



COUNCIL REPORT  
Development Services  
For the June 25, 2019 Council Meeting

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DATE: June 11, 2019 File No. Z 19-08 (Cheeba Cheebas)

TO: Jim Zaffino, CAO

FROM: Chris Oliver, Planner III

RE: Application: Zoning Amendment Bylaw No. 154.79, (Z 19-08)  
Legal: Lot 7 DLS 507 and 2601 ODYD Plan KAP50056  
Address: 1812 Byland Road  
Owners: Canada West Realty Ltd.  
Agent: Christy and Associates Ltd. (On behalf of Cheeba Cheebas)

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**RECOMMENDED MOTION:**

**THAT** Council give third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.79, 2019 (Cheeba Cheebas, Z19-08); and

**THAT** Council direct staff to schedule the bylaw for consideration and adoption following approval by the Ministry of Transportation and Infrastructure.

**RATIONALE:**

The recommended motion is based on the following considerations:

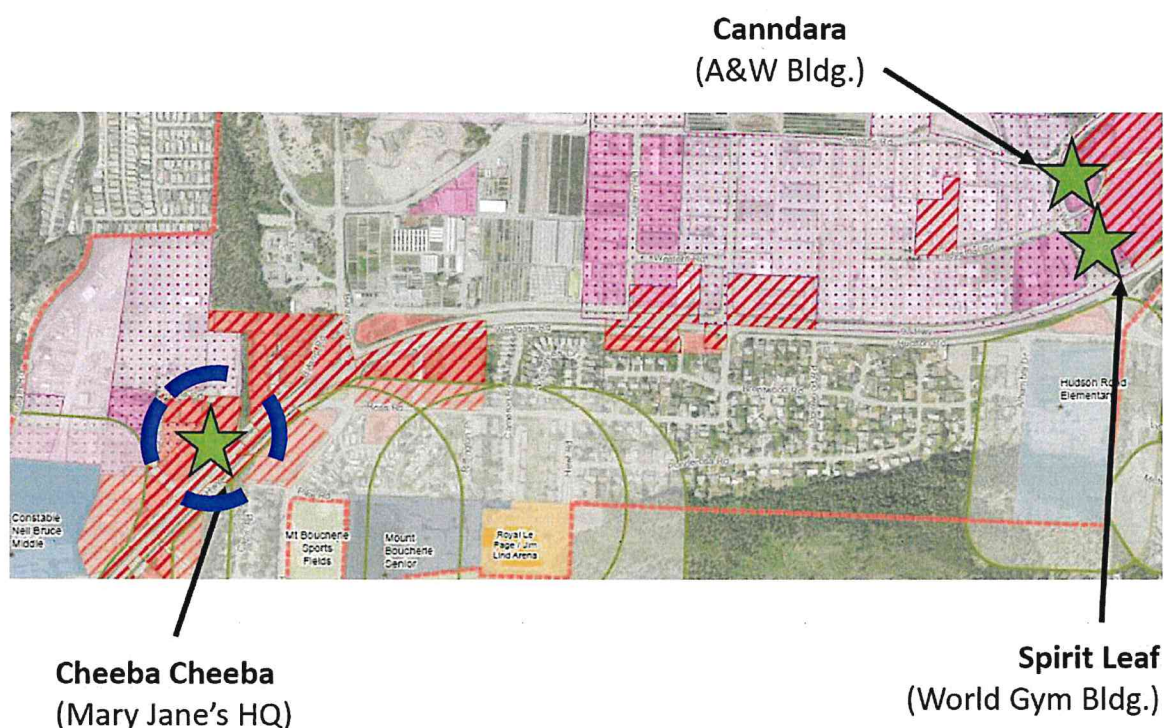
- The Government of Canada legalized non-medical cannabis on October 17, 2018 and proceeding to rezone this location will further the goal of providing safe access to cannabis in West Kelowna;
- Consideration for rezoning the proposed location is based on the framework outlined in the Non-Medical Cannabis Retail Store Rezoning Policy and direction provided by Council; and
- This is one of the three highest scoring applications identified through the evaluation processes for the Boucherie Centre/ West Kelowna Business Park neighbourhood areas.

**LEGISLATIVE REQUIREMENTS:**

Council has the authority under s.479 of the *Local Government Act* to create and amend the Zoning Bylaw.

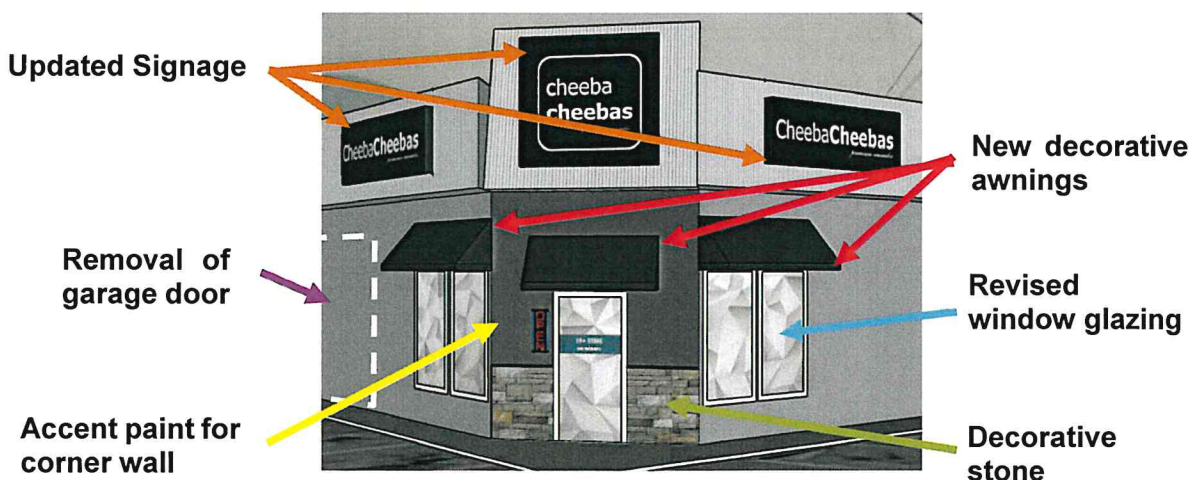
**BACKGROUND:**

In accordance with the Non-Medical Cannabis Retail Store Policy, the highest scoring applications are being brought forward for rezoning with a site-specific text amendment to permit Non-Medical Cannabis Retail Stores. Figure 1 provides an overview of the Boucherie Centre/ West Kelowna Business Park areas with the three store locations being considered for rezoning. The Cheeba Cheebas location on Byland Road has been highlighted in blue.



**Figure 1.** Boucherie Centre/ West Kelowna Buisness Park Applications

At the May 14<sup>th</sup>, 2019 Council meeting there was discussion regarding the form and character of the existing building where the non-medical cannabis retail store is proposed. The applicant has expressed that significant improvements are limited as this is an existing multi-tenant building and the building owner would like the building to remain with a uniform consistent appearance. Despite these limitations, the applicant has worked with the building owner and has applied for a minor Development Permit for façade improvement to address the areas of concern raised by Council (Figure 2.). The Development Permit will be considered under the General Manager's Delegated Authority prior to adoption of the Bylaw.



**Figure 2.** Updated Façade

#### LOCATION AND SURROUNDING USES:

The subject property is located in a unit on the east side of the multi-tenant building located at 1812 Byland Road. This building includes Nifty Gifty and is directly across from the West Kelowna Veterinary Hospital. The surrounding land uses include:

- North, and East– C4 Service Commercial Zoned Parcels
- West– I1 – Light Industrial Zoned Parcel
- South – R1 Single Detached Residential Zoned Parcels

#### POLICY AND BYLAW REVIEW:

##### **Official Community Plan**

The proposed site-specific text amendment to allow for a Non-Medical Cannabis Retail Store is supported by the existing Commercial Land Use Designation in the Official Community Plan.

##### **Zoning Bylaw**

The subject property is zoned C4 - Service Commercial which currently supports a mix of uses including general retail which permits the sale of alcohol. In addition to being commensurate with the purpose of the C4 Zone, the proposed use can be accommodated in the existing building and satisfies all applicable parking requirements in the Zoning Bylaw.

#### PUBLIC CONSULTATION:

A public hearing was held on May 14, 2019 in accordance with the *Local Government Act*. As part of the public hearing process, there were no comments or submissions regarding the Cheeba Cheebas location.

Staff included in the public notice summary and the opening statement of the public hearing that the Provincial cannabis license is being processed and considered concurrently with the rezoning and that the public hearing will be used to gather the views of residents. Should Council consider adopting the proposed amendment bylaw, staff will also include a motion at adoption that meets the Provincial licensing requirements.

#### TECHNICAL REVIEW:

The subject property is located within 800m of a Ministry of Transportation and Infrastructure (MOTI) controlled intersection and requires sign-off prior to adoption of the site-specific text amendment. Should Council give the proposed bylaw third reading, the amendment bylaw will be forward for review by MOTI.

#### COUNCIL REPORT/RESOLUTION HISTORY

Date	Report Topic/Resolution	Resolution No.
May 14, 2019	Public Hearing held and closed	N/A
April 23, 2019	<p><b>THAT</b> Council give first and second readings to City of West Kelowna Zoning Amendment Bylaw No. 0154.79, 2019 (Cheeba Cheeba, Z 19-08);</p> <p><b>THAT</b> Council direct staff to schedule the bylaw for public hearing; and</p>	C172/19



	<b>THAT</b> Council consider the notification and public hearing as consultation for both the rezoning application and the British Columbia Liquor and Cannabis Regulation Branch license.	
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**ALTERNATE MOTIONS:**

1. **THAT** Council postpone third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.79, 2019 (Cheeba Cheebas, Z19-08).

Should Council wish to postpone third reading, it is requested that direction be provided as part of the Council resolution.

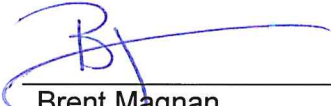
2. **THAT** Council rescind first and second readings of City of West Kelowna Zoning Amendment Bylaw No. 0154.79, 2019 (Cheeba Cheebas, Z19-08) and abandon the bylaw.

Should Council deny the proposed bylaw amendment, the application will be closed in accordance with Development Applications Procedures Bylaw No. 0260. Council shall not reconsider an application of this nature for the property for a period of six months.

Respectfully submitted,

  
 Chris Oliver  
 Planner III

  
 Nancy Henderson  
 GM of Development Services

  
 Brent Magnan  
 Planning Manager

Powerpoint: Yes ☐ No ☒

Approved for Agenda	
 Jim Zaffino, CAO	June 20, 2019 Date

**Attachments:**

1. Zoning Amendment Bylaw No. 0154.79, 2019 (Cheeba Cheebas, Z19-08)
2. Context Map
3. Subject Property Map

H:\DEVELOPMENT SERVICES\PLANNING\3360 Zoning & Rezoning\20 Applications\2019\Z 19-08 1812 Byland Rd - Cheeba Cheebas\Bylaw\_Rpts\_Minutes\3rd Reading\Z 19-08 3rd Reading Council Report.docx

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CITY OF WEST KELOWNA

BYLAW NO. 0154.79

A BYLAW TO AMEND "ZONING BYLAW NO. 0154"

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WHEREAS the Council of the City of West Kelowna desires to amend "CITY OF WEST KELOWNA ZONING BYLAW NO. 0154" under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as "CITY OF WEST KELOWNA ZONING AMENDMENT BYLAW NO. 0154.79, 2019".

2. Amendments

"Zoning Bylaw No. 0154" is hereby amended as follows:

- 2.1 By adding to Section 11.4 Service Commercial Zone (C4), Sub-section 11.4.4 (Site Specific Uses, Building and Structures):

On Lot 7 DLS 507 and 2601 ODYD Plan KAP50056 (#1-1812 Byland Road): one Non-Medical Cannabis Retail Store as indicated on Schedule 'B' of Zoning Amendment Bylaw No. 0154.79.

- 2.2 By depicting the site specific text amendment on "Zoning Bylaw No. 0154 Schedule B" (Zoning Bylaw map) as shown on Schedule 'A' attached to and forming part of this bylaw.

READ A FIRST TIME AND SECOND TIME THIS 23<sup>RD</sup> DAY OF APRIL, 2019

PUBLIC HEARING HELD THIS 14<sup>TH</sup> DAY OF MAY, 2019

READ A THIRD TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_

APPROVED BY MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE THIS

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_

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MAYOR

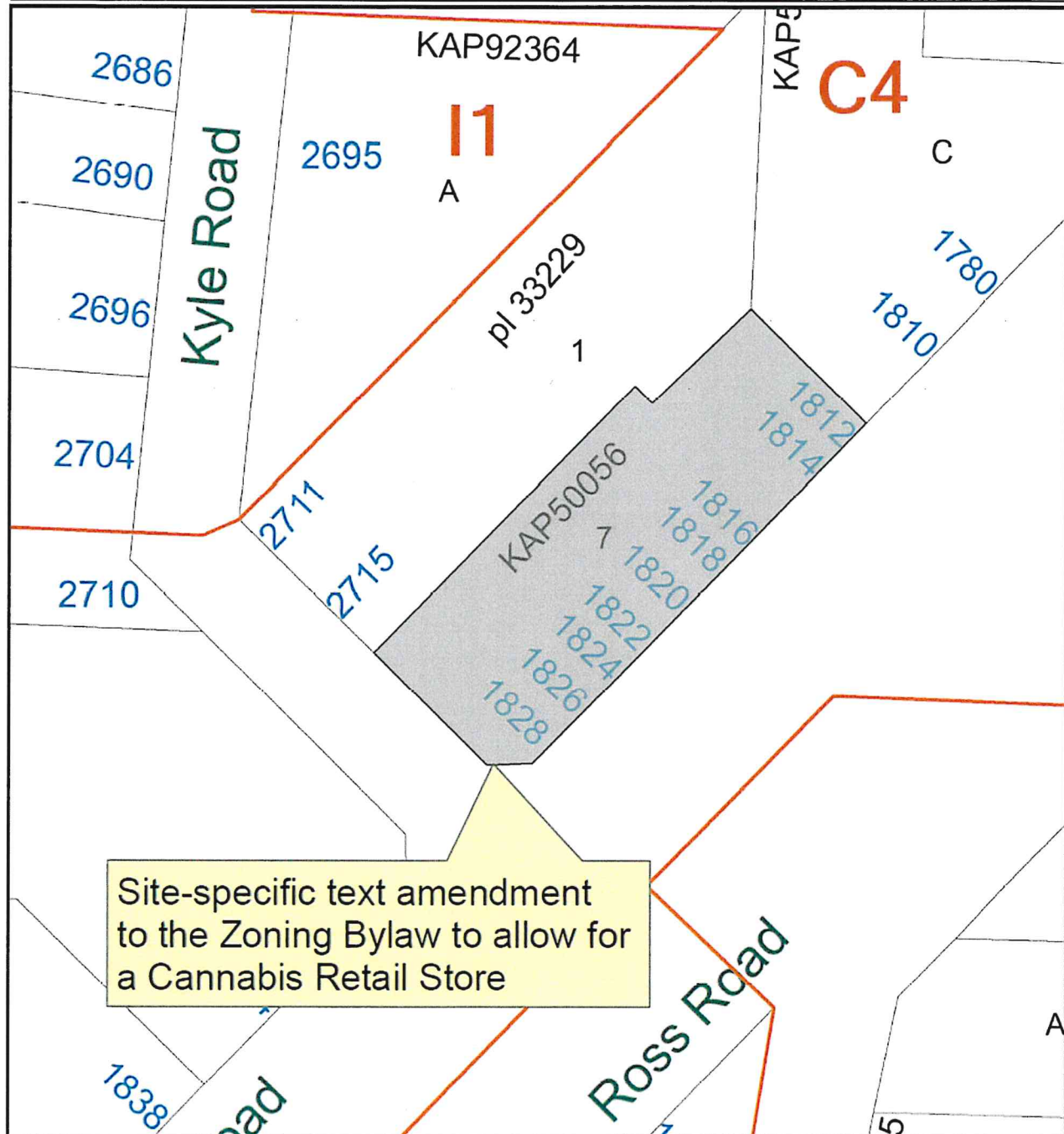
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CITY CLERK



CITY OF  
WEST  
KELOWNA

## SCHEDULE 'A' of BYLAW NO. 0154.79



File: Z 19-08

Legal Description: Lot 7, District Lots 507 and 2601,  
ODYD, Plan KAP50056

0 15 30 60 Metres 1:1,000

### LEGEND

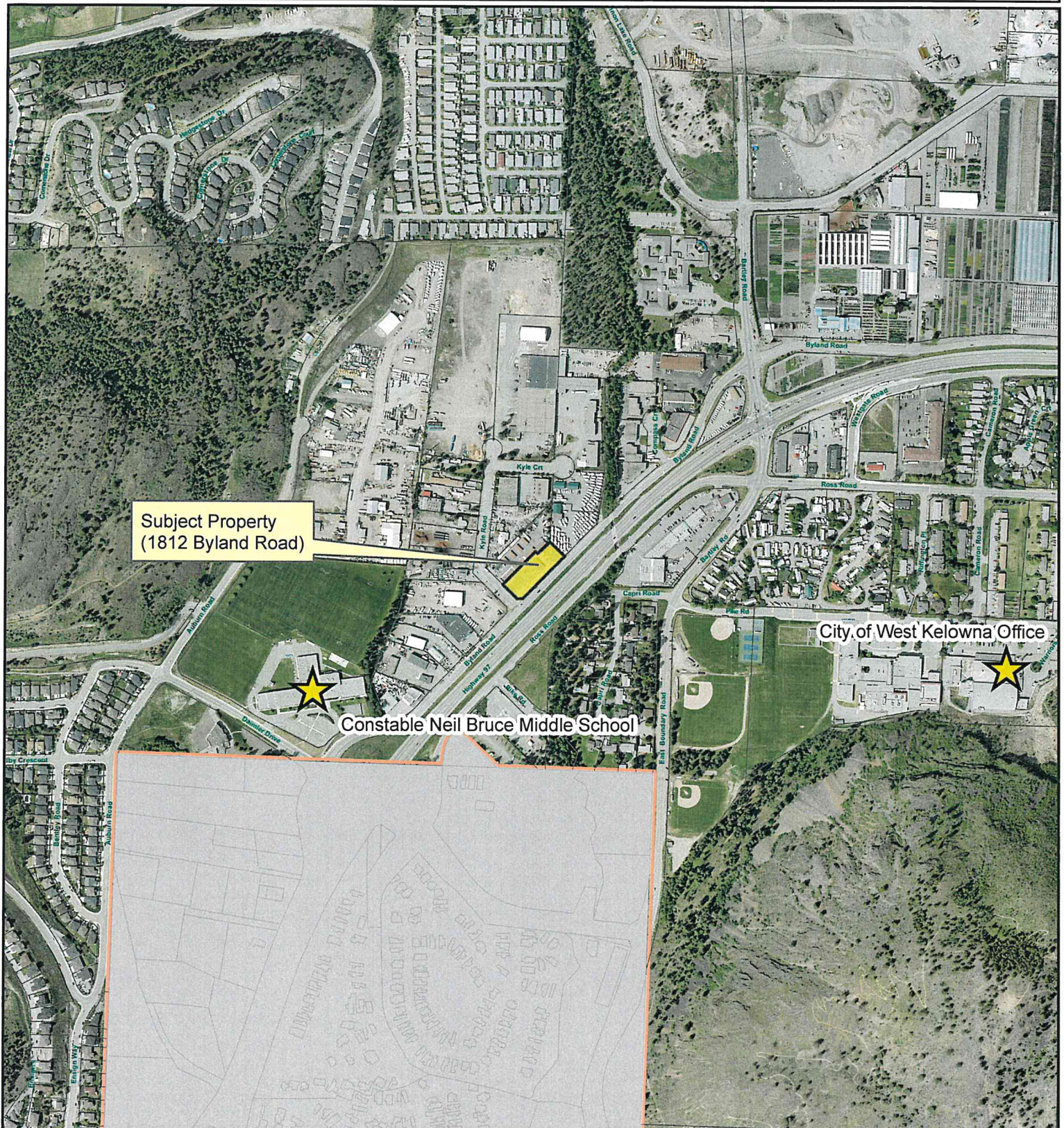
- Subject Property
- Zoning Boundary
- Parcels



Date: 2019-04-05







File: Z 19-08

Legal Description: Lot 7, DL 507 & 2601, ODYD,  
Plan KAP50056

 Subject Property

 City Boundary

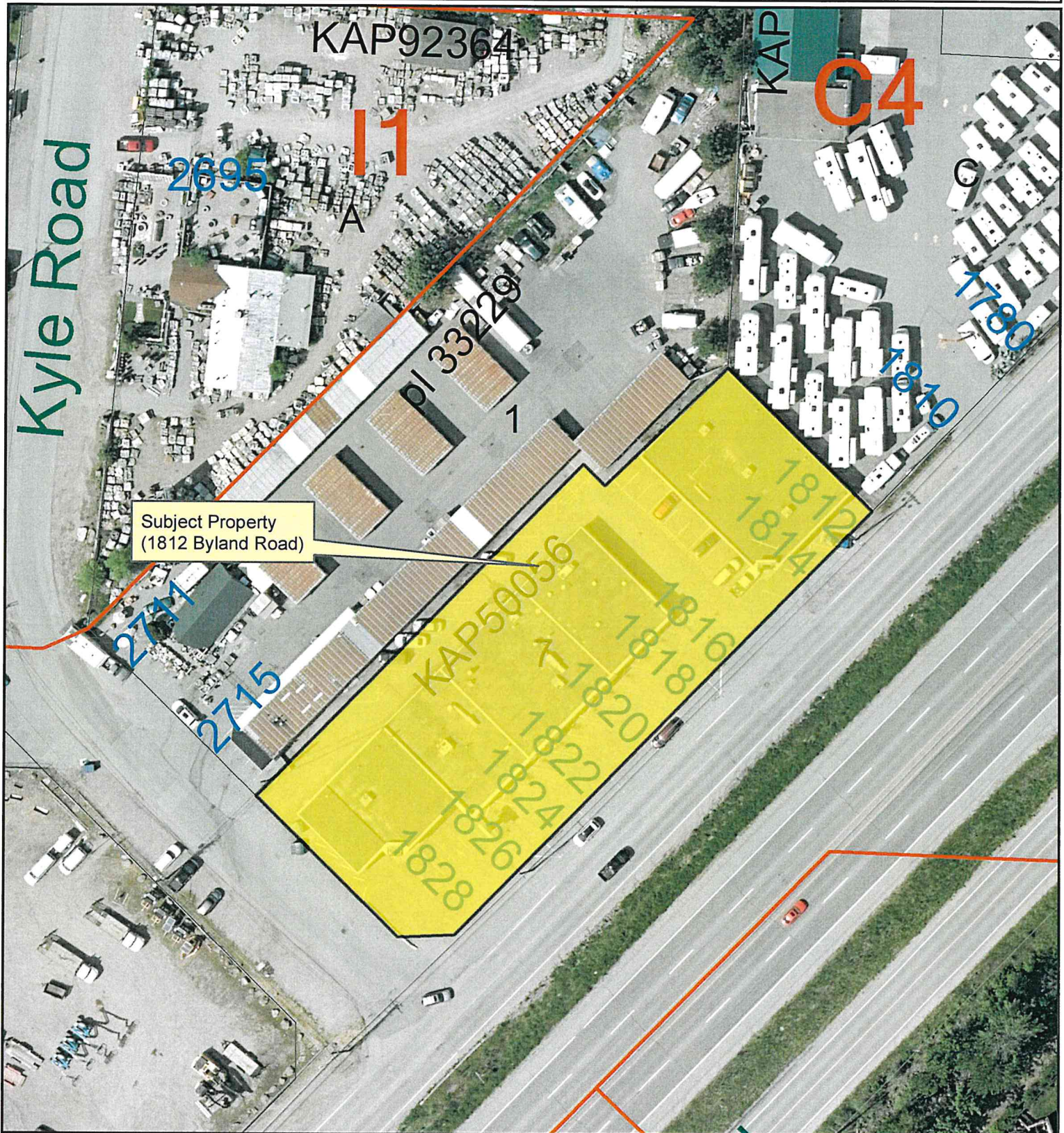
0 120 240 480  
Metres







# SUBJECT PROPERTY: Z 19-08



File: Z 19-08

Legal Description: Lot 7, DL 507 & 2601, ODYD,  
Plan KAP50056

## LEGEND

- Subject Property
- Zoning Boundary
- Parcels

0 10 20 40  
Metres

1:800

