



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall
1229 Esquimalt Road
Esquimalt, B.C. V9A 3P1

Legislation Text

File #: 19-417, **Version:** 1

REQUEST FOR DECISION

DATE: September 23, 2019

Report No. DEV-19-083

TO: Laurie Hurst, Chief Administrative Officer

FROM: Tricia deMacedo, Planner II - Policy and Bill Brown, Director of Development Services

SUBJECT:

Public Hearing - Rezoning Application - 829 Admirals Road]

RECOMMENDATION:

That Council, upon considering comments made at the Public Hearing, resolves that Bylaw No. 2973 (Appendix A), which would change the zoning designation of 829 Admirals Road (PID 001-759-817, Lot A, Section 10, Esquimalt District, Plan 28540, except part in Plan VIP86936), shown cross-hatched on Schedule 'A' of Bylaw No. 2973, from the Neighbourhood Commercial Zone (C-2) to a Comprehensive Development District (CD-124), be given third reading; and

That adoption of the Bylaw be withheld until an occupancy permit is obtained from the Township for the portion of the rear of the building that was enclosed without the benefit of a building permit.

RELEVANT POLICY:

Local Government Act

Official Community Plan Bylaw, 2018, No. 2922

Zoning Bylaw, 1992, No. 2050

Parking Bylaw, 1992, No. 2011

Development Application Procedures and Fees Bylaw, 2012, No. 2791

Advisory Planning Commission Bylaw, 2012, No. 2792

STRATEGIC RELEVANCE:

This Request for Decision does not directly relate to a specific strategic objective.

BACKGROUND:

Appendix A: Zoning Bylaw Amendment Bylaw No. 2973

Appendix B: Aerial overview and zoning map

Appendix C: Letter from applicant

Appendix D: Survey, parking layout, exterior photos

Appendix E: Neighbourhood meeting minutes

Appendix F: Correspondence

Appendix G: Notice of Public Hearing

Purpose of the Application

This rezoning application is to allow for the retail sale of cannabis in an existing building. The applicant proposes to rezone the property at 829 Admirals Road to a site specific (CD) zone. The proposal is for Unit C, on the ground floor of a mixed use building.

Consideration of this application should focus on the proposed land use, parking, fit with the neighbourhood and consistency with the overall direction in the Official Community Plan.

Context

Applicants: Joint Family Inc.

Owners: Gurpal Atwal, Gurbax Atwal, Sukhraj Atwal

Property Size: 1598 m²

Existing Land Use: Fifteen rental apartments and four ground floor commercial units.

Surrounding Land Uses:

North: Single Family Residential (RD-3)
South: Industrial (Esquimalt Graving Dock)
West: Duplex (RD-2)
East: Admirals Rd./Colville Rd. intersection

Proposed Zoning: Comprehensive Development (CD)

Existing OCP Designation: Neighbourhood Commercial Mixed Use (no change)

Timeline

Application Received: April 8, 2019

APC Meeting Date: June 18, 2019

Council First and Second Reading: July 15, 2019

Public Hearing Date: September 30, 2019

Official Community Plan

The Official Community Plan is silent on the subject of cannabis retail operations. There are however, a number of policies under Economic Development that support the proposal:

16.1 Support economic development that:

Fosters investment and growth in local businesses, services and facilities that cater to the community;

Works towards creating a complete community for families and seniors, including banking, medical and support services, daycare, an accessible trail system, public transit and recreational opportunities.

Recognize the value of locally owned and small businesses.

16.2 Encourage revitalization of underdeveloped commercial and industrial areas that have been in decline.

Encourage revitalization of commercial areas along Admirals Road, Esquimalt Road, corner of Tillicum and Craigflower Roads, and Head Street.

Zoning

The process for a prospective cannabis retailer in an existing building within Esquimalt is to rezone the entire property to allow for Cannabis sales within a specific unit. The table below indicates the major changes from the current zone, to the new CD-124 zone.

	Neighbourhood Commercial Zone (C-2)	Proposed Comprehensive Development Zone (CD-124)
Front Setback	0 m	1.54
Rear Setback	0 m	11.0
Side Setback	3 m	2.18 m
Exterior Side Setback	0	7.0
Building Height	13	9.5
Off Street Parking	27	25

The proposed Comprehensive Development District includes the following differences from the existing Neighbourhood Commercial zone:

- Setbacks and height would be as per existing building.
- One accessory building will be permitted.
- 'Store, Cannabis Sales' would be a permitted use.
- Only one Cannabis Sales Store would be permitted at any time on the property.
- The Cannabis Sales Store would be limited to a maximum floor area of 83.0 m².

The site is located at least 500 m away from elementary, middle and secondary schools in Esquimalt, is 800 m from the Esquimalt municipal boundary with the Songhees First Nation and is located more than 800 m from any other sites proposed for Cannabis retail.

Parking

The residential apartments require 1.3 parking spaces per unit for a total of 19.5 spaces. The existing businesses, plus the proposed cannabis store will require 7.41 spaces as per Parking Bylaw, 1992, No. 2011, for a total of 27 spaces. The applicant is proposing to provide 25 spaces: 18 for residential use and 7 for commercial use.

The original building was constructed with 29 parking spaces. Four of these have been lost due to enclosure of the rear overhang.

Traffic

This proposal is not expected to increase the level of traffic in this area by any measureable level.

The site is located on the E & N rail trail at the intersection of Admirals Road and Colville Road, providing access by both active transportation and vehicle travel. The site is located on three bus routes: No.'s 24, 25 and 46.

Comments from Other Departments

The plans for this proposal were circulated to other departments and the following comments were received:

Community Safety Services: The proposed cannabis retail store is not within 500 m of any schools within the Township, as per Business Licence and Regulation Bylaw, 2013, No. 2810. During the planning review of the application, it was determined that at some time in the past, the space below the rear overhang on the building (formerly parking area) was enclosed without benefit of a building permit. The building's owner is currently working towards the goal of obtaining an occupancy permit from Community Safety Services. Staff recommend that final approval be withheld until the work has been certified as code-compliant.

Engineering Services: Engineering staff have completed a preliminary evaluation of the application and have stated that the proposed rezoning of this property will not have an impact on the Engineering aspects of this property.

Fire Services: Fire Services staff has completed a preliminary review of the proposed plans and have no concerns at this time.

Comments from the Advisory Planning Commission (APC)

This application was considered at the regular meeting of the APC held on June 18, 2019. The APC members were supportive of the application, and passed a motion that the application for rezoning to allow for the operation of a Cannabis Sales Store at 829 Admirals Road, consistent with the site plan prepared by JE Anderson and Associates, stamped "Received May 6, 2019" be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve as the proposal meets the requirements of the Zoning Bylaw and the Business Licence Regulation Bylaw.

ISSUES:

1. Rationale for Selected Option

The application is supportable due to the following reasons:

- The location is well suited to customers arriving on foot or by transit.
- The application is for a new retail use within a building that is currently zoned for retail stores.
- The request for a reduction in parking of 2 stalls is minor and not expected to impact parking needs.
- The applicant proposes to add two additional bicycle racks for customers and residents.
- The building is outside of the 'prohibition zone' of 500 m around schools.
- There are currently no other Cannabis Sales Stores in Esquimalt.
- The Advisory Planning Commission has recommended approval of this application.
- Unpermitted construction on the building and unenclosed garbage will be rectified prior to adoption of the bylaw.

2. Organizational Implications

This Request for Decision has no organizational implications.

3. Financial Implications

This Request for Decision has no financial implications.

4. Sustainability & Environmental Implications

Providing services such as cannabis retail locally prevents the need for residents to travel to other municipalities to purchase product legally. The location is convenient for many workers heading home along Admirals Road or along the E&N rail trail. The applicant is proposing to add two bike racks for the building to improve end of trip facilities for both residents and customers.

5. Communication & Engagement

The applicant held a neighbourhood meeting on May 27, 2019, in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2018, No. 2971.

As this is a rezoning application, notices were mailed to tenants and owners of properties located within 100 metres of the subject property on September 18, 2019. Notice of the Public Hearing was included in the September 20 and September 25 editions of the Victoria News. The sign indicating that the property is under consideration for a change in zoning has been installed on the property since April of this year was updated to include the date, time, and location of the Public Hearing.

ALTERNATIVES:

1. Council, upon considering comments made at the Public Hearing, resolves that Zoning Amendment Bylaw No. 2973 be given third reading.
2. Council postpone consideration of Zoning Amendment Bylaw No. 2973 pending receipt of additional information. (Note that receipt of new information from the applicant or the public may require a new Public Hearing.)
3. Council defeat Zoning Amendment Bylaw No. 2973.