

DISCUSSION

An application summary is provided in Table 1.

Table 1: Application Summary'

Application Purpose:	To allow a cannabis store to remain open after zoning changes prohibit use
Owner / Applicant:	Schulte Investments Ltd / Brenda Harris
Civic Address:	#203 – 442 Marine Drive
Lot Area:	816 m ² (8783 ft ²)
Zoning Land Use:	Limited Commercial Zone 4 (C-4)
OCP Land Use:	Mixed-Use Commercial

The lot has a building on it with five units within it – three commercial units above and two residential units below. Figure 1 below shows a site plan provided by the applicant, which also identifies the pedestrian street entrances to the commercial units.

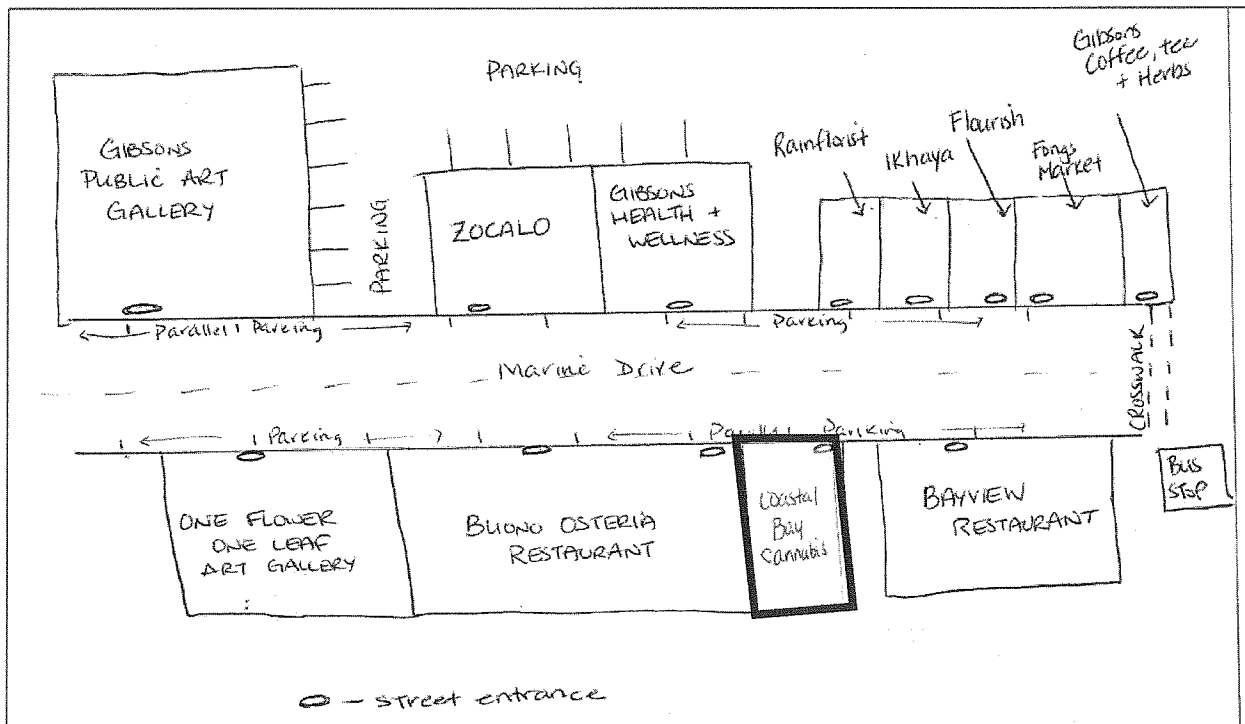


Figure 1: Site Plan

The subject property is zoned Limited Commercial Zone 4 (C-4), intended to provide for a limited range of commercial uses, which may be combined with apartment use on smaller lots in the Gibsons Landing area. Retail use is permitted, and The Healing Hut originally operated under a retail business license.

The proposed changes to the Zoning Bylaw will not allow cannabis stores to operate in Gibsons. Thus, a TUP application has been submitted to request permission to allow the business to continue operating for a temporary term.

COMMUNICATION

Staff have referred the application externally to the Gibsons and District Volunteer Fire Department, RCMP, and School District 46, and internally to the Town's Infrastructure Services Department.

The *Local Government Act* requires that a notice be published in a newspaper prior to Council's adoption of a resolution to issue the TUP. Staff recommends that Council directs staff to publish notice of TUP-2018-01 in the newspaper.

To obtain comments from immediate neighbours, staff typically mails letters neighbours within a 50 metre radius in addition to the legislated newspaper notification requirement. Staff recommends that Council directs staff to notify property owners neighbouring 442 Marine Drive of the Temporary Use Permit application (TUP-2018-01).

Staff further recommends that this Committee's recommendation be forwarded to the October 2, 2018 Regular Council meeting for Adoption, to enable staff to act on it and bring back a report for October 16, 2018 for a Council decision. Given the timing of the receipt of this application with the upcoming legalization of cannabis, a decision prior to the legalization would be a preferred process.

POLICY / PLAN IMPLICATIONS

Official Community Plan – Smart Plan

The Town's Smart Plan identifies all areas within the Town's boundaries in a Temporary Use Permit Area. This means TUPs can be applied for anywhere in Gibsons. The Smart Plan also encourages forms of economic development that support livability, and generate wealth within the local community, while it discourages speculation and forms of economic development that undermine the Town's livability and natural environment.

The land use designation in the Smart Plan is Mixed-Use Commercial, which states:

To allow for a wide range of retail and office use, restaurants, and visitor accommodations in a pedestrian oriented environment, and to allow residential uses as a secondary use, above or under a commercial use at ground level.

Given that The Healing Hut has been established for two years with no complaints received by the Town, and that it is consistent with the OCP land use designation, staff considers that allowing the use to remain in its location for a temporary term should not undermine the Town's livability. Notifying neighbours will provide more input on those immediately impacted by the cannabis store.

Strategic Plan Implications

Council has a strategic priority of promoting regional and local economic development. Retail sales of cannabis and cannabis products provides a local business opportunity and promotes economic diversification opportunities in Gibsons.

Financial Plan Implications

This application does not impact the Town's Financial Plan.

A TUP application costs \$1000 and a renewal fee is \$750. A retail business license costs \$160 for up to 1000 ft² and an additional \$8 for each additional 100 ft².

NEXT STEPS

Upon completion of neighbor notifications and a notice in the newspaper, this application will be brought forward for a Council decision.

RECOMMENDATIONS / ALTERNATIVES

Staff's recommendations are on page 1 of this report. Alternatively, Council may indicate preferences regarding changes to the application before notification takes place, or may choose not to issue the permit.

Respectfully Submitted,



Lesley-Ann Staats, MCIP, RPP
Director of Planning

CHIEF ADMINISTRATIVE OFFICER'S COMMENTS:

I have reviewed the report and support the recommendation(s).



Emanuel Machado
Chief Administrative Officer