

# REPORT TO COUNCIL



**Date:** April 20, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** TA20-0011 & Z20-0012

**Owner:** RG Properties Ltd. Inc. No. BC0812619

**Address:** 1729-1835 Gordon Dr

**Applicant:** Kent-MacPherson

**Subject:** Text Amendment and Rezoning Application

**Existing OCP Designation:** MXR- Mixed-Use Residential Commercial

**Existing Zone:** CD26- Capri Centre Comprehensive Development Zone

**Proposed Zone:** CD26rcs- Capri Centre Comprehensive Development Zone (Retail Cannabis Sales)

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## 1.0 Recommendation

THAT Zoning Bylaw Text Amendment Application No. TA20-0011 to amend City of Kelowna Zoning Bylaw No.8000 as outlined in the Report from the Development Planning Department dated April 20, 2020 for Lot A, District Lot 137, Osoyoos Division Yale District Plan KAP64836, Except Plan EPP33990, located at 1729-1835 Gordon Dr, Kelowna, BC NOT be considered by Council;

AND THAT Rezoning Application No. Z20-0012 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification for Lot A, District Lot 137, Osoyoos Division Yale District Plan KAP64836, Except Plan EPP33990, located at 1729-1835 Gordon Dr, Kelowna, BC from the CD26- Capri Centre Comprehensive Development zone to the CD26rcs- Capri Centre Comprehensive Development zone (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 two approved establishments and to consider an application to rezone the subject property from CD26- Capri Centre Comprehensive Development zone to CD26rcs- Capri Centre Comprehensive Development zone (Retail Cannabis Sales).

### 3.0 Development Planning

Development Planning Staff recommend 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 reduce the minimum set back distance of 500 metres between two approved establishments; 1100 Lawrence Ave (+/- 221m) and 1455 Harvey Ave (+/-398m). The specific use regulations for cannabis retail sales in Section 9.16.1 of the Zoning Bylaw establish the following:

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 minimum distance of 500 metres is intended to avoid clustering of multiple stores. The application to reduce the distance between cannabis stores by nearly half (to 1100 Lawrence Ave) does not meet the intent to limit clustering of this use. Additionally, the proposal is requesting a reduction for two establishments which exacerbates the clustering issue.

The application was not part of the initial intake of retail cannabis sales rezoning applications in November of 2018. The application was submitted February 6, 2020 and as such, it was evaluated under 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 on the Capri Centre Mall site, in an existing ground-floor retail unit that faces the intersection of Harvey Ave and Gordon Dr.

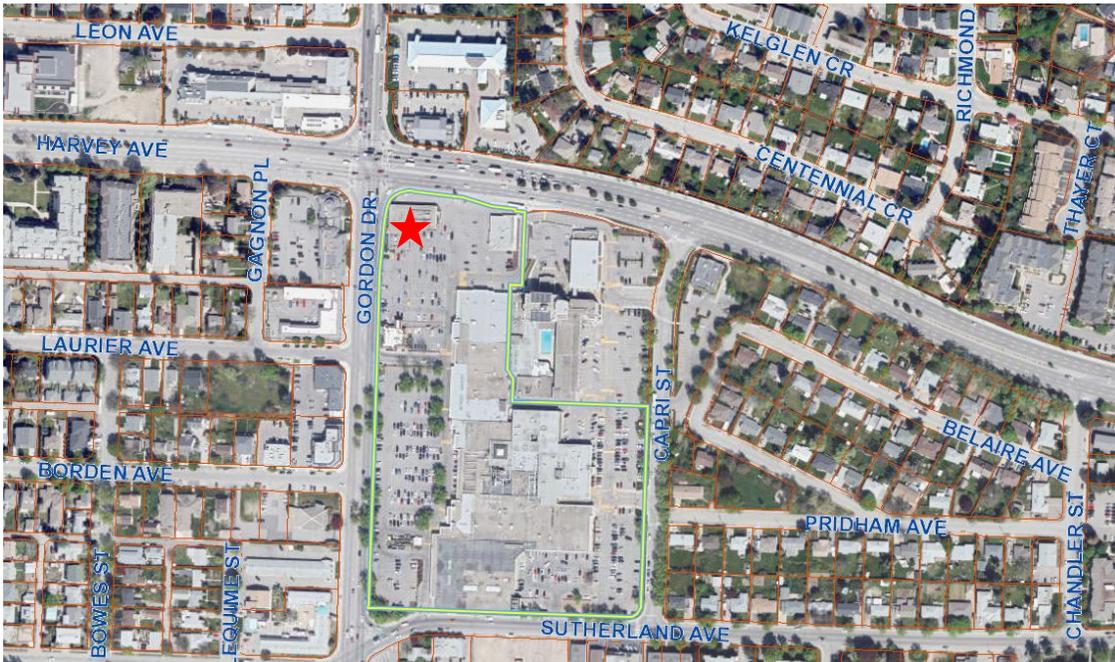
#### 4.2 Site Context

The Capri Centre Mall is located on the edge of the Capri-Landmark Urban Centre. The surrounding area is comprised of other commercial uses along the Highway 97 corridor to the north and west, as well as some low-medium density residential to the east.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C4- Urban Centre Commercial/C9- Tourist Commercial	Food primary/Hotel
East	RU6- Two Dwelling Housing	Single/Two Dwelling Housing
South	C4- Urban Centre Commercial	Commercial
West	C4- Urban Centre Commercial/C9- Tourist Commercial	Commercial/Hotel

**Subject Property Map:**



**5.0 Application Chronology**

Date of Application Received: February 6, 2020  
Date Public Consultation Completed: March 27, 2020

**6.0 Alternate Recommendation**

THAT Zoning Bylaw Text Amendment Application No. TA20-0011 to amend City of Kelowna Zoning Bylaw No.8000 as outlined in Schedule "A" attached to the Report from the Development Planning Department dated Lot A, District Lot 137, Osoyoos Division Yale District Plan KAP64836, Except Plan EPP33990, located at 1729-1835 Gordon 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. Z20-0012 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, District Lot 137, Osoyoos Division Yale District Plan KAP64836, Except Plan EPP33990, located at 1729-1835 Gordon Dr, Kelowna, BC from the CD26- Capri Centre Comprehensive Development zone to the CD26rcs- Capri Centre Comprehensive Development zone (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