

REPORT TO COUNCIL



Date: March 25, 2019

RIM No. 1250-30

To: City Manager

From: Community Planning Department (KB)

Application: Z19-0010 **Owner:** 449048 British Columbia Ltd.,
1145399

Address: 1455-1475 Harvey Ave **Applicant:** Christy & Associates

Subject: Rezoning Application

Existing OCP Designation: MXR – Mixed Use (Residential / Commercial)
PARK – Major Park / Open Space (public)

Existing Zone: C3 – Community Commercial

Proposed Zone: C3rcs – Community Commercial (Retail Cannabis Sales)

1.0 Recommendation

THAT Rezoning Application No. Z19-0010 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A District Lot 137 Osoyoos Division Yale District Plan KAP54811, located at 1455-1475 Harvey Avenue, Kelowna, BC from the C3 – Community Commercial zone to the C3rcs – Community 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, based on its score, to move forward with the City's standard rezoning process, established in the Development Application Procedures Bylaw. This application received a score of 62.86, and the 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 license 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 was previously another retail store, however is currently vacant.

4.2 Site Context

The subject property is located at the southwest corner of the Harvey Avenue and Burtch Road intersection. Sensitive uses that were identified within a 150 metre radius include a Liquor Primary Establishment, a Child Care Centre, Major and a Social Services Office.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C3 – Community Commercial RM5 – Medium Density Multiple Housing	Commercial Residential
East	C3 – Community Commercial	Commercial
South	P1 – Major Institutional P2 – Education and Minor Institutional	Extended Medical Treatment Services Religious Assemblies
West	P1 – Major Institutional RU6 – Two Dwelling Housing	Extended Medical Treatment Services Residential

Subject Property Map: 1455-1475 Harvey Avenue



5.0 Technical Comments

5.1 Development Engineering Department

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

These Development Engineering comments/requirements and are subject to the review and requirements from the Ministry of Transportation (MOTI) Infrastructure Branch.

6.0 Application Chronology

Date of Committee Evaluation of Application: January 11, 2019

Date of Application Accepted: February 4, 2019

Date Public Notification Completed: March 4, 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