

# Report to Council



**Date:** July 12, 2021  
**To:** Council  
**From:** City Manager  
**Subject:** Supplemental Report – Site Specific Text Amendment and Rezoning Bylaw Reading Consideration  
**Department:** Office of the City Clerk

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**Recommendation:**

THAT Council receives, for information, the Supplemental Report from the Office of the City Clerk dated July 12, 2021 regarding a Zoning Bylaw Text Amendment Bylaw and Rezoning Bylaw that requires reading consideration;

AND THAT the Zoning Bylaw Text Amendment Application TA21-0012 and Rezoning Application Z21-0039, located at 266 Bernard Avenue, Kelowna BC, be forwarded for reading consideration.

**Purpose:**

To give Bylaw Nos. 12249 and 12250 for a site-specific text amendment and rezoning application at 266 Bernard Avenue first reading.

**Background:**

Council considered a site-specific text amendment and rezoning application at 266 Bernard Avenue on June 28, 2021 and forwarded the text amendment and rezoning application to a public hearing. The corresponding bylaws must be given first reading consideration prior to the public hearing.

*Previous Council Resolution*

Resolution	Date
THAT Zoning Bylaw Text Amendment Application No. TA21-0012 to amend City of Kelowna Zoning Bylaw No.8000 as outlined in the Report from the Development Planning Department dated June 28, 2021 for Lot 2 District Lot 139 Osoyoos Division Yale District Plan 4153 located at 266 Bernard Avenue, Kelowna, BC be considered by Council;	June 28, 2021

AND THAT Rezoning Application No. Z21-0039 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 District Lot 139 Osoyoos Division Yale District Plan 4153, located at 266 Bernard Avenue, Kelowna, BC from the C7 – Central Business Commercial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) zone be considered by Council.

AND THAT the Rezoning Bylaw and the Zoning Bylaw Text Amending 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 June 28, 2021;

AND THAT final adoption of the Rezoning Bylaw and Zoning Bylaw Text Amending Bylaw be considered subsequent to the approval of the Ministry of Transportation and Infrastructure;

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.

The bylaws will be scheduled for a public hearing should they be given first reading.

**Internal Circulation:**

**Considerations applicable to this report:**

**Considerations not applicable to this report:**

***Legal/Statutory Authority:***

***Legal/Statutory Procedural Requirements:***

***Existing Policy:***

***Financial/Budgetary Considerations:***

***External Agency/Public Comments:***

***Communications Comments:***

Submitted by: R. Van Huizen, Legislative Technician

**Approved for inclusion:** S. Fleming, City Clerk

cc:

Development Planning.