

Wheatland County

Request for Decision

Municipal Planning Commission

July 14, 2020

Report prepared by: Suzanne Hayes



DP 2020-060

File Number:	DP 2020-060	Division:	1
Proposal:	Cannabis Store		
Location:	Within the Hamlet of Cluny		
Legal Description:	Plan 632 AF, Block 7, Lot 9, 10		
Title Area:	13000 sq. ft. (0.3 acres)		
Existing Land Use:	Mixed Use (Liquor Store and Residence)		
Proposed Parcels:	n/a		

Report

The proposal is to operate a retail cannabis dispensary which will offer an array of cannabis products and accessories. The store is proposed to be located on a lot to be shared with an existing liquor store.

The mixed-use parcel currently has a mobile home which is used as the residence for the business owners. This application proposes to convert the existing residence into a retail Cannabis store which will include renovations to windows, walkways, doors, installation of displays, security camera, fencing, loading areas and any other Safety Code or AGLC requirements. The building will also include an office and storage area.

No hazardous materials will be kept onsite, cannabis products are packaged and sealed which will alleviate concerns about odors. No outdoor storage will be required except for yard maintenance equipment. Signage will be a 1 m x 7 m wooden sign affixed to the building with the store name and logo and another on the ground.

Employee parking and a loading area will be on the northwest side of the building, initially the only employees will be the three business owners with plans to hire more staff once the business is established. Customers will share the parking area on the east parking pad with the liquor store with additional parking space along 1st Street and 2nd Avenue.

Hours of operation are expected to match those of the liquor store which are Sunday to Thursday 10:00 am to 10:00 pm and Friday-Saturday 10:00 am to 11:00 pm. Estimates of customer visits are projected to be 3500 per week (based on liquor store statistics). Deliveries anticipated to be one semi-trailer per week.

The parcel is located in an area which is primarily residential, however the parcel was the site of a general store in 1989, and a liquor store operating onsite since 2005.

Recommendation from Administration

THAT Municipal Planning Commission approve DP 2020-060 for a Cannabis Store subject to the following conditions:

1. This Development Permit is issued solely for the purpose of a Retail Cannabis Store – Defined as a Cannabis Store.
2. No variances have been granted.
3. Development shall proceed according to Mixed Use District requirements and the applicant must comply with all applicable provisions of the Wheatland County land Use Bylaw.
4. No permanent development shall occur on or over any utility right of way or easement.
5. Development to remain consistent with submitted application and all approved plans and procedures which form the application and have been deemed to be appropriate.
6. Any future modifications or development on or to the lands will require the appropriate development permits in accordance with the Wheatland County land use Bylaw.
7. Prior to operation of the Cannabis Store, the provincial license must be provided to the County.
8. Cannabis shall not be consumed in the Cannabis Store.

Policy Analysis

Gaming, Liquor and Cannabis Regulation

- (1) The board may not issue a cannabis store licence in respect of any premises located
 - (a) in a municipality, unless a development permit has been issued under the *Municipal Government Act* for the proposed use of the premises as described in the application for the cannabis licence,
- (3) For the purposes of sections 640(7), 642(5) and 687(3) of the *Municipal Government Act*, a premises described in a cannabis licence may not have any part of an exterior wall that is located within 100 metres of
 - (a) a provincial health care facility or a boundary of the parcel of land on which the facility is located,
 - (b) a building containing a school or a boundary of a parcel of land on which the building is located,
or
 - (c) a boundary of a parcel of land that is designated as school reserve or municipal and school reserve under the *Municipal Government Act*.

MUNICIPAL DEVELOPMENT PLAN (MDP):

3.7.1 Commercial and Industrial Development Objectives

- 1) Allow the expansion and diversification of the County's commercial and industrial tax base.
- 4) Provide opportunities for commercial development, particularly retail, in close proximity to Hamlets and rural residential communities.
- 5) Facilitate employment for residents within close proximity to their places of residence.
- 6) Support local or home-based businesses.

3.7.2. Commercial and Industrial Development Policies

- 1) New commercial and industrial development is directed to designated areas, and separation or buffering from residential sites is encouraged.
- 2) Retail development should be located in Hamlets (urban areas).
- 5) The County shall take the cumulative development effect into consideration for all commercial and industrial development applications.
- 6) The County shall encourage urban-oriented commercial and industrial development applications to locate inside or adjacent to urban areas, to make more efficient use of existing services.

- 7) The County shall consider the broader area context and the impact upon it when considering a commercial or industrial development application for approval.
- 9) Infill and intensification of existing industrial and commercial parks shall be encouraged through amendments to existing approved plans as a means of promoting the efficient use of land and infrastructure.

LAND USE BYLAW:

Definition: Cannabis Store means a retail store that is licensed by the Province of Alberta for the sale of Cannabis for consumption off the premises and may include the ancillary retail sale of Cannabis Accessories.

8.4 Cannabis Store

- 8.4.1 In addition to all other applicable General Regulations listed in the Bylaw, the following provisions shall apply to Cannabis Stores.
- a) Cannabis shall not be consumed in a cannabis Store;
 - b) Cannabis store must comply with Provincial Minimum setbacks;
 - c) Prior to operation of the cannabis Store, the provincial license must be provided to the County.

Cannabis Store is a discretionary use in the Hamlet Mixed Use district.

9.14 Hamlet Mixed-Use District (HMU)




Purpose and Intent

The purpose and intent of this district is to provide for a range of uses to be integrated vertically or horizontally including retail service, commercial activities combined with a residential component which enhances and benefits the local community.

Permitted and Discretionary Uses

- a) The following uses shall be permitted or discretionary with or without conditions provided that the application complies with the regulations of this district and this Bylaw:

Permitted	Discretionary
Accessory Building / Structure	Artisan Studio
Child Care Facility	Cannabis Store 
Community Building and Facility	Contractor Service
Community Recreational Facility	Cultural Facilities
Convenience Store	Drinking & Eating Establishment
Essential Public Service	Farmers Market
Financial Institution	Laundromat / Dry Cleaning
Fitness Centre	Liquor Sales
Hotel	Lodging Facility
Office	Market Garden
Outdoor Café	Mixed-Use Building
Parks & Playgrounds	Pawn Shop
Private Amenity Space	Residential Care Facility
Restaurant	School, Public
Retail Establishment	School, Post-Secondary
Signs not requiring a Development Permit ¹	School, Private
Solar Panel, Ground Mount ¹	Signs requiring a Development Permit ²
Solar Panel, Structure Mount ¹	Tower
Spa and Wellness Centre	Veterinary Clinic
Stripping and Grading ¹	Worship Facility
WECS (micro) ¹	
WECS Category 1 ¹	

Considerations:

- The parcel is currently utilized as a typical Mixed Use parcel with a combination of commercial and residential. The context of the area is primarily residential and this change to the site will make it a more intensive commercial use amongst residential lots.
- Having a liquor store and cannabis store on the same lot may potentially produce a cumulative impact to the community.
- The nearest resident has a separation buffer which includes a fence and mature trees.
- The site received permits for a general store as far back as 1989, with a liquor store operating onsite since 2005.
- All of the residents of the hamlet were circulated including the nearest neighbors and no responses were received.

Technical Review

The building currently shares a well with the liquor store.

The two businesses will continue to share a water well and Municipal Waste Water Connection

Circulation Comments

AGENCY CIRCULATION	
AGLC	No comments received at the time of this report.
RCMP	No comments received at the time of this report.
SIKSIKA	No comments received at the time of this report.
INTERNAL CIRCULATION	
Internal File Review	No Concerns.
NEIGHBOUR CIRCULATION	
To adjacent neighbors within 1 mile	No Comments Received at the time of this report.

Response Options

Option 1: THAT MPC accepts/approves the recommendation as proposed.

Option 2: THAT MPC does not accept/approve the recommendation as proposed.

Option 3: THAT MPC accepts/approves an alternate recommendation of MPC's choosing.

Follow-up Action / Communications

Advise Applicant of the decision.

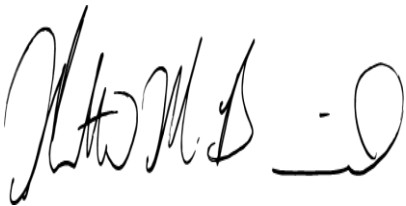
Report Approval Details

Document Title:	DP 2020-060.docx
Attachments:	- Appendix DP 2020-060.docx
Final Approval Date:	Jun 24, 2020

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read "Sherry Baers". The script is cursive and fluid.

Sherry Baers

A handwritten signature in black ink, appearing to read "Matthew Boscarol". The script is cursive and fluid.

Matthew Boscarol