

# REPORT TO COUNCIL



**Date:** October 7, 2019

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** TA19-0014 & Z19-0070      **Owner:** Summit Real Estate Holdings Ltd., No. BC 1098449

**Address:** 1920-1936 Summit Dr      **Applicant:** The Heartland Group

**Subject:** Rezoning and Text Amendment Application

Existing Zone: CD3 - Comprehensive Development 3

Proposed Zone: CD3rcs - Comprehensive Development 3 (Retail Cannabis Sales)

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## 1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA19-0014 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report from the Development Planning Department dated September 30, 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. TA19-0014 be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

AND THAT Rezoning Application No. Z19-0070 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of all land shown on the Strata Plan EPS4570, located at 1920-1936 Summit Dr, Kelowna, BC from the CD3 - Comprehensive Development 3 zone to CD3rcs - Comprehensive Development 3 (Retail Cannabis Sales) 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 amend the CD3 zone to allow for retail cannabis sales as a primary use and to rezone the subject property from CD3 - Comprehensive Development 3 zone to CD3rcs - Comprehensive Development 3 zone (Retail Cannabis Sales) to facilitate the development of a retail cannabis sales establishment.

**3.0 Development Planning**

Development Planning Staff recommend support for the rezoning and text amendment application to allow for a retail cannabis sales establishment on the subject property. A text amendment is required to add retail cannabis sales as a primary use in Area 2 – the commercial portion – of the existing CD3 zone. 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. There are no other retail cannabis sales establishments located or proposed within 500 m of the property.

The application was 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 text amendment and rezoning bylaws, 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 Project Description**

A retail cannabis sales establishment is proposed in an existing ground-floor commercial retail unit.

**4.2 Site Context**

The property is located in Glenmore and has a Future Land Use Designation of Commercial. The surrounding area has a mix of residential uses and densities as well as retail and personal service use. A retail liquor sales establishment is located on the same property and is an identified sensitive use.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning                             | Land Use                                 |
|-------------|------------------------------------|--|
| North       | CD3- Comprehensive Development 3   | Apartment housing                        |
| East        | CD27- Comprehensive Development 27 | Apartment housing                        |
| South       | P3- Parks and Open Space           | Participant recreation services, outdoor |
| West        | RU1- Large Lot Housing             | Single dwelling housing                  |

**Subject Property Map:**



**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: November 27, 2018

Date Public Consultation Completed: July 15, 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

Schedule A: Amendments to City of Kelowna Zoning Bylaw No. 8000