



# CITY OF WEST KELOWNA

## COUNCIL POLICY MANUAL

Pages: 1 of 7

Approval Date: April 23, 2019

<b>DEPARTMENT:</b>	<b>DEVELOPMENT SERVICES</b>
<b>SUBJECT:</b>	<b>Non-Medical Cannabis Retail Store Rezoning Policy</b>

1. **Purpose:**

1.1. The purpose of this policy is to outline the criteria that may be considered by West Kelowna Council as part of a rezoning application for a non-medical cannabis retail store. This policy is intended to serve as a guiding framework for applicants, staff and Council as part of the application and review process.

2. **Application Procedure:**

2.1. An application for a non-medical cannabis retail license shall be submitted to the Liquor and Cannabis Regulation Branch (LCRB) prior to submitting a rezoning application to the City. All proponents seeking a non-medical cannabis retail store shall apply to the City for site-specific rezoning to permit this use in accordance with the City of West Kelowna's Development Applications Procedures Bylaw. The City will make every effort to review the rezoning applications for a non-medical cannabis retail store as part of the initial application intake concurrently with the Provincial review, where possible.

3. **Initial Application Intake Framework and Review Process**

3.1. Rezoning applications for non-medical cannabis retail stores will be accepted by the City for an initial intake period from October 17, 2018 to 4:00 p.m. on January 2, 2019.

3.2. This initial intake period will be advertised on the City's website, on social media, newspaper advertisements in the Westside Weekly and through the release of a Public Service Announcement.

3.3. Following the closure of the intake period, the City will review the applications and any incomplete applications will be closed and application documents will be returned to the applicant.

3.4. The City will review all complete rezoning applications submitted during this initial intake within one definitive time period (i.e. one to two months). The time period associated with the review of the applications from the initial intake period will be dependent upon how many applications the City receives. However, the City will strive to review the applications on a timely basis. The City will post its anticipated timeframe for review on the City's website following the closure of the intake period once the total number of submitted applications is known.

3.5. All complete applications will be processed in accordance with the City's Development Applications Procedures Bylaw and evaluated in accordance with the Evaluation Guidelines

outlined in this policy (as well as in accordance with additional City bylaws, policies and master plans including the Official Community Plan, Zoning Bylaw, Business Licensing and Regulations Bylaw and the Westbank Centre Revitalization Plan).

#### **4. Evaluation Guidelines**

4.1. Applications for non-medical cannabis retail stores will be evaluated by the City in accordance with the evaluation guidelines specified below and as weighted in the Evaluation Matrix attached to and forming part of this policy as Schedule A, Evaluation Matrix.

##### **(a) *Neighbourhood Location***

- i. Non-medical cannabis stores will be considered within the neighbourhood boundaries of Westbank Centre and Boucherie Centre/West Kelowna Industrial Park (as depicted on Schedules B and C).
- ii. Non-medical cannabis retail stores should be located and sited in such a manner that minimizes any potential negative impact on the existing neighbourhood (i.e. preference may be given to applications that are not adjacent to or near established residential neighbourhoods or existing businesses that offer services that may be perceived to have a land use conflict with a proposed non-medical cannabis retail store).

##### **(b) *Total Number of Non-Medical Cannabis Retail Stores***

- i. As part of the initial approval process, a total of 5 non-medical cannabis retail stores may be permitted in West Kelowna, limited to the following neighbourhoods:
  - 2 non-medical cannabis retail stores within the neighbourhood of Westbank Centre
  - 3 non-medical cannabis retail stores within the neighbourhood of Boucherie Centre/West Kelowna Industrial Park

##### **(c) *Preferred underlying Zoning and/or Land Use Designation***

- i. Non-medical cannabis retail stores should be located on parcels within the identified neighbourhoods specified in Section 4.1(a) with the following underlying commercial and/or industrial zoning designation:
  - Urban Centre Core Commercial Zone (C1)
  - Service Commercial Zone (C4)
  - Light Industrial Zone (I1)
  - Gasoline Service Station Commercial Zone (C3) *in Boucherie Centre/West Kelowna Business Park only.*
- ii. Despite 4.1(c)i, non-medical cannabis retail stores may also be considered on parcels within the identified neighbourhoods with the following future land use designations as specified in the City of West Kelowna Official Community Plan:
  1. Commercial;
  2. Business Park;
  3. Industrial; and

non-medical cannabis retail stores may also be considered on parcels envisioned for future commercial use as specified in the 2011 Westbank Centre Revitalization Plan.

- iii. In terms of evaluation, preference will be given to parcels with commercial zoning and/or commercial land use designations (either in the OCP or Westbank Centre Revitalization Plan) over industrial zoning or industrial land use designations in order to preserve industrial lands for industrial uses.
- iv. Existing lands zoned or designated residential will result in an unsatisfactory scoring as part of the evaluation matrix.

**(d) Separation from Sensitive Uses**

- i. **Westbank Centre Neighbourhood:** Non-medical cannabis retail stores located in the Westbank Centre neighbourhood should be sited at least the distance specified in Column 2 from the sensitive use identified in Column 1 as identified in Table 1 below:

Table 1. Minimum Separation Distances (Westbank Centre)

<b>Neighbourhood: Westbank Centre</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Sensitive Use</b>	<b>Minimum Separation Distance</b>	<b>Distance Measured From</b>
Elementary School	100 m	Any public entrance of the non-medical cannabis retail to the nearest parcel boundary of the applicable sensitive use
Middle School	100 m	
Highschool	250 m	
Select Parks, including such parks as: <ul style="list-style-type: none"> <li>• Springer Park</li> <li>• Westbank Centre Park</li> <li>• Memorial Park</li> </ul>	100 m	
Select Sports Facilities, including such facilities as: <ul style="list-style-type: none"> <li>• Johnson Bentley Aquatic Centre</li> </ul>	50 m	
Alternative School or Youth Centre, including such facilities as: <ul style="list-style-type: none"> <li>• Westside Boys and Girls Club</li> <li>• Westside Learning Centre</li> </ul>	100 m	Any public entrance of the non-medical cannabis store to the front entrance of the sensitive use
Library	100 m	
Select Medical Facilities, including such facilities as: <ul style="list-style-type: none"> <li>• Interior Health parcel located on Butt Road (Lot A, Plan EPP 970, DL 486, PID 028-573-048)</li> </ul> West Kelowna Health	50 m	

Centre (2300 Carrington Road)		
-------------------------------	--	--

- ii. **Boucherie Centre/West Kelowna Business Park Neighbourhood:** Non-medical cannabis retail stores located in the Boucherie Centre/West Kelowna Business Park neighbourhood should be sited at least the distance specified in Column 2 from the sensitive use identified in Column 1 as identified in Table 2 below:

Table 2. Minimum Separation Distances (Boucherie Centre/West Kelowna Business Park)

<b>Neighbourhood: Boucherie Centre/West Kelowna Business Park</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Use</b>	<b>Minimum Separation Distance</b>	<b>Distance Measured From</b>
Elementary School	100 m	Any public entrance of the non-medical cannabis retail to the nearest parcel boundary of the applicable sensitive use
Middle School	100 m (However, sites within 100 m may be considered if they are separated from the sensitive use by Highway 97).	
Highschool	250 m (However, sites within 250 m may be considered if they are separated from the sensitive use by Highway 97).	
Mt. Boucherie Sports Field		
Select Sports Facilities including: • Royal LePage Place/Jim Lind Arena)		
Select Parks, including such parks as: • Darroch Park • Rosewood Sports Field • Recently acquired and currently unnamed parks located in the immediate vicinity of Rosewood Sports Field (to the south and south west of Rosewood Sports Field)	100 m	Any public entrance of the non-medical cannabis retail to the nearest parcel boundary of the applicable sensitive use

iii. **Other Separation Distances that May be Considered**

1. In addition to the desired separation distances identified in 4.1(d)i and 4.1(d)ii, preferred consideration may also be given to locations that minimize impact on additional sensitive uses, including existing established residential neighbourhoods and/or existing businesses that offer services that may be perceived to have a land use conflict with a proposed non-medical cannabis retail store.

(e) ***Separation from other Non-Medical Cannabis Retail Stores***

- i. Non-medical cannabis retail stores should not be directly abutting another non-medical cannabis retail store.

**(f) Building Design, Aesthetics and Neighbourhood Security**

- i. In order to ensure high quality storefronts in key commercial areas of the community, applications shall include a graphical representation of the proposed interior and exterior store design (i.e. floor plans, architectural drawings, coloured renderings). This shall include all information needed to illustrate how the proposed non-medical cannabis retail store will meet all related regulations, policies, bylaws and commercial Development Permit guidelines (of both the Provincial and Municipal authorities).
- ii. Interior Building Design
  1. The proposed floor plan should clearly indicate how the store layout will mitigate the entrance of minors.
- iii. Exterior Building Design
  1. The proposed exterior building design shall depict how the proposed exterior design meets Commercial Development Permit Guidelines as per the City's Official Community Plan (and if the store is proposed for Westbank Centre, also how the proposed exterior building design meets the design guidelines specified in the Westbank Centre Revitalization Plan). All proposals shall clearly demonstrate how the proposed exterior of the building enhances the street character.
  2. The proposal shall include an analysis by a professional competent in Crime Prevention through Environmental Design (CPTED) and demonstrate that it meets the Provincial Physical Security Requirements. In terms of CPTED design, preference will be given to design parameters that enhance the streetscape and pedestrian experience such as:
    - a. Installation of adequate lighting both during and outside operating hours;
    - b. Locating the primary retail entrance facing a street; and
    - c. The absence of visible security measures (such as barred windows and/or retractable security gates, etc.) that may retract from the overall streetscape.

**(g) Nuisance Activity**

- i. The applicant shall include with their application a detailed description of how nuisance behavior, such as consumption of product outside the store premises, odors from ventilation, etc., is to be managed and mitigated (i.e. location of venting, carbon filters, etc.) to reduce any nuisance activity on established businesses and residents in the surrounding area which may result from the operation of a non-medical cannabis retail store.

**(h) Parking**

- i. Parking requirements shall be in accordance with Part 4 Off-Street Parking and Loading of the City's Zoning Bylaw and will be classified as 'retail' for the purpose of Table 4.1 Required Parking Spaces.

**(i) *Municipal Bylaw Compliance History***

- i. Proponents (applicants, directors, business owners) for a Non-Medical Cannabis retail store should clearly demonstrate that they do not have a history of infractions related to the business operation within the City.

**(j) *Operational Plan***

- i. The Operational Plan should demonstrate the details of the operation of the proposed business, including proposed hours of operation, experience of applicants/owners, and the proposed plan for ensuring the business is in compliance with Federal, Provincial and municipal regulatory frameworks.

**5. Process following Initial Evaluation**

- 5.1. Following the initial evaluation of applications, a summary of all applications and evaluation scores will be compiled and provided to Council.
- 5.2. The highest scoring applications stemming from the evaluation process will be recommended to Council for further review and consideration in accordance with the Development Application Procedures Bylaw (i.e. first and second reading). The remainder of the applications will be recommended for closure, except for the two nearest scoring applications. These applications will be recommended to be put on hold until such time the four highest scoring applications have received both City approval and a license through the Liquor and Cannabis Regulation Branch. Should one of the City's top scoring applications fail to receive a license from the Liquor and Cannabis Regulation Branch, these next highest scoring applications will be brought forward for Council's consideration.
- 5.3. The number of applications considered for further review by Council will depend on the number of complete applications received and the scoring of the applications. Applicants will be advised in writing what their application score was and if their application was selected to move forward for consideration by Council for bylaw readings.
- 5.4. In the event of a tie within the highest scoring applications, all tied applications will be brought forward for Council's consideration.

**6. Council Discretion**

- 6.1. While this policy is intended to provide a guiding framework which would apply to all rezoning applications for non-medical cannabis retail stores, Council maintains full discretion in consideration of applications for rezoning and may at its sole discretion, exempt applications from this policy or require additional considerations not included in this policy.

**7. Effective Date**

- 7.1. This policy shall come into force on the date of Federal legalization of non-medical cannabis.

**8. Subsequent Application Intake Framework and Future Policy Review**

- 8.1.** It is anticipated that this Policy will be reviewed within 18-24 months following the effective date of the policy to consider implications on land use (if any) that have resulted from the initial implementation of non-medical cannabis retail stores.
- 8.2.** In the event that a non-medical cannabis retail license is cancelled or revoked before this policy is reviewed in its entirety, an announcement may be made on the City's website, within a reasonable timeframe, specifying a future intake period and review timeline for subsequent rezoning applications to replace the cancelled/revoked license.

Previous Revision/s: none