

Public Hearing
to be held at
City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, June 4, 2019
at 6:00 p.m.

- | | | |
|-------|--|------|
| 1. | Mayor Calls Public Hearing to Order for “Zoning Amendment Bylaw No. 2019-16” | 1-19 |
| CO | Reads Opening Statement and Introduction of Bylaws | |
| | “Zoning Amendment Bylaw No. 2019-16” (595 Carmi Avenue) | |
| | Purpose: To amend Zoning Bylaw No. 2017-08 as follows: | |
| | Rezone Lot 13, District Lot 250 Similkameen Division Yale District Plan 6505, located at 595 Carmi Avenue from C2 (Neighbourhood Commercial) to C3 (Mixed Use Commercial). | |
| | The applicant is proposing to rezone the subject property to C3 (Mixed Use Commercial) to allow for a retail store, which includes the pharmacy use. | |
| | Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, May 24, 2019 and Wednesday, May 29, 2019 (pursuant to the <i>Local Government Act</i>). | |
| CO | No Correspondence received regarding the Zoning Amendment Bylaw (as of noon Wednesday, May 29, 2019). | |
| Mayor | Requests the Director of Development Services describe the proposed bylaw | |
| Mayor | Invitation to applicant for comment or elaboration on the application | |
| Mayor | Invites those in attendance to present their views | |
| Mayor | Invites Council members to ask questions | |
| Mayor | Invites applicants to respond to questions and those in attendance may provide new additional information | |

PUBLIC HEARING for “Zoning Amendment Bylaw No. 2019-16” is terminated and no new information can be received on this matter.

- 2.** Mayor Calls Public Hearing to Order for **“Zoning Amendment Bylaw No. 2019-17”** 20-30
- CO Reads Opening Statement and Introduction of Bylaws
- “Zoning Amendment Bylaw No. 2019-17” (1652 Fairview Road)
- Purpose: To amend Zoning Bylaw No. 2017-08 as follows:
- To add the following site specific provisions to 11.7 C7 – Service Commercial section 11.7.4:
- .5 In the case of Lot 15, DL 5, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 28077, located at 1652 Fairview Road, ‘cannabis retail store’ shall be permitted.
- Notice: The Public Hearing was advertised in the Penticton Western Newspaper on Friday, May 24, 2019 and Wednesday, May 29, 2019 (pursuant to the *Local Government Act*).
- CO No correspondence received regarding the Official Community Plan Amendment Bylaw (as of noon Wednesday, May 29, 2019).
- Mayor Requests the Director of Development Services describe the proposed bylaw
- Mayor Invitation to applicant for comment or elaboration on the application
- Mayor Invites those in attendance to present their views
- Mayor Invites Council members to ask questions
- Mayor Invites applicants to respond to questions and those in attendance may provide new additional information
- PUBLIC HEARING for “Zoning Amendment Bylaw No. 2019-17” is terminated and no new information can be received on this matter.

Regular Council Meeting
held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, May 21, 2019
at 1:00 p.m.

Resolutions

10.7 Zoning Amendment Bylaw No. 2019-16
Re: 595 Carmi Avenue

263/2019

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2019-16", a bylaw to rezone Lot 13 District Lot 250 Similkameen Division Yale District Plan 6505, located at 595 Carmi Avenue from C2 (Neighbourhood Commercial) to C3 (Mixed Use Commercial), be given first reading and forwarded to the June 4, 2019 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2019-16", a 1.5m road dedication along Government Street and a 1.02m road dedication along Carmi Avenue is registered with the Land Title Office.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: May 21, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Randy Houle, Planner I
Address: 595 Carmi Avenue
Subject: **Zoning Amendment Bylaw No. 2019-16**

File No: 2019 PRJ-068

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2019-16", a bylaw to rezone Lot 13 District Lot 250 Similkameen Division Yale District Plan 6505, located at 595 Carmi Avenue from C2 (Neighbourhood Commercial) to C3 (Mixed Use Commercial), be given first reading and forwarded to the June 4, 2019 Public Hearing;

AND THAT prior to adoption of "Zoning Amendment Bylaw No. 2019-16", a 1.5m road dedication along Government Street and a 1.02m road dedication along Carmi Avenue is registered with the Land Title Office.

Background

The subject property (Attachment A) is zoned C2 (Neighbourhood Commercial) and designated by the City's Official Community Plan (OCP) as MR (Medium Density Residential). The property is located directly across Carmi Avenue to the north of the Penticton Regional Hospital. Photos of the site are included as Attachment D. The lot is approximately 886.0m² (9,537ft²) in area and features a small commercial building with a residence on the 2nd floor. An older building is constructed on-site, with a commercial unit on the main floor and a dwelling unit on the second storey. Historically, a corner store operated on-site until it was converted to a coffee shop in the early 2000s. It continued to operate as a coffee/ice cream shop until it's present day unoccupied state. The subject property is in close proximity to several institutional uses (hospital and churches), small-scale commercial buildings (medical offices) and single and multiple family developments. The site is located in a high profile area, at the intersection of Government Street and Carmi Avenue right across from the Hospital.

Proposal

The applicant is proposing to renovate an existing commercial building into a pharmacy which is not a permitted use in the C2 (Neighbourhood Commercial) zone. Thus, the applicant is proposing to rezone the subject property to C3 (Mixed Use Commercial) to allow for a retail store, which includes the pharmacy use. The pharmacy will be approximately 1200ft² in area, with the main entrance on the west side of the building facing the parking lot that can accommodate 9 vehicles. Vehicle access will be relocated from the existing driveway entrances along Government Street and Carmi Avenue to the lane instead. Landscaping will replace asphalt around the frontage of the property. The building will undergo significant façade improvements, making the building more modern with fibre cement panel cladding, and glass entry canopies.

Financial implication

N/A

Technical Review

This application was forwarded to the City’s Technical Planning Committee and reviewed by the Engineering and Public Works departments. It has been determined that the existing driveway along Government Street shall be closed due to safety concerns. The existing driveway along Carmi Avenue will be narrowed down to a 3.0m width to serve as an exit for vehicles leaving the site which will also provide enhanced safety. The costs of re-instating curb, gutter and sidewalk will be charged to the developer. The rear lane has been re-surfaced over the past few years but it has been identified by the City’s Engineering Department that the entry ways to the lane should be widened to allow for easier access to the lane.

A 1.5m road dedication along Government Street and a 1.02m road dedication along Carmi Avenue will be obtained by the City as a condition of rezoning to help achieve the desired width of the streets (20.0m) to accommodate traffic lanes, bike lanes, sidewalks and utilities. The existing water and sewer connections may require upgrading, depending on fixture counts and conditions of services.

As part of the development permit process, the developer will be required to landscape the entire frontage of the property, which will significantly benefit the property and the area. As per City of Penticton Building Bylaw 2018-01 Section 14.4.i, storm water/drainage is to be maintained on site. If the request for the zoning amendment is supported, BC Building Code and City bylaw provisions will apply.

New OCP

While the current OCP identifies this area as MR (Medium Density Residential), the draft OCP that is currently under development and anticipated to be adopted this spring, identifies this area for ‘Commercial.’ This designation allows for a wide range of commercial uses including office, retail, goods and services. This also includes mixed use buildings with residential units on the second floor and above. The proposed zoning amendment is in line with this future designation.

Development Statistics

The following table outlines the proposed development statistics on the plans submitted with the application:

Item	Requirement C3 zone	Proposed
Maximum Lot Coverage:	50%	12.3%
Minimum Lot Width:	18.0m	22.0m
Minimum Lot Area:	1000.0m ²	886.26m ² *
Maximum Density:	2.0 FAR	0.25 FAR
Vehicle Parking:	1 space per 50m ² Floor Area (2) + 1 per dwelling unit = 3 total	9 spaces

Required Setbacks		
Front yard (east, Government Street):	3.0m	5.45m
Rear yard (west, lane):	6.0m	25.05m
Interior yard (north):	4.5m	3.94m (non-conforming)
Exterior yard (south, Carmi Avenue):	4.5m	8.55m
Maximum Building Height:	18.0m	7.2m
Other Information:	<p>- The subject property is located in a Development Permit Area. Since the site is undergoing significant renovation, a development permit is required. This permit is staff-issuable and will be addressed following the rezoning application.</p> <p>- <i>*The minimum parcel standards (in terms of width and area) only apply when a new parcel is being created, not through rezoning of an existing parcel.</i></p>	

Analysis

Zoning Amendment

Support Zoning Amendment Bylaw No. 2019-16

The MR (Medium Density Residential) OCP designation allows for small scale neighbourhood commercial uses such as convenience stores and small scale retail stores such as the pharmacy proposed. A number of guidelines for consideration of rezoning applications and staff’s comments are as follows:

- *The size, scale, and scope of the proposed commercial use is compatible with the character of the area:*
 - The small scale, two storey nature of the building with sufficient parking will not change the character of the area. The proposed pharmacy is within walking distance to several compatible uses (medical offices and the hospital), as well as neighbouring residential dwellings.

- *The proposed commercial use will not have a negative impact including noise, unacceptable traffic generation or invasion of privacy on adjacent uses:*
 - The building is existing; no additions or increases in floor area are being proposed at this time. The proposed pharmacy would increase the number of vehicles that could access the lane, but widening the lane access from Carmi Avenue will make it easier for vehicles to enter and exit at the same time. The parking lot for the proposed pharmacy is designed for vehicles to enter from the lane and exit onto Carmi Avenue by making a right hand turn. Closing the driveway accesses in close proximity to the intersection will improve safety in the area. There is a medical office to the west of the subject property that uses the lane as a primary means of vehicular access. Pharmacy’s operate regular hours and are unlikely to generate additional noise or traffic beyond a typical commercial use. The parking lot will be reconfigured to properly park up to 9 vehicles.

- *Commercial uses are best in areas located along major roadways:*

- The subject property is located in a high profile area, along Government Street and across from the Penticton Regional Hospital.

Although the current OCP identifies this property for medium density residential, a rezoning to allow for a wider range of commercial uses, while maintaining the residential use on the second floor is still considered to be consistent with the guidelines. The subject property is already commercial zoned, which allows for a convenience store, personal service establishments (photo studio, dry cleaners, shoe repair, etc.) and other small scale commercial uses up to 125m² in area. The proposed C3 zone adds other uses such as retail stores and offices as permitted uses with no limits on the size. The current C2 zone places a maximum of 1 residential unit within a commercial building while no maximum exists in the C3 zone. This could mean that the developer could expand the commercial use or add more residential density to the lot as desired. Given that this is an area in close proximity to the hospital, IGA, and nearby services, additional density or a wider range of commercial uses is not seen as a concern.

As part of the project, a staff-issuable development permit is required. A detailed landscape plan will be submitted which will highlight the conversion of the existing asphalt frontage into landscaping. The required parking spaces for the current size of retail space and one dwelling unit is 3 total. The developer is proposing 9 parking spaces.

Closing the existing driveways and directing traffic through the lane is ultimately consolidating multiple accesses into one location, which will enhance safety to the site. This also enables landscaping to replace existing asphalt, which will help to beautify the area in a high profile corner next to the brand new hospital expansion.

Given the information presented above, staff recommends that Council support "Zoning Amendment Bylaw No. 2019-16" and forward the application to the June 4, 2019 Public Hearing for comments from the public.

Deny/Refer Zoning Amendment

Council may consider that the proposed amendment is not suitable for this site and that the zoning shall remain as C2 (Neighbourhood Commercial), permitted small scale commercial uses and a maximum of one residential dwelling unit. Council may also feel that a small apartment building would be a better fit for the property, given the current MR (Medium Density Residential) OCP designation. If this is the case, Council should deny the bylaw amendment.

Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

Alternate Recommendations

1. THAT Council deny first reading of "Zoning Amendment Bylaw No. 2019-16."
2. THAT Council support first reading of the "Zoning Amendment Bylaw No. 2019-16" with conditions.
3. THAT Council refer "Zoning Amendment Bylaw No. 2019-16" back to staff.

Attachments

- Attachment A: Subject Property Location Map
- Attachment B: Zoning Map
- Attachment C: OCP Map
- Attachment D: Photos of Subject Property
- Attachment E: Site Plan
- Attachment F: Building Elevations
- Attachment G: Floor Plans
- Attachment H: Letter of Intent
- Attachment I: Zoning Amendment Bylaw No. 2019-16

Respectfully submitted,

Randy Houle
Planner I

Approvals

DDS <i>PH</i>	CAO DvD
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Attachment A – Subject Property Location Map

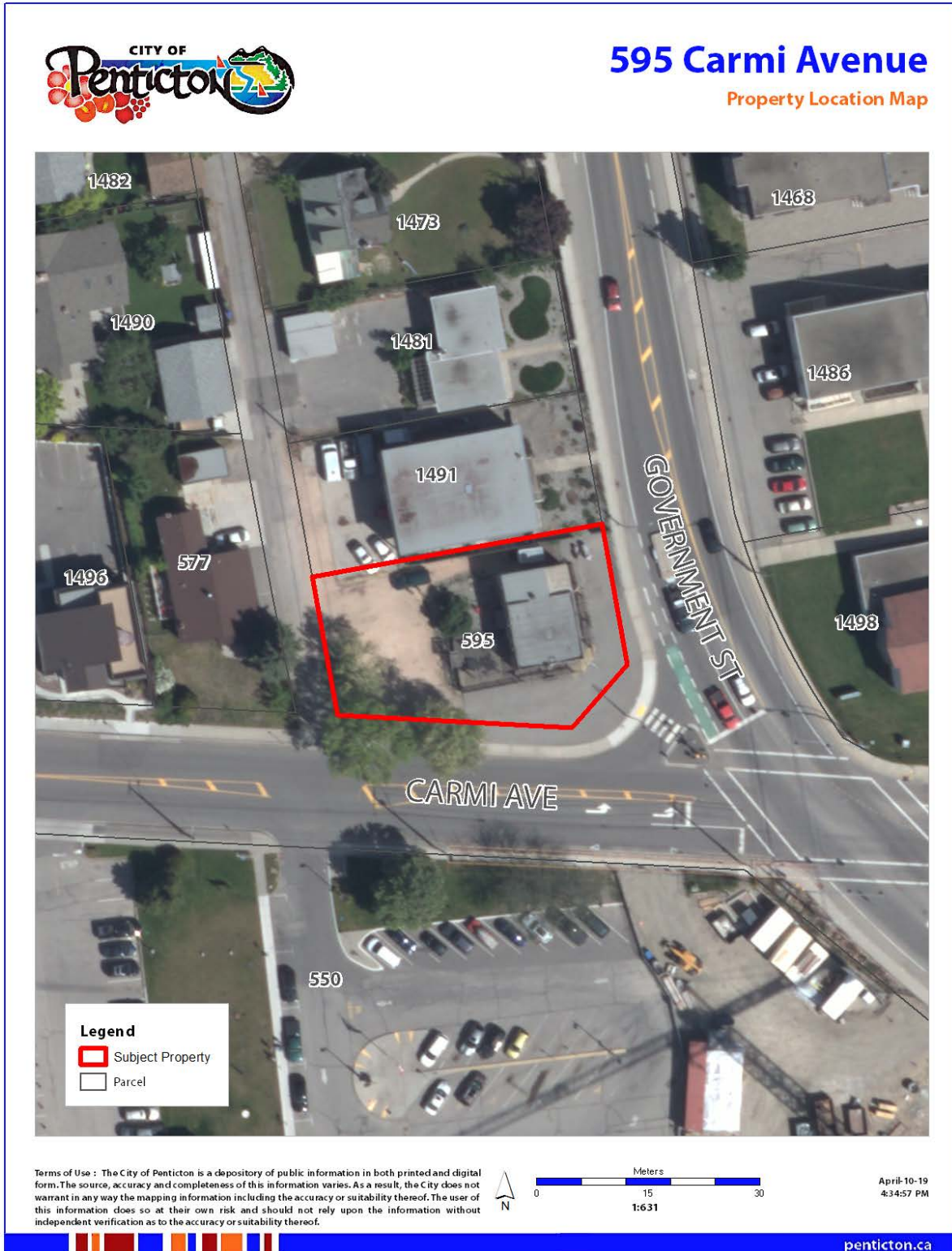


Figure 1: Subject Property Location Map

Attachment B – Zoning Map

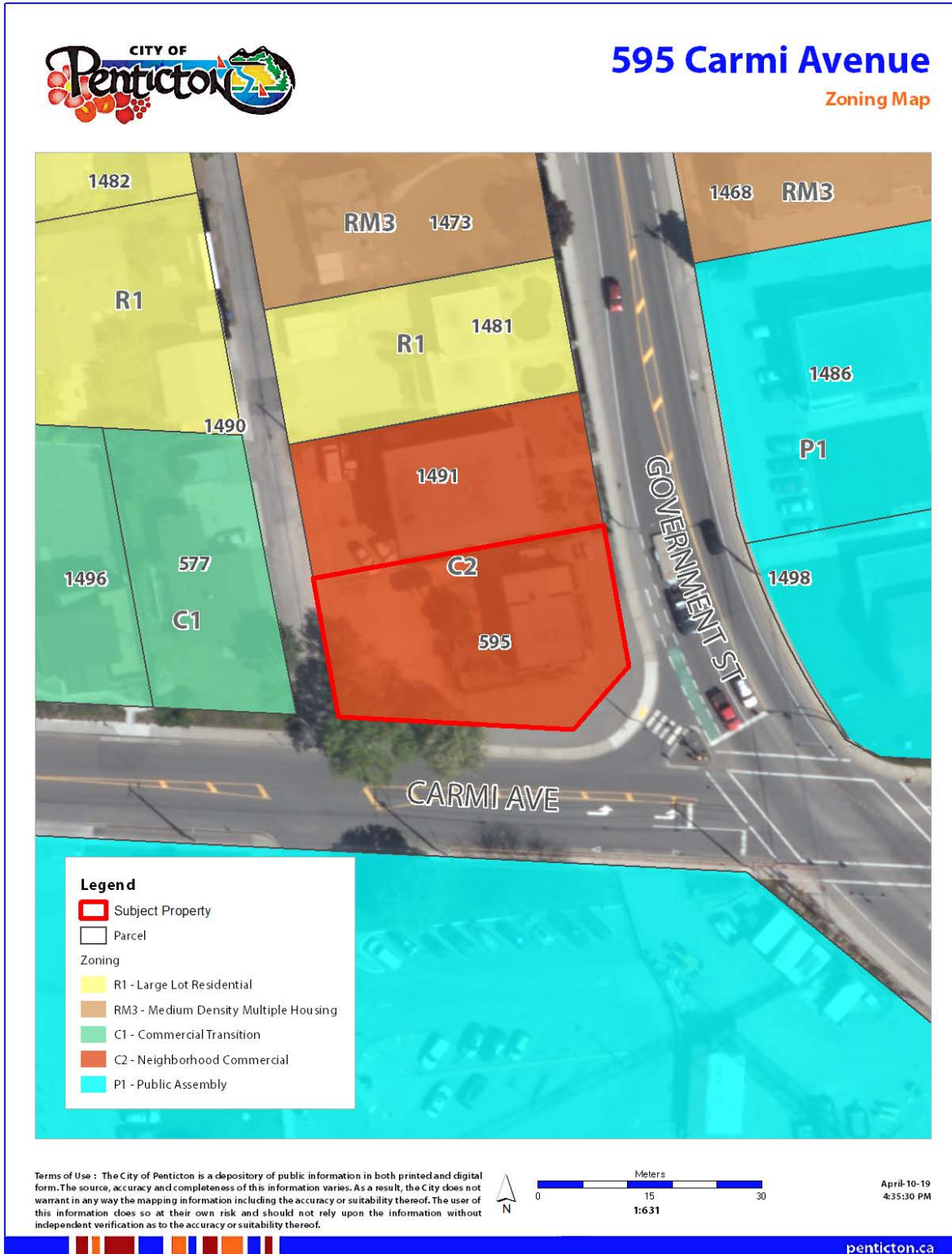


Figure 2: Zoning Map

Attachment C- OCP Map



Figure 3: OCP Map

Attachment D – Photos of Subject Property



Figure 4: South view of subject property (from Carmi Avenue)



Figure 5: South view showing eastern portion of property (along Government Street)



Figure 6: South view showing western portion of property



Figure 7: South view showing western portion of property (lane access)



Figure 8: West view (from the lane)



Figure 9: North side of subject property (looking from Government Street)

Attachment E – Site Plan

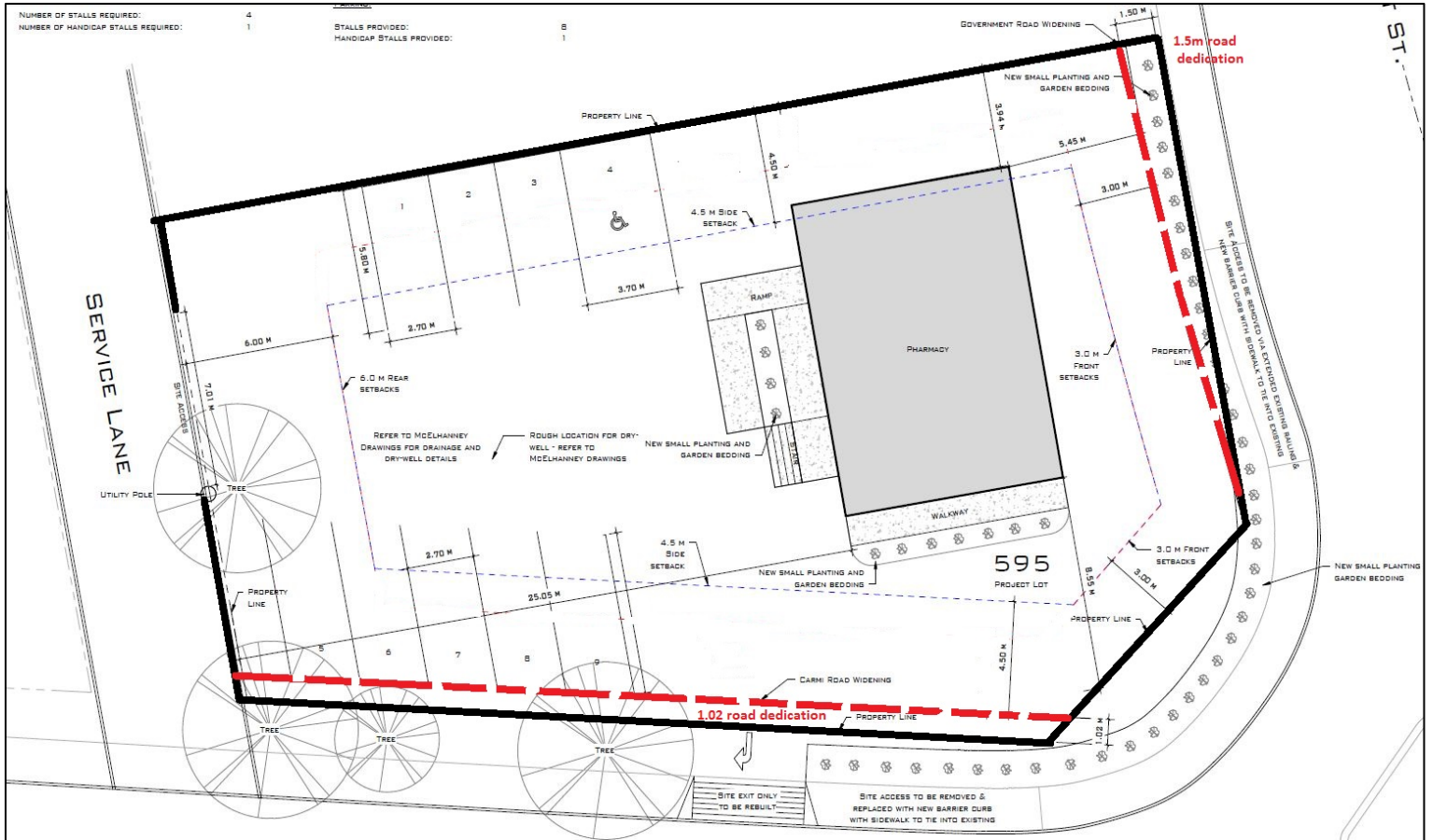


Figure 10: Site Plan

Attachment F – Building Elevations

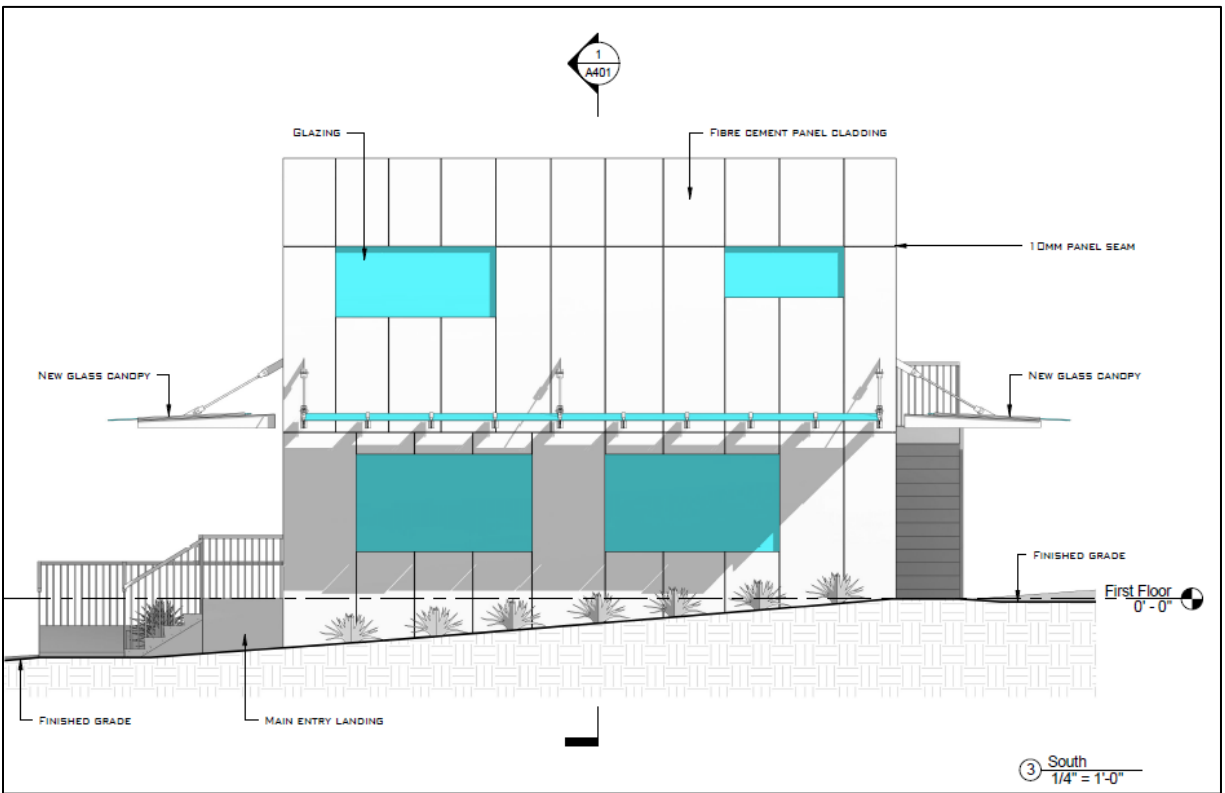


Figure 11: South Elevation (from Carmi Avenue)

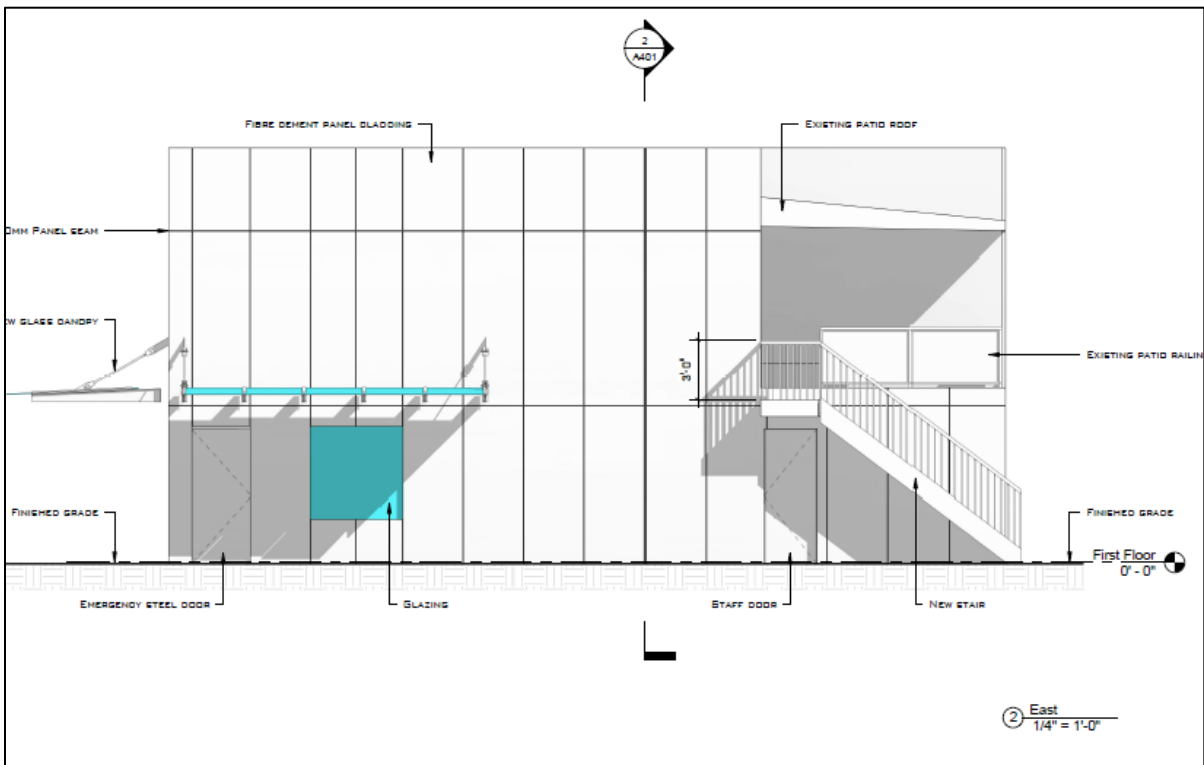


Figure 12: East Elevation (from Government Street)

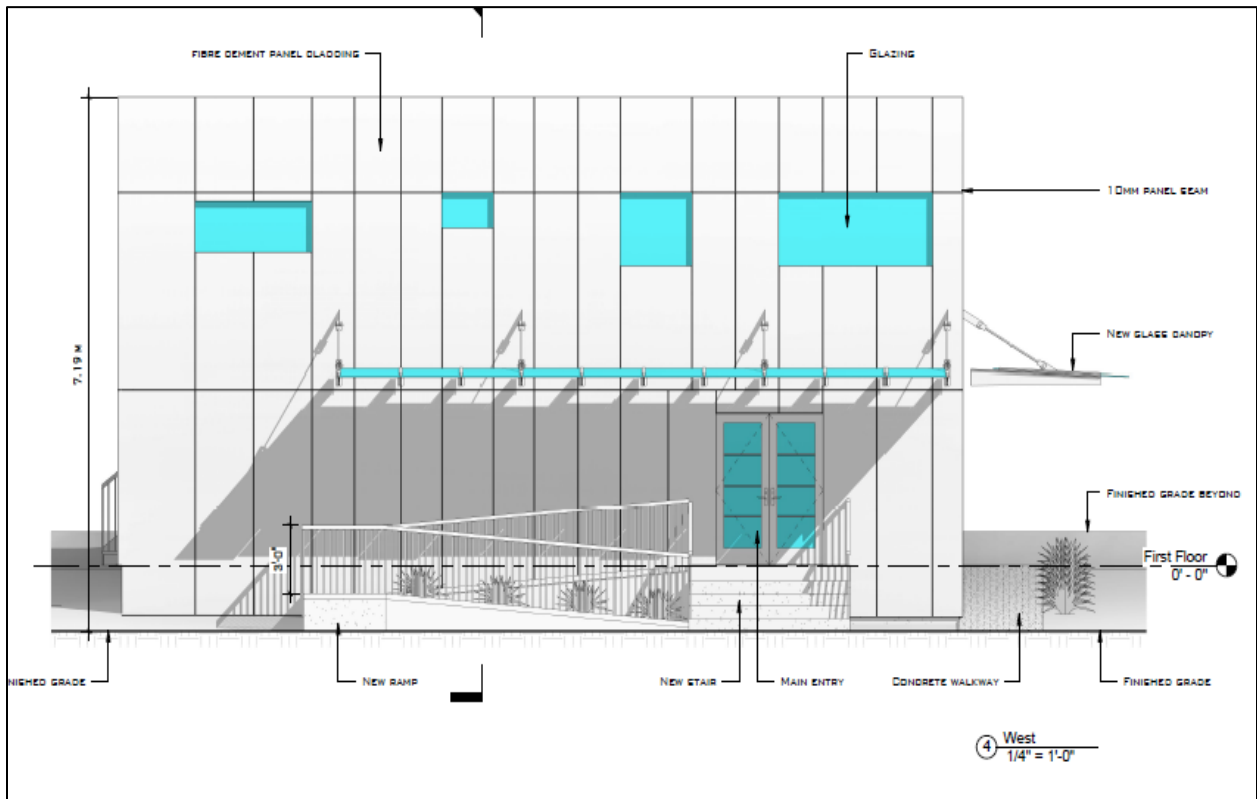


Figure 13: West Elevation (from the lane)

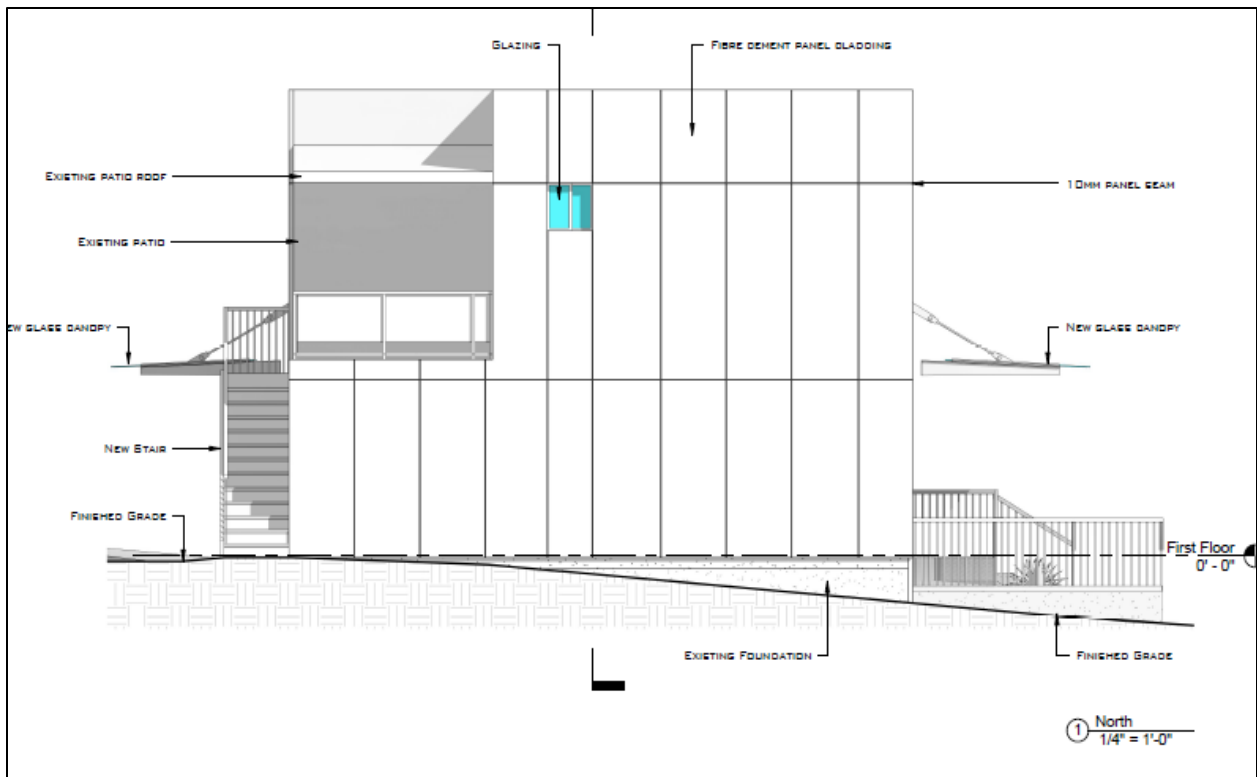


Figure 14: North Elevation

Attachment G –Floor Plans

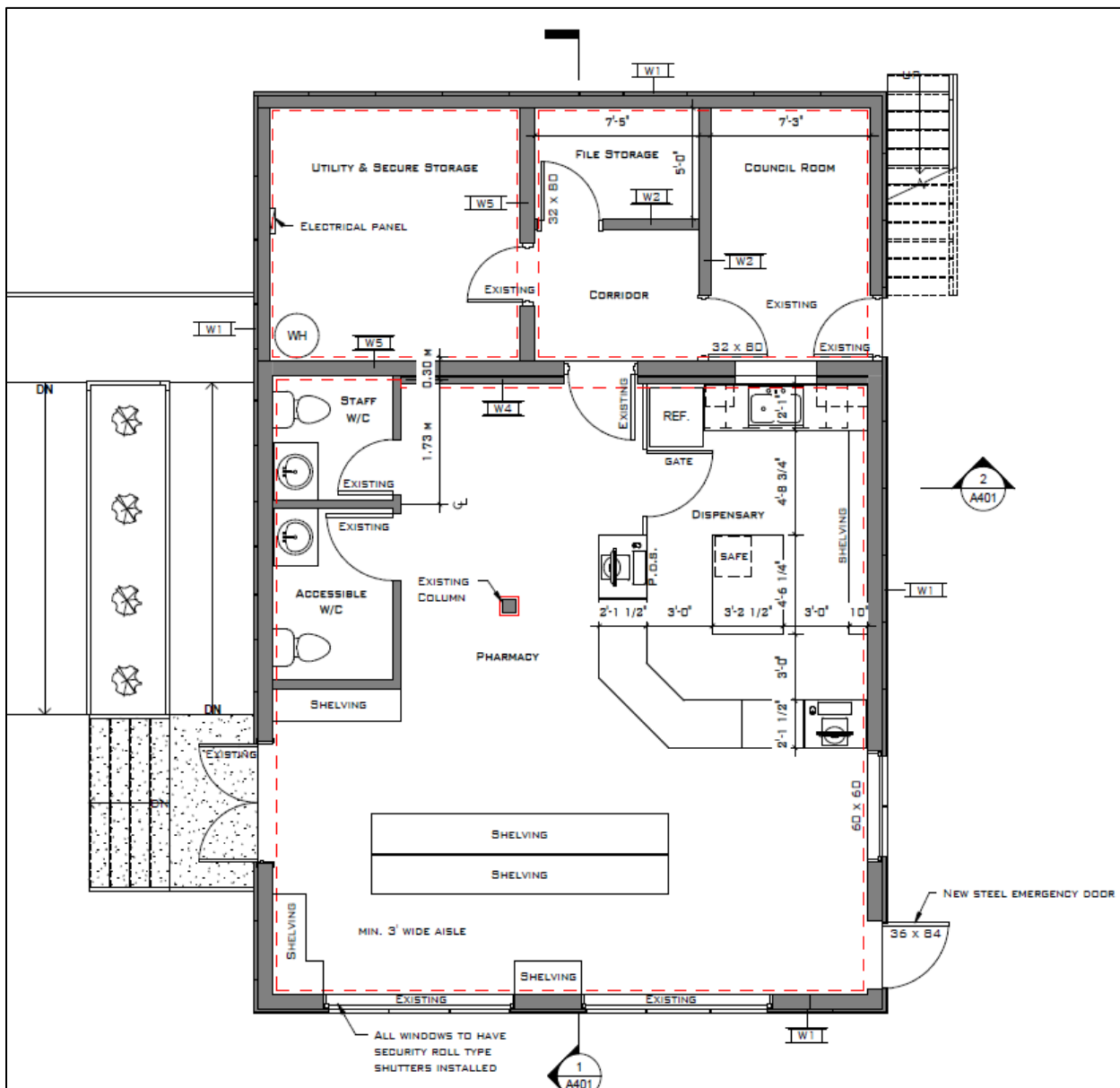


Figure 15: Main Floor Plan

Attachment H - Letter of Intent

Gartners Custom House Designs



Casey Gartner
2380 Wiltse Drive
Penticton, BC, V2A 7Y9

Date: April 10, 2019

City of Penticton
Rezoning letter of Intent for 595 Carmi Avenue
171 Main Street
Penticton, BC, V2A 5A9

Dear, Sir or Madam,

I am writing to provide you a letter of intent to express our interest in rezoning 595 Carmi Avenue from a C2, neighborhood commercial zone, to a C3, mixed use Commercial zone, to allow for a renovation of the existing buildings lower floor from a coffee house to a licensed pharmacy.

The scope of the project includes the renovation as noted above, as well as re-cladding with fiber cement panels with 10mm joints to bring the aesthetic to a clean modern look.

We are also expanding the building footprint by 4.5 square feet to square off the south east doorway. We will be adding stairs and a wheelchair ramp on the west entry to allow easier access from the proposed parking lot. Beyond that expansion, the rest of the footprint will remain.

When considering the impact on neighboring properties, this change will update the outdated and worn down look the building has fallen into, without altering the size of it. Therefore, it will not expand closer to any property lines, or abstract any views one may have from the neighboring properties. Furthermore, the building finish will be inspired from the newly added hospital tower across the street, and with existing hospital, doctor's office and health centre nearby, the pharmacy will fit the area appropriately. Additionally, it allows closer access to the community member to fill prescriptions upon discharge from the hospital. Thank- you for your consideration.

Sincerely,



Casey Gartner

Bylaw No. 2019-16

A Bylaw to Amend Zoning Bylaw 2017-08

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the *Local Government Act*;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2017-08;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. **Title:**

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2019-16".

2. **Amendment:**

2.1 Zoning Bylaw 2017-08 is hereby amended as follows:

Rezone Lot 13, District Lot 250 Similkameen Division Yale District Plan 6505, located at 595 Carmi Avenue from C2 (Neighbourhood Commercial) to C3 (Mixed Use Commercial).

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	21	day of	May, 2019
A PUBLIC HEARING was held this	4	day of	June, 2019
READ A SECOND time this		day of	, 2019
READ A THIRD time this		day of	, 2019
ADOPTED this		day of	, 2019

Notice of intention to proceed with this bylaw was published on the 24 day of May, 2019 and the 29 day of May, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the *Community Charter*.

John Vassilaki, Mayor

Angie Collison, Corporate Officer

Rezone 595 Carmi Ave

From from C2 (Neighbourhood Commercial) to C3 (Mixed Use Commercial)



City of Penticton – Schedule 'A'

Zoning Amendment Bylaw No. 2019-16

Date: _____

Corporate Officer: _____

Regular Council Meeting
held at City of Penticton Council Chambers
171 Main Street, Penticton, B.C.

Tuesday, May 21, 2019
at 1:00 p.m.

Resolutions

10.6 Zoning Amendment Bylaw No. 2019-17
Re: 1652 Fairview Road

262/2019

It was MOVED and SECONDED

THAT "Zoning Amendment Bylaw No. 2019-17", a bylaw that adds as a site specific use 'cannabis retail store' to the C7 zone for Lot 15, DL 5, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 28077, located at 1652 Fairview Road, be given first reading and be forwarded to the June 4, 2019 Public Hearing;

AND THAT the public comment period for 'local government support' for the provincial cannabis retail store license application be done concurrently with the advertising for the zoning amendment Public Hearing;

AND FURTHER THAT Council consider 'local government support' for the provincial cannabis retail store application after adoption of Zoning Amendment Bylaw No. 2019-17.

CARRIED UNANIMOUSLY

Council Report

penticton.ca

Date: May 21, 2019
To: Donny van Dyk, Chief Administrative Officer
From: Nicole Capewell, Planner 1
Address: 1652 Fairview Road

File No: 2019 PRJ-054

Subject: Zoning Amendment Bylaw No. 2019-17

Staff Recommendation

THAT "Zoning Amendment Bylaw No. 2019-17", a bylaw that adds as a site specific use 'cannabis retail store' to the C7 zone for Lot 15, DL 5, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 28077, located at 1652 Fairview Road, be given first reading and be forwarded to the June 4, 2019 Public Hearing;

AND THAT the public comment period for 'local government support' for the provincial cannabis retail store license application be done concurrently with the advertising for the zoning amendment Public Hearing;

AND FURTHER THAT Council consider 'local government support' for the provincial cannabis retail store application after adoption of Zoning Amendment Bylaw No. 2019-17.

Background

The subject property (Attachment 'A') is zoned C7 (Service Commercial) and is designated by the City's Official Community Plan (OCP) as SC (Service Commercial). Photos of the site are included as Attachment 'D'. The lot is 13,556 m² (3.35 ac) in area and contains two separate strip mall style buildings, which contain stores such as Cloverdale Paint, Fairview Liquor Store, Trellis and Vine Crafthouse and Ellis Creek Kitchens & Baths, among others. The surrounding area contains other commercially zoned properties and backs onto residential zoned lands (Attachment 'B').

The intent of this application is to put zoning in place for a cannabis retail store. In 2018, the City's Zoning Bylaw was amended to allow 'cannabis retail stores' as a permitted use within the C4 (General Commercial), C5 (Urban Centre Commercial) and C6 (Urban Peripheral Commercial) zones. The subject property at 1652 Fairview Road is zoned C7 (Service Commercial), which is not one of the zones that allow for a cannabis retail store.

During the decision making process determine which zones would accommodate cannabis retail sales as a permitted use, the C7 zone was considered as a potential area, given that there were several commercial plazas within the C7 zone. Ultimately though, the decision was made to not include the C7 zone as it had too many properties that did not lend themselves well to the use. Council in their discussion, seemed to keep

the door open for specific properties to come forward with an application to consider these types of locations on a site by site basis.

As such, the applicant is requesting a site specific amendment to allow for a cannabis retail store to be operated at 1652 Fairview Road.

Draft 2019 Official Community Plan

The Official Community Plan review currently underway designates the subject property within the Future Land Use Category as 'commercial'. In the draft Official Community Plan, 'commercial' is described as areas with a wide range of commercial uses including office, retail, goods and services. Compatible types of development include retail, service, office, restaurants, grocery stores and residential (in specific zones). Therefore, the Draft 2019 OCP is supportive of retail opportunities at the subject property.

Proposal

The applicant is proposing to amend Zoning Bylaw 2017-08 as follows:

Add section 11.7.4.3

"On Lot 15, DL 5, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 28077, located at 1652 Fairview Road, 'cannabis retail store' shall be permitted."

Note: Cannabis Retail Store applicants are still required to proceed through Provincial and Municipal approval processes prior to a business license being approved to operate a Cannabis Retail Store at this location. Those approvals will be considered under a separate process.

Financial implication

This application does not pose any financial implications to the City. All development costs are the responsibility of the applicant.

Analysis

The proposal is for a site-specific zoning amendment, which will allow the property to retain the current C7 (Service Commercial) zoning, while also allowing for the use cannabis retail store. The request for a retail store is in line with the SC (Service Commercial) designation of OCP No. 2002-20. The Draft 2019 OCP also designates this property as 'commercial', which would support the proposed use of a Cannabis Retail Store.

The subject property contains adequate parking onsite for the existing commercial retail units and lends itself well to the type of activity expected with the cannabis retail sales business. In addition, this property is not located in close proximity to any other prospective cannabis retail store locations.

While the C7 zone does not permit cannabis retail sales, there was an acknowledgment in the development of the cannabis framework that there were appropriate properties in the C7 zone for this use. In staff's consideration this commercial plaza is an appropriate location for this use, however as noted above, there will be a separate application process required before any decision is made on the cannabis retail store being approved for this property.

Further, if the amendment bylaw is successful and a cannabis retail store becomes a permitted use at 1652 Fairview Road, any cannabis retailers would still be required to proceed through the Provincial and

Municipal processes for attaining a license. Such licenses are reviewed by Council to receive support on a case-by-case basis, meaning that Council would still be able to review which cannabis retail store moves into the location at 1652 Fairview Road.

Given that the subject property is within a well-established commercial area, and is in line with the current and Draft OCP Future Land Uses, staff recommend that Council support “Zoning Amendment Bylaw No. 2019-17” to allow a cannabis retail store at 1652 Fairview Road, and that the application be forwarded to the June 4, 2019 Public Hearing for comment from the public.

Staff are also recommending that the public comment period for the related licensing process to happen concurrently to the Public Hearing notification and that consideration of the provincial license occur after the associated zoning bylaw is adopted, likely on June 18, 2019.

Deny/Refer Zoning Amendment

Council may consider that the proposed use is not suitable for this site, or that the surrounding land uses are not an appropriate fit for the proposed use. If Council has concerns with the proposal, they should deny the bylaw amendment. Alternatively, Council may wish to refer the matter back to staff to work with the applicant with any direction that Council considers appropriate.

Alternate recommendations



1. THAT Council deny first reading of “Zoning Amendment Bylaw No. 2019-17”.
2. THAT Council support first reading of “Zoning Amendment Bylaw No. 2019-17” with conditions that Council considers appropriate.
3. THAT Council refer “Zoning Amendment Bylaw No. 2019-17” back to staff.

Attachments

- Attachment A – Subject Property Location Map
- Attachment B – Zoning Map of Subject Property
- Attachment C – Official Community Plan Map of Subject Property
- Attachment D – Images of Subject Property
- Attachment E – Letter of Intent
- Attachment F – Zoning Amendment Bylaw No. 2019-17

Respectfully submitted,

Nicole Capewell
Planner 1

<p>Director</p> 	<p>Chief Administrative Officer</p> 
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Attachment A – Subject Property Location Map



Figure 1 – Subject property identified in red

Attachment B – Zoning Map of Subject Property

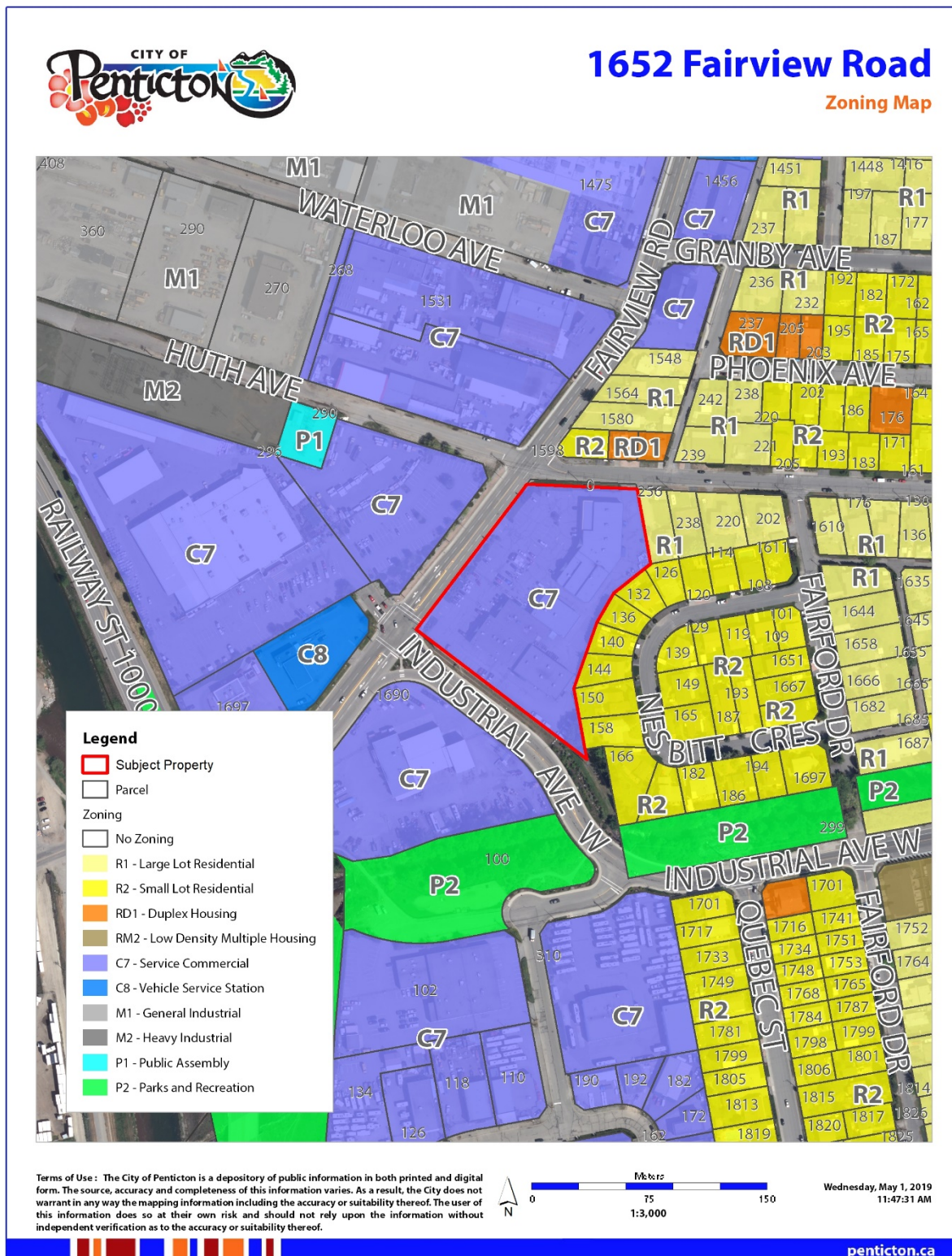


Figure 2 – Subject property currently zoned C7 (Service Commercial)

Attachment C – Official Community Plan Map of Subject Property

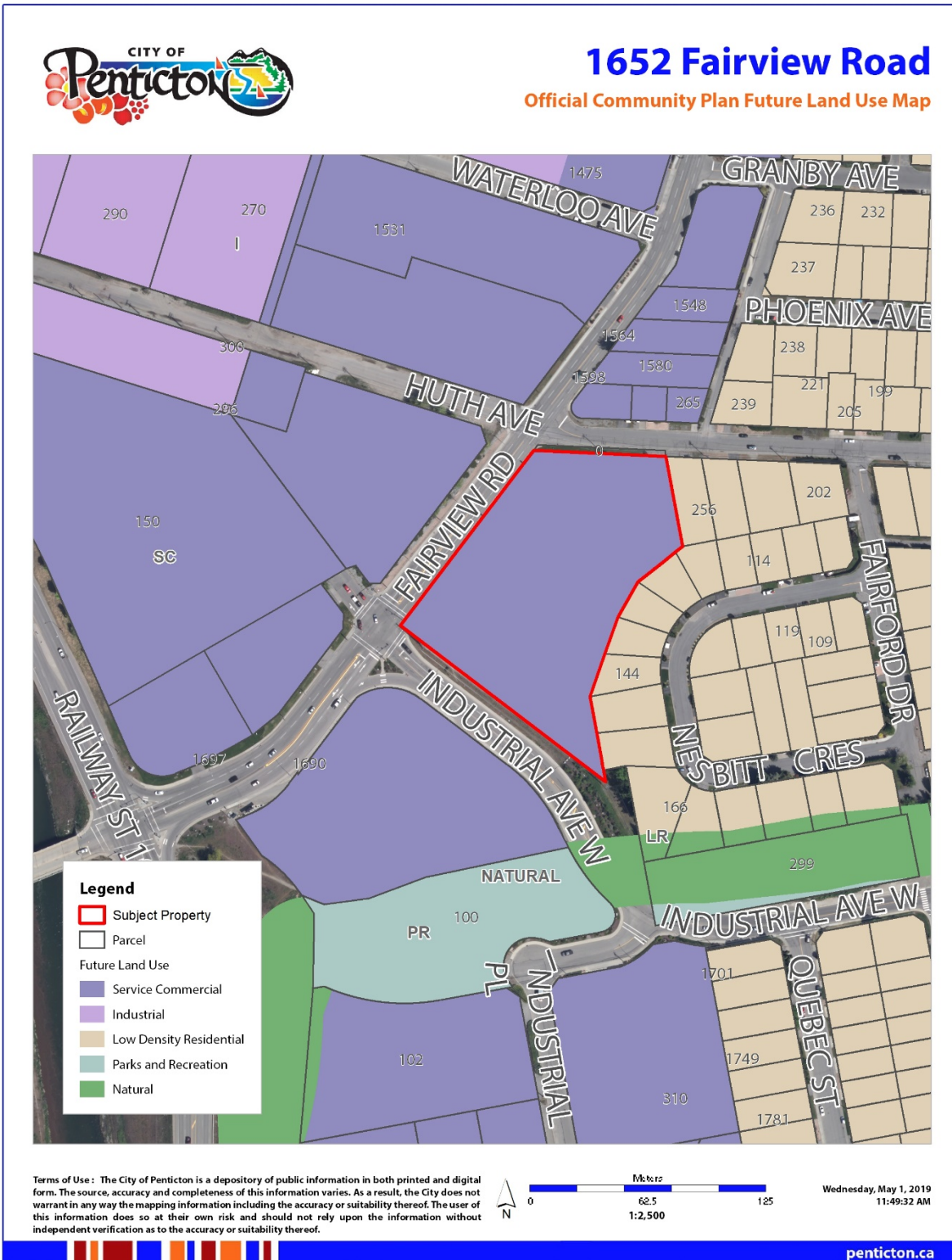


Figure 3 – Subject property designated as Service Commercial (SC)

Attachment D – Images of Subject Property



Figure 4 – Looking east towards strip mall building on subject property



Figure 5 – Looking east towards strip mall buildings on subject property

Attachment E – Letter of Intent

FAIRVIEW CANNABIS CORNER

Fairview Cannabis Corner
#104-1652 Fairview Rd,
Penticton, BC, V2A 6A7

City of Penticton
171 Main St.
Penticton, BC, V2A 5A9

Penticton Planning Department,

I would like to be considered for approval by the City of Penticton to open a Cannabis Retail Store located at #104-1652 Fairview Rd. The store will be called *Fairview Cannabis Corner* and will sell legally regulated cannabis products and cannabis accessories.

The location of my proposed store is currently zoned Service Commercial (C7), which is not included in the zoning bylaw 2018-66 as a place where a Cannabis Retail Store may be located. I would like to be approved for a temporary use permit for this location, considering Fairview Liquor Store is located in the same zone and address. These two types of business compliment one-another and an ideal scenario locates a cannabis retail stores close to a liquor store as both are regulated by the LCLB and supplied by the LDB.

Fairview Cannabis Market's neighboring businesses are zoned C7 as well which is ideal because it will reduce the probability of minors spending time in this area of town. It is located outside of any school or park buffer zone and has a very large parking lot. Promoting a Cannabis Retail Store at this location will offer brand recognition for neighboring businesses as the parking lot will receive much more traffic. This biproduct will have a positive impact on the Penticton retail community.

I feel that if given the opportunity, my experience in commerce and compliance would allow me the opportunity to successfully promote a positive image of the Cannabis Industry and help me remove the fears and hesitations of the community about cannabis. I believe strongly that Fairview Cannabis Corner will succeed in this venture and will become an industry standard for compliance and profitability.

Cordially,



Darren Moffatt, CPA, CMA

Bylaw No. 2019-17

A Bylaw to Amend Zoning Bylaw 2017-08

WHEREAS the Council of the City of Penticton has adopted a Zoning Bylaw pursuant the Local Government Act;

AND WHEREAS the Council of the City of Penticton wishes to amend Zoning Bylaw 2017-08;

NOW THEREFORE BE IT RESOLVED that the Municipal Council of the City of Penticton, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Title:

This bylaw may be cited for all purposes as "Zoning Amendment Bylaw No. 2019-17".

2. Amendment:

2.1 Zoning Bylaw 2017-08 is hereby amended by adding the following site specific provisions to 11.7 C7 – Service Commercial section 11.7.4:

.5 In the case of Lot 15, DL 5, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 28077, located at 1652 Fairview Road, 'cannabis retail store' shall be permitted.

2.2 Schedule 'A' attached hereto forms part of this bylaw.

READ A FIRST time this	21	day of	May, 2019
A PUBLIC HEARING was held this	4	day of	June, 2019
READ A SECOND time this		day of	, 2019
READ A THIRD time this		day of	, 2019
RECEIVED the approval of the Ministry of Transporton on the		day of	, 2019
ADOPTED this		day of	, 2019

Notice of intention to proceed with this bylaw was published on the 24 day of May, 2019 and the 29 day of May, 2019 in the Penticton Western newspaper, pursuant to Section 94 of the Community Charter.

John Vassilaki, Mayor

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i> this _____ day of _____, 2019</p> <p>_____</p> <p>for Minister of Transporton & Infrastructure</p>

Angie Collison, Corporate Officer

1652 Fairview Road

Add 'cannabis retail store' to the C7 zone as a site specific use for Lot 15, DL 5, Group 7, Similkameen Division Yale (Formerly Yale Lytton) District Plan 28077 (1652 Fairview Rd)



City of Penticton – Schedule 'A'
Zoning Amendment Bylaw No. 2019-17

Date: _____ Corporate Officer: _____