

# REPORT TO COUNCIL



**Date:** June 15, 2020  
**To:** Council  
**From:** City Manager  
**Department:** Development Planning

**Application:** Z19-0116  
**Owner:** Raul Holdings Inc., Inc. No. BC0968428  
**Address:** 1990 Landsdowne Place  
**Applicant:** Gerald Bugera  
**Subject:** Rezoning Application

**Existing OCP Designation:** SC – Service Commercial  
**Existing Zone:** C10 – Service Commercial  
**Proposed Zone:** C10rcs – Service Commercial (Retail Cannabis Sales)

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## 1.0 Recommendation

THAT Rezoning Application No. Z19-0116 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Section 35 Township 26 ODYD Plan 19674 Except Plans 23587 and EPP53538, located at 1990 Landsdowne Pl, Kelowna, BC from the C10 – Service Commercial zone to the C10rcs – Service Commercial (Retail Cannabis Sales) zone 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 Provincial 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 store 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 the compliance with local regulations and policies.

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure.

## 2.0 Purpose

To consider an application to rezone the subject property from the C10 – Service Commercial zone to the C10rcs – Service Commercial (Retail Cannabis Sales) zone to facilitate a retail cannabis sales establishment.

## 3.0 Development Planning

Development Planning Staff are recommending support for the proposed rezoning to the C10rcs – Service Commercial (Retail Cannabis Sales) to allow a retail cannabis sales establishment on the subject property as it is consistent with the Official Community Plan (OCP) Future Land Use Designation of SC- Service Commercial.

Should Council adopt the proposed Rezoning Bylaw, the property would be rezoned to a Retail Cannabis Sales subzone. 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 proposed rezoning meets the regulations for Retail Cannabis Sales Establishments in Zoning Bylaw No. 8000 and there are no variances being requested.

## 4.0 Proposal

### 4.1 Project Description

A Retail Cannabis Sales Establishment is proposed in an existing ground-floor commercial retail unit on the subject property.

### Subject Property Map: 1990 Landsdowne Pl



#### 4.2 Site Context

The subject property is located on the east side of Highway 97 North and just south of the Sexsmith road, Hwy 97 N and Old Vernon Road intersection. There is one existing commercial building located on site containing 4 separate existing commercial retail units (CRU's). The site is located in the Rutland City Sector and has a future Land Use designation of SC- Service Commercial. The surrounding Future Land Use designations include SC – Service Commercial and REP – Resource Protection Area on the east side of the highway corridor and IND – Industrial and PARK – Major Park / Open Space located on the west side of Hwy 97 N. The nearest approved retail cannabis sales establishment is located at 1675-1677 Commerce Avenue which is in excess of 2km from the subject property.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Mill Creek Linear Park
East	C10 – Service Commercial	Commercial Plaza
South	A1 – Agriculture 1	Active farming
West	LUC77-1040 / Underlying zone of A1 – Agriculture 1	Commercial plaza with Gas Bar

#### 5.0 **Application Chronology**

Date of Application Received: September 18, 2019

Date Public Consultation Completed: November 21, 2019

**Report prepared by:** Andrew Ferguson, Planner II

**Reviewed by:** James Moore, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

#### **Attachments:**

Attachment A: Floor and Site Plans