

PLANNING AND DEVELOPMENT SERVICES

TO:	Municipal Planning Commission Development Authority	DIVISION: 4
DATE:	February 24, 2021	APPLICATION: PRDP20210264
FILE:	03223665	
SUBJECT:	Cannabis Retail Store / Discretionary Use, with Variances	

APPLICATION: Cannabis Retail Store (existing building), tenancy change and signage

GENERAL LOCATION: Located in the hamlet of Langdon

LAND USE DESIGNATION: Direct Control District (DC-2)

EXECUTIVE SUMMARY: The application is to change the existing business tenancy to a Cannabis Retail Store. It will operate seven (7) days a week from 11:00 AM – 9:00 PM with the support of three (3) full-time and two (2) part-time employees. There are sufficient parking stalls to support the proposal. The fascia sign is proposed to be 3.6 m (12 ft.) x 0.61 m (2 ft.) in size and read Nirvana Canna.

However, as the proposed new cannabis store is less than 300 m away from another existing cannabis retail store, and less than 150 m away from a care facility (dental clinic), the proposal does not meet the requirements of the Land Use Bylaw as it relates to cannabis-type businesses.

ADMINISTRATION RECOMMENDATION: Administration recommends refusal in accordance with Option #2.

OPTIONS:

- Option #1: THAT Development Permit Application PRDP20210264 be approved with the conditions noted in Attachment 'A'.
- Option #2: THAT Development Permit Application PRDP20210264 be refused for the following reasons:
1. The proposal does not meet the separation distance requirement of cannabis retail store defined in the Land Use Bylaw.

AIR PHOTO & DEVELOPMENT CONTEXT:





APPLICATION EVALUATION:

The application was evaluated based on the technical reports submitted with the application and the applicable policies and regulations.

APPLICABLE POLICY AND REGULATIONS: <ul style="list-style-type: none"> • <i>Municipal Government Act</i>; • Subdivision and Development Regulations; • Municipal Development Plan; • Langdon Area Structure Plan • Direct Control Bylaw (DC-2) • Land Use Bylaw (C-4841-97); and • County Servicing Standards. 	TECHNICAL REPORTS SUBMITTED: <ul style="list-style-type: none"> • N/A
DISCRETIONARY USE: <ul style="list-style-type: none"> • Cannabis Retail Store 	DEVELOPMENT VARIANCE AUTHORITY: <ul style="list-style-type: none"> • The Applicant requests relaxation on separation distance to a care facility and another existing cannabis retail store

Direct Control Bylaw C-4873-98 (DC-2)

Cannabis Retail Store is a discretionary use. Section 4.4.1 states that Parts One, Two, and Three of Land Use Bylaw C-4841-97 are applicable unless otherwise stated in this Bylaw. Therefore, the proposal should also be evaluated in accordance with the Land Use Bylaw C-4841-97.

Land Use Bylaw C-4841-97

Section 20.10 requires that Cannabis Retail Store must have a minimum separation distance of at least 300 m from another Cannabis Retail Store, and at least 150 m from a Health Care Site. In this case, the proposed new cannabis retail store does not meet the above separation distance requirements:

- It is about 140 m away from the recently approved Cannabis Retail Store. That DP application (PRDP20202318) was approved by MPC on September 24, 2020, and the Permit was issued on October 21, 2020. The store is expected to open in March 2021.
- It is about 100 m away from an existing health care site (dental clinic).

Furthermore, this commercial area currently contains one liquor store, one vape store, one smoke store, and one cannabis retail store. The proposed new cannabis restore would further intensify add to these existing uses. It is suggested that the proposed cannabis store be relocated to other areas within the Hamlet of Langdon. Should the Commission choose to approve the application, the proposed separation distance below will need to be relaxed.

Variance Summary:

Variance	Requirement	Proposed	Percentage (%)
Separation Distance to another cannabis retail store	300 m (984.25 ft.)	± 140 m (± 459.32 ft.)	53.33%
Separation Distance to a Care Facility (dental clinic)	150 m (492.13 ft.)	± 100 m (± 328.08 ft.)	33.33%



Statutory Plans:

The land falls within the Langdon Area Structure Plan. There are no specific guidelines regarding the proposed business. Therefore, the proposal was evaluated in accordance with the Land Use Bylaw and Direct Control Bylaw (DC-2).

CONCLUSION:

The proposed new cannabis retail store does not meet the separation distance requirement outlined in the Land Use Bylaw, and might cause intensive uses and un-necessary competition in the area, therefore, Administration recommends refusal. Should the Commission choose to approve the application, conditions of approval are included in Attachment A.

Respectfully submitted,

Concurrence,

"Theresa Cochran"

"Al Hoggan"

Executive Director
Community Development Services

Chief Administrative Officer

XD/llt

ATTACHMENTS

ATTACHMENT 'A': Development Permit Report Conditions

ATTACHMENT 'B': Maps and Other Information

ATTACHMENT 'C': Application Referrals



ATTACHMENT 'A': DEVELOPMENT PERMIT REPORT CONDITIONS

Option #1:

APPROVAL, subject to the following conditions:

Description:

1. That a *Cannabis Retail Store* (existing building), tenancy and signage for "Nirvana Canna" may operate on Unit 4 – 708 Centre Street, in general accordance with the submitted Site Plan, application and includes:
 - i. Installation of one (1) storefront, mounted or hanging, facade sign; 3.6 m (12 ft.) x 0.61 m (2 ft.) in size.
2. That the minimum separation distance for the Cannabis Retail Store from another Cannabis Retail Store is relaxed from 300 m (984.25 ft.) to 140 m (459.32 ft.).
3. That the minimum separation distance for the Cannabis Retail Store from a Care Facility is relaxed from 150.00 m (492.12 ft.) to 100 m (328.08 ft.).

Permanent:

4. That no Cannabis shall be consumed in the *Cannabis Retail Store*.
5. That the hours of operation for the *Cannabis Retail Store* shall be between 11:00 a.m. and 9:00 p.m. seven days a week, except on December 25th when the *Cannabis Retail Store* shall be closed.
6. That the sign shall be kept in a safe, clean and tidy condition at all times. The signs shall not be flashing or animated at any time.
7. That no outdoor storage at any time shall be allowed in the front of the property.
8. That all business parking shall be limited to the existing shopping plaza parking stalls.
9. That the entire site shall be maintained in a neat and orderly manner at all times, to the satisfaction of the Development Officer.
10. That any waste containers, garbage or recycling shall be completely screened from view from all adjacent properties and public thoroughfares.
11. That any plan, technical submission, agreement, matter or understanding submitted and approved as part of the application, in response to a prior to issuance or occupancy condition, shall be implemented and adhered to in perpetuity.

Advisory:

12. That any future change in use of the building, including any exterior changes or additions, or change in tenants shall require a Development Permit for the use and signage.
13. That any other government permits, approvals, or compliances are the sole responsibility of the Applicant/Owner.
 - i. That the Applicant/Owner shall obtain any required Alberta Health Services approvals prior to the store opening.
 - ii. That the Applicant/Owner shall obtain any required licensing approvals through Alberta Gaming, Liquor and Cannabis (AGLC), if required, and shall operate in accordance with the provisions of that license.



14. That a Building Permit shall be obtained through Building Services, prior to tenant occupancy and/or interior bay renovations, using the Tenant Bay Development or Renovation Checklist.
15. That if the development authorized by this Development Permit is not commenced with reasonable diligence within twelve (12) months from the date of issue, and completed within twenty-four (24) months of the issue, the permit is deemed to be null and void, unless an extension to this permit shall first have been granted by the Development Officer.
16. That this Development Permit shall be valid until **March 31, 2024**.

**ATTACHMENT 'B': MAPS AND OTHER INFORMATION**

APPLICANT: Puneet Kaushik (Nirvana Canada Inc. & Vita Medical Marihuana Inc.)	OWNER: 2228776 Alberta Ltd.
DATE APPLICATION RECEIVED: January 7, 2021 (Assigned on Jan 27, 2021)	DATE DEEMED COMPLETE: February 1, 2021
GROSS AREA: ± 0.36 hectares (± 0.88 acres)	LEGAL DESCRIPTION: Lot Unit 3, Plan 0011878, NW-23-23-27-W04M
APPEAL BOARD: Subdivision and Development Appeal Board	
HISTORY: PRDP20191054 The DP application was withdrawn, as the proposed grocery store was covered in the original DP (2000-DP-9143). Ownership change does not require a new DP application. 2000-DP-9143 Development Permit for "retail store, convenience and grocery" was issued on February 21, 2001.	
PUBLIC & AGENCY SUBMISSIONS: The application was circulated to a number of internal and external agencies and, where appropriate, conditions of approval have been proposed based on these comments.	



ATTACHMENT 'C': APPLICATION REFERRALS

AGENCY	CIRCULATED	RESPONSE RECEIVED
<i>School Authority</i>		
Rocky View Schools		
Calgary Catholic School District		
Public Francophone Education		
Catholic Francophone Education		
<i>Province of Alberta</i>		
Alberta Environment and Parks		
Alberta Transportation	✓	✓
Alberta Sustainable Development (Public Lands)		
Alberta Culture and Community Spirit (Historical Resources)		
Energy Resources Conservation Board		
Alberta Health Services		
<i>Public Utility</i>		
ATCO Gas		
ATCO Pipelines		
AltaLink Management		
FortisAlberta		
Telus Communications		
TransAlta Utilities Ltd.		
<i>Adjacent Municipality</i>		
The City of Calgary		
Tsuut'ina Nation		
<i>Other External Agencies</i>		
EnCana Corporation		
<i>Rocky View County Boards and Committees</i>		
ASB Farm Members		

AGENCY	CIRCULATED	RESPONSE RECEIVED
<i>Internal Departments</i>		
Recreation, Parks and Community Support		
Development Authority		
GIS Services		
Building Services	✓	✓
Fire Services & Emergency Management	✓	✓
Development Compliance	✓	✓
Planning and Development Services (Engineering)	✓	✓
Transportation Services		
Capital Project Management		
Utility Services		
Agricultural and Environmental Services		

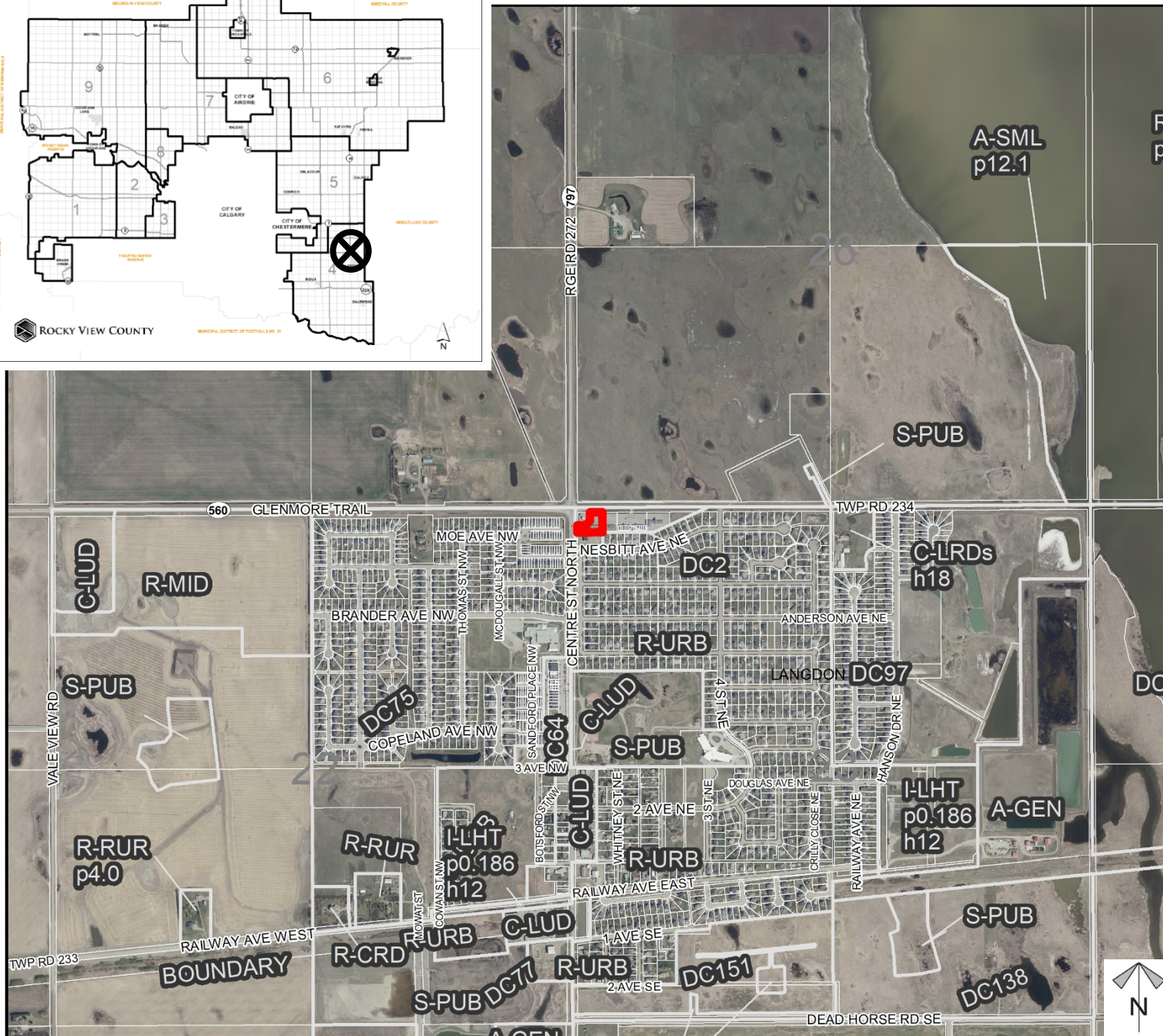
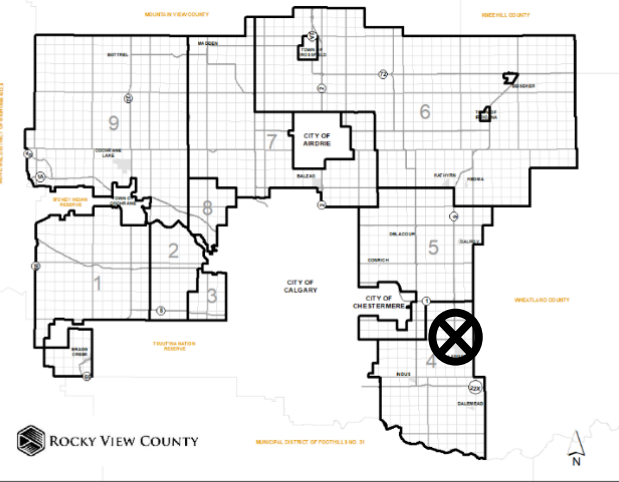
Circulation Period: January 29 to February 19, 2021

Agencies that were not required for distribution are not listed.

Development Permit Proposal

Cannabis Retail Store
(existing building), tenancy
change and signage

Division: 04
Roll: 03223665
File: PRDP20210264
Legal: Lot: UNIT 3
Plan: 0011878
NW-23-23-27-W04M
Printed: Feb 1, 2021



Development Proposal

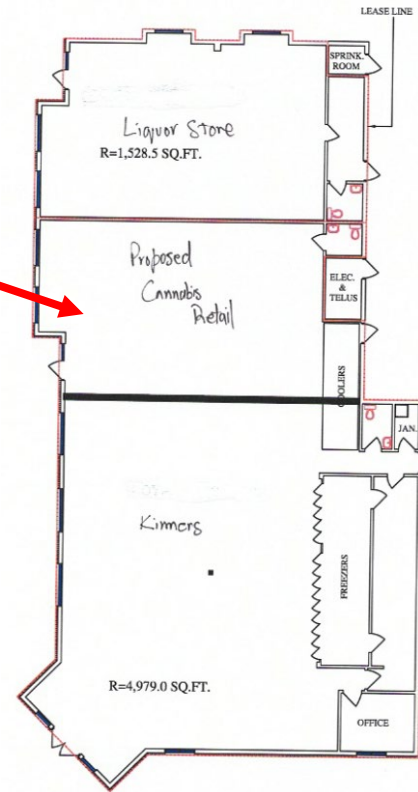
Development Permit Proposal

Cannabis Retail Store
(existing building), tenancy
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Proposed New
Cannabis Retail Store

Division: 04
Roll: 03223665
File: PRDP20210264
Legal: Lot: UNIT 3
Plan: 0011878
NW-23-23-27-W04M
Printed: Feb 1, 2021



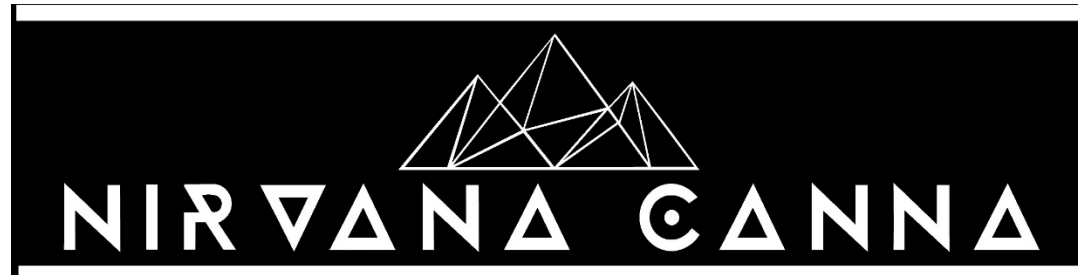
Development Permit Proposal

Cannabis Retail Store
 (existing building), tenancy
 change and signage



Development Permit
Proposal

Cannabis Retail Store
(existing building), tenancy
change and signage



**Proposed Sign for the store
(Nirvana Canna)**

Proposed Floor Plan



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Development Permit
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Cannabis Retail Store
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