
CITY OF KELOWNA

MEMORANDUM

Date: September 23, 2003
File No.: Z03-0035

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. Z03-0035

OWNER: Terry Gold Realty Ltd and
Priest Enterprises Ltd

AT: 200-210 Hwy. 33

APPLICANT: Zodiac Pub Beer and Wine
Store (Steve Berezan)

PURPOSE: TO REZONE THE SUBJECT PROPERTY WITH A RETAIL
LIQUOR SALES (RLS) DESIGNATION TO THE PARENT ZONE

EXISTING ZONE: C4 – TOWN CENTRE COMMERCIAL

PROPOSED ZONE: C4 LP/RLS – TOWN CENTRE COMMERCIAL LIQUOR
PRIMARY AND RETAIL LIQUOR SALES

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z03-0035 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 26, Township 26, ODYD Plan 511, located on Hwy. 33, Kelowna, B.C. from the C4 zone to the C4-RLS zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Liquor License application on the subject property.

2.0 SUMMARY

The applicant is proposing to rezone the subject property to add a Liquor Primary designation and Retail Liquor Sales designation in order to accommodate the transfer of the existing Zodiac Pub and Beer and Wine Store.

3.0 BACKGROUND

The existing Zodiac Pub and Zodiac Beer and Wine store are currently located at 155 Rutland Road South.

3.1 The Proposal

The applicant is proposing to rezone the subject property to add a Liquor Primary designation and Retail Liquor Sales designation in order to accommodate the transfer of the existing Zodiac Pub/Beer and Wine Store.

The subject property is located at Hwy. 33 and Roxby Road and is approximately 250m from the existing Zodiac site. The applicants are proposing to use the existing building which fronts onto the highway as a Retail Liquor Store and construct a new building at the rear of the property to house Magrath's Auto Supply and the Pub. The nearest liquor primary licensed establishments to this proposal are Valley Lanes and Rascals.

This proposed development is also the subject of a development permit and development variance permit. These will follow as the applicant is currently working with City staff on site design issues. The applicants will be seeking a development variance permit to vary the maximum permitted size for a retail liquor sales outlet and have agreed to pay cash-in-lieu for any shortfall in the required parking.

The application meets the requirements of the proposed C4 – Town Centre Commercial LP/RLS zone as follows:

CRITERIA	PROPOSAL	C4 LP/RLS ZONE REQUIREMENTS
Lot Area (m ²)	4038m ²	460m ²
Lot Width (m)	34.50m	13.0,
Lot Depth (m)	117.26m	30.0m
Proposed RLS size (in existing building)	962m ² (approx.)❶	186m ²
Proposed New Building Size	1818m ² (approx.)	N/A
Proposed Site Coverage	46% (approx.)	75%
Proposed Parking	36	Will depend on final building layout.
Height	5.5	15m

❶Note: Applicant is seeking to vary the maximum permitted size for a retail liquor sales establishment in a development variance permit that will follow this application.

3.2 Site Context

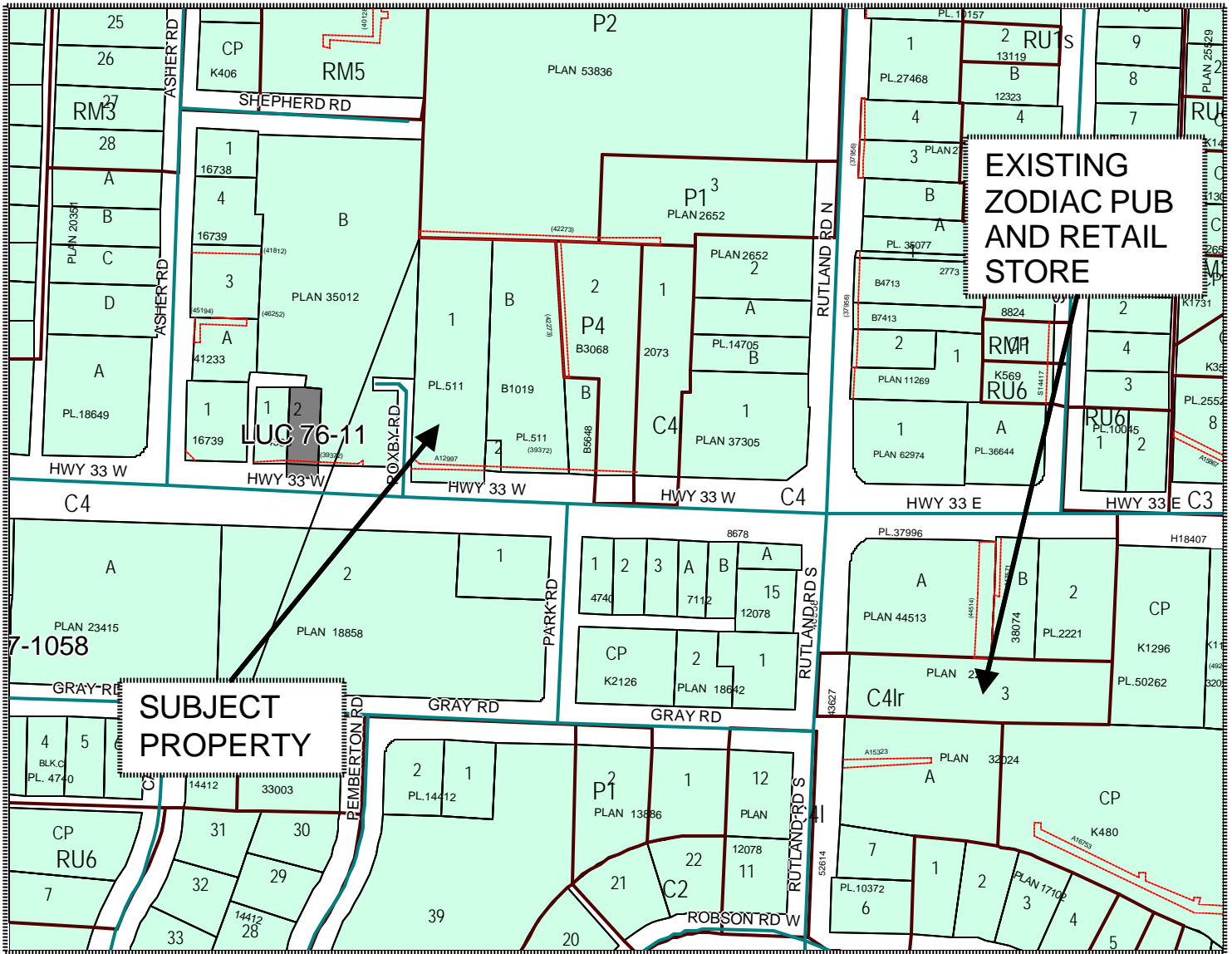
The subject property is located on the north east corner of Hwy. 33 and Roxby Road.

Adjacent zones and uses are:

- North - P2 – Education and Minor Institutional
- East - C4 – Town Centre Commercial
- South - C4 – Town Centre Commercial
- West - C4 – Town Centre Commercial

Site Location Map

Subject Property: 200-210 Hwy.33



3.4 Current Development Policy

3.4.1 Mayor's Entertainment District Task Force

The Mayor's Entertainment District Task Force has made the following recommendations, which Council has adopted as policy when dealing with liquor primary establishments and retail liquor stores:

- In order to avoid problems associated with rowdy behaviour in line ups at liquor primary establishments, when considering applications for Retail Liquor establishments associated with Liquor Primary Licensees, Council should have regard to the size of the liquor primary establishment, the nature of

clientele, the likelihood of line ups, and the number and proximity of other Liquor Primary Licensees in the area.

- That, in order to avoid concentrations for this use (e.g. in the same block or at the same intersection), generally the store should be at least 300 metres (shortest travel distance) from an existing Licensed Retail Store, BC Liquor Store, or wine and beer store. A reduced distance (generally not less than 100 metres) may be warranted in locations such as the City Centre, the Highway Centre (Highway 97/Springfield) or the two Town Centres (Rutland and Pandosy).

3.4.2 Rutland Sector Plan

The Rutland Sector Plan encourages commercial revitalization projects and increased commercial densities in the Town Centre area.

5.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, and the following relevant comments have been submitted:

5.1 Inspection Services Department

- a) Existing use will fit in C4 if there is no repair, retail with some wholesale.
- b) Parking and access aisle shall be 2 m from Roxby.

5.2 Fire Department

- a) Fire department access and hydrants as per the BC Building Code and City of Kelowna Subdivision By-law.
- b) Hydrant required within 90m of each principal entrance.
- c) Consideration for installing a new hydrant on the north side of Hwy.33 should be looked at.

5.3 Works and Utilities Department

5.3.1 Subdivision

- Provide easements as may be required.
- The City of Kelowna is the owner of the parcel of land located to the west of the subject property. The City will dedicate a 20.0 m. wide extension of Roxby along the frontage of the property by survey plan registered at the Land Title Office.
- Highway 33 to be established at an estimated 15 m. (subject to MOT) from existing mean centreline by survey plan registered in the Land Title Office.

5.3.2 Geotechnical Study.

- We recommend that a comprehensive geotechnical study be undertaken over the entire site. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any surface springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays,

5.3.3 Domestic water and fire protection.

- This development is within the service area of the Rutland Waterworks District (RWD). The developer is required to make satisfactory arrangements with the RWD for these items. All charges for service connection, and upgrading costs are to be paid directly to the RWD. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with current requirements.
- A watermeter is mandatory as well as a sewer credit meter to measure all the irrigation water. Watermeters must be housed in an above-ground, heated, accessible and secure building, either as part of the main site buildings or in a separate building. Remote readers units are also mandatory on all meters.

5.3.4 Sanitary Sewer.

- The subject property is currently serviced by the Municipal sewer collection system. The existing 150-mm.-diameter service should be adequate for the proposed use of the property.

5.3.5 Drainage.

- A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual, is a requirement of this application. This plan can become part of the geotechnical study to identify possible ground recharge/detention areas.

5.3.6 Power and Telecommunication Services.

- The subject property is located within the Rutland Town Center Area, the overhead wires along the frontage of the property and the services must be relocated underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

5.3.7 Road improvements.

a) Roxby Road

- The applicant is responsible for the extension of a curb, gutter, sidewalk and related services along the frontage of the subject property, extending from the end of the existing portion at the end of the existing building. The estimated cost of this work, for bonding purpose would be \$48,700.00, inclusive of a bonding contingency.

5.3.8 Site Access

- The proposed traffic circulation as shown on the latest development submission appears acceptable.

5.3.9 Bonding and Levies Summary.

- a) Performance Bonding
 - Roxby Road extension \$48,700.00
- b) Levies
 - N/A

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has no concerns in relation to the proposed land-use. The proposed location is no nearer to existing liquor primary establishments than the Zodiac's existing location. Staff does have concerns over the proposed site design and proposed variances. These concerns will be addressed at the Development Permit and Development Variance stage as staff is still working with the applicants.

Andrew Bruce
Development Services Manager

Approved for inclusion ☐

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

RM/AB/rs
Attach.

FACT SHEET

1. **APPLICATION NO.:** Z03-0035
2. **APPLICATION TYPE:** Rezoning
3. **OWNER:** Terry Gold Realty Ltd
· **ADDRESS** 200 Highway 33 West
· **CITY** Kelowna, BC
· **POSTAL CODE** V1X 1X7
3. **OWNER:** Priest Enterprises Limited
· **ADDRESS** 210 Highway 33 West
· **CITY** Kelowna, BC
· **POSTAL CODE** V1X 1X7
4. **APPLICANT/CONTACT PERSON:** Steve Berezan
· **ADDRESS** 155 Rutland Road S
· **CITY** Kelowna, BC
· **POSTAL CODE** V1X 2Z3
· **TELEPHONE/FAX NO.:** 604-202-0024
5. **APPLICATION PROGRESS:**
 Date of Application: July 19, 2003
 Date Application Complete: September 24, 2003
 Servicing Agreement Forwarded to Applicant: N/A
 Servicing Agreement Concluded: N/A
 Staff Report to Council: September 24, 2003
6. **LEGAL DESCRIPTION:** Lot 1, Section 26, Township 26, ODYD Plan 511
7. **SITE LOCATION:** The subject property is located on the north east corner of Hwy. 33 and Roxby Road.
8. **CIVIC ADDRESS:** 200-210 Hwy.33
9. **AREA OF SUBJECT PROPERTY:** 4038m²
10. **AREA OF PROPOSED REZONING:** 4038m²
11. **EXISTING ZONE CATEGORY:** C4 – Town Centre Commercial
12. **PROPOSED ZONE:** C4 – Town Centre Commercial LP/RLS
13. **PURPOSE OF THE APPLICATION:** Add liquor primary and retail liquor sales designations.
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:**
 NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY
15. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** N/A

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Elevations
- Colour Boards