

# REPORT TO COUNCIL



**Date:** August 12, 2019

**RIM No.** 1250-30

**To:** Council

**From:** City Manager

**Application:** Z19-0059

**Owner:** D & R Properties Ltd, Inc. No  
BC0562497

**Address:** 3140 Lakeshore Rd

**Applicant:** Flora Recreational Cannabis

**Subject:** Rezoning Application

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

Existing Zone: C4lp - Urban Centre Commercial (Liquor Primary)

Proposed Zone: C4lp/rcs - Urban Centre Commercial (Liquor Primary/Retail Cannabis Sales)

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## 1.0 Recommendation

THAT Rezoning Application No. Z19-0059 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 14 Osoyoos Division Yale District Plan 35059, located at 3140 Lakeshore Rd, Kelowna, BC, from the C4lp - Urban Centre Commercial (Liquor Primary) zone to the C4lp/rcs - Urban Centre Commercial (Liquor Primary/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.

### 3.0 Development Planning

Development Planning Staff recommend support for the rezoning application to allow for a retail cannabis sales establishment on the subject property. The additional use is consistent with the Future Land Use designation for the property and the proposal complies with Zoning Bylaw regulations regarding the retail cannabis sales use.

The application is the first to be processed following the initial intake of retail cannabis sales rezoning applications. As such, it was evaluated with the City's standard rezoning process, established in the Development Application Procedures Bylaw.

Should Council support the proposed Rezoning Bylaw, the property would be rezoned to a liquor primary and 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.

There are no variances requested. The applicant has confirmed the completion of public notification in accordance with Council Policy No. 367.

### 4.0 Proposal

#### 4.1 Project Description

A retail cannabis sales establishment is proposed to be located in an existing ground-floor commercial unit in a building that has several offices and health services, along with a fast-food restaurant on the property.

#### 4.2 Site Context

The property is within the South Pandosy Urban Centre and has a Future Land Use designation of MXR – Mixed-Use (Residential / Commercial). The surrounding area has a mix of retail, services, offices, and residential uses and densities. Sensitive uses identified within a 150m radius include a Liquor Primary Establishment and a Liquor Primary Establishment.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning                                      | Land Use                     |
|-------------|---|------------------------------|
| North       | C4L- Urban Centre Commercial Liquor Primary | Liquor primary establishment |
| East        | C4/ C4L/                                    | Retail stores, general       |
| South       | C9- Tourist Commercial                      | Hotel                        |
| West        | RU1- Large Lot Housing                      | Single dwelling housing      |

**Subject Property Map: 3140 Lakeshore Rd**



**5.0 Technical Comments**

**5.1 Development Engineering Department**

The application does not compromise any municipal infrastructure.

**6.0 Application Chronology**

Date of Application Received: April 10, 2019

Date Public Consultation Completed: June 13, 2019

**Report prepared by:** Jocelyn Black, Planner Specialist

**Reviewed by:** Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

**Attachments:**

Attachment A: Site Plan