



Committee of the Whole Report

For the Meeting of May 24, 2018

To: Committee of the Whole **Date:** May 10, 2018

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Rezoning Application No. 00645 for 230 Cook Street

RECOMMENDATION

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00645 for 230 Cook Street, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and a Public Hearing date be set.

LEGISLATIVE AUTHORITY

In accordance with Section 479 of the *Local Government Act*, Council may regulate within a zone the use of land, buildings and other structures; the density of the use of the land, building and other structures; the siting, size and dimensions of buildings and other structures; as well as, the uses that are permitted on the land, and the location of uses on the land and within buildings and other structures.

EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Rezoning Application for the property located at 230 Cook Street. The proposal is to rezone the property by amending the existing CR-3M-1 Zone, Commercial Residential Apartment (Cook Street Village) District to include the use of storefront cannabis retailer.

The following points were considered in assessing this application:

- the proposal is consistent with the Large Urban Village designation in the *Official Community Plan 2012*
- the proposal is consistent with the District Centre designation in the *Suburban Neighbourhoods* policy
- the proposal is consistent with the Large Urban Village designation in the draft *Fairfield Neighbourhood Plan*
- the proposal is consistent with the *Storefront Cannabis Retailer Rezoning Policy*, as there are no schools within 200m or permitted storefront cannabis retailers within 400m.

BACKGROUND

Description of Proposal

This Rezoning Application is to rezone the property by amending the CR-3M-1 Zone, Commercial Residential Apartment (Cook Street Village) District to include the use of storefront cannabis retailer.

The following changes are being proposed and would be accommodated in the amended zone:

- storefront cannabis retailer would be a permitted use
- only one storefront cannabis retailer would be permitted to operate on the property at a time
- storefront cannabis retailer would be restricted to the ground floor
- storefront cannabis retailer would be limited to a total floor area of 77m², which is in keeping with the size of the proposal.

All other requirements within the CR-3M-1 Zone, Commercial Residential Apartment (Cook Street Village) District, would remain the same.

Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this application.

Public Realm Improvements

No public realm improvements are proposed in association with this Rezoning Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

Land Use Context

The area is characterized by commercial and mixed-use buildings along Cook Street and multi-unit residential, attached dwellings and single-family dwellings in the surrounding neighbourhood.

Existing Site Development and Development Potential

The site is presently a one-storey commercial building with a restaurant, pharmacy, and medical office operating.

Under the current CR-3M-1 Zone, the property could be developed as a three-storey commercial-residential building with ground floor commercial uses and residential units above. The current zone also permits the use of a liquor retail store; however, provincial regulations would prevent a liquor store from opening on the subject site due to it being within one kilometre of the liquor retail store at 304 Cook Street.

Community Consultation

Consistent with the *Storefront Cannabis Retailer Rezoning Policy*, the requirement to arrange and participate in a Community Association Land Use Committee (CALUC) meeting is waived unless the application involves construction of a new building; however, the application was referred to the Fairfield Gonzales CALUC. Also consistent with the Policy, the application has been referred to School District No. 61 and the Victoria Police Department (VicPD); as of writing this report, calls for service numbers from VicPD had not been provided.

ANALYSIS

Official Community Plan

The *Official Community Plan*, 2012 (OCP) identifies this property within the Large Urban Village urban place designation, within which ground oriented commercial uses are envisioned.

Local Area Plans

The *Cook Street Village Guidelines* do not address the types of uses envisioned for this property beyond identifying Cook Street Village as having commercial character; however, the existing *Suburban Neighbourhoods* policy identifies the property within the District Centre designation, within which attractive shop fronts are encouraged along Cook Street. In addition, the draft *Fairfield Neighbourhood Plan* identifies the property within the Large Urban Village designation, within which commercial uses on the ground floor are envisioned.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with this application and there are no impacts to public trees with this application.

Storefront Cannabis Retailer Rezoning Policy

The application is for a proposed storefront cannabis retailer. The location is consistent with the *Storefront Cannabis Retailer Rezoning Policy* as there are no schools within 200m and no permitted storefront cannabis retailers within 400m of the property.



CONCLUSIONS

This proposal to permit the storefront cannabis retailer use is consistent with the Large Urban Village designation in the OCP and the draft *Fairfield Neighbourhood Plan*. The proposal does not have any schools within 200m or permitted storefront cannabis retailers within 400m of the property. Staff therefore recommend Council consider supporting this application.

ALTERNATE MOTION

That Council decline Rezoning Application No. 00645 for the property located at 230 Cook Street.

Respectfully submitted,

M. Angrove

Michael Angrove
Planner
Development Services

A. Payne

Jonathan Tinney

Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:

Barbara Jenkins

Date:

May 17, 2018

List of Attachments

- Attachment A – Subject Map
- Attachment B – Aerial Map
- Attachment C – Plans date stamped May 8, 2018
- Attachment D – Letter from applicant to Mayor and Council dated April 11, 2018