

# REPORT TO COUNCIL



**Date:** June 4, 2019

**RIM No.** 1250-40

**To:** City Manager

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

**Application:** LUC19-0001/Z19-0031      **Owner:** M.R.D. Holdings Inc., INC.No. BC0681200

**Address:** 1100 Lawrence Avenue      **Applicant:** Kevin Keraiff

**Subject:** Land Use Contract Discharge (LUC73-65) and Rezoning Application

Existing OCP Designation: COMM - Commercial

Existing Zone: RM<sub>3</sub> – Low Density Multiple Housing

Proposed Zone: C<sub>4</sub>r<sub>cs</sub> – Urban Centre Commercial (Retail Cannabis Sales)

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## 1.0 Recommendation

THAT Application No. LUC19-0001 to discharge LUC73-65 from Lot A, District Lot 137, Osoyoos Division Yale District Plan 25293 located at 1100 Lawrence Avenue, Kelowna, BC, be considered by Council;

AND THAT Rezoning Application No. Z19-0031 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 137, Osoyoos Division Yale District Plan 25293 located at 1100 Lawrence Avenue, Kelowna, BC from RM<sub>3</sub> – Low Density Multiple Housing to C<sub>4</sub>r<sub>cs</sub> – Urban Centre (Retail Cannabis Sales) be considered by Council;

AND THAT the Land Use Contract Discharge and Zone Amending Bylaws be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "B" attached to the Report from the Community Planning Department dated June 4<sup>th</sup>, 2019;

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 consider a Land Use Contract discharge and rezoning to C<sub>4</sub>rcs – Urban Centre (Retail Cannabis Sales) to accommodate Retail Cannabis Sales.

## 3.0 Community Planning

Community Planning Staff support the Land Use Contract discharge and proposed rezoning to allow for commercial use and retail cannabis sales. 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 76.43, 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.

In order to accomplish these changes, the Land Use Contract (LUC73-65) currently regulating this property will need to be discharged. The LUC will be discharged in accordance with Council Policy No. 282 (Strategy for Elimination of Remaining Land Use Contracts).

## 4.0 Proposal

The current LUC affects two properties and generally restricts the use to private residential accommodation for senior citizens and citizens with special needs and commercial facilities including retail stores, professional offices, banks or trust companies, barbershops and/or beauty parlours, florist shops and coffee shops. The underlying RM<sub>3</sub> – Low Density Multiple Housing zone is not appropriate for the current or proposed land use.



In conformance with Council Policy No. 282, Staff will bring a bylaw terminating the Land Use Contract on the remaining adjacent parcel. This is a separate process from the discharge of an LUC, as termination eliminates the LUC one year after Council adoption (whereas a discharge is immediate).

4.1 Project Description

The applicant has proposed to rezone the subject property to allow for Retail Cannabis Sales. The rezoning application (Z19-0031) went through the City’s evaluation process and was selected to move forward with rezoning. Prior to moving forward with the rezoning application the LUC must be discharged as it does not permit the proposed use.

4.2 Site Context

The subject property is located at 1100 Lawrence Avenue on the north side of Harvey Avenue, and east of Gordon Drive. Sensitive uses that were identified within a 150 metre radius include a daycare.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C <sub>4</sub> – Urban Centre Commercial	Commercial
East	RM <sub>3</sub> – Low Density Multiple Housing	Residential
South	C <sub>4</sub> – Urban Centre Commercial	Commercial
West	C <sub>2</sub> – Neighbourhood Commercial	Commercial

Subject Property Map: 1100 Lawrence Ave



5.0 Current Development Policies

5.2 Council Policy No. 282 – Strategy for Elimination of Remaining Land Use Contracts

**Council Policy No. 282.** Includes the following statement:

That the City of Kelowna initiate proceedings to discharge the contracts subject to consultation with affected owners of the land and subject to prior approval by council with regard to affected contracts.

**6.0 Technical Comments**

6.1 Development Engineering Department

See Attachment B.

**7.0 Application Chronology**

Date of Committee Evaluation of Application: January 16, 2019

Date of Application Accepted: February 27, 2019

Date Public Consultation Completed: April 12, 2019

**Report prepared by:** Wesley Miles, Planner Specialist

**Approved for Inclusion:** Terry Barton, Urban Planning Manager

**Attachments:**

Attachment A: Site Plan

Attachment B: Development Engineering Memorandum