

DATE OF MEETING April 29, 2019

AUTHORED BY MADELEINE KOCH, PLANNER, CURRENT PLANNING

SUBJECT REZONING APPLICATION NO. RA407 – 6683 MARY ELLEN DRIVE

OVERVIEW

Purpose of Report

To present Council with an application to amend the existing zoning of the property located at 6683 Mary Ellen Drive to allow “Cannabis Retail Store” as a site-specific use in the Woodgrove Urban Centre (CC4) Zone.

Recommendation

That:

1. “Zoning Amendment Bylaw 2019 No. 4500.142” (To rezone 6683 Mary Ellen Drive to allow “Cannabis Retail Store” as a site-specific use in the Woodgrove Urban Centre [CC4] Zone) pass first reading;
2. “Zoning Amendment Bylaw 2019 No. 4500.142” pass second reading; and
3. Council direct Staff to secure the amenity contribution prior to adoption of the bylaw, should Council support the bylaw at third reading.

BACKGROUND

A rezoning application (RA407) for 6683 Mary Ellen Drive was received from the Province of British Columbia Liquor Distribution Branch (LDB) on behalf of Spire LP (Woodgrove Crossing). The applicant proposes to amend the existing CC4 Zone to allow “Cannabis Retail Store” as a site-specific use within the subject property.

The City of Nanaimo adopted amendments to “City of Nanaimo Zoning Bylaw 2011 No. 4500” (the “Zoning Bylaw”) on 2018-SEP-17 and established a Cannabis Retail Store (CRS) Rezoning Criteria policy to consider future applications for CRS developments in anticipation of changing Federal and Provincial legislation. Following the enactment of new legislation to decriminalize cannabis consumption and legalize the retail sale and distribution of Provincially-licensed cannabis product, the City of Nanaimo began receiving CRS rezoning applications on 2018-OCT-22.

To date, seven other CRS applications have been reviewed by Council:

Application No.	Address	Status
RA406	111 Nicol Street	Received third reading on 2019-FEB-07
RA410	1599 Dufferin Crescent	Received third reading on 2019-APR-04
RA415	2220 Bowen Road	Received third reading on 2019-APR-04
RA411	25 Front Street	Received first and second reading on 2019-APR-01

RA413	3923 Victoria Avenue	Received first and second reading on 2019-APR-01
RA416	1483 Bowen Road	Received first and second reading on 2019-APR-01
RA417	510 Fifth Street	Received first and second reading on 2019-APR-01

In total, Staff have received 16 CRS applications to date, including another CRS rezoning application (RA408) from the BC LDB for the property located at 3200 Island Highway North (Country Club Mall), which is on the same Council agenda.

Subject Property and Site Context

<i>Location</i>	The subject property is located within a commercial centre at 6683 Mary Ellen Drive.
<i>Total Lot Area</i>	2.42ha
<i>Current Zone</i>	CC4 (Woodgrove Urban Centre)
<i>Proposed Zone</i>	CC4 with site-specific “Cannabis Retail Store” use
<i>Official Community Plan Designation</i>	Urban Node
<i>Neighbourhood Plan Designation</i>	N/A
<i>Proximity to nearest school</i>	Approximately 1.5km each (<i>McGirr Elementary and Dover Bay Secondary</i>)
<i>Proximity to nearest licensed daycare</i>	Approximately 510m (<i>Jolly Giant Childcare</i>)
<i>Proximity to nearest CRS</i>	Approximately 1.2km (<i>6404 Metral Drive</i>)

The proposed Provincial CRS will be located within Unit B of the Woodgrove Crossing commercial shopping centre located at 6683 Mary Ellen Drive, which currently houses a retail clothing store (Warehouse One). The unit has an approximate floor area of 265.8m² and is accessed from the interior of the site. Other businesses within the shopping centre include Shoppers Drug Mart; Michael’s craft store; and a variety of restaurants, retail, and office units. To the north and east of the subject property are a range of commercial uses, including Woodgrove Mall. The property immediately to the west at 6974 Island Highway received development permit approval in 2018 for three, four-storey multi-family residential buildings. The subject property has frontage on the Nanaimo Parkway, Mary Ellen Drive, and the Island Highway North.

DISCUSSION

Proposed Development

The applicant is proposing to rezone the subject property to allow “Cannabis Retail Store” in addition to the existing CC4 permitted uses. While the CC4 Zone allows “retail” as a permitted use, a CRS requires site-specific zoning.

Provincial Licensing Requirements

Typically, the City requires confirmation from the BC Liquor and Cannabis Regulation Branch (LCRB) that an application for a non-medical cannabis retail licence has been made before a rezoning application for a CRS will be received. However, in this case, the applicant is the LDB, which is exempt from requiring a licence. However, Provincial cannabis retail stores are not exempt from the requirement to rezone for site-specific CRS zoning.

Official Community Plan/ Neighbourhood Plan

The Official Community Plan (OCP) designates the subject property as Urban Node. The OCP does not address CRS use specifically, but the Urban Node land-use designation supports retail uses and encourages a diversity of commercial, professional, and residential uses. The proposed CRS generally complies with the intent of the Urban Node land-use designation.

Cannabis Retail Store Rezoning Criteria

The following table summarizes how the proposed rezoning addresses the Cannabis Retail Store Rezoning Criteria adopted by Council on 2018-SEP-17, which are intended to inform Council's consideration of the rezoning application:

Criteria		Response
Location		
1.1	The proposed CRS should be located on, or in close proximity to a provincial highway, urban arterial, or urban major collector road, as defined in the City's Functional Road Classification Working Plan; or in an Urban Node, Commercial Centre or Corridor as designated in the City's Official Community Plan.	The subject property is designated as Urban Node within the OCP, and is located on a major collector road (Mary Ellen Drive).
1.2	The proposed CRS should not be located directly adjacent, or in close proximity to a school or licensed daycare facility. A minimum separation of 200m from these facilities is considered necessary, as measured from the front door of the CRS to the school or daycare property line.	<p>The proposed CRS is located more than 200m from any licensed daycares or schools, with the nearest schools (McGirr Elementary and Dover Bay Secondary) each located approximately 1.5km away, and the nearest daycare (Jolly Giant Childcare) approximately 510m away.</p> <p>The application was referred to School District 68 and they confirmed they have no concerns.</p>

1.3.	The proposed CRS should not be located within 200m of another CRS as measured from the front doors of the CRS. Where the CRS is to be located within a dense urban area (i.e., downtown), consideration shall be given to the overall urban density and context of the area.	The proposed CRS is more than 200m from another proposed CRS location. The nearest proposed CRS to date (6404 Metral Drive) is located approximately 1.2km away.
Building or Site		
2.1.	The size of the proposed CRS should be consistent with the nature of the immediate area and the size of existing retail stores within the area.	The proposed CRS will be located within an existing unit, and the size of the CRS is consistent with other commercial units in the surrounding area.
2.2.	The design of the proposed CRS should enhance or improve the aesthetics of the surrounding area, not detract from them.	The proposed façade of the CRS is consistent with other commercial units in the existing commercial building.
2.2.1.	The revitalization of heritage buildings is encouraged.	N/A
2.3.	Outside the downtown core, consideration should be given to a requirement for onsite parking and loading for every CRS.	The proposed CRS is located within an existing shopping centre; additional parking and loading is not required.
Community Impact		
3.1.	The applicant must outline their awareness of potential negative impacts of the proposed CRS on the community, and must identify the specific measures that will be taken to minimize or prevent these impacts from occurring.	<p>The LDB (applicant) is closely involved in Province-led educational initiatives, including in-store campaigns and strategically-placed messaging. The aim of these campaigns is to: promote the safe and responsible use of cannabis; keep cannabis out of the hands of youth (minors are not permitted to enter cannabis retail stores, even if accompanied by an adult); preventing driving under the influence; informing the public about associated health risks; discouraging cannabis consumption during pregnancy; and discouraging participation in sporting activities while under the influence of cannabis.</p> <p>The applicant also proposes to undertake in-store fundraising campaigns for charitable causes.</p> <p>Additional impact mitigation measures include:</p> <ul style="list-style-type: none"> • Staff to complete required Provincial training program; • Intruder and fire monitoring systems;
3.1.1.	Possible measures could include efforts to prevent service to minors, minimize smells, prevent smoking or cannabis consumption on or near the premises, property maintenance and beautification programs designed to prevent unsightliness, etc.	

	<ul style="list-style-type: none"> • Interior and exterior camera surveillance; • Locked and tempered glass display cases for cannabis accessories; • A secure storage room where product will be kept that will require access cards to enter; • Durable and reliable commercial-grade doors and locks; • Security shutters; and • Smash-resistant windows.
3.1.2 Consideration must be given to the impact a CRS will have when they are located in close proximity to libraries, public recreation centres, public community centres, parks, places of worship and other family-oriented facilities.	<p>May Richards Bennett Pioneer Park is the nearest park, located approximately 230m away from the proposed CRS unit.</p> <p>Woodgrove Mall is also approximately 230m away, and Maranatha Foursquare Gospel Church is approximately 510m away.</p>
3.2. Projected traffic volumes and on-street parking demands associated with a proposed CRS should not adversely impact nearby residential and commercial areas.	<p>The proposed CRS is located within an existing shopping centre and will not require additional parking.</p> <p>The proposed CRS is not expected to negatively impact traffic volumes.</p>
3.3. The support of the local community, neighbouring property owners and the local neighbourhood association for the proposed CRS is important to Council's decision.	<p>The Dover Bay Community Association confirmed they have no comments on the application.</p> <p>The applicant completed notification of the neighbouring properties as outlined in the policy. Development proposal signs have been placed on the property and if Council gives first and second reading to the "Zoning Amendment Bylaw 2019 No. 4500.142", the application will proceed to public hearing.</p>
3.3.1. The applicant is required to notify all neighbouring property owners within 200m of the subject property of the rezoning application, prior to the application proceeding to Council.	

Staff support the proposed rezoning from a land-use perspective, and consider the application to be substantially in compliance with Council's Cannabis Retail Store Rezoning Criteria policy.

Community Contribution

The applicant proposes a monetary contribution of \$10,000 to be directed towards the design and construction of transportation improvements within Mary Ellen Drive. Mary Ellen Drive is used to access a number of commercial properties in the area, including this shopping centre and Woodgrove Mall, and provides a linkage between the Provincial Island Highway (Hwy 19A) and the Nanaimo Parkway (Hwy 19). Staff have identified a need for transportation improvements to Mary Ellen Drive. The \$10,000 community contribution will supplement

existing funds in order to support pedestrian and traffic management improvements within this transportation corridor.

Conditions of Rezoning

Should Council support this application and pass third reading of “Zoning Amendment Bylaw 2019 No. 4500.142”, Staff recommend the following items be secured prior to final adoption of the Bylaw:

1. *Community Contribution* – a monetary contribution of \$10,000 to be directed towards Mary Ellen Drive pedestrian and transportation improvements.

SUMMARY POINTS

- A rezoning application has been received to allow cannabis retail store as a site-specific use in the CC4 Zone for the subject property at 6683 Mary Ellen Drive.
- The LDB is exempt from the Provincial non-medical cannabis retail licensing process, but not the municipal rezoning process.
- The application substantially complies with the Cannabis Retail Store Rezoning Criteria.

ATTACHMENTS

ATTACHMENT A: Location Plan
ATTACHMENT B: Site Plan
ATTACHMENT C: School and Licensed Daycare Buffer Map
ATTACHMENT D: Proposed Floor Plan
ATTACHMENT E: Proposed Building Elevation
ATTACHMENT F: Letter of Rationale
ATTACHMENT G: Aerial Photo
“Zoning Amendment Bylaw 2019 No. 4500.142”

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