

DATE OF MEETING | November 18, 2019 |

AUTHORED BY | GEPKE STEVENSON, PLANNER, CURRENT PLANNING |

SUBJECT | **REZONING APPLICATION NO. RA440 – 5800 TURNER ROAD** |

OVERVIEW

Purpose of Report

To present Council with an application to amend the existing zoning of the property located at 5800 Turner Road to allow “Cannabis Retail Store” as a site-specific use in the CC3 (City Commercial Centre) zone. |

Recommendation

That:

1. “Zoning Amendment Bylaw 2019 No. 4500.163” (To rezone 5800 Turner Road 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. 4500.163” 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, RA440, was received from Strongitharm Consulting Ltd., on behalf of Kelland Foods Holdings Ltd. and Nored Developments Inc. (per TTG Management Ltd.), for 5800 Turner Road. The applicant proposes to amend the existing City Commercial Centre - 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, seven CRS rezoning applications have received Final Adoption, and eleven other applications have been reviewed by Council in addition to the subject application:

#	Application No.	Address	Status
1	RA413	3923 Victoria Avenue	Received fourth reading (Final Adoption) on 2019-JUN-17

2	RA407	6683 Mary Ellen Drive	Received fourth reading (Final Adoption) on 2019-AUG-26
3	RA408	3200 Island Highway N.	Received fourth reading (Final Adoption) on 2019-AUG-26
4	RA425	6404 Metral Drive	Received fourth reading (Final Adoption) on 2019-AUG-26
5	RA430	350 Terminal Avenue	Received fourth reading (Final Adoption) on 2019-SEP-09
6	RA418	52 Victoria Crescent	Received fourth reading (Final Adoption) on 2019-SEP-16
7	RA406	111 Nicol Street	Received fourth reading (Final Adoption) on 2019-OCT-21
8	RA410	1599 Dufferin Crescent	Received third reading on 2019-APR-04
9	RA415	2220 Bowen Road	Received third reading on 2019-APR-04
10	RA411	25 Front Street	Received third reading on 2019-MAY-02
11	RA416	1483 Bowen Road	Received third reading on 2019-MAY-02
12	RA417	510 Fifth Street	Received third reading on 2019-MAY-02
13	RA420	140 Terminal Avenue	Received third reading on 2019-JUN-13
14	RA422	111 Terminal Avenue	Received third reading on 2019-JUL-04
15	RA427	4061 Norwell Drive	Denied by Council on 2019-JUL-08
16	RA431	50 Tenth Street	Received third reading on 2019-OCT-07
17	RA 436	120 Commercial Street	Received first and second reading on 2019-OCT-21
18	RA437	115 Chapel Street	Received first and second reading on 2019-OCT-21
19	RA439	847 Bruce Avenue	Being considered by Council on 2019-NOV-18

In total, 20 CRS applications have been received to date.

Subject Property and Site Context

<i>Location</i>	The subject property is located at the northeast corner of the Turner Road and Island Highway intersection and is bounded on the east by Uplands Drive.
<i>Total Lot Area</i>	2.6 hectares
<i>Current Zoning</i>	CC3 – City Commercial Centre
<i>Proposed Zoning</i>	CC3 with site-specific “Cannabis Retail Store” use
<i>Official Community Plan (OCP) designation</i>	Corridor – City Commercial Centre
<i>Neighbourhood Plan designation</i>	N/A
<i>Proximity to nearest school</i>	Approximately 545m (Pleasant Valley Elementary School – 6201 Dunbar Road)
<i>Proximity to nearest licensed daycare</i>	Approximately 375m (Teachable Moments Daycare – 6234 Spartan Road)
<i>Proximity to nearest CRS</i>	Approximately 700m (6404 Metral Drive – approved)

The subject property contains a shopping centre with a grocery store, a complex of five attached buildings containing a variety of commercial uses. Two restaurants, a medical/dental office, and a gas station are also located onsite in stand-alone buildings. The proposed cannabis retail store would be located in one of the commercial units (Unit 401). Surrounding land uses include shopping centres to the south (Longwood Station) and east (Royal Heights Plaza), low-density multiple-family dwellings to the north, and single family dwellings and mobile homes to the west across the Island Highway.

DISCUSSION

Proposed Development

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

The proposed business hours are from 9 a.m. to 11 p.m., seven days a week. The proposed retail floor area is approximately 220m².

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. Should Council approve “Zoning Amendment Bylaw 2019 No. 4500.163”, the bylaw approval would constitute a positive recommendation in support of the licensing application.

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 provision of city-wide shopping that meets the needs of neighbourhood and larger trade areas. The proposed CRS generally complies with the intent of the City Commercial Centre designation.

Cannabis Retail Store Rezoning Criteria

The following table summarizes how the proposed rezoning addresses the CRS Rezoning Criteria adopted by Council on 2018-SEP-17, which is 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 located within the City Commercial Centre land-use designation and is proximal to the Island Highway. Turner Road and Uplands Drive are designated as arterial roads.
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 approximately 375m away from the nearest licensed daycare and approximately 545m away from the nearest school. School District 68 and Island Health (Community Care and Licensing) confirmed they have no objections to the application.
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 located approximately 0.7 km from the nearest approved CRS at 6404 Metral Drive and 5 km from the nearest proposed CRS at 2220 Bowen Road (received third reading).
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 multi-tenant building. The size of the CRS unit is consistent with the other commercial units.
2.2. The design of the proposed CRS should enhance or improve the aesthetics of the surrounding area, not detract from them.	The multi-tenant building is pre-existing and is in good repair. Apart from window screening needed to comply with LCRB requirements, the existing storefront will be retained and maintained.
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 shopping centre parking is pre-existing and no additional parking or loading spaces are required for this use.

Community Impact	
<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) and additional information that proposes the following measures to minimize or prevent potentially negative impacts:</p> <ul style="list-style-type: none"> • preventing service to minors by requiring two pieces of ID; • installing an effective ventilation system; • displaying social responsibility signage and offering educational programs; • enforcement of no cannabis consumption in or around the store; • ensuring adequate lighting outside the store and in the parking lot, and regular supervision of the storefront and parking lot; and • refusing service to intoxicated patrons, and maintaining incident logs that are available to police.
<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>The subject property is located south of a religious institution at 6234 Spartan Road. The proposed CRS is approximately 375m away from the property line.</p> <p>The proposed CRS is approximately 600m away from the property line of a park on Oliver Road.</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 not expected to generate traffic volumes that differ significantly from other retail uses. No negative impacts on traffic volumes or neighbourhood on-street parking are anticipated.</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>The subject property is outside of any Community Association boundary.</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 last two weeks of August 2019. Two rezoning notice signs have been placed on site, and if Council gives first and second reading to “Zoning Amendment Bylaw 2019 No. 4500.163”, 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 reviewed the proposal and indicated they have no comments.</p> <p>Council has not established a Community Planning and Development Committee; therefore, committee review has not taken place.</p>
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CC3 zoning supports provision of shopping that meets the needs of the community at large, and, pending LCRB approval, the proposed CRS would complement existing commercial uses that serve the community.

Staff support the proposed rezoning from a land-use perspective and consider the application to be substantially in compliance with City's CRS Rezoning Criteria policy.

Community Amenity Contribution

The applicant proposes a monetary contribution of \$10,000 be directed towards the Housing Legacy Fund.

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. 4500.163", Staff recommend the following be secured prior to final adoption of the bylaw:

- *Community Amenity Contribution* – A monetary contribution of \$10,000 to be directed towards the Housing Legacy Fund.
- *LCRB Approval* – Confirmation from the LCRB that it has approved the applicant's suitability for a cannabis retail license.

SUMMARY POINTS

- A rezoning application has been received to allow Cannabis Retail Store use within an existing commercial building as a site-specific use in the CC3 zone for the subject property located at 5800 Turner Road.
- The Provincial Liquor and Cannabis Regulation Branch is reviewing the licensing application for this proposal.
- Staff support this application, which substantially complies with the City's Cannabis Retail Store Rezoning Criteria policy

ATTACHMENTS

ATTACHMENT A: Location Plan
ATTACHMENT B: School and Licensed Daycare Buffer Map
ATTACHMENT C: Site Plan
ATTACHMENT D: Conceptual Floor Plan
ATTACHMENT E: Building Elevations
ATTACHMENT F: Letter of Rationale
ATTACHMENT G: Aerial Photo
“Zoning Amendment Bylaw 2019 No. 4500.163”

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