REPORT TO COUNCIL

Date:	April 29, 2019		
RIM No.	1250-30		
To:	City Manager		
From:	Community Planning Department (KB)		
Application:	Z19-0023	**Owner:**	Lambert and Paul Construction Ltd., Inc. No. 80191
Address:	1977 Kirschner Road	**Applicant:**	Zen Canna Retail Corp.
Subject:	Rezoning Application		
Existing OCP Designation:	MXR – Mixed Use (Residential/Commercial)		
Existing Zone:	C10 – Service Commercial		
Proposed Zone:	C10rcs – Service Commercial (Retail Cannabis Sales)		

1.0 Recommendation

THAT Rezoning Application No. Z19-0023 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 129 Osoyoos Division Yale District Plan 22769, located at 1977 Kirschner Road, Kelowna, BC from the C10 – Service Commercial zone to the C10rcs – Service 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 69.29, 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 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 is currently occupied by Competition Glass.

4.2 Site Context

A Liquor Primary Establishment and a Retail Liquor Sales Establishment were identified sensitive uses within a 150 metre radius (at the OK Corral).

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C10- Service Commercial	Mix of commercial uses
East	C10- Service Commercial	Retail stores, service commercial
South	C10- Service Commercial	Animal clinics, major
West	C10- Service Commercial	Liquor primary establishment, major and liquor sales establishment

Subject Property Map: 1977 Kirschner Road



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 11, 2019
Date of Application Accepted:	February 8, 2019
Date Public Notification Completed:	March 4, 14, & 15, 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