

Request for Decision



To: Regular Meeting
From: **Development, Engineering & Planning**
Date: October 7, 2019
Subject: Development Variance Permit No. DVP1903 Proposed Non-Medical Cannabis Retail Store Licence at 135B Market Avenue
Recommendation: **THAT Council direct staff to proceed with the statutory requirements for public notice respecting a Non-Medical Cannabis Retail Store Licence application proposed for 135B Market Avenue, legally described as Lot 1, Plan KAP23, District Lot 108, Similkameen Division Yale District
PID 012-547-441**

Background

The applicant, 429291 BC Ltd, has applied to the City for a Development Variance Permit to vary subsection 58.3 of Zoning Bylaw 2039 which regulates the distance a Non-Medical Retail Cannabis Store can be relative to a Community Use zone, or a youth-centred facility.

The building proposed for the Non-Medical Cannabis store is located within 100m of at least one youth-centred facility, Dazzle Dance, located at 7375 2nd Street.

To date, this office is not in receipt of a notification from the Liquor and Cannabis Regulation Branch (LCRB) that the applicant has applied for a Non-Medical Cannabis Retail Store Licence.

Ownership

Owner(s):
429291 BC Ltd
PO Box 1016
Grand Forks, BC, V0H 1H0

Agent:

Zoning and Policy Context

The property is zoned CC (Core Commercial) and is 0.292 acres in size. As shown in schedule A-1 of zoning bylaw 2039, Non-Medical Cannabis Retail is a permitted use in the CC zone.

The property is in the Historic Downtown Development Permit Area.

Other businesses currently or recently located in the multi-tenant building on this property include a bakery, law office, personal service establishment, veterinarian, Kettle Valley Food Co-op and consignment clothing store.

The building proposed to house the Non-Medical Cannabis Retail Store is 92.3 m from the property boundary of 7372-2nd Street. Dazzle Dance, a youth-centred facility, is located on the 2nd floor of 7372-2nd Street. Zoning bylaw 2039 defines a youth centred facility any school, daycare, playground, community garden, recreation facility or other facility designed for use primarily by minors.

Timing

The following next steps and approximate time frames are outlined in Table 1 below:

TABLE 1 TIMEFRAME	
ACTIVITY	TIMING
<i>Committee of the Whole – Public Introduction of Application</i>	<i>October 7, 2019</i>
<i>Regular Council Meeting – Council Direct staff to proceed with statutory notice (letters to adjacent property owners and notice in 2 issues of the local paper)</i>	<i>October 7, 2019</i>
Letters sent to adjacent property owners	October 12, 2019
Notice published in two consecutive issues of the newspaper	October 9 & 16, 2019
Deadline for receiving written feedback	October 21, 2019
Public Feedback Session	October 21, 2019
Regular Council Meeting	October 21, 2019
- Staff report on written feedback received	
- Council decision on DVP Application	

Benefits or Impacts

General

The regime to legalize the non-medical use and sale of cannabis is a relatively new to British Columbia. The proposed location is less than the required 100m to a youth centred facility.

Strategic Impact



Community Engagement

- Written notice will be provided to adjacent property owners.
- Ads will be placed in 2 editions of the local newspaper.

- A public Feedback session will be held.
- Written comments will be accepted and will be forwarded to the LCRB.

Policy/Legislation

Local Government Act; Community Charter; Zoning Bylaw; Cannabis Control Licencing Act.

Attachments

Appendix 1

- Page 1: Aerial Photo showing the subject property
Page 2: Map showing zoning

Appendix 2

- Pages 1-6: DVP package submitted by applicant.
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Options

1. THAT Council accepts the report.
2. THAT Council does not accept the report.
3. THAT Council refers the matter back to staff for further information.

Report Approval Details

Document Title:	20191007-135B Market Ave CANNABIS Retail 1st2nd Reg.docx
Attachments:	- 20191007 DVP1903 135B Market Ave Appendix 1 1st2nd Reg.pdf - 20191007 DVP1903 135B Market Ave Appendix 2 1st2nd Reg.pdf
Final Approval Date:	Sep 28, 2019

This report and all of its attachments were approved and signed as outlined below:

Dolores Sheets - Sep 27, 2019 - 2:33 PM

Daniel Drexler - Sep 28, 2019 - 1:12 PM