

REPORT TO COUNCIL



Date: June 17, 2019

RIM No. 1250-30

To: City Manager

From: Community Planning Department (KB)

Application: Z19-0004 **Owner:** Braemar Properties Ltd, Inc.
No. BC1023360

Address: 1675-1677 Commerce Avenue **Applicant:** Gerald Bugera

Subject: Rezoning Application

Existing OCP Designation: SC – Service Commercial

Existing Zone: C10lp/rls – Service Commercial (Liquor Primary/Retail Liquor Sales)

Proposed Zone: C10lp/rls/rcs - Service Commercial (Liquor Primary/Retail Liquor Sales/Retail Cannabis Sales)

1.0 Recommendation

THAT Rezoning Application No. Z19-0004 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 125, Osoyoos Division Yale District Plan KAP90858, except part in Plan EPP52444, located at 1675-1677 Commerce Avenue, Kelowna, BC from the C10lp/rls – Service Commercial (Liquor Primary/Retail Liquor Sales) zone to the C10lp/rls/rcs - Service Commercial (Liquor Primary/Retail Liquor Sales/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 67.14, and the average overall score of all applications evaluated was 69.53. There were no other applications received that were located within a 500 metre radius of this application.

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

A retail cannabis sales establishment is proposed to be located in a ground floor retail unit.

4.2 Site Context

Retail Liquor Sales Establishment (on same property) and Supportive Housing were identified as sensitive uses within a 150 metre radius.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|-------------|-------------------------|-----------------------------------|
| North | C9- Tourist Commercial | Hotel |
| East | C9- Tourist Commercial | Hotel |
| South | C9- Tourist Commercial | Hotel |
| West | C10- Service Commercial | Retail stores, service commercial |

Subject Property Map: 1675-1677 Commerce Ave



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 9, 2019
Date of Application Accepted: February 4, 2019
Date Public Notification Completed: May 25, 2019

Report prepared by: Kimberly Brunet, Planner
Approved for Inclusion: Dean Strachan, Suburban and Rural Planning Manager

Attachments:

Attachment "A" - Site Plan