

DATE OF MEETING [July 22, 2019]

AUTHORED BY [CALEB HORN, PLANNER, CURRENT PLANNING]

SUBJECT [REZONING APPLICATION NO. RA431 – 50 TENTH STREET]

OVERVIEW

Purpose of Report

To present Council with an application to amend the existing zoning of the property located at 50 Tenth Street to allow “Cannabis Retail Store” as a site-specific use in the City Commercial Centre (CC3) zone.

Recommendation

That:

1. “Zoning Amendment Bylaw 2019 No. 4500.155” (To rezone 50 Tenth Street to allow “Cannabis Retail Store” as a site-specific use in the City Commercial Centre [CC3] zone) pass first reading;
2. “Zoning Amendment Bylaw 2019 No. 4500.155” 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, RA431, was received from Hub City Cannabis Ltd., for 50 Tenth Street. The applicant proposes to amend the existing CC3 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 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, one CRS rezoning application has received Final Adoption and 13 others have been reviewed by Council:

#	Application No.	Address	Status
1	RA413	3923 Victoria Avenue	Received fourth reading (Final Adoption) on 2019-JUN-17
2	RA406	111 Nicol Street	Received third reading on 2019-FEB-07

3	RA410	1599 Dufferin Crescent	Received third reading on 2019-APR-04
4	RA415	2220 Bowen Road	Received third reading on 2019-APR-04
5	RA411	25 Front Street	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	Received third reading on 2019-JUN-13
9	RA408	3200 Island Highway N.	Received third reading on 2019-JUN-13
10	RA418	52 Victoria Crescent	Received third reading on 2019-JUN-13
11	RA420	140 Terminal Avenue	Received third reading on 2019-JUN-13
12	RA422	111 Terminal Avenue	Received third reading on 2019-JUL-04
13	RA425	6404 Metral Drive	Received third reading on 2019-JUL-04
14	RA430	350 Terminal Avenue	Received third reading on 2019-JUL-04

In total, 18 CRS applications have been received to date.

Subject Property and Site Context

<i>Location</i>	50 Tenth Street is a commercial plaza known as ‘Southgate’ located on the north side of Tenth Street between Island Highway South and Lawlor Road.
<i>Total Lot Area</i>	1.88ha
<i>Current Zoning</i>	CC3 – City Commercial Centre
<i>Proposed Zoning</i>	CC3 with “Cannabis Retail Store” as a site-specific use
<i>Official Community Plan (OCP) designation</i>	City Commercial Centre
<i>Neighbourhood Plan designation</i>	Mainstreet (Commercial / Residential)
<i>Proximity to nearest school</i>	Approximately 935m (Chase River Elementary School – 1503 Cranberry Avenue)
<i>Proximity to nearest licensed daycare</i>	Approximately 395m (Well Beings Early Childhood Education – 1115 Haliburton Street)
<i>Proximity to nearest CRS</i>	Approximately 3.18km (Proposed CRS at 111 Nicol Street – RA406)

The proposed CRS will be located in the primary building on the property within an existing retail unit. The subject property contains multiple commercial retail units in three one-storey buildings. Neighbouring land uses include commercial retail, medium-density residential, and mobile home park residential.

DISCUSSION

Proposed Development

The applicant is proposing to rezone the subject property to allow “Cannabis Retail Store” use in addition to the existing permitted CC3 zone uses. While the CC3 zone allows “retail” as a permitted use, a CRS requires site-specific rezoning.

The proposed retail floor area is approximately 200m² within the existing commercial space. The proposed business hours are from 9am to 11pm, seven days a week.

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 the proposed CRS use is permitted.

Official Community Plan

The Official Community Plan (OCP) designates the subject property as City Commercial Centre. The OCP does not address CRS use specifically, but the 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 City Commercial Centre land-use designation.

Cannabis Retail Store Rezoning Criteria

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 located within the City Commercial Centre land-use designation, and is located on a provincial highway.
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 approximately 935m away, and the nearest daycare approximately 395m away. School District 68 and Island Health (Community Care and Licensing) confirmed they have no objections to the application.

<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.</p>	<p>The proposed CRS is located approximately 3.18km away from the nearest proposed CRS.</p>
<p>Building or Site</p>	
<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 shopping centre. The size of the CRS is consistent with other retail units on the subject property.</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>No building façade changes are proposed. A façade sign is proposed for the business.</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 proposed CRS will be located within an existing shopping centre and additional parking is not required.</p>
<p>Community Impact</p>	
<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 provided a Letter of Rationale (Attachment F) that proposes the following measures to minimize or prevent potentially negative impacts:</p> <ul style="list-style-type: none"> • preventing service to minors, not just through identification, but through observational awareness of customers suspected of purchasing for minors; • enforcement of no cannabis consumption on-site; and • specialized odour-proof packaging and air freshening units.
<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>	
<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>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 approximately 215m from Chase River Estuary Park, which is accessed on the opposite side of the Island Highway.</p> <p>Staff consider the proposed CRS to be in keeping with the mix of commercial uses in this part of the Chase River Neighbourhood.</p> <p>The subject property contains onsite parking and has vehicular access from Tenth Street and Lawlor Road. Staff do not anticipate the proposed CRS use will negatively impact traffic volumes.</p>

<p>3.3. The support of the local community, neighbouring property owners and the local neighborhood association for the proposed CRS is important to Council's decision.</p>	<p>Staff received a letter from the Chase River Community Association, dated 2019-APR-30, indicating support for the proposed CRS rezoning.</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 distributed notices to neighbouring properties during the first week of July 2019. Two rezoning notice signs have been placed on the property, and if Council gives first and second reading to the bylaw, 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 from a land-use perspective and consider the application to be substantially in compliance with City's Cannabis Retail Store Rezoning Criteria policy.

Community Contribution

The applicant proposes a monetary contribution of \$10,000 to be directed towards mountain bike facilities at Beban Park.

Staff support the proposed Community Amenity Contribution.

Conditions of Rezoning

Should Council support this application and pass third reading of "Zoning Amendment Bylaw 2019 No. 4500.155", 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 mountain bike facilities at Beban Park.
2. *LCRB Approval* – Confirmation from the LCRB that is has approved the applicant's suitability for a cannabis retail licence.

SUMMARY POINTS

- A rezoning application has been received to allow Cannabis Retail Store use within an existing commercial building in the CC3 - City Commercial Centre zone for the subject property located at 50 Tenth Street as site-specific use.
- The Provincial Liquor and Cannabis Regulation Branch is reviewing the licensing application for this proposal.
- Staff support this application which substantially complies with the Cannabis Retail Store Rezoning Criteria policy.

ATTACHMENTS

ATTACHMENT A: Location Plan
ATTACHMENT B: School and Licensed Daycare Buffer Map
ATTACHMENT C: Proposed Site Plan
ATTACHMENT D: Conceptual Elevation
ATTACHMENT E: Letter of Rationale
ATTACHMENT F: Aerial Photo
"Zoning Amendment Bylaw 2019 No. 4500.155" |

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