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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** April 23, 2003  
**File No.:** TA02-0007/Z03-0007

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

**APPLICATION NO.** TA02-0007/Z03-0007/Z03-0021     **OWNER:** Multiple

**ADDRESS:** Multiple

**APPLICANT:** City of Kelowna

**PURPOSE:** TO AMEND Z03-0007 BY ADDING THE REZONINGS OF THE SUBJECT PROPERTIES LISTED IN TABLE 1 (ADD A LIQUOR PRIMARY (LP) DESIGNATION TO THEIR PARENT ZONE)

TO REZONE THE PROPERTIES LISTED IN TABLE 2 (ADD A RETAIL LIQUOR SALES DESIGNATION TO THEIR PARENT ZONE) (Z03-0021)

TO AMEND TA02-007 BY ADDING THE CHANGES PROPOSED IN TABLE 3 OF THIS REPORT

**EXISTING ZONE:** C4 – TOWN CENTRE COMMERCIAL /C6 – REGIONAL COMMERCIAL/ C7- CENTRAL BUSINESS COMMERCIAL/C8 – CONVENTION HOTEL COMMERCIAL/C9 – TOURIST COMMERCIAL

**PROPOSED ZONE:** ADD LIQUOR PRIMARY (LP) / RETAIL LIQUOR SALES (RLS) DESIGNATIONS

**REPORT PREPARED BY:** RYAN SMITH

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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**1.0     RECOMMENDATION**

THAT amendment of Bylaw No. 8960 (TA02-0007) as outlined in Table 3 of the Planning & Development Services Department report dated April 23, 2003 be considered by Council;

AND THAT amendment of Bylaw No. 8980 (Z03-0007) by adding the properties listed in Table 1 of the Planning and Development Services Department report dated April 23, 2003 be considered by Council;

AND THAT Rezoning Application No. Z03-0021 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classifications of properties listed in Table 2 of the Planning and Development Services Department report dated April 23, 2003 zone be considered by Council;

THAT the amended Bylaw No. 8980 (TA02-0007) and the amended Bylaw No. 8980 (Z03-0007) be forwarded to a new Public Hearing for further consideration subsequent to Council's consideration of the report from the Mayor's Entertainment District Task Force on Liquor Licensing;

AND THAT the zone amending bylaws for Rezoning Application No. Z03-0021 be forwarded to a Public Hearing for further consideration subsequent to Council's consideration of the report from the Mayor's Entertainment District Task Force on Liquor Licensing;

AND THAT final adoption of the text amendment bylaw and the affected zone amending bylaws be considered subsequent to approval by the Ministry of Transportation;

AND THAT final adoption of the zone amending bylaws for Rezoning Application No. Z03-0021 be considered subsequent to confirmation of approval by the Liquor Control and Licensing Branch.

## 2.0 SUMMARY

The Planning and Development Services Department is proposing to amend its report for Z03-0007 dated February 14, 2003 to include the rezoning of four properties that were mistakenly omitted (these proposed rezonings accompanied TA02-0007). This report also includes proposed rezonings for 10 planned Retail Liquor Sales establishments that have applications that are currently in-stream with the Liquor Control and Licensing Branch. Table 1 (below) lists the Liquor Primary rezonings that were mistakenly omitted from Z03-0007 and Table 2 lists the proposed Retail Liquor Sales rezonings for RLS applications that are currently in-stream with the LCLB (Z03-0021). Furthermore the Planning and Development Services Department is proposing that TA02-0007 be amended to include a size restriction for Retail Liquor Stores in all zones in which they will be a permitted use.

## 3.0 BACKGROUND

### 3.1 The Proposal

The Planning and Development Services Department is proposing the rezoning four properties that were mistakenly omitted from Z03-0007 (rezonings that accompanied TA02-0007). The Department is requesting that these four rezonings be added to Bylaw No. 8980 and be considered at a new public hearing in conjunction with those originally proposed in Z02-0007.

This report also includes proposed rezonings for 10 planned Retail Liquor Sales establishments that have applications that are currently in-stream with the Liquor Control and Licensing Branch (Z03-0021). Not on this list is the in-stream application for the OK Corral Cabaret which currently exists a legal non-conformity with regards to Zoning Bylaw No.8000.

In addition, Table 3 lists a size restriction for Retail Liquor Stores. The Planning and Development Services Department is proposing to add this restriction to all zones in which RLS will be a permitted use. These are also listed in Table 3.

**Table 1: Proposed LP Designation Rezoning (add to Z03-0007)**

<b>Liquor Primary, Major Establishments</b>	<b>Current Zone</b>	<b>Proposed Zone</b>	<b>Address(Street/Legal)</b>
Senior Frogs	C7	C7 LP	274 Lawrence Ave Lot 13, Blk,13, DL.139, Plan 462
Prestige Inn Costello's on Abbott	C7	C7 LP	1675 Abbott Street Lot A, DL. 139, ODYD, Plan 36244
Rascals	C4	C4 LP	150-154 Hwy.33 W Lot 1, Sec.26, Twp. 26, Plan 2073
Sandman Hotel	C9	C9LP	2130 Harvey Avenue Lot A, DL. 127, Plan 23746

**Table 2: Proposed RLS Designation Rezoning (Z03-0021)**

Proposed Retail Liquor Sales Establishments	Current Zone	Proposed Zone	Address(Street/Legal)
R.J. McMaster's Pub	C6	C6RLS(In-stream LP rezoning)	1992 Dilworth Drive Lot 1, DL.127&4646, ODYD, Plan KAP47930
Yamas	C7	C7RLS (In-stream LP rezoning)	1630-1654 Ellis Street Lot 1, Blk. 8. DL.139, Plan 462 Lot 2, Blk. 8. DL.139, Plan 462
Hotel Eldorado	C9	C9RLS (In-stream LP rezoning)	500 Cook Road Lot 1, Sec.1&12. DL 134 and 5225, ODYD, Plan KAP 67232
Willow Inn Hotel	C7	C7RLS (In-stream LP rezoning)	235 Queensway Avenue Lot A, DL.139, ODYD, Plan 2180
Waterfront Wines	C7	C7RLS	1160 Sunset Drive Lot 46, DL. 139, Plan KAS1261
Prestige Inn Costello's on Abbott	C7	C7 RLS (In-stream LP rezoning)	1675 Abbott Street Lot A, DL. 139, ODYD, Plan 36244
Gotcha	C7	C7 RLS (In-stream LP rezoning)	238 Leon Avenue Lot 7, Blk.10, DL.139, ODYD, Plan 462
Senior Frogs	C7	C7 RLS (In-stream LP rezoning)	274 Lawrence Avenue Lot 13, Blk,13, DL.139, Plan 462
Grand Okanagan Resort and Conference Centre	C8	C8 RLS (In-stream LP rezoning)	1310 Water Street Lot A, DL.139, 4041 and 4082, ODYD, Plan KAP 47378 except KAP47378 Lot B, DL. 139, 3454 and 4082, ODYD, Plan KAP 47378
Sandman Hotel	C9	C9 RLS (In-stream LP rezoning)	2130 Harvey Avenue Lot A, DL. 127, Plan 23746

**\*Note:**

*The OK Corral is in stream with the Province for a Licensee Retail Store but is a legal non-conforming use. As such it has not been included in this table.*

**Table 3: Proposed RLS Size Restriction**

<b>Amendment</b>	<b>Section</b>
Retail Liquor Sales establishments shall not have a gross floor area of greater than 186m <sup>2</sup>	Add as: 14.2.6(f)
Retail Liquor Sales establishments shall not have a gross floor area of greater than 186m <sup>2</sup>	Add as: 14.3.6(e)
Retail Liquor Sales establishments shall not have a gross floor area of greater than 186m <sup>2</sup>	Add as: 14.4.6(e)
Retail Liquor Sales establishments shall not have a gross floor area of greater than 186m <sup>2</sup>	Add as: 14.6.6(e)
Retail Liquor Sales establishments shall not have a gross floor area of greater than 186m <sup>2</sup>	Add as: 14.7.6(e)
Retail Liquor Sales establishments shall not have a gross floor area of greater than 186m <sup>2</sup>	Add as: 14.8.6(d)
Retail Liquor Sales establishments shall not have a gross floor area of greater than 186m <sup>2</sup>	Add as: 14.9.6(h)

### 3.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS

The Planning and Development Services Department is initiating the proposed Liquor Primary rezonings to correct the omission of several properties in rezoning application Z03-0007.

The proposed Retail Liquor Store (RLS) rezonings recognise 10 planned RLS establishments that have applications in-stream with the Liquor Control and Licensing Branch. The Planning and Development Service Department is recommending that these proposed rezonings (shown in Table 2) be considered as individual bylaws and held at third reading to be adopted individually as they are approved by the province. If said bylaws are not adopted within 1 year of Third Reading, the Planning and Development Services Department is proposing to forward a report to Council defeating the bylaw(s).

The amendment to TA02-0007 is proposed to limit the size of Retail Liquor Stores. The Planning and Development Services Department is proposing to apply this restriction to all zones that offer and RLS designation.

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Andrew Bruce  
Current Planning Manager

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Development Services

RWS  
Attach.

**FACT SHEET**

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|-----|---|---------------------|
| 1.  | <b>APPLICATION NO.:</b>   | Z03-0021            |
| 2.  | <b>APPLICATION TYPE:</b>  | REZONING            |
| 3.  | <b>OWNER:</b>   | N/A                 |
|     | · ADDRESS   |                     |
|     | · CITY  |                     |
|     | · POSTAL CODE   |                     |
| 4.  | <b>APPLICANT/CONTACT PERSON:</b>                                      | City of Kelowna     |
|     | · ADDRESS   | 1435 Water Street   |
|     | · CITY  | Kelowna, BC         |
|     | · POSTAL CODE   |                     |
|     | · TELEPHONE/FAX NO.:  |                     |
| 5.  | <b>APPLICATION PROGRESS:</b>  |                     |
|     | Date of Application:  | April 16, 2003      |
|     | Date Application Complete:  | April 16, 2003      |
|     | Servicing Agreement Forwarded to Applicant:                           | N/A                 |
|     | Servicing Agreement Concluded:  | N/A                 |
|     | Staff Report to APC:  |                     |
|     | Staff Report to Council:  |                     |
| 6.  | <b>LEGAL DESCRIPTION:</b>   | See Tables 1 and 2. |
| 7.  | <b>SITE LOCATION:</b>   | See Tables 1 and 2. |
| 8.  | <b>CIVIC ADDRESS:</b>   | See Tables 1 and 2. |
| 9.  | <b>AREA OF SUBJECT PROPERTY:</b>                                      | N/A                 |
| 10. | <b>EXISTING ZONE CATEGORY:</b>  | N/A                 |
| 11. | <b>TYPE OF DEVELOPMENT PERMIT AREA:</b>                               | N/A                 |
| 13. | <b>PURPOSE OF THE APPLICATION:</b>                                    | Rezoning            |
| 14. | <b>MIN. OF TRANS./HIGHWAYS FILES NO.:</b>                             |                     |
|     | <b>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY</b> |                     |
| 15. | <b>DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b>                       | N/A                 |