

REPORT TO COUNCIL



Date: May 27, 2019

RIM No. 1250-30

To: City Manager

From: Community Planning Department (AF)

Application: Z19-0024 **Owner:** Vibona Enterprises LTD., Inc.
No. BCo458875

Address: 1310 St. Paul St **Applicant:** Kent-Macpherson

Subject: Rezoning

Existing OCP Designation: MXR – Mixed Use (Residential / Commercial)

Existing Zone: I2 – General Industrial

Proposed Zone: C7rcs – Central Business Commercial (Retail Cannabis Sales)

1.0 Recommendation

THAT Rezoning Application No. Z19-0024 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 12 District Lot 139 Osoyoos Division Yale District Plan 645, located at 1310 St. Paul St, Kelowna, BC from the I2 – General Industrial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) zone be considered by Council;

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

AND THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit for the subject property.

AND FURTHER THAT if the Rezoning Bylaw is adopted, Council direct Staff to send a recommendation to the British Columbia 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 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 compliance with local regulations and policies.

2.0 Purpose

To consider a development application to rezone the subject property from I2 – General Industrial zone to the C7rcs – Central Business Commercial (Retail Cannabis Sales) to allow for a retail cannabis sales establishment.

3.0 Community Planning

Community Planning Staff recommend support for the proposed rezoning to C7rcs – Central Business Commercial (Retail Cannabis Sales) to allow for a retail cannabis sales establishment on the subject property as it is in line with the Official Community Plan (OCP) Future Land Use Designation of MXR – Mixed Use (Residential / Commercial).

This application was received prior to the close of the first intake of retail cannabis sales establishment applications on November 30, 2018. As such, it was evaluated in accordance with the Council-endorsed process and was selected to move forward with the City's standard rezoning process, established in the Development Application Procedures Bylaw. This application received a score of 71.43, and the overall average overall score of all applications evaluated was 69.53.

Should Council support the proposed Rezoning Bylaw, the property would be rezoned to a retail cannabis sales subzone, and 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.

The application meets the Zoning Bylaw No. 8000 and there are no variances being requested. Further, the applicant has confirmed the completion of public notification in accordance with Council Policy No. 367.

4.0 Proposal

4.1 Background

The existing building located on-site originally received an approved building permit in the early 1960's as a single family dwelling and has since transitioned into a food primary establishment. Should Council support the proposed rezoning application a tenant improvement building permit would be required for the conversion of use to allow for a retail cannabis establishment. Any exterior form and character changes to the existing building and overall site will require an approved Development Permit.

4.2 Project Description

Should the rezoning application be supported by Council and the applicant move forward with a Development Permit, the applicant has proposed that the existing building be renovated in conjunction with a new paved surface parking lot at the rear of the building, accessed off of the rear lane, a connecting hard surfaced walkway from the parking lot to the building frontage and new landscaping in the front and side yards along St Paul Street and between the adjacent property to the north. The applicant will be required to dedicate 0.75 m of the rear property to achieve a standard 6.0 m wide laneway at the rear.

4.3 Site Context

The subject property is centrally situated within the Downtown Urban Centre on the west side of St. Paul St, just south of the Cawston Ave and St. Paul St intersection. Sensitive uses that were identified within a 150 metre radius include a Liquor Primary Establishment (1304 Ellis St, 421 Cawston Ave and 1250-1298 Ellis St).

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	C7 – Central Business Commercial	Commercial / Retail Building
East	C7 – Central Business Commercial	Public Parking Lot
South	I2 – General Industrial	Bottle Depot
West	C7 – Central Business Commercial	Private Parking Lot

Subject Property Map: 1310 St Paul Street



5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Downtown Development.² Support rezoning to C7 use in the downtown Urban Centre area only where properties are surrounded on a minimum of 3 sides by existing C7 zoning. The intent of this policy is to support intensification within the existing core areas of Downtown

6.0 Technical Comments

6.1 Building & Permitting Department

- Full Plan check for Building Code related issues will be done at time of Building Permit applications

¹ City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.3.4 (Development Process Chapter).

6.2 Development Engineering Department

- See attached memorandum dated February 22, 2019

6.3 Fire Department

- No objections to rezoning

6.4 FortisBC Energy Inc - Gas

- FortisBC Energy Inc. has reviewed the subject proposal and has no objections or concerns. If existing building to be demolished, owner will need to request gas service abandonment prior to demolition.

6.5 For FortisBC Energy Inc - Gas

- There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along St. Paul Street and within the lane adjacent the subject's west property line. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

7.0 Application Chronology

Date of Committee Evaluation of Application: January 16, 2019
Date of Application Received: December 14, 2018
Date Public Consultation Completed: April 25, 2019

Report prepared by: Andrew Ferguson, Planner
Reviewed by: Terry Barton, Urban Planning Manager
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Site Plan
Development Engineering Memorandum