

# REPORT TO COUNCIL



**Date:** October 28, 2019

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** TA19-0013 and Z19-0100      **Owner:** Alm888 Ventures Ltd, Inc. No. BC1089095

**Address:** 1636-1652 Pandosy St      **Applicant:** Grasshopper Cannabis Inc.

**Subject:** Rezoning and Text Amendment Application

**Existing Zone:** C7- Central Business Commercial

**Proposed Zone:** C7rcs- Central Business Commercial (Retail Cannabis Sales)

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## 1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA19-0013 to amend City of Kelowna Zoning Bylaw No.8000 as outlined in the Report from the Development Planning Department dated October 28, 2019 for Lot B, District Lot 139, Osoyoos Division Yale District Plan 5934, located at 1636-1652 Pandosy St, Kelowna, BC NOT be considered by Council;

AND THAT Rezoning Application No. Z19-0100 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, District Lot 139, Osoyoos Division Yale District Plan 5934, located at 1636-1652 Pandosy St, Kelowna, BC from the C7- Central Business Commercial zone to the C7rcs- Central Business Commercial (Retail Cannabis Sales) NOT be considered by Council.

## 2.0 Purpose

To consider a site-specific text amendment to allow for a retail cannabis sales establishment within 500 m of another establishment and to consider an application to rezone the subject property from C7 - Central Business Commercial to C7rcs - Central Business Commercial (Retail Cannabis Sales).

## 3.0 Development Planning

Staff is recommending non-support for the proposed site-specific text amendment and rezoning application to allow for a retail cannabis sales establishment. The proposal requires a text amendment to the specific use regulations for cannabis retail sales in Section 9.16.1 of the Zoning Bylaw:

9.16.1 Any retail cannabis sales establishment must be set back a minimum distance of 500 metres from another Retail Cannabis Sales Establishment, measured from closest lot line to closest lot line.

The proposal is located approximately 263 m from closest lot line to closest lot line from an approved retail cannabis sales establishment located at 547 Bernard Ave, near the District on Bernard. The minimum distance of 500 metres is intended to avoid clustering of multiple stores, particularly in urban areas. The application to reduce the distance between cannabis stores by nearly half does not meet the intent to limit clustering of this use. This minimum proximity distance is similar to the provincial government requirement for a minimum of 1 km between new retail liquor stores.

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.

**4.0 Proposal**

**4.1 Project Description**

A retail cannabis sales establishment is proposed in an existing ground-floor commercial retail unit fronting onto Pandosy St near the intersection with Leon Avenue.

**4.2 Site Context**

The property is located in the City Centre Urban Centre and has a Future Land Use Designation of MXR- Mixed Use (Residential/Commercial). The surrounding area is comprised of other commercial uses. City Park is located approximately 275m away measured closest lot line to closest lot line of the subject property.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7- Central Business Commercial	Offices
East	C7- Central Business Commercial	Commercial schools
South	C7- Central Business Commercial	Non-accessory parking
West	C7- Central Business Commercial	Broadcasting Studios

**Subject Property Map:**



## 5.0 Application Chronology

Date of Application Received: May 31, 2019  
Date Public Consultation Completed: July 3, 18 & 24, 2019

## 6.0 Alternate Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA19-0013 to amend City of Kelowna Zoning Bylaw No.8000 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated October 28, 2019 for Lot B, District Lot 139, Osoyoos Division Yale District Plan 5934, located at 1636-1652 Pandosy St, Kelowna, BC, be considered by Council;

AND THAT the Zoning Bylaw Text Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Rezoning Application No. Z19-0100 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, District Lot 139, Osoyoos Division Yale District Plan 5934, located at 1636-1652 Pandosy St, Kelowna, BC from C7- Central Business Commercial zone to C7rcs- Central Business Commercial (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 amended site-specific 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.

**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: Site Specific Amendment to City of Kelowna Zoning Bylaw No. 8000