

REPORT TO COUNCIL



Date: March 25, 2019

RIM No. 1250-30

To: City Manager

From: Community Planning Department (KB)

Application: Z19-0008 **Owner:** T 252 Enterprises Ltd., Inc.No. BC1184462

Address: 2090 Harvey Avenue **Applicant:** 10330698 Canada Ltd.

Subject: Rezoning Application

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

Existing Zone: C4 – Urban Centre Commercial

Proposed Zone: C4rcs – Urban Centre Commercial (Retail Cannabis Sales)

1.0 Recommendation

THAT Rezoning Application No. Z19-0008 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6 District Lot 127 Osoyoos Division Yale District Plan 34162 Except Plan EPP5106, located at 2090 Harvey Avenue, Kelowna, BC from the C4 – Urban Centre Commercial zone to the C4rcs – Urban Centre 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 85.71, 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 a retail cannabis sales establishment currently has an active City of Kelowna Business Licence for a cannabis counseling facility. This type of business licence has a restriction that prohibits the retail sales of cannabis or cannabis derivatives from the premises. Should Council support the proposed Rezoning Bylaw, this unit would be rebranded and converted to a retail cannabis sales establishment.

4.2 Site Context

The subject property is located at the northwest corner of the Cooper Road and Harvey Avenue intersection. It is in close proximity to Orchard Park Shopping Centre and Orchard Plaza. Sensitive uses that were identified within a 150 metre radius include a Retail Liquor Sales Establishment (located within a Retail Store at 1840-1920 Cooper Road).

Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|-------------|--|------------|
| North | C4 – Urban Centre Commercial | Commercial |
| East | C4 – Urban Centre Commercial | Commercial |
| South | C4 – Urban Centre Commercial C4LR - Urban Centre Commercial (Retail Liquor Sales) | Commercial |
| West | C4 – Urban Centre Commercial | Commercial |

Subject Property Map: 2090 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 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