

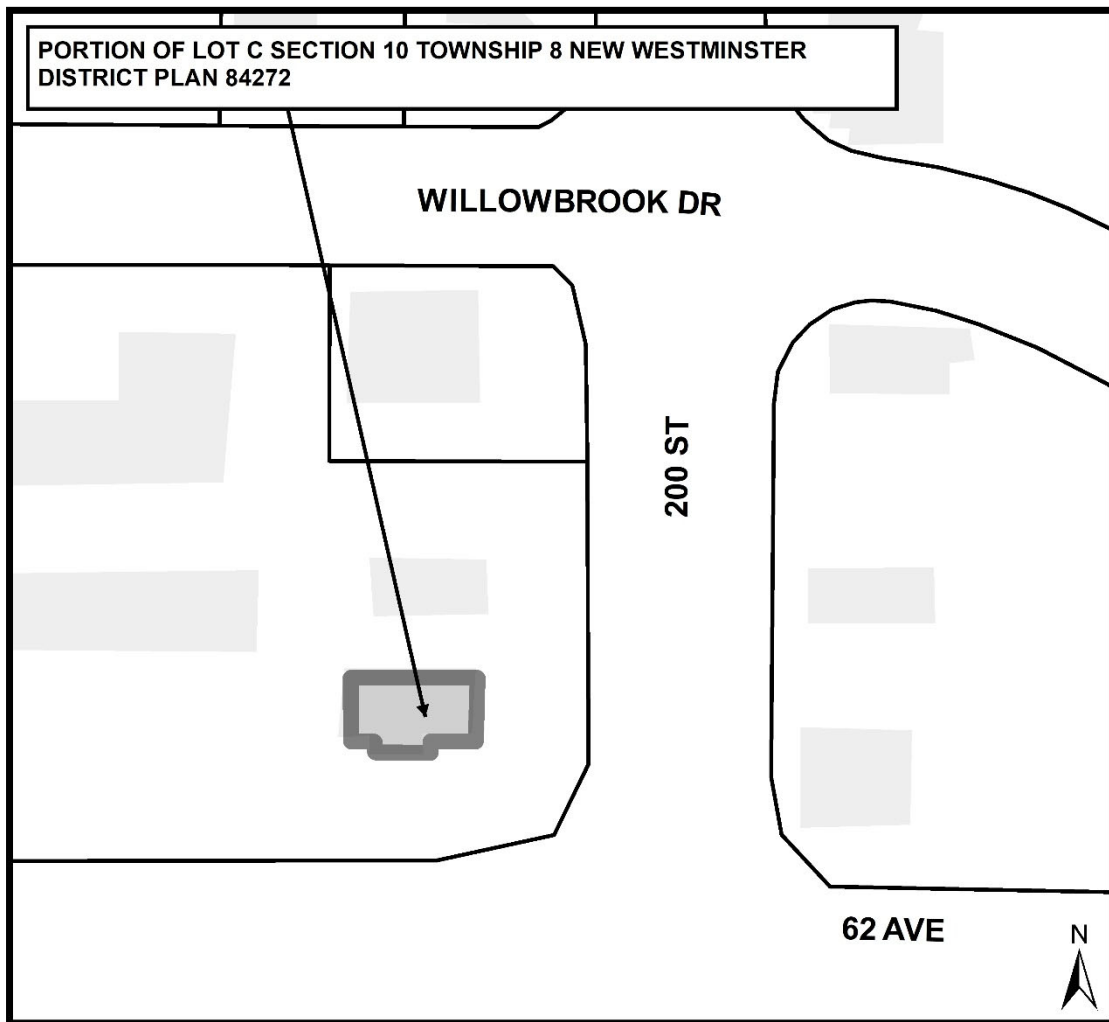
THE CORPORATION OF THE TOWNSHIP OF LANGLEY

**TOWNSHIP OF LANGLEY LAND USE CONTRACT NO. 76 AUTHORIZATION BYLAW
1977 NO. 1692 AMENDMENT (VALLEY PROPERTIES LTD.) BYLAW 2020 NO. 5666**

EXPLANATORY NOTE

Bylaw 2020 No. 5666 amends Land Use Contract No. 76 by adding cannabis retail as a site specific permitted use on a portion of the property located at 6225 – 200 Street.

SCHEDULE 'A' BYLAW NO. 5666





REPORT TO MAYOR AND COUNCIL

PRESENTED: DECEMBER 14, 2020 - REGULAR MEETING
FROM: COMMUNITY DEVELOPMENT DIVISION
SUBJECT: NON-MEDICAL CANNABIS RETAIL SALES
 DEVELOPMENT APPLICATIONS (GROUP 2)

REPORT: 20-163
FILE: BA000027

RECOMMENDATIONS:

That Council consider and if deemed appropriate grant first and second reading to the following Bylaws, proposed to amend the Township of Langley Zoning Bylaw 1987 No. 2500, to accommodate non-medical cannabis retail sales on a site specific basis, on the following properties:

Application No.	Applicant	Address	Bylaw No.
CR000002 / RZ100622 / 08-14-0116	Barbieri Developments Ltd.	105, 20125 – 64 Avenue	5631
CR000010 / RZ100631 / 08-13-0093	1067418 BC Ltd.	105, 20826 – 72 Avenue	5658
CR000003 / RZ100624 / 13-19-0250	0830828 BC Ltd.	A130, 26426 Fraser Highway	5663
CR000004 / RZ100625 / 10-25-0037	381282 BC Ltd.	3227 – 264 Street	5664
CR000005 / RZ100627 / 13-20-0153	Toor Brothers Enterprises Ltd.	27276 Fraser Highway	5665
CR000006 / RZ100623 / 08-10-0062	Valley Properties Ltd.	6225 – 200 Street	5666
CR000009 / RZ100630 / 13-19-0309	Friday 5pm Management Ltd.	26444 – 32 Avenue	5667
CR000012 / RZ100633 / 13-20-0148	Janda Group Holdings Inc.	27512, 27522 Fraser Highway	5668
CR000013 / RZ100634 / 13-19-0083	Sharma	27112, 27114 Fraser Highway	5669
CR000020 / RZ100647 / 13-20-0154 /	Fraser Highway Prime Investments Ltd.	3083 – 276 Street	5672

Subject to the following development prerequisites being satisfied to the acceptance of the Township of Langley's General Manager of Engineering and Community Development prior to final reading:

1. Approval of rezoning bylaw by the Ministry of Transportation and Infrastructure, as required; and
2. Confirmation of "fit and proper" stage completed by the Provincial Liquor and Cannabis Regulation Branch;

That Council consider the endorsement requests for new non-medical cannabis retail stores at the above referenced locations;

That Staff be authorized to proceed with the next steps in the process, including the required public input opportunity, prior to Council's consideration of third reading of the referenced Bylaws, in conjunction with the endorsement request for a new non-medical cannabis retail store; and further

That Council, at time of final reading of the above referenced Bylaws, should the applications be endorsed by Council and the provincial Liquor and Cannabis Control Branch to proceed, adopt the following resolution:

“That Council has considered and ENDORSED the request by _____ to locate a non-medical cannabis retail store at _____, Langley, as meeting the objectives of the Cannabis Retail Sales Policy No. 07-410.

In ENDORSING this request, Council deems that it has considered and found acceptable the location of the cannabis retail store; the proximity of the store to other special or recreational facilities and public buildings; the size of the store; potential traffic, noise and parking impacts; zoning; and the impact on the community if the application is approved.

In ENDORSING this request, Council has considered the views of area residents expressed to Council as part of a public input opportunity, the records of which are provided as attachments to this resolution. ENDORSEMENT of this request is subject to compliance with Municipal Bylaws and Policies and Cannabis Control and Licensing Act Regulations.”

EXECUTIVE SUMMARY:

At its Regular Meeting held on November 9, 2020, Council resolved as follows:

Whereas at the October 19, 2020 Special Meeting of Council, Council directed that 8 of the 20 non-medical cannabis retail sales rezoning applications not proceed to first and second reading;

Whereas Council has been contacted by several applicants requesting that Council reconsider their decision(s) based on the fact that the original criteria for the selection were amended after the applications had been received; and

That the nullification of some proposals may have prejudiced applications by precluding proposals that were otherwise sufficient in the first instance;

Therefore be it resolved that staff be directed to bring forward all of the non-medical cannabis retail sales rezoning applications to first and second reading, in order to ensure equal consideration and fairness to all of the applications meeting the original criteria.

Based on Council direction, staff have brought forward for Council's consideration the remaining ten (10) non-medical cannabis retail sales applications for consideration of first and second reading. Staff recommend that Council grant first and second reading of the associated rezoning Bylaws and direct staff to proceed with the next steps in the process.

PURPOSE:

The purpose of this report is to provide Council with information and recommendations concerning development applications proposing non-medical cannabis retail sales.

BACKGROUND/HISTORY:

On July 27, 2020 Council considered Rezoning Applications RZ100621 (CR000001) and RZ100622 (CR000002), consistent with the process outlined in Council Policy 07-410 Cannabis Retail Sales. The two (2) applications proposed to rezone properties located at 8860 – 201 Street and 20125 - 64 Avenue, to accommodate non-medical cannabis retail sales and were deferred by Council as per the following resolution:

“That staff be directed that items G.4 and G.5 be deferred and that cannabis rezoning applications received by August 31, 2020 be presented together by area and that staff develop selection criteria that Council may use in selecting the appropriate retail outlet for each area.”

As directed by Council, staff compiled all non-medical cannabis retail sales applications received by August 31, 2020, assembled them according to community and included them in a criteria based tabular format for Council's consideration. Council at its September 21, 2020 meeting considered the staff report and passed the following resolutions:

That the staff recommendations be referred to a Special Meeting of Council, to be held on October 19, 2020, for the purpose of reviewing each application in detail; and

That new applications be brought forward for processing by Council, only after the current applications submitted by August 31, 2020 within the areas identified in the staff report have been processed.

At its October 19, 2020 Special Meeting, Council passed the following resolutions:

- *That Council direct staff to proceed with the applicants who received 7 of 7 check marks, and bring them forward for first and second reading;*
- *That applicant CR7, 1135648 BC Ltd., proceed to first and second reading.*
- *That applicants receiving 6 of 7 check marks, also be brought forward for first and second reading;*
- *That application CR10, 1186354 BC Ltd., located at 208 Street and 72 Avenue, NOT proceed any further and the applicant be advised accordingly; and that the applicant be refunded any application fee;*
- *That applicant CR11, 0510711 BC Ltd., proceed to first and second reading;*
- *That applicant CR4, High Five Retail., proceed to first and second reading;*
- *That applicant CR5, 11811168 BC Ltd., proceed to first and second reading;*
- *That applicant CR14, Kansas Enterprises Ltd., proceed to first and second reading;*
- *That applicant CR15, Berezan Hospitality Group, having received 5 of 7 check marks, NOT proceed to first and second reading; and the application fees be refunded to Berezan Hospitality Group; and*
- *That all applicants who do not proceed, be refunded.*

At its November 9, 2020 Regular Meeting, Council passed the following resolution:

Whereas at the October 19, 2020 Special Meeting of Council, Council directed that 8 of the 20 non-medical cannabis retail sales rezoning applications not proceed to first and second reading;

Whereas Council has been contacted by several applicants requesting that Council reconsider their decision(s) based on the fact that the original criteria for the selection were amended after the applications had been received; and

That the nullification of some proposals may have prejudiced applications by precluding proposals that were otherwise sufficient in the first instance;

Therefore be it resolved that staff be directed to bring forward all of the non-medical cannabis retail sales rezoning applications to first and second reading, in order to ensure equal consideration and fairness to all of the applications meeting the original criteria.

DISCUSSION / ANALYSIS:

Based on Council direction of November 9, 2020 staff have brought forward the remaining ten (10) non-medical cannabis retail sales applications for Council's consideration. At the time of authoring this report, applications: CR15 / Berezan; CR17 / Berezan; and CR19 / P&L So Enterprises have withdrawn their respective applications, thereby reducing the total number of applications to eighteen (18) Township wide. Staff recommend that Council consider and if deemed appropriate grant first and second reading of the following rezoning bylaws and proceed with the required public input opportunity.

Application No.	Bylaw No.	Applicant	Address	Community	Total Checks
CR000002 / RZ100622 / 08-14-0116	5631	Barbieri Developments Ltd.	105, 20125 – 64 Avenue	Willowbrook	7/7
CR000010 / RZ100631 / 08-13-0093	5658	1067418 BC Ltd.	105, 20826 – 72 Avenue	Willoughby	6/7
CR000003 / RZ100624 / 13-19-0250	5663	0830828 BC Ltd.	A130, 26426 Fraser Highway	Aldergrove	5/7
CR000004 / RZ100625 / 10-25-0037	5664	381282 BC Ltd.	3227 – 264 Street	Aldergrove	6/7
CR000005 / RZ100627 / 13-20-0153	5665	Toor Brothers Enterprises Ltd.	27276 Fraser Highway	Aldergrove	6/7
CR000006 / RZ100623 / 08-10-0062	5666	Valley Properties Ltd.	6225 – 200 Street	Willowbrook	6/7
CR000009 / RZ100630 / 13-19-0309	5667	Friday 5pm Management Ltd.	26444 – 32 Avenue	Aldergrove	5/7
CR000012 / RZ100633 / 13-20-0148	5668	Janda Group Holdings Inc.	27512, 27522 Fraser Highway	Aldergrove	5/7
CR000013 / RZ100634 / 13-19-0083	5669	Sharma	27112, 27114 Fraser Highway	Aldergrove	5/7
CR000020 / RZ100647 / 13-20-0154 /	5672	Fraser Highway Prime Investments Ltd.	3083 – 276 Street	Aldergrove	5/7

Application Fees:

At its October 19, 2020 Special Meeting Council resolved that non-medical cannabis retail applications that do not move forward be refunded their application fees. At its November 9, 2020 Regular Meeting, Council resolved to bring forward all non-medical cannabis retail applications for consideration of first and second readings and public input opportunity. Unless directed otherwise, full refunds will be provided for applications that do not receive first and second readings of the accompanying rezoning bylaw and any future refunds will be in accordance with the Development Applications Procedures Bylaw 2018 No. 5428.

POLICY CONSIDERATIONS:

Although the issuance of Cannabis Licences is a Provincial jurisdiction, the Provincial Liquor and Cannabis Regulation Branch provides Council with the opportunity to endorse or not endorse applications for non-medical cannabis retail sales. Should Council choose not to endorse the Provincial application, it will be terminated by the Liquor and Cannabis Regulation Branch. Should Council choose to endorse the Provincial application, a resolution similar to the following is required to be adopted at the time of final reading of the rezoning bylaw.

In accordance with Liquor and Cannabis Regulation Branch requirements, subsequent to the Public Hearing, it is recommended that Council (at the time of final reading) adopt the following resolution:

“That Council has considered and ENDORSED the request by _____ to locate a non-medical cannabis retail store at _____, Langley, as meeting the objectives of the Cannabis Retail Sales Policy No. 07-410.

In ENDORSING this request, Council deems that it has considered and found acceptable the location of the cannabis retail store; the proximity of the store to other special or recreational facilities and public buildings; the size of the store; potential traffic, noise and parking impacts; zoning; and the impact on the community if the application is approved.

In ENDORSING this request, Council has considered the views of area residents expressed to Council as part of a public input opportunity, the records of which are provided as attachments to this resolution. ENDORSEMENT of this request is subject to compliance with Municipal Bylaws and Policies and Cannabis Control and Licensing Act Regulations.”

Council may, of course, add to or expand upon the items referenced in the resolution, however, according to the Liquor and Cannabis Regulation Branch, all items in the resolution must be referenced.

Respectfully submitted,

Daniel Graham
DEVELOPMENT PLANNER
for
COMMUNITY DEVELOPMENT DIVISION