I
RE: Z 19-11, Site Specific Zoning Text Amendment, 2475 Dobbin Road
Legal: Lot A District Lot 486 ODYD Plan 36181
Owner: Anterra Westbank Towne Centre LTD.
Agent: BC Liquor Distribution Branch (LDB)

RECOMMENDED MOTION:

THAT Council give first and second readings to City of West Kelowna Zoning Amendment Bylaw No. 0154.85, 2019 (BC Cannabis Store, Z19-11); and

THAT Council direct staff to schedule the bylaw for public hearing.

RATIONALE:

The recommended motion is based on the following considerations:

- 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;
- Council will have the opportunity to further evaluate the application and gather input from the public through the Public Hearing process;
- The proposed non-medical retail cannabis store would have had one of the highest scores had it been subject to the evaluation matrix rankings based on location, the proponent, and the security and operational plans; and,
- The site would also house the regional office for BC Cannabis Stores throughout the Okanagan Valley to provide administration, management and training.

LEGISLATIVE REQUIREMENTS:

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

BACKGROUND:

History

On September 4, 2018, Council directed the development of a municipal framework that would require proponents for non-medical cannabis retail stores to obtain site-specific zoning approval and further directed the development of a proposed intake process for applicants.

On October 2, 2018, Council adopted the Non-Medical Cannabis Retail Store Rezoning Policy which included a framework and review matrix that would guide the acceptance and evaluation of applications. The framework and matrix were largely based on the criteria that the BC Liquor Distribution Branch (LDB) were applying in the selection of their store locations and store operation. The Policy was created to help inform Council's decision making on selecting four retail cannabis retail stores based on a variety of considerations including location, security, form and character, Bylaw compliance and underlying Zoning.

Through the selection process, Council brought five site-specific rezoning applications forward and as of July 9, 2019, all five have been adopted by Council. Two of the approved non-medical cannabis retail stores are in Westbank Centre and three are located in the Boucherie Centre/West Kelowna Industrial Park.

While the Policy provides direction for the initial intake period of Non-Medical Cannabis Retail Store applications, Section 6.1 maintains Council's discretion in consideration of applications for rezoning and the ability to exempt applications from the Policy or require additional considerations not included in the Policy (*Attachment 2*).

BC Liquor Distribution Branch Application

The BC Liquor Distribution Branch (LDB) undertook efforts to locate available spaces as part of the City's initial intake process but were unable to do so due to a lack of availability to substantiate long term tenancy and capital investment. Since the initial period, the LDB has secured a suitable location that meets the criteria of the LDB and substantially meets the City's Policy. Staff initially brought the LDB's request for consideration of a BC Cannabis Store to Council on July 23rd, 2019, which was not supported by Council.

On August 13th, 2019, after reconsideration of the request, Council directed staff to accept a sixth Zoning Bylaw amendment application for a Provincial BC Cannabis Store. The Non-Medical Cannabis Retail Store Rezoning Policy in accordance with the Development Application Procedures Bylaw outlines the application procedures under which proposals for retail cannabis applications are submitted, assessed and approved to operate in the City.

Location and Surrounding Uses

The subject property is located in a unit on the East side the parcel in an existing multi-tenant building located at 2475 Dobbin Road in West Kelowna. The subject property is approximately 9.7 acres which fronts the Eastbound couplet of Hwy 97 in the Westbank Centre neighbourhood. There are 4 existing multi-tenant buildings on the site with various uses including Save-On Foods, Shoppers Drug Mart, Home Hardware, BC Liquor Store, and various uses including financial, personal services, offices, retail and food service.

The subject property is located in the Westbank Centre neighbourhood and is surrounded by the following uses:

- North – C1, C3 and C4 Zoned Parcels; Hwy 97
- East – R1, R4, and R5 Zoned Parcels

- South – R5 and RC1 Zoned Parcels
- West – P2 and C1 Zoned Parcels

The subject property is located within 800m of multiple Provincial highway intersections and is not directly adjacent to other approved non-medical cannabis retail stores.

Proposal

The applicant has applied for a site-specific text amendment to Zoning Bylaw No. 0154 to allow for a Non-Medical Cannabis Retail Store on the subject property (2475 Dobbin Road). In addition to the retail sales on non-medical cannabis products, the site would also include the regional office for BC Cannabis Stores in the Okanagan Valley (from Osoyoos to Vernon) which will provide administration in addition to both management and staff training for the regional stores.

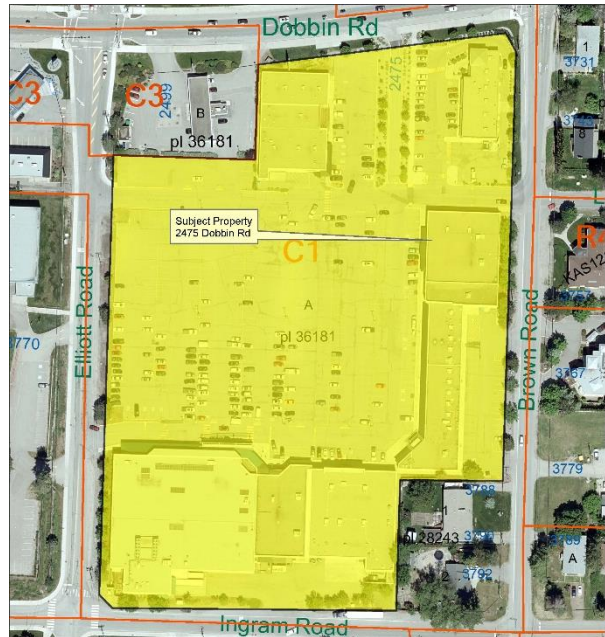


Figure 1 – Subject Property

Policy and Bylaw Review

Official Community Plan Bylaw No. 0100

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 No. 0154

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 No. 0154.

Non Medical Cannabis Retail Store Rezoning Policy

Based on the Evaluation Matrix used to score applications during the initial intake period, the criteria of which were based on the LDB's criteria, this proposed non-medical retail cannabis store would have had the one of the highest scores had it been subject to the rankings.

Liquor and Cannabis Regulation Branch (LCRB)

Under the *Cannabis Control and Licensing Act*, private retail stores may not operate without a licence issued by the general manager of the LCRB. Public stores run by the LDB are authorized under the *Cannabis Distribution Act* and do not require a licence from the LCRB.

Technical Review

Neighbourhood Location

The proposed BC Cannabis store is located within the preferred neighbourhood of Westbank Centre in accordance with the Policy.

Total Number of Non-Medical Cannabis Retail Stores

Currently, the Policy only permits two non-medical cannabis retail stores within Westbank Centre. However, Council has directed staff to accept the application for the BC Cannabis store and if approved the addition of a third store could be permitted at Council's discretion. This would bring

the total number of non-medical cannabis retail stores to three in Westbank Centre and three in Boucherie Centre/West Kelowna Business Park.

Preferred Underlying Zoning and/or Land Use Designation

The subject property has the preferred Zoning for non-medical cannabis retail stores, which is Urban Centre Commercial (C1). Both the underlying Zoning and future Land Use Designation of Commercial support the proposed use.

Separation from Sensitive Uses

The proposal meets the minimum separation distances from sensitive uses as outlined in Council's Non-Medical Cannabis Retail Store Rezoning Policy. The proposed public entrance of the non-medical cannabis retail store should be a minimum of 100m from the nearest parcel boundary of an Elementary School and 50m from the nearest public entrance of the Johnson Bentley Memorial Aquatic Centre.

Table 1 - Non-Medical Cannabis Retail Store suggested Sensitive Use Buffers

Sensitive Use	Minimum Separation Distance	Actual Separation Distance
Elementary School	100m from any public entrance of the non-medical cannabis retail store to the nearest parcel boundary of the applicable sensitive use	162m – George Pringle Elementary 243m – Our Lady of Lourdes
Johnson Bentley Aquatic Centre	50m from any public entrance of the non-medical cannabis retail store to the nearest parcel boundary of the applicable sensitive use	300m+
Alternative School or Youth Centre	100m from any public entrance of the non-medical cannabis retail store to the front entrance of the sensitive use	300m+ - Westside Learning Centre

Separation from other Non-Medical Cannabis Retail Stores

The proposed location of the BC Cannabis Store does not directly abut another non-medical cannabis retail store in accordance with the Policy.

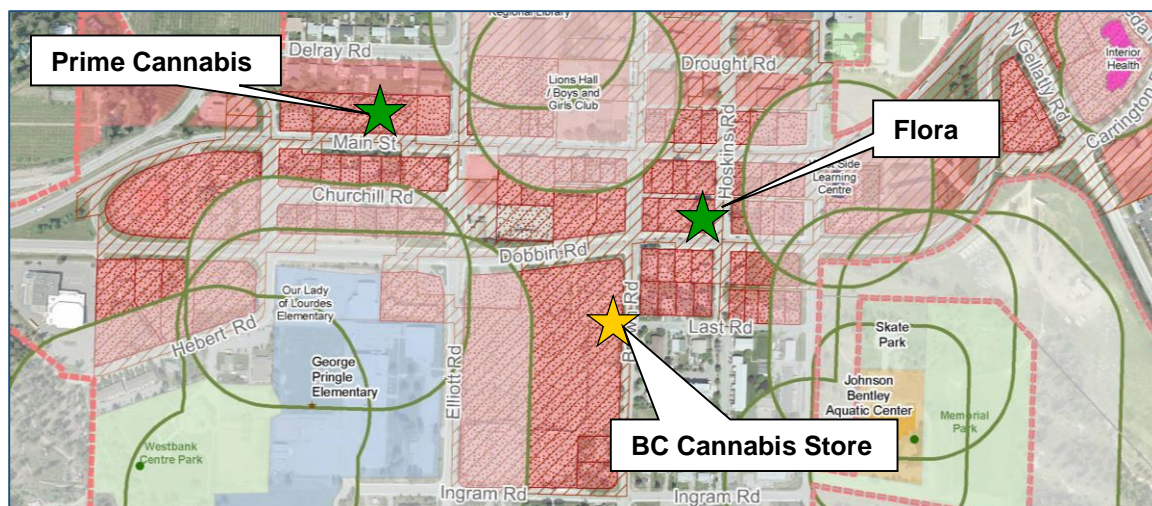


Figure 2 – Westbank Centre Non-Medical Retail Cannabis Stores

Building Design, Aesthetics and Neighbourhood Security

The proposed BC Cannabis Store design is a high quality storefront and retail space which includes a floor plan that mitigates the entrance of minors with an ID Check area. A Commercial Form & Character Development Permit will be required for any external renovations that significantly change the form and character of the building. The mountain design of the opaque window treatment is the standard design of the BC Cannabis Stores.



Figure 3 – Exterior Design of BC Cannabis Stores

Nuisance Activity

BC Cannabis Stores, and the LDB, actively promote the safe and responsible use of cannabis and will use in-store campaigns with strategically placed messaging. Mandatory training for all BC Cannabis Stores staff covers best practices for dealing with nuisance activities and strategies for maintaining a safe environment for employees and customers.

Parking

The Zoning Bylaw requires 3.0 spaces per 100m² (1,076.4ft²) of Gross Floor Area (GFA). The proposed non-medical cannabis retail store has a GFA of approximately 7,116ft² which requires a minimum of 20 parking spaces, which are accommodated in the existing parking lot shared by the various multi-tenant buildings on the site.



Figure 4 – Interior Design of BC Cannabis Stores

Municipal Bylaw Compliance History

The LDB, which operates the BC Liquor Store on the same site, has had no history with the City's Bylaw Compliance and Enforcement Department.

Operational Plan

The LDB has provided an operational plan which addresses security, staff training and odour mitigation in addition to ID check procedures to ensure minors are not permitted entrance inside the BC Cannabis Store. The proposed hours of the BC Cannabis Store are Monday to Sunday, 10am to 10pm. The proposed BC Cannabis Store would occupy approximately half of the retail space in the unit with the remaining area to be used for storage and office space for the LDB's regional office for the Okanagan Valley. The regional office would accommodate staff and management training and regional administration.

Referral Responses

Advisory Planning Commission

The Advisory Planning Commission (APC) considered the application on September 18, 2019 and supported the proposed site specific text amendment (Z19-11) as presented.

Bylaw Services

The City's Bylaw Department has had no complaints involving the BC Liquor Store located on the same site and operated by the LDB.

Ministry of Transportation

The Ministry of Transportation has no objections to the site specific text amendment as proposed. As the subject property is within 800m of a Provincial highway, the amendment bylaw must be forwarded to the Ministry for approval after third reading and prior to adoption.

COUNCIL REPORT/RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
August 13, 2019	THAT Council direct staff to accept a Non-Medical Cannabis Retail Store Rezoning application for a Government Operated Cannabis Retail Outlet located at 2475 Dobbin Road.	C293/19

PUBLIC NOTIFICATION:

Four Notice of Application signs have been posted on site as per the Development Applications Procedures Bylaw No. 0131. Should Council give first and second reading to the proposed bylaw amendment, a public hearing will be held in accordance with the *Local Government Act*.

ALTERNATE MOTION:

THAT Council postpone first and second reading to City of West Kelowna Zoning Amendment Bylaws No. 0154.85, 2019 (BC Cannabis Store, Z19-11);

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

REVIEWED AND APPROVED BY:

Brent Magnan, Planning Manager
Tracey Batten, Deputy CAO/Corporate Officer
Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Subject Property Map
2. Non-Medical Cannabis Retail Store Rezoning Policy
3. Proposal Summary
4. Sensitive Use Buffer Map
5. Draft Bylaw No.0154.85