

REPORT TO COUNCIL REZONING



Date: January 13, 2025
To: Council
From: City Manager
Address: 2009 Enterprise Way
File No.: Z24-0052

| | Existing | Proposed |
|-----------------------------|----------------------------|--|
| OCP Future Land Use: | RCOM – Regional Commercial | RCOM – Regional Commercial |
| Zone: | CA1 – Core Area Mixed Use | CA1rcs – Core Area Mixed Use Retail Cannabis Sales |

1.0 Recommendation

THAT Rezoning Application No. Z24-0052 to amend the City of Kelowna Zoning Bylaw No. 12375 by changing the zoning classification of Lot 1 District Lot 140 ODYD Plan 27785, located at 2009 Enterprise Way, Kelowna, BC from the CA1 – Core Area Mixed Use zone to the CA1rcs – Core Area Mixed Use 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 through the public notification process for the rezoning of the property and provided to Council for consideration; and
- Local government recommends that the application be approved because of the compliance with local regulations and policies.

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 CA1 – Core Area Mixed Use zone to the CA1rcs – Core Area Mixed Use Retail Cannabis Sales zone to facilitate a retail cannabis sales establishment.

3.0 Development Planning

Staff support the application to rezone the subject property and to send a recommendation to the Provincial Liquor and Cannabis Regulation Branch (LCRB) supporting the issuance of a cannabis retail store licence for this property.

The City’s Zoning Bylaw has a regulation requiring any retail cannabis sales establishment to be set back a minimum distance of 500 m from another retail cannabis sales establishment, measured from closest lot line to closest lot line (Section 9.9.2). The Zoning Bylaw defines retail cannabis sales to mean “a development

used for the retail sale of cannabis that has been licenced by the Government of British Columbia.” This subject property is within 500 m of another property that is currently zoned for retail cannabis sales, located at 2090 Harvey Ave, however the retail cannabis sales establishment on that property has closed, and there are no cannabis retail store licences issued by the Government of British Columbia currently valid on that property. As the retail cannabis sales definition Zoning Bylaw references a licenced establishment, Staff have interpreted that the 500 m setback regulation established in Section 9.9.2 does not apply, and recommend support for the rezoning application.

4.0 Site Context & Background

| Orientation | Zoning | Land Use |
|-------------|---------------------------------------|--------------------------|
| North | P ₄ – Utilities | Utility Services (Telus) |
| East | CA ₁ – Core Area Mixed Use | Various Commercial Uses |
| South | CA ₁ – Core Area Mixed Use | Various Commercial Uses |
| West | CA ₁ – Core Area Mixed Use | Various Commercial Uses |

Subject Property Map: 2009 Enterprise Way



The subject property is located on the south side of Enterprise Way, at Hardy St. It has the future land use designation in the Official Community Plan (OCP) of RCOM – Regional Commercial. Although these lands are intended to accommodate commercial uses that are more commonly accessed by vehicles, BC Transit stops are located nearby on Enterprise Way. The Midtown Urban Centre boundary is one block south, and the immediately adjacent properties include various commercial uses.

4.1 Background

The building on the subject property was originally constructed in 1978. No exterior changes to the existing building are proposed. This rezoning application will add retail cannabis sales as a permitted principal land use to the property. With the retail cannabis sales subzone, one of the existing commercial retail units would be converted to a retail cannabis sales establishment.

When the regulation was drafted in 2019, the intent of the 500 m minimum distance between retail cannabis stores was to avoid the clustering of multiple stores in certain areas. The property at 2090 Harvey Ave remains zoned to allow for retail cannabis sales, and a store could reopen on that property at anytime, subject to LCRB requirements.

5.0 Application Chronology

Application Accepted: October 8, 2024
Neighbourhood Notification Summary Received: October 30, 2024

Report prepared by: Kimberly Brunet, Planner Specialist
Reviewed by: Dean Strachan, Development Planning Manager
Reviewed by: Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning, Climate Action & Development Services

Attachments:

Attachment A: Site Plan
Attachment B: Summary of Neighbourhood Notification
Attachment C: Applicant's Letter of Rationale

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.