

DATE OF MEETING | May 4, 2020 |

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING |

SUBJECT | **REZONING APPLICATION NO. RA449 – 5801 TURNER ROAD** |

OVERVIEW

Purpose of Report

To seek direction from Council regarding rezoning application No. RA449. |

Recommendation

That

1. Council waive the Public Hearing for “Zoning Amendment Bylaw 2020 No. 4500.174” (To rezone 5801 Turner Road to allow “Cannabis Retail Store” as a site-specific use in the CC3 [City Commercial Centre] zone), pursuant to *Local Government Act* section 464(2).
2. Council direct Staff to proceed with public notification of Public Hearing waiver prior to third reading of “Zoning Amendment Bylaw 2020 No. 4500.174”, pursuant to *Local Government Act* section 467.

BACKGROUND

A rezoning application, RA449, was received from 1217024 BC Ltd. The applicant proposes to amend the existing CC3 zone to allow “Cannabis Retail Store” as a site-specific use at 5801 Turner Road.

At the regular Council meeting on 2020-MAR-16, Council passed first and second readings of associated amendment bylaw “Zoning Amendment Bylaw 2020 No. 4500.174”. Prior to third reading, an amendment bylaw would typically proceed to Public Hearing. In light of health advisories surrounding COVID-19, the Province has suggested local governments could consider waiving Public Hearings where a bylaw is consistent with the Official Community Plan, as provided for under Section 464(2) of the *Local Government Act* (LGA) in order to address social distancing. The purpose of this report is to seek alternative direction from Council in order to waive the Public hearing and allow this rezoning application to proceed.

DISCUSSION

The proposed rezoning would allow for a Cannabis Retail Store at 5801 Turner Road at the commercial retail unit with the alias address of 5765 Turner Road, Unit 1. Staff consider the application to be substantially in compliance with the City’s Cannabis Retail Store Rezoning Criteria Policy and the Official Community Plan (OCP), as summarized in the previous Staff report dated 2020-MAR-16.

The statutory requirement to hold Public Hearings for zoning bylaw amendments is outlined in Sections 464(1) and 465(1) of the LGA and requires a hearing to be held prior to third reading of the bylaw. There is a provision for a local government to waive a Public Hearing when the proposed zoning bylaw amendment is consistent with the OCP as per LGA Section 464(2). Where a Public Hearing is waived, public notice must be given in accordance with LGA Section 467.

The OCP designates the subject property as City Commercial Centre, which envisions uses that provide city-wide shopping to meet the needs of larger trade areas. As the proposed amendment bylaw is consistent with the OCP, Staff recommend waiving the Public Hearing requirements in order to allow this application to proceed for consideration of third reading at an upcoming Council meeting.

OPTIONS

1. That:
 1. Council waive the Public Hearing for “Zoning Amendment Bylaw 2020 No. 4500.174” (To rezone 5801 Turner Road to allow “Cannabis Retail Store” as a site-specific use in the CC3 [City Commercial Centre] zone), pursuant to *Local Government Act* section 464(2).
 2. Council direct Staff to proceed with public notification of Public Hearing waiver prior to third reading of “Zoning Amendment Bylaw 2020 No. 4500.174”, pursuant to *Local Government Act* section 467.
 - Advantages: The application may proceed in a timely manner to third reading. The public will be notified of Public Hearing waiver and the date of Council’s consideration of third reading.
 - Disadvantages: A Public Hearing will not be held.
 - Financial Implications: Some cost and resource savings in not facilitating a Public Hearing.
2. That Council directs Staff to proceed with a Public Hearing for “Zoning Amendment Bylaw 2020 No. 4500.174”.
 - Advantages: A Public Hearing could be held at later time.
 - Disadvantages: The application may be substantially delayed. Additionally, some members of the public may be unwilling or unable to attend an in-person Public Hearing at this time.
 - Financial Implications: None anticipated.
3. That Council provide alternative direction to Staff.

SUMMARY POINTS

- A rezoning application has been received to amend the existing CC3 zone in order to allow “Cannabis Retail Store” as a site-specific use at the 5801 Turner Road.
- In light of health advisories surrounding COVID-19, the Province has suggested that local governments consider waiving Public Hearings.
- As the proposed amendment bylaw is consistent with the OCP, Staff recommend waiving the Public Hearing requirements pursuant to *Local Government Act* section 464(2).

Submitted by:

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