

# REPORT TO COUNCIL



**Date:** March 25, 2019

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (KB)

**Application:** TA19-0008 Z19-0013      **Owner:** Save on Shoes Ltd., Inc.No. 397854

**Address:** 3818 Gordon Drive      **Applicant:** Steven Jones

**Subject:** Rezoning Application

Existing OCP Designation:      COMM - Commercial

Existing Zone:      C2 – Neighbourhood Commercial

Proposed Zone:      C2rcs – Neighbourhood Commercial (Retail Cannabis Sales)

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## 1.0 Recommendation

AND THAT Zoning Bylaw Text Amendment Application No. TA19-0008 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Community Planning Department dated March 11, 2019 be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zoning Bylaw Text Amendment Application No. TA19-0008 be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

AND THAT Rezoning Application No. Z19-0013 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B District Lot 134 Osoyoos Division Yale District Plan 40137, located at 3818 Gordon Drive, Kelowna, BC from the C2 – Neighbourhood Commercial zone to the C2rcs – Neighbourhood Commercial (Retail Cannabis Sales) zone, be considered by Council;

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

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 and to amend the Zoning Bylaw by correcting the wording of the C2 – Neighbourhood Commercial subzones in Section 14.2, and creating a C1orls/rcs subzone combination in both Section 01 and Section 14.10.

## **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 86.43, and the average overall score of all applications evaluated was 69.53. There were no other applications for rezoning to a retail cannabis sales establishment received that were located within a 500 metre radius of this property.

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 as part of this application. Further, the applicant has confirmed the completion of public notification in accordance with Council Policy No. 367.

Staff are also asking for Council consideration of Zoning Bylaw Text Amendment Application TA19-0008. This proposed amendment includes a correction to the wording of the C2 – Neighbourhood Commercial subzones in Section 14 (C2rcs and C2rls/rcs only), as well as the addition of a C1orls/rcs subzone, which was omitted in error during the first text amendment application for retail cannabis sales. This requires additions to section 01 and Section 14.10, creating a C1orls/rcs subzone combination.

## **4.0 Proposal**

### **4.1 Background**

The unit proposed to be used for the retail cannabis sales establishment is currently an existing retail store. The applicant is proposing creating a separate, smaller (approximately 600 ft<sup>2</sup>) retail space within this existing retail store.

### **4.2 Site Context**

The subject property is located on the west side of Gordon Drive, to the south of Cook Road. While it borders residential properties to the west and south, there were no sensitive uses (as identified in a Council-endorsed scoring matrix) identified within a 150 metre radius.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C2 – Neighbourhood Commercial	Commercial
East	A1 – Agriculture 1	Agriculture
South	RM3 – Low Density Multiple Housing	Residential
West	RM3 – Low Density Multiple Housing	Residential

**Subject Property Map: 3818 Gordon Drive**



**5.0 Technical Comments**

**5.1 Development Engineering Department**

The application to rezone the subject property to C2rcs to allow for a retail cannabis sales establishment, does not compromise any City of Kelowna Municipal Infrastructure.

**6.0 Application Chronology**

Date of Committee Evaluation of Application: January 9, 2019  
 Date of Application Accepted: February 4, 2019  
 Date Public Notification Completed: February 26, 2019

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

**Attachments:**

Schedule "A" – Summary Table of Proposed Text Amendments to Zoning Bylaw No. 8000

Attachment "A" – Site Plan

Attachment "B" – Applicant's Letter of Rationale