

REPORT TO COUNCIL



Date: February 7, 2022

To: Council

From: City Manager

Department: Development Planning Department

Application: Z21-0062 **Owner:** Vibona Enterprises Ltd., Inc.
No. BCo458875

Address: 1310 St Paul St **Applicant:** Vibona Enterprises Ltd., Inc.
No. BCo458875

Subject: Rezoning Application

Existing OCP Designation: UC – Urban Centres

Existing Zone: I2 – General Industrial

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

1.0 Recommendation

THAT Rezoning Application No. Z21-0062 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 12 District Lot 139 ODYD Plan 645, located at 1310 St Paul Street, 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 subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Development Planning Department dated February 7, 2022;

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.

2.0 Purpose

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

3.0 Development Planning

Development Planning Staff are recommending support for the proposed rezoning to the C7rcs – Central Business Commercial (Retail Cannabis Sale) zone to allow for a retail cannabis sales establishment on the subject property as it is consistent with the Official Community Plan (OCP) Future Land Use Designation of UC – Urban Centres.

This application was received prior to the close of the first intake of retail cannabis sales establishment applications as of November 30, 2018, however, the applicant was unable to complete the previous rezoning application (Z19-0024) which expired and was subsequently rescinded. As such the applicant has re-submitted a rezoning application for the same site has come forth for consideration.

The original application was evaluated in accordance with the Council-endorsed Retail Sales Cannabis review 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 score of all applications evaluated with 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 (LCRB) indicating support for issuance of a non-medical cannabis retail store license for this property.

The application meets 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. The dwelling was converted into a commercial restaurant named La Petite Maison in 2013 which operated in the building up until 2019. The building has been unoccupied since 2019 when the restaurant's Business License was not renewed. Should Council support the proposed rezoning application a Development Permit application and subsequently a tenant improvement Building Permit application will be required to facilitate the conversion to allow a retail cannabis sales establishment.

4.2 Project Description

The applicant through the rezoning process has explored a number of different development scenarios including redeveloping the entire site versus a tenant improvement-oriented design scope to keep and utilize the existing building on-site. Should the Rezoning application be supported by Council, the applicant will move forward with a Development Permit application.

The applicant is proposing a new paved parking surface situated at the rear of site with all access coming from the lane, complementary site landscaping including new deciduous trees, flowing shrubs and perennials and a new exterior building facade.

4.3 Site Context

The subject property is centrally located within the Downtown Urban Centre on the west side of St Paul Street, just south of Cawston Ave-St Paul St intersection. Sensitive uses that were identified within 150 radius include a Liquor Primary Establishment (1304 Ellis St, 421 Cawston Ave and 1250-1289 Ellis St).

Specifically, adjacent land uses are as follows:

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

Subject Property Map: 1310 St Paul Street



5.0 **Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

Objective 4.4 Reinforce Downtown as the Urban Centre with the greatest diversity and intensity of uses in the City.	
Policy 4.4.5 Downtown Street Character	Support development in the Downtown Urban Centre that includes the following characteristics at grade, as outlined in Map 4.2 <ul style="list-style-type: none"> • Retail space along Bernard Avenue integrated with a high-quality urban streetscape experience, reinforcing the street as Downtown’s high street;

	<ul style="list-style-type: none"> • Retail space along designated retail streets to create more dynamic spaces with high levels of pedestrian activity; and • Civic and cultural uses, with supporting retail uses along the Art Walk and portions of Water Street designated as civic streets, in keeping with the directions of the Civic Precinct Plan.
	<i>St Paul Street is designated as a Retail Street in the 2040 OCP and as such, the development will include urban landscaping treatments, exterior facade upgrades and overall site revitalization that will improve the street interface and enhance pedestrian activity.</i>
Objective 4.17 Create urban streets that are attractive to live, work and shop on	
Policy 4.17.2 High Streets	<p>Animate the pedestrian realm by creating high streets and retail streets that are attractive destinations, as outlined in Maps 4.2, 4.4, 4.6, 4.8 and 4.10, attracting people and activity throughout the year</p> <p><i>The proposed development will facilitate a revitalization the subject property while creating a friendlier, and more enhanced pedestrian street interface.</i></p>

6.0 Technical Comments

6.1 Development Engineering Department

- See Schedule A

7.0 Application Chronology

Date of Application Accepted: June 8, 2021
 Date Public Consultation Completed: November 25, 2021

Report prepared by: Andrew Ferguson, Planner II
Reviewed by: Jocelyn Black, Urban Planning Manager
Reviewed by: Terry Barton, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Schedule A: Development Engineering Memo
 Attachment A: Site Plan