

DATE OF MEETING July 4, 2022

AUTHORED BY SADIE ROBINSON, PLANNER, CURRENT PLANNING

**SUBJECT REZONING APPLICATION NO. RA478 – 2980 ISLAND HIGHWAY NORTH**

## **OVERVIEW**

### **Purpose of Report**

To present Council with an application to amend the existing zoning of the property located at 2980 Island Highway North to allow “Cannabis Retail Store” as a site-specific use in the City Commercial Centre (CC3) zone.

### **Recommendation**

That:

1. “Zoning Amendment Bylaw 2022 No. 4500.201” (To rezone 2980 Island Highway North to allow “Cannabis Retail Store” as a site-specific use in the City Commercial Centre [CC3] zone) pass first reading;
2. “Zoning Amendment Bylaw 2022 No. 4500.201” 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, RA478, was received from Colleen and Geoff Griffiths on behalf of the property owner, Sophie Investments Inc., for 2980 Island Highway North. 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.

The applicant has an existing CRS licence that was issued (2020-JAN-13) at 1599 Dufferin Crescent (RA410) and proposes to relocate their existing business to the subject property. The zoning of the Dufferin property will continue to allow Cannabis Retail Store as a site-specific use despite the relocation of the business, and the applicant proposes to allow Cannabis Retail Store as a site-specific use at the new location.

## Subject Property and Site Context

<i>Location</i>	The subject property is located on the North Side of the Island Highway between Rock City Road and Glen Eagle Crescent.
<i>Total Lot Area</i>	1.75ha
<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
<i>Neighbourhood Plan designation</i>	N/A
<i>Proximity to nearest school</i>	Approximately 515m from Wellington Secondary School (3135 Mexicana Road) and 520m from Rock City Elementary School (3741 Departure Bay Road)
<i>Proximity to nearest licensed daycare</i>	Approximately 295m (A Place to Play – 933 Capilano Street)
<i>Proximity to nearest approved CRS</i>	Approximately 700m from an approved CRS (RA408) at 3200 Island Highway North (BC Cannabis Store)

The proposed CRS will be within an existing commercial unit at Rock City Plaza. Other uses within Rock City Plaza include retail, personal service, restaurant (including drive-thru), and recreational uses including a gym and children’s entertainment centre. Neighbouring land uses to Rock City Plaza include low density residential to the east and northeast, institutional (church) and multi-family to the northwest, with the Island Highway to the south of the subject property.

## **DISCUSSION**

### **Proposed Development**

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

The anticipated business hours are from 9:00 a.m. to 6:00 p.m. on Saturday through Wednesday, and 9:00 a.m. to 7:00 p.m. on Thursdays and Fridays. The proposed retail floor area is approximately 83m<sup>2</sup> and will be located within an existing commercial building (Unit 580A).

### **Provincial Licensing Requirements**

The City was advised on 2022-FEB-03 by the BC Liquor and Cannabis Regulation Branch (LCRB) that an application for the relocation of a non-medical cannabis retail store licence has been made for the subject property.

As part of LCRB’s initial review, the branch determined the applicant was “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 originally issued the fit and proper in association with a previous rezoning application (RA410) for the CRS’s current location at 1599 Dufferin Crescent. The LCRB has completed the required financial integrity

checks and security screenings for The Daily Bud Ltd., and persons associated. As such, a new “fit and proper” assessment will not be required to change business locations.

The LCRB will proceed with the application for relocation if the local government submits a positive recommendation to the LCRB indicating that the proposed CRS use is permitted. Should Council approve “Zoning Amendment Bylaw 2022 No. 4500.201”, 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 Corridor. The OCP does not address CRS use specifically, but the land-use designation supports a concentration of commercial uses within mixed-use developments together with new multi-unit residential developments and public amenities. A mix of residential, commercial, professional, and service uses, including retail use, are encouraged. The proposed CRS generally complies with the intent of the Corridor 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 is 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 designated Corridor in the OCP and located adjacent to Island Highway North, which is 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 515m away, and the nearest daycare approximately 295m away.
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 700m away from the nearest approved CRS at 3200 Island Highway North (Country Club Mall).

<b>Building or Site</b>	
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 units in the existing shopping centre.
2.2. The design of the proposed CRS should enhance or improve the aesthetics of the surrounding area, not detract from them.	The existing storefront will be retained with the addition of glazing on the windows, as required by the LCRB. The appearance of the CRS is consistent with other units in the 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 shopping centre parking is existing and no additional parking or loading spaces are required for this use.
<b>Community Impact</b>	
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.	The applicant provided a Community Impact Statement (Attachment E) that outlines measures to address potential impacts related to safety, consumption onsite, odor, and sale to minors.
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.	The applicant proposes the following mitigation measures: <ul style="list-style-type: none"> <li>• Customers are required to produce government issued photo ID;</li> <li>• Cameras will be installed to discourage loitering;</li> <li>• Police will be contacted if an attempted purchase is made by a minor;</li> <li>• Installing dehumidifiers and charcoal filters to reduce odor; and,</li> <li>• Refusing service to intoxicated individuals.</li> </ul>
3.1.2 Consideration must be given to the impact a CRS will have when located in close proximity to libraries, public recreation centres, public community centres, parks, places of worship and other family-oriented facilities.	The subject property is located across Glen Eagle Crescent from a church, however, the CRS entrance is on the opposite side of the building, oriented toward the parking lot and not toward Glen Eagle Crescent. Beban Park is located approximately 345m to the south of the proposed CRS location.
3.2. Projected traffic volumes and on-street parking demands associated with a proposed CRS should not adversely impact nearby residential and commercial areas.	The proposed CRS will be located within an existing unit within a shopping centre and is not expected to negatively impact on-street parking demands or traffic volumes.

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.	The subject property does not fall within a specified Neighbourhood Association area.
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.	The applicant completed notification to the neighbouring properties as outlined in the policy. A rezoning notice has been placed on the property, and if Council gives first and second reading to "Zoning Amendment Bylaw 2022 No. 4500.201", the application will proceed to Public Hearing.
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>The RCMP reviewed the proposal and indicated they have no concerns with the proposed location.</p> <p>Council has not established a committee assigned to reviewing these applications.</p>

Staff support the proposed rezoning to allow an existing CRS to be relocated to the subject property as it complies with the OCP, the City's Rezoning Criteria Policy, and the applicant has already undergone the LCRB suitability assessment.

### Community Contribution

The applicant proposes a monetary contribution of \$10,000 be directed towards public improvements 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 2022 No. 4500.201", Staff recommend the following item be secured prior to final adoption of the bylaw.

1. *Community Contribution* – A monetary contribution of \$10,000 to be directed towards improvements at Beban Park.

### **SUMMARY POINTS**

- The applicant proposes to rezone the subject property to allow "Cannabis Retail Store" use in addition to the existing permitted uses in the CC3 zone.
- The applicant has an existing CRS licence and proposes to relocate their existing business to the subject property.
- Staff support the proposed rezoning which complies with the OCP and the City's CRS Rezoning Criteria policy.

## **ATTACHMENTS**

ATTACHMENT A: Context Map  
ATTACHMENT B: Location Plan  
ATTACHMENT C: School and Licensed Daycare Buffer Map  
ATTACHMENT D: Proposed Site Plan and Floor Plan  
ATTACHMENT E: Community Impact Statement  
ATTACHMENT F: Aerial Photo  
“Zoning Amendment Bylaw 2022 No. 4500.201”  
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### **Concurrence by:**

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