REPORT TO COUNCIL

Date:	February 22, 2021		
To:	Council		
From:	City Manager		
Department:	Development Planning		
Application:	Z20-0098	**Owner:**	Carlyle Holdings Ltd., Inc. No. 273657
Address:	2789-2791 Hwy 97 N	**Applicant:**	Part Nine Designs
Subject:	Rezoning Application		
Existing OCP Designation:	SC – Service Commercial		
Existing Zone:	C10 – Service Commercial		
Proposed Zone:	C10rcs – Service Commercial (Retail Cannabis Sales)		

1.0 Recommendation

THAT Rezoning Application No. Z20-0098 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 60 District Lot 143 Osoyoos Division Yale District Plan 426 Except Plans M327, 10792, A12969, H8110, H18014 and EPP58859, located at 2789-2791 Highway 97 North, Kelowna, BC from the C10 – Service Commercial zone to the C10rcs – Service Commercial (Retail Cannabis Sales) zone, be considered by Council;

AND 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 the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated February 22, 2021;

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

2.0 Purpose

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 recommends support for the proposed rezoning to the C10- Service Commercial (Retail Cannabis Sales) zone to allow a retail cannabis sales establishment on the subject property. This proposal is consistent with the Future Land Use Designation of SC – Service Commercial in the Official Community Plan.

This proposal complies with Zoning Bylaw No. 8000 regulations in relation to minimum distances between stores and there are no variances or text amendments being requested. Currently, the nearest retail cannabis sales establishment to this property is located at 1675-1677 Commerce Ave, which is over 500 metres away.

Should Council adopt the proposed rezoning bylaw, the property would be rezoned to allow a retail cannabis sales establishment. Development Planning 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.

4.0 Proposal

4.1 Project Description

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

Subject Property Map: 2789-2791 Hwy 97 N



4.2 Site Context

The subject property is located on the east side of Hwy 97 N, to the south of McCurdy Road. It is located within the Highway 97 OCP Sector. The Walk Score for the property is 27, indicating most errands require a car.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C3 – Community Commercial A1 – Agriculture 1	Commercial (McCurdy Corner Shopping Area) Agriculture
East	I2 – General Industrial	General Industrial
South	P4 - Utilities	Utility Services, Major Impact
West	C10 – Service Commercial	Commercial & Vehicle Sales

5.0 Technical Comments

5.1 Development Engineering Department

See Schedule A – City of Kelowna Memorandum

6.0 Application Chronology

Date of Application Received: November 19, 2020
Date Public Consultation Completed: December 8, 2020

Report prepared by: Kimberly Brunet, Planner II
Reviewed by: Jocelyn Black, Urban Planning Manager
Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Schedule A: City of Kelowna Memorandum

Attachment A: Rationale, Site Plan and Photographs