

REPORT TO COUNCIL



Date: February 24, 2020

To: Council

From: City Manager

Department: Development Planning

Application: TA20-0006 and Z19-0124 **Owner:** 0838239 B.C. Ltd., Inc. No. BC0838239

Address: 590 Hwy 33 W **Applicant:** BC Liquor Distribution Branch

Subject: Text Amendment and Rezoning Applications

Existing OCP Designation: MXR – Mixed Use (Residential/Commercial)
MRL – Multiple Unit Residential (Low Density)

Existing Zone: C4rls – Urban Centre Commercial (Retail Liquor Sales)

Proposed Zone: C4rls/rcs - Urban Centre Commercial (Retail Liquor Sales and Retail Cannabis Sales)

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA20-0006 to amend City of Kelowna Zoning Bylaw No.8000 as outlined in the Report from the Development Planning Department dated February 24, 2020 for Lot B, Sections 26 and 27, Township 26, Osoyoos Division Yale District Plan 30302, located at 590 Hwy 33 W, Kelowna, BC, NOT be considered by Council;

AND THAT Rezoning Application No. Z19-0124 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Sections 26 and 27, Township 26, Osoyoos Division Yale District Plan 30302, located at 590 Hwy 33 W, Kelowna, BC from the C4rls - Urban Centre Commercial (Retail Liquor Sales) zone to the C4lrcs- Urban Centre Commercial (Retail Liquor Sales and 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 C4rls - Urban Centre Commercial (Retail Liquor Sales) zone to the C4rls/rcs- Urban Centre Commercial (Retail Liquor Sales and Retail Cannabis Sales).

3.0 Development Planning

Staff recommend non-support for the proposed site-specific text amendment and rezoning applications 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:

Section 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 110 m from closest lot-line to closest lot-line from an approved retail cannabis sales establishment located at 150 Hollywood St N., diagonally across Highway 33 (Figure 1). 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 more than 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.

With the exception of Section 9.16.1 of the Zoning Bylaw, the proposal complies with the City's current cannabis retail policies including: compliance with the proximity restriction on retail cannabis stores regarding minimal distance from schools and parks; and proposed location within a C4 zone which currently permits retail liquor and cannabis sales.

4.0 Proposal

4.1 Project Description

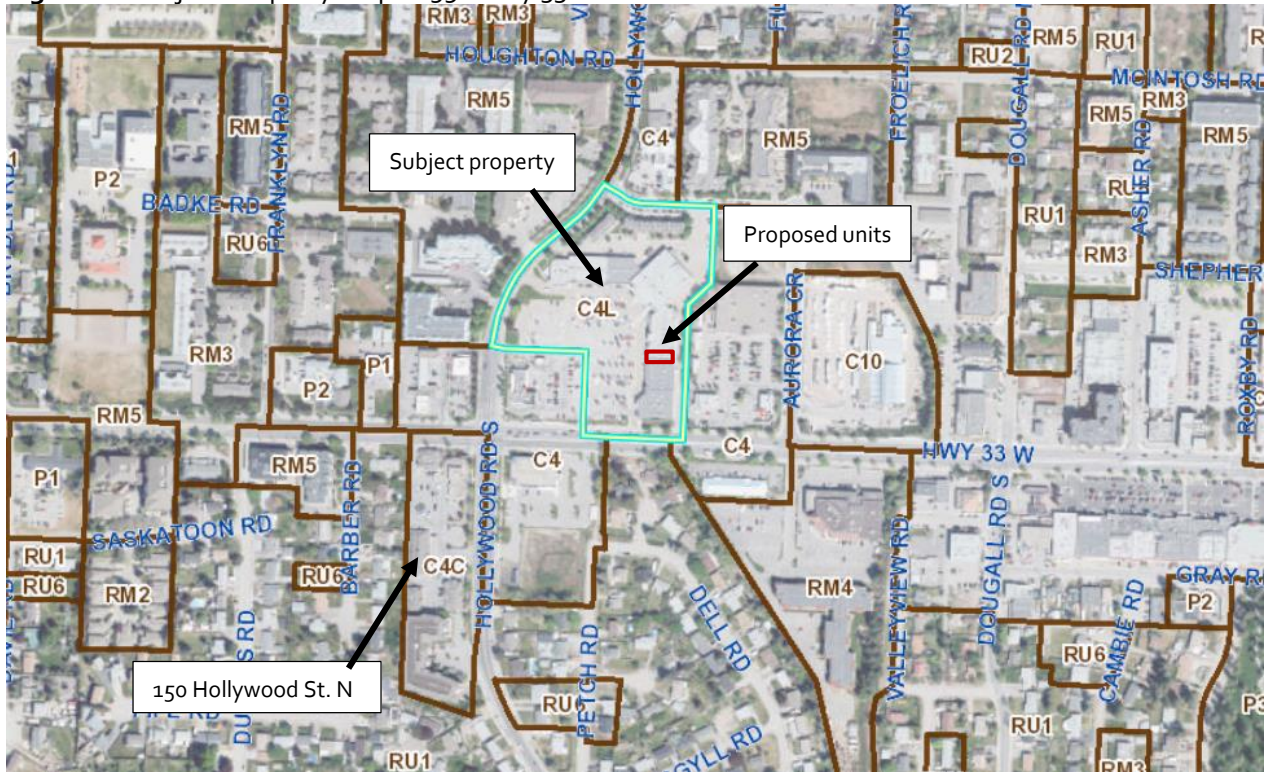
A retail cannabis sales establishment is proposed within two existing ground-floor commercial retail units in the Willow Park Mall, located in the Rutland Urban Centre. The size of the proposed non-medical cannabis retail store is approximately 325 m² (3,500 ft²). Proposed store hours are Monday to Sunday, 10:00 AM to 10:00 PM, with approximately 15 staff employed at the store.

4.2 Site Context

The property is located in the Rutland Urban Centre and has a Future Land Use Designation of MRL - Multiple Unit Residential (Low Density) to the north and MXR- Mixed Use (Residential/Commercial) to the south of the property. The surrounding area is comprised of commercial and service commercial uses along the Hwy 33 W corridor, and low and medium density multiple housing residences to the north and east. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4 – Urban Centre Commercial RM5 – Medium Density Multiple Housing	Food primary, retail stores, general commercial Multiple housing residential
East	Hollywood Rd RM5 - Medium Density Multiple Housing	Multiple housing residential
South	Hwy 33 C4 – Urban Centre Commercial C4rcs - Urban Centre Commercial (Cannabis Retail) RU1 – Large Lot Housing	Food primary, retail stores, general commercial Single Dwelling Housing
West	C4 - Urban Centre Commercial	Food primary, retail stores, general commercial

Figure 1 - Subject Property Map of 590 Hwy 33 W



5.0 Application Chronology

Date of Rezoning Application Received:	September 5, 2019
Date of Text Amendment Application Received:	January 6, 2020
Date Public Consultation Completed:	January 27, 2020

6.0 Alternate Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA20-0006 to amend City of Kelowna Zoning Bylaw No.8000 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated February 24, 2020 for Lot B, Sections 26 and 27, Township 26, Osoyoos Division Yale District Plan 30302, located at 590 Hwy 33 W, 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. Z19-0124 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, Sections 26 and 27, Township 26, Osoyoos Division Yale District Plan 30302, located at 590 Hwy 33 W, Kelowna, BC from the C4rls - Urban Centre Commercial (Retail Liquor Sales) zone to the C4rls/rcs- Urban Centre Commercial (Retail Liquor Sales and 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: Barbara B. Crawford, Planner II
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Director of Planning & Development Services

Attachments:

Attachment A: Applicant's Rationale Letter and Site Plan

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