

DATE OF MEETING June 17, 2019

AUTHORED BY DAVE STEWART, PLANNER, CURRENT PLANNING

SUBJECT REZONING APPLICATION NO. RA425 – 6404 METRAL DRIVE

## **OVERVIEW**

### **Purpose of Report**

To present Council with an application to amend the existing zoning of the property located at 6404 Metral 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. 4500.150” (To rezone 6404 Metral 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. 4500.150” pass second reading; and
3. Council direct Staff to secure the amenity contribution and BC Liquor and Cannabis Regulation Branch approval prior to adoption of the bylaw, should Council support the bylaw at third reading.

## **BACKGROUND**

A rezoning application (RA425) was received for 6404 Metral Drive from Mood Cannabis on behalf of Powerhouse Enterprises Ltd. The applicant proposes to amend the existing CC4 zone to allow “Cannabis Retail Store” as a site-specific use for 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, 11 other cannabis applications have been reviewed by Council:

#	Application No. #	Address	Status
1	RA406	111 Nicol Street	Received third reading on 2019-FEB-07
2	RA410	1599 Dufferin Crescent	Received third reading on 2019-APR-04
3	RA415	2220 Bowen Road	Received third reading on 2019-APR-04
4	RA411	25 Front Street	Received third reading on 2019-MAY-02
5	RA413	3923 Victoria Avenue	Received third reading on 2019-MAY-02

6	RA416	1483 Bowen Road	Received third reading on 2019-MAY-02
7	RA417	510 Fifth Street	Received third reading on 2019-MAY-02
8	RA407	6683 Mary Ellen Drive	Scheduled for public hearing on 2019-JUN-13
9	RA408	3200 Island Highway North	Scheduled for public hearing on 2019-JUN-13
10	RA418	52 Victoria Crescent	Scheduled for public hearing on 2019-JUN-13
11	RA420	140 Terminal Avenue	Scheduled for public hearing on 2019-JUN-13

In total, Staff have received 18 CRS rezoning applications to date.

### Subject Property and Site Context

<i>Location</i>	The subject property is located between Metral Drive and the Island Highway North, across from the Superstore.
<i>Total Lot Area</i>	7,126m <sup>2</sup>
<i>Current Zone</i>	CC4 - Woodgrove Urban Centre
<i>Proposed Zone</i>	CC4 with site-specific “Cannabis Retail Store” use
<i>Official Community Plan (OCP) Designation</i>	Urban Node - Woodgrove
<i>Neighbourhood Plan Designation</i>	N/A
<i>Proximity to nearest school</i>	Approximately 525m ( <i>Pleasant Valley Elementary</i> )
<i>Proximity to nearest licensed daycare</i>	Approximately 270m ( <i>Teachable Moments Daycare on Spartan Road</i> )
<i>Proximity to nearest CRS</i>	Approximately 1.5km from the proposed CRS at 6683 Mary Ellen Drive.

The subject property is bisected by the Island Highway with the developed portion of the property located between Metral Drive and Island Highway North. The property contains a commercial shopping centre (Northgate Plaza) and is located north of the Vancouver Island Real Estate Board (VIREB) office and south of the Best Western Northgate Inn. The proposed CRS will be located within Unit 5 in the Plaza. Other uses on the shopping centre property include a liquor store, restaurants and other retail uses.

## DISCUSSION

### Proposed Development

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

The proposed business hours are Monday to Saturday 9:00 a.m. to 11:00 p.m. and Sunday 9 a.m. to 9 p.m. The proposed retail floor area will be approximately 105m<sup>2</sup>.

### Provincial Licensing Requirements

The City was advised by the BC Liquor and Cannabis Regulation Branch (LCRB) that an application for a non-medical cannabis retail licence has been made for the subject property.

As part of the LCRB’s review, the branch determines if the applicant is “fit and proper” to receive a licence, in accordance with Section 23(1) of the *Cannabis Act* (Bill 30), based on indicators such as financial integrity and security screening. The LCRB will advise the City of the results of the “fit and proper” assessment.

The LCRB will not proceed with a licensing application unless the local government submits a positive recommendation to the LCRB indicating that the proposed CRS use is permitted

### Official Community Plan

The Official Community Plan (OCP) designates the subject property as Urban Node - Woodgrove. The OCP does not address CRS use specifically, but the Woodgrove 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
<b>Location</b>		
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 accessed from Metral Drive, which is considered a major collector road. The property is within the Woodgrove Urban Node land-use designation.
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.	The proposed CRS is located more than 200m from any licensed daycares or schools, with the nearest school (Pleasant Valley Elementary School- 6201 Dunbar Road) located approximately 525m away, and the nearest daycare (Teachable Moments Daycare – 6234 Spartan Road) approximately 270m away.  The applicant was referred to the School District 68 and Island Health (Community Care and Licensing). They have both confirmed they have no concerns with the proposed rezoning.
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	The proposed CRS is more than 200m from another proposed CRS location. The nearest proposed CRS to date (6683 Mary Ellen Drive) is located approximately 1.5km away.

<p>located within a dense urban area (i.e. downtown), consideration shall be given to the overall urban density and context of the area.</p>	
<b>Building or Site</b>	
<p>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.</p>	<p>The proposed CRS will be located within an existing commercial unit, and the size of the CRS is consistent with other commercial units in the downtown area.</p>
<p>2.2. The design of the proposed CRS should enhance or improve the aesthetics of the surrounding area, not detract from them.</p>	<p>The proposed CRS will be located within an existing building with no major exterior improvements proposed.</p>
<p>2.2.1. The revitalization of heritage buildings is encouraged.</p>	<p>N/A</p>
<p>2.3. Outside the downtown core, consideration should be given to a requirement for onsite parking and loading for every CRS.</p>	<p>The subject property is located within an existing unit within a commercial shopping centre; as such, additional parking is not required.</p>
<b>Community Impact</b>	
<p>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>	<p>The applicant has provided a community impact statement (Attachment E) indicating how they plan to address preventing services to minors, smells, and onsite consumption.</p> <p>The applicant proposes the following mitigation measures:</p>
<p>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.</p>	<ul style="list-style-type: none"> <li>• Require customers to produce government photo identification (ID);</li> <li>• Require ID swipe at Point of Sale system to permit purchasing;</li> <li>• Ensure marketing includes a 19+ years messaging;</li> <li>• Place an age gate on the company website;</li> <li>• Display media related to B.C. Guidelines for cannabis consumption;</li> <li>• Maintain a clean, orderly space;</li> <li>• Staff training related to the sale of cannabis and Federal and Provincial legislation;</li> <li>• Install a charcoal air-filtration system.</li> </ul>
<p>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>	<p>No City parks, places of worship, public recreation or community centres exist within 200m of the subject property.</p>

<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>	<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>
<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>	<p>The subject property is not located within the boundaries of an active neighborhood association.</p>
<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.</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 "Zoning Amendment Bylaw 2019 No. 4500.150", the application will proceed to public hearing.</p>
<p>3.4. All CRS rezoning applications must be reviewed by the Community Vitality Committee and the RCMP, in addition to being reviewed by the City's Community Planning and Development Committee</p>	<p>The RCMP have reviewed the proposal and indicated they have no comment.</p> <p>New Council committees have yet to be established; therefore, committee review has not taken place.</p>

Staff support the proposed rezoning, which is in keeping with the mix of commercial uses in the Woodgrove Urban Node area, and consider the application to be substantially in compliance with the City's Cannabis Retail Store Rezoning Criteria policy.

#### *Community Contribution*

The applicant proposes a monetary contribution of \$10,000 to be directed towards improvements within Noye Park.

#### **Conditions of Rezoning**

Should Council support this application and pass third reading of "Zoning Amendment Bylaw 2019 No. 4500.150", 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 improvements within Noye Park.
2. *LCRB Approval* - Confirmation from the LCRB that it has approved the applicant's suitability for a cannabis retail licence.

### **SUMMARY POINTS**

- A rezoning application has been received to allow Cannabis Retail Store as a site-specific use within an existing commercial building in the CC4 Woodgrove Urban Centre Zone for the subject property located at 6404 Metral Drive.
- The Provincial Liquor and Cannabis Regulation Branch is reviewing the licensing application for this proposal.
- The proposed rezoning is in keeping with the mix of commercial uses in the Woodgrove Urban Node and substantially complies with the Cannabis Retail Store Rezoning Criteria.

### **ATTACHMENTS**

ATTACHMENT A: Location Plan  
ATTACHMENT B: School and Licensed Daycare Buffer Map  
ATTACHMENT C: Site Plan  
ATTACHMENT D: Conceptual Elevation  
ATTACHMENT E: Proposed Floor Plans  
ATTACHMENT F: Letter of Rationale / Community Impact Statement  
ATTACHMENT G: Aerial Photo  
“Zoning Amendment Bylaw 2019 No. 4500.150”

#### **Submitted by:**

L. Rowett,  
Manager, Current Planning

#### **Concurrence by:**

D. Lindsay  
Director, Community Development