

REPORT TO COUNCIL



Date: March 9, 2020

To: Council

From: City Manager

Department: Development Planning

Application: TA20-0003 & Z20-0003

Owner: WGP-236 Holdings Ltd. Inc. No. BC0656353

Address: 1525 Dilworth Dr

Applicant: Dave Moore 1222262 BC Ltd.

Subject: Text Amendment & Rezoning

Existing OCP Designation: SC- Service Commercial

Existing Zone: C10lp- Service Commercial (Liquor Primary)

Proposed Zone: C10(lp/rcs)- Service Commercial (Liquor Primary/Retail Cannabis Sales)

1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA20-0003 to amend the City of Kelowna Zoning Bylaw as outlined in the Report from Development Planning Department dated March 9, 2020 for Lot B, District Lots 125 and 531 Osoyoos Division Yale District Plan KAP46845, located at 1525 Dilworth Dr, Kelowna, BC NOT be considered by Council;

AND THAT Rezoning Application No. Z20-0003 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, District Lots 125 and 531 Osoyoos Division Yale District Plan KAP46845, located at 1525 Dilworth Dr, Kelowna, BC NOT be considered by Council.

2.0 Purpose

To consider a site-specific text amendment to allow for a retail cannabis sales establishment within 500m of another establishment and to consider an application to rezone the subject property from C10lp-Service Commercial (Liquor Primary) to C10(lp/rcs)-Service Commercial (liquor primary/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 proposed location is approximately 488m from closest lot line to closest lot line from an approved retail cannabis sales establishment located at 2339-2397 Hwy 97 N (the Dilworth Shopping Centre). The minimum distance of 500 metres is intended to avoid clustering of multiple stores, and 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 Leckie Rd.

4.2 Site Context

The property is located in the Central City Sector and has a future land use designation of SC-Service Commercial. The surrounding area is comprised of service commercial uses. The site is zoned for Liquor Primary as Rusty's Sports Lounge is located on site.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C10- Service Commercial	Service Commercial uses
East	C10- Service Commercial	Service Commercial uses
South	I2- General Industrial	General industrial uses
West	I3- Heavy Industrial	General industrial uses

Subject Property Map:



5.0 Application Chronology

Date of Application Received: November 22, 2019

Date Public Consultation Completed: February 21, 2020

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 March 9, 2020 for Lot B, District Lots 125 and 531 Osoyoos Division Yale District Plan KAP46845, located at 1525 Dilworth Dr, 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 Lots 125 and 531 Osoyoos Division Yale District Plan KAP46845, located at 1525 Dilworth Dr, Kelowna, BC from C10p-Service Commercial (Liquor Primary) to C10(p/rcs)- Service Commercial (Liquor Primary/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: James Moore, 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