
CITY OF KELOWNA

MEMORANDUM

Date: January 21, 2004
File No.: Z03-0074

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. Z03-0074
AT: 2355-2395 Gordon Drive

OWNER: Aberdeen Holdings Ltd.
APPLICANT: Pupus Enterprises
Domenic Panucci

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM C3 – COMMUNITY COMMERCIAL TO C3RLS – COMMUNITY COMMERCIAL (RETAIL LIQUOR SALES) TO ALLOW FOR A 130M² RETAIL LIQUOR STORE

EXISTING ZONE: C3 – COMMUNITY COMMERCIAL

PROPOSED ZONE: C3RLS – COMMUNITY COMMERCIAL (RETAIL LIQUOR SALES)

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z03-0074 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of LOT B, DISTRICT LOT 136, ODYD PLAN KAP46155, located on Gordon Drive, Kelowna, B.C. from the C3 – Community Commercial zone to the C3RLS – Community Commercial (Retail Liquor Sales) zone be considered by Council;

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

2.0 SUMMARY

The applicant is seeking to rezone the subject property from the C3 – Community Commercial zone to the C3RLS – Community Commercial (Retail Liquor Sales) zone to accommodate a new licensee retail store in a retail unit on the subject property.

3.0 BACKGROUND

The applicant owns Gotcha's nightclub which is located at 238 Leon Avenue. The applicant applied for and was granted Licensee Retail Store license by the province in the fall of 2002 during a period when the moratorium on new LRS's was lifted; however, policies developed through the Mayor's Entertainment District Task Force do not support a retail liquor sales establishment at the current location of the liquor primary license. Until the fall of 2003 the Liquor Control and Licensing Branch required that new licensee retail stores be located or appear to be located on the same property as the liquor primary licensed establishment to which they are linked.

In the fall of 2003 the Liquor Control and Licensing Branch relaxed some of their policy with regards to licensee retail stores. Operators of licensee retail stores are now permitted to apply for relocation of their store to another location in the same local government jurisdiction, or to a location outside the local government jurisdiction that is within 5km of the liquor primary establishment. A licensee retail store is no longer required to be at the same location as the licensed premise to which it is attached by ownership.

The regulations continue to require that a licensee retail store and associated liquor-primary establishment be owned by the same person. If the liquor-primary establishment goes out of business or no longer qualifies to be licensed, then the licensee retail store license will be cancelled.

3.1 The Proposal

The applicant is seeking to rezone the subject property from the C3 – Community Commercial zone to the C3RLS – Community Commercial (Retail Liquor Sales) zone to accommodate a new licensee retail store in an existing commercial retail unit located on the subject property. The applicant is proposing to open a small licensee retail store to serve the Guisachan area. The licensee retail store will be approximately 130m² in size.

The application meets the requirements of the proposed C3RLS – Community Commercial (Retail Liquor Sales) zone as follows:

CRITERIA	PROPOSAL	C3RLS ZONE REQUIREMENTS
Size (Retail and Cooler Area)	130m ²	185m ²
Parking Spaces	Sufficient parking provided in existing mall lot.	4

3.2 Site Context

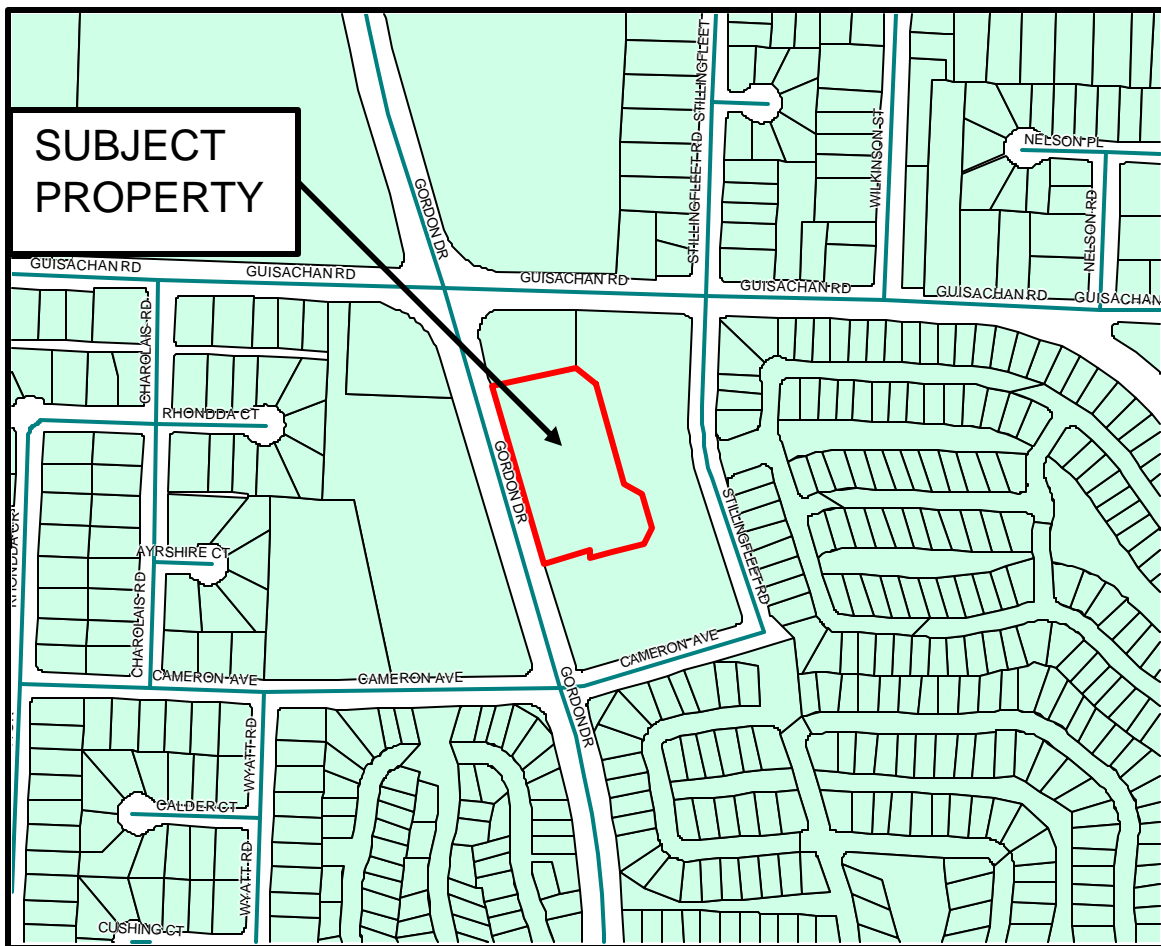
The subject property is located on the south eastern corner of Gordon Drive where it intersects Guisachan.

Adjacent zones and uses are:

- North - RM3 – Low Density Multiple Housing
- East - RM3 – Low Density Multiple Housing
- South - RM3 – Low Density Multiple Housing/RM4 – Transitional Low Density Housing
- West - RM3 – Low Density Multiple Housing

Site Location Map

Subject Property: 2355-2395 Gordon Drive



3.3 Existing Development Potential

The purpose of this zone is to provide for the **development** of community commercial centres to serve more than one neighbourhood.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The subject property is a unit of a building on a parcel that is currently zoned Community commercial is designated as Commercial in the Official Community Plan therefore a retail liquor store could be supported at this location. This property is subject to OCP Urban Centre DP Guidelines however the applicant is proposing no changes to the existing building structure other than internal renovations to the tenant space.

The proposal meets the requirements of the Entertainment District Task Force as it is less than 2000sq.ft. and there is no other RLS establishment in the immediate area (within 300m). This proposal capitalizes on a recent amendment to the provincial liquor licensing regulations. Policy Directive No. 03-12, dated November 10, 2003, allows for the relocation of a retail liquor store attached to any liquor primary license to a location within 5km of the parent establishment. The Guisachan Village Centre location is only 2.25km (linear distance) away from the parent location at 238 Leon Ave.

The Village Centre location of this type of commercial meets the objectives of the OCP as it encourages people in the immediate residential area to walk to the liquor outlet rather than driving to locations further away. This proposal also satisfies the OCP directive of encouraging new retail commercial business to locate within an Urban Centre.

4.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments and no concerns have been expressed.

4.1 Inspection Services Department

No concerns.

4.2 Works and Utilities Department

No concerns.

4.3 RCMP

No concerns.

4.4 Fire Department

No Concerns.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has no concerns regarding the proposed rezoning. The proposal is consistent with the Official Community Plan and the size is consistent with recommendations made by the Mayor's Entertainment District Task Force.

Andrew Bruce
Manager of Development Services

Approved for inclusion

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

RM/AB/rs
Attach

FACT SHEET

1. **APPLICATION NO.:** Z03-0074
2. **APPLICATION TYPE:** Rezoning (RLS)
3. **OWNER:** Aberdeen Holdings Limited
 . **ADDRESS** 1265 Ellis Street
 . **CITY** Kelowna, BC
 . **POSTAL CODE** V1Y 1Z4
4. **APPLICANT/CONTACT PERSON:** Pupus Enterprises Ltd.
 . **ADDRESS** (Domenic Panucci)
 . **CITY** PO Box 28001
 . **POSTAL CODE** Kelowna, BC
 . **TELEPHONE/FAX NO.:** V1W 4A6
860-0800
5. **APPLICATION PROGRESS:**
 Date of Application: December 29, 2003
 Date Application Complete: December 29, 2003
 Servicing Agreement Forwarded to Applicant: N/A
 Servicing Agreement Concluded: N/A
 Staff Report to Council: January 13, 2003
6. **LEGAL DESCRIPTION:** LOT B, DISTRICT LOT 136, ODYD
PLAN KAP46155
7. **SITE LOCATION:** The subject property is located on the south
eastern corner of Gordon Drive where it
intersects Guisachan.
8. **CIVIC ADDRESS:** 2355-2395 Gordon Drive
9. **AREA OF SUBJECT PROPERTY:** 10225m²
10. **AREA OF PROPOSED REZONING:** 10225m²
11. **EXISTING ZONE CATEGORY:** C3 – Community Commercial
12. **PROPOSED ZONE:** C3RLS – Community Commercial
(Retail Liquor Sales)
13. **PURPOSE OF THE APPLICATION:** TO REZONE THE SUBJECT PROPERTY
FROM C3 – COMMUNITY COMMERCIAL TO
C3RLS – COMMUNITY COMMERCIAL
(RETAIL LIQUOR SALES) TO ALLOW FOR A
RETAIL LIQUOR STORE MEASURE 130M²
IN SIZE ON THE SUBJECT PROPERTY
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** N/A
**NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY**

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| 15. | DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | N/A |
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ATTACHMENTS

(not attached to the electronic version of the report)

- Subject Property Map
- Floor plans
- Elevations