

REPORT TO COUNCIL



Date: March 25, 2019

RIM No. 1250-30

To: City Manager

From: Community Planning Department (KB)

Application: Z19-0005 **Owner:** Salco Management Ltd.,
Inc.No. BCo744182

Address: 547-559 Bernard Avenue **Applicant:** Flora (Bernard) Enterprises Inc.

Subject: Rezoning Application

Existing OCP Designation: MXR – Mixed Use (Residential / Commercial)

Existing Zone: C7 – Central Business Commercial

Proposed Zone: C7rcs - Central Business Commercial (Retail Cannabis Sales)

1.0 Recommendation

THAT Rezoning Application No. Z19-0005 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 139 Osoyoos Division Yale District Plan 5470, located at 547-559 Bernard Avenue, Kelowna, BC from the C7 – Central Business Commercial zone to the C7 – Central Business Commercial (Retail Cannabis Sales) zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

AND FURTHER THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch that they support issuance of a non-medical cannabis retail store license for this legal lot with the following comments:

- The proposed location meets local government bylaw requirements and as such, no negative impact is anticipated;
- The views of the residents were captured during a public hearing process for the rezoning of the property and Council meeting minutes summarizing those views are attached; and
- Local government recommends that the application be approved because of compliance with local regulations and policies.

2.0 Purpose

To rezone the subject property to facilitate the development of a retail cannabis sales establishment.

3.0 Community Planning

Community Planning Staff recommend support for the rezoning application to allow for a retail cannabis sales establishment on the subject property. This application was received prior to the close of the first intake of retail cannabis sales establishment applications on November 30, 2018. As such, it was evaluated in accordance with a Council-endorsed process and was selected, through a lottery process, to move forward with the City's standard rezoning process, established in the Development Application Procedures Bylaw. This application received a score of 81.43, and the overall average overall score of all applications evaluated was 69.53.

Should Council support the proposed Rezoning Bylaw, the property would be rezoned to a retail cannabis sales subzone, and Staff would send a recommendation to the British Columbia Liquor and Cannabis Regulation Branch indicating support for issuance of a non-medical cannabis retail store licence for this property.

The application meets the Zoning Bylaw No. 8000 and there are no variances being requested. Further, the applicant has confirmed the completion of public notification in accordance with Council Policy No. 367.

4.0 Proposal

4.1 Background

The unit proposed to be used for the retail cannabis sales establishment is currently an existing food primary establishment. A tenant improvement building permit would be required for the conversion of use for this unit.

4.2 Site Context

The subject property is located on the south side of Bernard Avenue, between Ellis Street and Bertram Street. It is within the Downtown Urban Centre. Sensitive uses that were identified within a 150 metre radius include a Liquor Primary Establishment and a Social Services Office.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|-------------|----------------------------------|---------------------------------|
| North | C7 – Central Business Commercial | Commercial & Future Residential |
| East | C7 – Central Business Commercial | Commercial |
| South | C7 – Central Business Commercial | Commercial |
| West | C7 – Central Business Commercial | Commercial |

Subject Property Map: 547-559 Bernard Avenue



5.0 Technical Comments

5.1 Development Engineering Department

This application does not compromise any City of Kelowna municipal infrastructure.

6.0 Application Chronology

Date of Committee Evaluation of Application: January 16, 2019
Date of Application Accepted: February 8, 2019
Date Public Notification Completed: February 27, 2019

Report prepared by: Kimberly Brunet, Planner
Reviewed by: Terry Barton, Urban Planning Manager
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment "A" - Site Plan