

May 23, 2019

Subject Property:

1652 Fairview Road

Lot 15, District Lot 5, Group 7, Similkameen Division Yale
(Formerly Yale Lytton) District Plan 28077

Applications:

Cannabis Retail Store PL2019-8495 (#104-1652 Fairview Rd)

Rezone PL2019-8494 (1652 Fairview Rd)

The City has received an application from **Fairview Cannabis Corner Ltd.** looking for local government support of their provincial retail cannabis store licence at #104-1652 Fairview Rd. In accordance with City policy and provincial requirements, the City is providing the neighboring residents, property owners, or other interested persons an opportunity to comment on the application.



In conjunction with the Cannabis Retail Store application, the proponents are also applying to add 'cannabis retail store' as a site specific use at 1652 Fairview Road (C7 zone).

Information:

The staff report to Council and Zoning Amendment Bylaw 2019-17 will be available for public inspection from **Friday, May 24, to Tuesday, June 4, 2019** at the following locations during hours of operation:

- Penticton City Hall, 171 Main Street
- Penticton Library, 785 Main Street
- Penticton Community Centre, 325 Power Street

You can also find this information on the City's website at www.penticton.ca/publicnotice.

Please contact the Planning Department at (250) 490-2501 with any questions.

Council Consideration:

A **Public Hearing for Zoning Amendment Bylaw 2019-17** has been scheduled for **6:00 pm, Tuesday, June 4, 2019**, in Council Chambers at Penticton City Hall, 171 Main Street.

Council will consider 'local government support' for the provincial cannabis retail store application after adoption of Zoning Amendment Bylaw No. 2019-17.

Public Comments:

You may appear in person, or by agent, the evening of the Council meeting, or submit a petition or written comments by mail or email no later than **9:30 am, Tuesday, June 4, 2019** to:

Attention: Planning Dept., City of Penticton
171 Main Street, Penticton, B.C. V2A 5A9
Email: planning@penticton.ca

No letter, report or representation from the public will be received by Council after the conclusion of the June 4, 2019 Public Hearing.

Please note that all correspondence submitted to the City of Penticton in response to this Notice must include your name and address and will form part of the public record and will be published in a meeting agenda when this matter is before the Council or a Committee of Council. The City considers the author's name and address relevant to Council's consideration of this matter and will disclose this personal information. The author's phone number and email address is not relevant and should not be included in the correspondence if the author does not wish this personal information disclosed.

Blake Laven, RPP, MCIP
Manager of Planning



Council Report

penticton.ca

Date: May 21, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 1652 Fairview Road

Subject: Zoning Amendment Bylaw No. 2019-17

File No: 2019 PRJ-054

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2019-17", a bylaw that adds as a site specific use 'cannabis retail store' to the C7 zone for Lot 15, DL 5, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 28077, located at 1652 Fairview Road, be given first reading and be forwarded to the June 4, 2019 Public Hearing;

AND THAT the public comment period for 'local government support' for the provincial cannabis retail store license application be done concurrently with the advertising for the zoning amendment Public Hearing;

AND FURTHER THAT Council consider 'local government support' for the provincial cannabis retail store application after adoption of Zoning Amendment Bylaw No. 2019-17.

Background

The subject property (Attachment 'A') is zoned C7 (Service Commercial) and is designated by the City's Official Community Plan (OCP) as SC (Service Commercial). Photos of the site are included as Attachment 'D'. The lot is 13,556 m² (3.35 ac) in area and contains two separate strip mall style buildings, which contain stores such as Cloverdale Paint, Fairview Liquor Store, Trellis and Vine Crafthouse and Ellis Creek Kitchens & Baths, among others. The surrounding area contains other commercially zoned properties and backs onto residential zoned lands (Attachment 'B').

The intent of this application is to put zoning in place for a cannabis retail store. In 2018, the City's Zoning Bylaw was amended to allow 'cannabis retail stores' as a permitted use within the C4 (General Commercial), C5 (Urban Centre Commercial) and C6 (Urban Peripheral Commercial) zones. The subject property at 1652 Fairview Road is zoned C7 (Service Commercial), which is not one of the zones that allow for a cannabis retail store.

During the decision making process determine which zones would accommodate cannabis retail sales as a permitted use, the C7 zone was considered as a potential area, given that there were several commercial plazas within the C7 zone. Ultimately though, the decision was made to not include the C7 zone as it had too many properties that did not lend themselves well to the use. Council in their discussion, seemed to keep

the door open for specific properties to come forward with an application to consider these types of locations on a site by site basis.

As such, the applicant is requesting a site specific amendment to allow for a cannabis retail store to be operated at 1652 Fairview Road.

Draft 2019 Official Community Plan

The Official Community Plan review currently underway designates the subject property within the Future Land Use Category as 'commercial'. In the draft Official Community Plan, 'commercial' is described as areas with a wide range of commercial uses including office, retail, goods and services. Compatible types of development include retail, service, office, restaurants, grocery stores and residential (in specific zones). Therefore, the Draft 2019 OCP is supportive of retail opportunities at the subject property.

Proposal

The applicant is proposing to amend Zoning Bylaw 2017-08 as follows:

Add section 11.7.4.3

"On Lot 15, DL 5, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 28077, located at 1652 Fairview Road, 'cannabis retail store' shall be permitted."

Note: Cannabis Retail Store applicants are still required to proceed through Provincial and Municipal approval processes prior to a business license being approved to operate a Cannabis Retail Store at this location. Those approvals will be considered under a separate process.

Financial implication

This application does not pose any financial implications to the City. All development costs are the responsibility of the applicant.

Analysis

The proposal is for a site-specific zoning amendment, which will allow the property to retain the current C7 (Service Commercial) zoning, while also allowing for the use cannabis retail store. The request for a retail store is in line with the SC (Service Commercial) designation of OCP No. 2002-20. The Draft 2019 OCP also designates this property as 'commercial', which would support the proposed use of a Cannabis Retail Store.

The subject property contains adequate parking onsite for the existing commercial retail units and lends itself well to the type of activity expected with the cannabis retail sales business. In addition, this property is not located in close proximity to any other prospective cannabis retail store locations.

While the C7 zone does not permit cannabis retail sales, there was an acknowledgment in the development of the cannabis framework that there were appropriate properties in the C7 zone for this use. In staff's consideration this commercial plaza is an appropriate location for this use, however as noted above, there will be a separate application process required before any decision is made on the cannabis retail store being approved for this property.

Further, if the amendment bylaw is successful and a cannabis retail store becomes a permitted use at 1652 Fairview Road, any cannabis retailers would still be required to proceed through the Provincial and

Municipal processes for attaining a license. Such licenses are reviewed by Council to receive support on a case-by-case basis, meaning that Council would still be able to review which cannabis retail store moves into the location at 1652 Fairview Road.

Given that the subject property is within a well-established commercial area, and is in line with the current and Draft OCP Future Land Uses, staff recommend that Council support "Zoning Amendment Bylaw No. 2019-17" to allow a cannabis retail store at 1652 Fairview Road, and that the application be forwarded to the June 4, 2019 Public Hearing for comment from the public.

Staff are also recommending that the public comment period for the related licensing process to happen concurrently to the Public Hearing notification and that consideration of the provincial license occur after the associated zoning bylaw is adopted, likely on June 18, 2019.

Deny/Refer Zoning Amendment

Council may consider that the proposed use is not suitable for this site, or that the surrounding land uses are not an appropriate fit for the proposed use. If Council has concerns with the proposal, they should deny the bylaw amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

Alternate recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2019-17".
2. THAT Council support first reading of "Zoning Amendment Bylaw No. 2019-17" with conditions that Council considers appropriate.
3. THAT Council refer "Zoning Amendment Bylaw No. 2019-17" back to staff.

Attachments

- Attachment A – Subject Property Location Map
- Attachment B – Zoning Map of Subject Property
- Attachment C – Official Community Plan Map of Subject Property
- Attachment D – Images of Subject Property
- Attachment E – Letter of Intent
- Attachment F – Zoning Amendment Bylaw No. 2019-17

Respectfully submitted,

Nicole Capewell
Planner 1

Director 	Chief Administrative Officer 
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1652 Fairview Road

Property Location Map



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Wednesday, May 1, 2019
11:46:39 AM

penticton.ca

Figure 1 – Subject property identified in red

Attachment B – Zoning Map of Subject Property

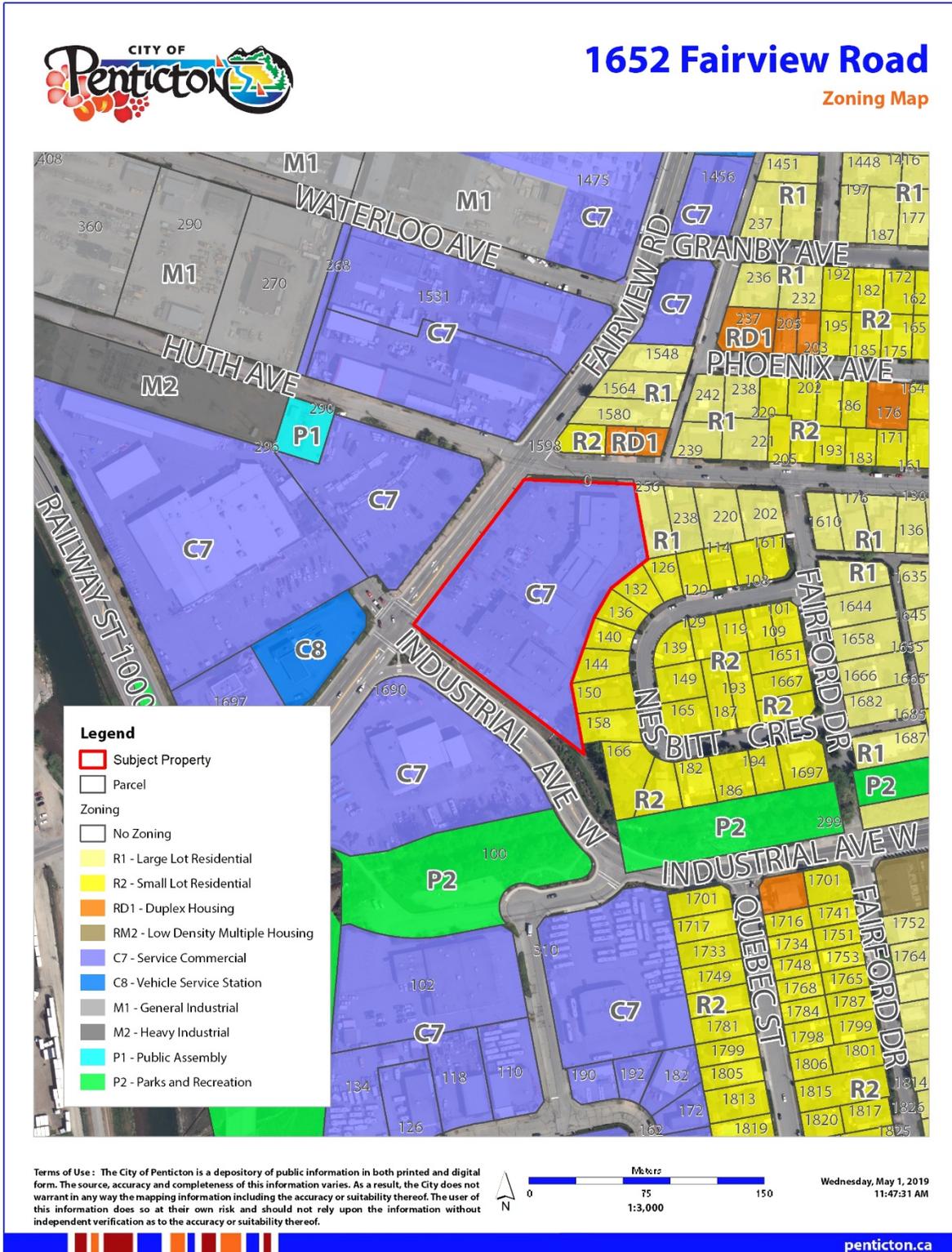


Figure 2 – Subject property currently zoned C7 (Service Commercial)

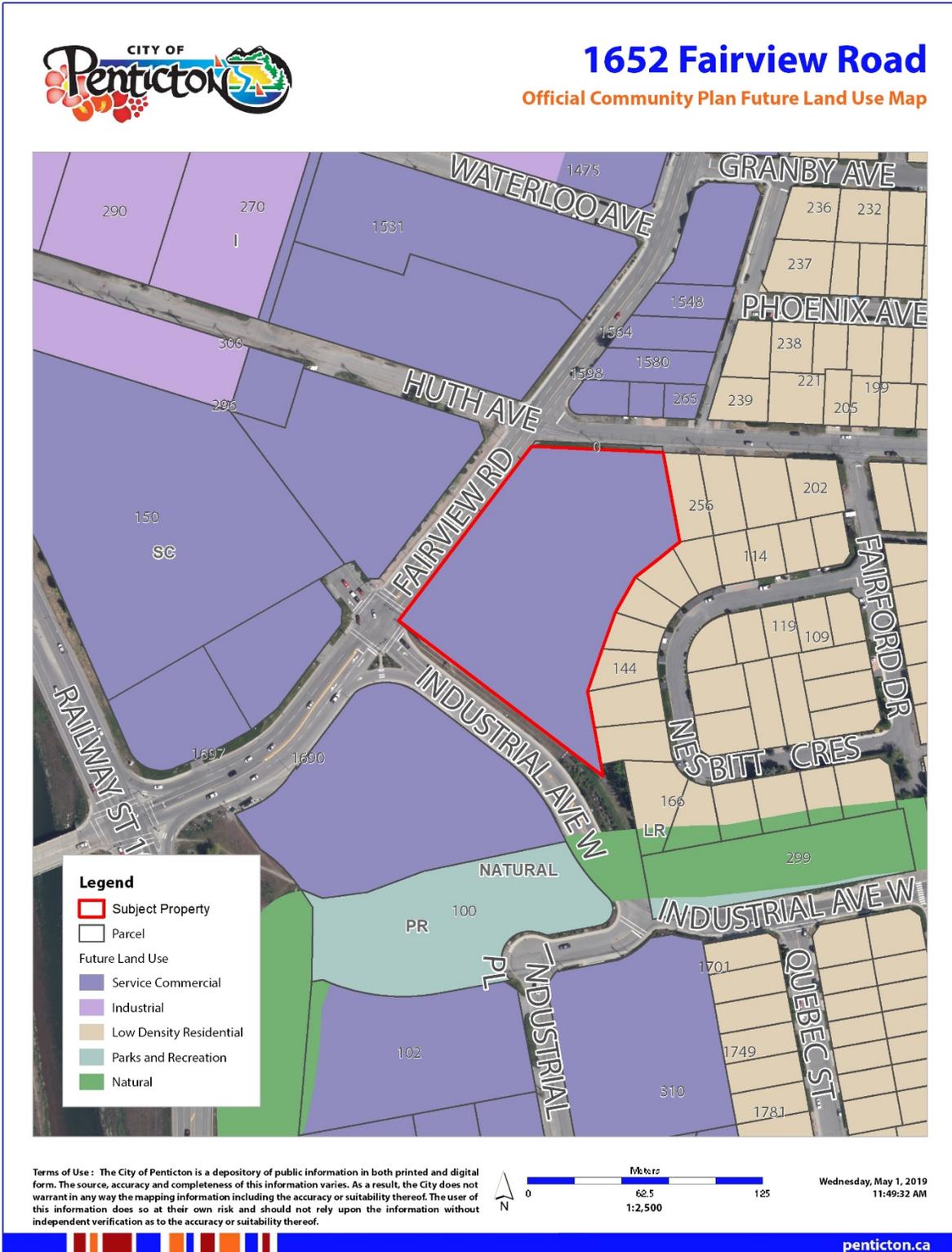


Figure 3 – Subject property designated as Service Commercial (SC)

Attachment D – Images of Subject Property



Figure 4 – Looking east towards strip mall building on subject property



Figure 5 – Looking east towards strip mall buildings on subject property

Attachment E – Letter of Intent

FAIRVIEW CANNABIS CORNER

Fairview Cannabis Corner
#104-1652 Fairview Rd,
Penticton, BC, V2A 6A7

City of Penticton
171 Main St.
Penticton, BC, V2A 5A9

Penticton Planning Department,

I would like to be considered for approval by the City of Penticton to open a Cannabis Retail Store located at #104-1652 Fairview Rd. The store will be called *Fairview Cannabis Corner* and will sell legally regulated cannabis products and cannabis accessories.

The location of my proposed store is currently zoned Service Commercial (C7), which is not included in the zoning bylaw 2018-66 as a place where a Cannabis Retail Store may be located. I would like to be approved for a temporary use permit for this location, considering Fairview Liquor Store is located in the same zone and address. These two types of business compliment one-another and an ideal scenario locates a cannabis retail stores close to a liquor store as both are regulated by the LCLB and supplied by the LDB.

Fairview Cannabis Market's neighboring businesses are zoned C7 as well which is ideal because it will reduce the probability of minors spending time in this area of town. It is located outside of any school or park buffer zone and has a very large parking lot. Promoting a Cannabis Retail Store at this location will offer brand recognition for neighboring businesses as the parking lot will receive much more traffic. This biproduct will have a positive impact on the Penticton retail community.

I feel that if given the opportunity, my experience in commerce and compliance would allow me the opportunity to successfully promote a positive image of the Cannabis Industry and help me remove the fears and hesitations of the community about cannabis. I believe strongly that Fairview Cannabis Corner will succeed in this venture and will become an industry standard for compliance and profitability.

Cordially,



Darren Moffatt, CPA, CMA

The Corporation of the City of Penticton

Bylaw No. 2019-17

A Bylaw to Amend Zoning Bylaw 2017-08

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2017-08;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title:

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2019-17".

2. Amendment:

2.1 Zoning Bylaw 2017-08 is hereby amended by adding the following site specific provisions to 11.7 C7 – Service Commercial section 11.7.4:

.5 In the case of Lot 15, DL 5, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 28077, located at 1652 Fairview Road, 'cannabis retail store' shall be permitted.

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	day of	, 2019
A PUBLIC HEARING was held this	day of	, 2019
READ A SECOND time this	day of	, 2019
READ A THIRD time this	day of	, 2019
RECEIVED the approval of the	day of	, 2019
Ministry of Transportation on the		
ADOPTED this	day of	, 2019

Notice of intention to proceed with this bylaw was published on the __ day of ____, 2019 and the __ day of ____, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i> this ____ day of _____, 2019</p> <p>_____ for Minister of Transportation & Infrastructure</p>

Angie Collison, Corporate Officer

1652 Fairview Road

Add 'cannabis retail store' to the C7 zone as a site specific use for Lot 15, DL 5, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 28077 (1652 Fairview Rd)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-17

Date: _____

Corporate Officer: _____